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Editor's Introduction

This is the third issue of Volume 1 of *Genocide Studies and Prevention*. It is the first non-topical or general issue and, therefore, contains articles covering a wide variety of topics. The lead article by Professor David Scheffer, formerly US ambassador at large for war crimes issues (1997–2001) and currently the Mayer, Brown, Rowe & Maw/Robert A. Helman Professor of Law and director of the Center for International Human Rights at Northwestern University, is an exciting and interesting call for a new genre of human-rights law. Arguing that the term “genocide” has imposed limitations on action to protect human rights, Scheffer calls for a new category of international law, “atrocity crimes.” The purpose here, as he argues, is to “simplify and yet render more accurate both public dialogue and legal terminology describing genocide and other atrocity crimes.”

Scheffer's proposal is so interesting and innovative that we, the co-editors of *GSP*, have invited ten of the foremost scholars and international lawyers in the field to comment on his proposal. We will publish their reactions as a symposium in the first issue of volume 2 (February 2007), along with Scheffer's response to the commentaries.

The second article in this issue, “Labeling “Genocide” in Sudan: A Constructionist Analysis of Darfur,” by William F.S. Miles, professor of political science at Northeastern University, adopts a theoretical framework of constructionist analysis to demonstrate that the “severity of political problems,” including genocide, “is a function of the socio-linguistic processing and naming of them.” Miles marshals empirical data to trace the use of the term “genocide” “in the print media with respect to Darfur” and finds that “avoidance of the signifying label ‘genocide’ in the media leads to a downgrading of attention to, and salience for, Darfur among the public at large, their elected representatives, and policy makers.”

The third article, by Edward Paulino, assistant professor in the Department of History at CUNY/John Jay College of Criminal Justice, examines a potentially genocidal situation that has not attracted the attention of genocide scholars. In “Anti-Haitianism, Historical Memory, and the Potential for Genocidal Violence in the Dominican Republic,” Paulino points out that in 2005, after the murder of a Dominican woman near the Dominican–Haitian border, Haitian communities were deported and their homes were attacked by revenge-seeking Dominicans. He notes that this was part of a historical pattern of anti-Haitianism that goes back to the nineteenth century. In conclusion, Paulino warns that there exists a potential for an “escalation of mass violence against the largest ethnic and racial minority in the Dominican Republic.”

The fourth article is a departure from the social-science and historical forms of analysis usually manifested in the study of genocide. In “The Restless World of Leonardo Alishan (March 1951–January 2005): A Burnt Offering on the Altar of the Armenian Genocide,” Rubina Perroomian, a research associate at UCLA, demonstrates the importance of literary analysis as a tool to help understand genocide through a study and description of the work of the poet Leonardo Alishan. Perroomian's moving portrayal is an important departure from the typical genre of genocide literature, since she expands the discussion from the usual fields of history, political science, sociology,

and so on to the area of literature and, in this case, poetry. Poets often convey what social scientists are at a loss to express. Listen as Peroomian describes Alishan:

His longing for beauty, his quest for perpetual harmony and order, remained in stark contrast with the chaotic world that engulfed him, the world of genocide, where order and harmony had no meaning. As an artist in pursuit of beauty in art, Alishan faced that impossibility and declared his failure to overcome the challenge. He was not able to resolve, and no one has resolved, the dichotomy between fragmentation forced upon his art as the characteristic of genocide literature and coherence as a condition of beauty in art.

Peroomian's moving account of Alishan's life and poetry offers us a view into the heart of the artist as he attempts to deal with the atrocity of genocide. Alishan becomes, in the end, according to Peroomian, "a burnt offering on the altar of the memory of genocide."

In the fifth article, "Deportation and Massacres in the Cipher Telegrams of the Interior Ministry in the Prime Ministerial Archive (Başbakanlık Arşivi)," Taner Akçam, visiting associate professor of history at the University of Minnesota, once again uses new source material to refute denial of the Armenian Genocide. Using official Ottoman sources, Akçam confirms that the CUP intended to kill, not relocate, the Armenians, reconfirming the duplicity of the CUP and using these official sources to construct his thesis.

The final contribution, "'Native Christians Massacred': The Ottoman Genocide of the Assyrians and Chaldeans during World War I," by Hannibal Travis, assistant professor of law at the Florida International University College of Law, examines a largely unknown genocide that took place at the same time as the Armenian Genocide. The Ottoman Empire's persecution of Assyrian and Chaldean civilians during World War I was, according to Travis, "a form of genocide." He argues that "Ottoman soldiers and their Kurdish and Persian militia partners subjected hundreds of thousands of Assyrians and Chaldeans to a deliberate and systematic campaign of massacre, torture, abduction, deportation, impoverishment, and cultural and ethnic destruction." By bringing this forgotten episode to public consciousness, Travis contributes another important case study to the growing literature on the sad cruelty of the last century.

We hope that you, the reader, will find this third, general issue interesting and exciting.

Herb Hirsch
Co-Editor

Notice of Errata

Taner Akçam, "The Ottoman Documents and the Genocidal Policies of the Committee for Union and Progress (İttihat ve Terakki) toward the Armenians in 1915," *Genocide Studies and Prevention* 1:2 (Fall 2006): 127–48, contained the following errors: (a) p. 137, para. 2, l. 7, "pre-ordained" should read "premeditated"; (b) p. 137, para. 2, l. 3, "Tekdid-i Seyyiat Komisyonu" should read "Tetkik-i Seyyiat Komisyonu," and should be translated "Committee for the Investigation of Misdeeds" (as also on p. 141, para. 4, l. 2, and p. 142, para. 1, l. 2); (c) p. 138, para. 3, l. 6, "Dr. Holleg Mordtmann" should read "Dr. Johannes Heinrich Mordtmann"; (d) p. 140, para. 3, l. 6, "newly formed Assembly" should read "newly formed Senate"; (e) p. 141, para. 2, l. 12, "secondary criminals on the side" should read "accessories to the crime"; (f) p. 142, para. 4, l. 3, "Teş-ı Mahsusa" should read "Teşkilat-ı Mahsusa"; (g) p. 143, para. 2, l. 3, "Second Precinct" should read "Second Department"; (h) p. 147, n. 69, l. 2, "Foreign Minister Javo" should read "Foreign Minister von Jagow." *GSP* and the author regret these errors.

Genocide and Atrocity Crimes

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The term “genocide” has been commonly used, particularly in political dialogue, to describe atrocities of great diversity, magnitude, and character. Yet the prospect of the term’s arising in policy making too often imposes an intimidating brake on effective responses. The political use of the term should be separated from its legal definition as a crime of individual responsibility. Governments and international organizations should be liberated to apply the term “genocide” more readily within a political context so as to publicly describe precursors of genocide and react rapidly either to prevent or to stop mass killings or other seeming acts of genocide. They should not be constrained from acting by the necessity of a prior legal finding that the crime of genocide in fact has occurred or is occurring and, once that legal finding has been made, that governments are somehow obligated to use military force in response. There also is a critical need for a new term—“atrocity crimes”—and a new field of international law—atrocity law—to achieve a similar objective, namely, to enable public and academic discourse to describe genocide, crimes against humanity (including ethnic cleansing), and war crimes with a single term that is easily understood by the public and accurately reflects the magnitude and character of the crimes adjudicated before international and hybrid criminal tribunals and of the law being applied by such tribunals, governments, and international organizations. The purpose would be to simplify and yet render more accurate both public dialogue and legal terminology describing genocide and other atrocity crimes.

In this article I advance two proposals. First, there is a critical need to liberate governments and international organizations from the genocide factor, by which I mean to enable them to readily identify precursors of genocide without being constrained by the legal requirements that must be met to properly identify the crime of genocide. Second, I believe it is essential that we transform the terminology used in scholarship, public documents, and public dialogue regarding the crime of genocide, crimes against humanity (including ethnic cleansing), and war crimes into a more adaptable and accurate vehicle for the collective description of these crimes, and that the relevant term should be “atrocity crimes” while the associated discipline should be described as “atrocity law.”

Liberating Governments and International Organizations from the Genocide Factor

This topic presents a very difficult challenge. On the one hand, I will argue that governments and international organizations, particularly the United Nations, need to be liberated to apply the term “genocide” more readily in describing and reacting to mass killings that appear to have genocidal intent—whether occurring over a short or a long period—rather than being constrained by the necessity of a legal finding that,

in fact, the crime of genocide has occurred or is occurring. In other words, I want to draw a distinction between the political application of the term “genocide” and the legal application of that term. Beyond that, the historical application of the term has far-reaching but different ramifications from its political and legal applications.

On the other hand, I will argue in my second proposal that we need to go even further and describe as “atrocities crimes” a grouping of crimes that includes genocide but is not confined to that particular crime. In short, we need to simplify and, indeed, render more accurate both public dialogue and legal terminology about such crimes. At present, there is far too much confusion and garbled terminology about what is in fact occurring in an atrocity zone.

These two arguments might appear, at first glance, to be at cross purposes. How can we liberate the use of the term “genocide” while at the same time sharpening its precise application within the realm of international politics and law? To answer that question, one might begin by focusing on the political application of the term that merits a liberating influence.

Raphael Lemkin recognized the need for a new term to describe the type of human destruction that no other legal term had adequately covered up through World War II, and his introduction of the term “genocide” filled a gap in terminology that has had a profound impact on law, culture, history, and politics since the late 1940s.¹ But the term “genocide” has proved insufficient and even, at times, counterproductive. The range of criminal conduct that involves assaults on civilian populations and the misuse of military power in armed conflict extends far beyond the relatively narrow confines of the crime of genocide. Yet the term has been commonly used, particularly in political dialogue, to describe atrocities of great diversity, magnitude, and character. Political officials and observers have reached a stage where every mass killing, whether immediate or drawn out over long periods, soon evokes the language of genocide and its all too often intimidating brake on effective responses. As an almost perverse methodology, governments and institutions seem incapable of responding effectively to atrocities because these have not yet been determined to be genocide. If and when such events are painstakingly defined as genocide, the same governments and organizations are paralyzed, prevented from acting by the presumption that any action will trigger that nation’s or organization’s legal responsibility to commit enough personnel and resources, and stay the course long enough, to defeat the forces of genocide. Effective action in the face of genocide, in contrast to cautious inaction, can also challenge precepts of international law prohibiting the use of military force or other punitive measures without, for example, explicit Security Council enforcement authorization under chapter VII of the UN Charter.

I witnessed this phenomenon in the US government and at the United Nations many times during my public service in the Clinton administration. During the early years of the administration, officials seemed incapable of definitive action unless and until genocide was determined to have occurred, and even then action was problematic because either too much time had elapsed, and the killing had subsided, or the larger responsibility any timely and effective response might trigger was too much to shoulder politically. Probable genocide in Burundi in the fall of 1993 evoked no response at all. Genocide in Rwanda in 1994 generated a pathetic and disastrously delayed response. Genocide in southern Sudan throughout the 1990s led only to diplomatic and humanitarian efforts. Genocide in the Balkans during the early 1990s generated many diplomatic, humanitarian, judicial, and peacekeeping responses, but very little that proved effective until a single genocidal event, the Srebrenica massacre

in July 1995, finally triggered decisive military actions leading to the Dayton Accords later that year. Probable genocide in the southern marshes of Iraq during the 1990s colored a tough US policy toward Iraq during those years but resulted only in sustaining the no-fly zone over the south and the UN sanctions regime, rather than spurring intervention to reverse the genocidal policies of Saddam Hussein's regime. Possible genocide in the Democratic Republic of the Congo in the late 1990s prompted only diplomatic and ultimately UN peacekeeping initiatives, but the killing there continues to this day, and no one is volunteering to trump the peacekeeping effort with a humanitarian intervention. Even in Kosovo in 1999, when genocide appeared to be a strong possibility, NATO's response was confined to air power rather than invoking the combined might of air and ground power, which might have averted further killing by Serb military and paramilitary forces.

Since February 2003 the United States and the international community have faced a similar challenge with respect to the situation in Darfur, Sudan. Once again, action initially hinged on a finding of genocide, which the US government arrived at by September 2004, albeit some eighteen months after the killing and ethnic cleansing began in Darfur.² (This was about how long it took for the Clinton administration, once in office, to arrive at a similar conclusion regarding Bosnia and Herzegovina.) Yet the term "genocide" has proved quite daunting, perhaps even more so once it was so determined. One wonders whether the Bush administration remains fearful that, if it were to act effectively on the evidence of genocide, it would trigger an unacceptable responsibility to go the full distance to stop genocide in Darfur. Why confront genocide head-on in Darfur if the result would create intolerable pressure on the United States to shoulder the full, or nearly full, responsibility of genocide prevention in that region—perhaps more so during the next crisis—as well as the risk of contravening the UN Charter and customary international law on the use of force?

Governments, as opposed to prosecutors and courts, need to understand and apply the term "genocide" largely in a preventive rather than a criminal context. It has become folly of the most profound character to insist that a government, or the UN Security Council, must first take the time and effort to determine, under international criminal law, that the crime of genocide has been committed before taking military action or, if it can work quickly enough, diplomatic or economic measures to stop what might be, but may turn out not to be, genocide.

The article I obligation under the Convention on the Prevention and Punishment of the Crime of Genocide (UNCG) that contracting parties "undertake to prevent and to punish" the crime of genocide³ cannot possibly be met unless governments, and the international or regional organizations through which they sometimes prefer to act, respond on the basis of political, not legal, judgments about what is actually occurring in the field. Those political judgments may be flawed, based on initial intelligence and open-source reporting from the field that may prove erroneous over time; they may be driven more by the urgency of a violent situation than by rigorous legal scrutiny of the intentions and actions of individuals throughout the chain of command. A government may be disproved in its initial assessment that another government, a separatist movement, or a militia group has committed genocide. Perhaps the violence turns out to be crimes against humanity. But unless there is some fairly flexible policy that governments can employ, without attracting charges of character assassination, to allege what appears to be an emerging genocide and then respond vigorously to stop it, the academic discourse and political rhetoric about preventing and stopping genocide will continue to be detached from reality.

Governments should be liberated to describe quickly and publicly the *precursors of genocide* that may ultimately establish the crime of genocide but, at a minimum, should alert the world to the need to react in a timely manner to prevent further destruction of innocent human life, whether in times of armed conflict or in times of internal repression. This, of course, is only one facet of genocide prevention, namely, the terminology employed, and what is proposed in this article supplements the many existing proposals on genocide prevention and how to achieve it operationally. Governments, international and regional organizations, and the media should regard the term “precursors of genocide” as significant on a political, not legal, level. The term is useful, pragmatic, and sufficiently diplomatic to be employed without necessarily triggering some of the intimidating consequences of charges of genocide. It reflects a judgment that precursors of events that may constitute the crime of genocide are apparent. The recognition of precursors of genocide may put just enough pressure about possible genocide in the public domain to encourage governments and relevant international and regional organizations to respond faster and more effectively, without the almost paralyzing pressure that builds with the bald use of the term “genocide.”

In April 1999, I had the opportunity to articulate a similar term, “indicators of genocide,” during the opening days of the Kosovo conflict of that period, when Serb military and paramilitary forces were crossing into Kosovo and unleashing violent ethnic cleansing and murderous assaults on the Kosovar Albanian population. There is some value in examining precisely what the Clinton administration did at that time that led to the use of the term “indicators of genocide.” I have reached the conclusion since then that an alternative term, “precursors of genocide,” would be a more appropriate one to use in the future. The term “indicators of genocide” has evolved to denote the many political, sociological, economic, military, and diplomatic events that occur long before actual genocide takes place and which point to trends that may erupt into genocide at some point in the future. This is a vital exercise, and one that I engaged in intensively as chair of the US government’s Atrocities Prevention Inter-Agency Working Group in 1999 and 2000, working closely with academic experts and the intelligence community on various schematic diagrams of such indicators of genocide. But the exercise has been refined since then to give the term “indicators” a far more rigorous lock on a host of factors, some with long lead time, leading to genocide.

The term “precursors of genocide” refers to those events occurring immediately prior to and during possible genocide that can point to an ultimate legal judgment of genocide but which should be recognized and used in a timely manner to galvanize international action to intervene, be it diplomatically, economically, or militarily. My primary concern is to employ a term that stimulates, rather than retards, effective action by governments and international organizations, particularly the United Nations, to stem the tide of genocide (whether or not, as a matter of law, what unfolds in the field is ultimately concluded to be genocide). But in 1999, as a government official struggling with dynamic events unfolding, I turned to the more familiar term “indicators,” without making a rigorous distinction between long-term and short-term phenomena related to genocide, and used it in largely the same context as one now would use the term “precursors.”

On 28 March 1999, I convened an inter-agency meeting of intelligence, political, and military analysts and lawyers at the State Department for several hours of discussion about how the events unfolding in Kosovo should be described publicly.

In our review at the meeting, participants fairly rapidly concluded that Serb military and paramilitary forces were committing crimes against humanity, given the widespread and systematic character of the actions on the ground and the particular violence being unleashed. We turned our attention to whether genocide was being committed against the Kosovar Albanian population of Kosovo. As I later explained in a press briefing on 9 April 1999, many of what I called “indicators of genocide” had become apparent, and we believed it important, as a government, to state that conclusion publicly. I described the indicators of genocide as including the then historical context of the scorched-earth policy of death and destruction that had already been recorded from the spring, summer, and fall of 1998 in Kosovo. I said,

The pattern was established in 1998. Indeed, one might consider what happened in 1998, as a practice run for what was unleashed with remarkable speed and thoroughness in the last few weeks [of March and April 1999]. Milosevic and the Serb leadership are trying to bring to closure what they began in 1998. Now, the events of the last few weeks exceed in magnitude and ferocity all that occurred in 1998. Without question Serb assaults on the civilian population of Kosovo are widespread and systematic.⁴

I reminded the press of the definition of crimes against humanity given in the Statute of the International Criminal Tribunal for the Former Yugoslavia and of our conclusion that many such crimes were being committed in Kosovo. I also pointed to war crimes, including the destruction of civilian property.

I then extended the analysis into events that, when viewed within the context of ongoing crimes against humanity and war crimes, pointed to the crime of genocide as well. These indicators of genocide, occurring within a very short period (namely, the previous three weeks), included⁵

1. *The forced expulsion of large segments of the ethnic Albanian population, on a scale not seen in Europe since World War II.* I showed a map clearly demonstrating that internal displacement and destruction of towns had taken place almost entirely within the ethnic Albanian regions of Kosovo. The map demonstrated the systematic way in which Kosovar Albanian areas of Kosovo were assaulted “without much appreciable damage or internally displaced populations from those areas that are largely populated by Serbs.” As part of the destructive pattern, I noted the “forced removal of Albanians from their homes at gun point; destruction of all official and identifying documents; cramming of Albanians into trains; infliction of unsanitary conditions on the trains, etc.” At the time we saw this kind of conduct as reflecting, at a minimum, an article II(c) violation of the UNCG, namely “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”
2. *The detention and summary execution of military-aged men and mass executions.* Refugees had provided accounts of summary executions in at least fifty towns and villages throughout Kosovo. I reported that “some accounts refer to large numbers of Kosovars being killed in apparent massacres.” The reported killings included targeting of intellectuals and leaders; separating fighting-aged men from the group and killing them; causing serious bodily harm; and mass executions. These events reflected the possibility of violations of article II(a) (“killing members of the group”) and article II(d) (“imposing measures intended to prevent births within the group”) of the UNCG.

3. The “burning and destruction of civilian homes and villages.” I presented a map of Kosovo showing 220 sites of village destruction and said that, as of 9 April, the number had increased to 250 sites and continued to rise. (By mid-May 1999, the number had risen to well over 600.) I described the character of destruction in the villages, the lack of any battle damage, and the ethnic objective that appeared evident in the pattern of destruction. This destruction pointed to article II(c) of the UNCG (“deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”) as well as article II(b) (“causing serious bodily or mental harm to the members of the group”). The US government had received many reports of injuries and killings, many of a sadistic character, occurring during these destructive sweeps of villages and towns, and officials logically inferred from such events that serious mental harm was being inflicted on the fleeing Kosovar Albanians.

I concluded this analysis by saying that “if you take the totality of this information that we have acquired so far, we believe that it creates the basis for stating that there are indicators of genocide unfolding in Kosovo.” Toward the end of the press briefing, I was asked by a reporter what difference it made that I believed that what was unfolding on the ground in Kosovo must reflect a planned operation executed pursuant to a policy. I responded,

Let’s just say that obviously, if you can demonstrate a well thought out plan that has an intent behind it, then—that’s why we point to indicators of genocide. But I want to emphasize that regardless, you can have a very well planned campaign of crimes against humanity, and there is no question that that’s what’s unfolded in Kosovo.⁶

Following use of the term “indicators of genocide,” the pressure from the media to describe the Kosovo events as genocide dissipated. In other words, I firmly believe that as long as there is a credible acknowledgment that genocide may be unfolding, the media and the public will not insist on a definitive finding of genocide quickly or as a predicate to action by a government or organization. They do want to know that the genocide factor is acknowledged, recognized in some fashion, and kept in the forefront of policy making and decision making during an atrocity. Where a government, like the US government in 1999, can at least confirm that precursors of genocide are apparent, and that the government or organization (as the case may be) is responding to those precursors of genocide, then the pressure to conclude that the crime of genocide has occurred or is occurring becomes far less significant. *What becomes important is the action being taken to prevent genocide rather than the search for the crime of genocide.* In the case of Kosovo, the debate in April and May 1999 focused on whether to send in ground troops, not on whether the crime of genocide was taking place.

It is that determination of *precursors of genocide* that permits a political, as opposed to legal, judgment to surface far more rapidly among public officials. As shown by my own remarks during the Kosovo conflict, one can state more definitively the legal judgment of crimes against humanity and war crimes in real time, but specific intent requirements make legal judgments about genocide far more difficult to arrive at quickly. Governments should be liberated to use “precursors of genocide” in their public statements once those indicators begin to emerge from the field and thus trigger the UNCG’s obligation, under article I, to act to prevent genocide as quickly and effectively as possible. What logic would that obligation convey if a government had to wait until the crime of genocide is established to prevent it?

One may liken this to the significance of saying that *acts of genocide* have occurred, which the United States and the United Nations did regarding the Rwandan genocide of 1994 before the term “genocide” was used.⁷ But I counsel against use of that term, as it is a critical component of any legal determination about the crime of genocide. The legal determination combines an act of genocide with the specific intent to destroy, in whole or in part, a designated group. In the public dialogue, however, I do not believe that any good purpose is served by distinguishing between “acts of genocide” and “genocide”; in other words, in public officials’ either trying to manipulate the distinction to avoid the responsibility to act or being held accountable by the media for innocent application of the two terms interchangeably, or absent sophisticated knowledge of the distinction in law. In contrast, precursors of genocide can be associated more readily with evidence of an inferred intent, although a finding of such intent should not be a prerequisite to the use of the term “precursors of genocide.”

Preventive action need not, as a matter of law, involve military action. A whole range of tools is available, including diplomatic initiatives; economic sanctions; judicial initiatives with international, hybrid, or national criminal tribunals; and, under relevant circumstances, military action. Some might argue that the requirements of the UN Charter and customary international law must be strictly complied with prior to the use of force in response to genocide. No state would have ratified the UNCG if it imposed an unyielding obligation for that state to use military force on foreign territory every time genocide is claimed. There is the option, under article VIII of the UNCG, for any contracting party to “call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.” But there is no obligation to do so, and, as we know, there is no certainty whatsoever that the “competent organ” of the United Nations, which typically would be the Security Council, would indeed take any such action.

The use of the term “precursors of genocide” does not guarantee that the political and legal obstacles to a humanitarian intervention in any particular situation will be lowered. But greater reliance by governments and organizations on using this term might weaken the all-too-familiar resistance to effective action from governments seeking and relying on the long lead time required for a finding of genocide before there is real pressure to respond to genocidal events. There must be a more serious effort to break the back of the myth that governments and organizations are paralyzed, prevented from acting, until a finding of genocide has been made, however important that finding will ultimately be for any criminal prosecution and for critical historical accounts of what actually happened. The pathway to action against genocide must be simplified; governments must not be frozen into inaction while awaiting legal determinations about atrocities that appear genocidal in character but which would require intensive legal scrutiny and historical research before the crime of genocide could be established.

In the case of Darfur, the precursors of genocide had begun to appear by early 2003.⁸ Even if it had taken, say, six months for a recognition that precursors of genocide were apparent to spur governments into action, there would have been a much better chance of reversing genocidal developments in Darfur by the end of 2003, rather than placing the people of Darfur in the untenable position in which they find themselves today. Instead, governments, the United Nations, and the African Union appeared dependent on the word “genocide” as the predicate to responsible reaction to the events unfolding in Darfur. On the one hand, it is to the credit of the US

government that it undertook a genocide analysis of Darfur in 2004 and, in September of that year, determined that genocide was indeed occurring in Darfur. But, on the other hand, that exercise retarded effective action on the ground to prevent further genocide until the finding was released, and, not surprisingly, the finding of genocide has raised the legal stakes so high that the response of the United States remains limited.

If the United States had simply concluded in 2003, or even early 2004, that precursors of genocide were present in Darfur, and then effectively acted, unilaterally or multilaterally, to ensure that the crime of genocide would not commence or continue thereafter, many lives would doubtless have been saved. The genocide analysis of the summer of 2004 could still have been productively undertaken, but the preventive action would have long preceded it, rather than trailing in the aftermath. Similarly, the International Commission of Inquiry (COI) on Darfur might have benefited from employing the term “precursors of genocide” rather than concluding, as it did, that the crime of genocide and the necessary individual criminal responsibility had not been established and, thus, genocide could not be determined.⁹ In fact, the commission found no policy of genocide in Sudan.¹⁰ Such a finding is puzzling because the evidence appears to show that there are precursors of a policy of genocide that must be recognized at the political level first, and thus trigger an effective response, before there is enough information and evidence for a legal finding of the crime of genocide. Unfortunately, the commission approached its task as a strictly legal one, as if its only function was to reach determinations that would be admissible in a court of law. It could have fulfilled an important political role by looking for information that would point to precursors of genocide, describe it simply as such, and avoid, at least temporarily, any firm conclusions that the crime of genocide had in fact occurred. Instead, it left the door wide open for the Sudanese government to capitalize on the commission’s finding that there is no policy of genocide.¹¹

The COI’s finding that there have been war crimes and crimes against humanity in Darfur, however, is commendable, as is the commission’s emphasis that these crimes must be taken as seriously as genocide and justice be rendered with as much determination as if genocide had been determined.¹² That focus on war crimes and crimes against humanity, in particular, should have had more impact on governments, the Security Council, and the media and public. As it stands, the commission’s January 2005 finding that there is no policy of genocide in Sudan may one day be shown to have been so debilitating to preventive and responsive actions as to have limited the flow of resources to the African Union monitoring force, retarded efforts to introduce combat troops on Darfurian territory, shifted primary focus to continued (although greatly disrupted) humanitarian aid efforts, and complicated largely futile diplomacy by the United Nations.

The primary objective in relying on a more liberal understanding of genocide, however, is to establish state responsibility far more readily than is currently possible under the criminal-intent requirements of individual accountability. Such an understanding would give policy makers the freedom to point a finger at a state’s responsibility for actions that appear genocidal in real time, without having to prove the direct responsibility of any individual leader or military commander for the crime of genocide—which is what appears to have so constrained the International Commission of Inquiry on Darfur.

Thus, one could point to acts of genocide, as defined by articles II and III of the UNCG, and express the political point that a government appears to be committing

such acts of genocide, which it must be prevented from continuing to commit, regardless of who, within such a government or military or militia force, can be shown to demonstrate the requisite specific intent required to convict an individual for the crime of genocide. The state and the government must be seen to be responsible for the acts of genocide, and the witnesses of these events must, at the governmental and organizational levels, be empowered to allege that at least precursors of genocide are apparent and that they merit strong political and, in all likelihood, military responses. This divide—between the political reality of genocide and the criminal character of genocide—must be more broadly accepted if there is to remain any chance of preventing genocide from continuing once it has erupted in an atrocity zone.

The Terminological Imperative of ‘‘Atrocity Crimes’’ and ‘‘Atrocity Law’’

Having argued that governments and organizations should be permitted to apply the more flexible term ‘‘precursors of genocide’’ to certain unfolding atrocities that point to the crime of genocide, I believe that it is imperative that there be introduced an even more adaptable terminology to describe genocide and other atrocities meriting effective governmental and organizational responses.

During the first pursuit scene in the movie *The Fugitive*, Dr. Richard Kimble (played by Harrison Ford) yells, ‘‘I didn’t kill my wife!’’; US Deputy Marshal Samuel Gerard (played by Tommy Lee Jones) responds, ‘‘I don’t care!’’¹³ I am reminded of that exchange every time the genocide factor rears its head on the international scene. Claims abound that there is no genocide, or that the government has not committed genocide, or that there must be a determination as to whether or not genocide has occurred before any further action can be taken.

The collective response to any political leader, any military or militia commander, or any international or regional organization denying the existence of genocide or balking at taking effective action, on the premise that a finding of genocide is first required, should be, ‘‘We don’t care!’’ We should not care, because the crimes that make up the subject-matter jurisdiction of the international and hybrid criminal tribunals constituted since 1993 range far beyond the crime of genocide, and rightly so. These tribunals—the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the permanent International Criminal Court, the special War Crimes Chambers in Bosnia, the Iraqi High Criminal Court, and the special war crimes courts established in Kosovo and East Timor—have jurisdiction over *atrocity crimes*.

Just as the term ‘‘precursors of genocide’’ should be more easily invoked by governments when confronted with apparent acts of genocide, so too should public officials, military officers, the media, and academics be free to describe genocide, crimes against humanity (including the emerging crime of ethnic cleansing), and serious war crimes as atrocity crimes meriting timely and effective responses in political, military, and judicial terms. Repeatedly, all manner of official documents, public statements, and scholarly works struggle to find the right terminology for the range of crimes associated with atrocities, and one is left with fragmentary and very often inaccurate descriptions of the range of crimes involved. Should one refer to ‘‘genocide and crimes against humanity,’’ or perhaps ‘‘violations of international humanitarian law,’’ or perhaps ‘‘genocide and war crimes,’’ or perhaps ‘‘genocide, crimes against humanity, ethnic cleansing, and war crimes,’’ or perhaps just

“genocide”? A certain sloppiness has infected public dialogue, official documents, and even scholarly works. A unifying term is needed to easily and accurately describe the totality of these crimes.¹⁴

I plead for a new category of crimes called “atrocities crimes” and for a new field of international law that describes the law covering atrocity crimes, both in the realm of state responsibility and in the domain of individual accountability. That body of law I would describe as “atrocity law,” which essentially encompasses the law of the international and hybrid criminal tribunals. Just as the term “genocide” originally captured what Raphael Lemkin recognized as the essence of a particular crime against humanity requiring special identification in public, legal, and historical terms, so too does the term “atrocity crimes” describe a basket of particularly heinous crimes that are suitable for criminal prosecution before international tribunals and national courts and for which states and certain non-state organizations and groups should be held responsible. Atrocity crimes also are collectively executed crimes of such magnitude and destructive character as to be particularly prominent and logically inconsistent with the protection of human rights and the maintenance of international peace and security in an increasingly interdependent and sophisticated global society.

Atrocity Crimes

The word “atrocity” (or “atrocities”) derives from Roman military law. It described illegal acts performed pursuant to military orders, acts that today might also prove illegal unless shielded by a modern application of the “defense of superior orders.” Professor Mark Osiel, in his well-documented book *Obeying Orders*, writes that “This word [atrocities] never became a legal term of art, however, with a settled meaning distinct from ordinary Latin. It no longer occupies any place within the formal language of international military law.”¹⁵ For that reason there is a fairly clean slate upon which to use the word “atrocity” as a legal term, particularly in light of what has occurred since the early 1990s and the popular usage of the term “atrocity” by governments, intergovernmental and non-governmental organizations, and the media.

Atrocity crimes fit the following profile of cumulative definitional characteristics, *all* of which must exist for the term to be used accurately:

1. The crime must be of significant magnitude, meaning that its commission is widespread or systematic or occurs as part of a large-scale commission of such crimes. The crime must involve a relatively large number of victims (e.g., a fairly significant number of deaths or casualties), or impose other very severe injury upon noncombatant populations (e.g., massive destruction of private property), or subject a large number of combatants or prisoners of war to violations of the laws and customs of war.
2. The crime may occur in time of war, or in time of peace, or in time of violent societal upheaval of some organized character, and may be either international or non-international in character.
3. The crime must be identifiable in conventional international criminal law as the crime of genocide, a violation of the laws and customs of war, the crime of aggression (if and when it is defined so as to give rise to clear individual criminal culpability), the crime of international terrorism, a crime against humanity (the precise definition of which has evolved in the development of the criminal tribunals), or the emerging crime of ethnic cleansing.

4. The crime must have been led, in its execution, by a ruling or otherwise powerful elite in society (including rebel or terrorist leaders) who planned the commission of the crime and were the leading perpetrators of the crime.
5. The law applicable to such crime, while it may impose state responsibility and even remedies against states, is also regarded under customary international law as holding individuals criminally liable for the commission of such crime, thus enabling the prosecution of such individuals before a court duly constituted for such purpose.

A crime that meets all five of these criteria would, in my view, be an atrocity crime. In non-legal terms, these are high-impact crimes of severe gravity that are of an orchestrated character, that shock the conscience of humankind, that result in a significant number of victims, and that one would expect the international media and the international community to focus on as meriting an international response holding the lead perpetrators accountable before a competent court of law.

Here is the dilemma posed by the threshold of criminal conduct associated with atrocity crimes. This issue has been confronted with genocide, which in a technical sense can be found on the basis of the specific intent to kill one member of a designated group but which, in practice and in the enforcement of the law, requires a larger number of victims. Terms that describe the requirement well are “significant magnitude,” “high threshold,” “extreme gravity,” and “significant numbers.” The Rome Statute for the International Criminal Court refers to “unimaginable atrocities that deeply shock the conscience of humanity,” “such grave crimes [as] threaten the peace, security and well-being of the world,” and “the most serious crimes of concern to the international community as a whole.”¹⁶

The resulting substantiality test provides a better understanding of atrocity crimes and the magnitude required to so classify them. There exists an ever-growing jurisprudence on the meaning of the terms “genocide,” “crimes against humanity,” and “war crimes,” and one part of that exercise before the International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) has been to clarify the substantiality test that must be met.

With respect to genocide, the ICTR held in the *Akayesu* case that actual extermination of a group in its entirety is not required and that “a person could be found guilty of genocide without necessarily having to establish that genocide had taken place throughout the country concerned.”¹⁷ But the ICTR Trial Chamber also held, in the *Kayishema and Ruzindana* judgment, that the reference to “in part” in the legal requirement of “intent to destroy in whole or in part,” found in both the ICTR Statute and the UNCG, “requires the intention to destroy a considerable number of individuals who are part of the group.”¹⁸ In the *Bagilishema* judgment, the Trial Chamber agreed

with the statement of the International Law Commission, that “the intention must be to destroy the group as such, meaning as a separate and distinct entity, and not merely some individuals because of their membership in [a] particular group.” Although the destruction sought need not be directed at every member of the targeted group, the Chamber considers that the intention to destroy must target at least a substantial part of the group.¹⁹

The ICTY Trial Chamber held in the *Krstic* judgment that “an intent to destroy only part of the group must nevertheless concern a substantial part thereof, either numerically or qualitatively.”²⁰ In *Jelusic*, the Trial Chamber held that “it is widely acknowledged that the intention to destroy must target at least a substantial part of the group.”²¹

One of the US understandings to its ratification of the UNCG was to qualify “destruction of part of a group” as meaning a “substantial part” of that group.²² That understanding has now, for all intents and purposes, become established international law.

The ICTY, in its *Jelusic* decision, also elaborated two types of the substantiality test:

Genocidal intent may...be manifest in two forms. It may consist of desiring the extermination of a large number of the members of the group, in which case it would constitute an intention to destroy a group en masse. However, it may also consist of the desired destruction of a more limited number of persons selected [i.e., leadership of the group] for the impact that their disappearance would have upon the survival of the group as such. This would then constitute an intention to destroy the group “selectively.”²³

In its *Jelusic* judgment, the ICTY Trial Chamber ruled that “genocide may be perpetrated in a limited geographic zone”; for example, it may be “limited to the size of a region or...a municipality.”²⁴ In *Krstic*, moreover, the court found that

the physical destruction may target only a part of the geographically limited part of the larger group because the perpetrators of the genocide regard the intended destruction as sufficient to annihilate the group as a distinct entity in the geographic area at issue.²⁵

In the Appeals Chamber judgment of *Krstic*, the substantiality requirement for genocide was a central finding regarding the Srebrenica massacre. The court found that the “part” must be a substantial part of the group; the part targeted must be significant enough to have an impact on the group as a whole. The court supported the *Jelusic* test of targeting at least a substantial part of the group, as well as the test, developed in the *Sikirica* judgment, that there must be evidence of an intention to destroy a substantial number relative to the total population of the group and an intention that there be an impact on the overall survival of the group.²⁶

The Appeals Chamber also noted that the substantiality requirement is supported by scholarly opinion. It cited Lemkin’s own view that the killing must be substantial, or on a mass scale. And it noted the International Law Commission’s view that the crime of genocide requires the intent to destroy at least a substantial part of a particular group. The court then held that

The intent requirement under article 4 of the statute is therefore satisfied where evidence shows that the alleged perpetrator intended to destroy at least a substantial part of the protected group. The number of individuals targeted should be evaluated not only in absolute terms but also in relation to the overall size of the entire group.²⁷

The court subsequently focused on the issue of geographical area, finding that the importance of the 40,000 Muslims in Srebrenica is not captured solely by their numbers: “The capture and ethnic purification of Srebrenica would severely undermine the military efforts of the Bosnian Muslim state to ensure its viability. Elimination of the enclave would have accomplished the goal of purifying the entire region of its Muslim population.”²⁸ Therefore, Srebrenica was important “due to its prominence in the eyes of both the Bosnian Muslims and the international community (as a ‘safe area’).”²⁹ Thus the ambit of the genocidal enterprise in *Krstic* was limited to the area of Srebrenica.

The Appeals Chamber also inferred from the actual killing of the protected group, men of military age, the intent to destroy a substantial part of the targeted group, the Bosnian Muslims of Srebrenica. The defense argued that ethnic cleansing is not genocide. The Trial Chamber had rejected the defense's argument that the killing of these men was motivated solely by the desire to eliminate them as a potential military threat; the extermination was not driven solely by a military rationale. The Appeals Chamber found that the Trial Chamber was entitled to consider the long-term impact that the elimination of 7,000 to 8,000 men from Srebrenica would have on the survival of that community. Such killings potentially consigned the community to extinction, and the court considered this the type of physical destruction that the UNCG is designed to prevent. Furthermore, the forcible transfer could be an additional means by which to ensure the physical destruction of the Bosnian Muslim community in Srebrenica, as it prevented the Muslim community from reconstituting itself. Killing women or children would have inflamed public opinion.³⁰

The Appeals Chamber found that while the intent to commit genocide must be supported by the factual matrix, the offense of genocide does not require proof that the perpetrator chose the most efficient method to accomplish his objective of destroying the targeted part. In this case, the perpetrators adopted the method that would allow them to implement the genocidal design while minimizing the risk of retribution. The fact that forcible transfer does not, in and of itself, constitute a genocidal act did not preclude the Trial Chamber from relying on it as evidence of the intentions of members of the Main Staff of the Army of the Republika Srpska (Serb Republic). The genocidal intent may be inferred, among other facts, from evidence of "other culpable acts systematically directed against the same group."³¹

The Appeals Chamber also found that where direct evidence of genocidal intent is absent, such intent may still be inferred from the factual circumstances of the crime. In the case of Srebrenica, the factual circumstances permit the inference that the killing of the Bosnian Muslim men was done with genocidal intent. The scale of the killing, combined with the VRS Main Staff's awareness of the detrimental consequences it would have on the Bosnian Muslim community of Srebrenica and with the other actions the Main Staff took to ensure that community's physical demise, is a sufficient factual basis for the finding of specific intent.³²

The Appeals Chamber emphasized that the gravity of genocide is reflected in the stringent requirements that must be satisfied for a conviction: "The demanding proof of specific intent and the showing that the group was targeted for destruction in its entirety or in substantial part, guard against a danger that convictions for this crime will be imposed lightly."³³ The court continued,

By seeking to eliminate a part of the Bosnian Muslims, the Bosnian Serb forces committed genocide. They targeted for extinction the 40,000 Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They stripped all the male Muslim prisoners, military and civilian, elderly and young, of their personal belongings and identification, and deliberately and methodically killed them solely on the basis of their identity. The Bosnian Serb forces were aware, when they embarked on this genocidal venture, that the harm they caused would continue to plague the Bosnian Muslims.³⁴

The Appeals Chamber stated "unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at Srebrenica by its proper name: genocide."³⁵

Although the *Krstic* Trial Chamber rejected only the cultural or social destruction of a group as constituting genocide, it pointed out

that where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group. In this case, the Trial Chamber will thus take into account as evidence of intent to destroy the group the deliberate destruction of mosques and houses belonging to members of the group.³⁶

The magnitude of such destruction can thus influence reaching a determination of genocide. The *Krstic* Appeals Chamber noted the Trial Chamber's observation and did not reject the conclusion that such destruction can be taken into account as evidence of intent to destroy the group.³⁷

If one examines the substantiality requirement for *crimes against humanity*, one finds that the tribunals have established levels of gravity requisite to merit description as "atrocities crimes." Interestingly, article 5 of the ICTY Statute, which incorporates crimes against humanity into the subject-matter jurisdiction of the court, provides no literal substantiality requirement. But the ICTY jurisprudence does. First, the court has found that

It is sufficient to show that enough individuals were targeted in the course of the attack, or that they were targeted in such a way as to satisfy the Chamber that the attack was in fact directed against a civilian "population," rather than against a limited and randomly selected number of individuals.³⁸

The ICTY also reads into article 5 the requirement that the attack be "either widespread or systematic in nature."³⁹ In *Kordic and Cerkez*, the court found that "a crime may be widespread or committed on a large scale by the 'cumulative effect of a series of inhumane acts or the singular effect of an inhumane act of extraordinary magnitude.'"⁴⁰ In *Blaskic*, the Trial Chamber ruled that "the widespread characteristic refers to the scale of the acts perpetrated and to the number of victims."⁴¹ Also in *Blaskic*, the court articulated the elements of a "systematic" attack:

The systematic character refers to four elements which . . . may be expressed as follows: (1) the existence of a political objective, a plan pursuant to which the attack is perpetrated or an ideology, in the broad sense of the word, that is, to destroy, persecute or weaken a community; (2) the perpetration of a criminal act on a very large scale against a group of civilians or the repeated and continuous commission of inhumane acts linked to one another; (3) the preparation and use of significant public or private resources, whether military or other; (4) the implication of high-level political and/or military authorities in the definition and establishment of the methodical plan.⁴²

In *Kunarac, Kovac, and Vokovic* and in *Jelusic*, the ICTY emphasized that factors used to assess "widespread or systematic" include "the number of victims"⁴³ and "the employment of considerable financial, military or other resources and the scale or the repeated, unchanging and continuous nature of the violence committed against a particular civilian population."⁴⁴

The crime of *extermination*, a long-standing crime against humanity, should be of most interest to scholars of genocide because it constitutes an alternative charge in an indictment that comes closest to the crime of genocide without having to prove the specific intent required for genocide. The *Krstic* Trial Chamber held that the definition "should be read as meaning the destruction of a

numerically significant part of the population concerned.”⁴⁵ In *Vasiljevic*, the Trial Chamber found

that criminal responsibility for “extermination” only attaches to those individuals responsible for a large number of deaths, even if their part therein was remote or indirect. Responsibility for one or for a limited number of such killings is insufficient.⁴⁶

The *Krstic* Trial Chamber offered a caveat, however: “While extermination generally involves a large number of victims, it may be constituted even where the number of victims is limited.”⁴⁷ The *Vasiljevic* Trial Chamber further required that “extermination must be collective in nature rather than directed towards singled out individuals.”⁴⁸

Regarding the crime of *persecution*, which also can be a key element of genocidal intent, the ICTY, in *Kordic and Cerkez*, was careful to invoke the substantiality test, listing by example two acts that “do not constitute persecution as a crime against humanity because they do not rise to the same level of gravity as the other crimes against humanity enumerated in Article 5” of the ICTY Statute. Those two examples are “encouraging and promoting hatred on political grounds” and “dismissing and removing Bosnian Muslims from government.”⁴⁹

The residual clause listing “other inhumane acts” must satisfy the substantiality test as well. In *Naletilic and Martinovic*, the ICTY defined “other inhumane acts” as

acts that do not fall within any of the other sub-clause of Article 5 of the Statute but are sufficiently similar in gravity to the other enumerated crimes... As constituting crimes against humanity, these acts must also be widespread or systematic.⁵⁰

Article 3 of the ICTR Statute, which incorporates crimes against humanity in the subject-matter jurisdiction of the ICTR, explicitly invokes the language of “a widespread or systematic attack against any civilian population.” In the *Akayesu* Trial Chamber decision, the court found that “the concept of ‘widespread’ may be defined as massive, frequent, large scale, carried out collectively with considerable seriousness and directed against a multiplicity of victims.”⁵¹ In *Kayishema and Ruzindana*, the ICTR Trial Chamber found that “a widespread attack is one that is directed against a multiplicity of victims.”⁵² The attack on a civilian population

does not mean that the entire population of a given State or territory must be victimized by these acts in order for the acts to constitute a crime against humanity... Instead the “population” element is intended to imply crimes of a collective nature and thus excludes single or isolated acts which, although possibly constituting crimes under national penal legislation, do not rise to the level of crimes against humanity.⁵³

The specific crime of extermination requires that “the actor participates in the mass killing of others or in the creation of conditions of life that lead to the mass killing of others, through his act(s) or omission(s).”⁵⁴

Finally, the substantiality test for *war crimes* is of a different character. Technically, there is no real substantiality test, other than that found in the 1949 Geneva Conventions for what constitutes a grave breach, and even then the issue pertains to the individual victim or victims rather than to any particularly substantial number of victims. Article 4 of the ICTR Statute incorporates into the subject-matter jurisdiction of the court the commission of “serious violations of Article 3 common to the Geneva Conventions...” This has been interpreted to mean “grave consequences for the victim.”⁵⁵ The ICTY has mirrored this finding. In *Kunarac, Kovac and Vokovic*, a violation of the laws or customs of war “must be serious, that is to say, it must constitute a breach of a rule protecting important values, and the breach must involve

grave consequences for the victim.”⁵⁶ Yet no indictment, and certainly no conviction, before either tribunal on war-crimes charges has sought to proceed with respect to isolated or singular violations of the Geneva Conventions or of the laws and customs of war. There is always a larger context to the war-crimes charges that involves a substantial degree of illegal conduct.

There are also important substantiality requirements built into the statutes of the permanent International Criminal Court, the Special Court for Sierra Leone, and the Extraordinary Chambers in the Courts of Cambodia. With respect to the Rome Statute of the International Criminal Court, US negotiators, myself included, sought to require that war crimes be committed “as part of a plan or policy *and* as part of a large-scale commission of such crimes.” But we were rebuffed by other delegations and ultimately settled on “war crimes *in particular* when committed as part of a plan or policy *or* as part of a large-scale commission of such crimes.”⁵⁷ This reflected the interests of governments to ensure that the 1949 Geneva Conventions would not become narrowly construed to apply only to planned or large-scale commissions of war crimes but could also be enforced against perpetrators of individual grave breaches. Yet the inference in all that was discussed and anticipated in the practice of the International Criminal Court was for a substantiality test to be met either through the execution of a policy or plan to commit war crimes (which infers a multiplicity of criminal acts) or through a large-scale commission of war crimes.

Atrocity Law

There has been a revolution in international humanitarian and criminal law since 1993. In conventional legal terminology, however, no term describes precisely what the international and hybrid criminal tribunals have the jurisdiction to prosecute. The crimes in question are not only genocide, or crimes against humanity, or war crimes; they need a unifying term. The law applied by the criminal tribunals is not only international humanitarian law, not only international criminal law, not only international human-rights law, not only military law, and not only serious crimes under international law.

The law of the criminal tribunals is uniquely crafted, the enforcement mechanism is uniquely conceived, and the political mandate of each of these courts is uniquely tailored. They need a truly relevant term to describe the reality of their jurisdiction and their role in framing legal responses to war crimes, genocide, crimes against humanity, and other heinous crimes.

The international community has faced this situation before. The crime of genocide identified by Raphael Lemkin arose from his concern that the Holocaust could not be properly defined or prosecuted as simply a crime against humanity. The constituent parts of the crime were unique, and conventional international law did not address those unique characteristics of intent, target, and context. With Lemkin’s perseverance, the UNCG defined the new crime of genocide.

Similarly, today we are confronted with an inadequate lexicon for the crimes and law that underpin the criminal tribunals. In a fundamental way, the relatively rapid establishment of these criminal tribunals has outstripped the capacity of the law to remold itself into an easily identifiable legal weapon for them to wield. It is no idle matter, this quest for terminology. Getting the terminology right is part of the accuracy and integrity of the process, and it is part of the job of selling to the public the credibility and utility of these judicial institutions. If public support for international prosecution and military responses to atrocity crimes is lost because

what is described appears threatening or incomprehensible to the average person, then the entire venture will be undermined.

Atrocity law is the law applied to atrocity crimes; it is drawn from several disciplines of international law: international criminal law, international humanitarian law, international human-rights law, and the law of war; and it is applied primarily by international and hybrid criminal tribunals.

An unfortunate inaccuracy appears repeatedly in UN Security Council and General Assembly resolutions, in legislation by the US Congress and European parliaments, and in the public pronouncements of governments and non-governmental organizations. The body of law purportedly covering atrocity crimes is typically referred to as “international humanitarian law” and the crimes described as “violations of international humanitarian law.” Such is not necessarily the case, however. More often, the relevant criminal conduct engages several fields of established law—international humanitarian law, international criminal law, international human-rights law, the laws and customs of war, and military law. For any particular situation of atrocities and the subject-matter jurisdiction of any particular criminal tribunal, however, there is one field of law—atrocity law—that overlaps parts of each of these separate fields of law but never encompasses any one of them entirely.

Briefly, *international humanitarian law* establishes norms to protect certain categories of persons and property and prohibits attacks against them during the course of an armed conflict of an international or non-international character. But it can exclude some parts of the laws of war whose primary purpose is not humanitarian, and it does not concern either genocide or crimes against humanity that occur outside the ambit of armed conflict. Most of international humanitarian law cannot be prosecuted against an individual and concerns state practice and state responsibility in armed conflicts.

The conventions of *international criminal law* range far beyond atrocities. Less than half of the at least twenty-four categories of international criminal law pertain to atrocities. International criminal law does not incorporate most of international humanitarian law or international human rights law. While international criminal law will always apply to atrocity crimes and atrocity law, it would be deeply misleading to use the term to describe the kind of actions and the kind of law that are of direct concern to international criminal tribunals. The term fails the tests of magnitude, of targeting the leading perpetrators, and of isolating only those crimes accurately described as “atrocities.”

International human-rights law is inappropriate to criminal tribunals, as it has traditionally, in its relatively short history, concerned the political responsibility of states for violations against individual victims, not the criminal responsibility of individual perpetrators. Until relatively recently, human-rights law did not seek to govern the conduct of states during warfare, which is the circumstance that so often accompanies atrocities. There is now considerable tension between human-rights law and the law of war as the former seeks to intrude more aggressively into the domain of warfare. Much of human-rights law requires the breathing space afforded by the absence of penal provisions. Atrocity law, as I would define it, requires criminal sanction, and it concerns only those human-rights violations that can be prosecuted as crimes and are committed on a scale and in circumstances that only scratch the surface of the full range of human-rights violations and law.

Military or court-martial law and, in most respects, the *law of war* pertain solely to war crimes and, through generically relevant crimes such as murder, to crimes against humanity and genocide. But it is an entirely unsatisfactory body of law to cover the criminality of individual perpetrators of atrocity crimes, particularly non-military perpetrators.

The following characteristics of atrocity law draw from the international and hybrid criminal tribunals:

- No two criminal tribunals share exactly the same law. The law is selected and edited to conform to the circumstances of the crimes and to the context within which they were committed. In the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the special courts in Kosovo and East Timor, and the Iraqi High Criminal Court, domestic law also figures prominently. In fact, the principle of complementarity in the Rome Statute of the ICC invites a significant and potentially exclusive role for national criminal law in achieving the objectives of the permanent court.
- Personal jurisdiction is limited either implicitly, by virtue of the substantiality test required of the crime and, one might argue, the practical limitations of the tribunal (e.g., the ICC, ICTY, and ICTR), or explicitly by the terms of the statute itself (e.g., the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia).
- Some categories of atrocity law have evolved and acquired greater precision with more recently established tribunals.
- One can look beyond the statutes of the tribunals to case law, as for the substantiality test, for a further understanding of atrocity crimes and atrocity law.

If “atrocity crimes” and “atrocity law” were to become part of the lexicon for the crimes and law of the international and hybrid criminal tribunals, these terms would help with several issues:

- The criminal tribunals are having the perhaps unintended effect of encouraging a shift away from state responsibility toward individual criminal responsibility, and a shift from low-magnitude crimes to high-magnitude crimes as the focus of judicial enforcement. It is easier to charge a state with the commission of atrocity crimes than it is to charge a particular type of atrocity crime. While the criminal tribunals rightly act with great precision to prosecute the crime of genocide, crimes against humanity, and serious war crimes, there remains a need to elevate once again the responsibility of governments not to commit these crimes. An effective way of doing this would be to use the language of atrocity crimes to describe what a state appears responsible for committing, whether or not a specific atrocity crime can be identified quickly.
- Use of the terms “atrocity crimes” and “atrocity law” would enhance the unique character and accuracy of the conventional terminology, which otherwise risks becoming blurred with overlapping applications and incomplete descriptions of what the criminal tribunals actually enforce. In other words, one would not have to misconstrue the terms “international humanitarian law,” “criminal law,” or “the law of war” to describe the applicable law of the criminal tribunals. Likewise, one would not need to misconstrue “genocide,” “crimes against humanity,” or “war crimes” to describe the killings, violence, and destruction actually taking place.

- The presumption of the criminal tribunals is that the leading perpetrators of the atrocity crimes will be prosecuted before the criminal tribunal, whereas the mid- and lower-level perpetrators will either be prosecuted before competent domestic courts or handled through a non-judicial mechanism, such as a truth and reconciliation commission, determined at the national or local level. By focusing on atrocity crimes and atrocity law in describing the jurisdiction of the criminal tribunals, one can more clearly delineate between the international and domestic mechanisms of justice that are evolving. Theoretically, of course, a criminal tribunal should have the legal tools to prosecute the foot soldier for a grave breach of the 1949 Geneva Conventions, or a local policeman for participating in mass rape during a genocidal rampage. But the international community and national governments are drawing a different line, using scarce resources for criminal tribunals that prosecute crimes meeting the criteria that have been set forth and encouraging alternative mechanisms at the national level for the typically much larger number of mid- and low-level perpetrators. Atrocity crimes and atrocity law better distinguish between those two levels of justice and rehabilitation.
- Humanitarian intervention and the more recent articulation of a responsibility to protect civilian populations at risk,⁵⁸ both of which remain controversial areas of international law, might be better understood and more supportable politically if the objective of the intervention or action to protect were to end or prevent an atrocity crime, rather than having politicians, military commanders, and their government lawyers and spokespersons claim that such massive military measures are required to confront war crimes, crimes against humanity, or violations of international humanitarian law. The crime of genocide can be left untethered as a powerful public rationale for humanitarian intervention or an action to protect. But short of literally calling the situation a genocide, which experience demonstrates is a struggle for governments and international organizations, there is need for a powerful and accurate term that can be readily understood as justifying the extraordinary and legally controversial initiative of a humanitarian intervention or action to protect civilian populations at risk. That term is “atrocity crimes.” The technical use of “genocide,” “crimes against humanity,” or “war crimes” may be accurate in a particular situation, but humanitarian interventions and actions under the principle of responsibility to protect require the building of popular support, as well as international support, to sustain them in times of great crisis and to preserve for the states involved the right and ability to intervene for humanitarian purposes again. The public might better appreciate the need for military intervention if the term “atrocity crimes” was used in association with responses to clearly horrific and unacceptable assaults on civilian populations, rather than legal terminology (particularly “crimes against humanity,” “ethnic cleansing,” “war crimes,” and even “genocide”) that can be understood by lawyers as extremely meaningful (and horrific) but to the public remains foggy at best. The legality of any particular humanitarian intervention or action to protect is a separate debate. But there is great utility for a more focused and easily understood jurisdictional description—“atrocity crimes”—for governments, international organizations, and criminal tribunals in relation to atrocity prevention and termination.

The next step might be to incorporate such terms in UN Security Council resolutions and UN reports and in legislative resolutions, as well as pleadings, decisions, and judgments of the international and hybrid criminal tribunals. There would be considerable utility in forging a UN General Assembly resolution that would recommit the international community to react swiftly to the commission of atrocity crimes, which could be expressly stated as such in the resolution and then described as including genocide, crimes against humanity, and serious war crimes. But it may take a number of years of use of the term “atrocity crimes,” particularly by political leaders and leading scholars, and the continued unleashing of atrocities without effective response, for such codification of the term to occur.⁵⁹

Conclusion

The prospect of the term “genocide” arising in policy making too often puts an intimidating brake on effective responses. I have argued here that the political use of the term should be separated from its legal definition as a crime of individual responsibility. Governments and international organizations should be liberated to apply the term “genocide” more readily, within a political context, to publicly describe precursors of genocide and react rapidly either to prevent or to stop mass killings or other acts of genocide. *Precursors of genocide* are those events occurring immediately prior to and during a possible genocide that can point to an ultimate legal judgment of genocide but which should be recognized and used in a timely manner to galvanize international action to intervene, whether diplomatically, economically, or militarily. Policy makers should not be constrained from acting by the necessity of a prior legal finding that the crime of genocide in fact has occurred or is occurring and, once that legal finding has been made, that any such finding would automatically obligate governments to use military force in response.

There also is a critical need for a new term—“atrocity crimes”—and a new field of international law—atrocity law—to achieve a similar objective, namely, to enable public and academic discourse to describe genocide, crimes against humanity (including ethnic cleansing), and war crimes with a single term that is easily understood by the public and accurately reflects the magnitude and character of the crimes adjudicated before international and hybrid criminal tribunals and of the law being applied in practice by such tribunals and by governments and international organizations. The purpose would be to simplify and yet render more accurate both public dialogue and legal terminology describing genocide and other atrocity crimes.

Notes

1. See Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Basic Books, 2002), 17–78.
2. US Department of State, *Documenting Atrocities in Darfur* (Washington, DC: Bureau of Democracy, Human Rights and Labor and Bureau of Intelligence and Research, 2004), <http://www.state.gov/g/drl/rls/36028.htm> (accessed 13 October 2006).
3. See *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 102 Stat. 3045, 78 U.N.T.S. 277, http://www.unhcr.ch/html/menu3/b/p_genoci.htm (accessed 5 October 2006). Article I reads in full: “The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.”
4. David Scheffer, Ambassador-at-Large for War Crimes Issues, On-the-Record Briefing on Atrocities in Kosovo released by the Office of the Spokesman, US Department of State,

- Washington, DC, 9 April 1999, http://www.state.gov/www/policy_remarks/1999/990409_scheffer_kosovo.html (accessed 5 October 2006).
5. The information conveyed in the next four paragraphs was reported in my 9 April 1999 press briefing, *ibid.*
 6. *Ibid.*
 7. See Power, *A Problem from Hell*, 329–89; David Scheffer, “Lessons from the Rwandan Genocide,” *Georgetown Journal of International Affairs* 5 (2004): 125–32.
 8. See *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1546 of 18 September 2004* (25 January 2005), para. 184, http://www.un.org/News/dh/sudan/com_inq_darfur.pdf (accessed 5 October 2006) [COI Report].
 9. *Ibid.*, paras. 489–522.
 10. *Ibid.*, paras. 640–41.
 11. See Emily Wax, “U.N. Report on Sudan Draws Mixed Reaction,” *Washington Post*, 2 February 2005, A16; see also David Scheffer, “How to Bring Atrocity Criminals to Justice,” *Financial Times* (London), 2 February 2005, 13.
 12. See COI Report, paras. 182–418, 630–39, 642.
 13. Quotations from *The Fugitive*, directed by Andrew Davis (Warner Bros., 1993), <http://www.imdb.com/title/tt0106977/quotes> (accessed 5 October 2006).
 14. Certain passages that follow are drawn from an earlier law review article: David Scheffer, “The Future of Atrocity Law,” *Suffolk Transnational Law Review* 25 (2002): 389–432.
 15. Mark J. Osiel, *Obeying Orders* (New Brunswick, NJ: Transaction Publishers, 1999), 45.
 16. *Rome Statute of the International Criminal Court*, U.N. Doc. A/CONF.183/9 (17 July 1998), Preamble, reprinted in 37 I.L.M. 999 (1998).
 17. *Prosecutor v. Akayesu*, Judgment, ICTR-96-4-T (2 September 1998), n. 61 [Akayesu Trial Judgment].
 18. *Prosecutor v. Kayishema and Ruzindana*, Judgment, ICTR-95-1-T (21 May 1999), paras. 96–97 [Kayishema Trial Judgment].
 19. *Prosecutor v. Bagilishema*, Judgment, ICTR-95-1A-T (7 June 2001), para. 64 [Bagilishema Trial Judgment].
 20. *Prosecutor v. Krstic*, Judgment, IT-98-33-T (2 August 2001), para. 634 [Krstic Trial Judgment].
 21. *Prosecutor v. Jelusic*, Judgment, IT-95-10-T (14 December 1999), para. 82 [Jelusic Trial Judgment].
 22. *US Reservations and Understandings to the Genocide Convention*, 28 I.L.M. 782 (1989). The first US understanding reads, “That the term ‘intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such’ appearing in article II means the specific intent to destroy, in whole or in substantial part, a national, ethnical, racial or religious group as such by the acts specified in article II.”
 23. Jelusic Trial Judgment, para. 82.
 24. *Ibid.*, para. 83.
 25. Krstic Trial Judgment, para. 590.
 26. *Prosecutor v. Krstic*, Judgment, IT-98-33-A (19 April 2004), paras. 6–8 [Krstic Appeals Judgment].
 27. *Ibid.*, paras. 9–12.
 28. *Ibid.*, paras. 13–15.
 29. *Ibid.*, para. 16.
 30. *Ibid.*, paras. 24–31.
 31. *Ibid.*, paras. 32–33.
 32. *Ibid.*, paras. 34–35.
 33. *Ibid.*, para. 37.
 34. *Ibid.*, para. 37.
 35. *Ibid.*, para. 37.
 36. *Ibid.*, para. 580.

37. *Ibid.*, para. 25.
38. *Prosecutor v. Kunarac, Kovac and Vokovic*, Judgment, IT-96-23 & IT-96-23/1-A (12 June 2002), para. 90 [Kunarac Appeals Judgment].
39. *Prosecutor v. Naletilic and Martinovic*, Judgment, IT-98-34-T (31 March 2003), para. 236 [Naletilic Trial Judgment].
40. *Prosecutor v. Kordic and Cerkez*, Judgment, IT-95-14/2-T (26 February 2001), para. 179 [Kordic Trial Judgment].
41. *Prosecutor v. Blaskic*, Judgment IT-95-14-T (3 March 2000), para. 206.
42. *Ibid.*, para. 203.
43. Kunarac Appeals Judgment, para. 95.
44. Jelusic Trial Judgment, para. 53.
45. Krstic Trial Judgment, para. 502.
46. *Prosecutor v. Vasiljevic*, Judgment, IT-98-32-T (29 November 2002), para. 227 [Vasiljevic Trial Judgment].
47. Krstic Trial Judgment, para. 501.
48. Vasiljevic Trial Judgment, para. 227.
49. Kordic Trial Judgment, paras. 208–10.
50. Naletilic Trial Judgment, para. 247.
51. Akayesu Trial Judgment, para. 580.
52. Kayishema Trial Judgment, para. 123.
53. Bagilishema Trial Judgment, para. 80.
54. Kayishema Trial Judgment, para. 144.
55. Akayesu Trial Judgment, para. 616; *Prosecutor v. Rutaganda*, ICTR-96-3-T (6 December 1999), para. 106.
56. Kunarac Appeals Judgment, para. 66.
57. Rome Statute, art. 8 (emphasis added).
58. See World Summit Outcome, UN Document A/RES/60/1, paras. 138, 139 (2005).
59. An example of the use of the term “atrocities crimes” can be found in International Crisis Group, *Darfur: The Failure to Protect*, Africa Report No. 89 (8 March 2005), <http://www.crisisgroup.org/home/index.cfm?id=3314&l=1> (accessed 5 October 2006).

Labeling “Genocide” in Sudan: A Constructionist Analysis of Darfur

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Labeling is critical for the framing, perception, and political implications of social problems, genocide being a critical but overlooked example. For half a century social-science theory has developed increasingly sophisticated paradigms for understanding the process by which problems are recognized and addressed: social constructionism, labeling theory, politico-linguistics, problem definition, and tipping points. Yet rarely have these theoretical frameworks been applied to genocide studies. When reconsidered in light of Sudan, these general frameworks validate the constructionist argument that the recognized severity of political problems—including government-organized or -sanctioned mass killings—is a function of the socio-linguistic processing and naming of them. Anti-genocide advocates, no less than scholars of genocide, can benefit from the adaptation and application of policy frameworks deriving from constructionist analysis. The article concludes with empirical data tracing the use of the term “genocide” in the print media with respect to Darfur.

Labeling Darfur “Genocide”

Recent events in Sudan have revealed that the longer the Darfur conflict goes on, the more it takes on an awful complexity, for which the notion of genocide may be too dangerously simple.

—Lydia Polgreen, writing in *The New York Times*, 23 July 2006¹

For humanists sympathizing with the plight of innocent victims of African civil strife, the question of whether or not to label the violence “genocide” is irrelevant. Killing is killing, goes this line of thinking, and debating whether the mass killing in question fits a purist’s definition of genocide is a callous exercise in semantics.

In the news article from which this essay’s epigraph is extracted, the journalist focuses on two dying infants, one in Congo and the other in Darfur. The infant boy in Darfur, who has pneumonia, eventually survives, thanks to the rudimentary health services provided through international relief agencies. In Congo, the prognosis for the barely breathing, “stick-thin” baby girl is grim. The inferred reason? The conflict in Darfur has been labeled “genocide,” triggering humanitarian responses; mass violence in the Congo, where the toll in innocent human life has been much greater than in Darfur, has not been similarly registered in the world’s consciousness. As a result, the sufferings of its population have been ignored. Whether the term “genocide” is applied to individual theaters of violence, then, has life-and-death implications for non-combat casualties. As the *Times* article also conveys, however, the determination of genocide for a given conflict is not immutable: a recognition of genocide in Darfur in 2004 may, by 2006, be undermined by fatal fighting within the erstwhile camps of both perpetrators and victims.

The media constitute one avenue for public consciousness of genocidal crises. Diplomacy constitutes another. Both avenues, however, are two-way: both provide contradictory answers to the question, "Is this a genocide?" Five months after US Secretary of State Colin Powell's September 2004 recognition of an ongoing genocide in the Darfur region of Sudan, for example, the UN Security Council determined that conflict there did not in fact rise to the level of genocide. To complicate matters further, the State Department itself has sent mixed messages: in April 2005, Deputy Secretary of State Robert Zoellick, during a trip to the capital of Sudan, held back when asked to reaffirm his own department's finding of genocide.

Political and legal factors played a role in this discrepancy. On the political side, in the wake of the widely condemned US-led invasion and occupation of Iraq, the international community was reluctant to follow the American lead in endorsing a State Department finding that logically led to justifying another intervention. From a legal perspective, a finding of genocide required evidence of actual *intent* by the government of Sudan to destroy, in whole or in part, the inhabitants of western Sudan. In the absence of incriminating documentation (and such is difficult to obtain, even if perpetrators are brazen enough to commit their genocidal aims to paper), intent is a difficult criterion to establish. International lawyers may be comfortable with inferring intent from facts on the ground; diplomats in as highly politically charged a chamber as the United States are less so.

The vagaries of politics influence but do not completely determine the framing of issues and the application of terminology that triggers action. For half a century, social-science theory has developed increasingly sophisticated paradigms for understanding the process by which problems are recognized and addressed. Framing overseas conflicts as genocide has not, however, been a subject of this literature. This article therefore examines the social-scientific dimensions of the competing and contradictory findings with respect to Darfur.

Labeling the violence in Darfur as "genocide"—or not so labeling it—has great relevance for theories that have been well developed in the areas of epistemological theory and American politics (including criminology) but rarely applied to comparative and international politics. In terms of constructionism, labeling theory, agenda setting, and problem definition, application of the term "genocide" has immense social import that redounds on political calculations of intervention. As the contrast in responses to Congo and Darfur illustrates, when these abstractions are distilled, they do have life-and-death consequences for, *inter alia*, infants in Africa.

What Is Genocide?

Before tackling application of the term "genocide" to instances of mass political violence, we need note that there is far from unanimity about its core definition.² Much of the scholarly contribution in this domain has been a pushback against the standard United Nations definition (derived from the work of Rafael Lemkin; see below), which emphasizes only the ethnicity, nationality, race, or religion of a victimized group. In an effort to achieve Cold War consensus, the UN conception of genocide pointedly omitted *political* ideology or affiliation of a targeted group as warranting an international indictment of genocide.

In response, Leo Kuper emphasizes the validity of political affiliation as a category of victimhood.³ He also brings a sensitivity to genocidal crimes that occur under the aegis of colonial rule. Helen Fein, also bristling from definitional restrictiveness, emphasizes that the essence of genocide lies in its targeting of a human collectivity,

regardless of supposed primordial identity.⁴ Roger Smith has long asserted that not only the targeted group but all humankind is a victim when genocide is committed on part of its universal body.⁵

Another pioneer in genocide studies, I.L. Horowitz, shifts the focus to the identity of the perpetrator—in his view, the death-promoting state.⁶ Frank Chalk and Kurt Jonassohn also look to the perpetrator as the definer of the group slated for extermination.⁷

So as to highlight the insufficiency of the single term genocide, other scholars have proposed more specific terminology: *democide*,⁸ *politicide*,⁹ *ethnocide*.¹⁰ Both Ervin Staub and Israel Charny, as befitting their professional disciplines, infuse their etiological treatments of the “ultimate evil” from the perspective of psychology.¹¹

Despite variation in definition, emphasis, and terminology, scholars seem to recognize genocide when variations of it unfold ignominiously on the global scene. Less clear is the extent to which the concept of genocide has penetrated the conceptual and normative frameworks of ordinary citizens in democratic societies. For it is their cognition of genocide that, ultimately, determines their governments’ disposition to take action against it.

The Construction of Constructionism

The notion that naming an object or phenomenon imparts to it a reality it did not previously possess harks back to the early empiricists, most prominently George Berkeley (1685–1753).¹² Berkeley’s subjective idealism created an epistemological foundation which Peter Berger and Thomas Luckmann would extend more broadly to social reality writ large.¹³ Knowledge structures reality, Berger and Luckmann argued, but the ways in which we gain knowledge are themselves a function of social framing. Conceptualizing the Holocaust as it was unfolding, for instance, was made immensely difficult by the absence of a socially recognized precedent. (When confronted with first-hand evidence from concentration camp witness Jan Karski, Supreme Court Justice Felix Frankfurter is reported to have said, “I don’t believe you . . . I do not mean that you are lying. I simply said I cannot believe you.”¹⁴) Since the Shoah, our social knowledge has rendered representations of genocide all too believable.

Concurrent with Berger and Luckmann’s sociological formulation of constructionism, H.S. Becker was advancing a parallel theory within the sub-field of social deviance and criminology. “Deviance,” according to Becker, “is *not* a quality of the act a person commits, but rather a consequence of the application by others of rules and sanctions to an ‘offender.’”¹⁵ A reprehensible act is not a “crime” until society (usually through its legal system) so defines it. By the same logic, repeated homicide—even serial or mass murder—cannot be considered genocidal until society at large (1) has incorporated the concept of genocide (social constructionism) and (2) is able to identify perpetrators as *genocidaires* (a term arising from 1994 Rwanda).

By focusing on the symbols and language of political discourse, Murray Edelman transferred the philosophical and sociological foundations of constructionism to the realm of political science. In his earliest elaboration, Edelman argued that language, handmaiden to the actual needs of citizens, itself forms political reality and behavior: “concepts become meaningful when they are related to people’s affective demands.”¹⁶ Edelman returned to this theme in his work devoted to political language per se: “It is *language* about political events rather than the events themselves that everyone experiences.”¹⁷ With respect to our concern here, relatively few individuals are

witnesses to mass killings; we are informed about them through words and images (which are themselves commented upon). Whether or not the language describing mass killings invokes the term “genocide” influences our responses to the information.

As harbinger to the school of problem definition, Edelman later maintained that, in the realm of politics, conflicts have no independent status apart from the context in which they are embedded and discussed. He also intimates a hierarchy of concern that is also constructed. More specifically, he states that “problems come into discourse and therefore into existence as reinforcements of ideologies, not simply because they are there or because they are important for wellbeing . . . [T]hey create beliefs about the relative importance of events and objects.”¹⁸ If one conflict (Darfur) is mentally assimilated with a recognized genocide (Rwanda), the response goes one way; if no such structured connection is made (Congo), it goes another.

Edelman was well aware of the corrupting possibilities that follow from the power to define. If, as argued here, it is critical in the social arena for public opinion shapers and policy makers to be able to label specific patterns of violence as genocides, it is no less true that other elites wield the power to justify genocide:

One of the most frequent recurring forms of political categorization is the definition of some large group of people as so serious a threat that their physical existence, their most characteristic ways of thought and feeling, or both must be exterminated or ruthlessly repressed.¹⁹

Indeed, labeling theory has not adequately addressed the paradox that not only the marginal and stigmatized are, according to the perpetrators, “deviants”: in some conditions, the labelers themselves, acting on behalf of society, become the morally deviant.²⁰ Nazi and Hutu Power leaders had the power to label Jews and Tutsis, respectively, as “vermin” and “cockroaches.” Those sets of labels produced lethal realities; the labelers were criminals of the highest order.

Problem Definition

With problem definition, constructionism moves from phenomenology and socio-linguistics to agenda setting.²¹ International applications, however, are few and far between.²² In the scholarly literature, linkages to genocide studies are even scarcer; one notable exception is Herbert Hirsch’s outline of a general strategy for getting genocide on the agenda of the US presidency and Congress.²³

Problem definition recognizes that political language helps determine which issues rise to the consciousness and agendas of policy makers.²⁴ Yet there are other factors as well. These other factors have implications for the recognition of genocide, and for subsequent possibilities of intervention.

Politics, particularly in democratic polities, is characterized by a multiplicity of groups competing for government action related to their respective causes. Problem definition strives, in general, to explain what makes a public issue a matter of governmental interest and possible action. (A sub-theme asks what keeps an issue *off* the problem-solving agenda.²⁵) Most problem-definition research to date has focused on domestic agenda setting: homelessness, AIDS, drug abuse, sexual harassment, pollution. Yet the framework can be adapted to asking, How is this one problem in Africa (i.e., Darfur) defined to make it an issue for *intergovernmental* interest and action? Three aspects of problem definition are of particular relevance to our case at hand: problem ownership, crisis, and solution.

Problem Ownership

The term “problem ownership” refers to the identification of a recognized authority or authorities to define an issue. (This is often referred to as the “community of operatives.”) When it comes to international conflict, such as characterizes Sudan, there exists a host of competing non-governmental organizations (NGOs) that not only have separate institutional agendas but rarely have the opportunity to interact directly. In this case, competing NGOs include human-rights organizations (Amnesty International, Doctors Without Borders, the Coalition for International Justice, the International Crisis Group, Human Rights Watch, Physicians for Human Rights); multinational organizations (especially the less-than-expeditious United Nations); diplomatic missions (with the US Agency for International Aid, for instance, not necessarily seeing eye to eye with the State Department); and academics (the Institute for the Study of Genocide, the International Association of Genocide Scholars, the European Network of Genocide Studies). The freedom of such disparate organizations to apply different standards (not to mention definitions) of genocide aggravates the state of problem ownership. When, as here, different governments and human-rights organizations disagree about labeling the crisis in Darfur as genocide, the resultant confusion in problem ownership militates against international action.

Crisis

When does a “problem” (a matter of concern but not necessarily action) get elevated to the status of “crisis” (a concern that calls forth for action)? Echoing Edelman, students of problem definition point to a “rhetoric of calamity” that betokens a qualitative shift from problem to crisis. In the case of Sudan, it is noteworthy that a much longer series of repressive military campaigns in the south, with unmistakable ethnic and religious overtones (an Arab-speaking Muslim government based in Khartoum versus Christian and animist black Africans in the South), and resulting in many more civilian casualties, has not been elevated, in public consciousness and US governmental notice, to a similar level of genocidal concern. In a word, why Darfur and not the Dinka?

The Dinka, along with the Nuba, have long been recognized within the literature of genocide. Ted Gurr identify them as a people “at risk.”²⁶ As early as 1981, Kuper wrote of their being subject to “many episodes of genocidal massacre.”²⁷ The entry for Sudan in Charney’s authoritative *Encyclopedia of Genocide* explicitly acknowledges the genocide in *southern* Sudan. That Darfur has captured the attention of the American and international community in a way that the destruction of the Nuba and Dinka has not speaks to the critically important, and constructed, nature of problem elevation to “crisis” status.²⁸

Solution

Somewhat counterintuitively, problem-definition theory makes a strong case that solutions help define the problem: governments are reluctant to add items to their constantly filled agenda unless there is a plausible solution linked to the problem as defined.

The US State Department’s unilateral finding of “genocide” in Darfur speaks to the risky nature of such a finding. What solution followed from this definition of the problem, a definition that would be tacitly refuted by other governments and by the United Nations itself? In his declaration of findings, Secretary of State Powell

was careful to deny that the finding demanded specific action on the part of his government. Implicitly, his public definition of the Darfur problem undercut the usual premise of an embedded solution.

From a US perspective, possible solutions to the Darfur problem included sanctions against the Khartoum government; the establishment of a no-flight zone; equipping, training, and transporting sufficient numbers of troops supplied by the African Union; and direct intervention. In a post-Iraq invasion context in which the usefulness of international sanctions had already been denigrated, and with the Iraqi insurgency capturing a great portion of the foreign-relations agenda, these otherwise reasonable solutions were off the table. Defining the situation in Darfur as a genocide at a time when solutions to that problem were relatively unlikely undercut the possibility of action. At the same time, it underscored the significance of embedding solutions within problem definition.

Tipping Point

Although not yet included within the canon of scholarship, the perspective of “tipping points,” as elaborated by Malcolm Gladwell, is relevant to this constructionist analysis of genocide in Sudan.²⁹ The notion of the tipping point—the ways in which an idea or product captures the imagination of the public at large—broadens the inquiry into the perception of genocide in Darfur from policy makers and other elites to that of mass publics.

The question here is not only how, when, and why Darfur captured the imagination of the American public as a genocide. That question can be easily, if superficially, dispensed with by invocation of the “CNN effect,” or, less ephemeral, the impact of the cover photo and story of *Time* magazine on 4 October 2004.

More significant is the popular spread of the idea that America must eradicate genocide. That perspective, as Samantha Power illustrates, has been the antithesis of American foreign policy beginning with the Armenian Genocide of 1915.³⁰ As with Jeffrey Sachs’s campaign to eradicate world poverty,³¹ with Darfur genocide prevention has risen to the cusp of a tipping point in public consciousness (and conscience). With contested views as to its actual status as genocide, however, that threshold is not likely to be mounted soon.

Contesting the Label

The decision to label the violence in Darfur as genocide took on political overtones when the US Congress passed a resolution to that effect in July 2004. One month before, during a fact-finding trip to Sudan, the secretary of state had been asked if genocide was occurring in Darfur. His response unwittingly evoked the importance of labeling theory: “What we are seeing is a disaster, a catastrophe, and we can find the right label for it later.” Powell’s tone of voice was dismissive, suggesting that the question was a mere semantic problem. He did, however, add that, “regardless of the words used to describe what is happening in Darfur, we are acting with the utmost sense of urgency.”

That “sense of urgency” became apparent only the following September, however, when Powell endorsed the State Department’s Atrocities Documentation Team (ADT) finding that the violence in Darfur did in fact constitute genocide. Powell’s declaration was historic and unprecedented, in that it was the first time the executive branch of the United States formally acknowledged the existence of a genocide, not retroactively, but while it was ongoing.³²

Subsequent declarations by other governments departing from the ADT and State Department (see Table 1) prompted international debate over what genocide actually *is*. With the contrary finding of the UN’s International Commission of Inquiry on Darfur (COI), that debate took on ever more problematic dimensions.

On 25 January 2005, the COI, in its report to Secretary-General Kofi Annan, “concluded that the Government of the Sudan has not pursued a policy of genocide.” Annan’s follow-up (and lengthy) report to the Security Council (31 January) avoided the word entirely.³³

Certainly, the COI did pointedly speak of “gross violations of human rights perpetrated by Government forces and the militias under their control.” It also admitted the possibility of Sudanese government officials’ “commit[ing] acts with genocidal intent.” However, the killings and displacements of indigenes of Darfur did not—using the language of the relevant UN treaty on genocide—constitute “a specific intent to annihilate, in whole or in part, a group distinguished on racial, ethnic, national or religious grounds.”³⁴ Counter-insurgency, yes; genocide, no.

The COI maintained that, in light of evidence of crimes against humanity and war crimes, its negative finding on genocide did not detract from the “gravity of the crimes perpetrated” in Darfur. A constructionist analysis, on the other hand, points to the likelihood that the “unlabeling” of violence in Darfur will indeed lead to reduced interest in, coverage of, and action regarding the non-genocide.

In terms of international relations, the fact that two other relevant multinational organizations (the European Union and the African Union) also explicitly declined to adopt the genocide label, as did significant UN members (Russia, China, Pakistan), put the United States in the disadvantageous position of outlier labeler. Yet it was not only in the community of nations that such disagreements arose. Among human-rights NGOs, there is a split between those willing to recognize officially that genocide in Darfur is occurring (e.g., Physicians for Human Rights, International Crisis Group) and those not willing to do so (e.g., Amnesty International, Human Rights Watch).³⁵ However justified for tactical reasons, such labeling disharmony within the human-rights community, no less than among the community of nations, tends toward functional paralysis. Such discrepancy also raises important questions about the process of “labeling” mass murder as genocide. Until there is a universally constructed consensus on the applicability of the label *among mass publics* as well as among governments and NGOs, concerted anti-genocidal intervention is unlikely. Even then, as suggested at the beginning of this article, the possibility arises that what passes the “G-test” at one point in time may fail later, as binary conflict on the ground spirals into intramural bloodshed. When distinctions between victim and

Table 1: Characterizations of violence in Darfur

“Genocide”	“Ethnic cleansing”	No (or not quite) genocide
United States	United Nations (prior to 01/05)	United Nations (as of 01/05) European Union African Union Arab League Pakistan Russia China

perpetrator groups blur, it is hard to maintain a consensual finding that the violence still constitutes a genocide.

Elite Print Media Use of “Genocide”

Primed to the importance of the media in constructing mass public understanding of overseas atrocities, Walter Ezell undertook the first quantitative study of newspaper coverage of genocidal conflict in Africa (Burundi and Mozambique) and Iraq (Kurdistan). Based on column-inch counts in five leading newspapers, Ezell concludes that “events involving great human suffering and loss of life tend to be covered in spurts” and that it is critical to resolve ambiguity early, “thus allowing onlookers to decide quickly whether and how to act on the basis of reliable information.”³⁶ He also acknowledges the power of the reporter in changing (and, indeed, nullifying) the intended message of an article’s source.

Inspired by Ezell, and in an effort to gauge the penetration of the genocide label among the newspaper reading public, my research assistant and I tracked the incidence of the word “genocide” in articles relating to Darfur in (1) the *New York Times* and the *Washington Post* between January and August 2004 and (2) those same newspapers, plus the *Boston Globe*, the *Los Angeles Times*, and the *Financial Times*, between September 2004 and March 2005. The results are plotted in Figures 1 and 2. They do not include editorials or op-ed pieces.

We chose January 2004 as the starting point for newspaper tracking to provide a measure of change over time from *before* official US recognition of the crisis as genocide. Because the *New York Times* is the US paper of record, its treatment of a topic is critical; as index of governmental interest in a topic, coverage by *The Washington Post* is also key. Figure 1 thus shows the results from those two elite newspapers on their own.

The *Boston Globe* and the *Los Angeles Times* reflect coverage for more local readerships. Prior to September 2004, their coverage of genocide in Sudan was quite limited in scope. The same can be said for London’s *Financial Times*, which was chosen for tracking to provide a comparative perspective. By March 2005, the controversy over dueling determinations (US vs. UN) regarding the genocidal nature of the conflict in Darfur had largely faded from public discussion and memory.

In the first two months of 2004, coverage of Darfur was negligible, with the government of Sudan taking active steps to ensure that it remained so.³⁷ Some initial uses of the term “genocide” appeared in articles beginning in March. Spikes were evident with Colin Powell’s June visit and Congress’s July declaration. Interestingly, there are significant discrepancies with respect to scope of coverage and incidence of word usage, with the *Washington Post* more focused on the secretary of state’s June visit and the *New York Times* more fluid with the word as a result of the Congressional statement.

A significant spike in newspaper usage of “genocide” coincided with Powell’s own admission in September 2004 that that word does properly characterize violence in Darfur. Compared with more regional newspapers (*Los Angeles Times*, *Boston Globe*), the *Post* and the *Times* maintained a leadership position with respect to keeping the “G-word” in their regular readers’ vocabulary. This is not surprising, given their greater overall commitment to international coverage and the national political dimension that the State Department’s and Congress’s embracing of the issue assumed. More surprising is the limited response that the United Nations’ null finding generated in US newspapers, as compared with the (relatively late)

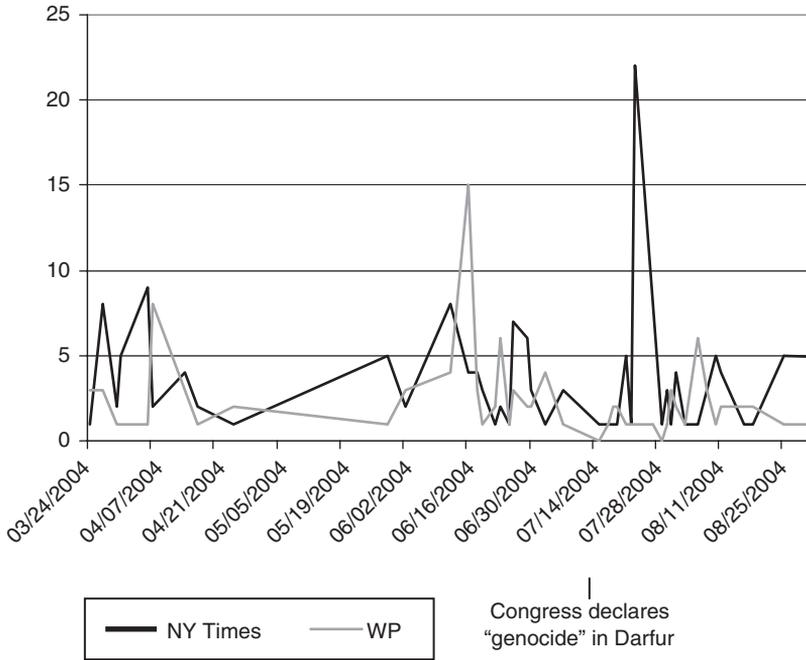


Figure 1: Usage of “genocide” in the *New York Times* and *Washington Post* (4 January–31 August 2004)

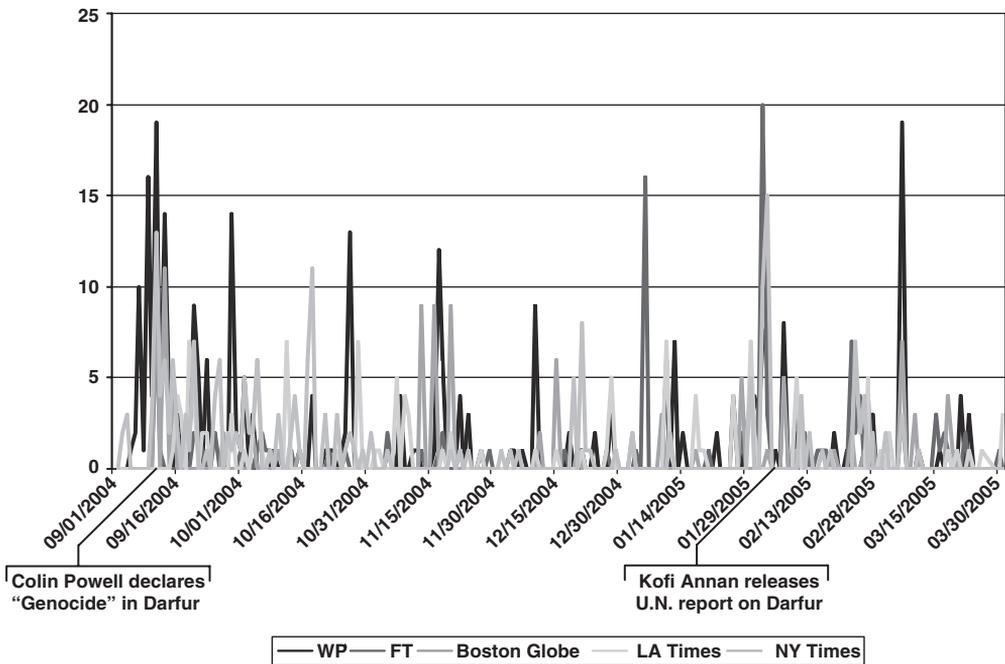


Figure 2: Newspaper usage of “genocide” concerning Darfur (total, September 2004–March 2005)

interest of the one European control paper, the *Financial Times*. (*FT* invocation of the word peaked in the two weeks preceding and two weeks following the release of the UN report.)

This print media use of “genocide” did not necessarily indicate publishers’ or columnists’ official endorsement of the appropriateness of the term; it primarily reflected the domestic and international debate over its application. (*New York Times* columnist Nicholas Kristof’s Pulitzer-winning series of poignant and pointedly “pro-G-word use” essays, for example, do not figure in the tallies presented here.) Nonetheless, the very debate over the use of the term by national and international authorities, as reported by the newspapers, itself preserved the salience of Darfur as an issue within the (admittedly elite print) readership.

In this context, it is useful to recall Edelman’s reflection on the signs and signifiers that permeate political language:

Every instance of language and action resonates with the memory, the fear, or the anticipation of other signifiers, so that there are radiating networks of meaning. . . .³⁸

Whether or not editorialists, columnists, or newscasters deliberately make the case, to readers, listeners, and viewers, “genocide” in Darfur signifies more than tribal or ethnic warfare in Africa. It conjures (or, in Edelman’s terminology, *signifies*) Cambodia, Rwanda, Bosnia, Kosovo, East Timor. Depending on the citizen’s age, the term resonates with these other tragedies, thereby placing Darfur (but not, as we have demonstrated, southern Sudan) in the same moral universe of opprobrium, or, at least, at a commensurate level of importance.

Journalists and editors for at least one of the elite newspapers—the *New York Times*—appear to have been verbally stymied by the COI finding that events in Darfur do not constitute genocide. With the passage of time, articles dealing with Darfur came to invoke the “G-word” less consistently. While continuing to provide factual reports of events in and developments with respect to Sudan, at least until the Polgreen piece writers and editors preferred to avoid the conceptual issue surrounding the genocide label: should the “G-word” be used or not? Following from the previous arguments with respect to labeling theory, political language, and problem definition, avoidance of the signifying label “genocide” in the media leads to a downgrading of attention to, and salience of, Darfur among the public at large, their elected representatives, and policy makers.

Conclusion: Lemkin, Labeling, and Constructionism

Coining of the word “genocide” is attributed to the Polish legal scholar, Holocaust survivor, and United Nations gadfly Rafael Lemkin. Lemkin is remembered for his indefatigability in prodding the United Nations to draft a genocide convention and to have states ratify it. But first he had to get the UN to accept his word for the purpose of international criminalization. In this respect, it is quite relevant that Lemkin was originally trained (at the University of Lvov) as a linguist.

Lemkin spent considerable time and energy weighing the respective connotations of common words that predated his neologism. “Mass murder,” “barbarity,” “atrocious,” “brutality”—while all evocative of highly odious behavior, these terms failed to capture the conceptual singularity of the state-organized attempt to exterminate an entire ethnic, national, or religious group.³⁹ By joining philology to criminal justice, Lemkin paved the way for a rethinking of the juridical role of state responsibility for foreign nationals in international law.

Application of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide has been highly imperfect. That it was ratified by the United States only in 1986 (taking another two years for the inclusion of reservations prior to full passage) indubitably diluted its overall impact on the international community. Still, the very existence of such a convention reinforces public acknowledgement of genocide's special status, not only as a matter of criminal law but as a moral outrage to humanity.

By helping to construct a social, psychological, and linguistic space for a novel consciousness of genocide, Lemkin was also a forerunner and practitioner of labeling theory. Like adherents of constructionism, Lemkin (while himself a jurist) understood that legislation is an insufficient means of modifying social thought and behavior. The framing and solution of political problems, international no less than domestic, require a panoply of tools. Some of these tools are conceptual, others strategic: problem definition and agenda setting are particularly promising tool sets for activists frustrated with pure analysis and "mere" polemics. To the question, "What are the moral, legal, and political implications of an unheralded US finding of contemporaneous genocide?" social science provides multiple answers. The challenge is to act before genocide itself degenerates into a violence so fractious and multifaceted that even the most sympathetic of observers—as represented by the frontline *New York Times* reporter in the epigraph—are paralyzed with frustration.

Acknowledgments

The author wishes to acknowledge the research assistance of Liubomir Topaloff, doctoral candidate at Northeastern University. Versions of this paper were presented at The Watson Institute for International Studies seminar series, Brown University, 12 October 2004; Northeastern University Law School, Boston, 20 April 2005; and the International Association of Genocide Scholars conference, Boca Raton, 6 June 2005. To the best of my ability, I have incorporated feedback from those forums as well as from four anonymous reviewers for this journal.

Notes

1. Lydia Polgreen, "Rwanda's Shadow, from Darfur to Congo," *The New York Times Week in Review*, 23 July 2006, 3.
2. Two good overviews of the definitional spectrum are in Israel W. Charny, *Encyclopedia of Genocide* (Santa Barbara, CA: ABC-CLIO, 1999), and Carol Rittner, John K. Roth, and James M. Smith, eds., *Will Genocide Ever End?* (St. Paul, MN: Paragon House, 2002).
3. Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981).
4. Helen Fein, *Genocide: A Sociological Perspective* (London: Sage Publications, 1990).
5. Roger W. Smith, "As Old as History," in *Will Genocide Ever End?*, ed. Carol Rittner, John K. Roth, and James M. Smith, 31–34 (St. Paul, MN: Paragon House, 2002).
6. Irving Louis Horowitz, *Taking Lives: Genocide and State Power* (New Brunswick, NJ: Transaction Publishers, 1976).
7. Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide* (New Haven, CT: Yale University Press, 1990).
8. R.J. Rummel, *Death by Government* (New Brunswick, NJ: Transaction Publishers, 1994).
9. Barbara Harff, "Recognizing Genocides and Politicides," in *Genocide Watch*, ed. Helen Fein, 27–41 (New Haven, CT: Yale University Press, 1992).
10. There is apparently no one proven neological parent for "ethnocide."

11. Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (New York: Cambridge University Press, 1989); Charny, *Encyclopedia of Genocide*.
12. Emanuel Adler, "Constructivism and International Relations," in *Handbook of International Relations*, ed. Walter Carlsnaes, Thomas Risse, and Beth A. Simmons, 95–118 (London: Sage, 2002), identifies Immanuel Kant, Berkeley's slightly younger contemporary, as the philosophical forerunner of the constructivist approach within international relations theory. Exactly when, why, and how the term "constructivism" emerged in contradistinction to "constructionism" remains unclear.
13. Peter L. Berger and Thomas Luckmann, *Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, NY: Anchor Books, 1966).
14. Quoted in Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002), 33–34.
15. H.S. Becker, *Outsiders: Studies in the Sociology of Deviance* (Glencoe, IL: Free Press, 1963), 9.
16. Murray Edelman, *Politics as Symbolic Action: Mass Arousal and Quiescence* (New York: Academic Press, 1971), 66.
17. Murray Edelman, *Political Language: Words That Succeed and Policies That Fail* (New York: Academic Press, 1977), 142.
18. Murray Edelman, *Constructing the Political Spectacle* (Chicago: University of Chicago Press, 1981) 12.
19. Edelman, *Political Language*, 32.
20. After writing these lines, I discovered that Green and Ward make a similar point in their chapter "Genocide" (where they embrace and advance the "universe of obligation" paradigm in Fein, *Genocide*). See also their chapter "Defining the State as Criminal," in Penny Green and Tony Ward, *State Crime: Governments, Violence and Corruption* (London: Pluto Press, 2004).
21. I am deliberately leapfrogging the permutation of constructionism as found in international relations (IR) theory (where it is re-dubbed "constructivism"; see note 13 above). IR constructivism, for all its theoretical excitement, has limited utility with respect to application, especially as it affects elite and public apperception of genocide per se. But see Jeffrey T. Chechel, "The Constructivist Turn in International Relations Theory," *World Politics* 50 (1998): 324–48; Terence Hopf, "The Promise of Constructivism in International Relations Theory," *International Security* 23 (1998): 171–200; and Alexander Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46 (1992): 391–425.
22. Noteworthy in this respect—but with a coincidental tie-in to genocide—is John Bendix, "Why Didn't Waldheim's Past Matter More? A Public Agenda Denial in Austria," in *Cultural Strategies of Agenda Denial: Avoidance, Attack, and Redefinition*, ed. Roger W. Cobb and Marc Howard Ross, 183–202 (Lawrence: University Press of Kansas, 1997).
23. Herbert Hirsch, *Anti-Genocide: Building an American Movement to Prevent Genocide* (Westport, CT: Praeger, 2002). In his discussion of one of the strategies (encouraging the public to use empathetic and emotional symbols so as to gain backers), Hirsch recommends a tack—"humaniz[ing] the victims by telling personal stories . . . [i]nstead of talking about genocide"—at variance with the one suggested here (getting the G-label to stick in the public mind). The divergence may lie less in the tactic per se than in the particular constituency being addressed. Hirsch, *Anti-Genocide*, 58 (emphasis added).
24. David A. Rochefort and Roger W. Cobb, eds., *The Politics of Problem Definition: Shaping the Policy Agenda* (Lawrence: University Press of Kansas, 1994); Bryan D. Jones and Frank R. Baumgartner, *The Politics of Attention: How Government Prioritizes Problems* (Chicago: University of Chicago Press, 2005).
25. Roger W. Cobb and Marc Howard Ross, eds., *Cultural Strategies of Agenda Denial: Avoidance, Attack, and Redefinition* (Lawrence: University Press of Kansas, 1997).

26. Ted R. Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflicts* (Washington, DC: United Institute of Peace, 1993).
27. Kuper, *Genocide*, 73; Fein, *Genocide*, 87, cites Kuper.
28. Two individuals in particular have persistently worked to equate “Darfur” with “genocide,” thus upgrading international “problem” to “crisis”: Nicholas Kristof, in his regular column in *The New York Times*, and Eric Reeves of Smith College, in his blog, Sudan—News and Analysis. With respect to our constructionist argument, see, in particular, Reeves’s dispatch of 20 May 2005, “The ‘Two Darfurs’: Redefining a Crisis for Political Purposes.”
29. Malcolm Gladwell, *The Tipping Point: How Little Things Can Make a Big Difference* (New York: Little, Brown, 2000).
30. Power, *A Problem from Hell*.
31. Jeffrey Sachs, *The End of Poverty: Economic Possibilities for Our Time* (New York: Penguin, 2005).
32. The ADT was an ad-hoc group of observers and fact finders independent of the State Department itself. In drawing its conclusions, the ADT would have been influenced by separate empirical research projects into Crisis Early Warning and State Failure conducted on behalf of the US government’s foreign-policy community. See John L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems* (Lanham, MD: Rowman and Littlefield, 1998), and related collaborations between Barbara Harff and Ted R. Gurr, “Early Warning Systems: From Surveillance to Risk Assessment to Action,” in *Emergency Relief Operations*, ed. Robert Cahill, 3–31 (New York: Fordham University Press, 2003); “Systematic Early Warning of Humanitarian Emergencies,” *Journal of Peace Research* 35 (1998): 551–79.
33. *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*, UN Doc. No. S/2005/57 (25 January 2005), http://www.un.org/News/dh/sudan/com_inq_darfur.pdf (accessed 17 October 2006); UN Security Council, *Report of the Secretary-General on the Sudan*, S/2005/57 (New York, 2005).
34. *Convention on Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277.
35. Helen Fein, “The Role of Human Rights and Other Non-governmental Organizations in Recognizing Genocide in Darfur” (paper presented at the International Association of Genocide Scholars, Florida Atlantic University, Boca Raton, FL, 6 June 2005).
36. Walter K. Ezell, “Newspaper Responses to Reports of Atrocities: Burundi, Mozambique, Iraq,” in *Genocide Watch*, ed. Helen Fein, 87–112 (New Haven, CT: Yale University Press, 1992), 89, 90.
37. Kenneth Bacon, “Hiding Death in Darfur: Why the Press Was So Late,” *Columbia Journalism Review*, September/October 2004, 9–10.
38. Edelman, *Constructing the Political Spectacle*, 10.
39. Power, *A Problem from Hell*, 42–5.

GENOCIDE STUDIES AND PREVENTION

AN INTERNATIONAL JOURNAL

Anti-Haitianism, Historical Memory, and the Potential for Genocidal Violence in the Dominican Republic

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Following the 2005 murder of a Dominican woman near the border between the Dominican Republic and Haiti, Haitian communities were deported en masse and their homes violently ransacked by Dominican civilians seeking revenge. These violent expulsions were not only human-rights violations but part of a historic pattern of anti-Haitianism in the Dominican Republic that originated in the nineteenth century. This article calls attention to the possibility of genocidal violence in the Dominican Republic by examining the violent 2005 attacks on the Haitian community there. It suggests that an anti-Haitian legacy that includes the 1937 Haitian Massacre and the contemporary and systematic denial of Dominican citizenship to Dominicans of Haitian descent are important but understudied indicators that raise the potential for an escalation of mass violence against the largest ethnic and racial minority in the Dominican Republic.

Between May and September 2005, nearly 3,000 Haitians living in the Dominican Republic were deported to Haiti.¹ These massive deportations came on the heels of the murder of a Dominican woman near the Dominican–Haitian border. The murder sparked a series of pogrom-like attacks against Haitian communities throughout the Dominican Republic. Men, women, and children were forcibly removed from their homes by the Dominican military, many of them stripped of their identity papers, and herded onto trucks and school buses. In several towns, Dominican civilians looted the abandoned wooden shacks that Haitians called home, taking anything of value. Unwanted items were removed from the houses and burned.² The deportees were taken to various towns along the border by the Dominican military. Upon arrival, they waited for hours under the unforgiving Caribbean sun, without food or water. Eventually, the military ordered the Haitian passengers to exit the buses and walk across the border into Haiti—a nation many had never visited.

Many of the “Haitian” deportees were not immigrants. They were born and raised in the Dominican Republic: bicultural and bilingual persons, Dominican-Haitians, whose parents were long-time residents on Dominican soil. Although Haitians have been living in the Dominican Republic for more than a century, and constitute the nation’s largest ethnic minority, they are excluded from the right to Dominican citizenship.³

At birth, Dominicans of Haitian descent are systematically denied birth certificates—the prerequisite for obtaining *la cedula*, the national ID card. Without this card, which contains biographical information such as blood type, skin complexion, height, and weight, a person is unable to obtain important government documents such as passports or drivers’ licenses. For the most part, Dominicans of Haitian descent also

cannot vote or otherwise participate in the political life of the country. In short, they are unable to integrate into the Dominican body politic.

At the same time, ethnic Haitians in the Dominican Republic represent an indispensable source of labor to be exploited. In the agricultural, home-construction, and private-security sectors, Haitian labor is ubiquitous and an essential part of the Dominican economy. The Haitian presence is evident in any major Dominican city or small town, and this demographic reality is not new. Their presence is a result of a long history of intra-island movement and collaboration, specifically along the 300-mile border that separates the two republics. For example, twice a week, Dominican border towns host market days, during which Haitians can enter freely to trade with Dominican merchants. This is a remarkable example of mutual cooperation and a vibrant local economic enterprise that dates back to the eighteenth century.

Notwithstanding this collaborative history, there is also a genocidal history that precedes the most recent attacks on the Haitian community and points to an ominous future. The year 1937 saw the most violent attack on Haitians in Dominican history. The Dominican military conducted a genocidal campaign to remove all Haitians from the Dominican Republic; thousands of Haitians were killed or fled into neighboring Haiti, becoming political refugees. Ordered by the dictator Rafael Trujillo (1930–1961), this event marked the modernization of anti-Haitianism: the state sponsored institutional and ideological campaign to turn Haitians into the official enemy of the Dominican state. Although anti-Haitianism has its historical roots in the early 1800s, Trujillo and his intellectuals would, in unprecedented fashion, crystallize a historic but diffuse anti-Haitian sentiment into official government discourse. Starting after the massacre in 1937 and lasting through 1946, this nationalistic state doctrine sought to erase the historic and collaborative history between the two peoples while promoting xenophobic government policies along the border.⁴ Unfortunately, this anti-Haitian sentiment outlived the dictatorship, remaining solidly entrenched in Dominican society for subsequent generations.

For the last sixty years, the Dominican government has been unwilling to accept the legacy of the 1937 massacre and its moral responsibility for this crime against humanity. Moreover, along with the rhetoric of opportunistic politicians who manipulate anti-Haitian rhetoric, this violent past partly explains why a systematic government policy to scapegoat and deport Haitians has emerged and intensified in recent times. Dominican authorities contend that, like other sovereign nations (they often cite the US policy of deporting immigrants), the Dominican Republic has the right to expel persons whom authorities believe to have entered the country illegally. Yet this latest round of deportations is disturbing, both because of their spontaneous grassroots intensity and because they were sanctioned by government policies that reject the inclusion of Haitian ethnicity as part of a larger pluralistic Dominican society.

The focus of this article is to expose the recent and ongoing hostility against Haitians in the Dominican Republic and to argue that this violence merits special attention because of its proto-genocidal nature. The recent anti-Haitian violence in the Dominican Republic should not be seen as an isolated event, as a case in which the majority population simply deports a racial and ethnic minority. Anti-Haitian prejudice and discrimination, combined with anti-black racism, permeates all levels of Dominican society. Haitians are viewed as the black “other,” culturally incapable of assimilating. The situation is more ominous today because the Dominican Republic has many features generally considered key prerequisites for the organization and

perpetration of mass murder: the existence of a stigmatized racial/ethnic minority group within the dominant society; the political and economic disenfranchisement of that minority group; and the historical precedent of state-sponsored mass murder. Taking these and other factors into account, I argue that unless preventive measures are taken to integrate this minority group, the current state policy of violent deportations or ethnic cleansing will mean that future and more intensified genocidal violence against Haitians cannot be ruled out in the Dominican Republic.⁵

A Murder Awakens Historic Animosities

In early May 2005, several Haitians in the Dominican border town of Hatillo Palma invaded the home of Domingo Luna and his wife, Maritza Núñez, both in their early thirties. The assailants knew their victims; they were neighbors and on friendly terms. Unfortunately, familiarity and goodwill ended in a violent death that would reverberate across the nation. In the confrontation, Maritza was killed; her husband barely survived teeth-crushing machete blows to his mouth. The assailants were eventually captured. But what happened next is all too familiar in the realm of ethnic violence.

Stirred by the murder, Dominican residents of Hatillo Palma retaliated by expelling all of their town's Haitian residents. The word spread quickly, and Haitian residents throughout the community were told they had until 6:00 p.m. to leave town. Fearing for their lives, Haitians abandoned their homes. As they fled, their Dominican neighbors descended upon the abandoned wooden shacks previously rented to Haitian workers and began looting their possessions. Unwanted items were removed from the houses and burned. According to local residents, the murder represented the breaking point in a series of violent Haitian attacks on Dominicans over the previous year.⁶ Apparently, Maritza's murder was the straw that broke the camel's back.

By the time I arrived in the town on 29 May, almost three weeks after the murder and civilian rampage, there were no Haitians left. In a town where Haitians had constituted a significant percentage of the population and economy, the scene was surreal. One long-time Dominican resident told me, "I will pay you money, if you see a Haitian walking down the street. We don't want Haitians here. We don't want them!" The action was not without its costs, however. Echoing many who told me that the expulsion of the Haitian community represented an economic blow to the town, one resident, an employee of a betting parlor, told me the following story: "Before the expulsion, I used to sell \$1,000 RD [US\$35] daily in lotto tickets. Now, I sell about \$600 RD [US\$21]. But I am glad they are gone. You can only take so much."

Fueled by relentless nationwide media reports describing the murder of a defenseless Dominican woman by Haitians, the violent attacks spread to other towns.

In response to the attacks on Hatillo Palma and the surrounding areas, the army and immigration officials began rounding up Haitians throughout the Dominican border region, under the pretense of "protecting" them from vigilante mobs.⁷ I visited several semi-urban and rural Haitian communities from which long-time residents had been deported. Every story was heart wrenching. Take, for example, the case of one-year-old Mari, a Dominican-Haitian who, along with most of her community near the northwestern border, was removed to Haiti during the initial deportations of May 2005. With the help of organizations such as Solidaridad Fronteriza, many deportees, including Mari, were able to return to the Dominican Republic.⁸ Others, Mari's mother among them, were not so fortunate. At the time, Solidaridad Fronteriza

was petitioning the Dominican government to allow persons like Mari's mother to return to the Dominican Republic. But the scars that these deportations had inflicted were already evident in the faces of the children. According to a Dominican neighbor who was caring for Mari, the little girl had fallen physically ill and was mentally distraught at the loss of her mother.

Many of Mari's adult neighbors, who worked and raised families in the Dominican Republic, had also been deported. Even those who had some form of legal documentation had their identity papers taken from them or destroyed. An example is the case of Pedro. During the deportation raids, Pedro, a Haitian father of eleven and a farmer, awoke to the sight of Dominican soldiers, brandishing rifles, who had forced themselves into his small wooden shack. The soldiers handcuffed him and deported his entire family. He says that in the early-morning raids of 13 May, the army stole his entire savings—\$6,000 RD, the equivalent of about US\$200 at the time.⁹ Like many deportees who endured several grueling days in Haiti, Pedro's family returned to the Dominican Republic with the help of religious and human-rights organizations. But Pedro did not have his identity cards, given by the immigration department, because the soldiers had ripped them up during the initial raids. Despite having resided for many years in Dominican territory, he was deported. He ultimately did make his way back into the Dominican Republic to rejoin his family, but not without first injuring his leg in the process. Others who owned businesses, such as small stores, were also deported. Such arbitrary deportations of Haitians and their descendants have been occurring with growing frequency since the early 1990s. Human Rights Watch (HRW) has summed up the situation as follows:

Suspected Haitians are targeted for deportation based on the color of their skin, and are given little opportunity to prove their legal status or their claim to citizenship. As a rule, people facing deportation from the Dominican Republic have no chance to contact their families, to collect their belongings, or to prepare for departure in any way. They are frequently dropped at the Haitian border within a matter of hours after their initial detention, sometimes with nothing more than the clothes on their back.¹⁰

The Maritza Núñez murder—the killing of a Dominican woman by Haitians—provoked such intense anger that it inspired violent and unprecedented civilian backlash. In the southern border region, in the town of Enriquillo, near the major southwestern city of Barahona, Father Jesus Alvarez, a Spanish priest who works for the Spanish Institute of Foreign Missions in defense of Dominican and Haitian rights, reported that following the murder of Maritza, a mob of over 100 people mobilized in the town to search for Haitians. The mob, disproportionately composed of adolescents, carried bats and sticks and wore hoods to hide their identity. Father Alvarez himself was threatened for denouncing the nationwide deportations of Haitians.¹¹ The attacks prompted the editorial staff of one Dominican daily to write,

It is the obligation of all to condemn vehemently the violence that is carried out in the Northwest (border region) against Haitian immigrants, documented or undocumented, because the Ku Klux Klan hood does not suit Dominicans.¹²

But why should Dominicans retaliate so violently against their Haitian neighbors? Where does this Dominican fear and contempt for Haitians originate? As the next section shows, the recent mass expulsions of Haitians represent the latest chapter in the historical legacy of anti-Haitianism in the Dominican Republic. Indeed, part of the explanation lies in how the Dominican Republic emerged as an independent nation in the nineteenth century.

A History of Antagonism

Historically, Dominicans have viewed Haiti, and Haitians migrating to their country, as a profound threat. The 1791 slave revolt in Saint Domingue (present-day Haiti) terrified slave-owning societies throughout the Americas.¹³ No society felt the repercussions of this tumultuous political upheaval more than the Spanish colony of Santo Domingo, on the eastern end of the island of Hispaniola.

By 1801, Toussaint L'Ouverture had marched into Santo Domingo in the east and captured the city, intent on the unification of the island. About 2,000 Santo Domingo residents fled the city, fearing the worst.¹⁴ In 1802, Napoleon sent an expedition to restore slavery on Hispaniola. Toussaint and his army fled Santo Domingo but would subsequently defeat the French troops, eventually declaring the birth of the Republic of Haiti in 1804. A year after Haiti's declaration of national independence, Haitian forces under J.J. Dessalines marched eastward across the island to expel the French forces that had remained in Santo Domingo after Toussaint's flight in 1802. The Haitian logic was clear: to oppose a potential future European invasion and the restoration of slavery through the unprotected eastern part of the island. Haitian forces were unable to capture the city, but in their retreat westward, the army left a bloody trail of carnage. Haitian soldiers wreaked havoc in the Dominican countryside, destroying several cities and massacring many of their inhabitants.¹⁵ This event, underscored by future Dominican historians, would mark the origins of future Dominican antipathy toward Haiti.¹⁶ But the nineteenth-century event that would forever engrain itself in the Dominican memory, and influenced its view of Haiti, was the unification of the island by Haitian forces from 1822 to 1844.

What Haitians called "unification" was designed to protect their country from re-enslavement. But the Spanish colonists (particularly the white and mulatto slave owners) on the eastern end of the island saw it as an invasion. This "invasion" sparked a Dominican Creole-led movement for national independence, which was attained in 1844 and is to this day celebrated every 27 February in the Dominican Republic.¹⁷

From its inception, then, the Dominican nation (particularly as constructed by its elites) has literally been based on the rejection of Haiti. The Dominican Republic is the only country in the Americas to have gained its independence from another former colony: Haiti. Between 1844 and 1856, the Dominican Republic repelled three unsuccessful Haitian military invasions; it then willingly returned to the colonial fold, annexing itself to Spain in 1861. It became permanently independent in 1865, after a successful national liberation movement (1863–1865) which threw off the shackles of European colonialism once and for all.¹⁸ Nevertheless, it was the expulsion of the Haitians in 1844 that became the seed of Dominican nationhood. It was this event that, through manipulation by the country's elite, would endure in the Dominican historical memory: Haitians as invaders.

In the modern (post-1900) era, Dominican anti-Haitianism can be traced most importantly to the 1937 massacre of Haitians—arguably one of the most egregious genocidal massacres in the Western hemisphere in the twentieth century. Although estimates of civilians killed range from as low as 4,000 to as high as 35,000, we will never know with certainty the exact number of casualties.¹⁹

The dictator Rafael Trujillo and his government bear full responsibility for the thousands of ethnic Haitians murdered in 1937. One of the most damning archival

documents of this era comes from US Ambassador Henry Norweb, who wrote to Franklin Delano Roosevelt about the atrocities:

apparently with the approval of President Trujillo, a systematic campaign of extermination was directed against all Haitian residents in an area from some thirty kilometers south of Dajabón north to Monte Cristi. The drive was conducted with ruthless efficiency by the National Police and Army.²⁰

The killings were not limited to the border but occurred throughout the country, except on US-owned sugar mills and plantations, where Haitian workers were spared. Neither Trujillo nor subsequent administrations ever faced charges for this crime against humanity, let alone accepted responsibility.

On 31 January 1938, a few months after the massacre, the Dominican and Haitian governments formally and peacefully settled their differences. But Trujillo refused to acknowledge responsibility for his government's complicity in the killings. According to the League of Nations treaty,

The Dominican government which for its part does not admit that the Dominican State is in any way responsible, but will on this point abide by the findings of the judicial inquiry, which is not yet concluded, agrees to terminate by a settlement all dispute.²¹

The same agreement also "liquidates and terminates definitively by means of a settlement all claims whatsoever on the part of the Haitian Government or persons of Haitian nationality against the Dominican Government or against persons of Dominican nationality."²² This settlement legally absolved Trujillo of any responsibility for his complicity in mass murder and staved off potential future lawsuits.

Sixty years after the massacre, there are neither commemoration ceremonies nor monuments dedicated to the victims and legacy of this event.²³ The massacre is mostly seen as a manifestation of a dictatorial government. Dominicans believe that they should not be held accountable for this brutal act. Moreover, during the recent wave of deportations, many Dominicans, in numerous conversations, eerily and nostalgically recalled the 1937 massacre as a valid response to the overwhelming and unwanted Haitian presence in their country.²⁴ The failure to apologize and publicly assume responsibility for the massacre has left an anti-Haitian legacy whereby the political exclusion and physical removal of Haitians from the Dominican nation is generally justified and condoned. The legacy of the 1937 massacre and deportations, combined with a pervasive stigmatization of the Haitian minority and recurring economic crises in Dominican society, supply many of the ingredients that could lead to a future outbreak of genocidal violence.

Applying a Genocide Early Warning System to the Dominican Republic

There is no clear indicator to forecast mass murder. However, Israel Charny has proposed a Genocide Early Warning System (GEWS) that offers to "continuously monitor information on violations of human rights and . . . to learn how to predict and alert people to the increasing dangers of mass murders in different societies before they occur."²⁵ Applied to the Dominican Republic today, GEWS social indicators suggest that a real potential for future anti-Haitian genocidal violence exists. These social indicators are

- (1) Orientation toward force for self-defense and solution of conflicts: turning threats into an exercise of self-defense

- (2) Overt violence and destructiveness
- (3) Dehumanization of a potential victim target group
- (4) Perception of victim groups as dangerous
- (5) Legitimization of victimization by leadership individuals and institutions

The situation of Haitians in the Dominican Republic today conforms with many of these indicators. Let us examine each in turn.

(1) Orientation toward Force for Self-Defense and Resolution of Conflicts: Turning Threats into an Exercise of Self-Defense

Current anti-Haitian policies continue to seek the reduction, if not the erasure, of Haitians from the Dominican landscape. Haitian migrants and their Dominican-born children are consistently stigmatized for their poverty, ethnicity, and dark skin, in a society that perversely values whiteness and in which racist acts occur with impunity. There is also a virulent and influential anti-Haitian discourse promoted by certain political elites. A strong sentiment exists among many in Dominican society that a new Haitian invasion is underway. “Self-defense” means reinforcing the Dominican–Haitian border to limit the flow of Haitian immigrants.

Like the current immigration debate in the United States, in which the US–Mexico border is seen as ground zero, the Dominican government sees its border as the nation’s most vulnerable site to be defended. Ever since the era of the Trujillo dictatorship, the security of the Dominican border has been the responsibility of the army. Today, partly as a reaction to the events of 11 September 2001 and the “War on Terror,” the Dominican government has created a Special Forces Commando Unit: an elite group drawn from the country’s navy, air force, army, and national police. This multifaceted unit will provide additional support to the army in patrolling the border.²⁶ Yet, despite the militarization of the region, the border, more than 300 miles long, remains highly porous. One of the main responsibilities for the Dominican Army along the border is to apprehend and repatriate undocumented persons, and particularly Haitians. In one month in 2004 alone, the Dominican Army, in conjunction with immigration authorities, apprehended and repatriated nearly 2,000 Haitians along the border.²⁷ As we have seen, the threat of being overwhelmed by Haiti and her people has been a common trope in Dominican security discourse since 1844.

(2) Overt Violence and Destructiveness

Colloquial references to a “silent invasion” from what the late and anti-Haitian president Joaquín Balaguer referred to as *la isla al revés*²⁸ (“the backward island”) are commonly used to describe both the consistent migratory flow from Haiti and the long-standing and demographically significant Haitian community within the Dominican Republic. Many Dominicans believe that the estimated one million Haitians already living in the country represent a threat to the Dominican nation and her people. There is no shortage of hyperbole, whether in the Dominican press or in public discourse, warning readers of the dangers that Haitian immigrants pose to the nation. Many Dominicans cloak their anti-Haitianism in either nationalistic rhetoric or talk of Haiti’s economic and political malaise, arguing, as one Dominican congressman said to me, that Haiti “lacks state institutions, [that] its society is disintegrating and therefore [it] is not a viable country.”²⁹

Many Dominicans fear that the political, economic, and environmental anarchy that has gripped Haiti will spill over across the border in the form of more Haitian migration. They often point as well to the catastrophic levels of deforestation that can be seen more markedly on the Haitian side of the border, where there is almost complete erosion, while the Dominican side is comparatively green and lush.³⁰ They point to this as just one more example of Haitians' inability to govern and administer their society.

As Ervin Staub has written, "Given a preexisting devaluation and history of mistreatment, recent increases [in discrimination, harm and violence] represent an immediate danger signal."³¹ In the Dominican case, as the sensationalist portrayal of Maritza's murder by the Dominican media intensified, the deportations provoked a violent backlash against Haitians. Three days after Maritza's murder, two Haitian corpses were found in Santiago, the nation's second-largest city. According to the coroner, these men died of internal hemorrhage and shock caused by gunshot wounds.³² The attacks on Haitians were not limited to the northern border, where Maritza's murder occurred. Throughout the border region and beyond, the attacks on Haitians were alarming for their quantity and cruelty. In late May, the decapitated body of a Haitian man was found in the southern border town of Pedernales. His wife, who was five months pregnant at the time, survived the attack but sustained multiple injuries.³³

Although these attacks failed to register with most American mainstream media, international human-rights organizations denounced the incidents, even labeling them explicitly as "ethnic cleansing."³⁴

The murderous attacks and roundups that followed the Maritza murder were not limited to poor Haitians living and working in rural areas; Haitian university students in the Dominican Republic were also targeted for deportation and abuse. At a large student gathering at one of the major universities, the Universidad Tecnológico del Cibao (UTESA), Haitian students voiced to immigration authorities their fear of being targeted by the arbitrary deportations and xenophobia gripping the nation at the time. According to Jean Ferdino, president of the Haitian Student Committee, "We have come legally to this country to study. We are not responsible for the criminal acts committed by other Haitians. We need spiritual and emotional tranquility to study."³⁵

Between May and August 2005, more sporadic attacks against Haitians took place. In mid-August, the most shocking of such assaults occurred in the capital, Santo Domingo: four Haitian immigrants were attacked and set on fire. Three of the four succumbed to their injuries.³⁶ Tensions ran high between the countries as a result of these attacks. Haiti even recalled its top diplomat (at the time, the *chargé d'affaires*) to protest the brutal killings, which, on the heels of the deportations, seemed to many observers to signal open season on Haitians in the Dominican Republic.³⁷

By this time, the prominent non-profit organization known as El Movimiento de Mujeres Dominicano-Haitiana (Movement of Dominican-Haitian Women, or MUDHA) was already investigating many of the violent incidents in Haitian and Dominican-Haitian communities. In September 2005 alone, nine Haitians and Dominicans of Haitian descent were murdered, apparently as part of the wave of violent anti-Haitianism.³⁸ Two attacks reminiscent of that in Hatillo Palma took place in August and December 2005. In one, the lifeless body of a seven-year-old Haitian girl was found brutally raped and dismembered in the province of Valverde, near the border. Dominican residents attacked a Haitian community, setting fire to their homes and injuring several with machetes and clubs. In another case a "rampage followed the

discovery of the body of thirteen-year-old Dominican Diómedes (or Dicórides) de Jesús Caba, reportedly stabbed to death by an undocumented Haitian whose name is given as 'Federico Pierre.'³⁹

In December, a similar retaliatory pogrom to that of Hatillo Palma occurred in the central Cibao region, near the town of Moca. In response to the killing by Haitians of a well-known and beloved Dominican moneychanger in the small town of Villa Trina, a mob of local Dominicans descended upon a nearby Haitian hamlet. According to sources, thirty-five houses were burned in this once-vibrant community, which served as a labor pool for the surrounding coffee plantations.⁴⁰

No clearer example of overt violence and sheer destructiveness as a warning signal for the escalation of ethnic conflict can be found than what occurred following the murder of Dominican Maritza Núñez. Between May and December 2005, aided by a media campaign that repeatedly ran articles on the porous border with Haiti, Haitians and their communities were attacked violently throughout the country by Dominicans eager to exact revenge or settle local scores. The eight-month assault by civilians and government authorities left dozens of Haitian men, women, and children dead, countless displaced and their homes destroyed.

(3) Dehumanization of Potential Victim Target Group

The modern and graphic dehumanization of Haitians in the Dominican Republic begins with the 1937 Haitian Massacre. For its speed and intensity, this was the largest killing of black people en masse in the Americas in the twentieth century, and, as I have shown, it established a dangerous legacy of anti-Haitianism that has persisted to the present.⁴¹ In a seminal study on anti-Haitian prejudice conducted in the second-largest Dominican city, Santiago, researchers found that the anti-Haitianism that had existed since the inception of the Dominican nation intensified after the genocidal massacre of 1937. This quantitative and qualitative study concluded that anti-Haitianism consists of three types of prejudice: ethnic, class, and racial.⁴² At the core of anti-Haitian prejudice is anti-black racism. Ever since the successful Haitian Revolution in 1804, residents, and particularly elites, of the eastern end of the island have viewed Haitians as the perennial and dangerous "black other." This

racism involves prejudice and discrimination. It may be personal or institutional, felt or unrecognized, but it is normally based on a stereotype that people of a particular genetic background all behave in some unappealing way; they *all* do, they have no choice, it is in the genes.⁴³

The dehumanization of Haitians and their descendants takes many forms. One of the most famous cases of blatant anti-Haitianism involved a former presidential candidate, now deceased, named José Francisco Peña Gomez. A former mayor of Santo Domingo, a nationalistic student who protested against the 1965 US invasion, and a high-ranking member of the International Socialist Party, Peña Gomez was poised to win the 1994 presidential elections against the octogenarian neo-Trujillista incumbent, Joaquín Balaguer. He ultimately lost to Leonel Fernandez, the current president, whose PLD party made the crucial and historic pact with Balaguer (the "Pact of Democracy") to acquire the critical votes to win the presidency. Aside from political intrigue and voter fraud, the dark-skinned Peña Gomez was the object of a vicious racial campaign. His political opponents labeled him as either Haitian or of Haitian descent. They warned Dominicans that history would repeat itself if a "Haitian"

became president, and that this would usher in another Haitian invasion of the eastern end of the island.⁴⁴

Perhaps the most effective example of Haitian dehumanization in the Dominican Republic, aside from the government's policy of deportation, is the guiding principle and ubiquitous practice of political disenfranchisement. Long-term Haitian residents and their children are systematically denied the right to Dominican citizenship; many are undocumented in the only country they have ever known. Of course, there is also the additional problem of under-documentation for non-Haitian Dominicans. According to a spokesperson for the Centro Dominicano de Asesoría e Investigaciones Legales (Dominican Center for Consulting and Legal Investigations, or CEDAIL), "there are entire communities in the southern part of the country where there are as many as 50,000 people with no birth certificates"; "up to the present, there has been no attempt to create a mass registration of the undocumented persons."⁴⁵ For Haitians, however, the situation is qualitatively different. For example, unlike non-Haitian Dominicans and those of lighter hue, Haitian women giving birth on Dominican soil must register their children at the *Haitian* consulate.⁴⁶ Although pregnant Haitian women are admitted to Dominican hospitals to give birth, the emotional and psychological toll is very high. For example, in 2003, I accompanied my wife's uncle to the maternity ward at the Robert Reid Cabral Hospital in Santo Domingo. He was the senior doctor on call. I inquired whether there were any Haitian women who had given birth, and some nurses pointed to a woman in the ward. We approached her, and my wife's uncle asked the woman if she was Haitian. The tears rolling down her cheeks, as she nursed her infant child, confirmed that she was frightened of us and feared being deported.

In 2000, an immigration bill (Article 166) was submitted to the Dominican Congress that would prohibit hospitals or clinics in the Dominican Republic from admitting foreign pregnant women.⁴⁷ The legislation was clearly meant to deny Haitian women the human right to give birth. As one commentator facetiously wrote about this illogical legislation, "You would have to place guards at the entrances of the emergency rooms with the mission of intercepting every woman with an advanced state of pregnancy that exhibits a Haitian 'appearance.'"⁴⁸ The bill did not become law, but Haitian immigration is still seen as exacerbating already declining conditions in Dominican hospitals. In the maternity ward at Santiago's Hospital Regional José María Cabral y Baez, 45% of all women giving birth in 2004 were Haitian.⁴⁹ According to one doctor, "When all these patients arrive together, our budget is very limited, and then it appears that we would have grave difficulties."⁵⁰ And then there is the contentious issue of citizenship.

According to article 11 of the Dominican constitution, Dominican citizens are all those born in Dominican Republic, except children of diplomats or people "in transit."⁵¹ It is this latter category that has been used by numerous Dominican governments to discriminate against Haitians. According to a 2002 HRW report,

People who lived in the country for years, even decades, are thus squeezed into a category designed for brief and casual visitors. Some authorities even claim that all Haitian migrant workers, whether in the country legally or illegally, are "in transit" for the purposes of citizenship rules... Crucially, because all Haitians are considered "in transit," their Dominican-born children are not entitled to Dominican citizenship.⁵²

In the 1990s, sensing a gross misinterpretation of the constitution, several NGOs filed a suit against the Dominican government for systematically excluding the

Dominican-Haitian community from citizenship. In October 2005, the Inter-American Court of Human Rights in Costa Rica ruled unanimously that the Dominican government had discriminated against two young Dominican girls of Haitian descent by denying them birth certificates.⁵³ The court ordered the Dominican government to issue birth certificates to these girls, along with a total indemnity payment of \$22,000 and an official apology.⁵⁴

For many human-rights activists, the Inter-American Court ruling was groundbreaking, because it offered a first step toward recognizing the rights of Dominican-Haitians. Unfortunately, the ruling did not deter the Dominican government from cementing the political exclusion of this minority population. Just two months later, the Dominican Supreme Court ruled unanimously that “children of undocumented [Haitian] immigrants born and raised in the Dominican Republic are not entitled to citizenship.”⁵⁵ This ruling from the Dominican Republic’s highest court reveals a society in which international standards of inclusion and democracy, at least with respect to the Haitian minority, are irrelevant.

For Haitians in the workforce, this lack of legal documentation leads to exploitation. Haitians are exploited for their cheap labor, and this condition is exacerbated by their inability to denounce the abuses they experience. The most famous case is that of the sugar-cane industry, where conditions have been described as modern-day slavery.⁵⁶ Sugar-plantation authorities threaten Haitian cane cutters with deportations and often use this mechanism to avoid paying their workers. Among the many Haitians who migrate to the Dominican Republic, children are exposed to abuse by unscrupulous scouts (resembling the “coyotes” along the US-Mexican border) who are paid to escort undocumented persons across the border. The trafficking of Haitian children is a thriving market in both Haiti and the Dominican Republic. Apparently, it is quite easy to buy children’s services. According to one observer, “You just ask around town. People know who the scouts are. You just tell them what kind of child you are looking for and they can bring across whatever it is that you want.”⁵⁷

As the “coyote” analogy suggests, Haitian migrants are not unlike Mexicans trying to enter the United States in search of employment. Members of both groups will risk their lives to achieve socioeconomic progress. But in the skewed and rancorous anti-Haitian discourse that prevails in the Dominican Republic, immigrant lives take a back seat to nationalist posturing. The terms of the debate are only undermined when tragedy strikes. Reminiscent of the tragedy in which nineteen Latin Americans were asphyxiated in a trailer truck near Victoria, Texas, in early 2006, twenty-four Haitians were found suffocated in the Dominican Republic.⁵⁸ There is one important difference between Mexican and Haitian immigrants, however: the former benefit from a large and organized Mexican/Latino community (many of them citizens) in the United States, which lobbies effectively against anti-immigrant policies, whereas the Haitian community in the Dominican Republic enjoys no comparative organizational advantage and is not able to exercise the political or economic power to influence Dominican lawmakers.

The victimization of Haitians and their children is legally, economically, and socially pervasive. From the state exclusion denying citizenship, to deportations, to exploitative working conditions and a social prejudice that permeates all levels of Dominican society, bigotry and discrimination are both *de facto* and *de jure*.

(4) Perception of Victim Group as Dangerous; (5) Legitimization of Victimization by Leadership Individuals and Institutions

According to the Council on Foreign Relations, ethnic violence in general results from two factors: “Tensions structured or perceived along ethnic lines, often intensified by misinformation that spreads quickly in times of crisis; and political leadership that promotes it or fails to halt it.”⁵⁹ There is no doubt that in times of political and economic crises, ethnic minorities are targeted as scapegoats. In the Dominican Republic, Haitians and their descendants are targeted and stereotypically portrayed as foreign invaders taking away jobs from Dominicans. Dominican leaders often stoke the embers of anti-Haitian antagonism in the press. Consider the statements of current Dominican President Leonel Fernandez. While on a stumping trip to Puerto Rico, trying to mobilize support for his 2004 presidential bid, Fernandez—himself once an immigrant in New York—openly supported general amnesty for the thousands of undocumented Dominicans residing in the Commonwealth of Puerto Rico. Yet he neglected to mention the hundreds of thousands of long-term Haitian residents or the Dominicans of Haitian descent born and raised in the Dominican Republic, who are denied citizenship. He even warned Dominicans in Puerto Rico that, if illegal Haitian immigration was not stopped, there would be “an ethnic war something akin to what occurred in Kosovo.”⁶⁰

For Fernandez the politician, then, all immigrant groups are not equal. Dominican immigrants who live abroad (e.g., in Puerto Rico), and who have access to US dollars, should be treated fairly—especially those who are of “good character.” But it seems that for Fernandez, particularly during a political campaign, there are no Haitians of good character. He echoes the fear of many Dominicans that their country will be overwhelmed by Haitian immigrants.⁶¹

Unfortunately, Fernandez is not alone in this scare-mongering. Dozens of newspapers and magazine articles echo his sentiment that Haitians represent a threat to Dominican national security. In an op-ed piece entitled “Kosovo and Haiti,” a Dominican company executive writes angrily of the Dominican dependency on Haitian labor and warns of a future when Haitians will take over the Dominican Republic. He uses the Yugoslav model to illustrate his point:

As we can see, a simple Serbian province (Kosovo) at a determined time, and because of a government as well as the general Serbian population’s carelessness, discovered suddenly that the Albanians were the majority who demanded their independence.⁶²

In his weekly newspaper column, a well-known former Trujillo aide shares his anecdotes as a young man meeting the dictator and hearing him talk about the “Haitian question.” He writes that Trujillo “showed us his hands as testimonial evidence to tell us, ‘they are stained with blood, to save your generation from the Haitianization of the nation.’”⁶³ Such xenophobic rhetoric is more alarming when one considers that the 1937 massacre is very much part of the immigration discourse deployed today in response to Haitian immigration.

A similar article echoes the warning of another Kosovo, speculating that Haitian immigration might become a sort of fifth column in the Dominican Republic. The fear among many Dominican nationalists (as they define themselves) who propose an end to this immigration is that, if unchecked, these Haitian migrants will become

permanent residents in the country and eventually, as a bloc, secede from the Dominican Republic through the ballot box:

Let's suppose that Haitians for example become the majority in Barahona [a southern Dominican province near the border] and tomorrow allege, in their condition of ethnic majority and [with] some legal claims, to demand its annexation to Haiti or to declare some type of provincial autonomy. Would we Dominicans be in a position to give up part of our territory or declare the autonomy of some province for these reasons? The moment requires Dominicans to pay serious attention. The situation in Kosovo is not as distant as it seems.⁶⁴

Even more worrisome is that these articles and public comments do not issue from extremist or marginal voices within Dominican society; the authors are very much part of the mainstream, often high-ranking officials. For example, Joaquín Ricardo, a former secretary of foreign relations, writes that “the problem is there and becomes thornier and more complex because everyday we have more Haitians in Dominican territory.”⁶⁵ Not only are politicians warning of being overwhelmed by Haitian immigration, but individuals in the military have also voiced their concerns. The former head of the Dominican Armed Forces, General José Miguel Soto Jimenez, has argued in an article entitled “Grave Amenaza” (“Grave Threat”) that, rather than illegal drugs or weapons, it is Haitian immigration that represents the most serious threat to the security of the Dominican Republic.⁶⁶

Many high-ranking officials and ordinary Dominicans support the removal of Haitians through deportations. The former president of the Universidad Autónoma de Santo Domingo (UASD), Roberto Santana, ticked off a litany of individuals who support a deportation policy.⁶⁷ Ironically, even international observers, such as the former head of the United Nations in the Dominican Republic, Dr. Pablo Oberti, have supported (indirectly) the repatriations of Haitians. Oberti urged the Dominican authorities to conduct the repatriations with “sensitivity and comprehension.”⁶⁸ Bernardo Vega, a former Dominican ambassador to the United States and author of several important Dominican-Haitian-themed books, also voiced his opinion during the deportations of the 1990s:

I consider that the presence of that [Haitian] labor is not advantageous for the Dominican Republic; with the help of organizations like the United Nations, a peaceful and civilized repatriation of Haitians who are illegally in my country should be promoted.⁶⁹

For Vega, the presence of Haitian labor in the Dominican Republic “promotes Dominican anti-Haitianism.” He offers three seemingly simple recommendations for “an efficient deportation mechanism.” First, Vega recommends a policy of voluntary return to Haiti, with the assistance of community and religious groups. Second, and subsequently, Dominican industries would be inspected to discover those employing undocumented Haitians, and employers would be fined if found in violation of immigration laws. Third, a policy of forced deportation would be instituted. Of all these stages, Vega finds the last the most difficult. Aside from forcing people (often violently) from a country that they may have resided in for years and called home, he recognizes that the difficulty in enforcing this policy is “defining who really is [a] Haitian who resides illegally in the country.”⁷⁰ Unfortunately, the deportation of Dominicans of Haitian descent has already occurred and is continuing; but these egregious human-rights violations have also drawn the attention and ire of the

Dominican and Haitian diasporas in the United States. The violent deportations in the Dominican Republic after May 2005 prompted a member of the New York City Council to draw up a resolution condemning the attacks on Haitians:

At home here in the United States and in my native country of the Dominican Republic, I am always proud to lend my voice to the causes of fair immigration policy, due process and the protection of worker rights. It is critical that we have solidarity to support such basic human rights, and this resolution is a vehicle for the New York City Council to do just that.⁷¹

Dominicans living abroad and their children clearly see through the hypocrisy of Dominican immigration policy toward Haitians. The struggle for identity and place in the United States has politically galvanized the Dominican and Haitian communities, which have seen their families separated by deportations.

Conclusion

This article has shown that contemporary anti-Haitian violence in the Dominican Republic has its roots in the nineteenth-century Wars of Independence and the 1937 Haitian Massacre. What can be done to ensure that current policies of ethnic cleansing, such as deportations and denial of citizenship to long-term Haitians and their children in the Dominican Republic, do not intensify in the future? I believe that the fundamental responsibility lies with the political, economic, and military decision makers in the Dominican Republic itself. A paradigm shift is in order.

The Dominican Republic, a country where globalization is embraced by government and private industry alike, has failed to globalize the way in which it preserves its past, particularly in relation to its historic relationship with Haiti and the 1937 massacre. Unlike other countries such as Peru, Germany, Guatemala, Cambodia, and Rwanda, the Dominican Republic has failed to apologize as a nation for its participation in one of the hemisphere's most egregious twentieth-century examples of ethnic cleansing.

Dominican immigration policy must cease to depict Haitians as the historic enemy. Popular anti-Haitian discourse manipulated by xenophobic elites must be challenged by the state, and more institutional bilateral projects on the model of *Fwontyè Nou – Nuestra Frontera* should be established.⁷² Such programs could reduce and potentially eliminate the enmity to which every generation of Dominicans has been exposed, from the nineteenth century onward. This will be difficult, of course, since the roots of anti-Haitianism lie at the very heart of Dominican nationalism and patriotism: the creation of the Dominican nation involved a rejection of Haiti. A new type of Dominican nationalism and identity must emerge in order for all Dominicans to view Haiti as their long-term partners. A first step would be to initiate a cathartic national discussion about the role of Dominicans in the 1937 killings, which, despite being factually incorporated in the academic historiography, are remembered as solely the responsibility of the dictator Trujillo.

Debates similar to those in other countries about historic participation in the destruction of ethnic minority groups must take place in the Dominican Republic. The most recognizable example of such negotiations over historical memory is German society's attempt to comprehend why their ancestors participated in the killing of Jews and other minorities. Dominicans, too, must ask, How could our countrymen and -women have participated, in 1937 and in more recent times, in the killing, burning, maiming, and deportations of their Haitian and Dominican-Haitian neighbors?⁷³ The 1937 massacre should also be remembered by Americans,

who especially should be made aware of this event because President Roosevelt, as is painfully evident in the diplomatic correspondence, was aware of the killings—and chose not to interfere.⁷⁴

In the last ten years, there has been a global movement to acknowledge the historical wrongs of national pasts. From the Truth and Reconciliation Commissions in Guatemala and South Africa to breaking the silence of forgotten massacres, such as El Mozote in El Salvador and Trieste in Italy, the need to remember and come to terms with one's national past has gained momentum.⁷⁵ Benedict Anderson has described how important it is for citizens to feel and express shame for their nation's past mistakes and crimes. Using the case of America's role during the Vietnam War, Anderson writes that Americans "felt ashamed that 'their' country's history was being stained by cruelties, lies, and betrayals. So they went to work in protest, not merely as advocates of universal human rights, but as Americans who loved the common American project." He adds that "this kind of political shame is very good and always needed."⁷⁶ Dominicans need to explore this collective shame, not only in relation to Trujillo's genocidal policy against Haitians in 1937 but also in relation to the human-rights violations that continue today. At a minimum, this type of discourse will go a long way toward changing the dynamic of the current policy concerning Haitians.

The Dominican Republic, like many countries around the world, has its share of xenophobic politicians and ultra-nationalists, who see Haitian immigration as a threat to their cherished way of life. Such nativistic responses are echoed, for example, in Europe, where politicians such as Austria's Jorg Haider or France's Jean-Marie Le Pen have made a name for themselves advocating punitive anti-immigrant and racist policies. On African immigration to his town, the mayor of Treviso, near Venice, has stated that Italians "have a 2,000-year-old civilization," while African immigrants to his town "know only the civilization of the savanna and the jungle"—comments thoroughly reminiscent of anti-Haitian discourse in the Dominican Republic.⁷⁷

Many Dominicans I interviewed shared heart-wrenching anecdotes about growing up black and of Haitian descent in the Dominican Republic. Many spoke of seeing friends and family deported and experiencing real prejudice on an everyday basis.⁷⁸ My interviewees spanned the spectrum of Dominican-Haitian life in the Dominican Republic: lawyers, NGO workers, students, and day laborers. Without exception, they had all experienced directly or indirectly racist behavior by Dominicans, from racial slurs to deportations. Perhaps the statement that best captures the Dominican-Haitian desire to become part of the Dominican nation is that of Sonia Pierre, the executive director of MUDHA. Her struggle for equal rights is emblematic of a community that seeks democratic integration into the Dominican nation but is institutionally excluded:

We are here and for as much as we are not recognized as a group, they [the government] sees us [as] dangerous. The fact that we are a minority, that enrages people, but, well, we understand that we, children of Haitian immigrants, are a minority. We were born here. We are trying to educate ourselves here; we want to participate, we want to contribute...but we want to be recognized; there is a segregation here, if you will, toward this [Haitian] population, and so we are not seen as part of the Dominican identity, we are not seen as part of that [cultural] syncretism; it's much easier to accept any Dominican of any origin than a Dominican of Haitian origin.⁷⁹

For many in the Dominican Republic, Haiti's weak or absent institutions and the country's political turmoil represent a "grave threat."⁸⁰ But portraying Haiti as

a threat to Dominican society is the wrong way to conceptualize the future of both nations. Rather than seeing Haiti as a security challenge or as a burden, Dominican policy makers should, at every level, invest in a re-conceptualization of their relationship with their neighbor that will address the following questions: How can we create and implement a long-term and sustainable vision for both nations? What are the policies that need to be implemented today in order to sustain population increases tomorrow?

According to the US State Department, there are at least 8,833,634 people in the Dominican Republic, and at least 7,656,166 in Haiti, for a total of 16,489,800 people on an island whose surface area is the equivalent of the American state of Maryland plus two New Hampshires. What will the population of Hispaniola be in 2030? In 2050? How will population growth affect the island's resources, such as water?⁸¹ How can the Dominican Republic, which shares the same ecosystem with Haiti, contribute to the reversal of the latter's man-made catastrophe of deforestation? How can both nations jointly address the staggering, and still growing, HIV epidemic, particularly when the World Bank states that the "Dominican Republic and Haiti together account for 85 percent of the total number of HIV/AIDS cases in the Caribbean"?⁸²

Former Haitian president Jean-Bertrand Aristide was fond of saying that Haiti and the Dominican Republic are wings of the same bird; if one wing is broken, the bird cannot fly. He was referring to the more than 200 years of shared collaborative and local economic and social history between Dominicans and Haitians. But the elites of both countries have portrayed each other as geographically and racially distinctive people. I contend that Aristide was right: the metaphorical bird of Hispaniola cannot fly with broken wings. No matter how many more paved roads, modern tourist resorts, and quasi-white Miss Universe contestants the Dominican Republic proclaims to demonstrate its eternal superiority over Haiti, it too is a broken wing. An inclusive and generous vision may, by contrast, finally allow both halves of Hispaniola to take ethereal and triumphant flight. Let us hope.

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Notes

1. By mid-May 2005, Dominican newspapers reported more than 2,500 persons deported. See “Denuncia persecución indiscriminada: Obispo Mao pide detener repatriación de haitianos,” *Hoy.com*, 16 May 2005, www.hoy.com.do (accessed 16 May 2005). By mid-June, 600 more Haitians (in only five days) had been deported from the Dominican Republic: “Autoridades dominicanas repatrián 600 haitianos en cinco días,” *Hoy.com*, 15 June 2005, www.hoy.com.do (accessed 15 June 2005). There are some unconfirmed estimates that place the number of Haitians deported by May 2005 at over 10,000.
2. “Colchones, camas, sillas, estufas y otros enseres para el hogar fueron reducidos a cenizas por las acciones de moradores de aquí, quienes decían vengar la muerte de Maritza Núñez y las heridas que recibió su esposo Domingo Antonio Luna, en un asalto en su vivienda y colmado Luna la madraguda del Lunes [Mattresses, beds, chairs, stoves and other household goods were reduced to ashes by the actions of local residents who decided to avenge the death of Maritza Núñez and the injuries received by her husband, Domingo Antonio Luna, in an attack on their home and store Luna early on Monday morning.].” See “Arrasan casuchas haitianas en Hatillo,” *El Nacional*, 11 May 2005, www.elnacional.com.do (accessed 11 May 2005). I personally saw and photographed the looted homes. Even three weeks after my arrival, the debris mentioned in this article was visible lying outside the homes where, just a month before, Haitians had been living.
3. Of the 9,183,984 residents of the Dominican Republic (July 2006 estimate), one million are estimated to be Haitians and their descendants. For Dominican population figures, see the CIA World Factbook, <https://www.cia.gov/cia/publications/factbook/geos/dr.html> (accessed 6 October 2006); for more information on the range of Haitian population figures in the Dominican Republic, see Human Rights Watch, “Background,” in *“Illegal People”: Haitians and Dominico-Haitians in the Dominican Republic* (2002), <http://www.hrw.org/reports/2002/domrep/domrep0402-02.htm> (accessed 6 October 2006).
4. For the seminal article on the autonomous nature of the pre-1937 border and local Dominican–Haitian collaboration, see Lauren Derby, “Haitians, Magic, and Money: Raza and Society in the Haitian–Dominican Borderlands, 1900 to 1937,” *Comparative Studies in Society and History* 36 (1994): 488–526.
5. By “ethnic cleansing” I mean the “deliberate, systematic, and forced removal of a particular ethnic group from a specified territory.” See Israel Charny, ed., *Encyclopedia of Genocide*, vol. 1 (Santa Barbara, CA: ABC-Clio, 1999), 215.
6. According to one sixty-eight-year old, one of the handful of Haitians remaining in the outlying areas of Hatillo Palma, “They [Dominicans] arrived at night and started shooting in the air, saying they were guards. When people [Haitians] walked outside, the men started swinging their machetes.” See Peter Prengaman, “Attacks Strain Haitian–Dominican Relations,” *Chicago Sun-Times/Associated Press*, 11 June 2005.
7. At the time, the running debate between human-rights and government officials centered on the use of deportations. Human-rights officials denounced the arbitrary deportations of entire communities following the Maritza Núñez murder; conversely, immigration and local-government officials argued that the deportations were necessary to save Haitians from vigilante mobs seeking revenge. The mayor of Hatillo Palma, Joselín Espinal, asserted that she personally authorized the vehicles to transport Haitians from the town to avoid a massacre: “No me arrepiento de haber socorrido a los Haitianos, ya que si no eran auxiliados, los muertos se iban a contar por muchos [I do not regret saving the Haitians because if not, many dead people would be counted].” See “Opina solo el tiempo resolverá problema haitianos en Hatillo,” *El Nacional*, 13 May 2005, www.elnacional.com.do (accessed 13 May 2005).
8. I have changed the names of the Haitians and Dominican-Haitians for their protection. Solidaridad Fronteriza is a community border organization headed by Father Regino Martínez. See Solidaridad Fronteriza, <http://solidaridadfronteriza.blogspot.com/> (accessed 6 October 2006).

9. "Pedro," interview with the author, Batey Libertad in Valverde Mao, May 2005.
10. See HRW, *Illegal People*, para. 5.
11. Father Jesus Alvarez, interview with the author, Enriquillo, Dominican Republic, 1 June 2005.
12. "Inacceptable" (editorial), *El Nacional*, 13 June 2005, 10 (my translation).
13. For the timeless and classic history of the Haitian Revolution, see C.L.R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution*, 2nd ed. (New York: Vintage, 1963).
14. Frank Moya Pons, *The Dominican Republic: A National History* (New York: Hispaniola Books, 1995), 106.
15. *Ibid.*, 112.
16. According to Pedro San Miguel's insightful book on Dominican intellectual history, "the separation from Haiti was a reactionary movement in defense of Spanish culture, which had been threatened by the measures imposed by the [Haitian] occupiers . . . The struggle against Haiti was the crucible in which the Dominican nation was formed." Pedro San Miguel, *The Imagined Island: History, Identity, and Utopia in Hispaniola* (Chapel Hill: University of North Carolina Press, 2005), 56.
17. Indeed, the first Dominican national anthem of 1844 began with the words "To arms, Spaniards!" and contained no reference to Dominicans. But in this anthem, the seeds of anti-Haitianism are evident: "¡No hay piedad! El haitiano insolente,/ penetrando hasta nuestros hogares,/ profanó nuestros templos y altares . . . [There is no mercy! The arrogant Haitian, penetrating even our own homes, disrespecting our temples and altars . . .]" See Félix Maria Del Monte, "Canción Dominicana," <http://www.jmarcano.com/mipais/cultura/poesia/himno1.html> (accessed 6 October 2006).
18. See Pons, *The Dominican Republic*, 210–18.
19. The most comprehensive document-based source that examines the question of the massacre and the casualty rate is Bernardo Vega's two-volume *Trujillo y Haiti*. In Volume 1, Vega concurs with both Haitian diplomat Jean Price-Mars and Haitian President Elie Lescot that 12,136 people were killed and 2,419 injured during the massacre (vol. 1, 386). Interestingly, a few years later, after reviewing vague US diplomatic sources, Vega would revise and subsequently decrease his casualty numbers, stating that only 4,000 to 6,000 people had been killed during the massacre (vol. 2, 347). Bernardo Vega, *Trujillo y Haiti*, vol. 1: 1930–1937 (Santo Domingo: Fundación Cultural Dominicana, 1988); vol. 2, 1937–1938 (Santo Domingo: Fundación Cultural Dominicana, 1995).
20. PSF Box 70 State: 1937 FDR Library, Hyde Park, NY, 2. Norweb writes that "on three successive nights groups of Haitian men, women and children were herded to the end of the customs wharf at Monte Cristi and there dispatched by the soldiers. They were clubbed over the head and thrown into the sea where the sharks completed the task by destroying the evidence" (3).
21. "Dominican Republic and Haiti, Agreement regarding Frontier Questions and the Settlement of all Disputes resulting from the Events which have occurred during the Last Months of the Year 1937 near the Frontier between the Two Countries," 31 January 1938, *League of Nations Treaty Series* 187, pts. 4328–49, 176 [Haiti–DR Treaty]. Four years later the Dominican government continued to deny responsibility for the massacre, stating that it was "caused by bands of Haitian marauders that have always roamed around the border regions, raiding Dominican territory and depriving native farmers of the fruits of their toil." See Consulate of the Dominican Republic, "Bulletin of Information on Dominican–Haitian Border Incidents" (New York, 1941), 2.
22. Haiti–DR Treaty, *ibid.*
23. The lack of sites dedicated not only to the memory of events surrounding the 1937 massacre but to Dominican and Haitian collaboration is tragic. A nation like the Dominican Republic, which embraces globalization and democracy, is still slow to preserve this neglected past. With a little help, however, the Dominican Republic could engage its past more forcefully. For example, the International Coalition of Historic Site Museums

of Conscience “is a network of historic sites remembering struggles for democracy from centuries ago to the recent past Whether it interprets great good or great evil, whether it preserves a cultural or an environmental resource, a historic site has unique power to inspire social consciousness and action. By opening up new conversations about contemporary issues in historical perspective, historic sites can become new town halls, central to civic life and democracy.” See the International Coalition of Historic Site Museums of Conscience, “About the Coalition,” <http://www.sitesofconscience.org/eng/about.htm> (accessed 6 October 2006).

24. Many times, during these deportations, Dominicans I spoke with—from farm workers and maids to taxi drivers, students, and teachers—mentioned the 1937 massacre in arguing how unchecked immigration could lead to a viable repetition of these violent policies.
25. Charny, *Encyclopedia of Genocide*, vol. 1, 255.
26. “Tropas elite patrullaran la frontera,” *Hoy.com*, 28 November 2002, www.hoy.com.do (accessed 28 November 2002). An interview I conducted in December 2003 with the ultranationalist and influential Dominican congressman Pelegrín Castillo, the border was mentioned as the weakest point of Dominican sovereignty; Castillo even managed to connect anti-Haitianism with Al-Qaeda. According to him, “when Osama Bin-Laden decides to take a vacation in the Caribbean, he is going to come in through the Dominican–Haitian border.”
27. Between August and December 2004, 3,264 Haitians were arrested at the border and deported. See “Reclaman drasticidad contra los traficantes de haitiano,” *Listin Diario*, 28 January 2005, www.listindiario.com.do (accessed 28 January 2005); also see “Apresan mas de 400 haitianos mediante ‘Operación Vaquero,’” *Diario Libre*, 14 December 2004, www.diariolibre.com (accessed 14 December 2004).
28. Joaquín Balaguer, *La isla al revés* (Santo Domingo: Librería Dominicana, 1983).
29. Congressman Pelegrín Castillo, interview with the author, Santo Domingo, Dominican Republic, 8 December 2003.
30. See Jared Diamond, “One Island, Two Peoples, Two Histories: The Dominican Republic and Haiti,” in *Collapse of Empire: How Societies Choose to Fail or Succeed*, by Jared Diamond, 329–57 (New York: Viking, 2005). For a recent, informative, and moving journalistic account of Haiti’s environmental situation, see Tim Collie, “All Haiti Is Being Destroyed”; “It’s an Unnatural Disaster, a Man-Made Disaster”; “We Know That This Is Destroying the Land, But Charcoal Is What Keeps Us Alive”; and “Haiti: The World Doesn’t Have Any Idea How Bad the Situation Is Getting,” *The South Florida Sun-Sentinel*, 7 December 2003.
31. Ervin Staub, “Predicting Collective Violence: The Psychological and Cultural Roots of Turning against Others,” in *Collective Violence: Harmful Behavior in Groups and Governments*, ed. Craig Summers and Eric Markusen, 195–209 (Lanham, MD: Rowman & Littlefield, 1999), 202.
32. “Hallan cadáveres de dos haitianos en vía,” *El Nacional*, 12 May 2005, www.elnacional.com.do (accessed 12 May 2005).
33. See “Policía investiga muerte haitiano Pedernales,” *El Nacional*, 25 May 2005, www.elnacional.com.do (accessed 25 May 2005).
34. See Minority Rights Group International, “Dominican Republic Warned of Ethnic Cleansing Charge,” ReliefWeb, 18 May 2005, <http://www.reliefweb.int/rw/RWB.nsf/db900SID/ACIO-6CHKYP?> (accessed 6 October 2006). According to the MAR (Minorities at Risk) Project, which monitors 284 ethnic groups whose population exceeds 500,000, “future abuses and social discrimination against Haitians seems likely. Haitians are likely to be deported and utilized as seasonal laborers.” See MAR, “Assessment for Haitian Blacks in the Dominican Republic,” 31 December 2004, <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=4201#risk> (accessed 6 October 2006).
35. Since dark skin is the major criterion for being targeted for deportation, any black person is subject to roundups. During the meeting, therefore, deputy immigration director Juan Isidro Pérez told students, “From today forward you all can walk without fear through our

- streets but we advise you to carry your personal documents and the ID that accredits you as university students” (my translation). See “Haitianos reclaman garantías,” *Hoy.com*, 15 June 2005, www.hoy.com.do (accessed 15 June 2005).
36. The lone survivor, twenty-year-old Bernius Pierre, told authorities that “one of the attackers wore a police uniform and had a shotgun.” See “Dominican Republic promises probe of Haitians’ deaths,” 25 August 2005, <http://www.alertnet.org/thenews/newsdesk/N25571232.htm> (accessed 25 August 2005).
 37. “Haiti Recalls Envoy over Deaths,” BBC News Online, 26 August 2005, <http://news.bbc.co.uk/2/hi/americas/4188322.stm> (accessed 6 October 2006).
 38. Of the nine reported Haitian murders, three are emblematic of these crimes. First are the deaths of two Haitians electrocuted near Santo Domingo after unknown persons booby-trapped their house, as documented in interviews by MUDHA in Santo Domingo. (MUDHA is headquartered at Calle Pedro A. Lluberes No. 1, Gazcue, Santo Domingo, República Dominicana.) Second is the murder, rape, and dismemberment of a seven year-old girl, Siliana Marcolé Pié. She suffered several bodily injuries including a stab wound to her vagina, and, sadistically, her eyes were removed. See “Matan, mutilan niña haitiana,” *El Nacional*, 22 September 2005; MUDHA also has its own investigative field notes. Third, in the same month, are the two Haitians who were shot, and their bodies thrown off a bridge, in the neighboring city of Santiago. One newspaper article states that “this zone has been very sensitive with respect to the topic of Haitians since the murder of the woman in Hatillo Palma, whose death was attributed to Haitians. The situation unleashed a movement of vengeance that had national repercussions.” See “Encuentran cadáveres de 2 hombres en Jamao,” *Diario Libre*, 23 September 2005, <http://www.diariolibre.com/app/article.aspx?id=44595> (accessed 6 October 2006).
 39. “The police and military quickly began detaining dozens of suspected Haitians, ostensibly for their own protection. As many as 250 were arrested in Mao, Jaibón and other towns in Valverde, according to one report, and 200 agricultural and construction workers of Haitian origin were deported from the cities of Moca and Santiago further east.” “New Attacks on Haitians,” Resource Center of the Americas Update #810, 7 August 2005, http://www.americas.org/item_21125 (accessed 6 October 2006).
 40. I happened to arrive in the town of Villa Trina two weeks after this attack. The scene was surreal; it looked as though a bomb had exploded. Charred debris was everywhere. According to Dominican locals and relatives who accompanied me to the site, the enraged crowd resembled a sea of people descending upon the town, destroying everything in their wake. People who see the photographs I took are shocked at the destruction. See “Ten Haitians Killed?” Resource Center of the Americas Update #828, 12 December 2005, http://www.americas.org/item_23632 (accessed 6 October 2006).
 41. I would like to thank Dr. Ibrahim Sundiata for the perspicacious observation that the 1937 massacre of Haitians represents the largest and most concentrated twentieth-century collective lynching of black people in the Americas.
 42. See EQUIPO ONE-RESPE, *Informe de Investigación acerca del prejuicio antihaitiano en la ciudad de Santiago, de la Republica Dominicana: un aporte a la comprensión y al acercamiento de dos pueblos* (Santo Domingo: Centro de Estudios Sociales Padre Juan Montalvo, S.J., 1994), 18.
 43. See Kevin Reilly, Stephen Kaufman, and Angela Bodino, introduction to Part 2, “Toward a Definition of Racism: Some Test Cases,” in *Racism: A Global Reader*, ed. Kevin Reilly, Stephen Kaufman, and Angela Bodino, 15–44 (New York: M.E. Sharpe, 2002), 15.
 44. See Howard French, “Santo Domingo Journal, His Two Burdens: Haiti and Balaguer,” *New York Times*, 14 April 1994, A4. Incidentally, the main airport in the Dominican Republic’s capital of Santo Domingo was recently renamed Dr. José Francisco Peña Gomez Airport.
 45. See “Invisible Dominicans,” DR1 Daily News, 28 March 2005, http://dr1.com/news/2005/jan_mar_05.shtml (paid access).

46. "Ethnic Haitian children who are born in the Dominican Republic are routinely denied Dominican birth certificates, the principal form of proof of citizenship used for minors. At hospitals, undocumented parents are typically unable to obtain 'maternity papers' (*papeles de maternidad*) that attest to the date and location of their children's birth. Some hospitals have facilities for registering births and issuing birth certificates, but these services too are frequently denied undocumented Haitians." Human Rights Watch, "Citizenship and Proof of Dominican Identity," in *"Illegal People": Haitians and Dominican-Haitians in the Dominican Republic* (2002), http://www.hrw.org/reports/2002/domrep/domrep0402-04.htm#P444_94766.
47. See Silvio Torres-Saillant, "Para legislar la crueldad," *Rumbo*, 10 July 2000, 56.
48. *Ibid.*
49. See "Quince haitianas parieron en un día en hospital Santiago," *El Nacional*, 22 July 2004, www.elnacional.com.do (accessed 22 July 2004).
50. *Ibid.* One anti-Haitian reader wrote to the newspaper as follows: "Be careful if you give Dominican citizenship to those people; you have to put them in a truck and send them to the other side now that it is easy to catch them so that they won't do harm afterwards. Long live Duarte and the Dominican Republic." (Juan Pablo Duarte was the founding father who helped usher in Dominican independence in 1844.)
51. Constitución Política de la República Dominicana de 2002, title III, s. I, art. 11, <http://www.georgetown.edu/pdba/Constitutions/DomRep/domrep02.html> (accessed 6 October 2006).
52. HRW, "Citizenship and Proof of Dominican Identity."
53. See *Las Niñas Yean y Bosico v. República Dominicana*, Sentence, Corte Interamericano de Derechos Humanos (8 September 2005), http://www.corteidh.or.cr/docs/casos/articulos/seriec_130_esp.pdf (accessed 18 October 2006).
54. "Dominican Republic Told to Give Haitians Documents," *Miami Herald*, 14 October 2005, 12A.
55. See "Estiman radical fallo Suprema," *El Nacional*, 18 December 2005, www.elnacional.com.do (accessed 18 December 2005). For the complete Dominican Supreme Court ruling in Spanish, see <http://www.suprema.gov.do/novedades/sentencias/inconstitucionalleydemi-gracioncertificada.htm> (accessed 6 October 2006). For a brief but excellent legal synopsis of the development and impact of the 2005 Inter-American Court ruling in the Dominican Republic, see David C. Baluarte, "Inter-American Justice Comes to the Dominican Republic: An Island Shakes as Human Rights and Sovereignty Clash," *Human Rights Brief* 13, no. 2 (2006): 25–38, <https://www.wcl.american.edu/hrbrief/13/2baluarte.pdf?rd=1> (accessed 6 October 2006).
56. See Roger Plant, *Sugar and Modern Slavery: A Tale of Two Countries* (London: Zed Books, 1987). "The Haitian workers, then as now, typically live in bateyes—company towns located within the sugar plantations. Some have electricity. Most lack running water. There are no phones, no playgrounds, and no mattresses on many of the rickety beds. The workers earn, typically, the equivalent of \$2.50 a day, out of which they often must pay a percentage for company social security and pension funds—money, they say, they never see again." Danna Harman, "Haitian Cane-Cutters Struggle," *Christian Science Monitor*, 1 February 2006, <http://www.csmonitor.com/2006/0201/p13s02-woam.html> (accessed 6 October 2006).
57. See Gary Younge, "Haitian Children Sold as Cheap Labourers and Prostitutes for Little More Than £50," *The Guardian*, 22 September 2005, <http://www.guardian.co.uk/international/story/0,1575268,00.html>. In Haiti, those children who work as domestics are called *restaveks*. "This centuries-old practice places children, called 'restaveks' (derived from the French words 'rester avec' meaning 'to stay with'), in situations that sometimes lead to exploitation. Although many restaveks receive adequate care, some are placed in slave-like conditions and are subject to violence, threats and other forms of physical and mental abuse. To a lesser extent, restaveks are sent to the United States, France, Canada and the Dominican Republic." US State Department, "Country Narratives: Countries H

- through P,” in *Trafficking in Persons Report* (2002), <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm> (accessed 6 October 2006).
58. For background on the Dominican smuggling tragedy, see “Confusion, Panic in the Deaths of 24 Haitians,” *Dominican Today*, 12 January 2006, <http://www.dominicantoday.com/app/article.aspx?id=9198> (accessed 6 October 2006). For the Mexican crossing see Jorge Ramos, *Dying to Cross: The Worst Immigrant Tragedy in American History* (New York: HarperCollins, 2005).
59. Council on Foreign Relations, “CPA Action Plan for Preventing Ethnic Violence in Indonesia” (transcript), 3 March 1998, http://www.cfr.org/publication/3217/cpa_action_plan_for_preventing_ethnic_violence_in_indonesia.html (accessed 6 October 2006).
60. Luis Dalmau, “Leonel ve RD al borde colapso económico,” *El Nacional*, 8 November 2003. In the same interview, President Fernandez went on to say that Haitians “constitute a threat to Dominican national security.”
61. Interestingly, there are many non-Haitians, such as Germans, who are a threat to the nation but who, because they are white and viewed as tourists, are not stigmatized as criminals. According to one article citing a German Federal Criminal Police Office (BKA) official, the Dominican Republic “has become a ‘retirement zone for criminals’ sought by authorities for drug trafficking, pedophilia, fraud or tax evasion, among others. According to the sources, the lax entry conditions applied in the Dominican Republic makes it easy for criminals to mingle with more than 30,000 German residents in the country.” See “D.R. is Haven for German Criminals,” DR1 Daily News, 30 September 2005, www.dr1.com (paid access).
62. Frank Viñals, “Kosovo y Haiti,” *Listin Diario*, 3 March 1999, 6A.
63. See R.A. Font Bernard, “‘Ellos’ y ‘nosotros,’” *El Hoy*, 13 August 2004, 17.
64. Adriano Miguel Tejada, “¿Albano-Kosovares = haitianos = barahoneros?” *Rumbo*, 12 April 1999, 45. In a letter to the head of the Dominican Armed Forces, the economist Pedro Manuel Casals Victoria wrote that “if we do not act in a quick and convincing manner, a bloody conflict will be provoked between Haitians and Dominicans to justify a collective UN intervention and create a Kosovian solution . . . as a citizen of the Republic, I exhort you to act with efficiency without delay, and if necessary, to expel all the Haitian invaders and return them to their territory.” “Aboga repatriación masiva de haitianos,” *El Nacional*, 3 February 2005, www.elnacional.com.do (accessed 3 February 2005).
65. Joaquín Ricardo, “Un documento para la comprensión de la problemática dominico-haitiana,” *Listin Diario*, 16 March 1997, 9A. The president of one of the most important and conservative political parties was quoted in a newspaper as saying that because of a failed immigration policy, the nation has become “a storehouse of undocumented Haitians . . . Understand that between us, the government, businesspeople, politicians and civil society, we have to coordinate a migratory policy that defends the interests and sovereignty of Dominicans.” “Quique dice RD es un depósito de haitianos,” *El Nacional*, 11 October 2005, www.elnacional.com.do (accessed 11 October 2005).
66. José Miguel Soto Jimenez, “Grave amenaza,” *El Hoy*, 23 April 1999, 17. The rhetoric of a “Haitian threat” is also seen in the tourist industry, where the “president of the National Council of Borders, Radhamés Batista, said he is alarmed at the Haitian penetration and its presence in the tourist centers of Bávaro and Puerto Plata, which comprise 80% of the labor and are in violation of the Work Code” (my translation). “Haitianos se adueñan trabajo en el turismo,” *Hoy.com*, 5 July 2006, www.hoy.com.do (accessed 5 July 2006).
67. For Santana and others, if Haitians are not deported, their increasing numbers will destroy the Dominican environment until it is much like Haiti’s. See “Santana apoya repatriación haitianos,” *El Siglo*, 3 February 1997, 5.
68. “Oberti estima que las repatriaciones deben ser tratadas con sensibilidad,” *Listin Diario*, 5 February 1997, 14A. Even diplomats, including the former French ambassador to Santo Domingo, Jean Claude Moyret, whose own nation is partly responsible for Haiti’s current economic and political malaise, stepped into the national immigration debate, saying Dominican Republic could not support more Haitian refugees due to the political

- collapse in post-Aristide Haiti. See “Enviado France dice RD no puede recibir refugiados,” *El Nacional*, 24 February 2004, www.elnacional.com.do (accessed 24 February 2004).
69. Bernardo Vega, “Las deportaciones civilizadas de haitianos,” *Listin Diario*, 8 August 1995, 6. Among government officials there is a general pro-deportation sentiment, and an alarmist knee-jerk reaction against the rise in the Haitian population. For example, Dominican Secretary of Labor José Ramón Fadul was quoted as saying that his government is trying to “de-Haitianize” the country, as a way to reduce Haitian manual labor. See “Fadul: Gobierno trata de ‘deshaitianizar’ el país,” *Listin Diario*, 4 April 2005. For alarmist reaction among Dominican elected officials fearing that “in a few years, we will all be Haitians” as a result of unchecked immigration along the border, see “Autoridades estiman alarmante la entrada de ilegales haitianos,” *Listin Diario*, 27 January 2005.
70. Vega, “Las deportaciones civilizadas,” 6.
71. Miguel Martínez, “Councilmember Martínez and advocates call for protection of the human rights of Haitians in the Dominican Republic,” news release, 25 July 2005, www.councilmembermartinez.org/forms/Release_HaitianHumanRights7_2005.doc. Also see Edwidge Danticat and Junot Diaz, “The Dominican Republic’s War on Haitian Workers,” *New York Times*, 20 November 1999.
72. “In 2004, PADF began an important new initiative along the Haiti-Dominican Republic border designed to bolster ties between the two countries and improve living conditions on both sides of this traditionally conflictive zone. Through a five-year USAID grant, the Frontyè Nou – Nuestra Frontera (Our Border) program is building institutional capacities of 110 Haitian and Dominican non-governmental organizations to deliver vital community services in health, education, human rights, agriculture, natural resource management, women’s development, and disaster assistance.” Pan-American Development Foundation, “NGO Capacity Building,” http://www.padf.org/portal/alias_Rainbow/lang_en/tabID_3502/DesktopDefault.aspx (accessed 18 October 2006).
73. On my trip to Berlin in December 2004, I could see how post-1945 Germans used architecture to remember their past. I wondered why there were no Dominican symbols or monuments commemorating the 1937 Haitian Massacre. What was more startling was how Germans my own age understood that, although they were not alive during the Holocaust, it was nevertheless their legacy. In the Dominican Republic, there is no collective feeling of accountability for the massacre of 1937. Neither have Dominicans been taught that they bear responsibility for this crime, or that there is no moral statute of limitation on their reprehensible past.
74. For the sake of preserving Latin-American solidarity and the Good Neighbor Policy, President Roosevelt failed to scorn Trujillo, either publicly or privately. All was forgotten when the United States entered World War II against Germany and Japan, allowing Trujillo to conveniently declare war against the Axis Powers. For Roosevelt’s Good Neighbor Policy in the Dominican Republic, see Eric Roorda, *The Dictator Next Door: The Good Neighbor Policy and the Trujillo Regime in the Dominican Republic, 1930–1945* (Durham, NC: Duke University Press, 1998), 127–48. Sadly, President Roosevelt’s failure to intervene in the massacre, let alone punish Trujillo and his government, is consistent with the way in which various US governments in the twentieth century were consistently slow and silent in reacting to genocides. See Samantha Power, “A Problem from Hell”: *America and the Age of Genocide* (New York: Perennial, 2002), xvii.
75. In El Mozote in 1981, Salvadorean soldiers of the Armed Forces massacred nearly 800 people in their war to eradicate the country’s Communist insurgency. See Ian Urbina, “OAS to Reopen Inquiry into Massacre in El Salvador in 1981,” *New York Times*, 8 March 2005, A7. Near the end of World War II in Trieste, Italy, “Communist partisans from neighboring Yugoslavia rounded up Italians in anti-Fascist raids and condemned them to execution by firing squads. Between 5,000 and 15,000 people were shot and dropped into the pits of the Carso mountain range. Some were alive when they were forced into the

- ditches.” Jason Horowitz, “Italy Belatedly Recalls Thousands Killed in World War II Massacre,” *New York Times*, 13 February 2005, N7.
76. Benedict Anderson, “Indonesian nationalism today and in the future,” *New Left Review*, May/June 1999, 18.
 77. Frank Bruni, “In Benetton’s hometown, colors are not united,” *New York Times*, 27 September 2002, A4.
 78. In early December 2003, I conducted twenty-five video interviews for a larger project with Dominicans of Haitian descent in Santo Domingo. I would like to thank Sonia Pierre, executive director of MUDHA, who was gracious enough to introduce me to the Dominican-Haitian community.
 79. Sonia Pierre, video interview with the author, Santo Domingo, Dominican Republic, December 2003.
 80. See Soto Jimenez, “Grave amenaza.”
 81. The question of access to and jurisdiction over water supplies is not limited to the Dominican Republic but will be a major global issue in the next fifty years. At an August 2004 World Water Week Conference in Stockholm, Sweden, Professor William Mitsch of the Department of Natural Resources at Ohio State University stated, “I don’t know what will shake these regions out of complacency other than the fact there will be droughts, pestilence and wars that break out over water rights.” “Scientists Say Risk of Water Wars Rising,” Science Reuters, 23 August 2004, www.news.yahoo.com/news (accessed 18 October 2006).
 82. World Bank, “Caribbean: World Bank Approves \$155 Million to Support Programs to Fight HIV/AIDS,” news release no. 2001/412/LAC, 28 June 2001, <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/DOMINICANEXTN/0,,contentMDK:20014469~menuPK:337789~pagePK:2865066~piPK:2865079~theSitePK:337769,00.html> (accessed 18 October 2006). In Haiti, HIV/AIDS affects 5% of the population. As of 2001, 200,000 Haitian children have been orphaned by AIDS. “The Dominican Republic has 120,000 people living with AIDS (PLWAs), nine times the total number of reported cases. About 20,000 people have died from AIDS in the past decade. HIV/AIDS is the leading cause of death among women of reproductive age. Prevalence is highest (5% of adults) among low-income groups that include many Haitian immigrants living in rural communities and working on sugar-cane plantations.” Patricio V. Marquez, “Dominican Republic HIV/AIDS Prevention and Control Project,” World Bank, <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20221525~pagePK:116743~piPK:36693~theSitePK:4607,00.html> (accessed 20 October 2006).

The Restless World of Leonardo Alishan (March 1951-January 2005): A Burnt Offering on the Altar of the Armenian Genocide

Rubina Perroomian

In his short career as a writer, poet, and literary critic, Leonardo Alishan left a rich literary legacy, a legacy that is not widely known. This article attempts to shed light on an important segment of his literary output: his creations in the genre of genocide literature. Alishan was a third-generation survivor of the Armenian Genocide, the inheritor of his grandmother's devastating memories, living in the grip of the nightmare of the Catastrophe, never able to transcend it. The ever-present pain that dragged his grandmother from one mental hospital to another reverberated in his literary work, painting a microcosm of a victim nation's suffering. As an artist in pursuit of beauty in art, Alishan faced the challenge of overcoming the chaotic world of genocide for the sake of order and perceptual harmony. He was not able to solve, and no one has, the dichotomy between the fragmentation forced upon his art as the characteristic of genocide literature and coherence as a condition of beauty in art.

“The Lady-Bug and the Persian Rug,” a story depicting a post-mortem dialogue between the author and his dead grandmother, begins with this touching testimony: “Granny had four grandchildren, but she couldn’t very well divide herself into four parts. So she chose me. After all, when a house burns down, everyone doesn’t necessarily burn with it. I got burned when I was about nine years old.”¹

At first reading, I believed this to be a gloomily pictorial metaphor for Leonardo Alishan’s life and his existence, a burnt offering on the altar of the memory of genocide. Now, years later, the story sounds dreadfully sinister. Was this a macabre prediction of a torturous end befitting a torturous life?

Alishan described himself as an Armenian Iranian American, in that order, when prodded to speak about his intellectual identity. He was indeed an Armenian Iranian American writer, poet, and literary critic. He wrote in English and in Persian, but mostly in English, and he dreamed, loved, and yearned in Armenian. He always had difficulty defining his identity: who he was, or, as he wrote, what he was, and why he chose to write in English. In a poem significantly titled “Refuge,” he writes,

I need structure
I need form

when the poet is a mad Armenian priest
when the poet is a drunk Iranian cleric

I need clean English
I need Alexander Pope.²

The English language was a refuge to shelter him from the torrential flow of the emotionally laden Armenian and Persian poetic traditions. But it must have been more than that. It was Alexander Pope's fascination with classical tradition and its literary giants that inspired Alishan and guided his own creations: disciplined, concise, with no need for ornaments to hide his want of art, as Alexander Pope would say. "Words are like leaves, and where they most abound/Much fruit of sense beneath is rarely found," Pope advised poets,³ and Leonardo Alishan followed that advice.

Alishan was born to Armenian parents in Tehran and immigrated to the United States in 1973 to pursue higher education. With a PhD from the University of Texas (1981), he taught Persian literature and comparative literature at the University of Utah, Salt Lake City, from 1978 to 1997. He married and had three children. But in the last years of his life he lived alone with his ailing mother, who died a few months before he did. His wife had divorced him and lived in Los Angeles with the children. His family life of nineteen years was shattered, his nest ruined, and he was thrown into a life of ephemeral love affairs and alcohol.

One pillow on my bed
after nineteen years
only one pillow on my bed
filled with nineteen thousand feathers
from the wings of nineteen thousand birds
flown from your hair.⁴

But that was only the circumstantial or physical outcome. This deadly blow in his life had caused a "metaphysical discontinuity," alienating him from the natural world, from everything but the self. In memoriam for Vahé Oshagan⁵ he wrote, "When the self also becomes a complete stranger, the result is madness."⁶ How ironic, as, at times, Leonardo truly was a madman. But were those not the moments when his creative volcano was erupting? Quoting Michel Foucault's observation, it is Leonardo for Vahé again: "Where there is a work of art, there is no madness."⁷ And Leonardo's works are truly literary gems.

His poetry, fiction, and essays were published widely in national and international journals. His two collections of poetry, *Dancing Barefoot on Broken Glass* (1991) and *Through a Dewdrop* (2000), earned him fame and recognition. He also translated a number of contemporary Persian poems by Nima Yushij, Mehdi Akhavan-Sales, Ahmad Shamlu, and others into English. He was fascinated with Persian poetry, rich with cultural, mythological, and Islamic elements. He was proud of Persian history and heritage, a heritage he grew up with and longed for in his voluntary exile after the Iranian Revolution. He joined poetry-reading sessions with fellow Persian poets, refugees like himself, whose poetry, like his, was full of rage and fury reflecting a deep-seated frustration:

For we bite the hand that feeds us!
But know that if we do
it is only because we still remember
after thousands of years, days
when we did not need
to seek safety away from home,
nor to be fed.⁸

Alishan lived with his memories of an innocent childhood in the beautiful Iran of yesteryear. These memories took on an exaggerated aura, becoming increasingly more

beautiful and enticing: “Exile is the master surgeon of the past. It consistently and continuously works on improving the appearance of the past. Until after a quarter of a century, the past becomes as distant and as beautiful as the Garden of Eden itself.” (The piece from which these words are drawn is curiously titled “Salomé’s Scars.”)⁹ He never ceased dreaming about Isfahan and the richness of its cultural heritage, a city that embodied all the sweet, innocent memories of a carefree childhood. Isfahan was a haven, Iran a paradise:

Hell was not in Isfahan,
Nor longing. Nor death

...

Grape leaves: green hands
made emerald with sunlit rain,
memories crystallized
into clusters of gems”¹⁰

Instead of entering into a thorough review of Alishan’s literary legacy, this article will only highlight his output in the genre of genocide literature, as, above and beyond his homesickness and yearning for his birthplace, Alishan was a third-generation survivor of the Armenian Genocide, one who lived in the grip of the nightmare of the Catastrophe. He was never able to transcend—or, rather, never tried to transcend—the tragedy that was his grandmother’s, the tragedy that became his fate at the age of nine. And he struggled in vain to tell the world the story of that colossal tragedy, his grandmother’s story. “The artist is caught between serving his art and convincing people of his own people’s collective catastrophe. He plays both the role of the detached artist and the passionate propagandist. Consequently, there is a chaotic confusion of genres and roles, resulting in a frustrated failure,” he confessed during an emotional presentation at a 1989 conference at UCLA dedicated to the Armenian Genocide.¹¹

This presentation was strangely titled, “An Exercise on a Genre for Genocide and Exorcism.” To strive to find a proper genre for artistic expression in genocide literature is quite understandable; but why “Exorcism”? What kind of action did Alishan have in mind, and what was he trying to achieve by that action? He speaks of this again in a story even more strangely titled “The Lady, the Demon, and the Little Exorcist,”¹² which returns to his special bond with his grandmother: “Granny was also mother to me. She was my caretaker, my beloved, my teacher, as well as my guardian angel.” He recalls the day when his grandmother told him her story for the first time. From then on, he admits, he lost his innocence; he was possessed. “The Genocide had entered my heart and mind. It flowed in my blood and covered my soul. My soul henceforth became as red as Granny’s scarf had been when she was fourteen. I now fully felt the presence of that Demon in my life. I still do.” An anonymous eleventh-century Persian text on exorcism provided him with the answer to his suffering. “Maybe by telling me she had exorcised the Demon and I, by hearing her, by just being there, had become the new host. Maybe all the poems, stories, essays I have written on this subject are my feeble attempts at exorcising myself. All I know for a fact is that I have failed.” Writing did not release him, did not offer catharsis. The Demon continued to live with him, within him: “Writing relieves me momentarily,” he writes in that same story, “as drinking did before it became fuel for the Demon. But writing does not scare the Demon away.” Critics with a psychological approach to literature would argue the opposite and emphasize the cathartic nature of writing, especially writing about a collective traumatic experience. In fact, writing about such experiences allowed ancient and

medieval Jewish prophets and scribes and Armenian historiographers to explain historical catastrophes and to reach catharsis for themselves and their readers. For Alishan, such a catharsis was never reached. The Demon of the memories of the genocide never loosened its grip on his soul.

In "The Lady-Bug and the Persian Rug," Alishan speaks of the heavy burden of his "mission" to tell his grandmother's story. She and one of her brothers were the only members of their family who survived, having left sixty-two relatives dead on the road of deportation in the Syrian Desert. Alishan grew up with the horrible stories of how Granny's family members perished, but it was the story of the red scarf that made the deepest impact on his psyche. His grandmother, Gayané, was only fourteen at the time of the experience, and after that she stopped living. The torture, the devastating memories of that dreadful trek, haunted her all her life. She "stopped being a girl and became the statue of Guilt." She cried when she was alone, or when she thought she was alone, as Leonardo remembers, and was periodically taken to a mental clinic for rehabilitation. Leonardo was only nine years old when she chose to tell him why she was so miserable and why she cried all the time:

One day the Turkish captain rode past her on a dappled horse. She was wearing a red scarf which was her most cherished possession. The captain said, 'Tonight I will come for you.' An old woman told Granny to throw her scarf away. She did. That evening she saw the captain ride away with a girl who had picked up Granny's red scarf and had worn it. The captain returned without the girl. Granny cried tears of relief on that night for which she paid with tears of remorse for the rest of her life.¹³

The theme of shame and remorse for having survived at the price of others' deaths is a rare occurrence in Armenian Genocide literature, but, curiously, one encounters these ever-torturing feelings in oral interviews of survivors. Perhaps these are raw, untreated emotions that subside in literary responses to genocide.

Alishan's strongest literary creations are about his "Granny" and "bearing witness to her agony." He shares her agony; he is a part of it.

I try to be a spectator of that tragedy which culminated in a London hospital room in 1978 where Granny saw Turkish horsemen around her bed before she died. But, alas, I am not the spectator. I am a character caught in that play which never, never, never reaches its equilibrium.¹⁴

"Gayané, the living martyr," as he pictures his grandmother, governs his life and his emotions. She is a constant presence in his dreams, in his waking thoughts. It is through his grandmother that, like most third-generation writers, Alishan sees the Armenian suffering, the Genocide. Similarly, Carol Edgarian, Peter Balakian, and Micheline Aharonian Marcom, among others, have written powerful novels based on their grandmothers' stories. These young writers chose to learn about the dreadful past of their grandparents, a past often covered up and forgotten by their parents. With the distance of time and space from the event on their side, and with acquired skill in the poetics of genocide, they eternalized a fragment of the story of the Armenian Genocide.

"Seventy-five percent of my poems are either about Armenia or Granny. And Granny is the Genocide. She is also Armenia," Alishan notes.¹⁵ His love for Armenia turned into a tangible inspiration when, together with a group of scholars, he traveled to Yerevan in the fall of 1991 to take part in a symposium organized jointly by the UCLA Narekatsi Chair of Armenian Studies and the Yerevan State University Department of Literature, where he presented a paper titled "The Return of the Great Goddess in the Hayrens of Nahapet Kuchak." That experience was both a torturous

and a happy one for him. He was anxious about delivering his paper in Armenian; he was intimidated by the presence of Armenologists who would look down on him for his lack of fluency and his faltering delivery. He correctly anticipated that there would be many know-it-alls in the audience who would not pay attention to the content, the novelty of approach, and the deep insight of his research, who would smile in contempt at his struggle to produce Armenian words. But he had to make that journey; he “had to return to [his] mother.”¹⁶ And he returned. He deeply impressed those Armenian scholars who could see beyond his student-like shyness and simple delivery of the Armenian language.

Alishan fell in love with every stone in Armenia. He was astonished to see an eighteen-year-old Armenian prostitute waiting for clients in a dark and almost empty bar in Yerevan. When she told her sad story, how she had to sell her body for seventy rubles (about two US dollars, at that time) to earn a living, he wept and gave her all the money he had in his pocket.

Leonardo’s choice to present a paper on Nahapet Kuchak’s world of poetry must have been a conscious decision, as he ended his presentation by drawing a parallel between Kuchak’s return to the Mother Goddess of the world of heathen Armenia and his own return to his sacred mother, Armenia. Both their journeys were painful, and the centuries-old longings had remained unquenched.¹⁷ Armenia had revealed herself to him in all her beauty and ugliness, as a reality that had no congruity with the land of dreams he had sung in his many poems dedicated to Armenia. Armenia had been to him “a strange child of love and pain,” his Granny incarnate, everything she represented: “the tears of Granny,” instilling melancholy in his young and innocent soul, “the hands of Granny,” inspiring security and serenity in a frail and timid boy.¹⁸ And now he faced a reality full of life, not of “Broken bridges. Burnt books. / Shells filled with sharp shrieks, / Madmen wandering in tattered shirts/dragging shackled dreams along,” as he envisioned her in “My Armenian History Book.” Armenia had now become, for Alishan, a “private double-edged sword: a painful historical past and a loving utopian future.”¹⁹ She had lost her symbolism to a reality that was appealing and alien at the same time. And Leonardo did not belong to that life: “I now knew, I knew, I knew that I did not belong.”²⁰ Alishan was a Diasporan Armenian, unfamiliar with Soviet Armenian society and the influence of seventy years of Soviet rule on the Armenian lifestyle, outlook, and identity. His experience, however, was not unprecedented. Hakob Karapents, another Diasporan Armenian writer, remembers his first encounter with fellow Armenians in their stormy circle-dance in the story “Haykakan shourjpar” (“Armenian Circle-Dance”). He tries to participate, but the music and the movements come from the depths of the Armenian soil, and he is only a visitor who has lost the rhythm in the streets of America. He is a stranger with awkward movements. He does not belong there.²¹

Alishan’s diffuse and dispirited thoughts reverberate in “From Dream to Reality: Don Quixote with a Dead Horse and Windmills with No Wind,” his travelogue of his first and last encounter with Armenia. “Who was I now?” he asks himself again in this artistic self-analysis and assessment. And the answer is, “A man with an American passport who taught Persian literature and Iranian culture and civilization in an American university, and said I love you in Armenian to his children and dreamt in Armenian.” He reiterates his poem about why he has chosen to write in English. In an interview with Ara Oshagan in 1992, asked where he would place himself among other Armenian poets writing in English, he responded, “My sensibility in poetry is probably

Persian, content often Armenian, expression “American...I know I dream” in Armenian, I teach Persian, write English. What am I, I don’t know.”²²

What he knew for certain was that he “had wrongly sought a sense of security and serenity in an external phenomenon such as Armenia, instead of searching for it within the dark waters of [his] own soul.” He knew why he kept yearning for a sense of belonging, for security and serenity: “I have been homesick in all my homes,” he writes. “I must have been the sick limb of an old god, amputated and dumped into this world.”²³ The reality he discovered in Armenia and his constant search for deliverance did not alleviate the ever-present pain of a traumatic past transmitted to him by his grandmother—the pain of his butchered family, his butchered nation, but, above all, the pain of having a mission to tell the world about that colossal injustice, the genocide, and failing in his mission.

Gayané remained the embodiment of the Armenian Genocide and her story the microcosm of a victim nation’s suffering. She became the omnipotent face of the nation’s suffering, appearing in Leonardo’s poetry as a mad woman who sees Turkish horsemen around her deathbed in a mental hospital in London.²⁴ She is a ladybug living on the Persian rug in his bedroom, talking to him, nagging him about why he is so inept in telling the world her story and about the tragedy that befell her nation.²⁵ She is a hungry tigress ready to consume the Mahasattva.²⁶ She becomes God’s daughter Antigone (Antigone is in fact the daughter of King Oedipus in Greek mythology), as God blinds himself and becomes a wanderer after helplessly watching the Armenian deportations.²⁷ She is the statue of Mary ever burning, ever weeping tears like drops of burning wax, charring his dreams and his consciousness:

In the center of my dream
there is a church of stone in Van
sealed from outside
exhaling screams and smoke from the inside,
its congregation of Armenian folk
replacing the candles with their flesh.
There is a church in my dream
made with the bones of dead gods,
babies and parrots’ prayers;
always, all night, in flames
but never burning to the ground.
And in the church burns a statue of Mary
With my Granny’s face, wax dripping down her eyes
drop by drop, on the skin of my dreams...²⁸

In order to fully grasp the meaning of Alishan’s writings, it is important to know the Bible, in addition to Greek, Persian, and Armenian mythology and classical literature, as well as modern international literature and literary criticism. Alishan made frequent reference to all these sources in parallel or contrasting situations, or simply to draw metaphors. He was a master of all these traditions, yet did not adopt any of them as his own. He searched constantly for the most powerful poetic form. He was not only a master of artistic expression but also strove to reach that ultimate depth of intended effect with the smallest number of words, much like a master painter who can create the mood and effect of a meticulously painted landscape with just a few strokes of his brush. He once wrote about poetry, “A good poetry is a Japanese painting: *Ladies Taking a Stroll on a Summer Day*. We see their kimonos in motion,

hence the stroll; their fans, also in motion, hence summer.”²⁹ He was a master of strong effects in brevity. This is why he was drawn to tanka, haiku, and senryu.³⁰ *Through a Dewdrop*, published in 2000, is a two-part collection of haiku, senryu, and tanka.³¹

The first part of *Through a Dewdrop*, titled “THESE DYING DAUGHTERS,” embodies Alishan’s somber thoughts on a variety of themes. These are three-line poems, mostly haiku and some senryu. Predominant in these poems is the shadow of death casting its pall over the most enchanting images of nature, death as a threat to his rarely achieved peace of mind and serenity, as an invitation to put an end to the unending sufferings, as a temptation to suicide:

death has taken
the day off
to baby-sit me³²

A senryu with a touch of satire for his torturous life:

it's spring, not a time to die
I tell the snowman
and hope he will confirm³³

Or,

a blade of grass
grown through a rock
thwarts thoughts of suicide³⁴

The last haiku at the end of the first part is a return to the mysterious title, “THESE DYING DAUGHTERS.” It brings closure to the obscure psychic complex of emotions of loneliness, of his hopeless love for his one and only wife, of his refuge in the world of alcohol:

incurable disease
these dying daughters
my hands³⁵

His hands are a part of the whole, representing the whole, the Alishan person, the body, the soul, the psyche, tangled in insurmountable hardship, with death as the only salvation.

Then comes a series of five-liners in tanka form in the second part, titled “MY INERT HANDS”; the hand symbol persists. The atmosphere remains the same; the themes are more variegated, more enigmatic, with some insinuating lewd (lascivious) imagery, left to the reader’s interpretation. Some of the tankas are very simple depictions contrasting his complex obsession with life and death:

green green, yellow green
yellow yellow, yellow red
red red
dead
the falling maple leaf³⁶

Others paint the cruelty of this unjust world:

children
silently starving to death
the light in their eyes
as pale as the childhood memory
of a just God³⁷

The tanka entitled “Utilitarianism” reflects the cruelty of his own fate, the sad story of his own family:

mom’s gone to church
the more loved ones she loses
the more she loves God
I feel God loves her love so much
He’s going to take me too³⁸

And again, the last tanka returns to the title and depicts once again the irony of Alishan’s meaningless life:

at night
I change the flint
add lighter fluid to my zippo
and tell my inert hands
at least we have done *something* today³⁹

In *Through a Dewdrop*, thoughts and images converge to form a beautiful tapestry, the extraordinary, the unconventional, the crazy life of a gifted poet. Even in this unfamiliar new form, as his reviewers Jane and Werner Reichhold attest, “he remains true to his heritage and background by bending the spirit of the form to fit him instead of folding himself and his impressions into Japanese poetry.”⁴⁰

Why this fascination with these Japanese forms of poetry? Perhaps it was a drive to try his hand at a borrowed genre in American poetry in which very few had succeeded, to show his talent and flexibility to adapt to any mold to pour out his thoughts, to create. It is more plausible, however, to think that what attracted Alishan to these genres was the challenge of poetic expression *par excellence*. I compare this motivation to the Armenian literary trend of composing quatrains in the late nineteenth century. It is not easy to mold one’s thoughts, didactic, philosophic, or purely emotional, in four lines; it took a Hovannes Tumanian to achieve it. Haiku, tanka, senryu, or quatrain, Alishan’s poetry is always concise, without a superfluous word, always focused, always to the point. Remove a word, an adjective, a metaphor, and the structure will collapse. His fascination, however, goes beyond the form. On a photocopied page of a tanka poem titled “Kingfisher,” composed of five separate five-liners, published in the *Tanka Journal* of Tokyo in 2000,⁴¹ he jotted down in Farsi, “Each one (each five lines) is a separate poem; yet, in a whole, they carry common denominators. Important is the theme of literature and visual arts of the Far East.”

Alishan remained obsessed with the untold story of the Armenian Genocide. He remained obsessed with the love, the fate, the horrible stories of human suffering. He was a humanitarian, a sensitive soul whose heart embraced all human sufferings, all children living in abject misery and threatened with death by starvation in the far corners of the world:

If I had hands
as big as my heart
I would take all small
and big flags of all the big
and small nations and I would
sew them with my big hands
into the biggest blanket and tent
the world has ever seen

for all her naked children—
I wish I had hands
As big as my mouth!⁴²

He was outraged by the ongoing NATO-led military campaign in Afghanistan, where innocent men, women, and children were falling victim not only to the hypocrisy of American humanitarianism but, even more so, the hypocrisy of God, the omnipresent but helpless God watching the carnage with shredded heart:

They have buried ten million mines
in Afghanistan, one land mine
for every two or three Afghans,
regardless of age or ethnic background.
They have planted death in the womb
of the mother. Prosthetic limbs are airdropped
with food. They have planted a mine
under God's pillow and his dreams of doves.
Every night a new dark dream spreads
its wings in my sleep. This morning I woke
with a throbbing headache. I woke tired.
I had defused or detonated mines all night.
A dream so real, I checked my limbs.
They were still mine. A dream so dark
I checked my heart. God was still there.
But also still mine and also still there
was the problem of ten million mines,
ten million limbs, ten million lives, ten million
dreams, blown apart in the heart of a God
who plows with the farmers and lives in my heart.⁴³

Alishan's prose covers a wide range of topics. His profound knowledge in Eastern philosophy, encapsulated in traditional tales and proverbs, provided him with raw material for his didactic and philosophical parallels. It gave him the opportunity to delve into the deepest layers of human nature, its hidden desires and animal instincts overpowering will and controlled behavior. But again, when it came to telling the story of the Armenian Genocide, the challenge remained insurmountable. He kept on striving to find the proper means of expression for telling that story to the world, for best picturing the inexplicable truth of genocide. "There is no proper genre for giving an artistic expression to the genocide," he complained. "The novel comes closest but that too does not suffice. The particular bears witness to the general. But though this witness tells the truth and nothing but the truth, it fails to tell the whole truth."⁴⁴ He never tried his hand at that particular genre. Poetry was his forte; even his prose was a musical unrhymed poetry.

The Red Scarf (2000), the only play he wrote, flows like poetry and, not surprisingly, is about his grandmother's ordeal in 1915, at the age of fourteen, a young girl wearing an Erzurum costume and a red scarf over her long hair. In the play, she appears as an apparition that only Aram, the main character, can see. *The Red Scarf* is staged in a contemporary setting; the events occur in 1978 (the year Alishan's grandmother died in a London hospital). The play is the fictionalized reflection of Alishan's own life as a university professor, a family man with a turbulent married life, whose grandmother lives with his family but is now sick in hospital. Alishan adopts the form of ancient Greek tragedy, yet another indication of his admiration of classical

tradition: a chorus onstage intervenes to facilitate the flow of the present-day story. In this case the chorus is composed of three women, perhaps representing the three women in his life: his teenage daughter (the Girl), his beautiful wife (the Younger Woman), and his mother (the Older Woman). But then, perhaps, they also represent the three stages of Gayané's life. The chorus begins,

Older Woman: ... Could we be the generations,
 not just ours, but all the nations.
 Could we speak for all the dead
Younger Woman and Girl: ... those who lived and begged for bread;
 those with bedrooms filled with ghosts,
 and molded skulls on new bed posts?
Older Woman, Younger Woman and Girl: Let us stay and let us see
 If any of them can be free.⁴⁵

The stage is set for the play to unfold. Can Alishan himself be set free at the end, liberated from his nightmares and apparitions? Is there a way to set free generations of survivors of collective trauma anywhere in the world?

Alishan gives fictitious names to the main character (Aram) and his wife and daughter, but he does not attempt to change his grandmother's name, Gayané; the imprint of that name was too deep to be easily replaced. Names and persons, it seems, can be changeable, interchangeable, and dispensable for Alishan—but not Granny, not her, not her name. She is a symbol; she is his creator, a goddess, the goddess of pain and suffering whom he worships as pagan priests worship their gods.

Aram's grandmother is a seventy-eight-year-old woman (the age of Granny when she died) living the last days of her life in a mental hospital, removed from the reality around her, aware only of her flashbacks of 1915. No one understands why Aram is so much engulfed in these flashbacks himself, why he cannot forget the past and go on living his life. To a question from Granny's Jewish nurse, Aram replies, "Well, Rachel, maybe it's because while history has accepted the reality of your catastrophe and you've been able to go on and write successful books and make good movies about your tragedy, while for you, that holocaust is raw material for making movies or writing books, for us it's still undigested history."⁴⁶ This explanation encapsulates Alishan's own viewpoint as he compares the Jewish and Armenian experiences and their effect on survivor generations. It draws on the author's belief that the Jews enjoy reconciliation, and can create art from the ashes of the Holocaust, because the Holocaust is a recognized truth, while Armenians still have to struggle for the recognition of the Armenian Genocide.

Combining all possible genres of artistic expression, and with the help of the Bible and appropriate psalms, choral interventions, flashbacks, and dialogue, Alishan presents a detailed picture of his own life in relation to his family's past history—the genocide at its core—his mother, his wife, and, of course, his grandmother. He does not shrink from quoting his own poetry or the stories of Gayané's red scarf that he has heard "a thousand times," the tragic event on which he has "published a poem, a story, an essay..." But here the story, especially Gayané's last flashback in her dying moments, is staged with nightmarish dramatization, as the climax of the play.

The scene opens in a bar as Gayané's nurse walks in to give Aram the news of his grandmother's death. The chorus sings the finale. The Older Woman tells of the death of the body that went on living and growing old after the little girl died at the age of fourteen; the body is now joining with her real self. The Younger Woman mourns her own happiness and beauty, which was wasted because of

the extraordinary love between a man and his grandmother, both victims of the undying pangs of morbid memories. “Is she gone? Is it done?” she asks the Older Woman. She doubts whether Granny’s death—that is, her physical absence—can mitigate emotions and painful memories to bring normality into an insane relationship. The Girl wants to live. She wants to forget everything and live her life as a normal human being, without the burden of the past weighing heavily on her soul.

The play concludes; yet a question still haunts the minds of the spectators. In the beginning, the chorus sang, “Let us stay and let us see/ if any of them can be free.” Who is truly set free, now that Gayané, “the living martyr,” is no more? Now that her story has spilled out, will there be deliverance? Aram leaves the bar with a brown bag containing a bottle of liquor under his arm. He is taking home a red shawl, a gift from the barman to his daughter. The story of the red scarf/shawl continues. The Girl leaves the stage shouting, “This isn’t fair!”⁴⁷ The prospect of a normal life in the future for her is dim. Aram and his wife face each other without seeing each other. Ominous shadows cast their spell on their future family life. No one is free! No one is delivered from the burden of the past!

To my knowledge, Alishan never published this play, despite many encouragements. The piece promised to deliver him from his burden of “guilt,” but it did not. He continued to think that he had betrayed his grandmother; he had broken his promise to her; he had deprived himself of her love because he had failed to fulfill the mission she entrusted him with in his dreams, in his waking thoughts, in his soliloquy with her ghost. The imaginary words, the celestial mission, Granny’s conditional love for him, reverberates in his creations:

“... My darling, if you want me to love you
forever and ever, you must be shed
as the tears of the tribe; you must
become, my son, the voice of the dead.”⁴⁸

There was no deliverance. The burden was his to carry for life:

... I search hopelessly for some shade
in this ashen April desert
to put my Granny down and rest.
She is heavy and I am old now
and feel the weariness.
And it does not seem to matter that I first began
to carry Granny on my back
when she was thin and fourteen
and I was barely nine years old.⁴⁹

Alishan’s agony and his obsession with the untold story of the Armenian Genocide, indeed, intensified every year as the month of April neared—more so in his last years, when he lived in his mother’s duplex and slept in the basement, when he felt deeply the effects of “metaphysical discontinuity,” when he felt he had failed his family, his children:

April,
why is there so much life with you
and with me the living dead?

This is the first stanza of the poem “April, Since 1915,” the second of the sequence of four unpublished poems titled “Victims: The Return of the Cruellest Month.” In this

poem Alishan remembers how he wept when he heard that a fanatic had splashed acid on the face of a pretty girl because she had not covered her face with the Islamic veil. Drawing a powerful analogy, he asks,

Sweet April, if I pitied her
why do I question you
when I should be weeping for you
and questioning the Turk
for what he's done to your face?

For Alishan, April was indeed a month to go absolutely crazy, out of control, drunk and out of touch, with constant phone calls to his friends, conversations that he did not remember the next day, and desperate attempts at suicide. But the result, almost always, was a masterpiece, a poem or a series of poems as sacrificial lambs to the memory of his dead, all one-and-a-half million of them, who seemed to rise from their nonexistent graves and fill his room and his soul with their shadows:

The Armenians driven from their homes
to the desert and repatriated to the world
of spirits eighty-seven years ago, do not
wait for me only in April and only
on the 24th. That is merely the day
they congregate into an army of ghosts
and hound my hours⁵⁰

He begs to be set free:

I've heard the stories these ghosts tell:
I've heard those other ghosts as well.
Dear God please do your best
to put *all* my ghosts to rest.⁵¹

And in every piece he writes, Granny is a presence:

It's April
She is the hungry tigress again
and I, as some Bodhisattva, Mahasattva,
serve myself to her again.⁵²

Sometimes Alishan annotated the poems he sent his friends. I received "April, Since 1915" on 15 May 1999 with a few lines attached:

While you were away I was nursing my pregnancy which resulted in the birth of this poem. Every time I think I'm done, I am not done—I have more. It is the longest poem I've ever written. I happen to think it is also one of the best.

In this long twelve-part poem, Alishan appears not only as a selfless being who sacrifices himself for his beloved Granny but also as a sculptor, a blacksmith, a diamond cutter, and so on as he tries to forge the history of his tribe. But this history speaks only about injustice, about torture, about God's inability to intervene. And then there is Granny again, this time as the queen of King Oedipus. This reference to the legend of Oedipus is curious and inexplicable:

Granny, queen of my heart,
heart of every April,
may my eyes be pierced with your pin
if I ever turn my back on you, my love.⁵³

He concludes “April 24, 1915” with a subtle hint of Buddhist morality:

But darling,
if I succeed to emancipate you
from the swollen stomach of time’s corpse,
I emancipate myself
from yours;
we emancipate everyone
everywhere,
so that man may not do
what they do
ever again.

Leonardo Alishan was a passionate person. He related and reacted to everything around him passionately. He fell passionately in love with his kindergarten teacher, resulting in an embarrassing scene that he could not forget for the rest of his life.⁵⁴ His love for Granny crushed his stability and equilibrium, throwing him onto a roller coaster of emotions from which he was never able to disembark. He fell in love with anything beautiful—a work of art, a piece of music, a beautiful woman. His longing for beauty, his quest for perceptual harmony and order, stood in stark contrast with the chaotic world that engulfed him, the world of genocide, where order and harmony had no meaning. As an artist in pursuit of beauty in art, Alishan faced that impossibility and declared his failure to overcome the challenge. He was not able to solve, and no one has, the dichotomy between the fragmentation forced upon his art as the characteristic of genocide literature and coherence as a condition of beauty in art.

In his painful trek, there was a bridge he often crossed between his passions and obsessions. He remained haunted by the ghosts of his dead, the victims of the Armenian Genocide, “The unacknowledged ghosts of 1915”—ghosts who never left him, not in April nor in the rest of the year:

... my ghosts
hide in places where one
would expect them the least;
like in the “I love you” a failed father
finds in a card he opens
when he has been drinking all day
to forget it’s Father’s Day.⁵⁵

Leonardo Alishan died on 9 January 2005, when a fire tore through his Salt Lake City home. The house burned down, and he, the lone habitant, burned up with it. His macabre prediction had come true: he had met a torturous end befitting his torturous life, the life and death of a burnt offering on the altar of the memory of genocide.

Notes

1. Leonardo Alishan, “The Lady-Bug and the Persian Rug,” *Ararat* 35, 140 (Autumn 1994): 32.
2. Leonardo Alishan, “Refuge,” in *Dancing Barefoot on Broken Glass* (New York: Ashod Press, 1991), 51.
3. Alexander Pope, “An Essay on Criticism,” in *Critical Theory since Plato*, ed. Hazard Ames, 281 (New York: Harcourt Brace Jovanovich, 1971).
4. Leonardo Alishan, “The Nest,” *Visions* (1999).
5. Vahé Oshagan was a revered Armenian poet, writer, and critic with whom Alishan had developed an intellectual bond.
6. Leonardo Alishan, “Vahe Oshagan (1921–2000),” *Ararat* 41, 160 (Autumn 2000): 64.

7. Ibid.
8. Leonardo Alishan, "To an American Friend Who Loves Persian Poetry," in *Oberon, poetry 2* (2003): 21.
9. The copy of this piece in my possession is a photocopy of page 31 of an unnamed magazine or anthology, sent to me by Alishan.
10. Leonardo Alishan, "Remembrances," *Lullwater Review* 13, 1 (Winter 2002): 73. This poem won him the Lullwater First Prize.
11. Leonardo Alishan, "An Exercise on a Genre for Genocide and Exorcism," in *The Armenian Genocide, History, Politics, Ethics*, ed. Richard G. Hovannisian, 340–54 (New York: St. Martin's Press, 1992), 352–53.
12. Leonardo Alishan, "The Lady, the Demon, and the Little Exorcist," unpublished manuscript, circa 2003. Subsequent quotations in this paragraph are from the same source.
13. Alishan, "Lady-Bug," 32.
14. Alishan, "Exercise on a Genre," 352.
15. Ara Oshagan, "Once in a While It's OK to Walk Naked in the Crowd: An Interview with Leonardo Alishan," *Asbarez English Weekly*, 14 March 1992, 7.
16. Leonardo Alishan, "The Return of the Great Goddess in the Hayrens of Nahapet Kuchak" (in Armenian), paper presented at UCLA Narekatsi Chair of Armenian Studies/Yerevan State University Department of Literature symposium, Yerevan, fall 1991.
17. The feminine principle and the concept of the Goddess was rejected in early Christianity and replaced by the concept of the Church (Mother Church) to function as the giver of life. This anti-feminine attitude prevailed in Armenian lyric poetry—all, incidentally, composed by clerical poets—until the *hayrens* of Nahapet Kuchak, the medieval Armenian secular poet. In this genre of poetry, Kuchak attributes to women all three functions of the pagan Goddess: giver of life, transformation, and giver of death. After millennia of rejection, the pagan Goddess returned to Armenian poetry, and Kuchak to the pagan Goddess, to the source of life.
18. Leonardo Alishan, "From Dream to Reality: Don Quixote with a Dead Horse and Windmills with No Wind," *Ararat* 32, 132 (Autumn 1992): 23–27, 23.
19. Ibid., 26.
20. Ibid., 23–24.
21. Hakob Karapents, "Haykakan shourjpar," in *Ankatar [Incomplete]*, by Hakob Karapents, 12 (New York: Voskedar Press, 1987).
22. Oshagan, "Once in a While," 7.
23. Leonardo Alishan, "Deathtime 1," in *Dancing Barefoot on Broken Glass* (New York: Ashod Press, 1991), 70.
24. Alishan, "An Exercise on a Genre."
25. Alishan, "Lady-Bug."
26. Leonardo Alishan, "April 24, 1915," *Armenian Weekly*, 27 May 2000.
27. Ibid.
28. "ECCE HOMO," unpublished, 2000.
29. Leonardo Alishan, "Poetry," *ByLine*, June 2002, 18.
30. *Tanka* is one of the oldest and most important forms of Japanese verse. English-language *tanka* is somewhat different and may contain more images than in the Japanese tradition, with its set structure of thirty-one syllables. It is composed in five lines. In the best *tanka*, the five lines often flow seamlessly into one thought. *Tanka* is concise and evocative; it usually celebrates a moment, an event, and a memory. *Haiku* relates mostly to nature and natural phenomena. *Senryu* is mostly about human behavior and has a subtle satirical tone. Michael Dylan Welch calls the *senryu* "poems of human self-awareness." Ray Rasmussen, "Senriu: Definitions and Pronunciation," Senriu entry page, <http://raysweb.net/senriu/definitions.html> (accessed 25 July 2005). Both *haiku* and *senryu* are very short pieces, "a comfortable breath-length," unrhymed three-liners, and it is often very hard to differentiate between the two forms. Many English and American poets, beginning with James Joyce and Ezra Pound in the period between 1910 and 1917, were

inspired by the simplicity and profundity of haiku and senryu, using these forms to express their impressions of natural phenomena and human behavior as well as their emotions. The movement, however took root only after the 1970s, however, with the emergence of periodicals devoted to these forms. Haiku and senryu have since flourished in North American literature.

31. Leonardo Alishan, *Through a Dewdrop* (Los Angeles: Open Letter, 2000). Some of the poems in this collection first appeared in prestigious literary journals such as *American Tanka*, *black bough*, *Grandmother Earth*, *Japanophile*, *Lynx*, *Modern Haiku*, *Palomar Showcase*, *Penumbra*, *Point Judith Light*, *Raw Nerves*, *Sisters Today*, *Spin*, *Winter SPIN*, *Tanka Journal*, and *Tundra*.
32. *Ibid.*, 52.
33. *Ibid.*, 10.
34. *Ibid.*, 11.
35. *Ibid.*, 56.
36. *Ibid.*, 64.
37. *Ibid.*, 70.
38. *Ibid.*, 81.
39. *Ibid.*, 101.
40. Jane Reichhold and Warner Reichhold, review of *Through a Dewdrop: A Collection of Haiku, Senryu and Tanka*, by Leonardo Alishan, *LYNX: A Journal for Linking Poets* 16, 1 (February 2001), <http://www.ahapoetry.com/ahalynx/161bkrv.htm> (accessed 16 October 2006).
41. Leonardo Alishan, "Kingfisher," *Tanka Journal* 15 (2000): 6.
42. "Utilitarianism," *Sufi* 58 (Summer 2003): 43.
43. Leonardo Alishan, "Tired Thoughts," Burning Bush Publications, <http://www.bbbooks.com/winner2003.html> (accessed 17 October 2006). "Tired Thoughts" won the People Before Profits Poetry Prize of 2003. Alishan's other awards include the Academy of American Poets Award (1977), New England Poetry Club's Daniel Varujan Award (1981), and the *Lullwater Review* Poetry Prize (2002).
44. Alishan, "An Exercise on a Genre," 352.
45. Leonardo Alishan, *The Red Scarf* (unpublished playscript, 2000), Act I.
46. *Ibid.*, Act II.
47. *Ibid.*, Act III.
48. Leonardo Alishan, "Conditioning" (unpublished, 2002).
49. Leonardo Alishan, "Growing with My Heritage (for Two Victims of the Armenian Genocide)," fourth in the sequence of four unpublished poems titled "Victims: The Return of the Cruellest Month," written in April and May 2002.
50. Leonardo Alishan, "The Victim's Ambush," third in the sequence "Victims: The Return of the Cruellest Month," unpublished.
51. Alishan, "April 24, 1915."
52. *Ibid.* In Tibetan Buddhism, a Bodhisattva is anyone who is motivated by compassion and seeks enlightenment not only for him- or herself but also for everyone else. Mahasattva was one of the earlier reincarnations of Buddha, who threw himself in front of a hungry tigress and her hungry cubs to become their food.
53. *Ibid.*
54. He wrote about this event in "The Smile (A Sunflower for Ms. Armik Gogozian)" (unpublished manuscript, November 2001), describing how his parents were called to meet the kindergarten director and the teacher to explain their five-year-old son's strange confession of love.
55. Alishan, "The Victim's Ambush."

GENOCIDE STUDIES AND PREVENTION

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Deportation and Massacres in the Cipher Telegrams of the Interior Ministry in the Prime Ministerial Archive (Başbakanlık Arşivi)

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Despite attempts at cleansing the Ottoman archives, after the armistice of 1918, of material incriminating the Young Turk government in planning to annihilate the Armenians, the prime ministerial archive (Başbakanlık Arşivi, or BOA) in Istanbul still contains invaluable documentation on the Armenian Genocide. Contrary to the common belief, which suggests that the Ottoman documents in the BOA were created solely in order to obscure the actions of the Ottoman government, the author argues that this archive contains information that runs completely counter to the official Turkish denial thesis and actually elucidates both the intent of Ottoman authorities and how the genocide was organized. Based solely on Ottoman materials, the author demonstrates that the treatment of the Armenian population during World War I was different from that of other minorities at the time.

Mirroring the dissent over the Armenian Genocide itself, two factions have formed around different assessments of the Ottoman materials in the Prime Ministerial Archive (BOA).¹ For those who defend the “official Turkish thesis,” the events of 1915 cannot be considered genocide but, rather, were unexpected consequences of the relocation of Armenians during the war years. To support this claim, they rely exclusively on the Ottoman documents in the BOA as the only trustworthy source. This faction distrusts not only American, British, German, and Austrian documents but also the materials documented by the Military Tribunal proceedings in Istanbul as politically motivated distortions of the events. On the other hand, some critical Western scholars maintain that only the Western archives are reliable, since some documents from the BOA were produced in order to color events, while others have been purged in order to cover up the genocide.

The common logic underlying both of these positions is that the two sets of documents are mutually contradictory. Each faction insists on the exclusive use of its own favored archival sources. I will argue here that both extremes are missing the point. It is erroneous to assume that the Ottoman documents from the BOA were created solely in order to obscure the actions of the Ottoman government. In fact, they contain information that runs completely counter to the official Turkish thesis, elucidating the intent of Ottoman authorities and documenting how the genocide was organized. Ottoman materials found in the BOA in Istanbul support and corroborate the narrative of the Armenian Genocide as documented in Western Archival sources.

Critical scholars regard the Ottoman documents as unreliable and trivialize their importance for six main interrelated reasons. First, as I have shown in a previous publication,² there is strong evidence suggesting that the archives were purged of documents relating to the Armenian Genocide. Second, the method by which some of these documents were produced is dubious. As Vahakn Dadrian has shown, during the preparation and implementation phase of the genocide, Ottoman authorities “resorted to questionable methods in securing the documentation for episodes involving the deportation of the Armenian population.”³ Third, scholars cannot rely on the extant collections because of the selective publication of Ottoman documents that appear to support Turkish claims.⁴ The “two-track” communication system used during the implementation of the genocide enabled such selective publication. The telegrams attributed to Talât Pasha sent to the local governors call for special attention in this respect (see below). Fourth, omissions in the cataloging of the archival materials raise suspicions that many documents have been consciously withheld from the public.⁵ Fifth, working conditions in the Ottoman archives have been an issue in the past. Problems included difficulty in obtaining catalogs, the arbitrary rejection of requests to photocopy documents, the dismissal of “suspicious” people from the archives, and the theft of research materials from visitors.⁶ The final reason is a natural result of some of the factors mentioned above: no scholars have had complete access to the documents, and so no one has been able to establish a general overview of their content.

As a result, most critical scholars maintain that the Ottoman documents have been purged in order to cover up the genocide, and are thus unreliable.⁷ My central argument here is that we need to reassess the idea that Ottoman archival materials contradict Western archival materials. They are not mutually exclusive; on the contrary, they are in compliance with each other.

Despite attempts to separate official deportation practices from the annihilation and purging the official records of any trace of an intention to annihilate, the remaining documents in the BOA in Istanbul, especially the telegrams belonging to the Cipher Office of the Interior Ministry, show two important aspects of the Armenian deportations and killings. One is that the deportations and killings of Armenians were a part of a larger population policy. The other is that this population policy was implemented categorically differently toward the Armenians than toward other ethno-religious groups within the empire, a difference that can be characterized as genocidal intent.

Talât Pasha and His Telegrams

Talât Pasha’s telegrams on the smooth operation of the deportation of the Armenians are used by Turkish sources as proof that state policy never envisioned the complete annihilation of the Armenians. First, the Committee for Union and Progress (CUP) made sure to maintain an appearance of a lawful framework during the execution of the policy, so as to create the image of legally justified action. Ottoman leaders felt compelled to disguise their actions from their own allies. However, as reports of slaughter from Anatolia started to multiply, the German and Austrian ambassadors began to make pointed demands in the very presence of the Ottoman state administration. The German state, for example, made very firm demands that at least the Protestant and Catholic Armenians be spared from the deportation. When their demands were not heeded, and the reports of killings continued unabated, they issued several diplomatic memos protesting the treatment of Armenians and requesting an improvement of their situation.⁸

This and other similar outside interference forced Talât Pasha to provide evidence of smooth operation in the region. He issued many telegrams, one after the other and presented them to foreign governments as evidence of the correctness of his policy. Despite all Talât's promises, the German consular offices continued to send out news of the massacres occurring in their regions. For example, German Ambassador Ernst Langenburg Hohenlohe, writing to Berlin on 25 September 1915, stated that "the news from the consulates . . . [is that] the orders which were supposedly sent by the Sublime Porte, aimed at amending the losses being suffered by the deported Armenians . . . are proven to have not reached their destinations."⁹ Such incidents would be repeated, and Talât Pasha would continue to claim that the massacres were not happening and that he was doing everything he possibly could.

In the German ambassador's reports, Talât would be referred to as a liar, "heartless," and a "hypocrite."¹⁰ For the Austrian ambassador, Count Johann Pallavicini, Talât was "playing both sides."¹¹ It is possible to gain an understanding of how these duplicitous games were played by reading the documents connected with German requests to spare Protestant and Catholic Armenians. The first document is a telegram sent by Talât to various regions on 4 August 1915. In this telegram he orders a stop to the deportation of any remaining Catholic Armenians.¹² A similar telegram was sent on 15 August 1915 concerning the remaining Protestant Armenians.¹³ (It is worth highlighting the fact that, until these dates, Catholic and Protestant Armenians were deported without any consideration of their confessional ties.) In each case, Talât then immediately sent a second telegram to the regions, ordering that the first telegram be ignored and that the deportation of Catholic and Protestant Armenians continue.¹⁴ In order to ensure the continuation of the deportations, and to avoid confusion about his intentions, Talât sent a telegram on 11 August 1915 to certain regions.¹⁵

The German regional consuls continued to express concerns about the deportation of Catholic and Protestant Armenians. Eventually, in response to this pressure, on 29 August 1915, Talât sent a new set of telegrams to the regions, calling for a halt to the deportation of Catholic and Protestant Armenians.¹⁶ After sending this order, Talât took it to the German ambassador as evidence of his compliance.¹⁷ Soon thereafter, however (on 2 September 1915), Talât sent a second coded telegram ordering the deportation of any remaining Catholic and Protestant Armenians with their families.¹⁸ Leaving no room for confusion, on 24 October 1915 Talât sent a telegram confirming his earlier orders, issued on 5 August and 2 September 1915, to continue the deportation of Catholic and Protestant Armenians.¹⁹

We can further follow this duplicity in additional German sources that show that, unsatisfied with these telegrams, Talât sent special envoys to the regions to facilitate the continuing deportation of Catholic and Protestant Armenians. In a report sent by the German consul in Adana, we read that

The notification dated 29 August concerning the Armenians and given to the Imperial Embassy from the Porte is merely an audacious deception of the embassy, because, at the instigation of Inspector Ali Münif Bey, who was sent here, the Porte later completely revoked this order. The authorities, of course, are only carrying out the second instruction and continuing with the deportation without considering denomination or creed. The number of Armenians ordered to be murdered probably already exceeds the amount of victims in the Young Turk Massacre of 1909.²⁰

In his memoirs, Ali Münif confesses that he prepared the list of Armenians to be deported himself. Some copies of those lists would end up in the hands of the British when they searched his home during the Armistice.²¹

Evidence of similar tactics used by Talât in other circumstances (the deportation of the Greeks)—that is, an initial formal telegram, sent to appease foreign ambassadors or minority members, followed by a coded telegram explicitly nullifying the previous one—can be found among the coded telegrams from the Interior Ministry. In a telegram sent on 16 April 1915 to the governor's office of Tekfurdağı (now known as Tekirdağ), Talât Pasha states quite openly,

Upon the application of the town of Vize's Bishop, a group of four to five people from the Patriarchate are being sent; the content of the actual notice sent by open telegram and the memo given to the group on yesterday's date to be ignored and the refugees from Ereğli are to be removed by ship with haste outside of Ereğli and all your efforts should be to ensure that the aforementioned group is kept under observation, that their efforts remain fruitless and that they have no hint of any of this.²²

There are many other Turkish sources in which Talât is described as a liar; it seems that there is a consensus on Talât's personal character among Turkish writers. For example, noted Turkish historian and chronicler İsmail Hami Danişmend describes Talât as a man "whose special reputation as a liar... kept growing progressively (*bilhassa yalancılık şöhreti genişlemiştir*)."²³ The editor of the Turkish newspaper *Sabah* wrote that "Talât lied like a machine."²⁴ Süleyman Nazım, a famous writer, publicist, and governor of several provinces, after Talât's escape from Istanbul, described him in following way: "He, Talât, had no other talent than just being tricky" (*hileden başka meziyeti olmayan Talaat*).²⁵

It should not be surprising, then, that Talât's close political friends did not hesitate to refer to him as a "liar." His closest friend, Hüseyin Cahit, remarked that Talât "would lie in both state and political matters."²⁶ According to Falih Rıfkı Atay, who worked in the Interior Ministry with Talât Pasha in 1913–1914, Talât was a person "who did not view lies or cruelty as immoral." Atay relates that the issuance of a second coded telegram nullifying whatever order Talât had just sent by official telegram was an ordinary, everyday occurrence.²⁷ We learn from the memoirs of Henry Morgenthau and Halil Menteşe that Talât, a former telegrapher, had a special private telegraphic line run to his house from which he directed his communications.²⁸

The cancellation of an order sent by official telegram through the issuing of a second telegram was a method used quite frequently by Ottoman administrators. Hans Von Seeckt, who had served as the Ottoman Army's chief of staff, relates that it was a general rule that secret orders and clues to indicate invalidity would follow previously sent official orders.²⁹ In his memoirs, Ottoman officer Selahattin explains how Enver Pasha often canceled the official orders he had sent, by official channels, to appease the Germans by following them up with telegrams sent from the private telegraph office set up in his house.³⁰

The 5-10% Regulation

The documents available in the Istanbul archive explicitly show that the government ordered the regional authorities to ensure that any relocated group (Muslim or non-Muslim) not exceed 5–10% of the population in their new location. This is an important indicator that there was a calculated social policy behind the deportations. Until recently, some scholars, myself included, knew about this policy from a document cited in most official Turkish sources but interpreted it as a diversion tactic by the

Ottoman authorities.³¹ However, newly discovered documents from the Interior Ministry archives indicate that this was not a diversion strategy but, rather, a calculated policy applied not only to the relocation of Armenians, but also that of Arabs, Kurds, Albanians, Bosnians, and others. For example, a telegram sent from the Interior Ministry to various provinces in May 1916 demands that the Kurds be separated from their religious leaders and sheiks and that they be settled in Anatolia in numbers not exceeding 5% of the indigenous population.³² Another telegram, sent by Talât Pasha to Ankara on 1 October 1915, indicates that the Albanians and Bosnians should be dispersed among the Turkish population so as not to exceed 10% of the native population.³³

Other telegrams also state that in regions where the number of Armenians is not significant, no relocation is necessary.³⁴ In each region, the government kept continual track of population percentages, constantly asking for the numbers both of expelled groups and of the remaining relocated groups in a particular place. For example, a telegram to Canik district asks how many Greeks have been moved out of the province, where they have been sent, and how many remain.³⁵

In regions to which Armenians were deported, this rule ensured that they would not represent more than 10% of the population in their new location.³⁶ In the region of Der Zor, for example, the Armenian population exceeded 10%; the Interior Ministry sent telegrams to the governors of Adana, Erzurum, Bitlis, and Aleppo, saying that the percentage of Armenians in Der Zor had passed 10% and that it was not suitable to send more Armenians there.³⁷ German sources also confirm that the local Ottoman authorities in these areas followed this policy closely.³⁸

I would like to point out two important consequences that can be inferred from the above-mentioned information. First, if the assertion is correct that Armenians should not represent more than 10% of the indigenous population of their new location, what was done with those Armenians in Syria and Iraq who were over the 10% limit? According to Ottoman statistics, the number of deported Armenians was around one million, a number that would far exceed 10% of the indigenous population of Syria and Iraq. The population of the Ottoman Empire's Arab provinces in 1914 (mostly modern Iraq and Syria) could be estimated at between 2 and 2.5 million, including the Christian population.³⁹ The Ottoman documents themselves speak against the Turkish state's thesis that there was no planned genocide, because they cannot answer the question of how approximately one million Armenians could fail to exceed 5–10% of the local population. If one adheres to this official thesis, the only way to explain the variation in numbers is to posit that the Armenians simply evaporated.⁴⁰

The second important point that we can infer from these documents is that the loss of Armenian life was not due to logistical and wartime complications of the deportations, as the official histories claim, but was a direct consequence of this relocation policy. This becomes clear when we see that, according to Ottoman documents, the resettlement of roughly one million Muslims into the evacuated Armenian and Greek villages was largely successful and was accomplished without great loss of life.

Documents Revealing Different Treatment of Armenians

The documents from the BOA paint a very clear picture of different treatment for the Armenians, some of which can be used as direct evidence of the genocidal intent of the Ottoman authorities. Among these records, Talât Pasha's coded telegram dated 12 July 1915 and sent to Diyarbekir is the most notorious. In this telegram he relates how the news has reached him that, along with the Armenians in the region,

other Christians are also being murdered. He states that he has heard that the number of dead has reached an estimated 2,000 and then adds,

Whereas it is categorically forbidden for other Christians to be included under the disciplinary and political measures adopted in regard to the Armenians, an immediate stop should be put to this sort of occurrence, which will have a bad effect on public opinion, and will indiscriminately place the lives of Christians in extraordinary danger, and the reality of the situation [should be] reported.⁴¹

The language could not be clearer. People, many of them employed as civil servants by the state, were being killed at the behest of the governor's office. This, however, was not really the point for Talât; in fact, he was complaining that a policy that was to have been applied to Armenians alone had in fact spread to other Christians. It is for this reason that the telegram demands that the killing of other Christians stop.⁴²

The fate of the governor of Diyarbekir, Reşit Bey, reveals to a great extent the reality of state policy toward the Armenians. According to the BOA documents, the killing continued anyway, and so Talât sent additional requests (on 22 July and 2 August 1915) to Reşit Bey to cease the indiscriminate killing of Christians, reminding him of his personal responsibility in the matter.⁴³ Despite these threats, there was never any inquiry into the governor's responsibility for the deaths. However, Reşit was eventually taken to task for expropriating the wealth of his victims, especially the Armenians. In a telegram dated 6 October 1915, Talât inquires about the jewelry and other possessions taken from the deportees, demanding that the wealth be sent to Istanbul.⁴⁴ Later Reşit was promoted to Ankara. When he subsequently tried to buy a villa beyond his obvious means, he was immediately removed from his position. After the war, when Reşit Bey committed suicide, wartime governor and newspaper editor Süleyman Nafiz exposed this story in the former governor's obituary, commenting that Talât Pasha had no qualms about his capacity for killing but could not abide his theft.⁴⁵

Other documents in the BOA can also be seen to show the genocidal intent of the Ottoman authorities. A telegram was sent from Istanbul by the Directorate of General Security (EUM) on 12 January 1916 to the regional office in Ankara, demanding "information as to whether the Armenians, whose names are known, are alive, and if so, their whereabouts following the deportation operation."⁴⁶ It reveals the kind of anxiety the administrators in Istanbul were experiencing. What they wanted to learn was whether those Armenians they had identified were alive, and, if so, where they were. Similarly, anxiety in the regions of Erzurum, Mamuretülaziz, Diyarbekir, and Bitlis is shown in a telegram stating that

there's word spreading that after the Armenians are annihilated in Dersim and the surrounding areas, the Kurds are going to be next. All precautions necessary must be taken to prevent the spread of these kinds of rumors.⁴⁷

Besides the obvious anxieties shown above, the documents of the Cipher Office of the Interior Ministry also provide important circumstantial evidence of the genocidal intent of the Ottoman authorities. As we know, the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide counts among the elements of genocide the forcible transfer of children of one group to another.⁴⁸ Among the documents in the BOA are many that show such intentional acts. We learn from these documents that Armenian children were taken from their families, sent to Muslim villages where there were no Armenians, married off to Muslims, or settled in orphanages with explicit instructions that they were to be raised in a manner

consistent with Muslim norms and customs. For example, a telegram sent by the Interior Ministry's Directorate of Tribes and Immigrants (AMMU)⁴⁹ to various provincial offices on 30 April 1916, after stating that "those families who have no one and are unprotected should be sent to villages and towns where there are no foreigners or Armenians," goes on to urge that

young and widowed women should be married off, children up to the age of twelve should be settled into orphanages, and if an adequate space in the orphanage is not available, then they should be settled with Muslim families and raised with that community's values and customs.⁵⁰

A telegram sent by Talât Pasha himself, on 30 December 1915, to the governor's office in Niğde makes his demands quite explicit:

on the condition that they be raised as Muslims, the children should be settled in Muslim villages where there are no Armenians or foreigners, or settled into orphanages. The young women and girls must be married off to Muslims.⁵¹

The document shows that it was considered a necessity that the Armenians as a group be prevented from maintaining their identity. In yet another telegram, we see that the aim is to tear families apart by taking the men away. This telegram asks that those families who have had their males taken away be "moved to villages and towns where there are no Armenians or foreigners so that they can be settled away from each other."⁵² These records show that the CUP leaders intended to destroy the conditions under which the Armenians had maintained their lives.

The Seizure of Armenian Property

In addition to the issue of the deportation of Armenians themselves, it is important to understand what happened to their personal and real property. The treatment of Armenians' material goods shows the two-track organization of the deportations. On the one hand there are obvious and explicit legal and financial rules for the treatment of such property; on the other, we can see from the BOA documents that these goods were in fact controlled in other ways that contradict the legal framework. My argument here is essentially that the seizure of Armenian property, and the manner in which it was utilized, proves incontrovertibly that the CUP agenda was to rid Anatolia of Armenian life and culture by pulling them out by the roots.

The fact that many laws and regulations were promulgated for the purpose of managing the use of, sale of, and later compensation for the property the Armenians left behind is commonly used by Turkish authorities to argue that deportation was never meant to lead to annihilation. It is claimed that instances of abuse and unlawful seizure of goods were isolated incidents, and that the state took Armenian property and goods under its protection and later compensated the owners when they were settled at their ultimate destinations. It is true that, on the subject of protection and compensation, many temporary laws and regulations were issued.⁵³

The first attempt at regulatory organization occurred on 30 May 1915, with a decision issued by the cabinet ministers. According to this decision, the Armenians would be "distributed property and land" in the places where they were resettled, and the "property and furnishings or valuables" they had left behind "would be returned to them in some shape or manner." In furtherance of this goal, in order to set out "the acquisition, protection and management of abandoned property and the treatment of, the settlement of, and effects to and organization, examination, and inspection of peoples," various commissions in the regions were to be established by the Ministries

of the Interior and of Finance. This instructional notice, issued by the Office of Tribal and Refugee Settlement (IAMM) of the Interior Ministry, contained fifteen separate clauses outlining how the settlement and maintenance of all these people was to take place.⁵⁴ On 31 May 1915 this instructional notice was sent, along with a letter, to the Ministries of the Interior, War, and Finance for the purpose of implementation of the regulations.⁵⁵

The second organizational attempt took place on 10 June 1915.⁵⁶ The very long instructional manual was made up of thirty-four separate clauses. Because of the disorganization and confusion of the operational stage, and the frequent need for answers to questions from the local administrators, telegram after telegram was issued, and new instructions had to be sent out.⁵⁷ Besides the looting and embezzlement that occurred at the local level, there was a bigger problem that had not been addressed by the instructional manual. How were the many foreign companies—German ones being at the top of the list—to be compensated for their accounts receivable from the Armenians who had been deported? Germany, which had been making attempts to address the problem from the beginning and later issued an ultimatum on 8 August 1915 stating that it would “hold the Ottomans liable for the losses being suffered,” finally issued an official memo in protest on 16 September 1915, when it became obvious that previous attempts to be heard were futile.⁵⁸ Finally, on 26 September 1915, two days before the opening of the next Assembly session, the cabinet ministers issued a temporary law to organize the use of Armenian property. Later this law, which changed the decree of 30 May with the aim of “liquidating all Armenian goods and property,” would be harshly criticized in the Senate by Ahmet Rıza.⁵⁹ In order to execute the law, a new proposal would be put forth on 8 November 1915 and an official decree on the subject would be published.⁶⁰ The salience of these organizational efforts is that official status was accorded to the newly established regional commissions to manage the abandoned properties.

Those who argue that there was no intent on the part of the Ottoman rulers to annihilate the Armenians attribute great importance to these detailed and extensive regulations. This evidence is problematic, however, because there is not one document to verify that the policy was ever actually realized. Until now not a single record has been found in the Ottoman Archives to show that any Armenian who was forcibly moved ever received compensation from the sale of his property.⁶¹

There is no evidence to show that the land, houses, seeds, and tools that the laws and regulations promised to the Armenians once they were resettled were ever actually granted. One would expect thousands of records in the archives to document how many Armenians were resettled, and in what areas, and the kinds of difficulties they encountered. One would also expect thousands of documents on the amount of income realized, how that income was returned, the resources distributed to the Armenians in the places where they were resettled, and so on. But there is not one piece of paper to document any of this. While the telegrams sent by the Interior Ministry to the regions where Armenians were deported, asking “How many people have been sent away, how many Armenians remain?” number in the hundreds, it cannot be a coincidence that there is not a single telegram asking about their condition in the places where they were moved.

It is not a coincidence, then, that there are hundreds of records showing who received the Armenian properties that were left behind, how they were sold, what income was realized from their sale, and what was done with that income. The reality reflected in these records is that the Ottoman administrators pursued a very

systematic and orderly policy on how to manage the property and possessions left behind by deported Armenians. The only principle that cannot be found in this systematic and orderly policy is any intention to return just compensation of these properties to their rightful owners, or to make an effort to deal with their problems of settlement once they were deported.

What the records show is that the Ottoman administrators used Armenian property in five principal ways.

1. To Meet the Needs of Newly Arrived Muslim Immigrants

Property left behind by the Armenians was distributed among the Muslims resettled in the areas formerly occupied by Armenians. This intention was openly declared in both the 30 May and the 15 June organizational proposals. To illustrate this, here are several communications sent to various regional offices at the time:

- A telegram sent by the Office of Tribal and Refugee Settlement (IAMM) of the Ministry of the Interior to the regional offices of Ankara, Adana, Aleppo, Hüdavendigâr, and others, along with the governor's offices of Izmit, Urfa, Canik, and others, about assigning Armenians' empty houses to the coming immigrants.⁶²
- A telegram sent by the IAMM to the Presidency of the Trabzon Commission for Liquidation, directing that the refugees in the region be clothed with the goods left behind in the warehouses and stores of the region.⁶³
- A telegram sent by the IAMM to the regional offices of Ankara, Adana, Aleppo, and others, along with the governors' offices of Izmit, Eskişehir, Urfa, and others, directing that refugees from the war zone, who were in need and without support, be settled into abandoned properties and that they be provided with property and provisions and placed in a variety of jobs.⁶⁴

2. To Support the Growth of a Muslim Bourgeoisie

Much of the property left behind by the Armenians was distributed among Muslim individuals or companies in the region for the purpose of creating a Muslim bourgeois class, often without demand for payment in kind or on terms of very low payment or payment in installments. Here are some examples of such activities from the Cipher Office of the Interior Ministry:

- A telegram sent by the IAMM to Adana (Dörtüyl) and from the Directorate of General Security (EUM) to Diyarbakir regional offices states that "it may be suitable that the properties of Armenians owned prior to the deportation be sold and transferred at a reasonable exchange to the Muslim population."⁶⁵
- Telegrams sent by the IAMM to the regional offices of Erzurum, Adana, Edirne, and others; to the governors' offices of Urfa, Izmit, Kayseri, Maraş, and others; and the Presidencies of the Commissions for Liquidation in Tekfurdağ, Adana, Aleppo, Gemlik, and others, states that, for the purpose of increasing the number of Muslim businesses, the properties left by Armenians should be transferred by way of issuance of shares that may be acquired by business owners and farmers and that, in furtherance of this aim, whatever needs to be done should be done so that intra-Muslim trade is thereby developed.⁶⁶
- A telegram sent by the IAMM to the Presidency of the Commission for Liquidation in Trabzon states that "in order to transfer the business of artisans

and trade to Muslims, abandoned contents of stores should be sold to honorable young people by installment.”⁶⁷

- A telegram sent by the IAMM to the Presidency of the Commission for Liquidation in the district of Ordu outlines how the businesses of Armenian artisans and tradesmen should be transferred to Muslims, and to whom they should be transferred.⁶⁸
- A supplemental telegram sent to the regional offices of Edirne, Adana, Ankara, and others, along with the governors’ offices of Kayseri, Canik, and others and the Presidencies of the Commissions for Liquidation of Adana, Aleppo, Izmit, and others, contains instructions for the low-cost rental of factories, stores, and manufacturing facilities left by the Armenians to Muslim companies, so that they do not lie vacant and unused.⁶⁹

3. To Meet Military Needs

One of the most important needs met by Armenian properties was that of the armed forces. Military needs were met either by commandeering of buildings, which were used by the military during their operations, or by selling commodities produced by the fields and lands abandoned by Armenians. It must be added that the policy of using abandoned property for military purposes was not confined to Armenians; the abandoned property of Greeks met the same fate. Here are a few examples of the communications sent in connection with military use of abandoned property:

- A telegram from the IAMM to the governor’s office of Urfa discusses the milling and processing of abandoned crops transferred from the Armenians and the consignment of the resulting commodities to the military.⁷⁰
- A telegram sent by the Office of Communications, Ministry of War, to the governor’s office of Kütahya asking, for the purpose of being used by the military, for the price, type, and amount of property and goods.⁷¹
- A telegram sent by the AMMU to the governor’s office of Kala-ı Sultaniyeye (modern Çanakkale), in furtherance of an official report, discusses the delivery to the military, after appraisal, of the value of grapes from abandoned vineyards.⁷²
- A telegram sent by the AMMU to the regional offices of Aydin and Hüdavendigâr, along with the governor’s office of Karasi and the Presidency of the Commissions for Liquidation at Bursa and Karasi, pertains to the delivery of the harvest of grapes and figs from abandoned Greek properties to the military.⁷³
- A telegram sent by the AMMU to the governor’s office of Menteşe directs that the abandoned properties of Greeks, in accordance with the proposal, be consigned to the Muslim refugees (*muhacir*) and the army, with the exception of live animals, which should be distributed to the local population.⁷⁴

4. To Cover the Expense of Deporting the Armenians

The records in my possession show that income received from the sale of property left behind by the Armenians was used to compensate the state for the expenses associated with deporting them.⁷⁵

- A telegram sent by the IAMM to the Presidency of the Commission for the Administration of Abandoned Property in Aleppo concerns the use of part of the

income received from the sale of abandoned livestock for the deportation and maintenance of Armenians.⁷⁶

- A telegram sent by the IAMM to the Director of Immigrants, Şükrü Bey, in Aleppo orders the use of the income derived from the profits of abandoned property left in Aleppo, along with the monies to be sent from Eskişehir, for the purposes of meeting the expenses of deporting and maintaining Armenians.⁷⁷
- A telegram sent by the IAMM to the office of the deputy governor of Aleppo directs that the income from the profits of abandoned property be consigned to the finance treasury for the purpose of meeting the expenses of maintaining and deporting Armenians.⁷⁸

Some of these documents discuss the fact that some of the state's expenses in connection with deporting Armenians could not be met and explicitly indicate that Armenian properties would have to be used for this purpose and that state expenses would therefore be compensated:

Since the maintenance of the Armenians deported from Zeytunlu cannot be appropriately met by the state alone, they must provide their own sustenance. Please specify the amount spent for their maintenance thus far and how many *kuruş* [units of Ottoman currency] are needed to continue the resettlement.⁷⁹

5. For Various Other State Needs

In some circumstances, Armenian-owned buildings were used either as prisons or for various other state needs. Examples of communications regarding the need for prison facilities are the following:

- A telegram sent by the Directorate of State Real Estate and the Office of Prisons to the regional and governors' offices of Edirne, Adana, Ankara, İçel, Niğde, and others inquires about the presence of abandoned buildings large enough to be converted to prisons and their state of repair.⁸⁰
- A telegram from the General Health Office (Sıhhiye Müdiriyeti Umumiyesi) to local offices in Erzurum, Bitlis, and Sivas provinces, among others, reserves buildings and health equipment left behind after the deportation of non-Muslims for the use of health offices in these regions.⁸¹

What all these documents tell us is that the Ottoman government had a systematic policy toward the properties left behind—those that could be saved from looting—which was in furtherance of specific purposes. After the property, and the income that could be derived from it, had been used for the state's various needs, there was nothing left to be returned to its lawful owners, the Armenians.

Investigating the Deportation

One of the primary pieces of evidence used to support the notion that the deportation was not a means to annihilate the Armenians of Anatolia are the investigations initiated during World War I. According to this argument, there were isolated incidents of abuse by local officials and administrators, but “by forming special investigative commissions . . . the guilty were prosecuted by administrative courts.”⁸² Similarly, a large proportion of the 1,397 people who were investigated are supposed eventually to have been prosecuted and sentenced to various punishments, including execution.⁸³ The figure of 1,397, originally given by Kamurân Gürün, has been

repeated in every source. This repetition of unsubstantiated points has become one of the main arguments of official Turkish state policy. But Gürün has neither published any single document in support of this figure nor even quoted from any document. Repeating Gürün's number, Halaçoğlu asserts that the state officials found guilty for their crimes "were tried in Military Tribunals and were punished by hard sentences," including the death penalty.⁸⁴ Halaçoğlu cites twelve different documents in support of his thesis, but only their catalogue numbers; he neither reproduces nor quotes any part of any of these telegrams. Presumably this is because none of the documents that he cites supports his claim. In fact, none of these documents contains the information that any officer was either tried or sentenced for any crime against Armenian life.

The same documents, however, do make it clear that the sensitivity not shown toward Armenians as human beings was nevertheless exhibited by the Ottoman government toward their property. The state, which intended to make systematic use of the abandoned property, made every effort to prevent it from falling into the hands of individual looters. Prosecutions were, in fact, initiated against those accused of looting or abusing authority over property. The above-mentioned telegrams cited by Halaçoğlu all deal with embezzlement and malfeasance related to how to handle the remaining property. A telegram sent to Mamuretülaziz province, granting permission for the interrogation of the *Kaymakam* Besni Edhem Kadri Bey, can be given as an example.⁸⁵ The great expenditure of effort to prevent individuals from laying claim to Armenian property points to the state's intention to keep all of that property as booty.

It was, in fact, because state officials saw abuse of abandoned property, and recognized that they were losing control of the looting, that a spate of telegrams was sent from the central office to the regional offices with orders to form investigative commissions. The fact that these commissions were formed is used as evidence to prove that the government did not promote a policy of murder and annihilation of Armenians, asserting that the state did what it could to take control of the abuses. On the contrary, however, a statement made in December 1918, after the Armistice, by an official who worked in one of the commissions reveals that the earlier commissions were formed as a result of pressure by foreign governments and that their authority was limited to investigating the looting and abuses associated with abandoned property. Additionally, the commissions were not granted the authority to investigate high-ranking officials, nor to consign them to the investigating authority of the military tribunals. In fact, the commissions often did not even bother to investigate the regions for which they were supposedly responsible. The same official noted that

unfortunately the reports were not taken seriously at the time. Since the commissions were formed with officials appropriate for basic investigations only, with limited authority, only low-ranking civil servants, middle-level suspects, were sent to the military tribunals for prosecution. As for the others, one could say, the reports which were submitted had absolutely no effect.⁸⁶

The ineffectiveness of these commissions was confirmed by testimony from the wartime Grand Vizier, Said Halim Pasha. In his testimony before the Parliamentary Investigative Commission, known as the "Fifth Branch," which had been formed in November 1918, Halim Pasha stated that,

following the massacres of the Armenians, investigative commissions were formed. Pursuant to their duties, these commissions turned in their findings. Nevertheless, the Interior Ministry did not want to reveal the results of the investigation. Despite all my urgings and persistence, they obstinately dragged their feet concealing the real facts.

So long as Talât Pasha was part of the Interior Ministry, it was obvious that there would be nothing coming from the investigations.⁸⁷

As a result, these commissions, formed solely for the purpose of lessening pressure by foreign states, were not even successful in fulfilling their limited authority to investigate abuses and irregularities.

Another reality revealed by an examination of the records of the Interior Ministry's Cipher Office is that there were investigations brought against state agents who saved Armenians, albeit through bribery, from the deportations. The following records show the extent to which the Ottoman government acted with fastidiousness on the subject of Armenian property, a quality lacking in its actions toward the Armenians themselves. The last two examples are of investigations of civil servants accused of helping Armenians to escape.

- (1) A telegram was sent from the IAMM to the Mamuretülaziz regional offices and office of the Presidency for the Commission for Abandoned Property about the investigation of the news that officials and gendarmerie in Malatya and Akçadağ had looted abandoned property worth about five million lira.⁸⁸
- (2) A telegram was sent by the EUM to *Muhtar* (Elder) Bey, Inspector of Civil Servants for Ankara, regarding the need to travel to Izmit for the investigation of irregularities and abuses arising in connection with the sale of property belonging to Armenians who had been expelled from Izmit, Adapazarı, and Bahçecik.⁸⁹
- (3) A telegram sent from the EUM to the governor's office of Diyarbekir relates to the establishment of a commission to investigate abuse and neglect by civil servants during the expulsion of the Armenians and to submit these to the Military Tribunal for prosecution.⁹⁰
- (4) A telegram sent from the EUM to the Konya regional offices concerns the investigation and prosecution of the deportation official of Konya station, Mülazım Tahsin Efendi, who was accused of smuggling Armenians to Istanbul using fake identification.⁹¹
- (5) A telegram was sent from the EUM to the Aleppo regional office in connection with transferring files to the military tribunal of gendarmerie guards who, in exchange for money, had released some Armenians on the road to Der Zor from Istanbul and Aleppo.⁹²

The Matter of Deportees from Istanbul and Izmir

One of the other main arguments used to refute the idea that the deportation of Armenians in 1915 was carried out with the purpose of ultimately annihilating them that there were no deportations out of Istanbul or Izmir.⁹³ However, the records of the Cipher Office in the Interior Ministry give ample evidence that, in fact, there were deportations from both these cities. (It is important to clarify that when we speak of deportations from Istanbul in particular, in this instance, we are not referring to the intellectuals arrested on 24 April 1915; that first group had been expelled to Ayağ and Çankırı.)⁹⁴

There are extensive reports of a large deportation, apart from the initial arrests of intellectuals, in British, American, and German sources that can be confirmed by similar reports in the Cipher Office of the Interior Ministry. Below are some summarized accounts of various archival sources that confirm deportations from Istanbul and Izmir.

The first record is presented in the “Blue Book” published in 1916 by Arnold Toynbee. It is a letter written by the Armenian Patriarch of Istanbul, dated 15 August 1915. Speaking about the deportees from Istanbul, he states that

now it's Constantinople's turn. People are in a panic waiting for their bad luck to descend upon them. Innumerable people have been arrested and sent outside of Istanbul. Most will certainly die. Up until now those who had been deported were born in the provinces but now it is the shop owners of Istanbul . . . no matter what it takes, we are going to fight to save the Armenians of Istanbul from this horrible destruction . . .⁹⁵

In another letter from the Balkan division of the Dashnak organization, dated 18 October 1915, information is given that

after giving everything they had, including their shoes to the gendarmerie, thousands of poor Armenians who had been deported from Istanbul were sent walking from Izmit towards Konya. Anyone who was rich enough to have money for the train was cheated out of it by the gendarmerie, who took everything they had.⁹⁶

The American missionary William S. Dodd, who was in Konya at the time, repeated similar information:

another method of deportation was in making people walk and it was applied to a great extent to the males who were deported from Istanbul. Their families were living in the [Anatolian] villages and towns and they had been working in Istanbul, living without their families. While the Turkish government engages in continuous propaganda over how they haven't deported anyone from Istanbul, they arrest thousands [in Istanbul] who are working to support their families and deport them.⁹⁷

German records from the same period document extensive deportations from Istanbul. On 5 December 1915, the German foreign affairs secretary, Gottlieb von Jagow, relayed news he had received from the Armenian Sofia Dashnak Committee to Ambassador Metternich. According to Jagow,

contrary to their earlier promises, the Turkish government has started deporting the Armenians from Constantinople. Supposedly 10,000 have been deported thus far, and most of them have been killed in the hills of Izmit. There's a list of 70,000 that's been drawn up.

Jagow sent Metternich the directive that “if this information is correct, please engage in a forceful protest.”⁹⁸

Metternich, who responded to this telegram on 7 December 1915, reported that, according to the Directorate of Security (EUM) in Istanbul, the number of Armenians deported was around 30,000:

Based upon reliable information which I urge you to keep secret, after the 30,000 who have been deported and 30,000 who have escaped during the past summer months, there have been 4,000 Armenians deported from Constantinople to Anatolia and of the 80,000 who continue to live in Constantinople, it is planned that they be dispatched piecemeal.⁹⁹

What can be understood from these documents is that the deportations from Istanbul occurred episodically. The newly available documents in the BOA support the claim that there were, in fact, deportations from Istanbul and that they were carried out according to specific criteria. We can infer from these documents that there were four categories of deportees: unmarried males, the unemployed, those born outside of Istanbul,¹⁰⁰ and those accused of having been associated with Armenian organizations such as the Dashnaks.¹⁰¹

We can also confirm the Istanbul deportations based on data from the various Istanbul military tribunals held between 1918 and 1922. For example, in the seventh hearing of the trial known as the Nahiye Directors Case, an Armenian gave testimony as to his experience of being deported, along with 200 others, in a convoy in July and August 1915. Similar statements were made in another trial, against a police officer named Hidayet Efendi. In this case the prosecution was brought for the crime of “causing the deportation of unmarried Armenians in the neighborhood of Üsküdar and seizing the property of some by entering the homes.” The accused was charged with the deportation of close to 350 unmarried Armenian males from Üsküdar.¹⁰²

Other telegrams reveal that the deportations from Istanbul went through Konya to Der Zor. In an EUM telegram to the Aleppo regional office appears the report that “the gendarmerie guards are being prosecuted by the Military Tribunals for releasing Armenians on the way to Der Zor from Istanbul and Aleppo in exchange for money.”¹⁰³ Other examples include the following:

- (1) A telegram from the EUM to Edirne, Adana, Aydin, Ankara, Konya, and other regional offices and the governors’ offices of Bolu, Kayseri, and others concerns the dispatch of Armenians deported from Istanbul and other areas through Konya, Karaman, Tarsus, Kars, Maraş, and Pazarcik to Der Zor.¹⁰⁴
- (2) A telegram sent from EUM to the governor’s office of Izmit grants permission from Dersaadet (Istanbul) for the expulsion of Armenians in Istanbul who originate from Izmit and the surrounding areas.¹⁰⁵

There are similar accounts of deportations from Izmir in both Ottoman and German archival sources. A telegram from the EUM to the governor’s office of Karahisar-i Sahip relates to the deportation of Armenians from Izmir by way of Diyarbakir en route to Mosul.¹⁰⁶ A German report from Izmir dated 10 November 1916 confirms that the deportation continued.¹⁰⁷ It is well known that the deportation of the Armenians from Izmir was stopped by the intervention of German General Liman von Sanders.¹⁰⁸ Significantly, there is further evidence of his intervention because it was backed fully by the German Foreign Office.¹⁰⁹

Some Concluding Remarks

The documents available in the BOA confirm the impression given by British, German, Austrian, and American sources that the intention of the CUP’s policy toward Armenians was clearly not to relocate and reestablish the Armenian communities of Anatolia. What was intended was, in the CUP’s own words, “[e]şâslı bir suretde hal ve faslı ile külliyen izâlesi”: “the total liquidation [of the Armenian question] in a manner that is comprehensive and absolute.”¹¹⁰ For this reason, a reassessment of the BOA documents is necessary and timely.

Notes

1. The Prime Ministerial Archives, or BOA (Başbakanlık Osmanlı Arşivleri) are located in Istanbul and Ankara. However, the documents of the Interior Ministry in Istanbul are of primary concern here, since the collection in Ankara covers only the Republic Period. (For more information on the Başbakanlık Arşivi, see www.devletarsivleri.gov.tr) Another important state archive related to this issue is that of the General Staff’s Military History and Strategic Studies Institute, or ATASE (Askeri Tarih ve Stratejik Etüd Bakanlığı) in Ankara. The Istanbul archive is open to researchers, but the ATASE archive has many restrictions; if one is able to get access to these materials, it is only with great difficulty.

The administrators control the materials very strictly and, in most cases, deny the requested files in whole or in part.

2. Taner Akçam, "The Ottoman Documents and the Genocidal Policies of the Committee for Union and Progress (İttihat ve Terakki) toward the Armenians in 1915," *Genocide Studies and Prevention* 1 (2006): 127–48.
3. See Vahakn N. Dadrian, "Ottoman Archives and Denial of the Armenian Genocide," in *The Armenian Genocide: History, Politics, Ethics*, ed. Richard Hovannisian, 280–310 (New York: St. Martin's Press, 1992), 288–89, 294–95.
4. Some examples from the Presidential office of the Ottoman Archives of the Turkish Republic include *Osmanlı Belgelerinde Ermeniler (1915–1920) [Armenians in Ottoman Documents, 1915–1920]* (Ankara: Başbakanlık Basımevi, 1995), http://www.devletarsivleri.gov.tr/yayin/osmanli/o_b_ermeniler/obermeniler.htm (accessed 10 October 2006); *Arşiv Belgelerine Göre Kafkaslar'da ve Anadolu'da Ermeni Mezâlimi [Armenian Atrocities and Massacre in the Caucasus and Anatolia Based on Archival Sources]*, 4 vols. (vol. 1: 1906–1918; vol. 2: 1919; vol. 3: 1919–1920; vol. 4: 1920–1922) (Ankara: Başbakanlık Basımevi, 1995–1998), <http://www.devletarsivleri.gov.tr/yayin/osmanli/ermeniler/ermeniler2/ermeniler2.htm> (accessed 10 October 2006); *Ermeniler Tarafından Yapılan Katliam Belgeleri [Documents on Massacre Perpetrated by Armenians]*, 2 vols. (vol. 1: 1914–1919; vol. 2: 1919–1921) (Ankara: Başbakanlık Basımevi, 2001).
5. We know of the existence of various telegrams or documents that are mentioned in other sources, such as newspaper articles and memoirs, or exist in other archives, such as the German archives or the archives of the Armenian Patriarchate of Jerusalem, but we do not know the whereabouts of these documents. An example is the different telegrams of Tahsin Bey, Governor of Erzurum, to Talât Pasha (May–June 1915), the copies of which he personally handed to an inquiry commission established in November 1918. Before his interrogation, Tahsin Bey told journalists that "I shall respond to inquires with documents and proofs" (*Zhamanak*, 12 December 1918). Tahsin repeated this information (that he sent different telegrams to Istanbul) on several occasions (for example, in the Harput trial in the second session, *Yeni Gazete*, 3 August 1919). Tahsin spoke of the content of some of these telegrams to the German Consul in Erzurum, Scheubner Richter (PA-AA/Bo.Kons./Band 169 and R 14088, report of Scheubner Richter, 22 June, 5 August 1915). Copies of some of these telegrams are available in the archives of the Armenian Patriarchate of Jerusalem (series 17, dossier H, nos. 519–20). Another example of cataloging that creates mistrust is the document published in *Osmanlı Belgelerinde Ermeniler (1915–1920)*. Document no. 71 contains valuable information concerning the annihilation of the Armenian population; the catalog number of this document is 54/406, yet no such catalog number exists in the Ottoman archival catalogs; the catalog skips from 54/405 to 54/407. In other words, this document has been suspiciously excluded from the Ottoman archival catalogs. If the General Director of State Archives had not accidentally published this document in *Osmanlı Belgelerinde Ermeniler*, we would not know of its existence. From these examples we can surmise that there are many documents, destroyed or not, which have been cataloged but not included in the archival catalogs. However, there is still hope that these documents will emerge over time through the ongoing process of cataloging Ottoman materials. Previously the telegram 28 September 1915 from Reşit Bey, governor of Diyarbakir to Talât Pasha, notifying him that 120,000 Christians had been deported from the province, was in this lost category. However, I found it in a catalog (Interior Ministry, Directorate of General Security, known as the Emniyet Umum Müdürlüğü [EUM], Second Department [BOA/DH/EUM 2. Şube]) recently made available to scholars in Istanbul.
6. We must add, however, that this picture of the Ottoman archives belongs to the past. Working conditions in the BOA in Istanbul have improved enormously in the past few years. I would like to take this opportunity to thank the staff, and specifically Mustafa Budak, for their generous help and openness during my last visit. This is a very hopeful

development, and all scholars interested in the period should use this new opportunity to examine these materials.

7. E.g., Dadrian, "Ottoman Archives," 280.
8. For more information on the demands of the German government, which began after June 1915, see Wolfgang Gust, *Der Völkermord an den Armeniern 1915/16, Dokumente aus dem Politischen Archiv des deutschen Auswärtigen Amts* (Springer: zu Klampen Verlag, 2005), 76–87.
9. PA-AA/R 14088, report of Ambassador Ernst Langenburg Hohenlohe, 25 September 1915. For the telegrams sent by Talât Pasha and the responses sent by the consulates, see Gust, *Der Völkermord*, 306–7J. Unless otherwise indicated, all translations to English are my own.
10. A.A. Türkei 159/3, vol. 4, A24679, report of Count Wolff-Metternich, 16 September 1916.
11. Haus und Hof Archiv, PA 12, carton 209, no. 72, report of Count Pallavicini, 3 September 1915; and PA 12, carton 209, no. 73, report of Count Pallavicini, 8 September 1915.
12. BOA/DH/ŞFR, 54-A/252/1333.N.22, telegram from Interior Minister Talât to the provinces of Erzurum, Adana, Ankara, Bitlis, Aleppo, Diyarbakir, Sivas, Trabzon, Mamüretülaziz, and Van and the districts of Urfa, Canik, and Maraş, dated 4 August 1915.
13. BOA/DH/ŞFR, 54/20/1333.L.4, telegram from Interior Minister Talât to the governors of Erzurum, Adana, Ankara, Bitlis, Aleppo, Hüdavendigâr, Diyarbakir, Sivas, Trabzon, Konya, Mamüretülaziz, and Van and the districts of Urfa, İzmit, Canik, Karesi, Karahisar-i Sahib, Maraş, Niğde, and Eskiş, dated 15 August 1915.
14. BOA/DH/ŞFR, 54-A/271/1333.N.23, telegram from Interior Minister Talât to the governor of Adana, İsmail Hakkı Bey, dated 4 August 1915; BOA/DH/ŞFR, 54-A/272, 1333.N.23, telegram from Interior Minister Talât to the district of Maraş, dated 4 August 1915.
15. BOA/DH/ŞFR, 54-A/384/1333.N.30, telegram from Interior Minister Talât to the governments of Adana and Aleppo, dated 11 August 1915.
16. BOA/DH/Ş, 55/292/1333.L.18, telegram from the Interior Ministry to the governments of Ankara, Konya, İzmit, Adana, Maraş, Aleppo, Zor, Sivas, Kütahya, Karesi, Niğde, Mamüretülaziz, Diyarbakir, Karahisar-ı Sahib, Erzurum, and Kayseri, dated 29 August 1915.
17. DE/PA-AA/Bo.Kons./Band 170, note from Göppert, chargé d'affaires of the German Embassy in Constantinople, to German Foreign Office, dated 31 August 1915.
18. BOA/DH/ŞFR/55-A/23/1333.L.22, coded telegram from Interior Minister Talât to the government of Adana, dated 2 September 1915.
19. BOA/DH/ŞFR, telegram from the Interior Ministry to the district of Maraş, dated 24 October 1915.
20. DE/PA-AA/Bo.Kons./Band 170, telegram from Consular Officer Büge in Adana, 10 September 1915. For the full English text see <http://www.armenocide.net/>, document no. 1915-09-10-DE-011.
21. Taha Toros, ed., "Eski Nafia Nazırı Ali Münif Yegane'nin Hatıraları, İstibdattan Cumhuriyet'e [The Memoirs of Ali Münif Yeğena, Former Minister of Public Works, from Despotism to the Republic]," *Akşam Gazetesi*, 26 October–21 December 1955, s. 47.
22. BOA/DH/ŞFR, 40/17/1332.CA20, coded telegram from Talât Pasha to the governor's office of Tekfurdağ, dated 16 April 1915.
23. İsmail Hamî Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi* (Istanbul: Türkiye Yayınevi, 1961), 448. This and the following two examples are taken from Vahakn N. Dadrian, "The Pitfalls of a 'Balanced' Analysis: A Response to Ronald Grigor Suny," *Armenian Forum* 1, 2 (Summer 1998): 73–130, 125.
24. *Sabah*, 2/15 May 1915.
25. *Hadisat*, 5 November 1918.
26. Hüseyin Cahit Yalçın, *Siyasi Anılar* (Istanbul: Türkiye İş Bankası Kültür Yayınları, 1976), 148.
27. Falih Rıfki Atay, *Zeytindağı* (Istanbul: Bateş A.Ş., 1981), 24–25.

28. Halil Mentеш e, *Osmanlı Mebusan Meclisi Reisi Halil Mentешe'nin Anıları* (Istanbul: Hürriyet Vakfı Yayınları, 1986), 216; Henry Morgenthau, *Ambassador Morgenthau's Story* (Garden City, NY: Doubleday, Page & Co., 1918), 140–45.
29. As transcribed by V.N. Dadrian, "Documentation of the Armenian Genocide in German and Austrian Sources," in *Genocide: A Critical Bibliographic Review*, vol. 2, ed. Israel W. Charny, 77–125 (New York: Facts on File Publications, 1991), 109–10.
30. İlhan Selçuk, *Yüzbaşı Selahattin'in Romanı*, vol. 1 (Istanbul: Remzi Kitabevi, 1993), 292.
31. The 5–10% regulations are mentioned in a letter from the General Staff to the Interior Ministry dated 26 May 1915, published in Kamuran Gürün, *Ermeni Dosyası* (Ankara: Türk Tarih Kurumu, 1983), 277.
32. BOA/DH/ŞFR, 63/188/1334.B.1, coded telegram from Interior Ministry, Directorate of Tribes and Immigrants (AMMU), to the provinces and districts of Ankara, Konya, Kayseri, Niğde, etc., dated 4 May 1916.
33. BOA/DH/ŞFR, 56/290/1333.ZA.26, telegram from Interior Minister Talât to Ankara, dated 1 October 1915.
34. BOA/DH/ŞFR, 55/59/1333.L.6, telegram from Interior Ministry to the district of Antalya, dated 17 August 1915; this document is also published in *Osmanlı Belgelerinde Ermeniler*, 81.
35. BOA/DH/ŞFR, 72/83/1335.RA.30, telegram from Interior Minister Talât to Canik district, dated 22 January 1916.
36. BOA/DH/Ş, 54/315/1333.Ş22, telegram from IAMM to the provinces of Adana, Erzurum, Bitlis, Aleppo, Diyarbakir, etc., dated 5 July 1915; BOA/DH/Ş, 54/308/1333.Ş22, telegram from Interior Ministry to the Zor district, 5 July 1915. The Office of Tribal and Refugee Settlement (IAMM) of the Ministry of the Interior was established at the beginning of 1914 within the Ministry of the Interior, and transformed by a law passed on 14 March 1916. The new office had expanded authority and comprised many sub-offices; it would grow in power and influence as the years wore on. This new office was known as the Directorate of Tribes and Immigrants (Aşair ve Muhacirin Müdüriyet Umumiyesi, or AMMU).
37. BOA/DH/ŞFR, 54/413/Ş29, 12 July 1915.
38. DE/PA-AA/R14091/MF7145/56–60, report of Walter Rössler, German Consul in Aleppo, to Prime Minister of the Reich Bethmann Hollweg, dated 27 April 1916.
39. Kemal H. Karpat, *Ottoman Population 1830–1914: Demographic and Social Characteristics* (Madison: University of Wisconsin Press, 1985), 188–90; Justin McCarthy, *Population History of the Middle East and the Balkans* (Istanbul: Isis Press, 2002), 174–210.
40. It must be added, however, that we need more research on the local level to find out how this 5–10% regulation was implemented, especially in some eastern provinces. There are strong indications, for example, that in some regions the entire Armenian population was evacuated and that in others the inhabitants were massacred on the spot, so that there were no deportations at all. This is an important indicator that the Armenian Genocide was not implemented according to a single model. More research at the local level is needed to paint a comprehensive picture.
41. *Osmanlı Belgelerinde Ermeniler*, 69 (Record 71).
42. The German consulate reports cover these events. The governor of Diyarbakir, Reşit Bey, had the gendarmerie execute the massacres: "If precautions aren't taken, the 'riff raff' will start massacring Christians as well," reported the governor of Mardin, who was in Diyarbakir at the time. These news reports from the consular offices were transmitted to the German Embassy, which then immediately contacted Talât Pasha, demanding an explanation. In his telegram Talât describes events in terms to those used in the German reports. What he refers to as "public opinion" most likely was these demands by the Germans. See PA-AA/Bo.Kons./Bd. 169, reports from Walter Holstein, German Consul in Mosul, dated 10 and 15 July 1915; statement from the German Embassy to Talât (in French), dated 12 July 1915.

43. BOA/DH/ŞFR, 54-A/248/1333.N.21, telegram from the Directorate of General Security (EUM) of the Ministry of the Interior to Reşit Bey, Governor of Diyarbekir, dated 2 August 1915.
44. BOA/DH/ŞFR, 56/315/1333.ZA.27, telegram from the Directorate of General Security (EUM) of the Ministry of the Interior to Reşit Bey, Governor of Diyarbekir, dated 6 October 1915.
45. *Hadisat*, 8 February 1919.
46. BOA/DH/ŞFR, 60/288/1334.R.5, telegram from Interior Minister Talât in response to an inquiry from the Ankara regional office, dated 12 January 1915.
47. BOA/DH/ŞFR, 54-A/128/1333.N.13, telegram from EUM, Ministry of the Interior, to the Governor of Mamuretülaziz, dated 26 June 1915.
48. *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277, art. 2(e).
49. See note 36.
50. BOA/DH/ŞFR, 63/142/1334.C.26, telegram from the Interior Ministry, AMMU, to the regional offices of Adana, Erzurum, Konya, Trabzon, Izmit, Canik, Urfa, and others and the governor's offices of Izmit, Canik, Eskişehir, Karahisar-i Sahip, Kayseri, and others.
51. BOA/DH/ŞFR, 59/150/1334.S.21, coded telegram from the Interior Ministry, IAMM, to the governor's office of Niğde, dated 30 December 1915.
52. BOA/DH/ŞFR., 63/60/1334.C.16, coded telegram from the Interior Ministry, IAMM, to the governor's office of Kastamonu, dated 20 April 1916.
53. For more detailed information see Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York: Metropolitan Books, 2006), ch. 3.
54. For the entire text see Azmi Süslü, *Ermeniler ve 1915 Tehcir Olayı* (Van: Yüzüncü Yıl Üniversitesi Rektörlüğü Yayını, Yayın No. 5, 1990), 111–13.
55. For the complete text of the statement sent to the ministries mentioned, see *ibid.*, 115–16.
56. “Ahval-ı Harbiye ve Zaruret-i Fevkalade-i Siyasiye dolayısıyla Mahall-i Ahire Nakilleri İcra Edilen Ermenilere Ait Emval ve Emlak ve Arazinin Keyfiyet-i İdaresi Hakkında Talimatname,” *Askeri Tarih Belgeleri Dergisi* 31, 81 (December 1982): 149–62.
57. For the various statements issued by the Interior Ministry to the regional offices, see Yusuf Halaçoğlu, *Ermeni Tehciri ve Gerçekler (1914–1918)* (Ankara: Türk Tarih Kurumu, 2001), 68–69.
58. For more information on the subject see Hilmar Kaiser, “1915–1916 Ermeni Soykırımı Sırasında Ermeni Mülkleri, Osmanlı Hukuku ve Milliyet Politikaları,” in *İmparatorluktan Cumhuriyete Türkiye’de Etnik Çatışması*, ed. Erik Jan Zürcher, 123–57 (Istanbul: İletişim Yayınları, 2005).
59. Law No. 2303, titled *Âhir Mahallere Nakledilen Eşhâsm Emvâl ve Düyûn ve Matlûbât-ı Metrukesi Hakkında Kanun-i Muvakkat*, was published in the *Takvim-i Vekayi* on 14 Eylül 1331 (27 September 1915). For the debates in the Assembly see Yusuf Hikmet Bayur, *Türk İnkılabı Tarihi*, vol. 3, pt. 3 (Ankara: Türk Tarih Kurumu, 1983), 45–46.
60. Hilmar Kaiser, “1915–1916 Ermeni Soykırımı,” 142.
61. It is worth noting here that when Yusuf Halaçoğlu, director of the Turkish Historical Institute, asserts in *Ermeni Tehciri*, 69, that “the compensation received on the sale of goods by the Commission for Abandoned Property was returned to their rightful owners,” he provides no evidence to support his statement. Halaçoğlu, while citing document numbers of telegrams from the Cipher Office in support of his argument, never actually quotes what is in those telegrams. As I show below, the very documents cited by Halaçoğlu prove just the opposite of what he asserts: these telegrams clearly indicate that the revenues from Armenian properties that were sold were *not* used to compensate the Armenians after they had been resettled; in fact, the income generated by the sale of those properties was to be used to compensate the government for the expenses associated with deporting the Armenians in the first place.
62. BOA/DH/ŞFR, 65/37/1334.17, 19 June 1916.
63. BOA/DH/ŞFR, 61/247/1334.R.28, 4 March 1916.

64. BOA/DH/ŞFR, 63/261/1334.B.7, 10 May 1916.
65. BOA/DH/ŞFR, 54/346/1333.Ş24, 4 September 1915.
66. BOA/DH/ŞFR, 59/239/1334.S.29, 6 January 1916.
67. BOA/DH/ŞFR, 60/129/1334.RA.20, 26 January 1916.
68. BOA/DH/ŞFR, 60/277/1334.R3, 8 February 1916.
69. BOA/DH/ŞFR, 64/39/1334.B.13, 16 May 1916.
70. BOA/DH/ŞFR, 54/382.Ş.27, 29 June 1916.
71. BOA/DH/ŞFR, 55-A/143/1333.L.28, 8 September 1915.
72. BOA/DH/ŞFR, 67/106/1334.L.27, 27 August 1916. For the transition from IAMM to AMMU see footnote 36.
73. BOA/DH/ŞFR, 68/178/1334.Z.6, 4 October 1916.
74. BOA/DH/ŞFR, 73/51/1335.RA.17, 11 January 1917.
75. As mentioned above, these are the same telegrams used by Yusuf Halaçoğlu, *Ermeniler Tehcir*. These documents show quite openly that the state used the income to cover its expenses for “deportation and maintenance.”
76. BOA/DH/ŞFR, 57/342/1333.Z.30, 8 November 1915.
77. BOA/DH/ŞFR, 57/348/1333.Z.30, 8 November 1915.
78. BOA/DH/ŞFR, 57/349/1333.Z.30, 8 November 1915.
79. BOA/DH/ŞFR, 52/292/1333C.24, telegram from Talât Pasha to the Konya regional office, dated 9 May 1915.
80. BOA/DH/ŞFR, 64/18/1334.B.11, 14 May 1916.
81. BOA/DH/ŞFR, 54-A/218/1333.N.20, dated 1 August 1915.
82. Gürün, *Ermeni Dosyası*, 288.
83. Ibid.
84. Halaçoğlu, *Ermeniler Tehcir*, 62 and n. 205.
85. BOA/DH/ŞFR, 61/165/1334.R.26, 2 March 1916. For another example of a similar crime, see BOA/DH/ŞFR, 59/196/1334.S.27, telegram from the Interior Ministry, EUM, to the district of Eskişehir, dated 4 January 1916.
86. *Ileri*, 20 December 1918.
87. Quoted in Osman Selim Kocahanoğlu, *İttihat ve Terakki'nin Sorgulanması ve Yargılanması* (Istanbul: Temel Yayınları, 1998), 84.
88. BOA/DH/ŞFR, 55/255/1333.L.15, 26 August 1915.
89. BOA/DH/ŞFR, 55/344/1333.L.20, 31 August 1915.
90. BOA/DH/ŞFR, 56/179/1333.ZA.17, 25 September 1915.
91. BOA/DH/ŞFR, 66/167/1334.L.8, 8 August 1916.
92. BOA/DH/ŞFR, 66/43/1334.N.19, 20 July 1916.
93. This is repeated in almost all works on the subject. Some examples are *Osmanlı Belgelerinde Ermeniler*, 9; Gürün, *Ermeni Dosyası*, 312; Halaçoğlu, *Ermeni Tehciri*, 79; Yusuf Halaçolu, *Ermenilerin Suriye'ye Nakli: Sürgün Mü, Soykırım mı ? Belgeler* (Turkish Historical Society), <http://www.ttk.org.tr/yayinlar/fulltext/kitap/01.pdf> (accessed 11 October 2006), 12.
94. For some related documents, see *Osmanlı Belgelerinde Ermeniler*, 24–25, 26, 27, 29 (Records 8, 11, 12, 15).
95. James Bryce and Arnold Toynbee, *The Treatment of Armenians in the Ottoman Empire 1915–1916, Documents Presented to Viscount Grey of Falloden by Viscount Bryce*, uncensored ed. by Ara Sarafian (Princeton, NJ: Gomidas Institute, 2000), 55 (Record no. 7). Armenian Patriarchate of Istanbul, letter dated 2/15 August 1915.
96. Ibid., 65 (Record no. 11). Letter written by the Balkan Division of the Dashnaksutyun Committee and transcribed by the Foreign Ministry in Washington to the American Relief Committee.
97. William S. Dodd, “Report of Conditions Witnessed in the Armenian Deportations in Konia, Turkey,” in *“Turkish Atrocities”: Statements of American Missionaries on the Destruction of Christian Communities in Ottoman Turkey 1915–1917*, comp. James L. Barton, 143–50 (Ann Arbor, MI: Gomidas Institute, 1998), 147.

98. DE/PA-AA/Bo.Kons./171, telegram from Jagow to Metternich, dated 5 December 1915.
99. DE/PA-AA/R14089, telegram from Ambassador Wolff-Metternich to Bethmann Hollweg, Prime Minister of the Reich, dated 7 December 1915.
100. Two of the many examples are BOA/DH/EUM 2. Şube, 15/16/1334.S.20; and BOA/DH/EUM 2. Şube, 15/57/1334.S.18, cited in note 5 above.
101. BOA/DH/EUM 2. Şube, 15/4/1334.M.26, cited in note 5 above.
102. For more information about the Hidayet Efendi trial see *Alemdar*, 17 June 1919, 19 June 1919, and 9 July 1919; *Yeni Gazete*, 25 June 1919 and 16 July 1919.
103. BOA/DH/ŞFR, 66/43/1334.N.19, 20 July 1916.
104. BOA/DH/ŞFR, 65/95/1334.Ş24, 26 July 1916.
105. BOA/DH/ŞFR, 54-A/343/1333.N.28, 11 July 1915.
106. BOA/DH/ŞFR, 58-247/1334.M.30, 8 December 1915.
107. PA-AA/BoKon174/MF7267/05-07, 12, report from Graf von Spee, German Consul in Smyrna, to the German Embassy in Istanbul, dated 10 November 1916.
108. For Liman von Sanders' personal report see PA-AA/BoKon174/MF7267/13-18, 21–22; R14094/MF7157/8, 21, 24–26, report from Sanders to the German Embassy in Istanbul, 12 November 1916.
109. PA-AA/R14094/MF7156/88, memo from the Undersecretary of Foreign Affairs to the Embassy in Constantinople, 14 November 1916.
110. Letter from Ministry of the Interior to the office of the Grand Vizier, dated 26 May 1915. For more information about this document see Akçam, "Ottoman Documents."

GENOCIDE STUDIES AND PREVENTION

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‘Native Christians Massacred’: The Ottoman Genocide of the Assyrians during World War I

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The Ottoman Empire’s widespread persecution of Assyrian civilians during World War I constituted a form of genocide, the present-day term for an attempt to destroy a national, ethnic, or religious group, in whole or in part. Ottoman soldiers and their Kurdish and Persian militia partners subjected hundreds of thousands of Assyrians to a deliberate and systematic campaign of massacre, torture, abduction, deportation, impoverishment, and cultural and ethnic destruction. Established principles of international law outlawed this war of extermination against Ottoman Christian civilians before it was embarked upon, and ample evidence of genocidal intent has surfaced in the form of admissions by Ottoman officials. Nevertheless, the international community has been hesitant to recognize the Assyrian experience as a form of genocide. The Assyrian genocide is indistinguishable in principle from its Armenian counterpart, however, and its recognition by scholars and the international community may assist in the resettlement and relief of the Assyrian remnant, currently fleeing by the thousands from its homelands in Iraq.

Introduction

Since the invasion of Iraq by a coalition of democratic nations in 2003, the plight of the Christians of that nation has captured the world’s attention in a manner not seen since World War I. What was a steady flow of Assyrian refugees out of Iraq, after the Gulf War and the comprehensive economic sanctions of the 1990s, has accelerated since the 2003 war into a torrent of refugee flight into western Asia, Europe, the United States, and Australia. The international press could no longer ignore the Assyrians’ increasingly desperate straits.¹

During and after World War I, newspapers in London, Paris, New York, and Los Angeles regularly reported on the desperate straits imposed on Assyrians, Chaldeans, Nestorians, and Syriac Christians in the Ottoman Empire.² Like the Armenians, the Assyrians living in Mesopotamia, Persia, Azerbaijan, and Turkey became victims of a genocidal “holy war” declared by the Ottoman Sultan and carried out by the Young Turk regime of Enver Pasha. That this war against the indigenous Christians of the Ottoman Empire was genocidal in character is manifest not only from the admissions of Ottoman and Turkish officials at the highest levels of government but also from those of their German allies in World War I, American and British officials, legions of foreign journalists and missionaries, and, of course, the countless civilian victims of the war’s massacres and deportations.

As described by those who lived them, the events of 1915–1916 in the Ottoman Empire were clearly a form of genocide, the contemporary term for any attempt to destroy a national, ethnic, or religious group in whole or in part. As in other recognized genocides, the Ottomans and their local allies, the Kurds and

Persians, demonstrated a pattern of deliberate and systematic targeting of Christians as such, including Assyrians, for murder, maiming, enslavement, rape, dispossession, impoverishment, and cultural and ethnic destruction. Nevertheless, governments and historians have not been as willing to recognize the Assyrian experience during and after World War I as a form of genocide, or even to acknowledge the existence and criminality of the Ottoman atrocities against Assyrians, as to give such recognition to the Ottoman genocide of the Armenians. Generally speaking, recognition of the latter by both governments and historians has been more rapid, official, and detailed.

This article will argue that the hesitation to recognize the Assyrian genocide is unjustified, for the evidence is overwhelming that Turks and their Kurdish allies massacred tens, and more likely hundreds, of thousands of Assyrians in order to exterminate the Christian population; raped and enslaved hundreds, and more likely thousands, of Assyrian women in a systematic fashion; and deported the Assyrians *en masse* from their ancestral lands under conditions that led to famine and widespread death. I will maintain that the more rapid legal recognition and establishment of compensation mechanisms for the Ottoman genocide of Armenians are attributable to the larger numbers of Armenian victims and survivors, as well as to more copious evidence of an intention on the part of the Young Turks to wipe out the Armenian people. In conclusion, I will contend that the legal and historical recognition of the Assyrian genocide at the hands of the Ottomans is vital to focus the world's attention on the Assyrian remnant in Iraq. That remnant has been dispersed by more than a century of massacre, discrimination, and religious persecution into non-viable communities that must be restored to their homelands, and to their rights of self-determination, or they will scatter around the globe, refused asylum too often.

The Assyrians and the Turks in Mesopotamia and Persia

The Assyrian homeland is in northern Mesopotamia, present-day Iraq, where the ancient cities of Assur and Nineveh were built.³ For 300 years, Assyrian kings ruled the largest empire the world had yet known.⁴ The Assyrian Church of the East records that the Apostle Thomas himself converted the Assyrians to Christianity within a generation after the death of Christ.⁵ Christianity was “well established and organized” in Mesopotamia by the third century CE.⁶

The (Assyrian) Church of the East became independent from the Roman Catholic Church in the fifth century CE, after the Patriarch of Constantinople, Nestorius, refused to assent to the concept of *theotokos*, or the idea that Mary was the mother of God, and not merely of Jesus' human form.⁷ By the sixth century CE, the Church of the East had preached Christianity to the Persians, Medes, Huns, and Bactrians—indeed, throughout the Middle East, from the Persian Gulf to the Caspian Sea, and even as far as India, Tibet, China, Korea, and Japan.⁸ One millennium later, the ethnic Assyrians of Mesopotamia and Persia remained Christians, and some of them had entered into communion with Rome by founding the Chaldean Catholic Church.⁹

Although some authors doubt that an Assyrian people could have survived from 600 BCE to the nineteenth century, many of the factors that justify recognizing Armenians, Jews, and other groups as continuously existing since ancient times also apply to the Assyrians: common patterns of worship, consistent self-identification, and genetic continuity.¹⁰ As the early Christian church was growing and evangelizing distant lands, Assyrian identity survived the destruction of Nineveh. Assyrians continued to practice their ancient religion and inhabited their ancient

capital of Assur, rebuilt in a new style.¹¹ The ancient Assyrian capital of Nineveh was a Nestorian bishopric at the time of the Islamic conquest of Iraq, and Nestorian “Syrian”—or, more likely, Assyrian—Christians living under the Abbasid Caliphs are credited with translating many Greek scientific and philosophical works into Arabic.¹² The modern Assyrians of Iraq and Persia have had such ancient Assyrian names as Sargon and Sennacherib since the earliest European contact with them.¹³ The name “Assyria” was also consistently applied to the area around the ancient Assyrian capital of Nineveh, and the Christians of Iraq reaffirmed their Assyrian identity from the earliest French and British contact.¹⁴ Although genetic testing of the Assyrians is just getting under way, such testing as has been done supports the idea that Assyrians very rarely intermarried with the surrounding population, at least in Persia.¹⁵

The Assyrians have been a people without a state for more than two millennia, since the fall of the empire and sack of Nineveh in 612 BCE.¹⁶ With the Arab conquests of Mesopotamia and neighboring Persia and Syria, as well as Armenia, Egypt, and the Levant, the Eastern Christian peoples fell to a subordinate status.¹⁷ Arab officials decreed the destruction of many churches, the cessation of Christian religious services, the deportation of Christians from the land, the expropriation of their property, and the executions of those who resisted.¹⁸

For more than a thousand years before Mesopotamia and Persia fell under Turkish domination, Turks had begun infiltrating Mesopotamia from Central Asia, as nomads and imported slaves.¹⁹ The Seljuk Turks seized power from the Baghdad caliphs in the eleventh century, only to be overthrown by the murderous Mongol hordes of Genghis Khan, Hulagu Khan, and Timur the Lame.²⁰ These forces massacred thousands of people and destroyed many ancient cities, claiming countless Assyrian churches and faithful and driving the Assyrian community into the nearly inhospitable Hakkari mountains of Kurdistan.²¹ The Ottoman Turks re-conquered Mesopotamia in the sixteenth century and ruled it, with substantial periods of Safavid Persian and Mamluk Georgian rule intervening, until World War I.²²

The Nineteenth-Century Massacres of the Ottoman Christians

Historians record that the first massacre of Assyrians in modern times took place in the 1840s, in northern Mesopotamia. The Ottoman Turks allowed the Assyrians to be massacred by the Kurdish chieftain Badr Khan Bey, who summoned the surrounding Muslim population to a “Holy War,” killing 10,000 Assyrians, enslaving many women and children, and ravaging villages.²³ Turkish soldiers and their Kurdish allies murdered the Christians of half a dozen Mesopotamian Christian villages;²⁴ the surviving women and children were kidnapped and enslaved.²⁵ Slavery was a common fate of Ottoman Christians in the nineteenth century.²⁶

By the turn of the twentieth century, the Ottoman Sultan Abdul Hamid II had created an irregular force of pro-government Kurdish horsemen called the Hamidiye.²⁷ The Hamidiye massacred and made refugees of the restive Assyrian and Armenian subjects of the Ottoman Empire, as the contemporary Arab Janjaweed in Sudan have done to the indigenous Africans in Darfur.²⁸ Famine, ravaged towns and villages, and extermination of the Christian population were the legacies of the Hamidiye horsemen.²⁹ The Kurds organized into the Hamidiye “received assurances that they [would] not be called to answer before the tribunals for any acts of oppression committed against Christians.”³⁰

Ottoman forces killed tens of thousands of defenseless Christians in the capital, Constantinople, and in the “provincial towns of the Empire.”³¹ In 1895, the French vice-consul for the southeastern Anatolian city of Diyarbekir reported a campaign of terror against the Armenians and Assyrians. His description reminds us of *Kristallnacht* in Nazi Germany: hundreds of Christians were murdered, hundreds of Christian homes ransacked, and hundreds of Christian-owned shops looted and burned.³² In nearby Urfa, the Edessa of Christian learning, the pogrom launched by the Sultan led to the massacre of 3,000 women and children inside the city’s cathedral.³³

The French ambassador, Paul Cambon, wrote that Asia Minor was “literally in flames,” with “massacres everywhere” and Kurds and other Muslims “massacring all Christians without distinction.”³⁴ A French vice-consul wrote to the French ambassador to Constantinople that the Ottoman government had, “for the last few years, been pursuing its goal of gradually annihilating the Christian element” by “giving the Kurdish chieftains carte blanche to do whatever they please, to enrich themselves at the Christians’ expense and to satisfy their men’s whims.”³⁵ The Hamidiye, the vice-consul declaimed, was “a band of official highway robbers spreading terror throughout this *vilayet* [province or administrative division] and many others.”³⁶ The “impunity they enjoy for the crimes they commit every day” was “ample proof” of an Ottoman policy of annihilating the Christians of the Empire.³⁷

Ottoman Christians found themselves “dispersed” to other regions and living in “deplorable conditions.”³⁸ Their religious leaders predicted that “the Christian element will slowly disappear, either by apostasy, emigration, or massacre.”³⁹ The Ottoman-instigated atrocities of the Kurdish Hamidiye prompted the leaders of the Eastern Christian denominations within the Empire to expect the “complete disappearance of the Christian element.”⁴⁰

The Sultan had “consenting awareness” of the massacres of the Assyrians and Armenians within his empire, an awareness of the same character used to indict heads of states and armies for war crimes and genocide.⁴¹ According to a report by the British consul, the Ottoman leadership had granted the Kurdish horsemen guarantees against prosecution for murders of the Sultan’s Christian subjects.⁴² The massacres of Armenians and other Christians spread to Sasun in 1904, and Adana and Cilicia in 1909.⁴³ The British and Russians threatened military intervention unless the Ottomans reformed their pattern of persecuting their Christian subjects.⁴⁴ But the Sultan never implemented proposed reforms to protect minorities.⁴⁵ The Ottoman Empire’s campaign to exterminate its Christians had begun, as former British prime minister William Ewart Gladstone recognized in a public speech in 1896.⁴⁶

Eyewitness Accounts of the Ottoman Genocide of the Assyrians during World War I

In the second decade of the twentieth century, the Ottoman Empire suffered a string of setbacks that set its leaders on a much more violent and fanatical course. A coalition of Austrian, Greek, Bulgarian, and Serbian forces drove the Turkish occupiers out of their erstwhile imperial provinces in Europe, routing their armies and inflicting thousands of casualties.⁴⁷ An ultranationalist group called the Committee of Union and Progress (CUP), or “Young Turks,” emerged after 1905 and steadily gained control over the Ottoman government and legal system.⁴⁸ The Young

Turks seized power in 1913, forming a military dictatorship run by the triumvirate of Ismail Enver Pasha, minister of war; Mehmet Talât Pasha, minister of interior affairs; and Ahmet Cemal Pasha, minister of the navy.⁴⁹ The Young Turks imposed “Ottomanization” and began conscripting Christians into the army for the first time in many years, driving many Assyrians and other Christians to flee the country.⁵⁰

On 14 November 1914, less than two weeks after the Ottoman Empire declared war on the Entente (Great Britain, France, and Russia), the Sultan, still acting as a figurehead for the Young Turk regime, declared a *jihad* or holy war “against the enemies of Islam, who have proven their hostility by their attacks on the Caliphate.”⁵¹ The next day, a key CUP official led a march through Istanbul “meant to demonstrate the people’s agreement with the Sultan’s declaration of holy war against the enemies of Islam.”⁵² The Sheikh al-Islam, a CUP appointee and the highest religious authority in the Ottoman regime, endorsed the declaration of *jihad* and proclaimed it in print; violence against Christian Armenians quickly followed.⁵³ These declarations of *jihad* “incited wrath toward Christian minorities in the Ottoman lands, and...later facilitated the government’s program of Genocide against the Armenians”—and, as it happened, the Assyrians.⁵⁴

The Turks, reinforced by Kurdish irregulars, invaded Russian-controlled northern Persia in the winter of 1914, and in early January 1915 they forced a Russian evacuation of the northern Persian cities of Urmia, Tabriz, Salmas, Diliman, and Gulpashan, among others.⁵⁵ Kurdish irregulars would serve as important allies to the Ottoman military in World War I, as the Hamidiye contingents had done prior to the turn of the century.⁵⁶

A key source of evidentiary support for the existence of the Armenian and Assyrian genocides is the famous “Blue Book” compiled by Viscount James Bryce and Arnold Toynbee in 1916, commonly known by the title under which it was released by the British Foreign Office: *The Treatment of Armenians in the Ottoman Empire 1915–16*. The British government commissioned Viscount Bryce and Mr. Toynbee, a young historian affiliated with Oxford University, to prepare a “general narrative” of the “accounts of massacres and deportations of the Christian population of Asiatic Turkey,” accounts that had increased in “number and fullness of detail.”⁵⁷ Most of these accounts were communicated to Toynbee via the United States, then professing neutrality in World War I, from citizens of neutral countries, often American missionaries.⁵⁸ More than three dozen of the reports in the Blue Book constituted official State Department records.⁵⁹

The original title of this compilation of American and European eyewitness testimony and documentation of the Armenian and Assyrian genocides was “Papers and Documents on the Treatment of Armenians and Assyrian Christians by the Turks, 1915–1916, in the Ottoman Empire and North-West Persia.”⁶⁰ Bryce, something of a “champion of the Ottoman Armenians,”⁶¹ had removed the reference to Assyrian Christians in the title of the Blue Book prior to its publication by Her Majesty’s Stationery Office.⁶² The deletion of the accounts of the Assyrian massacres from the French translation of the Blue Book presented to the Paris Peace Conference of 1919–1920 further distorted the historical record.⁶³

The Blue Book documents how, under Turkish occupation and “urged on and followed by Turkish officers and troops,” the Kurds and other Muslims in and around Urmia “set to work robbing and looting, killing men and women and outraging

the women.”⁶⁴ Turkish forces directly massacred the Christian population and failed to prevent many other massacres, leading to

the murder of over one thousand people—men, women, and children; the outraging of hundreds of women and girls of every age—from eight or nine years old to old age; the total robbing of about five-sixths of the Christian population; and the total destruction of about the same proportion of their houses.⁶⁵

At least 4,000 perished from disease while or after being driven from their homes or lands.⁶⁶ Kidnapping and sexual slavery were used to destroy the Christian community: “Over two hundred girls and women were carried off into captivity, to be forced to embrace Islam and to accept Mohammedan husbands.”⁶⁷

Another eyewitness account recorded in the Blue Book states that in the largest “Syrian” or Assyrian village in Urmia,⁶⁸ all the men were hauled over to the cemetery to be murdered, while the “women and girls [were] treated barbarously,” and sixty men were removed from the French Mission and summarily shot.⁶⁹ In the Catholic Mission in Urmia, dozens of Christians, including an Episcopal bishop, “were bound together one night, taken to Gagain mountain and there shot down.”⁷⁰ A minister affiliated with the Church of England’s mission to Assyrians reported that “those who died from the slaughter and raiding of villages numbered 6,000.”⁷¹ Another report estimated 8,500 deaths in and around Urmia in five months in 1915.⁷²

Many other Assyrians in Persia suffered a similar fate under the Turks. In Salmas, a town in Persia inhabited by more than 2,000 Assyrians, the Turks gathered together and massacred about 800 Christians, mostly women and older men, prior to the Turkish withdrawal from the area.⁷³ Some Christian men “were tied with their heads sticking through the rungs of a ladder and decapitated, others hacked to pieces or mutilated before death.”⁷⁴ In Diliman, Persia, “all the males above twelve years of age . . . were taken to two neighboring villages, tortured and shot.”⁷⁵ In Gulpashan, Persia, dozens of men were tied together to be shot outside the village, their “wives and daughters distributed among the Turks, Kurds, and Persian Mohammedans.”⁷⁶ About one-fifth of the 30,000 Assyrians living in Urmia and its surrounding villages died, and their villages were the most part torched, with their cultural property, their churches, reduced to ruin.⁷⁷ These accounts from the Blue Book are corroborated by American diplomatic files, which document that

During the period of Turkish occupation [of northwestern Persia], from January 1st to May 24th [1915], all the Christian villages and all the Christians living in Moslem villages were completely looted, men were killed, women were violated and some two hundred girls taken away captive . . . thousands died of disease.⁷⁸

American missionary William A. Shedd reported to the US minister to Persia that one-fifth of the total population of Christians in the Urmia region had perished in the first five months or so of 1915 alone and that the vast majority of families had had all their property stolen.⁷⁹

In Turkey itself, the Assyrians were caught up with the Armenians in a common genocidal campaign against Christians. Thousands of Assyrians and Chaldeans were caught up with nearly half a million Armenians in massacres, widespread assaults against woman and girls, and pillaging of immeasurable amounts of property.⁸⁰ Referring to southeastern Turkey, German missionary Johannes Lepsius wrote,

“In certain places, as in Mardin, all Christians have suffered the same fate without differentiation as to race or denomination.”⁸¹

The Blue Book reports that the governor of the *vilayet* of Van, Djevdet Bey, led massacres of its Christian, mostly Armenian, population.⁸² Another source reports that two dozen or more Assyrian and Chaldean villages in Van lost hundreds of civilians to these massacres.⁸³ Djevdet Bey formed special divisions of Turkish troops known as “butcher battalions” (Kassab Tabouri), which massacred the men of Bitlis.⁸⁴ His troops and their local allies collected all the women and the girls in an open area, systematically assaulted them, and then sold them into slavery or gave them as “gifts” to one another.⁸⁵ Similarly, in Bashkala (Bachcelet), a town in Van, “many hundreds (perhaps some thousands) of Armenians and Syrians...[were] massacred.”⁸⁶ Armenians reported that the women and children of the Bashkala area had been either killed or forced into “a captivity worse than death.”⁸⁷

The Chaldean population of Turkey generally shared the fate of the Armenians, including 8,000 Chaldeans killed in the diocese and village of Seert; nearly 4,000 killed in the city and diocese of Adana; many Chaldean families killed in the villages surrounding the diocese of Diyarbekir (save for about forty families in Diyarbekir itself); and hundreds of Chaldeans from dozens of families deported from the city of Mardin, the diocese of Jazirah, and the diocese of Amadiya.⁸⁸ About 500 Christians met their end in a massacre inside a Chaldean church.⁸⁹

The slaughter of Christians described in the Blue Book was not confined to Turkey or to northern Persia but extended to Mesopotamia. The Assyrians, after suffering “massacres and aggressions” instigated by Turkish officials and carried out by Kurds,⁹⁰ had declared independence from the Ottomans, giving the “best of pretexts” to the Kurds to attack them “under Turkish instigation.”⁹¹ Even prior to the war, the Turks had refused to restrain Kurdish forces from slaughtering Christians and plundering their habitations.⁹² An American missionary reported that his countrymen “would have been ashamed not to resist under such circumstances.”⁹³ Those Christians who could not fight back had fled to Urmia from the districts of Tergawar, Dasht, and Mergawar, which, according to Dr. Harry P. Packard of the Board of Foreign Missions of the Presbyterian Church, “had been destroyed.”⁹⁴ An American missionary reported, and the US minister to Persia corroborated, that in October 1914, prior to the Assyrian declaration of independence, “mixed forces encroached upon the city of Urmia, robbing and looting two Christian villages, killing many non-combatants.”⁹⁵ The news of these massacres in the northwest “and the hope of support from the Russians eventually led to the [Assyrian] patriarch officially declaring war on Turkey in the name of his nation (Millet) on May 10, 1915.”⁹⁶ Thus, although the Assyrians lacked the political parties and proximity to the Ottoman capital that made the Armenians a perceived threat to the Young Turks, they adopted a sympathetic position to the liberation of Eastern Christians by czarist Russia that threatened the Ottoman Empire’s expansion.

In the Hakkari mountains of northern Mesopotamia, which also extend into northern Persia and southeastern Turkey, the Turks and their Kurdish allies destroyed many Christian villages and plundered the crops and goods there, condemning the Christian population to mass starvation.⁹⁷ An American missionary stationed in northern Mesopotamia reported that the Kurds there “had interpreted

the deportations of the Armenians as another decree against all Christians.”⁹⁸ The Blue Book states that forty villages in one district of the Hakkari region had only seventeen survivors between them.⁹⁹

When the Turks were forced out of Persia by the Russians in May [1915], the Turks turned on their *own* Assyrians. In mid-June...an attack was launched on the mountainous dwellings of the Assyrians, initially...in the Hakkari district, the seat of their spiritual leader, whose title is Mar Shimun... The Turks tried to starve them out...[in what was] only the beginning of the upheaval, dispersion and massacre that characterized the history of the Assyrians throughout the war and into the mid-1930s.¹⁰⁰

Assisted by Ottoman troops, Kurds entered Goele, a village of 300 Assyrian Catholic and Protestant families, and murdered the men, enslaved the women and children, and pillaged the houses in the village.¹⁰¹ In another Assyrian village of fifty houses, Kurds attacked and killed the entire defenseless population.¹⁰² Johannes Lepsius reported a massacre of 250 Chaldeans in Jazirah (Djesire), in northwestern Mesopotamia.¹⁰³

By the summer of 1915 the Kurds had carried out the “proclamation of Jihad” and had “ravaged” Assyrian villages of Mesopotamia, driving the Assyrians into a desperate flight to Urmia.¹⁰⁴ After the Russian revolution and the dissolution of the czarist army, the Assyrian nation embarked upon a “routed, headlong, and massacre-haunted straggle” out of northern Persia and over the mountains back into British-controlled Mesopotamia.¹⁰⁵ In 1916, sixteen bishops of the Protestant Episcopal Church of the United States issued an appeal declaring that Assyrian refugees from the Hakkari mountains were “living in barns” and were “so lean and emaciated that death will get at them wholesale.”¹⁰⁶ “With the loss of the Hakkari region..., the Assyrians lost not only their homeland but also more than half their population... the Apostolic Church of the East appeared to have been entirely wiped out.”¹⁰⁷ As the Earl of Listowel, speaking in the House of Lords on 28 November 1933, stated, “the Assyrians fought on our side during the war,” and made “enormous sacrifices,” having “lost altogether by the end of the War about two-thirds of their total number.”¹⁰⁸

The British accepted the “remnant” of the Assyrian population into refugee camps, only one-third having survived the depredations of the Turks and Kurds.¹⁰⁹ After World War I, the Turks prevented these refugees from returning to the Hakkari mountains,¹¹⁰ and forces loyal to Mustafa Kemal “Atatürk” murdered many of the surviving Assyrian men not under British or Soviet protection; raped many young girls and sold others into harem slavery; and deported 8,000 Christians from Mesopotamia into the interior of Turkey.¹¹¹ In 1925, the Turks ordered Kurdish chiefs to massacre the Assyrians; Turkish soldiers and Kurds murdered many Assyrians, raped and kidnapped women, plundered houses, and deported populations in a way that ensured many deaths from starvation and disease.¹¹² Tens of thousands had died from “perpetual attacks on all sides from the Turks, Kurds and Persians alike” and from smallpox, other diseases, and the heat, which combined to claim children and the elderly in particular.¹¹³ Only about 20,000 Assyrians lived in Iraq by the 1940s, a number that was equaled or eclipsed by the number living in the Soviet Union (20,000) and in Chicago (30,000).¹¹⁴

The Turks extended their policy of exterminating the Christians of the empire to the Armenians, Greeks, Syrians, and Lebanese. More than 1.5 million Armenians perished in a premeditated campaign of disarmament, assassination of political

and cultural leaders, massacre, systematic rape, deportation, pillage, and famine.¹¹⁵ According to an Associated Press report, of 500,000 Greeks deported from Thrace, in Asia Minor, an estimated 250,000, or half, died of disease and torture.¹¹⁶ Starting in 1910, the Ottoman Turks made about one million Greeks homeless and deported hundreds of thousands; as many as 300,000 Greeks died of hunger, disease, and the cold as a result.¹¹⁷ In the 1920s, the Turkish nationalists massacred about 200,000 more Christians, mostly Greeks, in cities such as Smyrna. Greek men became victims of murder, torture, and starvation; Greek women suffered all this and also became slaves in Muslim households; Greek children wandered the streets as orphans “half-naked and begging for bread”; and millions of dollars’ worth of Greek property passed into Muslim hands.¹¹⁸ In Syria and Lebanon, “the young Turks purposely created a famine that achieved the death of at least 100,000 people.”¹¹⁹

Diplomatic and Journalistic Confirmation of the Assyrian Genocide

Viscount James Bryce, former British ambassador to the United States, described Turkish crimes against Assyrians and Chaldeans during World War I as follows:

The bloodstained annals of the East contain no record of massacres more unprovoked, more widespread or more terrible than those perpetrated by the Turkish Government upon the Christians of Anatolia and Armenia in 1915. It was the sufferings of the Armenians that chiefly drew the attention of Britain and America because they were the most numerous among the ecclesiastical bodies, and the slaughter was, therefore, on a larger scale. But the minor communities, such as the Nestorian and Assyro-Chaldean churches, were equally the victims of the plan for exterminating Christianity, root and branch, although the Turks had never ventured to allege that these communities had given any ground of offense. An account of these massacres, organized and carried out with every circumstance of cruelty by Enver and Talaat, chiefs of the ruffianly gang who were then in power in Constantinople, has been given in the Blue Book, published by the British Foreign Office in 1916, and entitled “Treatment of the Armenians in the Ottoman Empire.”...similar cruelties [were] perpetrated upon members of the Assyro-Chaldean Church in which about half of them, men, women and children, perished at the hands of Turkish murderers and robbers.¹²⁰

American diplomatic and journalistic sources confirmed Ambassador Bryce’s charge of an Ottoman policy to exterminate Christians other than the Armenians. According to the American ambassador to Constantinople from 1913 to 1916, Henry I. Morgenthau, widely regarded as a principal source of information on the Armenian Genocide: “The story which I have told about the Armenians I could also tell with certain modifications about the Greeks and the Syrians,” as Assyrians were often known to the West, especially those adhering to the Syrian Orthodox Church.¹²¹ He added that the “Turks afterward decided to apply the same methods [of deportation and “wholesale massacre”] on a larger scale not only to the Greeks but to the Armenians, Syrians, Nestorians, and others of its subject peoples.”¹²² In December 1918, according to the *Los Angeles Times*, Ambassador Morgenthau told an audience in Chicago that the Turks “have massacred fully 2,000,000 men, women, and children—Greeks, Assyrians, Armenians; fully 1,500,000 Armenians.”¹²³

The American consul in Aleppo, Syria, reported to the US secretary of state that “from Mardin the Government deported great numbers of Syrians, Catholics, Caldeans, and Protestants, and it is feared all Christians may later be included in

the order and possibly even the Jews. They cry ‘Turkey for the Moslems’...’¹²⁴ An American consular agent in Urfa, southeastern Turkey, documented how, throughout the summer of 1915, thousands of Christian refugees had passed through the city, all relating the same sequence of events: the murder of all the men on the roads out their cities, the “criminal abuse[]” and kidnapping of the women and girls, the theft of all “money, bedding, and clothing.”¹²⁵ His report adds, “The poor weak women and children died by thousands along the roads and in the khan where they were confined here.”¹²⁶

Another American diplomat reported that the Assyrians and Armenians of Harput, Turkey, were deported by a publicly announced order covering both groups in the summer of 1915.¹²⁷ In the context of the grinding poverty and wartime deprivations in Turkey, such deportation orders meant “a lingering and perhaps even more dreadful death for nearly every one” than a massacre, with probably less than one in 100 deportees surviving, as the American consul wrote to the US ambassador.¹²⁸ The roads were already populated by roving bands of marauding Kurds ready to rob and murder the deportees.¹²⁹

In July 1915, the German ambassador in Constantinople described to the German Imperial Chancellor how the Ottoman governor of Diyarbekir, Reşid Bey, had supervised the systematic extermination (*systematischen Ausrottung*) of the Christian population of his district, without regard to ethnicity or creed (*der Rasse und der Konfession*), but including in particular Chaldeans and Assyrians (non-uniate Syrians, German *nicht unierten Syrer*).¹³⁰ The German consul in Mosul had blamed Reşid Bey for the massacre of the exclusively Chaldean population of the village of Faysh Khabour (*Feihschahbur*) near Jazirah (*Djesireh*).¹³¹ The German vice-consul in Mosul had reported in July 1915 that the Chaldean, Syrian, and Armenian men of the towns of Seert, Mardin, and Faysh Khabour had been massacred (*massakriert*), with 1,200 of their female relatives and children arriving or about to arrive in Mosul in “indescribable” (*unbeschreiblich*) conditions; the women and children were dying of hunger “daily.”¹³² Similarly, an October 1915 dispatch from the German consul in Syria to the German ambassador in Constantinople states,

Further evidence has been found that the measures [i.e., extermination and deportation] I described in my report dated 3 September – B.No. 1950 – which were to be taken against the Armenians in the eastern Vilayets have now become such against the Christians. The acting Syrian (Syrian Catholic) bishop told me that a total of 300 children and older women from his denomination have arrived here from Kharput, Diarbekir, Weranscheher and Mardin. The rest of the parishioners has probably been killed or kidnapped...

The Chaldeans in [Seert] (Vilayet Bitlis) and [Jazirah] (Vilayet Diarbekir) and all of the Christians in Djebel et Tor north of Mardin have been exterminated.¹³³

A previous report from the same diplomat had declared that, in the eastern provinces of the Ottoman Empire, Assyrians and Chaldeans had “already for a long time” been reported either “killed” (*getötet*) or “banished” (*verbant*).¹³⁴

German military officers, diplomats, and civilians also witnessed the planning and execution of the genocide of Armenian, Assyrian, and Greek Christians as it unfolded. The accounts of German ambassadors and other officials dealing with the Ottoman Empire are replete with such terms as “extermination,” “massacre,” “destruction,” “slaughter,” “systematic butchery,” and “murder of thousands of human beings.”¹³⁵ As the Ottomans’ main ally in World War I, the Germans had military officers “stationed throughout the Empire”; they trained and led

Turkish troops, and their “military commanders and soldiers undoubtedly knew, saw, and it is alleged [indirectly] participated” in the genocide of Ottoman Christians.¹³⁶ The German government officially protested the murders ongoing in the Ottoman Empire during the summer of 1915.¹³⁷ German missionary Johannes Lepsius—in close contact with the German government, as reflected in its ambassadors’ reports¹³⁸—“produced two publications containing unique documentary material about the political links between imperial Germany and the extermination policy of the Young Turks”; a substantial portion of these accounts was devoted to the Assyrian genocide.¹³⁹ The evidence of German military and diplomatic awareness and complicity in the Ottoman genocide of Armenians and other Christians has filled an entire book.¹⁴⁰

Numerous articles in the American press documented the genocide of Assyrians by the Turks and their Kurdish allies. By 1918, the *Los Angeles Times* carried the story of a Syrian, or most likely Assyrian, merchant from Urmia who stated that his city was “completely wiped out, the inhabitants massacred,” 200 surrounding villages ravaged, 200,000 of his people dead, and hundreds of thousands of more starving to death in exile from their agricultural lands.¹⁴¹ In an article entitled “Native Christians Massacred,” the Associated Press correspondent reported that in the vicinity of Urmia, “Turkish regular troops and Kurds are persecuting and massacring Assyrian Christians.”¹⁴² Close to 800 were confirmed dead in Urmia, and another 2,000 had perished from disease.¹⁴³ Two hundred Assyrians had been burned to death inside a church, and the Russians had discovered more than 700 bodies of massacre victims in the village of Hafdewan outside Urmia, “mostly naked and mutilated,” some with gunshot wounds, others decapitated, and still others carved to pieces.¹⁴⁴

A few days earlier, the Associated Press had relayed a report from the American consul at Tabriz stating that “the Turkish consul at Urumiah forced his way into the [American Christian] mission with a number of regular Turkish troops and removed some Assyrian Christian refugees, who were then massacred.”¹⁴⁵ Many other members of the “little tribe” of Assyrians had been enslaved by Kurds, and those “who did not escape or were made slaves, perished.”¹⁴⁶ Tens of thousands of Assyrians fled their homes for Russian or American protection; many died en route.¹⁴⁷

Other leading British and American newspapers corroborated these accounts of the Assyrian genocide. The *New York Times* reported on 11 October that 12,000 Persian Christians had died of massacre, hunger, or disease; thousands of girls as young as seven had been raped or forcibly converted to Islam; 120 Christian villages had been destroyed, and three-fourths of Christian villages burned to the ground.¹⁴⁸ The *Times* of London was perhaps the first widely respected publication to document the fact that 250,000 Assyrians and Chaldeans eventually died in the Ottoman genocide of Christians,¹⁴⁹ a figure which many journalists and scholars have subsequently accepted.¹⁵⁰ Among other violence, Turks and Kurds exterminated 12,000 Nestorian and Assyrian civilians in Urmia; huge mass graves holding up to 1,500 bodies were dug.¹⁵¹ The Ottomans and their allies plundered and burned about 150 Nestorian villages.¹⁵² Their Persian allies seized the opportunity to kidnap and enslave women and children and to forcibly convert them to Islam.¹⁵³ The Persian governor of Urmia had steel and lime dust baked into the bread purchased by Christian missionaries tending to Assyrian refugees, so that thousands of the refugees perished from eating contaminated food before

local doctors realized what was happening.¹⁵⁴ About half of the Assyrian nation died of murder, disease, or exposure as refugees during the war, according to the head of the Anglican Church, which had a mission to the Assyrians.¹⁵⁵ Famine and want were the fate of the survivors, whose homes, villages, churches, and schools had been wiped out.¹⁵⁶

The *Washington Post* reported in March 1915 that “Turkish regular troops and Kurds are persecuting and massacring Assyrian Christians.”¹⁵⁷ According to a letter from an American eyewitness, many of the thousands of Christian refugees in Urmia were “murdered in cold blood and with cruel tortures by the Kurds,” with “women and children carried off” into slavery.¹⁵⁸ In the village of Diza, south of Urmia, Kurdish forces had buried 3,000 Christians up to their chins, riding on horseback over and crushing the skulls of those who survived the first day of this ordeal.¹⁵⁹ The *Post* also described how rampaging Kurds, spurred on by the Ottoman Empire’s declaration of *jihad* the previous winter, exterminated the local population of Christians unable to flee because they were too old, sick, or incapacitated.¹⁶⁰ The Kurds carried flags proclaiming the “holy war.”¹⁶¹ As thousands of Assyrians fled Urmia through the snowy fields to avoid bands of Kurds on the roads, the men were massacred and many girls as young as seven or eight years old “were openly assaulted.”¹⁶² In Gulpashan, Kurds tore sixty-five Christian men out of missions, to which they had fled for safety, and hanged them.¹⁶³

According to one American citizen engaged in missionary work in Persia, Turks and Kurds killed nearly every Assyrian Christian they found in the town of Kochanis, on Turkish territory, and in the Christian villages and towns in the surrounding area, and destroyed most or all of the churches and religious buildings.¹⁶⁴ This account adds that by October 1914, the Turkish government had impelled an organized army of Kurds to “expel [] several thousand Christians” from Turkish villages adjoining Persia and to “plunder and burn the Christian villages” in Persia adjoining eastern Turkey.¹⁶⁵ On the road north to Russia, this missionary and another eyewitness saw thousands of Christians starving to death in the fields, children dying by the hundreds, as well as dozens of abandoned orphans.¹⁶⁶

These diplomatic and journalistic accounts, as well as the accounts collected in the Blue Book, establish a series of critical facts about the Ottoman genocide of the Assyrians. First, the Turks and their Kurdish allies massacred untold thousands of Assyrians as part of a campaign to, in Ambassador Bryce’s words, “exterminate[] Christianity, root and branch,” in the empire. Second, reputable publications such as the *Times* of London and the *Los Angeles Times* confirm that 200,000 to 250,000 Assyrians and Chaldeans lost their lives in the Ottoman Christian genocide. Third, the rape, kidnapping, and enslavement of Assyrian women were systematic and empire-wide, rather than being the fault of a few scattered criminals or unruly mobs. Fourth, the Assyrians were “equally” (in the words of Ambassador Bryce) and by the “same methods” (in the words of Ambassador Morgenthau) subject to the Ottoman Turkish plan to wipe out the Armenian people. Fifth, the Turks deported the Assyrians en masse from their ancestral lands, confiscating thousands of homes and other property that would be of an inestimably large value today (a single apartment in present-day Turkey may be worth more than US\$100,000, while a single villa may be worth more than US\$200,000).¹⁶⁷ Finally, this pattern of deportations and denial of housing caused thousands of Assyrians to die of other political and criminal violence, as well as of hunger, disease, exhaustion, and exposure to the elements.

Genocide as a Crime by World War I

The present-day Republic of Turkey, as well as its defenders and certain scholars, concedes that killings or even massacres of Christians took place within the Ottoman Empire during World War I but rejects the notion that these massacres fit the technical legal definition of genocide. To start with, the Turks make the technical legal argument that genocide was not a crime at all in 1915 or 1916. As the Web site of the Turkish government points out, the term “genocide” was not invented until 1944, and the crime was not definitively codified into law until 1948, with the UN Convention on the Prevention and Punishment of the Crime of Genocide (UNCG).¹⁶⁸

The same Web site also reproduces, with apparent approval, an account of the “relocation” of the Armenians during World War I, which argues that the only evidence of a campaign of destruction against the Armenians was “wartime propaganda” produced by Britain and America.¹⁶⁹ According to this account, all that happened was that when the government “relocated” Armenians living in the “war zone,” the “security measures were inadequate,” leading to repeated attacks on convoys “by Kurd, Circassian[,] vindictive Armenian, Turkish and Muslim people on the way.”¹⁷⁰ The number of deaths due to such attacks, however, was “very low,” even though just one Ottoman document records a massacre of 500 people.¹⁷¹ The Armenians themselves triggered these relocations, the story goes, by their rebelliousness and alliance with Russia, “not their ethnic or religious identity.”¹⁷² Britain’s Foreign and Commonwealth Office appears to concede the general thrust of Turkey’s claims, calling the Armenian massacres a “terrible episode” but not “genocide.”¹⁷³

These responses by the Turkish and British governments to the evidence of an Ottoman genocide of Christians warrant careful review. Their arguments raise several important questions, including (1) whether any laws criminalizing genocide were in existence during World War I, (2) whether there is any evidence of genocide aside from the “wartime propaganda” of Britain and America, and (3) whether the evidence indicates the requisite intention on the part of the Ottoman government to attempt to wipe out a group or groups of people.

To start with, if the Ottoman Empire committed genocide against its Christian population during World War I, this conduct was certainly criminal, as the Turks themselves admitted. International customary law recognized genocide as a crime prior to its incorporation into the UNCG of 1948, which defines “genocide” as killing, wounding, starving, or sterilizing members of a group “with intent to destroy, in whole or in part, [the] national, ethnical, racial, or religious group.”¹⁷⁴ The signatories to the UNCG itself recognized that genocide was already a crime by adopting language providing that “that at *all* periods of history genocide has inflicted great losses on humanity” and that they merely “*confirm[ed]*” its criminality, whether committed during war or in peacetime.¹⁷⁵ The Nuremberg tribunal had already indicted high Nazi officials for

deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial, or religious groups, particularly Jews, Poles, and Gypsies and others.¹⁷⁶

As the International Court of Justice has held, the “principles underlying the [Genocide] Convention are recognised by civilised nations as binding on States even without any conventional [i.e., treaty] obligation.”¹⁷⁷ Genocide is therefore,

as a UN report has described it, a recent term for “an old crime.”¹⁷⁸ In addition to international treaties such as the UNCG, international law acknowledges the binding character of general practices and principles of law adopted by civilized nations, as illustrated by national and international judicial decisions and the teachings of experts on international law.¹⁷⁹

Massacring civilians, as the Ottomans did in World War I, had been recognized as a war crime for centuries and had formed the basis for historic national and international criminal tribunals.¹⁸⁰ By the first decade of the twentieth century, international treaty law specifically prohibited wartime violations against “the lives of persons,” “family honour and rights,” and “private property as well as religious convictions and practice.”¹⁸¹ His Majesty the Emperor of the Ottomans was among the signatories to this treaty, and thus agreed to its preamble, which declared that, in cases not specifically provided for, “the law of nations” and “the laws of humanity” protect the inhabitants of war zones.¹⁸² As Nuremberg established, violations of this treaty, known as the Hague Convention Respecting the Laws and Customs of War on Land, were recognized as crimes from 1907 on.¹⁸³

With international customary law on their side, Britain, France, and Russia, the Entente powers, issued a joint declaration in May 1915 characterizing the “connivance and often assistance of Ottoman authorities” in massacres of Armenians over the previous month as “new crimes of Turkey against humanity and civilization.”¹⁸⁴ By that declaration the Entente announced publicly “that they [would] hold personally responsible . . . all members of the Ottoman government and those of their agents who are implicated in such massacres.”¹⁸⁵ The declaration recognized the Ottoman authorities’ prosecution of the war as criminal and constituted “a public and joint commitment to prosecute after the war those responsible for the crimes perpetrated.”¹⁸⁶

After losing the war, Turkey commenced its own prosecutions of those responsible. An interim Ottoman government tried and convicted ministers Enver, Talât, and Cemal of widespread massacres, war crimes, and atrocities and sentenced them to death *in absentia*.¹⁸⁷ The court-martial concluded that

all the testimony and documents show that . . . bands of brigands were formed for the sole purpose of massacring and destroying the caravans of the (Armenian) deportees. It is fully proven that these massacres were taking place on the immediate orders and full knowledge of Talat, Enver, and Cemal.¹⁸⁸

As the *New York Times* reported in mid-July 1919, the triumvirate were “condemned to death” by the court-martial “for joining in the war and for the Armenian, Greek, and Syrian atrocities and deportations.”¹⁸⁹ A Turkish tribunal found that the orders for the Armenian massacres in particular had issued directly from Istanbul.¹⁹⁰ The founder of modern Turkey, Mustafa Kemal “Atatürk,” later captured the sentiments in Turkey that led to the trials of those Young Turks responsible for the Ottoman genocide of the Christian population:

These left-overs from the former Young Turk Party, who should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse, from their homes and massacred, have . . . hitherto lived on plunder, robbery and bribery . . .¹⁹¹

After the defeat of the Ottoman Empire in World War I, the Treaty of Sèvres recognized that the “terrorist regime” of the Young Turks had victimized their “subjects of non-Turkish race” with massacres, disappearances, forcible conversions to

Islam, and unjust and illegal expropriations of homes and businesses.¹⁹² The treaty denied the legitimacy of Turkish claims to lands inhabited by Christians by excluding Mesopotamia, Syria, and Greece from the boundaries of the post-imperial Turkish state and purported to guarantee equal rights and religious freedom to those non-Turks and Christians remaining subjects of Turkey.¹⁹³ Along with the Charter of the League of Nations and the Treaty of Versailles, the delegates to the Paris Peace Conference, most notably the president of the United States, the prime minister of Great Britain, and the premier of France, intended the Treaty of Sèvres to frame a more peaceful post-war world.

The Treaty of Sèvres, which the Ottoman government signed in 1920, required Turkey to hand over to Allied custody those of its nationals who were “responsible for the massacres” and to recognize whatever tribunal the Allied powers designated to try the perpetrators as criminals under international law.¹⁹⁴ But by the next year the British had abandoned their prosecutions of the Young Turks and surrendered many suspects held in their custody to the new government of Atatürk, in exchange for the repatriation of British prisoners of war.¹⁹⁵ Atatürk had promised to prosecute these leaders in Turkish courts;¹⁹⁶ in 1923, however, his government declared a general amnesty for all those convicted of war crimes by courts-martial.¹⁹⁷ As Atatürk threatened Mesopotamian oil reserves, Britain and France decided to conclude the Treaty of Lausanne in 1923, with its “moral horror[s]” of the Orthodox Christian expulsion from Turkey, no protections for Armenians, and a secret annex granting amnesty to Turkish war criminals.¹⁹⁸

Despite the success of the Kemalist revolution and the concessions wrought from the oil-thirsty Entente at Lausanne, the fact remains that the Ottoman government did acknowledge the criminal character of the massacres of Christian civilians that took place during World War I. This disposes of the two principal defenses of the conduct of the Turks from the charge of genocide: that the charge that the Ottomans attempted to wipe out the Christians of the empire is merely Western propaganda, and that any alleged attempt to exterminate minority racial and religious groups did not constitute a criminal act under international law as it stood during World War I. Only one weighty legal question remains: Is there sufficient evidence of intent to eliminate a racial, ethnic, or religious group for the charge of genocide to be made in a persuasive manner?

The Ottoman Plan to Exterminate the Assyrians

Assuming that the UNCG or some other law criminalizing genocide did apply in 1915, the Turks and their defenders argue that the UNCG requires “specific intent” to destroy members of a group as such, which was lacking in the Ottoman Empire’s approach to its Christian minorities, including the Armenians and Assyrians. For example, the Web site of the Turkish government states that Armenians were killed by “local Muslims,” whose actions the Ottoman armies neither ordered nor participated in.¹⁹⁹ Indeed, the Ottoman authorities ordered their subordinate officials to “protect relocated Armenians” from local Muslims.²⁰⁰ The British government appears to agree with this general line of argumentation, condemning “the massacres of 1915–16... as a tragedy of historic proportions” but not recognizing them as “genocide” because of “the absence of unequivocal evidence to show that the Ottoman administration took a specific decision to eliminate the Armenians under their control at the time.”²⁰¹

Absent a governmental intention to exterminate the Christians of the empire, it would be nearly impossible to explain how the massacres, rapes, deportations, and dispossessions of the Armenian, Assyrian, and Greek Christians living in the Ottoman Empire at the time of World War I could have taken place on such a vast scale.²⁰² How could such a remarkable degree of coordination and common purpose in slaughtering civilians, ravaging women, orphaning children, and stealing money and property have emerged without organization and direction from above? Indeed, it takes little searching to uncover abundant evidence of planning for genocide.

Interior Minister Talât, initially the most powerful member of the CUP, believed in “Turkey for the Turks,” or getting rid of the ancient Christian peoples stranded in the Ottoman Empire.²⁰³ After the 1908 coup that propelled the Young Turks to positions of power in the Ottoman government, the German ambassador to Athens reported a conversation with the Turkish prime minister in which he learned that “The Turks have decided upon a war of extermination against their Christian subjects.”²⁰⁴ In 1910, the leaders of the CUP held a party conference during which they discussed how “the complete Ottomanization of all Turkish subjects must be effected, but it was becoming clear that this could never be achieved by persuasion, and recourse must be had to force of arms.”²⁰⁵ In 1911, a prominent Young Turk declared that the “nations that remain from the old times in our empire are akin to foreign and harmful weeds that must be uprooted.”²⁰⁶

When the Russians advanced in the Caucasus, and the British marched north from Mesopotamia, the Ottoman “policy of [Christian] oppression broadened across the empire and increased to genocidal proportions.”²⁰⁷ Soon after the Sultan’s declaration of *jihad* in 1914, the Ottomans, seized with “anti-Christian chauvinism,” deported into other parts of Anatolia the entire Christian population of the Gallipoli peninsula and the area around the Sea of Marmora, more than 60,000 people.²⁰⁸ “Christians . . . were cast as collective targets when Talat and Cemal threatened reprisals against them” for any Muslim war dead.²⁰⁹ The central government disseminated wartime propaganda of a consistently anti-Christian theme, which, surprisingly, was often written or inspired by Germans:

At the outbreak of hostilities the Germans worked with all their power to incite the Mohammedan world The plan was to start a holy war, as in that way it would be possible to stir into action millions of Moslems from Persia, India, Afghanistan, Baluchistan, Arabia, Turkestan, and other Mohammedan countries. With a force of from ten to fifteen million armed Mussulmans they planned to march against Russia first. Naturally, the Russians being occupied in fighting such an army, this would give the Germans better opportunities on the Western fronts . . .

The ablest German writers were enlisted . . . It was reported that the English were destroyed and their greatest generals captured. [Proclamations reported the total defeat of the French and the Russians, and the deaths of most of the English armies.] The Moslem crusade, they said, was being carried on in Egypt, Tunis, Algeria, Afghanistan, Baluchistan, India, the Sudan. These utterly false reports constitute one of the principal reasons why the Mohammedans, in Turkey and in some other parts of the Moslem world, have been led to take sides against the cause of the Allies.²¹⁰

An American missionary tasked by the US minister to Persia with providing a complete account of the massacres in that country corroborated this account, stating that

the use of the Kurdish tribes was a part of the Turkish plan of campaign, and they were urged and sent by responsible Turkish officers, military, civil and consular. It was made more dangerous to Christians by the cry of *Jihad* (or holy war), which was

deliberately made use of by responsible Turkish officials . . . The use of barbarous troops under little or no control against people who were non-combatants is absolutely unjustifiable and of this crime the Turks were certainly guilty.²¹¹

Similarly, James L. Barton, Foreign Secretary of the American Board of Commissioners for Foreign Missions, wrote that, “soon after Turkey entered the war on the side of the Central Powers, an effort was made to unite all the Moslem peoples under Pan-Islam and to declare a Holy War.”²¹²

By 1914, the Ottomans had built yet another apparatus of “ethnic war.”²¹³ The Teşkilat-ı Mahsusa, or Special Organization, was a force of more than 30,000 men under arms, composed of Turkish law-enforcement officers and criminal bands under the command of Ottoman army officers and CUP political leaders.²¹⁴ The Special Organization eventually became “a dedicated instrument of indiscriminate mass murder.”²¹⁵ As noted above, Djevdet Bey also assembled what he called “butcher battalions” for the same purpose.

In June 1915, Interior Minister Talât told the German ambassador that the Ottomans were exploiting the crisis of the war to “thoroughly clear Turkey of her internal enemies, i.e. the Christians.”²¹⁶ Talât told Ambassador Morgenthau that his “national policy” was that

these different blocs in the Turkish Empire . . . had always conspired against Turkey; because of the hostility of these native populations, Turkey had lost province after province—Greece, Serbia, Rumania, Bulgaria, Bosnia, Herzegovina, Egypt and Tripoli. In this way the Turkish Empire had dwindled almost to the vanishing point. If what was left of Turkey was to survive, added Talaat, he must get rid of these alien peoples. “Turkey for the Turks” was now Talaat’s controlling idea.²¹⁷

The Young Turks, Ambassador Morgenthau learned, had decided “to establish a country exclusively for Turks,” so their “passion for Turkifying the nation seemed to demand logically the extermination of all Christians.”²¹⁸ As a telegram from the German ambassador in Constantinople reported, Talât spoke in similar terms “without reservation” to a German diplomat, stating that the Ottoman government

is intent on taking advantage of the World War in order to [make a] clean sweep of internal enemies—the indigenous Christians—without being hindered in doing so by diplomatic intervention from other countries. Such an undertaking will serve the interest of the Germans, the Allies of Turkey, which thus in turn could be strengthened.²¹⁹

The policy of a “clean sweep” to rid the Ottomans of “alien peoples” was translated into action by local commanders with close ties to the central government. In February 1915, Djevdet Bey, military governor of Van and brother-in-law of Enver Pasha himself, stated, “We have made a clean sweep [literally, “clean table”] of the Armenians and Syrians of Azerbaijan [northern Persia]; we must do the same with the Armenians of Van.”²²⁰ The previous month, he had invaded Persia and “massacred the Assyro-Chaldean populations of Persian Azerbaijan.”²²¹

By 1915, therefore, the CUP had created extermination squads and adopted “a crystallized policy of empire-wide killing and death-by-attrition.”²²² The Ottoman government’s religious figurehead, the Sheik al-Islam, resigned from the Sultan’s Cabinet after protesting “the extermination of the [Ottoman] Christian elements.”²²³ Ambassador Ernst Wilhelm Hohenlohe reported that the Ottoman “government is resolved . . . to eliminate the indigenous Christians.”²²⁴ A telegram from Mosul to the German consul in Constantinople related news from the leaders of the Assyrian and Chaldean churches that “the Muslims in the district of Amadia planned a general Christian massacre and had already begun with it; the governor admits the fact and

the policy seems to be, if not quite to stir it up, to restrain it not very energetically.”²²⁵ Lepsius added that “all Christians have suffered the same fate without differentiation as to race or denomination.”²²⁶

Along with the Armenians, the Assyrians were targeted as a group of non-Turkish Christians in a way that “can only be explained by the CUP’s increasingly radical ideology of ethnic [and religious] exclusivity.”²²⁷ As Peter Balakian has demonstrated, by 1915 one million people had died in “the extermination of innocent civilians in Turkey (the Armenians, but also Syrian and Assyrian Christians and large portions of the Greek population . . .).”²²⁸ Such a speedy and well-organized annihilation of the indigenous Christians of the Ottoman Empire could scarcely have taken place other than as a result of intentional planning and execution.

In any event, the intention on the part of Ottoman officials to exterminate their Armenian and Assyrian subjects need not be proven exclusively by means of confessions or admissions.²²⁹ As the International Criminal Tribunals for the Former Yugoslavia and for Rwanda have made clear, “genocidal intent [may] be inferred from the physical acts and specifically ‘their massive and/or systematic nature of their atrocity.’”²³⁰ The Tribunals have recognized that even “in the absence of a confession from the accused, his intent can be inferred from . . . the perpetration of other culpable acts systematically directed against that same group, whether these acts were committed by the same offender or by others.”²³¹

Thus, the element of specific intent to commit genocide may be based upon the testimony of the victims and direct physical evidence, such that a confession or admission of genocidal intent is not necessary. Evidence of many “culpable acts [that] were perpetrated systematically against the same group,” including those committed by “other perpetrators,” may suffice as evidence of intent.²³² Mass rape targeting Assyrian women and children, and the consequent interference with births within and reproductive survival of the group, also manifested a genocidal intent.²³³ The deportation of the Assyrians, and the consequent deprivation of their established means of sustenance, shelter, and dignified living, was a genocidal policy.²³⁴ The dispossession of the Assyrians from their homes and agricultural lands, moreover, tended to deprive them of the conditions necessary for bare life, let alone a civilized or dignified life, and therefore served to destroy the group as such.²³⁵ In sum, the “inhuman treatment, torture, rape, sexual abuse and deportation” of the Assyrians, along with the “deliberate destruction” of their houses and places of worship, establishes an intention by Ottoman officials to exterminate them as a group.²³⁶

Some may argue that it matters little to the victims, or to us, whether the Ottomans committed genocide, crimes against humanity, war crimes, extermination, “ethnic cleansing,” persecution, “atrocities,” or simple murder. It is not clear, however, that each of these other crimes outlaws conduct short of murder that causes deaths or prevents births within an ethnic or religious group with the intent of destroying all or part of the group, such as “causing serious . . . mental harm to members of the group,” “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part,” or “imposing measures intended to prevent births within the group.”²³⁷ Moreover, the concept and legal category of genocide must be invoked for the sake of applying a consistent standard of international law and in order to grasp the full implications and seriousness of what happened to the Assyrians from 1914 to 1918, not to mention 1844 to 1846, 1896 to 1904, and 1918 to 1933. As Raphael Lemkin wrote in coining the term, “genocide” was intended to cover just such a situation, in which “a co-ordinated plan of different actions aiming at the

destruction of essential foundations of the life of national groups” is executed.²³⁸ Genocide is a particularly grave violation of international law precisely because the world loses “future contributions” that would be “based upon [the destroyed group’s] genuine traditions, genuine culture, and . . . well-developed national psychology.”²³⁹ The widespread devastation of Assyrian communities, cultural property, and young people with the potential to enlighten and fascinate the entire world was just such an appalling loss to the region and to humanity.

The Struggle for Recognition of the Assyrian Genocide

The Armenian state and diaspora population have secured widespread international recognition of the Armenian Genocide by Western governments and international institutions otherwise on good terms with Turkey. US presidents Gerald Ford, Jimmy Carter, Ronald Reagan, and George W. Bush have each acknowledged the Armenian Genocide.²⁴⁰ The House of Representatives of the United States has passed several resolutions recognizing the genocide of the Armenians,²⁴¹ and at least twenty-three US states have commemorated or officially recognized the Armenian genocide.²⁴²

The United Nations, the European Parliament, and the Catholic Church have acknowledged the Armenian Genocide as a historical fact.²⁴³ France, which has the largest Armenian diaspora population outside the United States, has acknowledged the Armenian genocide through its parliament.²⁴⁴ Its foreign minister has gone so far as to state that Turkey must “recognize this tragedy” before applying for membership in the European Union.²⁴⁵ Along with France, the parliaments of Russia, Canada, Argentina, Poland, Greece, Switzerland, and Belgium have passed resolutions on the genocide.²⁴⁶

By comparison, no US president, congressional body, or US state has recognized the Assyrian genocide; nor has the United Nations, any European state, or any prominent scholar of the Armenian genocide, so far as the author is aware.²⁴⁷ Part of their reluctance may be due to the more extensive historical documentation of Ottoman confessions and admissions of anti-Armenian extermination policies.²⁴⁸ Although a great deal of the evidence of genocidal intent deals with Christians more broadly, much of it is specific to the elimination of the Armenian people.²⁴⁹

A requirement of a confession or other direct evidence of genocidal intent is not supported by the law, however. The evidence of Ottoman-directed massacres, rapes, deportations, and property expropriations is more than sufficient to establish a pattern of systematic and discriminatory attacks on Assyrians from which a genocidal intent may be inferred.²⁵⁰ As the tribunal hearing the case of Slobodan Milosevic held, while direct evidence of genocide is theoretically possible, genocidal intent will more typically be inferred from systematic attacks on or targeting of a group, atrocities on a large scale, or repetitive “destructive and discriminatory acts.”²⁵¹

Aside from questions about the sufficiency of the documentary evidence, the Assyrians may have struggled unsuccessfully to achieve recognition of their experience of genocide because fewer absolute numbers of them than of the Armenians survived the Ottoman genocide of Christians. As a smaller population, the Assyrians suffered fewer total deaths than the Armenians, failed to win statehood after World War I, as the Armenians did, and did not mount similarly ambitious and effective lobbying efforts. The worldwide Armenian population stands at an estimated nine to ten million people, substantially larger than the estimated four million Assyrians living around the world.²⁵² The three million Armenians living in and controlling the state of Armenia outnumber and can outmaneuver the 600,000 to one million Assyrians

living in but largely excluded from political power in their traditional Mesopotamian homeland.²⁵³ The estimated one million Armenians living in the United States, concentrated in southern California, also exercise dramatically more political clout than the 350,000 marginalized Assyrians dispersed across central California, Michigan, and Illinois.²⁵⁴

Preventing Genocide and Ethnic Cleansing against the Assyrians in Present-Day Iraq

Present-day Iraq is a state at high risk of genocide, according to a model for early warning of genocidal violence developed for the US government.²⁵⁵ Many of the warning signs of previous genocides, such as those in Turkey, German-occupied Europe, Yugoslavia, and Rwanda, are present in Iraq, including demonization of minority groups, unfair scapegoating of minorities for the problems of the majority population, and refugee flight.²⁵⁶

This would be the most recent such genocidal assault against the Assyrians, after the Ottoman genocide of Christians, the massacre of up to 3,000 Assyrians by Iraqi armed forces and Kurdish militia in 1933, and the disappearance of 1,000 Assyrians during the Ba'athist "Arabization" and "Anfal" campaigns of the 1970s and 1980s.²⁵⁷ "Military forces destroyed many Assyrian churches during the Anfal Campaign, and reportedly tortured and executed many Assyrians."²⁵⁸ Assyrians suffered from chemical weapons attacks in Halabja and elsewhere.²⁵⁹ Widespread discrimination against Iraqi Christians and Kurds in the name of "Arabization" continued into 2001, especially in the area around Kirkuk, and drove 100,000 people from their homes and villages.²⁶⁰ Between 1963 and 1987, the Iraqi government destroyed about 200 majority Assyrian villages in the provinces of Nineveh, Dohuk, and Arbil.²⁶¹ Many of these villages housed 100 to 200 families each.²⁶² The Iraqi government razed almost twenty-five churches, monasteries, and religious-run orphanages during this period.²⁶³ Assyrian political activists have also claimed that up to 40,000 Assyrians were conscripted and killed, wounded, taken prisoner, or went missing during the Iran-Iraq War.²⁶⁴

Hundreds of thousands of Assyrians fled Iraq during Saddam Hussein's rule from 1979 to 2003. Up to half of the Assyrian population has fled Iraq since 1991.²⁶⁵ As British political journalist Alastair Bruton has pointed out in the *New York Times*, the Kurdish regions of Iraq and Turkey were subject to "ethnic cleansing" for over a decade, as "the Kurds have driven tens of thousands of Assyrians and Chaldeans into exile, and yet Western commentators persist in their naive belief that the Kurds are the only oppressed people in the region."²⁶⁶ Millions of Assyrians and Chaldeans now live in exile, including about 400,000 in the United States and hundreds of thousands more in the European Union, Russia, Canada, Australia, New Zealand, and other nations offering asylum to victims of religious persecution.²⁶⁷

The vice-chair of the US Commission on International Religious Freedom has warned of a new "ethnic-cleansing campaign" against Assyrians, with violence against Assyrians intensifying since the 2003 war to depose Saddam Hussein.²⁶⁸ Human-rights reports issued in the years immediately preceding the 2003 war by the United Nations and the governments of the United States and the United Kingdom cited isolated killings and widespread ethnic and religious discrimination against Assyrians.²⁶⁹ By comparison, similar reports issued since the 2003 war acknowledge "systematic attacks" against Assyrians.²⁷⁰ Among other incidents, "more than 100 Christians had been murdered after the U.S.-led war,"²⁷¹ including eleven people

killed during bombings of Christian churches and seven people riding on a bus who were massacred in one day in October 2004;²⁷² three Christians were killed in Basra for selling alcohol, and Christian women there have been assaulted for not wearing veils, prompting most Christian families formerly living in Basra to flee fundamentalism in Iraq;²⁷³ and a campaign of kidnappings has terrorized Iraqi Christians at a rate of two or three disappeared per week in Baghdad alone.²⁷⁴

Half of those Christians who remained in Iraq after the fall of Saddam Hussein's regime have since been driven from the country by horrific violence and medieval fundamentalism.²⁷⁵ About 300,000 Christians fled their homes in Iraq between March 2003 war and August 2005 alone, many languishing as refugees in Syria, Lebanon, Jordan, Turkey, and Iran.²⁷⁶ About 80,000 have emigrated out of Iraq altogether, while the remainder is presumably displaced internally.²⁷⁷ More than 15,000 Assyrians left Iraq in just three months after a coordinated series of church bombings in August 2004.²⁷⁸

Preventing the dispossession and exile of the Christians of Iraq will require acknowledging their historical persecution and taking concrete steps to block its recurrence. The failure to acknowledge and punish the perpetrators of the Ottoman genocide has probably emboldened other despots in the region, notably the rulers of Iraq, Turkey, Iran, Saudi Arabia, and Sudan, to massacre and persecute their Christian and non-Arab minorities. After all, once American and British diplomats admitted abandoning their Christian allies among the Armenians, Assyrians, and Greeks to the massacres of the Turks and Kurds,²⁷⁹ why should future Turkish, Arab, or Kurdish authorities fear international laws against oppressing minorities?

The example of the German Holocaust of Jews, Slavs, Roma, leftists, homosexuals, and other minorities also underlines the importance of punishing one genocide in order to deter others. Near the end of World War II in Europe, an American official with firsthand knowledge of the persecution of the Jews and other minorities in Europe reported that the "failure to punish criminals of World War I may well have removed a deterrent to the commission of brutalities against civilian populations in this war, including the mass murder of the Jews."²⁸⁰ Nazi officials at the highest levels perceived Allied tolerance of genocidal policies toward racial and religious minorities in World War I as a green light to engage in the same practices in World War II. Adolf Hitler, noting that history often views a mass-murdering conqueror such as Genghis Khan as "the great founder of States," stated that

in the East I have put my death-head formations in place with the command relentlessly and without compassion to send into death many women and children of Polish origin and language . . . Who after all is today speaking about the destruction of the Armenians?²⁸¹

Likewise, Joseph Goebbels recorded in his diary in 1942 his belief that "both the English and the Americans are happy that we are exterminating the Jewish riff-raff."²⁸²

Conversely, the international norm against genocide has been shown to be effective under certain circumstances, even against a high Nazi official in the midst of an unprecedented world war. At the close of World War II in Europe, key Holocaust architect Heinrich Himmler "ordered an end to the death marches of the Jews, fearing that continued murders would embarrass him in talks with America."²⁸³ Other populations have been spared the continuation of genocidal campaigns started against them; examples of this phenomenon include the residents of independent Armenia, Israel, East Pakistan (Bangladesh), Bosnia, and East Timor.²⁸⁴

It is beyond the scope of this paper, but a fertile ground for further research, to ask whether the Assyrians of Iraq, who have been dispersed into non-viable minority communities since the Ottoman genocide, would be better served by liberalizing refugee and asylum laws to facilitate their resettlement in the West, or whether, in addition to or in lieu of such liberalization, they require the establishment of a safe haven from religious persecution inside Iraq.²⁸⁵ The global asylum system is not currently adequate to deal with the flood of Assyrian refugees out of Iraq, who often end up dying en route to the West, or being imprisoned for illegal entry.²⁸⁶ A safe haven inside Iraq for Assyrians unable to resettle in the West would find ample support in Assyrians' right to self-determination under international law, which long predated Iraq's new "permanent" constitution.²⁸⁷ Without international support for such an Assyrian safe haven, tens of thousands of Christian refugees may continue to flee Iraq each year.

Whether the solution to their plight lies in international immigration or in local autonomy, the Assyrians desperately need financial support for resettling their refugees and replacing the homes, villages, and personal and cultural property destroyed over the past century by the Turks, Arabs, and Kurds. Genocide and ethnic cleansing give rise to legally enforceable claims for reparation and restoration of property and the value of lives lost.²⁸⁸ Perhaps because their genocide has rarely been recognized, the Assyrians driven from their homes over the past century have received relatively little by way of compensation or assistance with rebuilding. Although the United States has spent close to \$3 billion on the reconstruction of northern Iraq, it seems that less than \$35 million has gone to Assyrian towns and villages.²⁸⁹ Local Iraqi leaders have systematically excluded Assyrians from the distribution of reconstruction assistance.²⁹⁰ By comparison, the United Nations has forced Iraqis to pay over \$19.2 billion in compensation to those harmed by the 1991 Iraqi invasion of Kuwait, which caused far fewer deaths than even the Anfal campaign of the 1980s, let alone the Ottoman genocide of the Armenians and Assyrians.²⁹¹

To make an Assyrian safe haven a viable option for Christian refugees, a just proportion of the Iraqi reconstruction spending authorized by the United States and the international community would need to be specifically earmarked to security, resettlement, and rebuilding of at least those Assyrian villages destroyed in the ethnic cleansing campaigns of the Saddam Hussein regime.²⁹² Independent Assyrian administrators could be charged with spending these funds, to prevent their continuing to be diverted to other Iraqis. With this international support, Assyrian victims of religious persecution in Iraq and neighboring states such as Syria, Jordan, Turkey, and Iran who are denied entry into Europe, North America, and so on could rebuild their lives in a safe haven.

Conclusion: Recognizing a Legacy

Many analogies may be drawn between the experience of the Assyrians during World War I and other acknowledged genocides, including not only the Armenian Genocide but also the Holocaust of Jews, Slavs, Roma, leftists, homosexuals, and other minorities under Nazi occupation during World War II.²⁹³ The Assyrians and other Ottoman Christians, like the Jews, had suffered from centuries of discrimination and official segregation; were charged with being agents of foreign powers and scapegoated for military defeats and looming threats in a rhetoric of ethnic elimination; and were physically and culturally exterminated in large numbers by means of massacres,

rapes, expulsions, and attacks on homes and religious institutions carried out by genocidal state apparatuses and local irregular forces.²⁹⁴ Just as the Holocaust reached its full expression only after the invasion of Poland and the world war with Britain and the Soviet Union, so the genocide of Christian populations reached its most intense phase only after the outbreak of war with Britain and Russia and the Ottoman invasion of Persia.²⁹⁵

Although the primary blame for the genocide of the Assyrians lies with the Ottoman officials who distributed the proclamations of *jihad*, massacred civilians and outraged women, and instigated their Kurdish and Persian allies to do the same, the West bears a heavy responsibility. Disgraceful rivalries among the Great Powers facilitated Turkish violations against the Armenians, Assyrians, Greeks, and other Christian and non-Christian minorities, both during the waning years of the Ottoman Empire and in the independent Kemalist Turkey that followed it. Britain's alliance with Turkey during the Crimean War repelled a Russian attempt to liberate the Ottoman Christians from the subjugation and periodic slaughter to which they had been condemned by Turkish rule.²⁹⁶ After the Hamidiye massacres and during World War I, the Germans acted as the Ottomans' Christian ally, actually encouraging the Sultan to declare a *jihad* against the Christian allies of the British, without regard for the consequences.²⁹⁷

This dolorous history continued throughout the twentieth century, with Western powers such as the United States, Great Britain, and France financing and aiding oppressive Turkish and Arab rule over the Christian remnant in Asia and even in Europe, in the case of Cyprus.²⁹⁸ Western powers largely ignored abuses against Christians in Turkey and Iraq, continuing to extend military aid and diplomatic support.²⁹⁹ The United States remains the principal supplier of Turkish military equipment, which is used to blockade tiny landlocked Armenia and threaten military intervention against it for protecting the ethnic Armenians of Azerbaijan.³⁰⁰ The Soviet Union, for its part, was the principal source of Iraqi weaponry in the late 1980s, the period of the Anfal and Arabization campaigns.³⁰¹

Unfortunately, the West has rejected the idea of solidarity with the Christians of the Middle East, prioritizing diplomacy based on oil interests and the Arab-Israeli conflict.³⁰² Thus, the United States, Britain, and France have largely ignored the persecutions of the Christians of Iraq, Lebanon, Egypt, and Sudan, while rushing to save the oil-rich Muslim states of Saudi Arabia and Kuwait, as well as besieged minority Kurds, Bosnians, and Kosovars.³⁰³ To this day, American troops in Iraq reportedly do not always intervene against the persecution of Christians, perhaps not wanting to be seen as "siding with the Christians" and thus provoke retaliation.³⁰⁴

As the West, and the world in general, becomes more familiar with the history of the Armenians, Assyrians, and other victims of genocide, the prospects for adequate reparation for such events, and their future prevention, may improve. This essay has demonstrated that the Ottoman genocide of the Assyrians took place, that it followed centuries of violent persecution of the Assyrians by Muslim rulers, that it intensified after the outbreak of international war against Western Christian nations, and that it was implemented by Ottoman troops and their local militia allies via massacre, systematic rape, deportation, the destruction of homes and villages, and cultural annihilation. These findings may contribute to identifying and preventing other cases of genocide against Christian minorities living in majority Muslim states, such as Sudan and Nigeria, in which religiously motivated massacres are becoming more common.³⁰⁵

Notes

1. See, e.g., C.J. Chivers, "Uprooted Iraqis See War as Path to Lost Homes," *New York Times*, 5 December 2002, A1; David Rohde, "View from Ancient Monastery as Yet Another War Intrudes," *New York Times*, 10 April 2003, B6; Craig S. Smith, "Teacher, a Survivor, Fondly Recalls Life in Hussein's Iraq," *New York Times*, 19 April 2003, B2; Sabrina Tavernise, "In a Muslim City in Iraq, a Christian Group Enjoys Its Lively Quarter," *New York Times*, 23 May 2003, A2; Paul Marshall, "Elsewhere in Iraq," *Wall Street Journal*, 22 August 2003, <http://www.opinionjournal.com/taste/?id=110003917> (accessed 11 October 2006); Leela Jacinto, "Is Jesus' Language at Death's Door? Iraqi Assyrians Speak the Language Jesus Spoke—But For How Long?" *ABC News.com*, 6 November 2003, <http://abcnews.go.com/International/story?id=79814&page=1> (accessed 11 October 2006); Katherine Zoepf, "Many Christians Flee Iraq, with Syria the Haven of Choice," *New York Times*, 5 August 2004, A11; Katherine Zoepf, "Turkey Allows a First New Year for a Tiny Minority," *New York Times*, 4 April 2005. Prior to the 2003 war, the vast majority of articles in the American press concerned ancient Assyrian civilization or artifacts, not modern Assyrian life. Long before the latest war, however, the Catholic wire service *Zenit* and the Catholic News Service provided consistently high-quality reporting on the situation of Iraqi Christians, especially Chaldean Catholics. See, e.g., "Patriarch of Iraq Makes a Plea for Peace to The American People," *Zenit*, 18 February 1998, <http://www.zenit.org/english/archive/9802/zw980218.htm#a1> (accessed 11 October 2006); John Thavis, "Modern-Day Exodus: Flight of Catholics from Iraq Troubles Vatican," *National Catholic Reporter/Catholic News Service*, 28 February 2003, http://www.findarticles.com/p/articles/mi_m1141/is_17_39/ai_98541113 (accessed 11 October 2006).
2. In this essay, I will refer to the Assyrians, Nestorians, Chaldeans, and Syrian/Syriac Christians collectively as Assyrians. Although this usage is controversial among Chaldean Catholics in particular, it accurately conveys the fact that "Nestorian," "Syrian/Syriac," and "Chaldean" are religious denominations whose members are descended principally from the inhabitants of ancient Assyria, who converted to Christianity starting in the first or second century CE. George M. Lamsa and William Chauncey Emhardt, *The Oldest Christian People* (New York: Macmillan, 1926), 20–22, 49, 78–79, 92–95; Jackie Lyden, "Despite Turmoil, Christians Place Faith in New Iraq," *All Things Considered*, NPR, 13 August 2005, <http://www.npr.org/templates/story/story.php?storyId=4799390> (accessed 17 February 2006). Assyrians, Chaldeans, and Syriacs also shared an ancestry-group designation in the 2000 US Census, even though Chaldeans are increasingly describing themselves as part of a distinct ethnic group from the Assyrians. Nicholas Kulish, "Chaldeans, Assyrians Vexed by Count," *Wall Street Journal*, 18 March 2001, C8; "U.S. Judge Rejects Assyrian Protest," *Risk Monitor Briefing*, 22 October 2000.
3. Sarah C. Melville, "Neo-Assyrian Royal Women and Male Identity: Status as a Social Tool," *Journal of the American Oriental Society* 124, 1 (2004): 37–57; Pauline Albenda, "Western Asiatic Women in the Iron Age: Their Image Revealed," *The Biblical Archaeologist* 46 (1983): 82–88; Khaldun S. Husry, "The Assyrian Affair of 1933 (I)," *International Journal of Middle East Studies* 5 (1974), 164–76; Gibson McGuire, "Studies in the Ancient History of Northern Iraq (Review)," *Journal of Near Eastern Studies* 31 (1972): 42–46.
4. For its 300 years as the "first real world empire," Assyria's "service in forwarding the progress of the world was important and indispensable"—for example, in developing "political organization on a large scale" and distributing technology, trade, civilization, and culture throughout Western Asia and Greece. George S. Godspeer, "A Sketch of Assyrian History," *The Biblical World* 9 (1897): 401–14, 414. Assyrian, also known as Akkadian, served as the dominant language of the Middle East for more than 2,500 years; using it, law, science, religion, and poetry were developed. Wolfgang Saxon, "Erica Reiner Is Dead at 81: Renowned Assyrian Scholar," *New York Times*, 22 January 2006, 1–32.
5. Wilhelm Baum and Dietmar W. Winkler, *The Church of the East: A Concise History* (London: RoutledgeCurzon, 2003), 11–15.

6. Jonathan Berkey, *The Formation of Islam: Religion and Society in the Near East, 600–1800* (Cambridge: Cambridge University Press, 2003), 24.
7. Robin E. Waterfield, *Christians in Persia* (London: Harper & Row, 1973), 23; Paul Gavriluyk, “Theopatheia: Nestorius’s Main Charge against Cyril of Alexandria,” *Scottish Journal of Theology* 56 (2003): 190–207; Jonathan Eric Lewis, “Iraqi Assyrians: Barometer of Pluralism,” *Middle East Quarterly* 10 (2003): 49–58; Carl E. Braaten, “Modern Interpretations of Nestorius,” *Church History* 32 (1963): 251–67; “Nestorius and Nestorianism,” *The Catholic Encyclopedia*, vol. 10 (New York: Robert Appleton, 1911), <http://www.newadvent.org/cathen/10755a.htm> (accessed February 17, 2006).
8. Edward Gibbon, *The History of the Decline and Fall of the Roman Empire* (London, 1781; reprint, New York: Fred de Fau, 1906), vol. 8, ch. 47, s. IV, <http://oll.libertyfund.org/Home3/HTML.php?recordID=0214.08> (accessed 12 October 2006); John M.L. Young, *By Foot to China: Mission of the Church of the East, to 1400* (Lookout Mountain, GA: Grey Pilgrim Publications, 1991), ch. 3, <http://www.aina.org/books/bftc/bftc.htm> (accessed 12 October 2006); Stephen Andrew Missick, “Mar Thoma: The Apostolic Foundation of the Assyrian Church and the Christians of St. Thomas in India,” *Journal of Assyrian Academic Studies* 24 (2000): 33–61, <http://jaas.org/edocs/v14n2/missick.pdf> (accessed 12 October 2006).
9. Lewis, “Iraqi Assyrians,” 50.
10. The Greek historian Herodotus, writing almost 200 years later, referred to all of Mesopotamia as Assyria, even though the major Assyrian cities had been destroyed in 612 BCE. See John Joseph, *Muslim–Christian Relations and Inter-Christian Rivalries in the Middle East: The Case of the Jacobites in an Age of Transition* (Albany: State University of New York Press, 1983), 150; Herodotus, *The Histories*, trans. Harry Carter (New York: Heritage Press, 1958), 431. Another 200 years later, under Parthian rule, many Assyrian cities were “resurrected” and, with the aid of other, mostly Semitic peoples, the former capital of Assur was rebuilt to the size it had been during the Assyrian empire. See George Roux, *Ancient Iraq*, 3rd ed. (London: Penguin, 1992), 419.
11. See Fred Aprim, *Assyrians: The Continuous Saga* (Philadelphia: Xlibris, 2004); “Parthia,” in *The Cambridge Ancient History: The Roman Republic*, 2nd ed., vol. 3, pt. 2 (Cambridge: Cambridge University Press, 1991), 597–98; Patricia Crone and Michael Cook, *Hagarism: The Making of the Islamic World* (Cambridge: Cambridge University Press, 1980), 55–60; “Ashurbanipal and the Fall of Assyria,” in *The Cambridge Ancient History: The Assyrian Empire*, vol. 3 (Cambridge: Cambridge University Press, 1954), 130–31; A.T. Olmstead, *History of the Persian Empire* (Chicago: University of Chicago Press, 1948), 168; Albert Hourani, *Minorities in the Arab World* (London: Oxford University Press, 1947), 99; Aubrey Vine, *The Nestorian Churches* (London: Independent Press, 1937); Hurmuzd Rassam, *Assur and the Land of Nimrud* (Cincinnati, OH: Curtis & Jennings, 1897), 173–74; George Percy Badger, *The Nestorians and Their Rituals* (London: Darf Publishers Ltd., 1987) (1852); George Percy Badger, *The Christians of Assyria Commonly Called Nestorians* (London: W.H. Bartlett, 1869); Gibbon, *Decline and Fall*, vol. 8, ch. 47, <http://oll.libertyfund.org/Home3/HTML.php?recordID=0214.08> (accessed 12 October 2006); Flavius Josephus, *The Antiquities of the Jews*, trans. William Whiston (1737), bk. 13, ch. 6, <http://www.ccel.org/j/josephus/works/ant-13.htm> (accessed 12 October 2006); Simo Parpola, “National and Ethnic Identity in the Neo-Assyrian Empire and Assyrian Identity in the Post-Empire Times,” *Journal of Assyrian Academic Studies* 18, 2 (2004): 16–17; Odisho Malko Gewargis, “We Are Assyrians,” *Journal of Assyrian Academic Studies* 16, 1 (2002): 77–95, <http://www.jaas.org/edocs/v16n1/WeAreAssyrians.pdf> (accessed 12 October 2006); Simo Parpola, “Assyrians after Assyria,” *Journal of Assyrian Academic Studies* 12, 2 (2000): 1–13; R.N. Frye, “A Postscript to My Article [Assyria and Syria: Synonyms],” *Journal of Assyrian Academic Studies* 11 (1997): 35–36; M.A. Dandamayev, “Assyrian Traditions during Achaemenid Times,” in *Helsinki Assyria 1995: Proceedings of the 10th Anniversary Symposium of the Neo-Assyrian Text Corpus Project*, ed. Simo Parpola and R.M. Whiting, 41–48 (Warsaw, IN: Eisenbrauns, 1997); R.N. Frye, “Assyria and

- Syria: Synonyms,” *Journal of the Near East Society* 51 (1992): 281–85; E.W. MacDowell, “The Ancient Nestorian Church and Its Present Influence in Kurdistan,” *Journal of Race Development* 2 (1911): 67–88, 77.
12. Michael G. Morony, *Iraq after the Muslim Conquest* (Princeton, NJ: Princeton University Press, 1984), 336, 345; George E. Kirk, “A Short History of the Middle East,” in *The Middle East Yesterday and Today*, ed. David W. Miller and Clark D. Moore, 105–11 (New York: Bantam Pathfinder, 1970), 106; De Lacy O’Leary, *How Greek Science Passed to the Arabs* (London: Routledge & Kegan Paul, 1949; reprint, London: Routledge & Kegan Paul, 2001), ch. 1, <http://www.aina.org/books/hgsptta.htm> (accessed 12 October 2006).
 13. The language of the modern Assyrians is “extraordinarily similar” to the Aramaic language of the Assyrian empire. J.G. Browne, “The Assyrians,” *Journal of the Royal Society of Arts* 85 (1937): 170–82, 172. See also Michael D. Coogan, ed., *The Oxford History of the Biblical World* (New York: Oxford University Press, 2001), 279; J.F. Coakley, *The Church of the East and the Church of England* (Oxford: Clarendon Press, 1992), 366; Jacinto, “At Death’s Door?”
 14. Coakley, *The Church of the East*, 65, 89, 99, 149, 366–67, 382, 411. The Church of England established a mission to the Assyrians by the 1870s or 1880s, long before an independent Assyrian nation became an international legal and political issue after World War I.
 15. Specifically, the idea that the modern Assyrians are descended from the ancient Assyrians finds some support in a genetic study conducted by researchers from the University of Newcastle upon Tyne, England, and the University of Tehran, Iran, which found that the Assyrians of Urmia in particular, and of Tehran to a lesser extent, were genetically similar to one another and supported the oral tradition of Assyrians being a “closed” population with little “intermixture” with the Muslim Iranian population. M.T. Akbari, Sunder S. Papiha, D.F. Roberts, and Daryoush D. Farhud, “Genetic Differentiation among Iranian Christian Communities,” *American Journal of Human Genetics* 38 (1986): 84–98. This result is somewhat analogous to the results of a study finding substantial genetic continuity among Armenians, Jews, and Kurds despite centuries of Arab rule. See Almut Nebel, Dvora Filon, Bernd Brinkmann, Partha P. Majumder, Marina Faerman, and Ariella Oppenheim, “The Y Chromosome Pool of Jews as Part of the Genetic Landscape of the Middle East,” *American Journal of Human Genetics* 69 (2001): 1095–1112, www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1274378 (accessed 12 October 2006).
 16. Christopher Johnston, “The Fall of Nineveh,” *Journal of the American Oriental Society* 22 (1901): 20–22.
 17. Waterfield, *Christians in Persia*, 33; Gibbon, *Decline and Fall*, vol. 9, ch. 51, s. V, <http://oll.libertyfund.org/Home3/HTML.php?recordID=0214.09> (accessed 12 October 2006).
 18. Abraham Yohannan, *The Death of a Nation, Or, The Ever Persecuted Nestorians or Assyrian Christians* (New York: G.P. Putnam’s Sons, 1916), 95–98. The Caliph Omar I, who ruled for a decade starting in the year 634 CE, decreed that all property in the Arabs’ empire would henceforth be owned by the Muslim community. See Alfred Guillaume, “Islam,” in *The Middle East Yesterday and Today*, ed. David W. Miller and Clark D. Moore, 100–103 (New York: Bantam Pathfinder, 1970), 101. Onerous taxes levied on non-Muslims led many Christians to convert to Islam and to become Arabs by the fiction of adoption by an Arab tribe. *Ibid.* “In the ten years of the administration of Omar, the [Arabs] . . . destroyed four thousand churches or temples of the unbelievers.” Gibbon, *Decline and Fall*, vol. 9, ch. 51, <http://oll.libertyfund.org/Home3/HTML.php?recordID=0214.09>. The “confiscation of whole or part of [Christian] property that almost invariably took place” prompted either “wholesale secessions to Muhammedanism, or emigration to other lands.” John Stewart, *The Missionary Enterprise: The Story of a Church on Fire* (London: T&T Allen, 1928), 215. The Caliph Mutawakkil ordered churches built after the Muslim conquest to be torn down, and the houses of rich Christians converted into mosques. *Ibid.*, 218.

19. Helen Chapin Metz “The Abbasid Caliphate, 750–1258,” in *Iraq: A Country Study*, 4th ed. (Washington, DC: Federal Research Division, Library of Congress, 1990), ch. 1, <http://countrystudies.us/iraq/16.htm> (accessed 16 October 2006).
20. Ibid.
21. Yohannan, *Death of a Nation*, 104–10; Gabriel Oussani, “The Modern Chaldeans and Nestorians, and the Study of Syriac among Them,” *Journal of the American Oriental Society* 22 (1901): 79–96, 82. “Under Timur Lane (1396–1405) the Nestorian churches in Asia and China were wiped out, and Nestorians . . . survived chiefly in the region of the Hakkari Mountain [*sic*] in Kurdistan, in great poverty and ignorance, almost unknown to the world until the nineteenth century.” Hugh Wybrew, “Eastern Christianity since 451,” in *The World’s Religions*, ed. Stewart R. Sutherland, 167–92 (London: Routledge 1988), 182. “Most of the [Nestorian] monasteries were forcibly emptied or destroyed during the Mongol occupations. . . .” Edward G. Mathews, “Nestorian Monasticism,” in *Encyclopedia of Monasticism*, ed. William M. Johnston, 931–34 (Chicago: Fitzroy Dearborn, 2000), 933.2. “Timur was a fanatical Moslem, and his persecutions and massacres were particularly directed against the Mosul district where Christianity had survived to a much greater extent than round Baghdad.” Lt. Col. Ronald Sempill Stafford, *The Tragedy of the Assyrians* (1935; reprint, London: Kegan Paul International, 2004), 21 n. 2.
22. Metz, *Iraq*; Charles Tripp, *A History of Iraq* (Cambridge: Cambridge University Press, 2002), 8–9, 13–14; Stanford J. Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 1 (Cambridge: Cambridge University Press, 2000), 95–96.
23. See John Joseph, *The Modern Assyrians of the Middle East: Encounters with Western Christian Missions, Archaeologists, and Colonial Powers* (Leiden: Brill, 2000), 73, 83; Waterfield, *Christians in Persia*; Coakley, *Church of the East*, 40; Yohannan, *Death of a Nation*, 111–12; Stafford, *Tragedy of the Assyrians*, ch. 1; William Ainger Wigram, *The Assyrians and Their Neighbours* (London: G. Bell & Sons, 1929), ch. 8, <http://www.aina.org/books/aatn.htm> (accessed 12 October 2006).
24. Yohannan, *Death of a Nation*, 144, 149–50.
25. Ibid.
26. Slave markets in and around Istanbul, and the kidnapping of Armenians and other Christians for slavery, survived well into the mid- to late nineteenth century. James J. Reid, *Total War, the Annihilation Ethic, and the Armenian Genocide, 1870–1918* (New York: Palgrave Macmillan, 1992), 43; Y. Hakan Erdem, *Slavery in the Ottoman Empire and Its Demise, 1800–1909* (New York: St. Martin’s, 1996); Ehud R. Toledano, *Slavery and Abolition in the Ottoman Middle East* (Seattle: University of Washington Press, 1996); Ehud R. Toledano, *The Ottoman Slave Trade and Its Suppression, 1840–1890* (Princeton, NJ: Princeton University Press, 1983). In the Ottoman Empire, “enslaving Christians had been elevated to something approaching state policy” from the sixteenth century, if not earlier. Robert C. Davis, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast and Italy, 1500–1800* (New York: Palgrave Macmillan, 2003), 28.
27. Michael M. Gunter, “The Kurdish Question in Perspective,” *World Affairs* 166 (2004): 197–205, http://www.findarticles.com/p/articles/mi_m2393/is_4_166/ai_114631687/pg_2 (accessed 12 October 2006).
28. Peter Balakian, *The Burning Tigris: The Armenian Genocide and America’s Response* (New York: HarperCollins, 2004), 43–44, 50–51, 123. For its part, the Sudanese government has sponsored a majority Arab militia called the Janjaweed to attack members of indigenous African tribes in Darfur associated with the Sudan Liberation Army; the militia engaged in the widespread killing and raping of civilians, looting and burning hundreds of villages and driving a million people from their homes. Nsongurua J. Udombana, “When Neutrality Is a Sin: The Darfur Crisis and the Crisis of Humanitarian Intervention in Sudan,” *Human Rights Quarterly* 27 (2005): 1149–99; Human Rights Watch, *Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western*

- Sudan* (New York: Human Rights Watch, 2004), <http://hrw.org/reports/2004/sudan0504> (accessed 12 October 2006); Amnesty International, "Sudan: Arming the Perpetrators of Grave Abuses in Darfur" (AI Document AFR 54/139/2004, 16 November 2004), <http://web.amnesty.org/library/index/engaf541392004> (accessed 12 October 2006); US Department of State, *Documenting Atrocities in Darfur* (State Publication No. 11182, 21 September 2004), <http://www.state.gov/g/drl/rls/36028.htm> (accessed 12 October 2006).
29. See Joseph, *Modern Assyrians*, 124–25.
 30. Christopher J. Walker, *Armenia: The Survival of a Nation* (New York: St. Martin's, 1980), 134.
 31. Arnold Toynbee, "A Summary of Armenian History up to and including the Year 1915," in *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian (Reading, UK: Taderon Press, 2000), 623.
 32. Gustave Meyrier, Diplomatic Dispatch #44, 18 December 1895, L.J., "Complete Report on the Events," quoted in Sébastien de Courtois, *The Forgotten Genocide: The Eastern Christians, the Last Arameans* (Piscataway, NJ: Gorgias Press, 2004), 106. During *Kristallnacht*, the night of 9–10 November 1938, somewhere between several dozen and 200 Jews were killed; more than 200 synagogues were burned or destroyed; 815 shops were destroyed; and 20,000 Jews were arrested. William L. Shirer, *The Rise and Fall of the Third Reich* (New York: Simon & Schuster, 1960), 581–82.
 33. Vahakn N. Dadrian, *Warrant for Genocide: Key Elements of the Turko-Armenian Conflict* (New Brunswick, NJ: Transaction Publishers, 1999), 85. "The cathedral of Urfa, the Edessa of the Crusaders, was the scene of a human holocaust, in which nearly 3,000 persons perished." William Miller, *The Ottoman Empire, 1801–1913* (Cambridge: Cambridge University Press, 1913), 429.
 34. Paul Cambon, *Tome Premier (1870–1908): L'établissement de la République – Le Protectorat Tunisien – La régence en Espagne – La Turquie d'Abd Ul Hamid*, vol. 1 of *Correspondance, 1870–1924* (Paris: Grasset, 1940), 395, quoted in de Courtois, *Forgotten Genocide*, 110.
 35. Diplomatic Dispatch #2, Vice-Consul of Diyarbekir to Mr. Constans, French Ambassador to Constantinople, 9 January 1901, quoted in de Courtois, *Forgotten Genocide*, 138.
 36. *Ibid.*
 37. *Ibid.* Among other crimes, Kurdish chieftains had led Hamidiye in the pillage of Christian villages inhabited by Assyrians. See Diplomatic Dispatch #17, Vice-Consul of Diyarbekir to Mr. Constans, French Ambassador to Constantinople, 13 August 1902, quoted in de Courtois, *Forgotten Genocide*, 144; Diplomatic Dispatch #10, Vice-Consul of Diyarbekir to Mr. Constans, French Ambassador to Constantinople, 2 June 1904, quoted in de Courtois, *Forgotten Genocide*, 137; Diplomatic Dispatch #12, Vice-Consul of Diyarbekir to Mr. Constans, French Ambassador to Constantinople, 27 July 1904, quoted in de Courtois, *Forgotten Genocide*, 145.
 38. Diplomatic Dispatch #6, Vice-Consul of Diyarbekir to Mr. Constans, French Ambassador to Constantinople, 9 August 1903, quoted in de Courtois, *Forgotten Genocide*, 143.
 39. Diplomatic Dispatch #2, Vice-Consul of Diyarbekir to Mr. Constans, French Ambassador to Constantinople, 9 January 1901, quoted in de Courtois, *Forgotten Genocide*, 145.
 40. Diplomatic Dispatch #21, M. Constans, French Ambassador, to M. Declasse, Minister of Foreign Affairs, 14 February 1902, quoted in de Courtois, *Forgotten Genocide*, 145.
 41. Donald Bloxham, "The Armenian Genocide of 1915–1916: Cumulative Radicalization and the Development of a Destruction Policy," *Past and Present* 181 (2003): 141–91, 149.
 42. Balakian, *Burning Tigris*, 51.
 43. Bloxham, "Armenian Genocide," 149.
 44. *Ibid.*, 151.

45. Dadrian, *Warrant for Genocide*, 45, 71, 79–80, 154; Vahakn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Providence, RI: Berghahn Books, 1995), 74, 85, 100, 107. Ultimately, the Ottoman Christians may have enjoyed more opportunistic rhetorical expressions of support than effective military or economic aid during the periods of the worst abuses. Bloxham, “Armenian Genocide,” 186.
46. Balakian, *Burning Tigris*, 123.
47. Edward J. Erickson, *Defeat in Detail: The Ottoman Army in the Balkans, 1912–1913* (Westport, CT: Praeger, 2003), xvii, xix, 3, 38, 94, 114, 121, 135–36, 240, 329.
48. Stephen Hemsley Longrigg, *Iraq, 1900 to 1950: A Political, Social, and Economic History* (Oxford: Oxford University Press, 1953), 41–42; Alan Palmer, *The Decline and Fall of the Ottoman Empire* (New York: Barnes & Noble, 1992), 200.
49. Helen Chapin Metz, ed., *Turkey: A Country Study*, 5th ed. (Washington, DC: Federal Research Division, Library of Congress, 1996), ch. 1, <http://countrystudies.us/turkey/> (accessed 16 October 2006).
50. Longrigg, *Iraq*, 43, 52, 58. Conscription of Christians began in 1909; the disarmament of Armenian soldiers and their transfer to labor battalions became the policy in February 1915.
51. “Proclamation of the Grand Council of Ulema,” *La Turquie*, 16 November 1914), quoted in de Courtois, *Forgotten Genocide*, 153.
52. “Yesterday’s Great March,” *La Turquie*, 15 November 1914), quoted in de Courtois, *Forgotten Genocide*, 152.
53. Balakian, *Burning Tigris*, 169–70.
54. Jack Zakarian, *The Armenian Genocide: News Accounts from the American Press: 1915–1922*, ed. Richard Kloian (Richmond, CA: Anto Publishing, 1988), xiii.
55. Bryce and Toynbee, *Treatment of Armenians*, 135.
56. Gunter, “Kurdish Question.”
57. Bryce and Toynbee, *Treatment of Armenians*, 14; see also vii, xii–xv, 19, 28, 33–40.
58. *Ibid.*, x, xiv.
59. *Ibid.*, xv, xxi.
60. London 1916, Foreign Office Archives, 3 Class 96, Miscellaneous, Series II, six files, FO 96*205–210, cited in Thea Halo, *Not Even My Name* (New York: Picador, 2000), 328.
61. Ara Sarafian, introduction to *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian, 3–13 (Reading, UK: Taderon Press, 2000), vii.
62. Halo, *Not Even My Name*, 328.
63. *Ibid.*
64. William A. Shedd, “Urmia,” in *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian, 136–41 (Reading, UK: Taderon Press, 2000), 137–39.
65. *Ibid.*, 139.
66. *Ibid.*
67. *Ibid.*
68. It was common at the time of World War I for the British and Americans to refer interchangeably to the non-Armenian Christian population of Mesopotamia and Persia as “Nestorians (from their religion), ‘Syrians’ (from their language) or Chaldeans (from their race).” Bryce and Toynbee, *Treatment of Armenians*, 135, 137.
69. Robert M. Labaree, “Azerbeijan, Behind the Russian Front,” in *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian, 146–49 (Reading, UK: Taderon Press, 2000), 146.
70. Jacob Sargis, “Urmia,” in *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian, 189–92 (Reading, UK: Taderon Press, 2000), 189.

71. Y.M. Nisan, "Urmia," in *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian, 187–89 (Reading, UK: Taderon Press, 2000), 187.
72. Sargis, "Urmia," 191.
73. Shedd, "Urmia," 137–39.
74. F.N. Jessup, "Tabriz," in *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian, 149–54 (Reading, UK: Taderon Press, 2000), 153.
75. Labaree, "Azerbeijan," 146.
76. Sargis, "Urmia," 189. Gulpashan was "wholly ransacked," the men slaughtered and the attractive women kidnapped. Yohannan, *Death of a Nation*, 127.
77. Jessup, "Tabriz," 152–53.
78. Ara Sarafian, ed., *United States Official Documents on the Armenian Genocide*, vol. 2 (Watertown, MA: Armenian Review Press, 1994), 144.
79. Sarafian, *US Official Documents*, vol. 2, 135.
80. Eugène Griselle, *Syriens et Chaldéens, Leur Martyre, Leurs Espérances* (Paris: Bloud et Gay, 1918), 19–22; Basile M. Nikitine, "Une petite nation victime de la guerre," *Revue des sciences politiques* 44 (1921): 602–24; Basile M. Nikitine, "La Vie domestique des Assyro-Chaldéens du Plateau d'Ourmiah," *Société d'ethnographie de Paris. Ethnographie* (1925): 356–81; Browne, "The Assyrians"; Joseph Alichoran, "Assyro-Chaldeans in the 20th Century: From Genocide to Diaspora," *Journal of Assyrian Academic Studies* 8 (1994): 45–79.
81. Johannes Lepsius, *Deutschland und Armenien, 1914–1916* (Potsdam: Tempelverlag, 1919), quoted in Gabriele Yonan, *Ein vergessener Holocaust: Die Vernichtung der christlichen Assyrer in der Türkei* (Göttingen: Gesellschaft für bedrohte Völker, 1989), 270.
82. Bryce and Toynbee, *Treatment of Armenians*, ch. 2, <http://www.lib.byu.edu/~rdh/wwi/1915/bryce/a02.htm#II> (accessed 12 October 2006).
83. *Ibid.*, ch. 3, <http://www.lib.byu.edu/~rdh/wwi/1915/bryce/a04.htm> (accessed 12 October 2006); Griselle, *Syriens et Chaldéens*, 23–26; "The Assassination of a Race," *The Independent*, 18 October 1915.
84. Bryce and Toynbee, *ibid.*
85. See Griselle, *Syriens et Chaldéens*, 23–26.
86. Labaree, "Azerbeijan," 147.
87. *Ibid.*
88. Joseph Tfinkdji, The Victims of the Chaldean Nation during the Massacres in Armenia: Report of a Chaldean Clergyman (St. Pichon, 1918), quoted in Yonan, *Ein vergessener Holocaust*, 309–12; Father Dakras, "What Father Dakras Saw of Massacres in Turkey," *Washington Post*, 28 November 1915, M5.
89. Dakras, *ibid.*
90. Yusuf Malek, *The British Betrayal of the Assyrians* (Warren Point, NJ: Kimball Press, 1936), ch. 18, <http://www.aina.org/books/bbota.htm> (accessed 12 October 2006).
91. Longrigg, *Iraq, 97*; Coakley, *Church of the East*, 337.
92. Sarafian, *US Official Documents*, vol. 2, 137.
93. *Ibid.*
94. H.P. Packard, letter to the editor, *New York Times*, 18 September 1916, 12, <http://web.archive.org/web/20010708193304/www.atour.com/~history/ny-times/20001126g.html> (accessed 19 October 2006).
95. Sarafian, *US Official Documents*, vol. 2, 142–43.
96. Baum and Winkler, *Church of the East*, 137.
97. Paul Shimmon, "Hakkiari," in *The Treatment of Armenians in the Ottoman Empire, 1915–1916*, by James Bryce and Arnold Toynbee, ed. Ara Sarafian, 200–203 (Reading, UK: Taderon Press, 2000), 201.

98. Alpheus N. Andrus, "Mardin," in *"Turkish Atrocities": Statements of American Missionaries on the Destruction of Christian Communities in Turkey, 1915–1917*, ed. James L. Barton, 100–101 (Ann Arbor, MI: Gomidas Institute, 1998), 100–101.
99. Shimmon, "Hakkiari," 201.
100. Walker, *Armenia*, 215.
101. Shimmon, "Hakkiari," 201.
102. *Ibid.*
103. Lepsius, *Deutschland und Armenien*, quoted in Yonan, *Ein vergessener Holocaust*, 270.
104. Longrigg, *Iraq*, 97.
105. *Ibid.*, 98.
106. "Bishops Appeal for Nestorians," *New York Times*, 13 November 1916, 13.
107. Baum and Winkler, *A Concise History*, 137, 139.
108. *Parliamentary Debates*, Lords, 5th ser., vol. 90 (1933–34), p. 142, quoted in *The Assyrian Tragedy* (1934), <http://www.aina.org/books/tat.htm> (accessed 12 October 2006).
109. Baum and Winkler, *A Concise History*, 137, 139; Efraim Karsh and Inari Karsh, *Empires of the Sand: The Struggle for Mastery in the Middle East, 1789–1923* (Cambridge, MA: Harvard University Press, 2001), 160.
110. R.S. Stafford, "Iraq and the Problem of the Assyrians," *International Affairs* 13 (1934): 159–85, 164.
111. George Seldes, "Chaldeans Outraged as Massacred by Turks," *Los Angeles Times*, 25 October 1925, 1.
112. Lamsa and Emhardt, *Oldest Christian People*, 131.
113. *The Settlement of the Assyrians, A Work of Humanity and Appeasement* (Geneva: League of Nations, 1935), 9, quoted in Joseph Yacoub, *The Assyrian Question* (Chicago: Alpha Graphic, 1986), 8.
114. Baum and Winkler, *A Concise History*, 144–45.
115. See, e.g., Bryce and Toynbee, *Treatment of Armenians*; "Wholesale Massacres of Armenians by Turks," *New York Times*, 29 July 1915; "Armenians Dying in Prison Camps," *New York Times*, 21 August 1915; "500,000 Armenians Said to Have Perished," *New York Times*, 24 September 1915; "800,000 Armenians Counted Destroyed," *New York Times*, 7 October 1915; "Armenian Refugees Reach New York. Driven from Their Homes by Turks Last July," *Los Angeles Times*, 9 March 1916, I-2; William Walker Rockwell, "The Total of Armenian and Syrian Dead," *Current History: A Monthly Magazine of the New York Times*, November 1916, 337–38, <http://www.cilicia.com/armo10c-nyt191611b.html> (accessed 13 October 2006); "Morgenthau Urges Carving of Turkey," *Los Angeles Times*, 12 December 1918, I-1; "Millions of Armenians Starving in Turkey. American Relief Expedition To Sail Next Month To Relieve Suffering," *Los Angeles Times*, 26 December 1918, I-2; "Hoover Pleads for Armenians," *Los Angeles Times*, 12 January 1919, II-9; George R. Montgomery, "The Massacres of Armenians in 1915," *Current History Magazine*, October 1922, 25–28, <http://www.cilicia.com/armo10c-nyt192210b.html> (accessed 19 October 2006).
116. "Turks Slaughter Greeks, Sell Women to Slavery," *Los Angeles Times*, 9 June 1918.
117. R.J. Rummel, *Death by Government* (London: Transaction Publishers, 1994), 229, 234.
118. "Turks Slaughter Greeks."
119. Rummel, *Death by Government*, 229; Rockwell, "Total of Armenian," 338 (80,000 to 120,000 starved to death in Lebanon and Syria).
120. James Bryce, preface to *Shall This Nation Die?* by Joseph Naayem (New York: Chaldean Rescue, 1921), http://www.lulu.com/items/volume_2/140000/140495/2/preview/Naayem__Preview.pdf (accessed 12 October 2006).
121. Henry I. Morgenthau, *Ambassador Morgenthau's Story* (Garden City, NY: Doubleday, Page & Co., 1918; reprint, Reading, UK: Taderon Press, 2000), 214; also see online edition,

- <http://web.archive.org/web/20040202000014/http://www.cilicia.com/morgenthau/Morgen24.htm> (accessed 19 October 2006).
122. Ibid.
 123. "Morgenthau Urges," I-1.
 124. Ara Sarafian, ed., *United States Official Documents on the Armenian Genocide*, vol. 1 (Watertown, MA: Armenian Review Press, 1993), 54.
 125. Ibid., 48–49.
 126. Ibid.
 127. Leslie A. Davis, *The Slaughterhouse Province: An American Diplomat's Report on the Armenian Genocide* (New Rochelle, NY: Caratzas, 1990), 144–45.
 128. Ibid.
 129. Ibid.
 130. DE/PA-AA/R14086, 1915-A-23244, No. 477, report from Ernst Langenburg Hohenlohe, German Ambassador in Constantinople, to Chancellor Bethmann Hollweg, dated 31 July 1915, <http://www.armenocide.de/armenocide/armgende.nsf/3f23b353912a55f8c1256ad7006edaff/333eb1a5ff7f9ebec12568f30059b1d5?OpenDocument> (accessed 19 October 2006).
 131. DE/PA-AA/Bo.Kons./Band 169, No. 11, telegram from Walter Holstein, Vice-Consul of Mosul, to German Embassy in Istanbul, dated 15 July 1915, <http://www.armenocide.de/armenocide/armgende.nsf/0/63866a0769f240cbc12568f30059b1c3?OpenDocument> (accessed 19 October 2006).
 132. DE/PA-AA/Bo.Kons./Band 169, No. 14, telegram from Walter Holstein, Vice-Consul of Mosul, to German Embassy in Istanbul, dated 21 July 1915, <http://www.armenocide.de/armenocide/armgende.nsf/60ab487bce875307c1256d000047d055/157fa8e809878c2cc12568f30059b1cd?OpenDocument> (accessed 19 October 2006).
 133. DE/PA-AA/Bo.Kons./Band 170, A53a/1915/5779, report of Rössler, German Consul in Aleppo, to Ernst Langenburg Hohenlohe, Ambassador on Extraordinary Mission in Constantinople., dated 27 September 1915, <http://www.armenocide.de/armenocide/armgende.nsf/1609e6f136e68c36c1256b330009af75/fe3cd5f683fb1e13c12568f30059b221?OpenDocument> (trans. Vera Draack; accessed 19 October 2006).
 134. DE/PA-AA/R14087, K. No. 90/B. No. 1950, telegram from Rössler, German Consul in Aleppo, to German Chancellor Bethmann Hollweg, dated 3 September 1915, <http://www.armenocide.de/armenocide/armgende.nsf/74c6b7b259a64ecdc1256b320083617c/f6d8f87cf678fb7bc12568f30059b207?OpenDocument> (accessed 19 October 2006).
 135. Vahakn N. Dadrian, "Documentation of the Armenian Genocide in German and Austrian Sources," in *The Widening Circle of Genocide: A Critical Bibliographic Review*, ed. Israel W. Charny, 77–126 (New Brunswick, NJ: Transaction Publishers, 1994), 100, 101, 124.
 136. Yair Auron, *Zionism and the Armenian Genocide: The Banality of Indifference* (New Brunswick, NJ: Transaction Publishers, 2003), 49.
 137. Ibid., 50. The Germans condemned the "massive and indiscriminate expulsions... accompanied by acts of violence such as massacres and pillages." Dadrian, "Documentation," 98.
 138. Dadrian, "Documentation," 100.
 139. Johannes Lepsius, *Report on the Condition of the Armenian People* (Potsdam, 1916), and Johannes Lepsius, *Collection of Diplomatic Files* (Potsdam, 1919), both cited in Gabriele Yonan, "Holy War Made in Germany: New Light on the Holocaust against the Christian Assyrians during World War I," paper presented at the international conference Assyrians After Assyria: Persecutions and Massacres of Syriac-speaking Christians, University of Sydney, Australia, 2 July 2000, <http://www.nineveh.com/Holy%20War%20Made%20in%20Germany.html> (accessed 13 October 2006).
 140. Vahakn N. Dadrian, *German Responsibility in the Armenian Genocide: A Review of the Historical Evidence of German Complicity* (Cambridge, MA: Blue Crane Books, 1996).
 141. "Syrian Tells of Atrocities," *Los Angeles Times*, 15 December 1918, I-1.

142. "Native Christians Massacred; Frightful Atrocities in Persia," *Los Angeles Times*, 2 April 1915, I-1.
143. Ibid.
144. Ibid. The *Washington Post* published a similar report: "Turks Kill Hundreds," *Washington Post*, 2 April 1915, 1. A book published in the United States after the war cited a letter describing 750 dead Christians and 500 kidnapped Christian girls in Hafdewan. Yohannan, *Death of a Nation*, 127.
145. "More Violence by Turks," *Los Angeles Times*, 27 March 1915, II-1.
146. "People Flee From Kurds," *Los Angeles Times*, 3 May 1915, I-2.
147. Ibid.
148. "Turkish Horrors in Persia," *New York Times*, 11 October 1915, <http://www.cilicia.com/armo10c-nyt19151011d.html> (accessed 13 October 2006).
149. "Chaldean Victims of the Turks," *Times* (London), 22 November 1919, 11.
150. Uwe Siemon-Netto, "Terror Fallout Hurts Iraqi Christians," *United Press International*, 5 November 2001, <http://www.atour.org/news20.htm> (accessed 1 March 2006); Uwe Siemon-Netto, "Attacks Defy the Prophet's Wish," *Washington Times*, 3 August 2004, <http://washingtontimes.com/upi-breaking/20040803-101431-8900r.htm> (accessed 1 March 2006); Yonan, *Ein vergessener Holocaust*, 251-313; Yonan, "Holy War"; Richard P. McBrien, ed., *The HarperCollins Encyclopedia of Catholicism* (New York: HarperCollins, 1995); "The Claims of the Assyrians Before the Conference of the Preliminaries of Peace at Paris, 1919," in *The Flickering Light of Asia, or The Assyrian Nation and Church*, by Joel E. Werda (Chicago: Author, 1924), <http://www.aina.org/books/fla/fla.htm#c31> (accessed 13 October 2006); Franca Arena, "Assyrian Oppression," *Legislative Council Papers*, New South Wales, 14 September 1993, <http://www.parliament.nsw.gov.au/prod/parliament/hansart.nsf/V3Key/LC19930914036> (accessed 13 October 2006), art. 36; Lewis, "Iraqi Assyrians."
151. "Urumiah Massacres. Death of 12,000 Nestorian Christians," *Times* (London), 9 October 1915.
152. Ibid.
153. Ibid.
154. Ibid.
155. "Assyrians' War Sufferings," *Times* (London), 15 June 1920.
156. "Chaldean Victims."
157. "Massacres Kept Up," *Washington Post*, 26 March 1915, 1.
158. "40 Die Daily in Mission," *Washington Post*, 11 April 1915, R4.
159. Ibid.
160. "Massacred by Kurds; Christians Unable to Flee from Urmia Put to Death," *Washington Post*, 14 March 1915, 10.
161. Ibid.
162. Yonan H. Shahbaz, *The Rage of Islam: An Account of the Massacre of Christians by the Turks in Persia* (Philadelphia: Roger Williams Press, 1918), 94.
163. "Christians in Danger; Fearing New Massacre by Kurds, State Department Acts," *Washington Post*, 27 March 1915, 1.
164. Yonan H. Shahbaz, *The Rage of Islam: An Account of the Massacre of Christians by the Turks in Persia* (Philadelphia: Roger Williams Press, 1918), 170-71. For an account of how this extraordinary individual of Assyrian descent became an American missionary and endured incredible travails to write his story, see Robert Stuart MacArthur, introduction to *The Rage of Islam: An Account of the Massacre of Christians by the Turks in Persia*, by Yonan H. Shahbaz (Philadelphia: Roger Williams Press, 1918), vii-xi. The author calls the Christians of Persia and Mesopotamia "Nestorian" but clarifies that most of them preferred to be called Assyrians. Shahbaz, *Rage of Islam*, 24.
165. Ibid., 57.
166. Ibid., 161.

167. See “Cheap at the Price,” *Times* (London), 26 May 2006, <http://property.timesonline.co.uk/article/0,,14052-2193897,00.html> (accessed 19 October 2006).
168. Republic of Turkey, Directorate General of Press and Information, “The Armenian Allegation of Genocide: Facts” (2001), http://www.byegm.gov.tr/yayinlarimiz/newspot/2001/mar_apr/n5.htm (accessed 17 February 2006).
169. Hasan Köni and Kemal Çiçek, “The Relocation of the Armenians during the WWI” (April 2005), http://www.ttk.gov.tr/ingilizce/armenian_studies/april2005-2.pdf (accessed 13 October 2006), 5.
170. *Ibid.*
171. *Ibid.*
172. *Ibid.*
173. “Armenian Massacres of 1915,” *Parliamentary Debates*, Lords, 6th ser., vol. 599 (29 March–22 April 1999), col. 1212, answer by Lord Triesman, Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, to question by Baroness Cox to the government, <http://www.publications.parliament.uk/pa/ld200506/ldhansrd/vo050714/text/50714-01.htm> (accessed 19 October 2006).
174. *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277, http://www.unhchr.ch/html/menu3/b/p_genoci.htm (accessed 13 October 2006), art. 2.
175. *Ibid.*, emphasis added; Yoram Dinstein, *War, Aggression and Self-Defence*, 3rd ed. (Cambridge: Cambridge University Press, 2001), 108.
176. *Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 14 November 1945—10 October 1946*, vol. 1 (1947), 43–44, cited in Elizabeth Borgward, “Re-examining Nuremberg as a New Deal Institution: Politics, Culture and the Limits of Law in Generating Human Rights Norms,” *Berkeley Journal of International Law* 23 (2005): 42–68, 401.
177. “Reservations to the Convention on the Prevention of Genocide” (advisory opinion), *ICJ Reports 1951*: 15–55, 21–22, 23–24.
178. Benjamin Whitaker, “Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide,” E/CN.4/Sub.2/1985/6 (UN Economic and Social Council, Commission on Human Rights, Sub-commission on Prevention of Discrimination and Protection of Minorities, 2 July 1985).
179. *Statute of the International Court of Justice*, 24 October 1945, 59 Stat. 1031, 1060; T.S. No. 993, 25, arts. 36 (2)(a-d), 38 (1)(a-d), <http://www.icj-cij.org/icjwww/ibasicdocuments/ibasictext/ibasicstatute.htm> (accessed 13 October 2006), art. 36(2)(a-d), art. 38(1)(a-d); Peter Malanczuk, *Akehurst's Modern Introduction to International Law* (London: Routledge, 1997), 39, states that sources of international customary law include “newspaper reports of actions taken by states, and . . . statements made by government spokesmen . . . laws and judicial decisions . . . extracts from [Foreign Ministry] archives . . . the writings of international lawyers . . . judgments of national and international tribunals . . . treaties . . . nonbinding resolutions and declarations.”
180. For example, as early as the fourteenth century, an English court tried and convicted the Scottish rebel William Wallace for waging war in an illegal manner, “sparing neither age nor sex, monk nor nun.” Timothy L.H. McCormack, “Selective Reaction to Atrocity: War Crimes and the Development of International Criminal Law,” *Albany Law Review* 60 (1997): 681–732, 689. In the fifteenth century, a warrior in the service of the Duke of Burgundy was tried and convicted for murder and rape committed during the occupation of Austria, in violation of the “laws of God and man.” *Ibid.*, 690. In the seventeenth century, the King of Sweden decreed Articles of War that, among other things, declared that any attempt to “tyrannise over” unarmed men, women, or children, particularly clergy and aged people, would be made under pain of “punishment at the discretion of the Judges.” Kenneth Ögren, “Humanitarian Law in the Articles of War Decreed in 1621 by King Gustavus II Adolphus of Sweden,” *International Review of the Red Cross* 313 (1996): 438–42, <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwplList154/>

BC396F38899D10BEC1256B66005A2479 (accessed 13 October 2006).

Seventeenth-century English law similarly banned attacks on civilians or prisoners of war. Will Coster, "Massacre and Codes of Conduct during the English Civil War," in *The Massacre in History*, ed. Mark Levene and Penny Roberts, 89–106 (New York: Berghahn Books, 1999), 96; McCormack, "Selective Reaction to Atrocity," 692–93. In the eighteenth century, famed international jurist Emmerich de Vattel wrote that a state that robs, murders, or ill-treats the subjects of another sovereign, or that persecutes its own religious minorities, is a "common enemy of the human race" that all nations are entitled to sanction. Emmerich de Vattel, *Le droit des gens, ou Principes de la loi naturelle* (1758), trans. Charles G. Fenwick (Washington, DC: Carnegie Institution, 1916), 131–37, quoted in Leslie Green, "New Trends in International Criminal Law," *Israel Year Book on Human Rights* 11 (1981): 9–40, 11–12. In the nineteenth century, European powers tried and convicted Napoleon Bonaparte for waging unjust wars. Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000), 37–57; Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective* (Cambridge: Cambridge University Press, 2004), 3–76. Also in the nineteenth century, the United States tried and convicted British nationals for massacring women and children in violation of "the law of nations" and "the laws and usages of war." McCormack, "Selective Reaction to Atrocity," 694.

181. *Convention (No. IV) Respecting the Laws and Customs of War on Land, with Annex of Regulations*, 19 October 1908, 36 Stat. 2277, T.S. 539, 1 Bevans 631, 1907 U.S.T. LEXIS 29, art. 46.
182. *Ibid.*
183. Dinstein, *War, Aggression*, 108. Even before Nuremberg, the Entente cited the Hague Convention to justify "individual war crimes prosecutions" against "leading members of the . . . Young Turks" thought "to be responsible for the massacre of hundreds of thousands of Armenians perpetrated under the guise of wartime deportations." M. Cherif Bassiouni, "World War I: 'The War to End All Wars' and the Birth of a Handicapped International Criminal Justice System," *Denver Journal of International Law and Policy* 30 (2002): 244–96, 244.
184. "Declaration by the Governments of France, Great Britain and Russia" (29 May 1915), in *United Nations War Crimes Commission, History of the United Nations War Crimes Commission and the Development of the Laws of War* (London: HMSO, 1948), 35, http://www.armenian-genocide.org/popup/affirmation_window.html?Affirmation=160 (accessed 13 October 2006).
185. *Ibid.*
186. Vahakn N. Dadrian, "The Armenian Genocide and the Legal and Political Issues in the Failure to Prevent or to Punish the Crime," *University of West Los Angeles Law Review* 29 (1998): 43–78, 57.
187. John Shamsey, "Comment: 80 Years Too Late: The International Criminal Court and the 20th Century's First Genocide," *Journal of Transnational Law and Policy* 11 (2002): 327–83, 336, 340–41.
188. *Ibid.*, 348, quoting Vartkes Yeghiayan, *The Armenian Genocide and the Trials of the Young Turks* (La Verne, CA: American Armenian International College Press, 1990), xxvi.
189. "Turkey Condemns Its War Leaders: Court-Martial Gives Death Sentence to Enver Pasha, Tallat Bey, and Djemal Pasha," *New York Times*, 13 July 1919, <http://www.cilicia.com/armo10c-nyt19190713.html> (accessed 13 October 2006).
190. Vahakn N. Dadrian, "The Turkish Military Tribunal's Prosecution of the Authors of the Armenian Genocide: Four Major Court-Martial Series," *Holocaust and Genocide Studies* 7 (1997): 28–59, 34.
191. Emile Hildebrand, "Kemal Promises More Hangings of Political Antagonists in Turkey," *Los Angeles Examiner*, 1 August 1926, quoted in Dennis R. Papazian,

- “Misplaced Credulity: Contemporary Turkish Attempts to Refute the Armenian Genocide,” *Armenian Review* 45 (1992): 185–213.
192. *Treaty of Peace Between the Allied Powers and Turkey* (Treaty of Sèvres), 10 August 1920 (unratified), arts. 142, 144, reprinted in *American Journal of International Law* 15 (Supplement: Official Documents, 1921): 179–295.
193. *Ibid.*, arts. 27, 140–41, 145, 147–50, reprint pp. 182–84, 208–9, 211–12.
194. *Ibid.*, art. 230.
195. Shamsey, “80 Years Too Late,” 271–72.
196. Dadrian, “Turkish Military Tribunal’s Prosecution,” 51–52.
197. Dadrian, *History of the Armenian Genocide*, 332–35, 340–41.
198. Merrill D. Peterson, *Starving Armenians: America and the Armenian Genocide, 1915–1930 and After* (Charlottesville: University of Virginia Press, 2004); 134–35; Hans Köchler, *Global Justice or Global Revenge? International Criminal Justice at the Crossroads* (New York: Springer-Verlag, 2004), 58; Dadrian, *History of the Armenian Genocide*, 333, 341; M. Cherif Bassiouni, “From Versailles to Rwanda in Seventy-Five Years: The Need to Establish a Permanent International Criminal Court,” *Harvard Human Rights Journal* 10 (1997): 11–62, 17.
199. Republic of Turkey, “Armenian Allegation of Genocide.”
200. *Ibid.*
201. “Armenian Massacre, 1915,” *Parliamentary Debates*, Lords, 6th ser., vol. 599 (29 March–22 April 1999), col. 826, answer by Baroness Ramsay of Cartvale to question by Baroness Cox to the government, <http://www.publications.parliament.uk/pa/ld199899/ldhansrd/vo990414/text/90414-09.htm> (accessed 13 October 2006).
202. “Genocide as a form of state crime has required a cooperative endeavor by individuals operating on many different levels of the state, with dramatically different orientations, objectives and motivations.” David O. Friedrichs, “The Crime of the Century? The Case for the Holocaust,” *Crime, Law and Social Change* 34 (2000): 21–41, 29.
203. Morgenthau, *Ambassador Morgenthau’s Story*, 10, 20, 34.
204. Halo, *Not Even My Name*, 126.
205. Panayiotis Diamadis, “The Assyrian in the Christian Asia Minor Holocaust,” paper presented at the international conference Assyrians After Assyria: Persecutions and Massacres of Syriac-speaking Christians, University of Sydney, Australia, 2 July 2000, http://aanf.org/America/assyrians/assyrian_christian.htm (accessed 13 October 2006).
206. *Ibid.*
207. Bloxham, “Armenian Genocide,” 156–57.
208. *Ibid.*, 157.
209. *Ibid.*
210. Shahbaz, *The Rage of Islam*, 51–53.
211. Sarafian, *US Official Documents*, vol. 2, 137.
212. James L. Barton, *Story of Near East Relief (1915–1930)* (New York: Macmillan, 1930), 91.
213. Bloxham, “Armenian Genocide,” 152.
214. *Ibid.*
215. *Ibid.*
216. Dadrian, “Documentation of the Armenian Genocide,” 99.
217. Morgenthau, *Ambassador Morgenthau’s Story*, 34.
218. *Ibid.*, 193.
219. DE/PA-AA/R14086, A-19743, report from Wangenheim, Ambassador in Constantinople to Reichskanzler Bethmann Hollweg, 24 June 1915, <http://www.armenocide.de/armenocide/armgende.nsf/1609e6f136e68c36c1256b330009af75/ecd802ded50a4089c12568f30059b196?OpenDocument> (accessed 13 October 2006).
220. Johannes Lepsius, *Bericht über die Lage des Armenischen Volkes in der Türkei* (Postdam, 1916), quoted in Yonan, *Ein vergessener Holocaust*, 248; see also Morgenthau, *Ambassador Morgenthau’s Story*, 243; Bryce and Toynbee, *Treatment of the Armenians*, ch. 2, <http://www.lib.byu.edu/~rdh/wwi/1915/bryce/a03.htm> (accessed 13 October 2006).

221. Yves Ternon, "Report on the Genocide of the Armenians of the Ottoman Empire, 1915–1916," in *A Crime of Silence: The Genocide of the Armenians*, ed. Gerard Libaridian, 61–93 (London: Zed Books, 1985).
222. Bloxham, "Armenian Genocide," 152.
223. "Defense Committee Corners Supplies," *New York Times*, 13 September 1915, <http://www.umd.umich.edu/dept/armenian/facts/islam.html> (accessed 13 October 2006).
224. Yonan, *Ein vergessener Holocaust*, 99.
225. Johannes Lepsius, *Deutschland und Armenien*, quoted in Yonan, *Ein vergessener Holocaust*, 269.
226. *Ibid.*, 270.
227. Bloxham, "Armenian Genocide," 142.
228. Balakian, *Burning Tigris*, 286.
229. As the Appeals Chamber for the International Criminal Tribunal for Rwanda recently held,

The Tribunal's jurisprudence conclusively establishes that genocidal intent can be proven through inference from the facts and circumstances of a case. By its nature, intent is not usually susceptible to direct proof. Only the accused himself has first-hand knowledge of his own mental state, and he is unlikely to testify to his own genocidal intent. Intent thus must usually be inferred . . .

Evidence of genocidal intent can be inferred from "the physical targeting of the group or their property; the use of derogatory language toward members of the targeted group; the weapons employed and the extent of bodily injury; the methodical way of planning, the systematic manner of killing."

Prosecutor v. Gacumbitsi, Judgment, ICTR-2001-64-A (7 July 2006), 15, para. 40, http://69.94.11.53/ENGLISH/cases/Gacumbitsi/judgement/judgement_appeals_070706.pdf (accessed 13 October 2006) [Gacumbitsi Appeals Judgment].

230. *Prosecutor v. Akayesu*, Judgment, ICTR-96-4-T (2 September 1998) [Akayesu Trial Judgment], quoted in *Prosecutor v. Jelusic*, Judgment, IT-95-10-A (5 July 2001), <http://www.un.org/icty/Supplement/supp26-e/jelusic.htm> (accessed 13 October 2006) [Jelusic Appeals Judgment].
231. *Ibid.*
232. *Ibid.*
233. Akayesu Trial Judgment, paras. 698–734; Karen Engle, "Feminism and Its (Dis)Contents: Criminalizing Wartime Rape in Bosnia and Herzegovina," *American Journal of International Law* 99 (2005): 778–816, 791–94; Rosalind Dixon, "Rape as a Crime in International Law: Where to Go from Here?" *European Journal of International Law* 13 (2002): 697–719, 703–4.
234. *Israel (Prosecutor General) v. Eichmann*, Jerusalem District Court (12 December 1961), in *International Law Reports* 36 (1968): 340. At least two former Soviet republics, Latvia and Estonia, have convicted Communist-era officials for genocide based on evidence that they deported members of ethnic or national groups with the intent to destroy the group in part. Lauri Mälksoo, "Soviet Genocide? Communist Mass Deportations in the Baltic States and International Law," *Leiden Journal of International Law* 14 (2001): 757–87, 774–78, 780.
235. "Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: . . . (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part . . ." UNCG, art. 2. The phrase "deliberate inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or part," includes, among other acts, "systematic expulsion from homes." Akayesu Trial Judgment, paras. 507–8. International tribunals infer genocidal intent from patterns of such acts that tend to "violate the very foundation of the group." *Prosecutor v. Karadzic and Mladic*,

Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence, IT-95-5-R61-T and IT-95-18-R61-T (16 July 1996), para. 94. Thus, “attacks on the cultural and religious property and symbols of the targeted group . . . may legitimately be considered as evidence of an intent to physically destroy the group.” *Prosecutor v. Krstic*, Judgment, IT-98-33-T (2 August 2001), para. 580, <http://www.worldlii.org/int/cases/ICTY/2001/8.html> (accessed 13 October 2006) [Krstic Trial Judgment].

236. Krstic Trial Judgment, para. 513.
237. UNCG, art. 2.
238. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), 79.
239. *Ibid.*
240. Only Reagan, Ford, and Bush actually used the term “genocide,” Carter preferring to speak of “eliminat[ion].” Rep. Michael Bilrakis, “Commemorating Armenian Genocide,” 107th Cong., 1st sess., *Congressional Record* 147 (24 April 2001): H1518–19; President Ronald Reagan, “Days of Remembrance of Victims of the Holocaust,” 101st Cong., 2nd sess., *Congressional Record* 136 (22 April 1981): S1438–39; Fergal Keane, “Armenians Say US Failed Them,” BBC News, 26 January 2003, <http://news.bbc.co.uk/1/hi/programmes/correspondent/2572667.stm> (accessed 13 October 2006); Armenian National Committee of America, “Quotes,” 2004, <http://www.anca.org/genocide/quotes.php> (accessed 13 October 2006).
241. Warren Tolman and Dikran Kaligian, “It’s Elementary: Turks Committed Genocide,” *Boston Herald*, 9 December 2005, 33.
242. Jason Wermers, “Massacres Genocide? 23 States Have Legislation That Recognizes Stance of Armenians,” *Richmond Times Dispatch*, 2 April 2001, B1.
243. “Armenian Massacre, 1915,” *Parliamentary Debates*, Lords, 6th ser., vol. 599 (29 March–22 April 1999), col. 811, question by Baroness Cox to the government, <http://www.publications.parliament.uk/pa/ld199899/ldhansrd/vo990414/text/90414-08.htm> (accessed 13 October 2006); “Turkey Protests ‘Genocide’ Reference,” *Catholic Insight* 9, 10 (December 2001): 23.
244. “Turkey ‘Must Admit Armenia Dead,’” BBC News, 13 December 2004, <http://news.bbc.co.uk/2/hi/europe/4092933.stm> (accessed 13 October 2006).
245. *Ibid.*
246. “Armenian Massacre, 1915,” *Parliamentary Debates*, Lords; “US House Committee to Discuss Genocide Resolution,” *Turkish Daily News*, 9 September 2005; “Swiss Accept Armenia ‘Genocide,’” BBC News, 16 December 2003, <http://news.bbc.co.uk/2/hi/europe/3325247.stm> (accessed 13 October 2006).
247. Afram Barryakoub, “Academic Conference on Seyfo Held in Sweden,” *Zinda Magazine*, 19 November 2005, http://www.zindamagazine.com/html/archives/2005/11.19.05/index_sat.php (accessed 13 October 2006).
248. As a prominent scholar of the Armenian genocide stated upon being asked whether the Armenian parliament should recognize the Assyrian genocide, “we do not know much about your experience.” *Ibid.*
249. Vahakn Dadrian has compiled much of the extant evidence of Ottoman admissions of genocidal intent to exterminate the Armenians in particular, although much of this evidence also supports an intention to wipe out or “cleanse” Ottoman Christians more broadly. Dadrian, *History of the Armenian Genocide*, 219–48; Dadrian, *Warrant for Genocide*, 85–105, 123–33; Dadrian, *German Responsibility*; Dadrian, “Documentation of the Armenian Genocide,” 98–101; Dadrian, “Turkish Military Tribunal’s Prosecution,” 35, 38–39, 43, 48, 54, 51–52; Dadrian, “Armenian Genocide”; Vahakn N. Dadrian, “The Naim-Andonian Documents on the World War I Destruction of Ottoman Armenians: The Anatomy of a Genocide,” *International Journal of Middle East Studies* 18 (1986): 311–60; Vahakn N. Dadrian, “The Documentation of the World War I Armenian Massacres in the Proceedings of the Turkish Military Tribunal,” *International Journal*

- of *Middle East Studies* 23 (1991): 549–76, 558; Vahakn N. Dadrian, “Documentation of the Armenian Genocide in Turkish Sources,” in *Genocide: A Critical Bibliographic Review*, ed. Israel W. Charny, 86–138 (New York: Facts On File, 1991); Vahakn N. Dadrian, “The Secret Young-Turk Ittihadist Conference and the Decision for the World War I Genocide of the Armenians,” *Holocaust and Genocide Studies* 7 (1993): 173–201.
250. The International Criminal Tribunal for Rwanda, for example, found the requisite genocidal intent in a case bearing some similarities to the massacres of Assyrians in northern Mesopotamia and Persia, noting that “explicit manifestations of criminal intent are, for obvious reasons, often rare in the context of criminal trials,” and that to “prevent perpetrators from escaping convictions simply because such manifestations are absent, the requisite intent may normally be inferred from relevant facts and circumstances.” *Prosecutor v. Kayishema and Ruzindana*, Judgment, ICTR-95–1-A (1 June 2001), <http://65.18.216.88/ENGLISH/cases/KayRuz/appeal/3d.htm> (accessed 1 March 2006), para. 159. The Tribunal found to be adequate evidence of intent the facts that the defendant transported attackers to sites of violent conflict, “directed attackers to kill and offered payment in exchange for the severed heads of well known Tutsis or identification cards of murdered Tutsis,” carried weapons, and was believed to be purchasing weapons for attackers. *Ibid.*, para. 158.
251. *Prosecutor v. Milosevic*, Decision on Motion for Judgement of Acquittal, IT-02–54-T (16 June 2004), <http://www.un.org/icty/milosevic/trialc/judgement/040616.htm> (accessed 13 October 2006), para. 120, citing Jelusic Appeals Judgment, para. 37, citing Akayesu Trial Judgment, paras. 698–734.
252. UN, Committee on the Elimination of Racial Discrimination, Summary Record of the 1530th Meeting, CERD/C/SR.1530, 14 August 2002, <http://www.unhcr.ch/tbs/doc.nsf/0/81d55fc0366b053cc1256c17002f1a16/%24FILE/G0243887.doc> (accessed 13 October 2006); Lyden, “Despite Turmoil”; Sabrina Tavernise, “In a Muslim City in Iraq.”
253. CIA World Factbook: Armenia (2006), <https://www.cia.gov/cia/publications/factbook/geos/am.html> (accessed 13 October 2006). The British government has estimated that about 1.5 million Christians lived in Iraq before the 2003 war. UK, Home Office, Country Assessment: Iraq (October 2001), <http://www.asylumlaw.org/docs/showDocument.cfm?documentID=844> (accessed 13 October 2006); Danish Immigration Service, “Joint British–Danish Fact Finding Mission to Damascus, Amman, and Geneva Regarding Iraqi Asylum Seekers” (June 2002), <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDCOI&id=3f4908364> (accessed 13 October 2006). The US media also frequently reports that up to 1.5 million Christians live in Iraq. Patrick McDonnell, “After Years of Relative Peace, Christians Live in Fear,” *Los Angeles Times*, 15 November 2004, <http://www.armeniandiaspora.com/archive/14453.html> (accessed 13 October 2006). The 1987 census in Iraq revealed a population of 1.4 million Christians. Daniel Pipes, “Ethnic Cleansing of Iraq’s Christians,” *Human Events*, 24 August 2004, <http://www.humaneventsonline.com/article.php?id=4865> (accessed 13 October 2006). Various estimates over the years have counted 600,000 Iraqis as Chaldean Catholics; 300,000 to 500,000 as Assyrians (Church of the East); and 140,000 as Orthodox Christians. “Patriarch Raphael I Bidawid,” *Times* (London), 29 July 2003, 28; Uwe Siemon-Netto, “Mob Beheads Nun in Bagdad,” *United Press International*, 27 August 2002; Ray J. Mouawad, “Syria and Iraq—Repression: Disappearing Christians of the Middle East,” *Middle East Quarterly* 8, 1 (Winter 2001), <http://www.meforum.org/article/17> (accessed 13 October 2006).
254. Michael Mainville, “Armenian Angst; Poverty, Corruption Spur Sense of Powerlessness,” *Washington Times*, 14 September 2005, A15. “An estimated 350,000 Assyrians have migrated to the United States, many of them concentrated in the Turlock–Modesto–Ceres [California] areas and in Detroit and Chicago.” “California Assembly Joint Resolution No. 31—Relative to Assyrians in Iraq” (24 April 2003), http://info.sen.ca.gov/pub/03–04/statute/ch_0051-0100/ch_73_st_2003_ajr_31 (accessed 1 March 2006).

255. "Iraq, Afghanistan, 11 Other States At Risk of Genocide: Expert," *Agence France-Presse*, 27 January 2004, <http://www.keepmedia.com/pubs/AFP/2004/01/27/361322> (accessed 16 October 2006).
256. *Ibid.*
257. Tripp, *History of Iraq*, 79–81; UN Office for the Coordination of Humanitarian Affairs, "Iraq: Focus on Mass Graves," *IRIN Middle East*, 7 January 2004, http://www.irinnews.org/report.asp?ReportID=38775&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ (accessed 16 October 2006); US Department of State, "Iraq Human Rights Practices, 1994" (February 1995), http://dosfan.lib.uic.edu/ERC/democracy/1994_hrp_report/94hrp_report_nea/Iraq.html (accessed 16 October 2006); International Federation of Human Rights [FIHR] and Alliance Internationale pour la Justice [AIJ], *Iraq: Continuous and Silent Ethnic Cleansing* (January 2003), <http://www.fidh.org/IMG/pdf/iq350a.pdf> (accessed 16 October 2006), 16; Human Rights Watch, "Reversing Ethnic Cleansing in Northern Iraq," *Claims in Conflict* 16, 4 (August 2004), <http://hrw.org/reports/2004/iraq0804> (accessed 16 October 2006); Siemon-Netto, "Attacks Defy"; Ken Joseph, Jr., "Iraq's Secret Documents," *Washington Times*, 23 July 2004, <http://washingtontimes.com/upi-breaking/20040723-123038-6416r.htm> (accessed 1 March 2006).
258. US Department of State, "Iraq Human Rights Practices."
259. Dr. Katrin Michael, a Chaldean Assyrian who met with President George W. Bush and Vice President Dick Cheney on 14 March 2003, was a victim of the chemical weapons attack on Halabja in 1988. The White House, "News and Policies" (news release, March 2003), http://www.whitehouse.gov/news/releases/2003/03/images/20030314-26_p27771-07a-515h.html (accessed 16 October 2006); Katrin Michael, "Testimony of Survivor Dr. Katrin Michael [before the US House of Representatives]," 6 March 2003, http://www.house.gov/kirk/halabja_drmichael_testimony.htm (accessed 16 October 2006); Lewis, "Iraqi Assyrians"; Peter Carlson, "Gassed by Iraqi Troops, Blindsided by the INS: Exile Lends Support to Bush, Then Finds Herself on Immigration's Deportation List," *Washington Post*, 9 April 2003, C01, <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A60181-2003Apr8¬Found=true> (accessed 19 October 2006).
260. UK Home Office, "Iraq Country Assessment" (April 2002), http://www.ecoi.net/pub/nz302_00978irq.htm (accessed 1 March 2006), paras. 6.13, 6.71.
261. FIHR and AIJ, "Iraq: Continuous and Silent," Appendices A, H.
262. *Ibid.*
263. *Ibid.*
264. Mordechai Nisan, *Minorities in the Middle East: A History of Struggle and Self-Expression* (Jefferson, NC: McFarland & Co., 1991), 166.
265. Lewis, "Iraqi Assyrians."
266. Alastair Bruton, "Christian Sects in Kurdish Lands Dwindle," *New York Times*, 24 May 1993, A14.
267. Siemon-Netto, "Attacks Defy"; Elena Ryumina, "Assyrians Ring in Year 6750," *Moscow Times*, 1 April 2000, <http://www.themoscowtimes.com/stories/2000/04/01/051.html> (accessed 16 October 2006); David Clarke, "Australian Assyrian Community," *Legislative Council Papers*, New South Wales, 12 May 2004, <http://www.parliament.nsw.gov.au/prod/parlament/hansart.nsf/V3Key/LC20040512041> (accessed 16 October 2006), 8846, art. 41.
268. Nina Shea, "Canary in a Coal Mine: Iraq's Future as a Tolerant, Democratic Nation Is at Stake," *National Review Online*, 14 October 2004, <http://www.nationalreview.com/comment/shear200410140830.asp> (accessed 16 October 2006). Ethnic cleansing includes not simply the extermination of an ethnic group but also "rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area." *Final Report of United Nations Commission of Experts to the Security Council*, S/1994/674 (27 May 1994), s. III.B.

269. UK Home Office, "Iraq Country Assessment," paras. 6.124–6.132; US Department of State, "Iraq: Country Reports on Human Rights Practices—2002" (31 March 2003), <http://www.state.gov/g/drl/rls/hrrpt/2002/18277.htm> (accessed 16 October 2006).
270. UK Home Office, "Iraq Country Assessment" (October 2004), http://www.ind.homeoffice.gov.uk/ind/en/home/0/country_information/country_reports.Maincontent.0046.file.tmp/Iraq%20October%202004.pdf (accessed 1 March 2006), para. 6.51.
271. Kenneth Chan, "Christians Wish to Stay, Build Future in Iraq," *Christian Post*, 21 October 2004, <http://www.christianpost.com/article/missions/1169/full/christians.wish.to.stay.build.future.in.iraq/1.htm> (accessed 16 October 2006). For similar figures, see "Christians in Iraq Caught in the Crossfire," *Associated Press*, 11 November 2004.
272. UK Home Office, "Iraq Country Assessment" (2004), para. 6.54; "Seven Christians Shot Dead in Iraq 'To Arouse Religious Sedition'—Paper," *BBC Monitoring Service*, 4 October 2004.
273. UK Home Office, "Iraq Country Assessment" (2004), para. 6.51; William Booth, "For Basra's Liquor Dealers, the Shots Turn Deadly," *Washington Post*, 1 June 2003, D01.
274. Jonathan Steele, "Kidnappers Find a Profitable Way to Drive Out Educated Families in Baghdad," *Guardian* (UK), 17 June 2004, <http://www.guardian.co.uk/Iraq/Story/0,2763,1240571,00.html> (accessed 16 October 2006).
275. Simon Caldwell, "Half of All Christians Have Fled Iraq since 2003, Says Baghdad Bishop," *Catholic News Service*, 3 August 2006, <http://www.catholicnews.com/data/stories/cns/0604409.htm> (accessed 16 October 2006).
276. Jack Fairweather, "Christians Flee Genocide as Fear Sweeps Iraq," *Daily Telegraph* (London), 1 August 2005, <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/01/08/wirq08.xml&sSheet=/news/2005/01/08/ixworld.html> (accessed 16 October 2006); Anna Eshoo, "Statement in Support of the Eshoo Amendment to H.R. 2601, the Foreign Relations Authorization Act for FY 2006 and 2007" (20 July 2005), <http://www.eshoo.house.gov/news/iraq072005.aspx> (accessed 1 March 2006); Patrick McDonnell, "After Years of Relative Peace, Christians Live in Fear," *Los Angeles Times*, 14 November 2004, A16; Jim Lobe, "Iraqi Christians Need Protection, Too," *Asia Times*, 22 October 2004, http://www.atimes.com/atimes/Middle_East/FJ22Ak01.html (accessed 19 October 2006); Chan, "Christians Wish to Stay"; Shea, "Iraq's Future"; Siemon-Netto, "Attacks Defy." See also "Iraqi Christians Seek Better Life in Lebanon," ADNKI, 10 June 2006, <http://www.persecution.org/newsite/countrynewssumm.php?country=Iraq> (accessed 19 October 2006).
277. Eshoo, "Statement in Support."
278. "Christians in Iraq."
279. As the consul and consul-general of the United States in the Near East for thirty years wrote after World War I, "Christians were armed against their hereditary oppressors and then left to the vengeance of the latter. In general, they were abandoned, as no Christian power desired to offend the Turk, from whom great benefits were expected." George Horton, *The Blight of Asia: An Account of the Systematic Extermination of Christian Populations by Mohammedans and of the Culpability of Certain Great Powers; with the True Story of the Burning of Smyrna* (Indianapolis: Bobbs-Merrill, 1926), 119. A British lieutenant-colonel and high official in Mesopotamia during and after the war wrote, "[The Assyrians] had twice been betrayed by the Russians, but they still carried on, trusting now to the British. As a reward they have lost their former homes and more than one-third of their original numbers. When it is considered how much the Arabs have gained with infinitely less suffering and loss, it is impossible not to agree with the Assyrians to the extent of admitting they have indeed been unlucky." Stafford, *Tragedy of the Assyrians*, ch. 2. Sir Percy Cox, British civil commissioner for the British Mandate of Iraq, declared that "The Assyrians . . . had been recognised as Allies by Great Britain in the War, and had been used by her in the campaign of 1919 in Kurdistan. A definite promise of settlement under a benevolent, if not a British government, had been made to them," but this promise was never fulfilled. *Official Report on*

- Iraq Administration: October, 1920-March, 1928*, 102, quoted in Stafford, *ibid.* See also Browne, "Assyrians," 180–83.
280. "Memorandum for Mr. Stettinius from John W. Pehle, Executive Director, the War Refugee Board, Aug. 28, 1944," reprinted in *The American Road to Nuremberg: The Documentary Record, 1944–1945* (Stanford, CA: Hoover Institution Press, 1982), 22, quoted in Ida Bostian, "Speaking about the Destruction of the Armenians': Early Failures in International Criminal Justice and Lessons for Today," *ExpressO Preprint Series Paper 1471* (24 July 2006), 46, <http://law.bepress.com/expresso/eps/1471>.
281. "Contents of the Speech by the Führer to the Chief Commanders and Commanding Generals on the Obersalzberg, Aug. 22, 1939," reprinted in Kevork B. Bardakjian, *Hitler and the Armenian Genocide* (Cambridge, MA: Zoryan Institute, 1985), 46–48, quoted in Bostian, "Speaking about the Destruction," 36.
282. Joseph Goebbels, *The Goebbels Diaries, 1942–1943*, trans. Louis P. Lochner (Garden City, NY: Doubleday, 1948), 240, quoted in Bostian, "Speaking about the Destruction," 51.
283. Bass, *Stay the Hand of Vengeance*, 40, quoted in Bostian, "Speaking about the Destruction," 47–48.
284. See Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Ithaca, NY: Cornell University Press, 2004); Adam Jones, ed., *Genocide, War Crimes and The West: History and Complicity* (London: Zed Books, 2004).
285. Eden Naby, "The Assyrians of Iran: Reunification of a 'Millet,' 1906–1914," *International Journal of Middle East Studies* 8 (1977): 237–49, 248.
286. See Bruton, "Christian Sects," A14; Sergio Chapa, "Judge Denies Motion by Iraqi Christians: Asylum Seekers Still Have to Serve Six Months in Jail," *Brownsville Herald*, 19 May 2006, http://www.brownsvilleherald.com/ts_more.php?id=70850_0_10_0_C (accessed 16 October 2006); European Council on Refugees and Exiles, "Guidelines on the Treatment of Iraqi Asylum Seekers and Refugees in Europe," *International Journal of Refugee Law* 18 (2006): 452–74, <http://www.ecre.org/positions/Iraq06.pdf> (accessed 16 October 2006); Government of Australia, Human Rights and Equal Opportunity Commission, "Setting the Scene: Children in Immigration Detention," in *A Last Resort? The Report of the National Inquiry on Children in Detention* (2004), ch. 3, http://www.hreoc.gov.au/Human_Rights/children_detention_report/report/chap03.htm (accessed 16 October 2006).
287. In 1961, the General Assembly of the United Nations declared that "all peoples have the right to self-determination," including to "freely determine their political status" and develop their culture and society, and that "subjection of peoples to alien subjugation . . . constitutes a denial of fundamental human rights [and] is contrary to the Charter of the United Nations." *Declaration on the Granting of Independence to Colonial Countries and Peoples*, UN General Assembly Resolution 1514, UN Doc. A/4684 (1961), para. 26. In 1975, the International Court of Justice held that colonized peoples have a right to self-determination "through the free and genuine expression of the[ir] will." Western Sahara, advisory opinion of 16 October 1975, *ICJ Reports 1975*: 12–227, 30. Thus, international law has adopted the right of self-determination "as an operative norm." Richard Falk, "Essay: Problems and Prospects for the Kurdish Struggle for Self-Determination after the End of the Gulf and Cold Wars," *Michigan Journal of International Law* 15 (1994): 591–603, 598.
288. "It is a principle of international law that the breach of an engagement involves an obligation to make reparation in an adequate form." *Federal Republic of Germany v. Poland* (Case Concerning the Factory at Chorzów), 1927, P.C.I.J., Ser. A, ruling no. 9 on jurisdiction, 21. "Reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed. Restitution in kind, or, if this is not possible, payment of a sum corresponding to the value which a restitution in kind would bear; the award, if need be, of damages for loss sustained which would not be covered by restitution in kind or payment in place of it—such are the principles which should serve to determine the

amount of compensation due for an act contrary to international law.” *Federal Republic of Germany v. Poland* (Case Concerning the Factory at Chorzów), judgment no. 13, 1928, P.C.I.J., Series A, ruling no. 17 on merits, 47. A state, therefore, “has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result” of a violation by that state of international law. “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” (advisory opinion, International Court of Justice, 9 July 2004), *International Legal Materials* 43 (2004): 1009–99.

For discussion of further decisions by the International Court of Justice and other tribunals bearing on the obligation to make restitution for violations of international law, see Malcolm N. Shaw, *International Law* (Cambridge: Cambridge University Press, 2003), 95, 241–42, 694–97, 714–19, 995. American law also recognizes this basic principle. *Sosa v. Alvarez-Machain*, 542 U.S. 692, 732 (2004) (civil action for damages may exist under US law for serious violations of international law such as torture, piracy, and slavery); *Republic of Austria v. Altmann*, 541 U.S. 677 (2004) (original owner of paintings by Gustav Klimt had civil action in United States against Austrian museum that gained possession of them in violation of international law due to expropriations by Nazis and Austrian government); *D’Amato v. Deutsche Bank*, 236 F.3d 78, 2001 (2d Cir. 2001) (approving \$40-million settlement of claims by Holocaust victims and their heirs against Austrian and German banks charged with violations of international law in dealings with Nazis); *In re Holocaust Victim Assets Litigation*, 225 F.3d 191 (2d Cir. 2000) (approving \$1.25-billion settlement of claims by Jewish, Polish, Roma, and other Holocaust victims against Swiss banks); *Kadic v. Karadzic*, 70 F.3d 232 (2d Cir. 1995) (genocide, torture, and other violations of international law by Bosnian Serb leader gave rise to tort claims in US courts); “U.S. Involvement in Claims by Victims of the German Holocaust or Their Heirs,” *American Journal of International Law* 93 (1999): 879–92 (describing successful claims by Holocaust victims for reparations under US and international law).

289. Lyden, “Despite Turmoil.” The US Commission on International Religious Freedom noted in its 2005 report on Iraq that “reconstruction funds from the United States earmarked for the governorate level were not reaching ChaldoAssyrian villages,” so “Christian communities have been uniquely unable to rebuild basic infrastructure in their villages, including water and electrical systems, school facilities, and housing.” US Commission on International Religious Freedom [CIRF], *Annual Report of the United States Commission on International Religious Freedom* (2005), <http://www.uscirf.gov/countries/publications/currentreport/2005annualRpt.pdf> (accessed 16 October 2006), 13.
290. “A recent report by European Union Parliament Member Albert Jan Maat says ‘International aid is mainly distributed through regional and therefore Muslim leaders and seldom or never reaches the Assyrians.’” Ken Joseph, Jr., “Iraq’s Secret Documents,” *United Press International*, 23 July 2004.
291. UN News Centre, “UN War Reparations Body for Iraq Invasion of Kuwait Completes Main Work” (20 June 2005), <http://www.un.org/apps/news/story.asp?NewsID=14835&Cr=iraq&Cr1=kuwait> (accessed 16 October 2006). “Kuwaiti casualties are estimated to have been light, but specific numbers are unknown.” US Department of Defense, *Final Report to Congress: Conduct of the Persian Gulf War* (April 1992), <http://www.au.af.mil/au/awc/awcgate/gulfreports/titlev.doc> (accessed 16 October 2006).
292. US CIRF, *Annual Report*, 18. The Assyrian American National Federation has proposed 5% of such funds as a just proportion. Jim Lobe, “Plight of Christians Provokes Calls for Special Protection,” *Inter Press Service*, 20 October 2004, http://64.233.179.104/search?q=cache:g58M2R8E4TMJ:ipsnews.org/new_notas.asp%3Fidnews%3D25948 (accessed 1 March 2006).
293. Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: HarperCollins, 2002), 47; Barry A. Fisher, “No Roads Lead to Rom: The Fate of the Romani

- People under the Nazis and in Post-War Restitution,” *Whittier Law Review* 20 (1999): 513–47.
294. For a fairly comprehensive account of this pattern in Nazi-occupied Europe, see Shirer, *Rise and Fall*, 872–78, 1223–92.
295. Bloxham, “Armenian Genocide,” 189; William A. Schabas, “Darfur and the ‘Odious Scourge’: The Commission of Inquiry’s Findings on Genocide,” *Leiden Journal of International Law* 18 (2005): 871–85, 875.
296. In the 1850s, Britain actually committed military forces during the Crimean War, thereby defending the Ottoman Empire against a Russian campaign to protect the Ottoman Christians. Sneh Mahajan, *British Foreign Policy, 1874–1914: The Role of India* (London: Routledge, 2002), 27; Robert B. Edgerton, *Death or Glory: The Legacy of the Crimean War* (Boulder, CO: Westview Press, 1999), 12–13. The Crimean War “was due mainly to the efforts of the Czar Nicholas to extend his protection over the Greek Christians in Turkey.” John Holland Rose, *The Development of the European Nations, 1870–1914*, 5th ed. (New York: G.P. Putnam’s Sons, 1915), <http://www.gutenberg.org/files/14644/14644-h/14644-h.htm> (accessed 16 October 2006), 161. On an uncharitable view, Britain and France entered the fray on the side of the Ottoman Empire because they “wished to play a great part in the world” and “resented the encroachments of Russia in the East.” *Ibid.*
297. Frederick Jones Bliss, “The Ottoman Empire, 1801–1913 [Review],” *American Historical Review* 19 (1914): 355–56.
298. Suha Bolukbasi, “Behind the Turkish–Israeli Alliance: A Turkish View,” *Journal of Palestine Studies* 29 (1999): 101–15. In the 1950s and 1960s, Turkish violence and persecution against Greek Christians, the forcible deportation of Greek citizens, and the expropriation of their property contributed to driving an estimated 97% of Greeks in Turkey, more than 95,000 people, to flee. Steven Stavros Skenderis, “Note and Comment: The Ethnic Greeks of Turkey: The Present Situation of the Greek Minority and Turkey’s Human Rights Obligations Under International Law,” *St. Thomas Law Review* 16 (2004): 551–94, 564–65, citing Human Rights Watch, *Denying Human Rights and Ethnic Identity: The Greeks of Turkey* (New York: HRW, 1992), 7–9, and Loucas Tsilas, “Greek–Turkish Relations in the Post–Cold War Era,” *Fordham International Law Journal* 20 (1997): 1589–1605, 1599–1600. Starting in 1974, Turkey invaded and began illegally occupying and colonizing northern Cyprus. Tsilas, “Greek–Turkish Relations,” 1603–5.
299. As for Turkey, the US Congress has debated whether continuing to provide aid to Turkey is to turn a blind eye to its persecution of Christians and Kurds, its blockade of Armenia, and its occupation of northern Cyprus. “House Tables Foreign Aid Bill,” *United Press International*, 6 June 1996; “Prepared Statement of Eugene T. Rossides on Behalf of the American Hellenic Institute Public Affairs Committee, Inc., et al., before the House Appropriations Committee, Subcommittee on Foreign Operations, Export Financing and Related Programs” (25 April 1996). As for Iraq, the Reagan and George H.W. Bush administrations offered critical military and financial aid to Iraq after it had embarked upon campaigns of “Arabization” and ethnic cleansing in northern Iraq, in which the Assyrians and other Christians were caught up. Lewis M. Simons, “Genocide and the Science of Proof,” *National Geographic*, January 2006: 28–32, 32; Craig Unger, *House of Bush, House of Saud: The Secret Relationship Between the World’s Two Most Powerful Dynasties* (New York: Scribner, 2004), 75–82; Christopher Marquis, “Rumsfeld Made Iraq Overture in ‘84 Despite Chemical Raids,” *New York Times*, 23 December 2003, <http://www.nytimes.com/2003/12/23/international/middleeast/23RUMS.html?ei=5007&en=e34fa9fa4ca4e33c&ex=1387515600&partner=USERLAND&pagewanted=print&position=> (accessed 16 October 2006); Joost R. Hiltermann, “Halabja: America Didn’t Seem to Mind Poison Gas,” *International Herald Tribune*, 17 January 2003, http://www.iht.com/articles/2003/01/17/edjoost_ed3_.php (accessed 16 October 2006); Tim Reid, “How US Helped Iraq Build Deadly Arsenal,” *Times* (London), 31 December 2002.

300. Burak Ege Bekdil and Umit Enginsoy, "European Firms Eye Boost in Turk Business under EU," *Defense News*, 24 October 2005, 26; "Turkey Rejects U.S. Aid Loan," *Washington Post*, 7 June 1996, A28; James Morrison, "Embassy Row," *Washington Times*, 20 February 1995, A14; Martin Sieff, "Dole Targets Nations That Impede U.S. Aid," *Washington Times*, 13 January 1995, A15; "Turkey Moves Troops to Armenian Border," *New York Times*, 4 September 1993, 1–5.
301. See Oles M. Smolansky, *The USSR and Iraq: The Soviet Quest for Influence* (Durham, NC: Duke University Press, 1991), 230–80; "The Soviet Union," in Metz, *Iraq: A Country Study*, <http://countrystudies.us/iraq/82.htm> (accessed 16 October 2006); "Arms from the Soviet Union," in Metz, *Iraq: A Country Study*, <http://countrystudies.us/iraq/98.htm> (accessed 16 October 2006).
302. Walid Phares, "Are Christian Enclaves the Solution?" *Middle East Quarterly* 8 (2001), <http://www.meforum.org/article/18>.
303. *Ibid.*; Bernard Reich and Stephen H. Gotowicki, "The United States and the Persian Gulf in the Bush Administration," *Royal United Services Institute and Brassey's Defense Yearbook* (1991), <http://fmso.leavenworth.army.mil/documents/usgulf.htm> (accessed 16 October 2006); "Keeping the Peace: Operation Joint Endeavor, Bosnia," *Airman*, January 1997, <http://www.af.mil/news/airman/0197/bosnia.htm> (accessed 16 October 2006); Robert Tomes, "Operation Allied Force and the Legal Basis for Humanitarian Interventions," *Parameters*, Spring 2000, 38–50, <http://www.carlisle.army.mil/USAWC/PARAMETERS/00spring/tomes.htm> (accessed 16 October 2006).
304. Fairweather, "Christians Flee Genocide."
305. Millard Burr, *Quantifying Genocide in Southern Sudan and the Nuba Mountains, 1983–1998* (US Committee for Refugees, December 1998), 25; US Department of State, *1999 Country Reports on Human Rights Practices: Sudan* (25 February 2000), http://www.state.gov/www/global/human_rights/1999_hrp_report/sudan.html (accessed 16 October 2006); US Department of State, Bureau of Democracy, Human Rights, and Labor, "International Religious Freedom Report 2004: Sudan" (15 September 2004), <http://www.state.gov/g/drl/rls/irf/2004/35384.htm> (accessed 16 October 2006); Caroline Davies, "Khartoum's 'Holy War' against Christians Turns into Bloody Genocide," *Daily Telegraph* (London), 26 May 1998; Princeton N. Lyman, "Editorial: Nigeria Burns for Islam," *Wall Street Journal*, 27 November 2002, A10; Dalue Mbachu, "Sectarian Mobs in Nigeria Kill 24," *Boston Globe*, 21 February 2006, http://www.boston.com/news/world/africa/articles/2006/02/21/sectarian_mobs_in_nigeria_kill_24 (accessed 16 October 2006); "Violence Left 3 Million Bereft in Past 7 Years, Nigeria Reports," *New York Times*, 14 March 2006, <http://www.nytimes.com/2006/03/14/international/africa/14nigeria.html> (accessed 1 March 2006).

GENOCIDE STUDIES AND PREVENTION

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Book Review

Samuel Totten, ed. *Teaching about Genocide: Issues, Approaches, and Resources*. Greenwich, CT: Information Age Publishing, 2004. Pp. 358, paper. \$34.95 US.

Reviewed by Samuel Edelman, *University of Judaism; State of California Center for Excellence in the Study of the Holocaust, Genocide, Human Rights and Tolerance*

There are only a few scholars writing about teaching genocide and the Holocaust, and Samuel Totten is truly one of the most prolific and most effective. His book *Teaching about Genocide: Issues, Approaches, and Resources* is the latest of a long list of publications for educators on the subject of genocide.

This is a highly readable critical work. The introduction and first six chapters lay out very clearly a number of key considerations for both educators and public-policy leaders who are concerned with embedding issues concerning genocide into state educational standards and curricula.

In her chapter, "Educating about Genocide, Yes: But What Kind of Education?" Carol Rittner sets out the parameters of teaching. Teaching solely about the perpetrators, without teaching about the victims, the resisters, and the rescuers, is a problem. Teachers who have only a brief period to teach about genocide have a responsibility, even in that brief time, to be comprehensive to avoid the problem of glorifying the perpetrator. Rittner's chapter moves us a great distance toward that goal of comprehensive teaching.

Totten's chapter "Issues of Rationale: Teaching about Genocide" is one of those very critical essays that lay out for teachers, administrators, and state education officials the justification for including genocide in educational curricula. Not only do we see guidelines for writing rationales, we also see Totten's own extensive experience and knowledge at work here, advising us as to good practice on this issue. Rationales are often ignored, but in fact they provide important guidelines for educational policy development, and this chapter helps us get to this in an effective way.

The chapter by Paul Bartrop and Samuel Totten, "The History of Genocide," is a tour de force, a brief, tight, comprehensive history of genocide. For teachers with only a brief time to get into the topic of genocide, this chapter is a must. In addition, it contains a tight and well-written synopsis of the career of Raphael Lemkin—the story of a true hero of our age. Finally, this chapter's section on genocide intervention lays out the possibility of genocide early-warning systems and their potential impact. This is a critical chapter for teachers and students.

In "Wrestling with the Definition of Genocide," Totten looks at Lemkin's efforts in defining genocide in more detail and then examines the effect of the definition stated in the UN Convention on the Prevention and Punishment of the Crime of Genocide (UNCG). Totten demonstrates the significant problems with the UN treaty definition, as well as with other definitions. This is an excellent appraisal with great potential for policy discussions among students.

Henry Huttenbach's chapter, "Defining Genocide," is a little more difficult to grasp. This chapter is both detailed and complex in outlining the issues

surrounding the development of the UNCG's definition of genocide. While it is a useful text, it is somewhat hard to read.

Chapter 6 presents ten case studies (the Armenian Genocide, starvation in the Ukraine, the Holocaust, Indonesia in 1965–1966, Bangladesh, Burundi, Rwanda, Cambodia, genocide against the Kurds, and Bosnia) by some of the most outstanding scholars on genocide in the world, including Richard Hovannisian, Michael Berenbaum, Eric Markusen, and René Lemarchand. Each one provides significant content material that might easily be translated into curricular materials.

The remaining five chapters deal successively with instructional strategies, comparative genocide, issues of human rights, intervention and prevention issues, and an extensive annotated bibliography. Just as the earlier part of the book gives educators a strong and comprehensive understanding of genocide, so this last section gives a strong overview of issues surrounding genocide prevention and the critically important interface of human-rights violations and potential genocide.

It is rare that those of us who work in the field of genocide studies and teacher preparation see works as comprehensive and as useful as this text is. Samuel Totten has once again produced an important and remarkable work that is eminently useable for educators and policy makers concerned with genocide education.

Book Review

Naomi Baumslag. *Murderous Medicine: Nazi Doctors, Human Experimentation, and Typhus*. Westport, CT: Praeger, 2005. Pp. 216, cloth. \$49.50 US.

Reviewed by Myrna Goldenberg, *independent scholar, Bethesda, MD*

In *Murderous Medicine: Nazi Doctors, Human Experimentation, and Typhus*, Naomi Baumslag proposes an agenda for research on the connections among medicine, war, and genocide. Building on the groundbreaking work of Robert Jay Lifton, John J. Michalczyk, Howard Fertig, Arthur Caplan, Henry Friedlander, and others, Baumslag sets out to prove that the Nazis rewarded physicians who helped implement the Final Solution, specifically by encouraging the spread of typhus as a means of murdering Jews. By imposing and then neglecting deplorable conditions in the ghettos and camps, Baumslag argues, Nazi doctors “promoted typhus...because ‘natural death’ was cheaper than gassing” (57). Baumslag demonstrates that Nazi medicine distinguished itself by its unprecedented and willing complicity in murdering Jews: the German and Austrian “medical profession as a whole perpetrated and tolerated without protest such widespread atrocities as were performed by German health professionals and researchers during World War II” (126). In her analysis of Nazi medicine, Baumslag catalogs bogus and unethical experiments, largely funded by I.G. Farben, to test typhus vaccines, each experiment more sadistic than the last. She also provides insights into other non-typhus-related experiments and vivisections, aptly labeling them “scientific butchery.” Interestingly, as has been repeatedly acknowledged by medical historians and ethicists, Nazi medicine “produced not a single new cure and not a single important medical discovery” (163).

Baumslag begins with an extensive history of typhus, tracing it back to fifteenth-century Europe, and follows with a discussion of the history of the struggle to treat and eliminate it. While readers will find that they have learned more than they ever wanted to know about lice and typhus, they will also appreciate the level of detail and the scope of the sources Baumslag uses to explain the significance of the disease in the German war against the Jews. Her experience as a physician and her training in public health are evident in her careful description of typhus and its effects on the individual and the community.

In her chapter on the role of the International Committee of the Red Cross (ICRC) and its involvement with the Nazi camp system, Baumslag delineates the failure of the ICRC to investigate the conditions of the camps: “the record of the ICRC during World War II is atrocious and indicative of the inherent weaknesses in the organization” (176). She releases her anger at the obvious collusion between the Swiss ICRC directors and German business and military interests, condemning Max Huber and Carl Jacob Burkhardt, the top ICRC officials, for the pro-German decisions that not only led to the unnecessary death by disease of hundreds of thousands of Jews and other prisoners but fed and reinforced the arrogance of the Germans in their determination to ignore the Geneva Convention. Not to be forgotten, Baumslag reminds her readers, is the ICRC’s inadvertent complicity in facilitating the escape of

some of the notorious doctors. The passports and travel papers issued to Nazi doctors guaranteed that they would not face capture, trial, and, ultimately, justice.

Murderous Medicine also constitutes a compendium of vignettes about the doctors who participated in murdering Jews and other victims of Nazi brutality. These doctors were simultaneously preoccupied with preventing epidemics of typhus among the SS and confining the disease to the Jews—a losing battle, because acknowledging the presence of an epidemic among the Germans would demonstrate the failure to control or contain typhus, and hence a failure of Nazi medicine. Baumslag devotes a substantial section of the book to prisoner doctors, some of whom she considers collaborators (Hungarian doctor Miklos Nyiszli, who was Mengele's research assistant) while others acted to reduce the misery of fellow prisoners (Berlin physician Dr. Lucie Adelsberger, who "practiced" in Birkenau). Prisoner doctors, of course, faced a spectrum of moral dilemmas—for example, choosing to assist Nazi doctors to save themselves from hunger and hard labor, or choosing to work with other prisoners while living among them and risking hunger, disease, and selection, or choosing to conceal one's medical credentials, as psychiatrist Viktor Frankl did.

Baumslag closes her richly illustrated book with a discussion of biological warfare and biological terrorism in contemporary military actions. Here she urges the medical profession to become activists in the fight

against the use of biological weapons, whether they take the form of missiles laden with anthrax or the negligent medical treatment of targeted groups. Lessons learned from the Nazi experience indicate that medical professionals play a unique role in society, not only as guardians of public health but also policy creators and enforcers. It was not cultural propagandists who organized the infamous "special treatment" of the Jews: it was the public health officials, the scientific journals, the physicians, the administrators, and the lawyers who feared that the very presence of Jews would endanger their families and ultimately their lives. (213)

Murderous Medicine reflects Baumslag's medical insights and her professional and personal idealism. She is a strong critic of sloppy, unethical, and discriminatory public-health policy; indeed, her book stands as a valuable contribution to the study of Nazi medicine as well as a warning to public-health officials. While appreciating Baumslag's strong sense of morality, I felt her condemnation of some prisoner doctors was, at best, overly harsh and insensitive to the dilemmas and horrors to which they were subjected. Adelsberger, for example, had no family to protect, while Nyiszli believed that by collaborating he was assuring the safety of his family. The book is slightly weakened by Baumslag's irregular and inconsistent documentation, a fault that is likely to inspire historians and political scientists in the field of genocide and Holocaust studies to pursue the ramifications of official medical policy and to investigate the relationship between mass murder and health policy thoroughly and intensely. We can only hope that their work will reinforce and help disseminate Baumslag's plea for her medical colleagues to uphold not only the Hippocratic Oath but also basic human rights.

Book Review

Laurel Leff. *Buried by the Times: The Holocaust and America's Most Important Newspaper*. New York: Cambridge University Press, 2005. Pp. 426, cloth. \$29.00 US.

Reviewed by Janine Minkler, *Department of Sociology and Social Work, Northern Arizona University*

Why did the *New York Times* persistently bury news of the Holocaust? asks Laurel Leff in her dramatic historical account of “America’s most important newspaper.” Leff, associate professor at Northeastern University and former journalist for the *Wall Street Journal* and *Miami Herald*, examines the complex combination of forces that led the *Times* to relegate news of the Holocaust to secondary status. She also sustains an uncompromising critique of this period in *New York Times* history. “No American newspaper was better positioned to highlight the Holocaust than the *Times*, and no American newspaper so influenced public discourse by its failure to do so. The first reason makes the *Times*’ failure more puzzling, the second more devastating,” charges Leff (9).

Buried by the Times opens with a cry for help couched between the normal news of the day. Leff sets the scene: “On page four, amid 13 other stories, appeared a five-paragraph item with a London dateline” (1). The first two paragraphs described a House of Commons refugee decision; then appeared an appeal issued by the Jewish National Committee in Poland: “May this, perhaps our last voice from the abyss, reach the ears of the world” (1). Leff emphasizes the ironic placement of this appeal and concludes,

The *Times* never treated the news of the Holocaust as important—or at least as important as, say, informing motorists to visit the Office of Price Administration if they did not have their automobile registration number and state written on their gasoline ration coupons. A story about that possible bureaucratic snafu appeared on the front page on March 2, 1944, the same day that the “last voice from the abyss” was relegated to page four. (16)

In her examination of *Times* coverage (1939–1945) of Jewish persecution and massacres, Leff systematically demonstrates how news stories about Jews were consigned to the end of other news stories and concealed within paragraphs. Moreover, news about Jews most often appeared inside the paper rather than on the front page. *Times* articles often avoided identifying Jews as Jews, instead identifying them as “refugees,” “prisoners,” “the living dead,” “political prisoners,” “civilians,” “skeletons,” and “slaves.” When they were identified as Jews, their stories were typically discussed along with those of other persecuted minorities. Leff writes that “the *Times* never acknowledged that the mass murder of Jews, *because they were Jews*, was something its readers needed to know” (16; original emphasis). Leff also examines the role that news editors played in making placement decisions, the relationship between the government and the mass media in “making the news,” and how journalists’ idiosyncrasies and relationships with one another affected coverage. A more thorough treatment of the *Times* during the Holocaust does not exist,

although a number of scholars have documented how the American press failed to recognize and report on the Holocaust.¹

Leff goes to great lengths to demonstrate how the news, published by a paper known for its objectivity, was nevertheless influenced by the viewpoint of its owner, Arthur Hays Sulzberger. She paints a portrait of a man obsessed by an anti-Zionist position, anxious not to appear to give Jews special treatment, and concerned that too much focus on Jews would fuel American anti-Semitism. Although he belonged to four synagogues and personally helped several family members escape Nazi persecution, Sulzberger viewed his personal life as entirely separate from his public paper and, according to Leff, continually diminished the plight of the European Jews. To Leff, Sulzberger and his paper are partly responsible for obscuring the truth of the Holocaust from the American public: "Although there is no direct evidence to prove it, it is likely that other newspapers did not highlight the Holocaust at least partly because the *New York Times* did not" (12).

Leff's meticulous analysis yields a stunning portrait of a paper consumed by the events of World War II yet strikingly oblivious to the seriousness of the Jewish crisis. "It was not a failure of information, but what historian Henry L. Feingold calls 'a failure of mind' that kept the story off the front pages," she writes (119). Indeed, Leff has an eye for irony, and she illuminates the many incongruities inherent in a Jewish-owned newspaper that covered the Holocaust more than any other paper in the country while at the same time failing to comprehend the reality of the "Final Solution" or to draw attention to it.

Leff's media analysis ultimately highlights what W. Lance Bennett has called "the news puzzle." Paradoxically, the news provides an "instant historical record" but offers "a superficial distorted image of society."² Leff masterfully demonstrates how the *Times* isolated information about Jews, placed that information in insignificant spots, and "did almost nothing to help the reader understand its importance" (15). She examines more than 2,000 individual issues of the *Times* published during World War II and draws from seventeen archives and thirty-nine collections.

Unfortunately, Leff interviewed only two *New York Times* employees and a handful of Sulzberger's family members, former refugees whom he helped bring to the United States during the war. Leff's lack of contact with *Times* staff renders her strong indictment of the paper's coverage problematic, for she does not merely document the coverage and leave it to the reader to draw conclusions but consistently presents her own critique: "The *Times* had an obligation to do more than be swept along with the tide. The journalist's job was to determine what the public needed to know" (16). Leff borders on disdain when describing Sulzberger's anti-Zionist position, and she characterizes him as blindly driven by his ideologies: "By 1946, even the most staunch anti-Zionists seemed to be changing their views" (325). Thus, Leff suggests that, since most changed their views about the development of a Jewish state, Sulzberger's moral compass was somehow off. By the middle of the book a portrait emerges of a powerful and influential man so insulated and driven by his ideologies that he had lost any sense of justice or humanity.

Had members of the *Times* or Sulzberger's family offered more direct insights into the decision-making process, and had Leff then found these explanations deficient, her critique would have been stronger. However, her persistent condemnation falls flat because she does not give voice to anyone in a position to defend

the choices of the *Times* editors, its journalists, or Sulzberger. One is driven to ask if there could have been other reasons, aside from those that Leff deduces, for Sulzberger's and his newspaper's inadequate coverage of the Holocaust. Perhaps not, but the defense remains silent.

Leff's meticulous documentation of *Times* coverage is what really makes *Buried by the Times* an important contribution to genocide studies. Recent studies on media and the Holocaust examine representation of the Holocaust in journalism;³ others continue a tradition of examining war journalism during the Holocaust,⁴ but few have conducted this kind of detailed content analysis of news coverage during the Holocaust. *Buried by the Times* ultimately raises the question, What do our most important news sources miss and neglect when they publish what *Washington Post* editor Phil Graham called the "first rough draft of history"⁵?

Notes

1. Abraham Brumberg, "We Knew: America's Newspapers Report the Holocaust," in *Why Didn't the Press Shout? American and International Journalism during the Holocaust*, ed. Robert Moses Shapiro, 41–50 (Hoboken, NJ: Yeshiva University Press, 2003); Arlene Cardozo, "American Magazine Coverage of the Nazi Death-Camp Era," *Journalism Quarterly* 60 (1983): 717–19; Evelyn Kennerly, "Mass Media and Mass Murder: American Coverage of the Holocaust," *Journal of Mass Media Ethics* 2(1986/1987): 61–70; Deborah E. Lipstadt, *Beyond Belief: The American Press and the Coming of the Holocaust, 1933–1945* (New York: Touchstone, 1993); David Wyman, *The Abandonment of the Jews: America and the Holocaust 1941–1945* (New York: New Press, 1998).
2. W. Lance Bennett, *News: The Politics of Illusion* (New York: Longman, 1988), xi.
3. Andreas Huyssen, "Present, Past: Media, Politics, and Amnesia," *Public Culture* 12 (2000): 21–38; Oren Baruch Stier, "Holocaust, American Style." *Prooftexts* 22 (2002): 354–91; Barbie Zelizer, *Remembering to Forget: Holocaust Memory through the Camera's Eye* (Chicago: University of Chicago Press, 1998).
4. Benjamin Blech, *Eyewitness to Jewish History* (Hoboken, NJ: John Wiley, 2004); Don Heddesheimer, "'Nothing Has Been Invented': The War Journalism of Boris Polevoy," *Journal for Historical Review* 21 (2002), http://www.ihr.org/jhr/v21/v21n1p23_heddesheimer.html (accessed 17 October 2006); Barbie Zelizer, "From the Image of Record to the Image of Memory: Holocaust Photography, Then and Now," in *Picturing the Past: Media, History, and Photography*, ed. Bonnie Brennen and Hanno Hardt, 98–121 (Urbana: University of Illinois Press, 1999).
5. In April 1963, Phil Graham delivered a speech to *Newsweek's* overseas correspondents in London in which he described the news as the "first rough draft of history." This statement continues to be widely quoted.

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