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Christian Gudehus, Susan Braden, Diana Popescu, Roland Moerland, JoAnn DiGeorgio-Lutz, Brian Kritz, and Lior Zylberman
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Due the multidisciplinary nature of genocide studies, this field employs innumerable approaches to understand the genesis and consequences of genocide, as well as the work necessary for its prevention. Therefore, developments in the field are often rather different in nature and scope. This issue of *Genocide Studies and Prevention* strongly proves this point. The articles in Issue 12.1 engage with a wide-range of questions and methods used in the field.

Paul N. Avakian deals with the consistent problem of widespread genocide denial. He explores this lesser researched area of denial by painstakingly documenting the juridical process of prosecuting the extreme violence in Guatemala. This is not about arguing that certain violence did not take place or was something other than genocide. Rather, his argument is about the set of methods used to slow down and hinder the prosecution procedure. He highlights examples of installing incompetent prosecutors or blocking those that are competent, bribing individuals involved, refusing to release records, disqualifying trials, and authorities not fulfilling necessary responsibilities so that the whole process ends in nothing.

Laura Blackie and Nicki Hitchcott apply positioning theory to a concept that appears to be gaining more traction in sociological theory. The focus is on the spoken word, the term discourse comes up regularly, and how these are used to regulate social relations. The authors discuss contradictions and negative consequences of the strict discourse control by the Rwandan Government regarding the national reconciliation process.

Maria Cheung, Torsten Trey, David Matas, and Richard An address an extremely interesting concept on a case of persecution in the context of collective violence. Referring to the concept of cold genocide, which has also recently gained more attention, the authors take the case of how the Chinese government violently suppresses Falun Gong practitioners as an example for this type of violent political oppression. The interesting concept here is that Falun Gong was, and probably still is, not a group that would be covered by many traditional definitions of genocide; especially within the legal perspective. Falun Gong has no membership system, no hierarchy, and no institutional structure. It contains spiritual and philosophical elements (not unlike qi gong). Only when it became popular was it perceived as a threat by Chinese institutions who then began to limit the activities of individuals in the movement. Effectively, the initial and continued persecution has led to a politicization of the group, and as a consequence, a gradual intensification of measures against those who practice Falun Gong. These measures include mass incarceration, torture, and organ harvesting.

Duco Heijs presents a perfect example of the benefits of comparative research by studying state repression of ethnic minorities in the Soviet Union and Turkey in the first half of the Twentieth Century. By reconstructing the reasons that specific groups were targeted, Heijs demonstrates that perceived ethnic belonging, as well as geographic location are key factors. He discusses how the perceived threat level varies depending on where groups were located. Geography also played a role in those projects of demographic engineering through the availability and location of appropriate, in these cases meaning hostile, environments. Heijs further argues that neither the Kemalist nor the Soviets decided on a complete physical destruction of the targeted groups (among them Armenians, Greeks, Kurds, Cossacks, Germans, and Poles), but instead opted for the destruction of their cultural identity.

Gerard Saucier and Laura Akers have analyzed texts from 20 cases of what they call democide. As a result, the authors have constructed a mind-set, which they argue is a prerequisite for mass violence and may therefore be used as a predictor in efforts for prevention, including genocide. The main argumentative patterns identified in this article have been in discussion for a while, and some have come under criticism. The authors list among others: dualistic beliefs, categorizing individuals by the (stereotypical) characterization of the group they are considered to belong to, the exclusion from moral considerations, identification with impurity, and depiction as a dangerous and conspiratorial enemy.

With such a wide selection of topics in this issue, the potential is high for sparking new ideas and frames to use in considering research questions. The Editorial Board welcomes submissions

engaging with unique perspectives on known topics, as well as submissions on innovative topics that have not been as well researched.

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Introduction

The study of denial as an element of genocide began after similarities had been noted in the ways in which the Armenian Genocide and Holocaust had been refuted. These similarities gave rise to classifications centered around verbal tactics, where the facts of a claimed genocide were disputed or called into question in one way or another. Spoken or written, these verbal devices ranged from outright and absolute rejections (nothing close to what you claim ever happened) to concessions of mass killing but denials of intent (the killing happened but not like you say). Between these two these poles the killing was justified by suggestions that the victims brought it on themselves and were somehow at fault, mitigated by arguing that a much smaller number were killed, re-characterized as relocation casualties, or excused as an unavoidable result of war or civil conflict. Subsequent episodes of mass killing; Cambodia, Rwanda, Srebrenica, were similarly refuted and provided more data for these classifications; definitionalism, revisionism, minimization, relativisation, obfuscation, etc.—and thus emerged the prevalent notion of denial as the use of language to negate the claim of a genocide occurrence.

In these analyses, little consideration had been given to denial in a form other than spoken or written refutations, or having consequences beyond the effect of words heard or read. Does denying the crime only require negating it orally or in papers and articles? And is denying the crime only concerned with refuting its occurrence? Is there more involved or at stake in denying genocide crimes other than a lack of agreement on whether it happened?

The denier denies not only to suppress truth but to suppress what the truth means must happen. It is not just the label of genocide he seeks to avoid, but the consequences of genocide criminality: accountability, penalty, reparation. When the listener finishes hearing a denial, the denial is over and its aftereffects are variable and subjective. When the reader finishes reading a denial he may call it rubbish and tear it up. Neither is bound in any way to the denier's words. This is not to say that there aren't lasting or psychological effects of verbal denials.¹ But when failures of duty to act toward genocide crimes obstruct prosecution, punishment, victim relief and reconciliation, then the victim is not making a choice about whether to let misrepresentations affect him. Then the denial has consequences beyond words and sentences, and society is prevented from penalizing the crime. The idea of justice for genocide does not necessarily involve or require recognition of the crime's occurrence by the perpetrator government or third parties who have a stake in whether or not it occurred. Justice, according to international law, comes in the adjudication and punishment of the crime. And yet when we speak of genocide denial we refer to acts of speech and the lack of mutuality over its occurrence. If the concept of denial is associated with the withholding of justice, then it must refer to all acts and behaviors that interfere with that justice, and not just to spoken rejections of the crime.

In acts by the Guatemalan state before, during and after its 2013 trial of former State officials for genocide crimes we see a wider range of denial behavior. In all other genocide trials the main prosecutorial action against perpetrators originated outside the state. In all other trials the proceedings were conducted by a convened UN delegation. State action is truncated when a third party convenes and conducts the trial. After a state has denied the crime verbally, there is nothing left for it to do. But when state agencies must play a role in the investigation and prosecution of genocide crimes, then we are exposed to another set of denial behaviors.

Denial as Acts

Guatemala's responsibility for prosecuting its massacre crimes² falls to its *Ministerio Público* (Public Prosecutor's Office³), which from the time of the massacres (1978-1983) until 2010 had been

¹ See, for example, Aida Alayarian, *Consequences of Denial: The Armenian Genocide* (London: Karnac Books, 2008).

² See *infra*, section entitled *Guatemala Background*.

³ The Public Prosecutor's Office, or *Ministerio Público*, in Guatemala, is equivalent to the US Department of Justice. The Public Prosecutor in Guatemala is equivalent to the Attorney General in the US.

largely dormant toward the crimes; avoiding investigations, losing case files, purposely delaying prosecutions, ignoring witness evidence, etc. These acts are documented in two important studies; *Impunity in Guatemala: The State's Failure to Provide Justice in the Massacre Cases*, published in 2001, and the American Bar Association's *Prosecutorial Reform Index for Guatemala*, an evaluation of Guatemala's progress toward prosecutorial reform, published ten years later.⁴ Both reports found an organization unwilling to act, with prosecutors who were incompetent, indifferent, affected by bribes, poorly trained, and otherwise deficient in their responsibilities. Guatemala's transition from a closed, private inquisitorial system of justice to a transparent adversarial system in 1994 had given the *Ministerio Público* (MP) full autonomy and authority in the investigation and prosecution of crimes against the people, to "see to the strict fulfillment of the country's laws,"⁵ to act "as soon as the [it] becomes aware of a punishable act,"⁶ where "no authority may give instructions to the head of the *Ministerio Público* or his subordinates regarding the way to carry out the criminal investigation or that limit the exercise of the action,"⁷ and where State officials are "legally responsible for their official conduct, subject to the law and never above it."⁸ With the transition came a *Código Procesal Penal* (Criminal Procedure Code) modeled after the US system of justice that established open procedures and protocols for adjudicating crimes, and defined roles and responsibilities for prosecutors, the accused, and the courts. Fifteen Section Prosecutor's Offices were established within the MP, including a special unit dedicated to prosecuting human rights crimes committed during Guatemala's 1960-1996 internal armed conflict. Notwithstanding these reforms, however, by early 2009—almost three decades after the massacres—the State had only convicted one civilian out of the thousands who participated in the 626 massacres identified by a UN-sponsored truth commission.⁹ No action had been taken by the MP against any of the soldiers or military commanders in place at the time of the massacres that had planned, ordered and overseen the killing. Because these failures to act suppress the acknowledgement, prosecution and punishment of genocide crimes, they deny the crimes and what is due victims under law given by Guatemala's Constitution, its Criminal Procedure Code, *Código Penal* (Penal Code), peace accord agreements, as well as its 1949 ratification of the United Nations Convention for the Prevention and Punishment of the Crime of Genocide (UNGC) law.¹⁰

The *Impunity in Guatemala* report also found acts of obstruction by the State's military. Much of Guatemala had been militarized during its armed internal conflict, and the pervasive power

⁴ Nathaniel Heasley, et al., "Impunity in Guatemala: The State's Failure to Provide Justice in the Massacre Cases," *American University International Law Review* 16, no. 5 (2001), 1115-1194; American Bar Association, *Prosecutorial Reform Index for Guatemala* (Washington, DC: American Bar Association 2011).

⁵ Republic of Guatemala Political Constitution of 1985, Article CCLI, "The Public Ministry is an auxiliary institution of the public administration and the courts with autonomous functions whose principal goals are to see to the strict fulfillment of the country's laws. Its organization and functioning will be regulated by its organic law."

⁶ Republic of Guatemala, *Código Procesal Penal*, Article 289, Purpose and scope of the criminal prosecution. "As soon as the Public Prosecutor's Office becomes aware of a punishable act, by denunciation or by any other means, must prevent the occurrence of further consequences or promote your research to require the prosecution of the accused. The exercise of the powers provided for in the three preceding Articles shall not relieve him of the research to ensure the essential elements of proof on the punishable act and its participants."

⁷ Republic of Guatemala, *Código Procesal Penal*, Article 8, Independence of the Public Ministry. "The Public Ministry, as an institution, enjoys full independence for the exercise of criminal action and investigation of crimes in the manner determined in this Code, except for the hierarchical subordination established in its own law. No authority may instruct the head of the Public Prosecutor's Office or his subordinates as to how to carry out the criminal investigation or limit the exercise of the action, except for the powers that this law grants to the courts."

⁸ Republic of Guatemala Political Constitution of 1985, Article CLIV, Public Function; Subjection to the Law, "Officials are depositories of authority, legally responsible for their official conduct, subject to the law and never above it."

⁹ Open Society Justice Initiative, *Judging a Dictator: The Trial of Guatemala's Ríos Montt* (New York: Open Society Foundations, 2013), 2.

¹⁰ See Heasley, et al., *Impunity in Guatemala*, for a more comprehensive discussion of the Guatemalan State's failure to act, and the domestic and international laws violated by this failure.

of the military and its influence over the country's institutions carried over after the cease-fire. Relative to prosecuting massacre crimes, this has manifested in two important ways. The first is the military's suppression of evidence. By law, all affairs of the State are public information except where national security is an issue, and the military, like all government agencies, is required cooperate with criminal investigations and furnish records and reports as requested. But the State's military has consistently refused requests for information about its operations in the regions where massacres occurred; denying that such information exists, maintaining that it exists but cannot be located, and deeming it information that if released would threaten national security. It also refused to cooperate with truth commission requests for information and interviews, despite this being a stipulation of peace agreements. What defines national security and what constitutes a threat to it is nowhere defined in Guatemala's laws, and so the term and the information it protects is effectively controlled by the military—the perpetrator of the massacres. Guatemala's Congress has the ability to define or clarify the term but has not done so, despite calls for such,¹¹ and to the extent that this State inaction toward clarification or declassification has stood in the way of a genocide inquiry, it denies the crime. But the more conspicuous act of denial is the military's withholding of evidence pertinent to and necessary for investigating, prosecuting and punishing the country's massacre crimes. There is little credence in the claim that records of army operations against non-combatant Maya in the 1970s and 80s contains information that would make present-day Guatemala vulnerable to external or even internal threats. These refusals to release records are open violations of Guatemala's Constitution ("All the acts of administration are public. The interested parties are entitled to obtain at any time reports, copies, reproductions, and certifications that they request and the display of the proceedings that they may wish to consult, except when military or diplomatic matters relating to national security [are] involved"¹²) and its Criminal Procedure Code ("All public authorities and entities will cooperate with the Public Prosecutor's Office, the courts and the police, and will promptly respond to the requests they receive from them"¹³). These refusals also violate provisions of Guatemala's peace accords: "The Guatemalan people are entitled to know the full truth about the human rights violations and acts of violence that occurred in the context of the internal armed conflict,"¹⁴ and "all State bodies and entities [will] provide the Commission with the support necessary for the accomplishment of its tasks."¹⁵ These acts withhold information necessary to establish facts and assess responsibility in genocide crimes, and thus deny truth, prosecution and punishment.

The second way in which the military has denied what is due victims and society according to UNGC law, is its interference with investigations through threats and bribes to judges, prosecutors and witnesses. *Impunity in Guatemala* found that intimidation by the State's military was a frequent and significant barrier to the prosecution of massacre cases: "Such threats affect the judicial process by reducing the will of prosecutors and judges to pursue cases vigorously and to adjudicate them impartially. Threats against witnesses deter them from testifying and from urging prosecutors to move cases forward."¹⁶ The report also found the use of bribery to deter prosecutions:

Corruption reportedly takes a variety of forms, all of which affect the resolution of massacre cases through improper influence by military personnel in both the judiciary and the *Ministerio Público*. The most obvious form is direct corruption through bribes to prejudice specific judgments and resolutions of cases. A more subtle form is the use of influence within the government to manipulate the assignment of prosecutors or judges, so that the officials

¹¹ *Ibid.*, 1172.

¹² Republic of Guatemala Political Constitution of 1985, Article XXX.

¹³ Republic of Guatemala, Código Procesal Penal, Article 157.

¹⁴ United Nations General Assembly Security Council, *Annex II: Agreement on a Firm and Lasting Peace*, February 7, 1997 (UN Doc. A/51/796-S/1997/114), 37, "The Guatemalan people are entitled to know the full truth about the human rights violations and acts of violence that occurred in the context of the internal armed conflict."

¹⁵ United Nations, *Annex II*, 37; United Nations, *Annex II: Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca*, December 12, 1996 (UN Doc. A/51/776-S/1997/51), Part III(A), Article 18.

¹⁶ Heasley, et al., *Impunity in Guatemala*, 1136.

most capable of handling complex massacre cases are not always assigned to such cases. Both kinds of corruption greatly undermine the State's prosecution efforts.¹⁷

These also are acts of genocide denial in that they block truth and prosecution.

Acts in Denial Literature

Only scant references to denial as something other than an act of speech are found in the literature on denial. Most scholarly writings on the subject deal with it as statement refutations. Perhaps to sum the writing that preceded him, Henry Theriault in 2013 wrote that the denial of genocide is a "verbal strategy consisting of assertions that events that constitute genocide are not happening or did not happen, or that the events in question are or were something other than genocide."¹⁸ Stanley Cohen's 2001 *States of Denial* deals with denial as variations on words that deceive; where the denial is literal, interpretive or implicative.¹⁹ Here again, denial is equated with using words to dispute facts in one way or another. Most all of Israel Charny's work also concerns the various verbalized arguments put forth to call into question genocide occurrence. However in a 2012 version of his "A Classification of Denials of the Holocaust and Other Genocides" Charny refers to denial as the obstruction of facts:

5.02 Denials as obstruction, distortion or misuse of information, evidence and research of facts of genocidal murder e.g., a dedicated liberal pacifist organization claimed that the reported brutal evacuation of Phnom Pen by the Khmer Rouge was part and parcel of a sincere agrarian revolution designed to improve the lives of the Cambodian people.²⁰

The example he uses leans more toward an interpretive verbal denial but his identification of the obstruction of information as a means of denial is a recognition of denial as something other than an act of speech. One assumes that by obstruction he means the act of withholding information or evidence as in what Guatemala's military has done. In the same document Charny makes another reference to denial as active suppression when he links denial with a failure to act toward the crime: "5.04 Denial as opposition, resistance and procrastination in activating meaningful interventions in ongoing genocidal events despite the fact that they have been identified as genocide."²¹ Here the reference is to intervention in an ongoing genocide but the connection between denial and a failure to act toward genocide crimes is established.

In *Remembrance and Denial*, Richard Hovannisian describes action taken by the Turkish government to suppress the production of a film about the Armenian genocide, and also to deter the US government from designating April 24 (the date that began the massacre of Armenians) as a day of remembrance for genocide victims.²² In both cases, Turkey engaged in acts to enlist the US State Department to perpetuate denial. These are acts of denial by the Turkish and US governments that block the recognition of a genocide, and are different both in method and effect than their verbal refutations.

Of course, the more familiar forms of denial are also found in the Guatemalan state's response to the prospect of genocide criminality. Otto Pérez Molina, Guatemala's then-president, told the

¹⁷ Ibid., 1147.

¹⁸ Henry C. Theriault, "Denial of Ongoing Atrocities as a Rationale for Not Attempting to Prevent or Intervene," in *Impediments to the Prevention and Intervention of Genocide*, ed. Samuel Totten (New Brunswick: Transaction Publishers, 2013), 47.

¹⁹ Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (New York: John Wiley & Sons, 2013).

²⁰ Israel W. Charny, "A Classification of Denials of the Holocaust and Other Genocides—updated 2012," The Institute on the Holocaust and Genocide, accessed September 6, 2017, <http://www.ihgilm.com/a-classification-of-denials-of-the-holocaust-and-other-genocides-updated-2012/>.

²¹ Charny, *A Classification of Denials*.

²² Richard G. Hovannisian, *Remembrance and Denial: The Case of the Armenian Genocide* (Detroit: Wayne State University Press, 1998), 222-223.

public before,²³ during,²⁴ and after²⁵ Guatemala's 2013 genocide trial, "There was no genocide," despite also endorsing the trial. In an interview given during his presidential campaign he offered to prove that genocide did not occur.²⁶ Pérez Molina had been an army general stationed in the region where the massacres occurred, and during the trial a witness for the prosecution had placed him at the scene of the massacres.²⁷ (Pérez Molina was jailed in September 2015 after resigning the presidency on charges of corruption.) In defense testimony during the trial, Antonio Arenales Forno, then Secretary of Peace for President Pérez Molina, told the court "There was no genocide." Also while the trial was still in session, Guatemala's congress, by an 87 to 24 vote, approved a nonbinding resolution denying the possibility of genocide criminality, using the language: "the criminal offenses cited were legally impossible in Guatemala."²⁸ After the trial, in May 2014, Guatemala's Minister of Interior, Mauricio López Bonilla, told an audience at the Royal Institute of International Affairs in London: "There was no genocide. If we are clear about what it means to commit a crime against humanity, that did not happen in Guatemala."²⁹

But more than statements, or failures by the State's *Ministerio Público* and military, the Guatemalan state's rejection of genocide criminality was most resolute in rulings made by its Constitutional Court—Guatemala's highest legal authority—before, during and after the 2013 genocide trial. Guatemala's Constitutional Court, tasked with ensuring constitutionality in lower court rulings and other matters of law, issued twelve resolutions during the trial. Three in particular had direct bearings on the outcome of the case and resulted in the annulment of the verdict and trial testimony. One ruling prior to the trial and three after also favored deterrence of a genocide finding. Each of the seven rulings violated Guatemala's Constitutional law, its Criminal Procedure Code, and its commitments to UNGC law. These rulings, and the presence of denial in them, are the subject of this paper.

Guatemala Background

In 1999 La Comisión para el Esclarecimiento Histórico (the Guatemalan Commission for Historical Clarification or CEH) released the results of its three-year study of Guatemala's nearly three-decade internal conflict. The Commission had been formed as part of the 1996 peace accords that ended the conflict, on stipulation that the Commission's report would not name names and that its findings could not be used in a court of law. Its purpose was not necessarily to make a genocide determination, but to document the human rights abuses committed by both sides during the conflict.³⁰ But the Commission had been moved by the apparent intent of the State to annihilate groups of Maya. In a section titled Acts of Genocide, its twelve-volume report read in part:

²³ Martin Rodriguez Pellecer, "Quiero que Alguien me Demuestre que Hubo Genocidio," *Plaza Publica*, July 25, 2011, accessed September 22, 2017, <http://www.plazapublica.com.gt/content/quiero-que-alguien-me-demuestre-que-hubo-genocidio>.

²⁴ Agencia EFE, "Pérez Molina: Genocide Trial Endangers Peace," *Plaza Publica*, April 16, 2013, accessed September 22, 2017, <https://www.plazapublica.com.gt/content/perez-molina-tambien-afirma-que-el-juicio-por-genocidio-hace-peligrar-la-paz>.

²⁵ Laura Carasik, "Justice Postponed in Guatemala," *Boston Review*, May 28, 2013, accessed September 22, 2017, <http://bostonreview.net/world/justice-postponed-guatemala>, "When asked whether the guilty verdict changed his opinion that genocide did not occur in Guatemala, Perez Molina replied it did not."

²⁶ Rodriguez Pellecer, *Quiero que Alguien*.

²⁷ Shawn Roberts, "Day 10: Witness Implicates President Perez Molina in Massacres," *International Justice Monitor*, April 5, 2013, accessed March 27, 2018, <https://www.ijmonitor.org/2013/04/day-10-witness-implicates-president-perez-molina-in-massacres/>.

²⁸ Associated Press, "Guatemala's Congress Votes to Deny Genocide," *Daily Mail*, May 14, 2014, accessed September 22, 2017, <http://www.dailymail.co.uk/wires/ap/article-2628310/Guatemalas-congress-votes-deny-genocide.html>.

²⁹ Agencia EFE, "López Bonilla Afirma en Londres que "no Hubo Genocidio" en Guatemala," *La Noticia en Guatemala*, May 6, 2014, accessed September 22, 2017, <http://lanoticianguatemala.com/lopez-bonilla-afirma-en-londres-que-no-hubo-genocidio-en-guatemala/>.

³⁰ For more on the formation of the CEH, and its charter, see Elizabeth Oglesby and Amy Ross, "Guatemala's Genocide Determination and the Spatial Politics of Justice," *Space and Polity* 13, no. 1 (2009), 21-39.

...The reiteration of destructive acts, directed systematically against groups of the Mayan population, within which can be mentioned the elimination of leaders and criminal acts against minors who could not possibly have been military targets, demonstrates that the only common denominator for all the victims was the fact that they belonged to a specific ethnic group and makes it evident that these acts were committed “with intent to destroy, in whole or in part” these groups (Article II, first paragraph of the Convention).³¹

... in light of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, the killing of members of Mayan groups occurred (Article II.a), serious bodily or mental harm was inflicted (Article II.b) and the group was deliberately subjected to living conditions calculated to bring about its physical destruction in whole or in part (Article II.c). The conclusion is also based on the evidence that all these acts were committed ‘with intent to destroy, in whole or in part’ groups identified by their common ethnicity, by reason thereof, whatever the cause, motive or final objective of these acts may have been (Article II, first paragraph).³²

Preceding its conclusion that genocide had been committed by the State’s military in four regions of Guatemala between 1981 and 1983 were the following findings:

- The majority of human rights violations occurred with the knowledge or by order of the highest authorities of the State. Evidence from different sources (declarations made by previous members of the armed forces, documentation, declassified documents, data from various organisations, testimonies of well-known Guatemalans) all coincide with the fact that the intelligence services of the Army, especially the G-2 and the Presidential General Staff (Estado Mayor Presidencial), obtained information about all kinds of individuals and civic organisations, evaluated their behaviour in their respective fields of activity, prepared lists of those actions that were to be repressed for their supposedly subversive character and proceeded accordingly to capture, interrogate, torture, forcibly disappear or execute these individuals.³³
- These massacres and the so-called scorched earth operations, as planned by the State, resulted in the complete extermination of many Mayan communities, along with their homes, cattle, crops and other elements essential to survival. The CEH registered 626 massacres attributable to these forces.³⁴
- The Army destroyed ceremonial centres, sacred places and cultural symbols. Language and dress, as well as other elements of cultural identification, were targets of repression. Through the militarization of the communities, the establishment of the PAC and the military commissioners, the legitimate authority structure of the communities was broken; the use of their own norms and procedures to regulate social life and resolve conflicts was prevented; the exercise of Mayan spirituality and the Catholic religion was obstructed, prevented or repressed; the maintenance and development of the indigenous peoples’ way of life and their system of social organisation was upset. Displacement and refuge exacerbated the difficulties of practising their own culture.³⁵
- The aim of the perpetrators was to kill the largest number of group members possible. Prior to practically all these killings, the Army carried out at least one of the following preparatory actions: carefully gathering the whole community together; surrounding the community; or utilising situations in which the people were gathered together for celebrations or market days.³⁶

³¹ La Comisión para el Esclarecimiento Histórico, *Memory of Silence: Report of the Commission for Historical Clarification* (Guatemala: CEH, 1999), 39.

³² *Ibid.*, 41.

³³ *Ibid.*, 38.

³⁴ *Ibid.*, 34.

³⁵ *Ibid.*, 35.

³⁶ *Ibid.*, 39.

The CEH devoted significant time and space to understanding the roots of Guatemala's armed conflict, and found a society marked by exclusion and antagonism; an authoritarian state, racist in its precepts and practices, slanted toward protecting the interests of its privileged minority, and given to repression.³⁷

Chief among the causes of inequality in this agrarian society was land ownership. Independence from Spain in 1821 left Guatemala an agrarian feudal state, where seventy percent of its land was owned by two percent of the population, most of the land idle and inaccessible to its peasant masses. Not until 1945 did Guatemala have the political climate to take on the land issue, first through President Juan José Arévalo, whose Congress passed a law requiring large landowners to rent land to the landless, and then through President Jacobo Arbenz Guzmán, whose 1952 "Decree 900" required landowners to sell off a portion of their idle land. United Fruit Corporation, Guatemala's largest landowner and employer at the time, objected to the mandate, and petitioned the Eisenhower administration to intervene on claims of communism. On June 18, 1954 the CIA staged a coup, removing Arbenz and installing a US-loyalist dictator who repealed the land reform law. The overthrow kindled a reform solidarity among Guatemala's marginalized, which, without success through peaceful means, evolved into an armed insurrection. In the 1960s the rebellion gained momentum, and Guatemala's military, newly trained in communist insurgency warfare under the US Doctrine of National Security, began assassinating and disappearing students, intellectuals and labor leaders in the nation's urban centers. In the 1970s, in Guatemala's countryside communities where reformist ideology had spread, the military brutalized communities to make examples out of reform sympathizers, and recruited peasants into citizen patrol networks to augment and assist the repression.³⁸

By the early 1980s the military still hadn't been able to quell the reform movement, and in 1982 José Efraín Ríos Montt, a former army general, took power by coup and set his focus on ridding the country of reformists. Through offers of reconciliation and broadcasted messages of morality and solidarity, Ríos Montt appealed to the insurgents' duty as Guatemalans to fall in line with the healing and rebuilding of the country. But when these failed he launched a full offensive against insurgents and communities suspected of harboring them.³⁹ The 17-month period during which Ríos Montt commanded the military accounts for the most concentrated period of group killing in Guatemala's 1960-1996 internal conflict.⁴⁰ In the end, an estimated 250,000 Guatemalan citizens had been killed or disappeared; the result of brutal methods involving torture, rape, and dismemberment. A reported million more fled the country.⁴¹

Movement toward peace began in the early 1990s when the country's elites, feeling the effects of the conflict on their businesses, pressed the government to end the war.⁴² With the UN brokering conditions for surrender between the Guatemalan National Revolutionary Unity and the Guatemalan government, a peace agreement was signed by the parties in December 1996. The agreement promised fundamental changes in Guatemala, including accountability for the murdered and disappeared, recognition and respect for indigenous rights, labor reform, government

³⁷ Ibid., 17-20.

³⁸ For expanded accounts of this period in Guatemala's history see Greg Grandin, Deborah T. Levenson and Elizabeth Oglesby, ed, *The Guatemalan Reader: History, Culture, Politics* (Durham: Duke University Press, 2011), 1-9, 107-500; Piero Gleijeses, *Shattered Hope: The Guatemalan Revolution and the United States, 1944-1954* (Princeton: Princeton University Press, 1991); Stephen Schlesinger and Stephen Kinzer, *Bitter Fruit: The Story of the American Coup in Guatemala* (Cambridge: Harvard University Press, 1982).

³⁹ See Gleijeses, *Shattered Hope*.

⁴⁰ La Comisión para el Esclarecimiento Histórico, *Memory of Silence*, 24. According to the report, "More than half the [conflict's 626] massacres and scorched earth operations" occurred between 1981 and 1983. Ríos Montt held power from March 23, 1982 until August 8, 1983.

⁴¹ Ibid., 30.

⁴² For more on Guatemala's peace process, see Jemima García-Godos and Luis Raúl Salvadó, "Guatemala: Truth and Memory on Trial," in *Transitional Justice in Latin America: The Uneven Road from Impunity Towards Accountability*, ed. Elin Skaar, et al. (Abingdon: Routledge, 2016), 205.

anti-impunity, education and healthcare programs, land redistribution, democratizing Guatemala political institutions, and army reform.⁴³

The Case Against Ríos Montt

In 1999, the year the CEH released its report linking him to genocidal massacres, Ríos Montt was elected president of Guatemala's congress. By law, his status as a member of Parliament exempted him from criminal prosecution. In 2009, a 359-page packet of military documents marked *secreto* surfaced. It contained original plans, directives, telegrams, maps, and patrol reports that ordered and documented the rounding up and killing of unarmed men, women and children as well as the burning of homes, destruction of crops, slaughter of animals and aerial bombing of those who tried to escape the violence. According to the US National Security Archive, to whom the packet was turned over, the documents establish firsthand chain-of-command "evidence of Ríos Montt's deliberate policy of repression and terror against the *Ixil* Mayans."⁴⁴ In 2010, Claudia Paz y Paz Bailey assumed control of the *Ministerio Público*, replacing a sitting Prosecutor General who resigned after he'd been linked to corruption. Paz y Paz brought experience litigating cases in the Inter-American Court of Human Rights to an MP function that had seen nine Prosecutor Generals in the sixteen years of its existence (giving an average term length of just over twenty-two months for the four-year post). Paz y Paz removed non-performing prosecutors and those with ties to the military, and made Guatemala's lingering human rights abuse cases a top priority. In 2012, after he had lost his seat in Congress, Ríos Montt was indicted along with his then-director of military intelligence on charges of genocide and crimes against humanity for the group killing of 1,771 *Ixil* Maya, the forced displacement of 29,000, sexual violence against at least eight women, and torture of at least fourteen.⁴⁵ Most believed politics would intervene and the case would not reach trial.⁴⁶ On March 19, 2013 opening arguments began before a three-member tribunal despite varied efforts by defense counsel to impugn and suspend the trial before it began. Ríos Montt's lawyer, who told the court he had been hired hours earlier, was ejected for obstruction on the opening day when he persisted with his demand for tribunal members to recuse themselves for bias against him.⁴⁷ In the coming days, multiple objections to the proceedings were filed by defense counsel for both accused in the form of *amparos* which required resolution by Guatemala's Constitutional Court. The trial was suspended for ten days when an evidence judge declared the trial annulled.⁴⁸ In all, 100 survivor eyewitnesses recounted family members who were shot at close range, hacked to death with machetes, bludgeoned with rocks and knives, strangled to death, burned alive, raped, and played with like toys and animals. Little was heard from the defense to directly refute their testimony. Instead counsel for both defendants focused on disqualifying the trial, tribunal judges, and prosecution expert witnesses.⁴⁹

⁴³ United Nations General Assembly Security Council, *Annex II*.

⁴⁴ From the author's February 2013 interview with Kate Doyle, senior analyst, US National Security Archive.

⁴⁵ Hugo Alvarado, "Ríos Montt Enfrentará Juicio por Genocidio y Delitos de Lesa Humanidad," *Prensa Libre*, January 28, 2013. First Instance Judge, Carol Patricia Flores, at the indictment: "We can establish that these are acts so degrading, so humiliating, that there is no justification. You, Señor Efraín Ríos Montt, could have prevented these crimes. We agree with the prosecutor's judgment that you, Señor Efraín Ríos Montt, probably participated in these acts of genocide and crimes against humanity."

⁴⁶ From author dialogue with transitional justice scholars and advocates in Guatemala and the US prior to the trial.

⁴⁷ Emi Maclean, "Trial Opens with Statements, Prosecution Witnesses, After Defense Challenges Rejected," *International Justice Monitor*, March 20, 2013, accessed March 22, 2018, <https://www.ijmonitor.org/2013/03/trial-opens-with-prosecution-witnesses-after-defense-challenges-rejected/>.

⁴⁸ Kate Doyle, "Day 20: Defense Attorneys Walk Out of Trial in Protest; Preliminary Court Judge Annuls Trial as Attorney General Calls Action Illegal and Promises Legal Challenge," *International Justice Monitor*, April 19, 2013, accessed March 22, 2018, <https://www.ijmonitor.org/2013/04/day-20-defense-attorneys-walk-out-of-trial-in-protest-preliminary-court-judge-annuls-sentence-as-attorney-general-calls-action-illegal-and-promises-legal-challenge/>.

⁴⁹ See Open Society Justice Initiative, *Judging a Dictator*, 7-12.

On May 10, the tribunal rendered a guilty verdict against Ríos Montt and sentenced him to an eighty-year prison term. His co-defendant, Jose Mauricio Rodríguez Sánchez, was absolved of charges. On May 20, Guatemala's Constitutional Court, without a verdict appeal by Ríos Montt, annulled the verdict and trial testimony.⁵⁰

Denial in Constitutional Court Rulings

In the course of its study on the causes of Guatemala's State-on-citizen violence, the CEH found the State's judiciary was largely idle in the decades of the conflict—deliberately failing to apply the law, “tolerating, and even facilitating, violence,” and sheltering State acts of repression.⁵¹ Even after reforms to Guatemala's judicial function brought by its 1994 Criminal Procedure Code, both the *Impunity in Guatemala* and *Prosecutorial Reform* reports found corruption common at all levels of the State's judiciary,⁵² where threatened judges “may dismiss cases, fail to issue arrest warrants, allow pre-trial release of suspects, make improperly favorable evidentiary rulings for the defense, or affect the prosecution through other administrative procedures of the court.”⁵³

A politicized process of judgeship inherently jeopardizes judicial independence in Guatemala, where judges are appointed through personal connections or as favors, rather than because of qualifications or experience.⁵⁴ This has created an inclination for judges to rule toward outcomes that favor the causes and positions of those responsible for their appointment.⁵⁵ Guatemala's Constitutional Court is comprised as such. Its five judges are appointed one-each by the Supreme Court, Congress, President, the Higher University Council of the University of San Carlos, and the Assembly of the Bar Association⁵⁶—each appointer with their own agenda and political interests.⁵⁷ The Constitutional Court's main function is to defend constitutionality in Guatemala's laws, trial proceedings and judgements, treaties and legislative bills, and jurisdiction conflicts.⁵⁸ Its formation in 1985 has played an important role toward the rule of law in Guatemala, but rulings in recent years have raised questions about its integrity.⁵⁹ A Court ruling in the year 2000 overturned first instance and appellate court verdicts to grant amnesty to defendants charged with crimes against humanity in the 1982 *Dos Erres* massacre, despite Guatemalan law that excludes crimes against humanity from amnesty and despite provisions in its Constitution that limit the Court's jurisdiction to the constitutionality of subordinate rulings and not the substance or merit of cases.⁶⁰ Here, the Court exceeded its constitutional mandate to rule that crimes against humanity had not occurred

⁵⁰ Guatemala Constitutional Court, Case File 1904-2013, May 20, 2013. See *infra* *May 20, 2013 Due Process Violation and Verdict Annulment Ruling*.

⁵¹ La Comisión para el Esclarecimiento Histórico, *Memory of Silence*, 24.

⁵² Heasley et al., *Impunity in Guatemala*, 1162.

⁵³ *Ibid.*, 1149.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ Republic of Guatemala Political Constitution of 1985, Article CCLXIX, Organization of the Court of Constitutionality.

⁵⁷ From the author's 2012 email exchange with Daniel M. Brinks, law professor and co-director of the Rapoport Center for Human Rights and Justice at the University of Texas Austin. “The delegation of appointment powers to these outside entities has led to the politicization of those entities [and] a fair amount of contestation by the dominant political parties. The situation is exacerbated because the magistrates serve short, renewable terms, so that if they wish to be reappointed they must remain in the good graces of those who named them.”

⁵⁸ Republic of Guatemala Political Constitution of 1985, Articles CCLXXI and CCLXXII.

⁵⁹ García-Godos et al., *Guatemala: Truth and Memory on Trial*, 215. “On several occasions, the Supreme Court and, particularly, the Constitutional Court have gone beyond their mandates, intervening in lower courts' handling of human rights cases involving members of the armed forces.”

⁶⁰ Guatemala Constitutional Court, Case File 55-89, June 13, 1989, “[an appeal to the Constitutional Court] is not meant to replace the legal protection offered by the ordinary justice system ... and we must prevent the undue use of the constitutional justice with the aim of reviewing the decisions of ordinary courts on the merits, given that the role of the [Constitutional Court] is not to decide on the substantive claims of the parties to the proceedings, but rather to examine whether the rights guaranteed by the Constitutional and the statutes have been respected or not”

in *Dos Erres*. At times the Court has shown favor to Ríos Montt. A notable example is the Court's 2003 ruling to allow him to run for president despite Constitutional law that disqualifies any who took power by coup from ever seeking the presidency.⁶¹ In 2000, the *Frente Republicano Guatemalteco* party, presided over by Ríos Montt, was found to have manipulated nominations to the Court.⁶²

When rulings by Guatemala's highest legal authority consistently violate laws set forth by Guatemala's Constitution, its Criminal Procedure Code, and commitments to international treaties, there is reason for inquiry into the basis for that Court's rulings. Was there sound reason for the Court's deviations from what law provides and mandates? Were the rulings impartial and objective, or were they prejudiced toward denying the crime of genocide and inhibiting its prosecution? Were they proportionate toward a fair and just outcome, or did they unduly favor the defendants and a no-genocide finding? Here we examine seven Constitutional Court rulings⁶³ and their effect on Guatemala's inquiry into genocide criminality.

*December 12, 2007 Ruling to Reject Audiencia Nacional Jurisdiction*⁶⁴

Under the provisions of universal jurisdiction law, the Rigoberta Menchú Foundation in 1999 brought a case against Ríos Montt and five other ex-high-level commanders to the *Audiencia Nacional* in Madrid, accusing them of genocide, torture, and forced disappearance in the 1982-83 massacres of *Ixil-Maya*. The plaintiffs cited Article 23.4 of the Judicial Power Organization Act (LOPJ) which provides *Audiencia Nacional* with jurisdiction in crimes of genocide and terrorism committed outside of Spain. In March 2000, the *Audiencia Nacional* accepted the case after concluding that Guatemala's legal system had failed to investigate the crimes. In July 2006 the *Audiencia Nacional* issued international arrest warrants for the accused followed by extradition requests, citing a 1895 Extradition Treaty between Spain and Guatemala as basis along with LOPJ law. In November 2006, a Guatemalan trial court executed four of the six warrants, and rejected warrants for Ríos Montt and a former army chief-of-staff. Two of the accused were arrested and detained for extradition. The arrests were appealed but Guatemalan courts found the warrants proper and binding. Lawyers for the two detained then challenged the authority of the warrants by appeal to Guatemala's Constitutional Court. On December 12, 2007 the Court ruled the warrants invalid and nonbinding, and ordered the detainees' release. No further action was taken by the *Audiencia Nacional* against the other defendants.⁶⁵

In its sixty-page ruling the Court accepted the Spain-Guatemala treaty but reasoned that the treaty's extradition requirement is specific to asylum-seekers and does not apply to nationals living in the country where the crimes were committed, and that therefore it does not apply to crimes committed in Guatemala.⁶⁶

With regard to LOPJ Article 23.4, the Court argued that it cannot recognize the jurisdiction of an extraterrestrial court because to do so would be to allow a state to judge another state's ability or willingness to prosecute its own crimes, that *Audiencia Nacional* does not have that power or right,

⁶¹ Republic of Guatemala Political Constitution of 1985, Article CLXXXVI, Prohibitions Against Running for the Positions of President or Vice President of the Republic. The following cannot run for the positions of President or Vice President of the Republic: a. The leader or the chiefs of a coup d'état, armed revolution or similar movement, who have altered the constitutional order, or those who as a consequence of such events have assumed the leadership of the government.

⁶² Siri Glopín, Roberto Gargarella, and Elin Skaar, *Democratization and the Judiciary: The Accountability Function of Courts in New Democracies* (London: Frank Cass, 2004), 105.

⁶³ More than other rulings by Guatemala's Constitutional Court, these seven, in the author's view, provide the best opportunity for observing Court behavior toward the question of genocide criminality.

⁶⁴ Guatemala Constitutional Court, Case File 3380-2007, December 12, 2007.

⁶⁵ For an expanded discussion of events and rulings related to the Menchú Foundation case against Ríos Montt and others see Amy Ross, "The Ríos Montt Case and Universal Jurisdiction," *Journal of Genocide Research* 18, Nos. 2-3 (2016), 361-376; Naomi Roht-Arriaza, "Criminal Prosecutions for Genocide in Guatemala: Advances and Obstacles in Transnational and Domestic Cases," in *Quiet Genocide*, ed. Etelle Higonnet (New Brunswick: Transaction Publishers, 2009); and Naomi Roht-Arriaza, "Guatemala Genocide Case. Judgment, No. STC 237/2005," *American Journal of International Law* 100, 1 (2006), 207-213, doi:10.2307/3518840.

⁶⁶ See Roht-Arriaza, *Criminal Prosecutions for Genocide*, 147.

and therefore its extradition order has no authority.⁶⁷ But it is precisely this scenario that LOPJ law seeks to address. The language of Article 23.4 explicitly recognizes and requires extradition: “... this concept of universal jurisdiction allows criminal proceedings to be brought even where the accused is not present in Spanish territory; this requires the subsequent initiation of extradition proceedings.” Therefore there is no logic in this aspect of the Court’s ruling.

The Court rejected extradition on other grounds, citing Article 27 of Guatemala’s Constitution which, the Court argued, prohibits the handing over of Guatemalans to foreign governments. But the language of Article 27 makes an exception where international treaties call for such extradition: “The extradition of Guatemalans will not be initiated for political crimes who in no case will be handed over to a foreign government, except for what is agreed upon in treaties and conventions regarding crimes against humanity or against international law.”

The Court further argued that the genocide, torture, and forced disappearance crimes charged by the Menchú Foundation were “common crimes connected to political crimes” and as such, not subject to Guatemala’s UNGC extradition obligations.⁶⁸ But UNGC law expressly forbids the characterization of genocidal acts as political crimes for the purpose of avoiding extradition: “Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.”⁶⁹ Here the Court exceeds what it was asked to rule on by the lower court (whether *Audiencia Nacional*’s extradition requests violate Guatemala’s Constitution) to publish an opinion on the nature of the armed conflict and make a ruling based on that opinion. This is a clear overstep of the Court’s constitutional charter limiting the Court to protecting constitutionality in the State’s legal affairs.

The Court’s liberal interpretation of the intent of the Spain-Guatemala Treaty, its disregard for exceptions to the laws it cites as the basis of its ruling, and its improper judgement of the conflict to deny extradition, all suggest a Court intent on deterring a genocide inquiry by *Audiencia Nacional*. UN and Constitutional law make clear Guatemala’s obligation to comply with extradition. But the Court seems to go out of its way to interpret law in ways that avoid those obligations, and thus “implicitly rejects the charge of genocide.”⁷⁰

*April 3, 2013 Defense Evidence Admissibility Ruling*⁷¹

On April 3, twelve days into the Ríos Montt trial, the Constitutional Court, in response to an appeal filed by Ríos Montt’s defense, issued an order for the tribunal to incorporate into trial proceedings defense evidence that had been ruled inadmissible. The Court’s ruling overturned a ruling made by pretrial judge Miguel Ángel Gálvez, who found that Ríos Montt’s counsel hadn’t provided foundation for expert witnesses it planned to call; that it had submitted only names without anything to substantiate or demonstrate their expertise, and that in place of documentary evidence, counsel had provided only requests for that information that it had filed with the holders of the evidence.⁷² According to the rules of evidence in Guatemala’s Criminal Procedure Code, Gálvez was correct and had just cause in rejecting the evidence in question. Article 183 of the Code

⁶⁷ Guatemala Constitutional Court, Case File 3380-2007, December 12, 2007.

⁶⁸ Roht-Arriaza, *Criminal Prosecutions for Genocide*, 148.

⁶⁹ United Nations, *General Assembly Resolution 260 - Convention on the Prevention and Punishment of the Crime of Genocide*, December 9, 1948 (UN Doc. A/RES/260(III)), Article VII, accessed March 21, 2018, <http://www.refworld.org/docid/3ae6b3ac0.html>.

⁷⁰ Roht-Arriaza, *Criminal Prosecutions for Genocide*, 149. “By so labeling the conflict, the Court implicitly rejects the charge of genocide.”

⁷¹ Guatemala Constitutional Court Case File 1097-2013, April 23, 2013.

⁷² See Kate Doyle, “Update on Guatemalan Genocide Trial,” *Unredacted* (blog), *The National Security Archive Blog*, February 5, 2013, accessed May 3, 2017, <https://nsarchive.wordpress.com/2013/02/05/update-on-guatemalan-genocide-trial/>. “Gálvez pointed out that [the defense] had submitted the names of experts (such as retired general José Luis Quilo Ayuso) without providing their analysis or expert reports, rendering them invalid. The judge also explained that rather than enter documents into evidence, Ríos Montt’s attorneys had submitted last-minute requests for Ministry of Defense records, which they hoped to obtain through a court order. In effect, the judge was pointing out the failure of the defense team to do the work that the case required.”

(Proof of Inadmissibility) requires that evidence submitted has substance related to the discovery of truth: "A means of proof, to be admitted, must refer directly and indirectly to the object of the inquiry and be useful for the discovery of the truth."⁷³ Submitting names only ignores and fails this requirement. Article 186 (Evidence Valuation) requires that evidence must be present and have been submitted into the trial according to Code procedure: "Any evidence to be valued must have been obtained by a permitted procedure and incorporated into the process in accordance with the provisions of this Code. The elements of evidence thus incorporated shall be valued, according to the system of sound reasoned criticism, and may not be subject to other legal limitations other than those expressly provided for in this Code."⁷⁴ Submitting notices of evidence sought or filed for thus have no value. The Court's override of Gálvez' ruling is an abandonment of these criminal procedure laws to favor the defense, which, by ignoring evidence rules, shows disregard for the laws and the court. While the evidence in question had no bearing on the case, and the ruling posed no interference with a genocide inquiry, the ruling again shows the Court's willingness to vacate law, and to overlook the defense's show of disrespect toward the proceedings.

April 23, 2013 Rulings to Transfer Case to Judge Flores⁷⁵ and to Reinstate García Gudiel⁷⁶

On April 18, almost a month after the Ríos Montt trial began, pretrial judge Carol Patricia Flores held a hearing pursuant to the Ríos Montt genocide case in which she declared the trial annulled and ordered the case returned to its November 23, 2011 pretrial status. Flores was the original pretrial judge who indicted Ríos Montt on the genocide charge. She had been recused from the case and replaced by Judge Gálvez after a bias claim by Ríos Montt's defense. On appeal the Supreme Court had found her recusal improper, and with her April 18 hearing, Flores, without notice to the trial court, had reassumed the role of the evidence judge assigned to the case and was calling it back to its November 23, 2011 status, the day she had been recused. On April 19 the trial court suspended trial proceedings pending Constitutional Court instructions on the constitutionality of Flores' order.⁷⁷

On April 22 the Court issued a ruling instructing the trial court to transfer to Judge Flores the Ríos Montt case file, and for Flores to issue an order to the court to allow the contested defense evidence into the proceedings consistent with its April 3 ruling.⁷⁸ In and of themselves, these elements of the ruling pose no interference with a genocide inquiry. The role of the pretrial judge is complete when a case reaches trial, and he or she can have no bearing on the case beyond that point. Guatemala's Criminal Procedure Code does not address reinstating a pretrial judge during an active trial, though it seems incongruous that the Court, without a strong reason for doing so, would insert this disruption into proceedings rather than maintain Gálvez as the pretrial judge of record.

But the Court's April 22 ruling went beyond what the Court was asked to rule on; the constitutionality of Flores' order, and further instructed the trial court to reinstate Francisco García Gudiel as Ríos Montt's defense counsel.⁷⁹ García Gudiel had been ejected for obstruction on the trial's opening day and replaced by counsel of Ríos Montt's choosing the next day.⁸⁰ The Court

⁷³ Republic of Guatemala, Código Procesal Penal, Article 183, "Proof of inadmissibility. A means of proof, to be admitted, must refer directly and indirectly to the object of the inquiry and be useful for the discovery of the truth."

⁷⁴ Republic of Guatemala, Código Procesal Penal, Article 186, "Valuation. Any evidence to be valued must have been obtained by a permitted procedure and incorporated into the process in accordance with the provisions of this Code. The elements of evidence thus incorporated shall be valued, according to the system of sound reasoned criticism, and may not be subject to other legal limitations other than those expressly provided for in this Code."

⁷⁵ Guatemala Constitutional Court Case File 1097-2013, April 23, 2013.

⁷⁶ Guatemala Constitutional Court Case Files 1248-2013, April 22, 2013 and 1326-2013, April 23, 2013.

⁷⁷ See Doyle, *Day 20*.

⁷⁸ Guatemala Constitutional Court Case File 1097-2013, April 23, 2013.

⁷⁹ Guatemala Constitutional Court Case File 1248-2013, April 23, 2013.

⁸⁰ García Gudiel had announced himself as new counsel for Ríos Montt on the trial's opening day and immediately asked the tribunal for a 5-day suspension to allow him to prepare a defense. This was denied. He then

reasoned that the reinstatement of García Gudiel was the restoration of Ríos Montt's rights under due process of law.

Article 358 of the Criminal Procedure Code gives justification for the tribunal's expulsion of García Gudiel: "The president of the court shall exercise the power of discipline" and can "expel the [disruptive] offender from the courtroom," where offenders may be a "representative of the Public Prosecutor's Office, the defendant, his defense counsel." Article 11 provides further basis: "The procedural subjects must comply with the decisions of the court and can only challenge them by the means and in the form established by law."

Here again the Court seems to abandon Criminal Procedure Code law, and overlook behavior that disrespects the court, to favor and reward the defense. Ríos Montt had been defended during the preceding thirty days by counsel he chose, and it is not clear that his right to counsel of his choosing had been violated, as the Court said it had. García Gudiel had appeared impromptu as counsel for Ríos Montt, told the court he had not prepared a defense, and had shown intent to interfere with the proceedings. It is incongruous that the Court would depart from procedure law to restore defense counsel ill-equipped to serve its client or the proceedings. While this element of the Court's ruling poses no interference with a genocide inquiry, the effect and implementation of the reinstatement became the basis for the Court's future claimed due process defect and trial annulment.

*May 20, 2013 Due Process Violation and Verdict Annulment Ruling*⁸¹

On May 20, ten days after the trial court declared Ríos Montt guilty of genocide and crimes against humanity, the Court, without any verdict appeal by Ríos Montt, issued a ruling that overturned the verdict and annulled parts of the trial. The Court ruled that the trial court had "ignored" its April 23 order to reinstate García Gudiel and instead proceeded with the trial, and that this "improper continuation" had "compromised the legal certainty of the criminal proceedings."⁸²

There are multiple aspects of the ruling that bear consideration with respect to intent to deny a genocide inquiry:

1. Logic.

The basis for the Court's procedure fault ruling was that the trial court hadn't sufficiently complied with the Court's April 23 ruling to reinstate García Gudiel. The Court conceded that García Gudiel had been reinstated but found fault with the trial court's procedure in complying with the order; that the trial court hadn't suspended the trial for the specific or sole purpose of reinstating García Gudiel, or waited for an appellate court to issue a ruling on whether the remedies given by the Court's April 23 ruling had sufficiently restored due process. Nor, according to the Court, had the trial waited for an appellate court to rule on the merits of a tribunal recusal petition filed by García Gudiel.⁸³

But the trial was already in a suspended status from April 19 to April 30, and reinstatements of counsel cannot occur when a trial is in a suspended state. The first opportunity to reinstate García Gudiel was on April 30—the date when he was in fact reinstated. On that

challenged the tribunal's legitimacy in hearing the case. When this challenge was rejected, García Gudiel petitioned the court for the recusal of two of the three tribunal judges for bias from previous cases. This also was rejected. When García Gudiel continued to demand a suspension of the trial, the tribunal informed García Gudiel that he had exhausted the limits of permissible arguments and ejected him from the courtroom for obstruction. The tribunal offered Ríos Montt three options for replacing his defense counsel: name prior counsel as his counsel of record (Ríos Montt had been previously represented by Francisco Palomo and Danilo Rodríguez in matters concerning genocide charges), arrange for new counsel, or be represented by the counsel for his co-accused for the remainder of the day. When Ríos Montt chose neither, the tribunal assigned to him counsel for his co-accused. The next day, when Ríos Montt appeared without counsel and the tribunal proposed a public defender, Ríos Montt arranged for Marco Antonio Cornejo Marroquin as his counsel, who arrived within the hour. On March 25 Ríos Montt had added Danilo Rodríguez to his defense.

⁸¹ Guatemala Constitutional Court Case File 1904-2013, May 20, 2013.

⁸² *Ibid.*

⁸³ See Open Society Justice Initiative, *Judging a Dictator*, 17-19.

day, the court re-read the indictment against Ríos Montt and excluded evidence that had been presented during the hours that Ríos Montt was without counsel of his choosing. Thus, the trial had not resumed prior to or without the reinstatement of García Gudiel. There is therefore no rationality in this defect claim because it is procedurally impossible to require or implement a suspension when a suspension was already in effect. Judge Gloria Patricia Porras, one of two Court judges who opposed this ruling, argued that the trial court had already sufficiently responded to the due process issue and that it was therefore not necessary to stop the trial. She argued that there was no due process violation given the remedies already ordered and implemented, and that the Court's ruling "abandons all procedural logic." Porras: "It makes no sense for the trial court to suspend the trial once these acts had been carried out and the claimed rights had been restored."⁸⁴ On May 20, the same day as the Court's annulment ruling, an appeals court issued a ruling confirming that the trial court had sufficiently remedied the claimed due process violation.⁸⁵

With respect to the tribunal's failure to wait for an appellate court to evaluate the merits of García Gudiel's tribunal recusal petition, Ríos Montt's defense failed to challenge the tribunal's refusal to disqualify judges within the allowable period, and under Criminal Procedure Code law the defense cannot later appeal the refusal. The issue of García Gudiel's tribunal recusal petition is therefore moot.

2. Procedure.

Under Guatemala's Criminal Procedure Code, trial-procedure defect claims must be routed through a "Special Appeal" procedure, which does not involve the Constitutional Court.⁸⁶ The Court's ruling therefore disregards procedures for hearing and deciding due process matters, and preempts any decisions an appeal court would have made on this matter. Further, the Court's May 20 ruling grants a remedy never requested by Ríos Montt or his defense. Ríos Montt's lawyers at no time protested the tribunal's implementation of the García Gudiel reinstatement. Further, under Criminal Procedure Code Article 282, defective procedure claims must be made "while the act is fulfilled or immediately after it has been fulfilled." With its ruling, the Court abandoned these provisions and intervened when it had no call to.

3. Proportion.

Even if Ríos Montt's defense had filed a non-compliance complaint with the Court relative to the trial court's reinstatement of García Gudiel, there was never any evidence that the claimed non-compliance had caused due process harm such that it would justify the effects of the ruling. The Court seems to wholly ignore the weight and significance of the evidence presented by the prosecution, and takes issue with minor, ambiguous procedural infractions that had no bearing on the evidentiary imbalance in the case. The Court must refrain from an opinion on evidence in lower court cases but its overriding duty under Criminal Procedure Code Article 477 is to see that State provisions of justice are upheld, and specifically that judgements "do not violate constitutional precepts and international treaties in the field of human rights."⁸⁷ By any measure of objectivity, the prosecution had

⁸⁴ For a full reading of Porras' dissent statement see, Guatemala Constitutional Court Case File 1904-2013, Dissenting Opinion of Justice Gloria Patricia Porras Escobar, May 20, 2013.

⁸⁵ *Judgment of Constitutional Court of Guatemala in Case of State v. Ríos Montt and Rodriguez Sanchez*, Case File 1904-2013, Decision of May 20, 2013, Part II, Judgment of Amparo Court of First Instance, May 9, 2013, Section III, in which the said court found that the trial court "indeed complied with the orders ... to give leave to proceed with the recusal and abstention motions filed by attorney Francisco García Gudiel and against the members of this Court, just as it was ordered to do in the aforesaid judgment...").

⁸⁶ Republic of Guatemala, Código Procesal Penal, Articles 49, 281, 282, 394, 398, 399, 404, 406, and 415- 434.

⁸⁷ Republic of Guatemala, Código Procesal Penal, Article 477 and Republic of Guatemala Political Constitution of 1985, Article CCIV.

presented overwhelming evidence of genocidal killing, none of it substantively refuted.⁸⁸ García Gudiel did little defending against the charges, and his absence was of little consequence to Ríos Montt's defense. Constitutional Court judge Mauro Chacon, who also opposed the ruling, wrote in his dissent statement that Garcia Gudiel⁸⁹ had enjoined the case with the purpose of forcing the recusal of tribunal judges on an unfounded bias claim, and that Garcia Gudiel had intentionally obstructed the proceedings.⁹⁰

Inasmuch as it "abandons all procedural logic,"⁹¹ unduly interferes with criminal proceedings by ruling when it had no call to, preempts an appeals process mandated by Guatemala's Criminal Procedure Code, and is "manifestly disproportionate"⁹² in its effect, this ruling by the Court goes to untenable lengths to deny a genocide criminality finding, in violation of both Guatemalan law and UNGC obligations.

*May 29, 2013 and June 6, 2013 Amnesty Rulings*⁹³

Prior to the trial, amnesty protection sought by Ríos Montt under a 1986 general amnesty decree⁹⁴ had twice been rejected by lower courts based on superseding 1996 law⁹⁵ that explicitly excludes crimes of genocide from amnesty. On May 29, nine days after its verdict annulment, the Court held a public hearing to hear amnesty arguments. Ríos Montt's lawyers argued that their client is entitled to protection from prosecution provided by 1986 amnesty law, and that no court or superseding law can remove it. Following the hearing, the Court issued an order for the lower court to provide foundation for its rejection of 1986 amnesty for Ríos Montt. On June 6, the Court held another public hearing, in response to a separate and previous Ríos Montt challenge of amnesty rejection

⁸⁸ Prosecution testimony had detailed a pattern of deliberate killing. Some 100 eyewitnesses recounted family members who were shot at close range, hacked to death, bludgeoned with rocks and knives, strangled to death, burned alive, tortured and raped. Witnesses described the burning of houses and villages, and the destruction of crops and livestock. Forty-six expert witnesses testified that civilians died in a defenseless state, that the Army's kill-rate during the time in question was consistent with execution-style killing, and that the number of indigenous killed was eight times higher than that of non-indigenous. Prosecution evidence included references to orders and objectives contained in the Military's *Victoria 82*, *Firmeza 83*, and *Sofia* operating plans. The defense produced eight witnesses who failed to materially refute or challenge prosecution evidence. Said UC-Hastings Law Professor Naomi Roht-Arriaza in a video statement from Guatemala during the trial, "There's been a lot of pressure from the defense, saying that the trial isn't fair. The sense that I've got is that the trial is basically fair, the problem is that the defense isn't doing a very good job defending, and I think that part of that is because they never thought this was going to come to trial, and so they really didn't prepare very well. Really, their strategy is about delay, their strategy is about either trying to get the Constitutional Court or the political process to halt this thing, rather than to carry out a defense."

⁸⁹ In response to a May 16, 2013 complaint lodged by Ramon Cadena, the director of the International Commission of Jurist regional office, the bar association suspended García Gudiel for one year, finding him in violation of ethics codes. The association found that he lacked respect in addressing the tribunal, offending the honor and prestige of the judges and the credibility of the justice system, fined him (US\$ 660) and ordered a public reprimand.

⁹⁰ For a full reading of Chacon's dissent statement see, Guatemala Constitutional Court Case File 1386-2013, Dissenting Opinion of Justice Mauro Roderico Chacon Corado.

⁹¹ Guatemala Constitutional Court Case File 1904-2013, Porras Dissent Statement, May 20, 2013.

⁹² Guatemala Constitutional Court Case File 1904-2013, Chacon Dissent Statement, May 20, 2013.

⁹³ Guatemala Constitutional Court Case File 1386-2013.

⁹⁴ Republic of Guatemala Political Constitution of 1985, Decree VIII- LXXXVI; "General amnesty is hereby granted to all persons responsible or accused of having committed political crimes and related common crimes, during the period from March 23, 1982 to January 14, 1986. Therefore, no sort of criminal persecution or action might be taken or followed against authors and accomplices of such crimes, nor against those who might have committed the crime of concealing them; nor against those who might have intervened in any form in their repression or persecution."

⁹⁵ Republic of Guatemala Political Constitution of 1985, Decree CXLV- XCVI, forming Guatemala's 1996 National Reconciliation Law. Article 8 limits the Law's amnesty protection for crimes committed during the internal armed conflict: "exemption from criminal responsibility will not apply to crimes of genocide, torture or forced disappearance."

by a lower court, whereupon the same arguments were made, and the same order for foundation was made.⁹⁶

Guatemala's 1996 National Reconciliation Law voids the 1986 law,⁹⁷ and holds that "the extinction of the criminal responsibility referred in this law will not be applicable to crimes of genocide, torture and forced disappearance." Further, Guatemala had ratified the UNGC well before the 1986 law, and UNGC obligations outweigh any protection provided by any domestic law. Reopening or maintaining the amnesty debate in the presence of both domestic and international law that specifically prohibits amnesty seems to suggest an attempt by the Court to preserve criminal exemption for a genocide offender, and thus deny genocide criminality. Both Judge Porras and Judge Chacon, the same Court judges who opposed the Court's verdict overturn ruling, opposed the Court's action to reopen the amnesty issue. In his dissent statement, Chacon argued that the law is clear-cut and that there's no reason for the Court to further entertain the issue.⁹⁸ Porras argued the 1986 amnesty was never valid to begin with because it contradicts Guatemala's commitments under UNGC. Thus, she argued, the 1986 decree could not have created any reasonable expectations of protection, and therefore maintaining the debate is improper.⁹⁹

Here again, Guatemala's Constitutional Court had opportunity to rule consistent with Guatemalan and international laws but chose instead to rule counter to laws that are very clear and straightforward, and it is difficult to consider these deviations from law as anything other than efforts to protect Ríos Montt and Guatemala from a genocide charge.

*February 5, 2014 Ruling on Claudia Paz y Paz' Term*¹⁰⁰

Claudia Paz y Paz Bailey, who had brought the genocide case against Ríos Montt, had been appointed to replace Conrado Reyes in 2010 as Prosecutor General, after Reyes resigned on charges of corruption seven months into his term.¹⁰¹ Following the trial, a petition was filed with Guatemala's Constitutional Court arguing that Paz y Paz' term ends in May 2014 and not December 2014 since she had replaced a Prosecutor General seven months into an existing term. The petition named transitory constitutional articles that if applied would consider her term a fill-in assignment rather than a full 4-year appointment.¹⁰² On February 5, 2015 the Court unanimously granted the appeal.¹⁰³

The ruling is a violation of Article 251 of Guatemala's Constitution, which establishes the Prosecutor General's term as four years, and that only by the President and for "duly established

⁹⁶ See Emi Maclean, "One Month After Guatemala's Constitutional Court Intervenes to Challenge Rios Montt Genocide Conviction: Amnesty Back on the Table, New Trial Court Booked Till Mid-2014, and Rios Montt Back Home," *International Justice Monitor*, June 18, 2013, accessed March 22, 2018, <https://www.ijmonitor.org/2013/06/one-month-after-guatemalas-constitutional-court-intervenes-to-challenge-rios-montt-genocide-conviction-amnesty-back-on-the-table-new-trial-court-booked-till-mid-2014-and-rios-montt-back-home/>; Emi Maclean, "One Week After Overturning Former Dictator's Genocide Conviction, Guatemalan Constitutional Court Considers Whether Rios Montt Should Benefit from 1986 Amnesty," *International Justice Monitor*, May 20, 2013, accessed March 27, 2018, <https://www.ijmonitor.org/2013/05/one-week-after-overturning-former-dictators-genocide-conviction-guatemalan-constitutional-court-hears-claim-that-rios-montt-should-benefit-from-1986-amnesty/>.

⁹⁷ Republic of Guatemala Political Constitution of 1985, Decree CXXXIII-CXCVII, issued December 1997, repealed all amnesty laws prior to 1996.

⁹⁸ Guatemala Constitutional Court Case File 1097-2013, April 23, 2013.

⁹⁹ *Ibid.*

¹⁰⁰ Guatemala Constitutional Court Case File 461-2014, February 5, 2014.

¹⁰¹ Asier Andrés "Presidente Juramenta a la Nueva Fiscal General," *El Periodico*, December 10, 2010, <https://web.archive.org/web/20140222044140/http://www.elperiodico.com.gt/es/20101210/pais/185734>.

¹⁰² See Paul N. Avakian, "Guatemala's Praised Attorney General To Step Down Under Controversy," *Truthout*, March 17, 2014.

¹⁰³ Constitutional Court: "Circumstances make it advisable to grant the interim relief requested, and [with] the positive effects of constitutional protection now granted, Congress should immediately, from the moment notified, hold a meeting, continuously and without interruption, in order to issue the call for the formation of the Nominating Committee."

cause”¹⁰⁴ can the Prosecutor General be removed from office. Further, there is no basis for invoking transitory articles against Article 251 because transitional provisions regulate an event at a specific time, and once they accomplish the purpose for which they were enacted, they become void. Paz y Paz had made unprecedented strides in reducing crime in Guatemala and in dismantling its organized crime networks, and had gained international recognition for human rights justice.¹⁰⁵ The want for her early removal would only have come from those hurt or threatened by her work¹⁰⁶ or those who wish to punish her for prosecuting the Ríos Montt genocide case.

Other actions against Ríos Montt trial participants were:

- On May 14, Moises Galindo, a Ríos Montt trial defense attorney, filed to impeach Judge Yasmin Barrios, who presided over the Ríos Montt trial, after she was observed having breakfast with three people said to have been from NGOs who supported the genocide trial.¹⁰⁷
- On June 20, 2014, Judge Gisela Reinoso issued a ruling that froze Claudia Paz y Paz’ financial assets and barred her from leaving Guatemala pending the outcome of a civil dispute between the *Ministerio Público* and Globalcorp International, a computer vendor, where Globalcorp charged Paz y Paz with abuse of authority, dereliction of duty, violations of Constitutional resolutions, default, malicious delay, obstruction of justice, and conspiracy.¹⁰⁸
- On April 4 Judge Barrios was fined and disbarred by Guatemala’s bar association for a year after a complaint was filed by Moises Galindo, a Ríos Montt trial defense attorney, who felt she disrespected him during the Ríos Montt trial.¹⁰⁹
- On April 13, 2015, Judge Darwin Porras issued a ruling that prohibited *Ministerio Público* prosecutor Orlando López from leaving Guatemala pending the outcome of a criminal investigation into public statements López made in Spain in 2014. The complaint was brought by Ricardo Mendez Ruiz, the son of Ríos Montt’s former interior minister and the sponsor of a series of anti-trial newspaper advertisements published during the trial. In Spain, López had spoken about the trial and impunity in Guatemala. The complaint sought an investigation into López’ associations, and into whether there are “other employees with totalitarian ideological tendencies which jeopardize the criminal and constitutional rights of defendants.”¹¹⁰

These also appear to be politically motivated punishments meant to discredit, remove or in some way hamper prosecutors and judges who had protagonist roles in the Ríos Montt genocide trial. Inasmuch as these punishments inhibit or interfere with the prosecution of genocide crimes, they deny the crime.

¹⁰⁴ American Bar Association, *Prosecutorial Reform*, 42.

¹⁰⁵ In 2012, Paz y Paz was named by Forbes Magazine as one of the “five most powerful women changing the world.” In 2013, she was awarded US Berkley’s Judith Lee Stronach Human Rights Award, and that same year was nominated for the 2013 Nobel Peace Prize.

¹⁰⁶ Only two Prosecutor Generals have served out their full term. Most have been removed for political reasons. See American Bar Association, *Prosecutorial Reform*, 20, 21, 42, 43.

¹⁰⁷ “Abogado Interpone Solicitud de Antejucio Contra Jueza Jazmín Barrios,” *Emisoras Unidas*, May 14, 2013.

¹⁰⁸ See Emi MacLean, “Judge Imposes Travel Ban on Prosecutor Following His Public Statements About Historic Genocide Trial,” *International Justice Monitor*, April 14, 2015, accessed March 23, 2018, <https://www.ijmonitor.org/2015/04/judge-prohibits-imposes-travel-ban-on-prosecutor-following-his-public-statements-about-historic-genocide-trial/>.

¹⁰⁹ On April 4, 2014, Guatemala’s Bar Association issued a resolution dated January 9, 2014 suspending Judge Yassmin Barrios from practicing law for one year based a complaint filed by an attorney Moisés Galindo, defense counsel for José Mauricio Rodríguez. Moisés Galindo was ordered to assume the defense of Ríos Montt when Ríos Montt’s sole counsel was expelled for disruption. Galindo accused Judge Barrios of disrespecting and publicly humiliating him. See NISIGUA, Interview with Judge Yassmín Barrios, “The Door to Impunity and Corruption is being Opened,” April 8, 2014, accessed March 23, 2018, <https://nisgua.org/interview-with-judge-yassmin-barrios-the-door-to-impunity-and-corruption-is-being-opened/>.

¹¹⁰ MacLean, *Judge Imposes Travel Ban*.

In each of these seven rulings by Guatemala's Constitutional Court laws and procedures established by Guatemala's Constitution, Criminal Procedure Code, and its commitments to international treaties were consistently violated, abandoned, vacated, or disregarded. In each case the ruling favored a no-genocide finding. Where it did explain its rulings, its logic was faulty, incorrect or inadequate. In some cases, the Court's constitutional mandate was exceeded, and the Court ruled on matters it was not petitioned to rule on—in each case impeding the inquiry into whether Ríos Montt and his co-accused had committed genocide in the *Ixil* massacre. If indeed the denial of genocide is concerned with the denial of what is due victims and society when the crime has been or may have been committed, these rulings by Guatemala's Constitutional Court and the failures of duty by Guatemala's MP and military demonstrate a new category of denial behavior that arises when states investigate and prosecute their massacre crimes.

Conclusion

The prevailing notion of genocide denial as an act of speech stands to broaden when we consider the full range of what is withheld in denying the crime. Words that reject outright, re-characterize, confuse, or shift blame bring harm on an emotional level, but the real omissions associated with denial come when the crime goes unpunished. To deny a crime is to deny what is owed those harmed by the crime, and that involves punishment and restitution according to relevant law. Corruption is always a factor in denial. In verbal denials truth is corrupted. But denial also manifests itself as a corruption of duty to investigate and prosecute the crime, corruption in the interpretation and application of law, in the obligation to punish and prevent—and the examples in this paper demonstrate that the will to avoid a genocide finding is a more powerful force than any duty of truth, fairness or integrity.

Had the country not taken steps to institutionalize transparency and separations of power in its criminal justice system twenty-three years before the trial, we might say Guatemala was not yet ready to process a genocide charge. Had it not the laws, procedures and protocols in place for adjudicating such a crime we might say that a capability was not yet present to hold accountable those responsible for Guatemala's massacres. But the necessary elements were present, and had been for over two decades, and so it is hard to say that the system was inadequate.

The fact that each of the seven Constitutional Court rulings analyzed here deterred an inquiry into genocide criminality does not in and of itself make them refutations of genocide occurrence by the Court. Not every failing of a justice system is a denial of the crime at hand. To assess denial we must examine intent, and to examine intent we must make deductions based on behavior. Had the Court followed law in its rulings we would have no reason to question denial intent in them. Had it provided sound reasoning for deviating each time from constitutional and criminal code law, and from its requirements under international law, we might have less basis for considering whether the Court was predisposed to a no-genocide result. Where the Court did justify and give basis for its rulings, its reasoning was illogical and counter to protocol given by law. Had the Court demonstrated a history of independence in its rulings, and in particular, rulings concerning military accountability for human rights crimes, we might not pause to consider what transpired in Guatemala. But we know that Guatemala's Constitutional Court is comprised of judges who have been placed there for reasons less to do with merit and impartiality, and more to do with political favors. We know that Guatemala is a country with a long history of impunity and institutional corruption, and studies have shown that Guatemala's judiciary is susceptible to bias. We cannot know the mind of Court judges at the time of their rulings. We can only observe their actions and compare them to what law provides. In each case discussed in this paper, Guatemala's Constitutional Court had every opportunity to rule according to law, and in each case ruled counter to it.

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'I am Rwandan': Unity and Reconciliation in Post-Genocide Rwanda

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Introduction

The 1994 Genocide against the Tutsi in Rwanda was one of the most intimate genocides of the twentieth century. Not only were an extraordinary number of people killed in a very short period of time, often in the most brutal ways imaginable, but also the Rwandan government at the time of the genocide was able to incite mass involvement of civilians in the killings.¹ In a period of just three months, between April and July 1994, as many as one million people were murdered, often by loved ones, relatives, neighbors or friends. The majority of the victims were Tutsi, but some Hutu were also killed. Following military victory in July 1994, the Rwandan Patriotic Front was faced with the seemingly impossible challenge of restoring peace, stability, and unity to a highly divided and traumatized country. The healing process for a collective trauma such as genocide is understandably long and complicated: survivors need to come to terms with their trauma and manage the physical, social, and emotional pain they have experienced; governments are challenged with creating constructive ideologies and rebuilding harmonious intergroup relations.² The scale of the genocide in Rwanda has meant that survivors and perpetrators now find themselves having to live side by side, with survivors sometimes dependent on perpetrators and their relatives for support, particularly in rural areas.³

Reconciliation is broadly defined as the restoration of trust and positive relations between formerly adversarial groups⁴ and is therefore a dynamic process that requires change to occur at both individual and societal levels. In 1999, the Rwandan government founded the National Commission for Unity and Reconciliation (NURC), which has implemented several programs aimed at changing the emotions, attitudes, and behaviors of all its citizens. The stated role of the NURC is "to foster unity and reconciliation among the people of Rwanda who had experienced long periods of bad governance characterized by divisions, discriminations, human rights abuse and acts of violence."⁵ At the core of NURC policies is the promotion of a unified national identity: *Ndi Umunyarwanda*, which means, "I am Rwandan" (not Hutu, Tutsi or Twa). One of the aims of the *Ndi Umunyarwanda* program is to help the Rwandan people, particularly youth, to better understand their origins. As such, it supports the RPF government's narrative of the Genocide against the Tutsi, which looks back to pre-colonial Rwanda when, it is claimed, social divisions were based on economic status rather than any notion of ethnic difference. Ethnic differences, according to the officially sanctioned narrative, were invented and reinforced by colonial authorities.⁶

In this article, we discuss a corpus of ten interviews with both survivors and perpetrators of the 1994 genocide to examine how Rwandan citizens are positioned in relation to the government's

¹ Alette Smeulers and Lotte Hoex, "Studying the Microdynamics of the Rwandan Genocide," *British Journal of Criminology* 50, no. 3 (2010), 435.

² Ervin Staub, "Building a Peaceful Society: Origins, Prevention, and Reconciliation after Genocide and Other Group Violence," *American Psychologist* 68, no. 7 (2013), 576.

³ Susanne Buckley-Zistel, "Remembering to Forget: Chosen Amnesia as a Strategy for Local Coexistence in Post-Genocide Rwanda," *Africa* 76, no. 2 (2006), 131.

⁴ Herbert C. Kelman, "Reconciliation From a Social-Psychological Perspective," in *The Social Psychology of Intergroup Reconciliation*, ed. Arie Nadler et al. (New York: Oxford University Press, 2008), 15.

⁵ "Background of the National Unity and Reconciliation Commission," Republic of Rwanda- National Unity and Reconciliation Commission, accessed January 10, 2017, <http://www.nurc.gov.rw/index.php?id=73>.

⁶ Susanne Buckley-Zistel, "Nation, Narration, Unification? The Politics of History Teaching after the Rwandan Genocide," *Journal of Genocide Research* 11, no. 1 (2009), 31; Nigel Eltringham, *Accounting for Horror: Post-Genocide Debates in Rwanda*, (London: Pluto Press, 2004).

narrative of unity and reconciliation. Our analysis draws on positioning theory,⁷ which provides a methodology for analyzing qualitative data. In positioning theory, everyday social interactions can be understood as unfolding episodes of an overarching storyline. Of particular relevance to our analysis is the claim that the positioning of a category of persons can be deliberately enacted through decisions and policies made by government institutions. This theory can help us understand how the Rwandan government's policy on national unity and reconciliation has served to shape individuals' post-genocide identities and social interactions. As we will argue in this paper, the Rwandan government's policy on unity and reconciliation positions citizens with a moral duty to uphold the tenets of this policy for the good of their country. Focusing on the relationships between individuals and the Rwandan national narrative, we show that the socio-political context in Rwanda influences how people locate themselves and how they ascribe rights and duties in relation to others. By analyzing the interviews within the context of the *Ndi Umunyarwanda* program, we reflect on the political and social implications of the national storyline of unity and reconciliation for different social groups in Rwanda. These implications range from intergroup harmony between survivors and perpetrators to more harmful consequences, such as ostracization, for people who refuse to conform to the national storyline.

Social Positioning

Positioning theory focuses on decoding the implicit and explicit meanings of people's actions towards one another by attending to the features of the local context that, in a particular moment, are being either conformed to or resisted.⁸ These features include the rules, social norms and conventions of appropriate conduct in a given context. According to positioning theory there is a clear distinction between what it is logically possible for a person to say or do in a particular context and what is socially permissible in that same context. In the Rwandan context, it is logically possible to speak out against the government and it might be socially permissible to do so among a trusted group of friends, but it would not be permissible to disagree with the government in a public forum, as you would risk being arrested. Furthermore, a central principle of positioning theory is that the constraints of a context or social role mean that not all individuals participating in a social interaction will have equal access to the full repertoire of possible actions in that moment.⁹ To return to and elaborate on our previous example, while it might be logically possible for a citizen to disagree with the government in a public setting, in so far as they could exercise their free will to express their opinion, the severity of the action that might be taken by the government in response to such an action effectively operates to deny the right to speak out to the individual in that context. The position held by an individual determines the extent of the rights, duties and cultural resources (i.e., the identity) that she or he is permitted to express in a particular context at a particular moment in time. Thus, an ordinary Rwandan citizen is denied the agency and power to disagree with the government in public and therefore is afforded only the identity of an obedient and law-abiding citizen in this context.

Given the varied nature of human interaction, different types of positioning can occur in particular situations.¹⁰ Of particular relevance to this article is the deliberate positioning that occurs when the duties and rights of a category of persons are positioned through decisions and policies implemented by government institutions.¹¹ This form of positioning pushes an individual to engage in forced moral positioning, where their utterances make reference to rights and duties they feel

⁷ Rom Harré and Fathali M. Moghaddam, "Introduction: The Self and Others in Traditional Psychology and in Positioning Theory," in *The Self and Others: Positioning Individuals and Groups in Personal, Political, and Cultural Contexts*, ed. Rom Harré and Fathali M. Moghaddam (Westport, CT: Praeger Publishers, 2003), 1–11.

⁸ Rom Harré et al., "Recent Advances in Positioning Theory," *Theory & Psychology* 19, no. 1 (2009), 5–31.

⁹ Rom Harré, "Positioning Theory: Moral Dimensions of Social-Cultural Psychology," in *The Oxford Handbook of Culture and Psychology*, ed. Jaan Valsiner (New York: Oxford University Press, 2012), 191–206.

¹⁰ Rom Harré and Luk Van Langenhove, "Varieties of Positioning," *Journal for the Theory of Social Behaviour* 21, no. 4 (1991), 393–407.

¹¹ Harré and Moghaddam, *Introduction: The Self and Others*.

obliged to enact given their designated role in society.¹² In this article, we interpret the Rwandan government's policy of national unity and reconciliation as a storyline that functions to set the cultural stage for the ways in which survivors and perpetrators are positioned to act towards one another. We use this cultural context as an interpretative framework with which to understand how the Rwandan government's policy on national unity and reconciliation has served to shape individuals' post-genocide identities and social interactions. As we will demonstrate in this article, the government's policy on unity and reconciliation positions citizens with a moral duty to uphold the tenets of this policy for the good of the country.¹³

The Corpus of Interviews

Our analysis is based on ten oral interviews with individuals who self-identified as either survivors or perpetrators of the 1994 Genocide against the Tutsi. All the interviewees had since joined grassroots associations that aim to promote unity and reconciliation in their home communities. These cooperative associations mobilize survivors and perpetrators to work together voluntarily on projects that benefit the community such as building houses for orphans of the genocide. The interviews were obtained from the Genocide Archive of Rwanda, which went online in 2010 and contains a wealth of original documents, testimonies, recordings and materials relating to the genocide. It is managed by UK-based NGO, the Aegis Trust. Participation in the interviews was voluntary; interviewees did not receive payment for their participation. The Genocide Archive of Rwanda identified ten associations and contacted the president of each association to ask if they and their members would be willing to be interviewed. The president of each association then invited some of his/her members to be interviewed. Given that the authors of the present article were not involved in data collection for this project, we do not know how the presidents of participating associations selected members to be interviewed, nor whether members felt socially obligated to participate. However, it is possible that members might share only a positive view of their current situation and relationships with others if they felt pressured to participate at the request of their president. We further discuss the limitations of our data when presenting our findings and conclusions.

These ten interviews are the full corpus of interviews available from the Genocide Archive of Rwanda on this topic to date, and all the interviews were conducted in group settings with members of unity and reconciliation associations at their usual meeting place. The interviews ranged in length, with the shortest lasting 45 minutes and the longest lasting around 90 minutes. Across the ten interviews, there are 19 men and 16 women with 20 interviewees identifying as survivors, 10 identifying as perpetrators, four as family members of perpetrators, and one person who spoke too briefly to be categorized. Staff members from the Archive, themselves genocide survivors, conducted these ten interviews in 2014 to mark the twentieth commemoration of the 1994 genocide, Kwibuka 20, the theme of which was "Remember, Unite, Renew." The fact that the interviews were conducted by survivors during the commemoration period may have influenced interviewees' responses by encouraging survivors and perpetrators to censor their true feelings and adopt a more favorable view on reconciliation than they otherwise might have had. However, all those interviewed had all already signed up to unity and reconciliation associations suggesting that they already subscribed to the Rwandan government's narrative. Given this context, it is unsurprising that we found very little variation in response.

The interviews were conducted and recorded in the individuals' native language, Kinyarwanda. With the permission of the Genocide Archive of Rwanda, we commissioned the translation of these interviews into English. We used a rigorous translation process: first, the audio files were transcribed verbatim into written Kinyarwanda. Second, a staff member from the Genocide Archive of Rwanda checked the quality of the transcribed documents. Third, we employed two local translators who each translated the interviews into English. Finally, the accuracy of the translations was ensured

¹² Gregor Zelle, "Exploring the Application of Positioning Theory to the Analysis of Organisational Change." (paper, Australian and New Zealand Academy of Management Conference, Adelaide, Australia, 2009).

¹³ Susan Thomson, *Whispering Truth to Power: Everyday Resistance to Reconciliation in Postgenocide Rwanda*, (Madison: University of Wisconsin Press, 2013).

through the employment of a further translator who back-translated the interviews from English into Kinyarwanda. Any discrepancies between the translations and Kinyarwanda transcripts were discussed with both authors, and changes only made when it was agreed that the translation had altered the meaning of the original source text. All the interviewees had signed formal consent forms prior to the interview, in which they agreed for their interview to be stored online by the Genocide Archive of Rwanda and accessed by third parties such as educators and researchers. Despite the participants' informed consent and in the interest of protecting their confidentiality, we have removed personal information from the extracts of the interviews presented in this article. We have numbered the interviews from one to ten and we identify the extracts by these numbers. Readers can therefore identify which extracts are taken from the same association, but the anonymity of the interviewees is protected.

The staff at the archive used a semi-structured interview, in which they asked all individuals to describe how their community association had started, why they had chosen to join the association and what they thought were the benefits of being a member of such an association. Thus, although the interviews were conducted in groups, the interviewer was focused on collecting the personal viewpoints and experiences of each member, rather than interviewing members in the capacity as official representatives of their respective associations. The semi-structured interview enabled staff to collect responses to the areas of interest (outlined above), but it also gave the staff freedom to ask their own questions or follow up questions if something an interviewee said was interesting and relevant to the topic of unity and reconciliation. Although the interviews were focused on showcasing successful stories of post-genocide reconciliation, the interviewers did ask people to be candid when sharing their reasons for joining the association and whether they had had any reservations about doing so. Given the context and purpose of these interviews, we acknowledge that they do not represent the full range of possible attitudes to the Rwandan government's policies on unity and reconciliation, and our conclusions should be considered in light of this fact. They do, however, offer some useful insight into how individual Rwandans endorse the government's policy. Before turning to the narratives that emerge from the individual interviews, we will first outline the Rwandan government's storyline of unity and reconciliation against and within which these individual stories are positioned.

Unity and Reconciliation

In a stated attempt to avoid repeating history, the Rwandan government has tasked the NURC with the implementation of policies and programs designed to educate, sensitize and mobilize citizens to work towards unity and reconciliation in Rwanda after the 1994 genocide. All the programs implemented by the commission work towards one broader goal: to foster social cohesion through the removal of Hutu, Tutsi and Twa ethnic labels in favor of identification with a national Rwandan identity. For example, the aims of the *Ingando* program were to re-educate a diverse range of groups on the role of former colonial powers in creating distinct Hutu and Tutsi ethnicities, and to stress the importance of good governance in moving forward and rebuilding Rwanda.¹⁴ According to the Rwandan government, Hutu and Tutsi civilians lived together in peace and unity before the genocide, such that external forces, including both the German then Belgian colonial powers and the former leaders of the Hutu genocidal regime are seen as solely responsible for the divisionism that fueled the genocide. However, critics of the government's policy have pointed to the tension between a forward-looking narrative calling for the elimination of ethnicity and a retrospective narrative of the history of the genocide,¹⁵ which runs the risk of associating all Hutu with the perpetration of genocide and all Tutsi with victimhood.¹⁶

¹⁴ Eugenia Zorbas, "What Does Reconciliation After Genocide Mean? Public Transcripts and Hidden Transcripts in Post-Genocide Rwanda," *Journal of Genocide Research* 11, no. 1 (2009), 127–147.

¹⁵ Lars Waldorf, "Revisiting *Hotel Rwanda*: Genocide Ideology, Reconciliation, and Rescuers," *Journal of Genocide Research* 11, no. 1 (2009), 101–125; *Ibid.*

¹⁶ Susan Thomson, "Whispering Truth to Power: The Everyday Resistance of Rwandan Peasants to Post-Genocide Reconciliation," *African Affairs* 110, no. 440 (2011), 439–456; Eltringham, *Accounting for Horror*.

Fourteen years after the creation of the NURC, on June 30, 2013, during a Youth Connect conference in the Rwandan capital of Kigali, president Paul Kagame invited all Hutu, especially young people, to apologize publicly on behalf of their parents and relatives for crimes committed during the Genocide against the Tutsi in 1994.¹⁷ At the end of the conference, well known Hutu poet, actor, filmmaker and now Rwandan MP, Edouard Bamporiki came forward to apologize on behalf of his paternal uncle who had participated in the genocide. Encouraging other young Hutu to follow his example, Bamporiki called for them to “step out of the shadow of what was done by [their] parents.”¹⁸ In his view, “[apology] is an important tool not only for reconciliation, but also for sustained nation building.”¹⁹ His conviction is that “apology redeems people. If we don’t help the young people do away with this kind of shame, whoever is willing to harm government, or Rwandans for that matter, will find it easy to manipulate them.”²⁰

In the weeks that followed Bamporiki’s apology, several government officials, including then serving Prime Minister Pierre-Damien Habumuremyi, also publicly apologized on behalf of Hutu *génocidaires*.²¹ Four months later, in November 2013, the call for public apologies was formalized with the launch of the program known as *Ndi Umunyarwanda* (I am Rwandan). This program includes as a resolution the statement that: “the genocide against Tutsis was committed in the name of Hutus, thus for the real healing of Rwandan society it is indispensable that Hutus whose name was used in the genocide crime apologize to Tutsi victims, denounce such acts and distance themselves from perpetrators, and fight clearly against the genocide ideology and ethnical divisionism.”²² Paul Kagame’s government promotes *Ndi Umunyarwanda* as a program designed to rebuild trust by encouraging individuals to tell the truth about what happened in the genocide. In doing so, it aims to strengthen unity and reconciliation among the citizens of Rwanda. While supporters of the program stress that children of Hutu are encouraged rather than obliged to apologize on behalf of their parents, *Ndi Umunyarwanda* sits uncomfortably alongside the official policy of unity and reconciliation in Rwanda. In its published policy, the Rwandan government defines unity and reconciliation as “a consensus practice of citizens who have common nationality, who share the same culture and have equal rights; citizens characterized by trust, tolerance, mutual respect, equality, complementary roles/interdependence truth, and healing of one another’s wounds inflicted by history, with the objectives of laying a foundation for sustainable development.”²³ The identification of Rwandan Hutu and their children as a different social group counters the government’s claim that “We are all Rwandans.”

According to the 2014 US Department of State’s Country report on Human Rights Practices in Rwanda, a number of observers have voiced concern that the *Ndi Umunyarwanda* program implies that all Rwandan Hutu were collectively responsible for the 1994 genocide and so risks exacerbating ethnic tensions in Rwanda.²⁴ Indeed, critics of *Ndi Umunyarwanda* have argued that, rather than promoting national unity and reconciliation, the program reinforces divisions in Rwandan society by associating all Rwandan Hutu with a sense of collective guilt. For example, Jean-Pierre Dusingizemungu, President of Ibuka, the umbrella organization for genocide survivors in Rwanda, has stated that not all Hutu should be asked to seek forgiveness, because not all Hutu

¹⁷ Youth Connect is a Rwandan youth platform aimed at promoting unity and reconciliation.

¹⁸ Felly Kimenyi, “We Need to Step out of Our Parents’ Shadows – Poet Bamporiki,” *The New Times Rwanda*, July 22, 2013, accessed January 10, 2017, <http://www.newtimes.co.rw/section/article/2013-07-22/67715/>.

¹⁹ Ibid.

²⁰ Ibid.

²¹ “Apology: Singling Out a Community Over the Genocide is Not Right - Opinion,” *The East African*, July 19, 2013, accessed January 10, 2017, <http://www.theeastafrican.co.ke/Rwanda/Opinion/Singling-out-a-community-over-the-genocide-is-not-right---/1433246/1919944/-/9r2nvz/-/index.html>.

²² U.S. Department of State, *Country Reports on Human Rights Practices for 2014- Rwanda*, Bureau of Democracy, Human Rights, and Labour, accessed January 10, 2017, <https://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/index.htm?dliid=236394&year=2014-wrapper>.

²³ “The National Policy on Unity and Reconciliation,” Republic of Rwanda- National Unity and Reconciliation Commission, accessed January 10, 2017, http://www.nurc.gov.rw/index.php?id=70&tx_drblob_pi1%5BshowUid%5D=26&tx_drblob_pi1%5BbackPid%5D=70&cHash=c20f2fb5aa530ce0c74071b5585dfba2.

²⁴ U.S. Department of State, *Country Reports on Human Rights*.

committed genocide.²⁵ It is well known that many Hutu also died during the genocide, some of them killed for trying to protect friends and neighbors, others because they were married to Tutsi, or because they refused to participate in the killings.

The contradiction between a concept of national identity in which ethnic categories no longer exist (“I am Rwandan”) and a program specifically targeted at the Hutu is obvious. What it crystallizes is what many see as the stigmatization in post-genocide Rwanda of those formerly identified as Hutu. As Nigel Eltringham demonstrates in *Accounting for Horror*, there is a tendency to “globalize guilt according to ethnic identity.”²⁶ This, he warns, can have dangerous consequences since “the constructed image of two heterogeneous collectivities of “the Hutu” and “the Tutsi” central to genocidal propaganda can be easily overlaid by “*génocidaires*” (those who committed the genocide) and “*rescapés*” (survivors of the genocide).²⁷ In other words, Hutu becomes synonymous with perpetrator. Indeed, critics of Paul Kagame’s government, such as Jennie Burnet, condemn official commemorations of the 1994 genocide as “[perpetuating] generalizations of Tutsi as the innocent victims and Hutu as the bloodstained perpetrators.”²⁸ As an antidote to such generalizations, Burnet calls for a “more nuanced account of the genocide, the civil war, and the postgenocide period.”²⁹ Such an account, she argues,

yields a much more complicated history. Individual violent experiences during the civil war, genocide, or insurgency do not fit neatly into the dyadic Hutu perpetrator/Tutsi victim logic. Many Hutu died in the genocide because they opposed the extremist regime that chose genocide as its policy or because they ‘looked’ Tutsi, because they were married to Tutsi or because they hid or protected Tutsi.³⁰

For the Rwandan government, however, there is little room for ambiguity in the narrative of the genocide. Challenging those critics who offer alternative versions of the story, Kagame’s response is unequivocal: “Genocide happened in broad daylight and the population knows who is guilty and who is innocent of genocide crimes.”³¹ As a consequence, any deviation from the official narrative can be viewed as an expression of genocide ideology.³² Indeed, some researchers have even claimed that the law against genocide ideology is used to silence civilians and political opponents who challenge government policy.³³

Positioning in Relation to Government Policy

In the corpus of interviews discussed in this paper, there is no shortage of explicit references to the post-genocide narrative on unity and reconciliation imposed by the government. This appears to support Harré and Moghaddam’s claim that the “positioning of one person or a category of persons can be brought about deliberately and as a matter of policy by someone else, or by some authority.”³⁴ It is clear that the interviewees had fully understood the government’s narrative, to the extent that they were able to articulate the terms of the unity and reconciliation policy discussed

²⁵ Ignatius Ssuuna, “Genocide: Debate Rages on over Call for Apology,” *The East African*, July 20, 2013, accessed January 10, 2017, <http://www.theeastafrican.co.ke/news/Genocide-Debate-rages-on-over-call-for-apology/-/2558/1920950/-/12131py/-/index.html>.

²⁶ Eltringham, *Accounting for Horror*, 69.

²⁷ *Ibid.*, 72.

²⁸ Jennie E. Burnet, *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (Madison: The University of Wisconsin Press, 2012), 12.

²⁹ *Ibid.*, 110.

³⁰ *Ibid.*, 111.

³¹ Paul Kagame, “Preface,” in *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, ed. Phil Clark and Zachary D. Kaufman (London: C Hurst & Co Publishers Ltd, 2009), xxiii.

³² Waldorf, *Revisiting Hotel Rwanda*.

³³ Filip Reyntjens, “Constructing the Truth, Dealing with Dissent, Domesticating the World: Governance in Post-Genocide Rwanda,” *African Affairs* 110, no. 438 (2011), 1–34.

³⁴ Harré and Moghaddam, *Introduction: The Self and Others*, 7.

above. What we cannot know, of course, is whether or not the individuals agree with the policy. For example, when asked at the end of her interview if there was a message she would like to give to other Rwandans, the wife of a convicted perpetrator explained:

Rwandans have always lived together, helping one another, sharing with one another, giving cows and brides to another. We should keep on striving for the unity of Rwandans and not let them separate. So, what we would tell Rwandans in general is to stay united and to avoid anything that might separate us, and to once again live with one another and give cows and help one another; and keep coming together and sharing. (Association #8)

Echoing the government's narrative almost word for word, this woman's message for other Rwandans reiterates the claim that historical unity existed in Rwanda prior to foreign colonization. Furthermore, this is not an isolated case. For example, another survivor in a different association draws a similar conclusion:

Before the genocide, just like our parents, we lived together in harmony with our neighbors and with our Hutu brothers. We saw our fathers offering cows to each other, they planned weddings together and they built houses together. (Association #5)

Such conformity is far less surprising however, when interpreted through the lens of positioning theory. The very act of deliberate positioning creates a moral duty to behave in accordance with a limited and socially approved repertoire of actions.³⁵ Some researchers have even argued that the NURC restricts freedom of speech in its citizens and is designed to sustain a generation of loyalists among the younger generations.³⁶ From our corpus it appears that the interviewed survivors recognized and accepted this duty. The survivors encouraged other Rwandans to forgive and reconcile "...because there is no other way." (Association #9) One survivor conveyed this sense of duty very clearly:

There is nothing the commission of unity hasn't done either for genocide survivors or those who participated in the genocide. So, I think we should not be a burden, but be like its children, like a parent and their children. When a parent is guiding their children, they must listen. That is why we also should listen to the commission of unity when it encourages us to do things in harmony and not be a burden to it. (Association #3)

In this example, we see that some survivors are so keen to comply with the government's message that they claim to be willing to give up their own agency in order to comply with what is requested of them, putting themselves in the position of children listening to a well-intentioned parent. Other survivors speak about the possible consequences of not complying with expectations: for example, one woman describes how she was labelled as an "angry person" and had previously been ostracized from her community until she joined her association (Association #1). In her interview this woman discusses how she had difficulty buying vegetables from Hutu sellers in the market and received no support from other survivors, as they believed her to have a "bad attitude."

The duty to uphold the policy of reconciliation is also mirrored in perpetrators, all of who are eager to demonstrate that they now abide by the societal norms of social cohesion and unity. For example, when a convicted perpetrator, now released from prison, was asked to compare his life in prison to his present life, he responded by saying:

Now I feel like I am Rwandan, because when I was in prison I was depressed. I felt Rwandan when I joined [gives name of association] that was founded by our elders who had thought about the people from [he gives the name of his village] who were in prison. (Association #5)

³⁵ Harré, *Positioning Theory*.

³⁶ Chi Mgbako, "Ingando Solidarity Camps: Reconciliation and Political Indoctrination in Post-Genocide Rwanda," *Harvard Human Rights Journal* 18 (2005), 201-224; Reyntjens, *Constructing the Truth*.

Thus, it appears that this former perpetrator is showing his support for the NURC's policy by saying that he now views himself as Rwandan (rather than Hutu). The repeated reiterations of the government narrative in our analysis point to the way in which the Rwandan government has cultivated among its citizens a shared societal obligation for people to identify as Rwandan in order to forgive and reconcile with one another. The obligation to forgive has been identified by other researchers, most notably Thomson who, on the basis of fieldwork carried out during the *gacaca* community trials in 2006, reported that some survivors had admitted to giving false testimony when government officials attended the trials as a way of demonstrating their commitment to this policy.³⁷ Such evidence leads us to the important question of why Rwandan citizens appear to endorse the post-genocide narrative so strongly. Some existing research would provide an answer to this question by suggesting that the government has created an environment where blind conformity is the only possible (or sensible) response. For example, Waldorf has argued that any deviation from the government's narrative is viewed as an expression of negationism or genocide ideology;³⁸ others have argued that government policy is used to restrict freedom of speech and promote indoctrination.³⁹ Certainly, the approach taken to the *Ndi Umunyarwanda* program reviewed in the previous section would seem to support such conclusions. However, our analysis of interviews with members of community associations also points to another reason why ordinary citizens choose to uphold this policy; a more pragmatic reason.

Following a Presidential decree in January 2003, in which thousands of convicted perpetrators returned home after their release from prison, survivors found themselves in the position of having to live alongside people who had killed their loved ones.⁴⁰ It was this situation paired with the motivation to prevent further violence that gave some survivors the courage to form associations that worked towards unity and reconciliation in their own communities. In fact, survivors started seven of the ten associations in our corpus. For these survivors, reconciliation was a long and difficult process that occurred slowly over many years as they learned to trust one another again, initially by working together on mutually beneficial projects in these associations. This sentiment is clearly articulated by the founding member of one of the associations:

We started to accept our new life. Let me be quick and say that we got to a point where we started thinking of doing activities concerning development, because we had learned that when people work together doubt goes away fast.... The houses were built and we lived in them, but we also had to have things we could all do together which would help us to be together most of the time; so that no one goes around thinking to themselves: he is a Tutsi.
(Association #2)

This reasoning is consistent with a model of reconciliation proposed by psychologists Nadler and Shnabel, in which they propose that a positive change to the identities of both groups is facilitated through sustained cooperation on activities that are beneficial to all involved.⁴¹ Such gradual changes in trust and respect for the other group were also mirrored in some of the interviews with perpetrators. For example, one perpetrator talked about how the activities of the association had helped him to identify with the survivors and re-evaluate what he had previously been told by both his parents and teachers in school. He ends his interview by saying: "So I found that, I found that we really fought over nothing!" (Association #4). It is our contention that these extracts challenge the view that upholding the government's narrative can simply be reduced to a process of blind conformity or indoctrination. Instead, our conclusions are consistent with one attitude towards reconciliation identified by Moss and Vollhardt, which they classify as a utilitarian

³⁷ Thomson, *Whispering Truth to Power*, 2013.

³⁸ Waldorf, *Revisiting Hotel Rwanda*.

³⁹ Reyntjens, *Constructing the Truth; Mgbako, Ingando Solidarity Camps*.

⁴⁰ Eugenia Zorbas, "Reconciliation in Post-Genocide Rwanda," *African Journal of Legal Studies* 1, no. 1 (2004), 29–52.

⁴¹ Arie Nadler and Nurit Shnabel, "Instrumental and Socioemotional Paths to Intergroup Reconciliation and the Needs-Based Model of Socioemotional Reconciliation," in *The Social Psychology of Intergroup Reconciliation*, ed. Arie Nadler, et al (New York: Oxford University Press, 2008), 37–56.

response.⁴² Based on data derived from fifty-six interviews with ordinary Rwandan citizens, Moss and Vollhardt found that some individuals justified a shared Rwandan identity with a pragmatic concern for sustaining peace and rebuilding Rwanda. As such, individuals support government policies because they believe they provide them with continued political stability and economic development. This attitude is repeatedly expressed by the interviewees in our corpus: for example, when the child of a perpetrator is asked why she was motivated to persuade her father to confess and ask for forgiveness, she says: "I said: what happened will never happen again" (Association #3), which shows a concern with maintaining peace and stability. A survivor conveys a utilitarian response more explicitly: "What I can add is when a country has peace and food and water to drink, then people will not murder each other." (Association #2)

Social and Political Implications

Despite the positioning of reconciliation as a civic duty to uphold, many of the individuals in our corpus report various social and psychological benefits from their participation in the unity and reconciliation associations. Perhaps unsurprisingly, perpetrators and their family members acknowledge how their participation has enabled their re-integration into society and reduced perceptions of resentment towards them. For example, when asked how the association had helped him personally, a perpetrator explained:

At first I was afraid of them [the survivors in the association], but they were welcoming as most of us have known each other since we were children. We know each other, we are neighbors. They made me less afraid and we talked and talked, and they took us to training sessions. Now when I see a Tutsi, I see myself. (Association #6)

However, the social and emotional benefits are not limited to the perpetrators and their relatives; in fact, some survivors claimed that the grief and pain that had been weighing on them since the genocide had been eased through their participation in an association. Many survivors talked about how associations had given them both a place to share their stories with other survivors and a safe environment where their pain could be heard and recognized by those who had inflicted it. Over time these environments have allowed some perpetrators to come forward and share information with survivors about where their family members had been killed or what had happened to their family's property. Thus, the survivors whose agency and power had been taken from them during the genocide were re-empowered by this knowledge and by the perpetrators' acknowledgment of the harm caused by their actions.⁴³ One survivor discussed how her participation in the association had helped to alleviate the physical symptoms she endured because of the trauma:

Unity and reconciliation is good, it frees one's heart because I told you before that I used to have constant headaches, but the days went by and as I kept talking to them, those things that burdened my head are not there. Yes, you can't forget what happened to you, but you get relief. (Association #9)

In these situations, empathy acts as a shared emotional process, in which both a survivor and a perpetrator identify with and respond to the pain of the other. The survivor feels the remorse felt by the perpetrator, and the perpetrator takes responsibility for the harm caused by his or her actions.⁴⁴ Researchers have reported evidence of the healing power of forgiveness and reconciliation in Rwanda. For example, in a sample of one hundred survivors, Mukashema and Mullet found that holding an attitude towards reconciliation characterized by a renewed motivation to live and work

⁴²Sigrun Marie Moss and Johanna Ray Vollhardt, "'You Can't Give a Syringe with Unity,' Rwandan Responses to the Government's Single Recategorization Policies," *Analyses of Social Issues and Public Policy* 16, no. 1 (2016), 325–359.

⁴³Nadler and Shnabel, *Instrumental and Socioemotional Paths*.

⁴⁴Pumla Gobodo-Madikizela, "Remorse, Forgiveness, and Rehumanization: Stories from South Africa," *Journal of Humanistic Psychology* 42, no. 1 (2002), 7–32.

together was associated with improved mental health.⁴⁵ In our corpus we also found some survivors reporting that this shared connection had made them feel responsible for the social welfare of others in their community. For example, when discussing how the association had begun, one survivor explained how the two groups (in this case, survivors and women whose husbands had been imprisoned for genocide crimes) had learned to acknowledge one another's suffering:

After the women came together, we put our problems together. We felt like... Both sides listened to each other and you understood that even if the other women's husbands had hurt us, those women have problems today. (Association #8)

Survivors recognized that the wounds of the genocide, although not equivalent, extended beyond their own, and they started to feel responsible for ensuring that conditions within Rwanda improved so that history would never be repeated. In psychological research, this kind of response has been termed inclusive altruism born of suffering, which refers to instances when the motivation to help others extends beyond one's own in-group.⁴⁶ In our analysis, this notion is strongly underpinned by the reasons most Rwandans in our corpus gave for supporting the policies of the NURC, as outlined in the previous section.

Although the individuals in our corpus reported experiencing benefits, it is important to consider the potential harm of the positioning imposed by the NURC. Our data is not comprehensive in terms of the viewpoints represented; as previously mentioned, the interviews were conducted with the purpose of showcasing successful stories of unity and reconciliation. It is therefore unsurprising that it does not include the views of people who actively resist or subtly challenge the narrative and positioning of the NURC. By contrast, Thomson's research has revealed that some Rwandans find subtle ways to communicate their dislike of what she refers to as the obligation to forgive.⁴⁷ In her study of the *gacaca* trials, she reported some survivors covertly undermining the Rwandan authorities by laughing out loud during a perpetrator's confession or by glaring at officials to signal their contempt. Such subtle acts of resistance demonstrated that, at least for some people, the desire for reconciliation was far from genuine and represented a government-imposed reality. Positioning can be harmful for people who resist or challenge the post-genocide narrative, as was shown to a certain extent in our interviews through the words of the survivor who had experienced social isolation before joining associations for unity and reconciliation.

The harmful effects of rejecting or challenging the cultural storyline have been outlined in a recent theory of identity development. McLean and Syed's theory draws upon the narrative approach in psychology, which conceptualizes identity as the process of developing a coherent life narrative that connects past, present and future selves across time and across contexts.⁴⁸ McLean and Syed claim that an individual's life story is constructed in relation to the cultural storyline (or master narrative). That is, an individual's personal identity is deeply informed by the beliefs and values embedded in the master narrative, given that the master narrative provides a culturally shared story of what it means to be a good and valued member of society. Individuals whose personal narratives deviate from this master narrative are at risk of not belonging and as such can find themselves ostracized or excluded by others. Of note here, some scholars have claimed that mass involvement of civilians in the genocide was in part a function of a culture that cultivated a strong need to conform and obey authority.⁴⁹ In which case, the positioning of reconciliation as a moral duty becomes particularly problematic for people who disagree with the NURC narrative.

⁴⁵Immaculée Mukashema and Etienne Mullet, "Reconciliation Sentiment Among Victims of Genocide in Rwanda: Conceptualizations, and Relationships with Mental Health," *Social Indicators Research* 99, no. 1 (2010), 25–39.

⁴⁶Johanna R. Vollhardt and Ervin Staub, "Inclusive Altruism Born of Suffering: The Relationship between Adversity and Prosocial Attitudes and Behavior toward Disadvantaged Outgroups" *American Journal of Orthopsychiatry* 81, no. 3 (2011), 307–315.

⁴⁷Thomson, *Whispering Truth to Power*, 2013.

⁴⁸Kate C. McLean and Moin Syed, "Personal, Master, and Alternative Narratives: An Integrative Framework for Understanding Identity Development in Context," *Human Development* 58, no. 6 (2016), 318–349.

⁴⁹Smeulders and Hoex, *Studying the Microdynamics of the Rwandan Genocide*.

Further research is needed to identify what alternative narratives individuals construct in an attempt to avoid political and social exclusion. We did not find any evidence of such narratives, which is likely a result of the fact that our interviews were collected by the Genocide Archive of Rwanda.

Another issue with the positioning created by NURC policies is the implicit association between Hutu heritage and the transmission of guilt to younger generations. It was evident from one of our interviews that a child of an imprisoned perpetrator felt the need to rid herself of suspicion by joining an association and also by encouraging her father to confess his crimes and ask for forgiveness from those he had harmed. She tells the interviewer that she joined the association because “as a child, everywhere I passed people said: “look, the *interahamwe* just passed by.” (Association #3) This child’s fear is further contextualized and understood in the light of Mukashema and Mullet’s recently published survey study of Rwandan people’s perceptions of guilt in the children of perpetrators.⁵⁰ Mukashema and Mullet reported that a small minority of their sample did attribute guilt to the child of a convicted perpetrator, particularly if it was the child’s father who had committed the crimes.

Conclusion

While the unity and reconciliation associations are clearly producing positive results in terms of building a peaceful future for Rwanda, our analysis of ten oral interviews with members of unity and reconciliation associations has shown that individuals sometimes align themselves with the government’s storyline for pragmatic rather than ideological reasons, namely to avoid further violence or genocide and uphold peace for the sake of the country’s youth. More concerning are findings that suggest that the Rwandan government’s unity and reconciliation program will reinforce the Hutu’s social positioning as *génocidaires*, particularly when we consider the master narrative alongside such initiatives as the *Ndi Umunyarwanda* program. If the current emphasis in Rwanda on apology continues to go hand in hand with the narrative of unity and reconciliation, then Hutu guilt is likely to be passed on to future generations. Furthermore, ethnographic research by Hilker has shown that youth in Kigali continue to look for information on and classify other youth as Hutu, Tutsi or Twa, a finding that undermines the progress made in the NURC storyline.⁵¹ Although this evidence does not seem to prevent the younger generation from forming inter-‘ethnic’ friendships, it nevertheless does demonstrate that ‘ethnicity’ is still a prevalent factor in the social construction of identity in Rwandan youth. The perceived transmission of Hutu guilt will ultimately undermine any real chance the government has at eliminating ethnic labels and creating an equal and cohesive society. Even Edouard Bamporiki who is committed to *Ndi Umunyarwanda*, acknowledges the ongoing stigmatization of being Hutu in post-genocide Rwanda. In 2013, he spoke to Maggie Ziegler about what he sees as the shame of being Hutu. He told her,

Nineteen years is not enough time to forget this Hutu and Tutsi; I know that some are not happy to be Hutu because what was done by Hutu during the genocide brings shame to their relatives and friends. If you could change your identity you would see that more people would want to be like a survivor, a Tutsi.⁵²

If Rwanda is to achieve its UN Sustainable Development Goal of promoting a just, peaceful and inclusive society, then it cannot ignore what some see as the stigmatization of being identified as Hutu. Social positioning in the national storyline can reinforce this stigma. Unity and reconciliation must not be at the expense of social stigmatization, which risks reinforcing the so-called ethnic differences the government claims to want to eradicate.

⁵⁰ Immaculée Mukashema and Etienne Mullet, “Attribution of Guilt to Offspring of Perpetrators of the Genocide: Rwandan People’s Perspectives,” *Conflict Resolution Quarterly* 33, no. 1 (2015), 75–98.

⁵¹ Lyndsay McLean Hilker, “Everyday Ethnicities: Identity and Reconciliation among Rwandan Youth,” *Journal of Genocide Research* 11, no. 1 (2009), 81–100.

⁵² Maggie Ziegler, “Breaking the Silence on the Rwanda Genocide: An Interview with Edouard Bamporiki,” *Peace Magazine*, July-September 2013, 13.

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Cold Genocide: Falun Gong in China

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Introduction

The classical school of genocide studies which traces back to Raphael Lemkin focuses on eradication of a group through the mass murder of its members in a short period. This conception fails to capture the realities of genocides which have emerged in recent decades.¹ Recent genocide studies have begun to embrace a wider variety of genocidal acts than mass murder and acknowledges new dynamics and meanings in such acts. Recognizing the limitation of the classical school, Alexander Hinton invites a re-evaluation of the concept of genocide to illuminate events that are invisible, ignored or forgotten. In his critical genocide studies, Hinton employs a more inclusive definition of genocide, “while recognizing that all definitions have weaknesses, we might simply define genocide as the more or less coordinated attempt to destroy a dehumanized and excluded group of people because of who they are.”² He underscores that the definition should include the “destruction of any sort of group as defined by the protagonists in genocide.”³ The focus of Hinton is the destruction of the group as a group. Mass murder of all members of the group is one, but not the only way to eradicate the group, to erase the common features which bind the group. The notion of short term intensity is replaced by the concept of a coordinated attempt, which can be much longer lasting.

In recent scholarship, Kjell Anderson and Sheri Rosenberg advance a concept of “cold genocide.”⁴ They describe cold genocide as slow motion genocide or genocide by attrition.⁵ Rosenberg explains such genocides as “a slow process of annihilation that reflects the unfolding phenomenon of the mass killing of a protected group rather than the immediate unleashing of violent death.”⁶ Cold genocides can take place through subtle forms of structural violence that destroy the group through gradual measures. Examples are undermining access to the necessities of daily life such as work, housing, schooling, food, and health services, or gradual disappearances.⁷ Cold genocides stand in contrast to “hot” genocides, destructive acts of high intensity which annihilate the victim group in a

¹ Kjell Anderson, “Colonialism and Cold Genocide: The Case of West Papua,” *Genocide Studies and Prevention: An International Journal* 9, no. 2 (2015), 19, accessed December 12, 2016, doi: <http://dx.doi.org/10.5038/19119933.9.2.1270>.

² Alexander Laban Hinton, “Critical Genocide Studies,” *Genocide Studies and Prevention: An International Journal* 7, no. 1 (2012), 910.

³ *Ibid.*, 9.

⁴ Anderson, *Colonialism and Cold Genocide*, 9; Sheri P. Rosenberg, “Genocide Is a Process, Not an Event,” *Genocide Studies and Prevention: An International Journal* 7, no. 1 (2012), 19.

⁵ *Ibid.*

⁶ Rosenberg, *Genocide Is a Process*, 19.

⁷ Anderson, *Colonialism and Cold Genocide*, 20.

short time span. There is a sliding scale of genocides which vary with the perpetrators' perceptions of the victim groups, the intentions of the perpetrators, the speed with which the genocides occur the tools being utilized, and the intensity of genocidal motivations.⁸

Although the question when genocides begin or end can be debated, a genocide that has lasted longer than 10 years has been rare. In the last five decades, the typical length of genocides which have occurred and captured international attention have lasted no more than five years.⁹ The table in Appendix A documents the known genocides in the twentieth and twenty-first centuries. Of the nine well documented genocides which took place in the twentieth century, six had lasted less than five years; four had lasted less than a year. Most of these genocides would be considered hot. The lack of documentation on cold genocides raises an issue which Hinton asked: why are certain genocides widely discussed while some are being ignored?¹⁰ One answer is a failure to keep pace with the evolving manifestations of genocide. The limitations in the classical conception of genocide are observed in the eradication campaign against Falun Gong. Falun Gong is a spiritual practice which became the target of an eradication campaign in China beginning in 1999. In comparison to the other genocides set out in Appendix A, the genocide against Falun Gong stands out as anomalous because it is virtually ignored. An academic database search of literature for the key words "genocide" and "Falun Gong" in the title, only one early article has a direct focus on this topic.¹¹ Its findings are inconclusive.

The present article seeks to explore the eradication campaign against Falun Gong in terms of a cold genocide. From an interdisciplinary perspective encompassing social work, medicine and law, we elucidate the multi-faceted nature of this concealed genocide. The article is divided into two segments. The first segment is empirical. This segment attempts to explain what Falun Gong is, summarizes eleven years of investigation into forced organ harvesting of Falun Gong practitioners in China, and provides an overview of other aspects of the eradication campaign against Falun Gong. The second segment provides an assessment of the intent of genocide directed against the Falun Gong community and a demonstration of the cold nature of the genocide observed in the eradication campaign against Falun Gong. In particular, the article analyses the (1) the multi-dimensional nature of the destruction; (2) its subtlety and invisibility; and (3) its normalization by the society in which it takes place

What is Falun Gong?

Falun Gong (also known as Falun Dafa) is a body-mind-spiritual practice which started in China in 1992 and was widely practiced in the 1990s. It is a self-cultivation practice, which upholds the principles of "truthfulness, compassion, and tolerance."¹² The practice comprises five sets of meditative exercises. The teachings of Falun Gong emphasize cultivation of the mind, without adherence to religious formalities.¹³ The tenets of Falun Gong trace back to those traditional Chinese cultural beliefs grounded in Buddhist and Taoist philosophies. From the beginning of its introduction to the Chinese populace, Falun Gong was popularized in China as a form of qigong—the cultivation and exercise of the body's vital energy. The practice of Falun Gong is cost free. Its moral principles, spiritual teachings and beneficial health effects appealed to the

⁸ Ibid., 19.

⁹ Refer Appendix A. Sources: Samuel Totten and William S. Parsons, *Centuries of Genocide: Essays and Eyewitness Accounts*, 4th ed. (New York: Routledge, 2013); Samuel Totten and William S. Parsons, *Centuries of Genocide: Critical Essays and Eyewitness Accounts*, 3rd ed. (New York: Routledge, 2009); Ben Saul, "Was the Conflict in East Timor 'Genocide' and Why Does it Matter?" *Melbourne Journal of International Law* 2, no. 2 (2001), 477-479.

¹⁰ Hinton, *Critical Genocide Studies*, 11.

¹¹ Robert Bejesky, "United States Obligations under International Law and the Falun Gong v. Jiang Zemin Lawsuit: A Justified Reaction to a Threat to Public Security or Genocide? You Decide," *Journal of International Law & Policy* 11, no. 2 (2005), 295-342.

¹² "Overview of Falun Gong," Falun Dafa Information Center, April 2008, accessed December 20, 2016, <http://www.faluninfo.net/topic/22>.

¹³ Maria Cheung, "The Intersection between Mindfulness and Human Rights: The Case of Falun Gong and Its Implications for Social Work," *Journal of Religion & Spirituality in Social Work: Social Thought* 35, no.12 (2016), 60, accessed January 27, 2017, doi: 10.1080/15426432.2015.1067586.

Chinese population.¹⁴ However, in mid-1990s, when the Chinese Communist Party/State found that seventy million Chinese citizens were practising Falun Gong, there occurred a change in Party/State attitudes toward the practice. The Party started harassing Falun Gong practitioners, leading to a crackdown in 1999.¹⁵

Before the persecution began in 1999, Western scholars were not familiar with Falun Gong. After the persecution began, they described Falun Gong as a new religious movement.¹⁶ Benjamin Penny went through many Falun Gong teachings and concluded that Falun Gong is a religion.¹⁷ Paul Hedges' review of Penny's book *The Religion of Falun Gong* pointed out that this categorization relies on the Western understanding of religion. Since the term "religion" is culturally bound, we need to deconstruct it. Hedges remarked that "the naming process [naming Falun Gong a religion] is political and contested."¹⁸ Falun Gong has a loose organizational structure—no membership system, and thus no membership fee, no hierarchy, and no institutional structure. The Chinese term for religion (zongjiao) commonly refers to historic faiths which are formalized with clergy and a set of institutions.¹⁹ The differences with historic faiths led practitioners of Falun Gong themselves to eschew the religious label for the practice of Falun Gong.²⁰

The field research in North America of David Ownby confirmed that the Falun Gong community is extremely decentralized.²¹ A Canadian tribunal in case of discrimination against an elderly Falun Gong practitioner characterized Falun Gong as a creed.²² Despite the discrepancy in perception and definition of religion in the East and in the West, the Falun Gong community is satisfied with the description of Falun Gong as a creed. Genocide scholar Gregory Stanton, for his work, has adopted the US Code definition of religious group. The Code defines a religious group as "a set of individuals whose identity is defined by common religious creeds, beliefs, doctrines, practices, or rituals."²³ In the presentation of many lawsuits and legal hearings in Western countries, the persecution of Falun Gong is categorized as religious persecution.²⁴

Especially since the repression begun in 1999, narratives about Falun Gong have polarized, the Chinese official narrative at one pole and the narrative of the Falun Gong community at the other.²⁵ The polarization poses difficulties for scholars and journalists who have investigated the repression of Falun Gong. In the early 2000s, most Western scholars adopted a balanced approach to the Chinese State and Falun Gong narratives. Verification of either narrative has been a challenge. After many years of field study on Falun Gong, David Ownby concluded that the evidence brought

¹⁴ Scott Lowe, "Chinese and International Contexts for the Rise of Falun Gong," *Nova Religio: The Journal of Alternative and Emergent Religions* 6, no. 2 (2003), 271.

¹⁵ David Matas and Maria Cheung, "Concepts and Precepts: Canadian Tribunals, Human Rights and Falun Gong," *Canadian Journal of Human Rights* 1, no. 1 (2012), 70.

¹⁶ Matas and Cheung, *Concepts and Precepts*, 63; The whole special issue on Falun Gong in *Nova Religio Symposium: Falun Gong*, *Nova Religio: The Journal of Alternative and Emergent Religions* 6, no. 2 (2003).

¹⁷ Benjamin Penny, *The Religion of Falun Gong* (Chicago: The University of Chicago Press, 2012), 6.

¹⁸ Paul Hedges, "A Review of the Religion of Falun Gong," *Journal of Buddhist Ethics* 21, (2014), 701-702.

¹⁹ *Unofficial Religions in China: Beyond the Party's Rules, before the Congressional-Executive Commission on China*, 109th Cong., 1st Session, 2 (2005) (statement of David Ownby, Professor of History, University of Montreal), accessed February 18, 2018, [https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/roundtables/2005/CECC Roundtable Testimony - David Ownby - 5.23.05.pdf](https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/roundtables/2005/CECC%20Roundtable%20Testimony%20-%20David%20Ownby%20-%205.23.05.pdf).

²⁰ Li Hongzhi, "Lecture at the First Conference in North America," (lecture, New York, March 29- 30, 1998), accessed September 12, 2017, <http://en.falundafa.org/eng/lectures/19980329L.html>.

²¹ David Ownby, *Falun Gong and the Future of China*, (New York: Oxford University Press, 2008), 133.

²² *Huang v. 1233065 Ontario*, Human Rights Tribunal of Ontario, January 18, 2006, HRT01, para 9. [the Chinese Senior's Association case].

²³ Gregory H. Stanton, "What is Genocide?" *Genocide Watch*, 2002, accessed December 18, 2016, <http://www.genocidewatch.org/genocide/whatisit.html>.

²⁴ U.S. Department of Justice, Office of Public Affairs, "Justice Department Resolves Discrimination Case Against Flushing, N.Y. Restaurant That Ejected Patrons Because of Religion," *Justice News*, August 12, 2010, accessed September 10, 2017, <https://www.justice.gov/opa/pr/justice-department-resolves-discrimination-case-against-flushing-ny-restaurant-ejected>.

²⁵ Matas and Cheung, *Concepts and Precepts*, 72-73.

forward by the Falun Gong community on persecution was more convincing than that put forward by the Chinese state, many of which are repetitive assertions demonizing Falun Gong.²⁶ Ownby saw the Falun Gong practice as completely comprehensible and rejected the Chinese regime portrayal of Falun Gong as a cult.²⁷ David Ownby, Andrew Junker and other scholars concluded that Falun Gong is a non-political, loosely organized group that was perceived as political or politicized only after the onset of the repression.²⁸ The group's engagement in what appears to be political resistance started only after the Chinese regime began to demonize, ostracize, dehumanize and torture practitioners.²⁹

Eradication Campaign Against Falun Gong

Origins of the Eradication Campaign

All civic activities, including religion and qigong, are highly regulated in China.³⁰ Falun Gong was supported by the Chinese authorities in its first few years, until its exponential growth in the mid-90s.³¹ Falun Gong was initially allowed to register with the Chinese Qigong Science Research Society (CQSRS), a state agency where authorized qigong groups are registered.³² Defamatory publications attacking the Falun Gong and harassment of Falun Gong practitioners groups led to its withdrawal from the CQSRS in 1996 under pressure. After withdrawal, defamation and harassment increased.³³

The trigger for the nationwide campaign for eradication of Falun Gong was the "Zhongnanhai Incident" in April 1999. In response to the detention of forty-five practitioners in Tianjin who had been protesting a locally published defamatory publication, approximately ten thousand Falun Gong practitioners gathered peacefully at the Government petition office near Zhongnanhai, the Government compound of Beijing.³⁴ There is no evidence that the gathering was centrally planned. The gathering was rather the result of confluent independent initiatives by individual Falun Gong practitioners who appealed to fellow practitioners.³⁵ The gathering asked for freedom to practice Falun Gong and release of the detained Falun Gong practitioners. Jiang Zemin, then President of China and head of the Chinese Communist Party, framed this incident as an ideological challenge to the Party.³⁶ Thereafter, Jiang delivered a speech to the Politburo calling for a widespread repression campaign named *dou zheng* (斗争; "to purge or violently suppress") against Falun Gong.³⁷ In July 1999, Jiang issued a formal order to eradicate Falun Gong.³⁸ A

²⁶ Ibid.; Ownby, *Falun Gong and the Future of China*, 162-163.

²⁷ Ownby, *Falun Gong and the Future of China*, 127.

²⁸ Ibid., 170; Andrew Junker, "Follower Agency and Charismatic Mobilization in Falun Gong," *Sociology of Religion* 75, no. 3 (2014), 426, accessed February 20, 2017, doi:10.1093/socrel/sru021.

²⁹ James W Tong, *Revenge of the Forbidden City: The Suppression of the Falun Gong in China, 1999-2005* (New York: Oxford University Press, 2009), 29.

³⁰ Matas and Cheung, *Concepts and Precepts*, 67.

³¹ Ibid., 70.

³² Ownby, *Falun Gong and the Future of China*, 44.

³³ Ibid., 167-168.

³⁴ Maria Hsia Chang, *Falun Gong: The End of Days* (New Haven: Yale University Press, 2004), 12.

³⁵ Li Hongzhi, "Some Thoughts of Mine," FalunDafa, June 2, 1999, accessed May 12, 2017, http://falundafa.org/eng/eng/jjyz2_02.htm.

³⁶ In a Jiang's letter to the Politburo Standing Committee, he wrote, "The [Zhongnanhai] incident indicates how weak is the ideological and political work and the work for the masses of some of our local governments and departments... Can't the Marxism our Communists have, the materialism, atheism we believe in really win over that sort of stuff airezd by Falun Gong?... Our leading cadres at all levels especially high level officials should become sober now!" Source: North Spring Edit, *Letter from Comrade Jiang Zemin to Standing Members and Related Leaders of the Political Bureau of the CCCP*, April 27, 1999, Beijing Spring, accessed March 3, 2017, <http://beijingspring.com/bj2/2001/60/2003727210907.htm>.

³⁷ North Spring Edit, "Speech of Comrade Jiang Zemin at the Central Political Bureau Meeting on Seizing the Solution and Solving the 'Falungong' Issue," (speech, June 7, 1999), Beijing Spring, July 27, 2003. Accessed March 3, 2017. <http://beijingspring.com/bj2/2001/60/2003727210907.htm>.

³⁸ Freedom House, *The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping*, Special

doctrine within the Communist Party was turned into state policy without any formal legislative procedure.³⁹

To carry out the eradication campaign, Jiang tasked Party officials Li Lanqing and Luo Gan to form a “Leading Group for Handling the Falun Gong Issue” (*falun gong wenti lingdao xiaozu*). The group was to formulate strategies and methods to extinguish Falun Gong. The Leadership Group eventually developed into a Party-directed structure called the “610 Office” (established on June 10, 1999).⁴⁰ The 610 Office is the primary entity responsible for organizing the eradication campaign against Falun Gong.⁴¹ The 610 Office operates extra-judicially; it is not an organ of the Chinese State, but rather of the Chinese Communist Party.⁴² The 610 Office directs all levels of State institutions including the judiciary, the civil service, business and education. It has overarching power and authority over all other Party entities and all State bodies. All State agencies and all other Party agencies have to comply with the 610 Office’s directives and orders.

The campaign, initially, was to convert Falun Gong believers using all means, including torture.⁴³ The goal was to complete the campaign within three months.⁴⁴ However, the goal was not achieved. Falun Gong practitioners showed unexpected resilience; they continuously demonstrated at Tiananmen Square and local authorities’ offices for the reinstatement of Falun Gong. In consequence, the Party decided to step up the intensity of the campaign. On November 30, 1999, Li Lanqing, under the direction of Jiang, announced to 3,000 officials at the Great Hall of Beijing a new and more vicious campaign to eliminate Falun Gong.⁴⁵ A new “strike hard” campaign to eradicate Falun Gong was launched under the auspices of the 610 Office.⁴⁶

Intensification of the Eradication Campaign

In the intensified eradication campaign, torture and deaths resulting from torture became the norm. Falun Gong practitioners have been exposed to a wide range of torture methods, including brainwashing, forced labour, sleep deprivation, sexual violence, psychiatric and other medical experimentation, and forced organ harvesting.⁴⁷ Torture deaths have occurred after beating, force-feeding, electric baton application, suffocation and other methods.⁴⁸ Minghui.org, an online portal

Report, February 2017, 112, accessed April 29, 2017, https://freedomhouse.org/sites/default/files/FH_2017_BattleForChinasSpirit_Falun_Gong_0.pdf.

³⁹ Bryan Edelman and James Richardson, “Falun Gong and the Law: Development of Legal Social Control in China,” *Nova Religio: The Journal of Alternative and Emergent Religions* 6, no. 2 (2003), 317.

⁴⁰ Sarah Cook and Leeshai Lemish, “The 610 Office: Policing the Chinese Spirit,” *Jamestown Foundation China Brief* 11, no. 17 (2011), 6, accessed May 17, 2017, <https://jamestown.org/program/the-610-office-policing-the-chinese-spirit/>.

⁴¹ Matas and Cheung, *Concepts and Precepts*, 69.

⁴² Yiyang Xia, “The Illegality of China’s Falun Gong Crackdown—and Today’s Rule of Law Repercussions,” Written Statement submitted by Senior Director of Policy and Research at the Human Rights Law Foundation to European Parliament, 2011, accessed April 25, 2017, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/506_yiyangxia_/506_yiyangxia_en.pdf.

⁴³ Human Rights Law Foundation, “Jiang Zemin and the Party’s Douzheng Campaign against Falun Gong,” May 6, 2015, accessed December 12, 2016, <http://en.minghui.org/html/articles/2015/5/6/150033.html>.

⁴⁴ Tianliang Zhang, “Pouring the Entire Nation’s Efforts into Persecution,” in *An Unprecedented Evil Persecution: A Genocide Against Goodness in Humankind*, ed. Torste Trey and Theresa Chu, (USA: Clear Insight Publishing, 2016), 64.

⁴⁵ David Matas and David Kilgour, *Bloody Harvest: The Killing of Falun Gong for Their Organs* (Niagara Falls: Seraphim Editions, 2009), 23.

⁴⁶ Amnesty International, *People’s Republic of China: Human Rights in China in 2001- A New Step Backwards*, briefing, September 3, 2001, accessed March 20, 2017, <https://www.amnesty.org/download/Documents/128000/asa170282001en.pdf>.

⁴⁷ The United States Commission on International Religious Freedom, *2017 Annual Report*, April 26, 2017, 36, accessed April 29, 2017, http://www.uscirf.gov/sites/default/files/2017_USCIRFAnnualReport.pdf; “Mechanics of Persecution,” Falun Dafa Info Center, April 9, 2015, accessed February 10, 2017, <http://faluninfo.net/topic/7/>.

⁴⁸ Minghui, “Clearwisdom Collection: Illustrations of Torture Methods Used to Persecute Falun Gong Practitioners (Part II),” *Clearwisdom*, August 30, 2004, accessed February 12, 2017, <http://www.clearwisdom.net/emh/>

of Falun Gong practitioners, has verified data of over 4,000 cases of Falun Gong practitioners who were tortured to death.⁴⁹

According to Ethan Gutmann's survey-based estimation, from 2000 to 2008, an average of 450,000 to a million Falun Gong practitioners were detained in forced labour camps (also known as reeducation through labour) at any given time.⁵⁰ In 2006, the UN Special Rapporteur on Torture Manfred Nowak reported that in 66% of all alleged torture cases in Chinese detention camps, Falun Gong practitioners were victims, followed next by Uighurs at 11%.⁵¹ The Government of China states that they closed down the forced labour camps in 2014.⁵² However, according to the Minghui.org website, Falun Gong practitioners who had been in such camps were not released. They were instead transferred to what are officially called Legal Education Centres and are commonly known as brainwashing centres.⁵³ Amnesty International has reported that, since its abolition, the forced labour system has been replaced by other forms of arbitrary detention and punishment.⁵⁴

As Noakes and Ford noted, by 2002, the regime had proclaimed victory over Falun Gong. References to the practice had become muted in both the international and domestic media.⁵⁵ This media silence led many to believe that the eradication campaign against Falun Gong was a *fait accompli* and that the campaign against Falun Gong had ended. However, a recent study which tracked the state of the anti-Falun Gong campaign indicates the opposite. Despite the lesser volume of media reports, the campaign is very much alive.⁵⁶ The regime continues to invest resources in combating Falun Gong and to launch regular, nationally coordinated campaigns. For instance, in recent years the regime launched a nationwide transformation campaign called "2013-2015 final battle on education and transformation".⁵⁷ The campaign required authorities to enter villages, households, schools, businesses and Party cells in search of Falun Gong practitioners to transform.⁵⁸ The degree of activity and effort to eradicate Falun Gong suggests that the campaign remains a priority.

This conclusion is corroborated by Chinese sources. By collating individual reports of harm, arrest and detention of Falun Gong practitioners, Minghui's statistics show that the eradication campaign has maintained intensity. According to Minghui, there were 10,869 reported cases of arrest, harassment and detention against Falun Gong practitioners in China in the first half of 2017.⁵⁹ In the same period, over 1,807,396 Yuan (approx. US \$273,000) in cash, as well as cell

[articles/2004/8/30/51887p.html](http://www.minghui.org/html/articles/2004/8/30/51887p.html).

⁴⁹ Minghui Correspondent, "4126 Deaths Confirmed," *Clearwisdom*, September 6, 2017, accessed September 6, 2017, <http://www.clearwisdom.net/html/index.html>.

⁵⁰ Ethan Gutmann, *The Slaughter: Mass Killings, Organ Harvesting, and China's Secret Solution to Its Dissident Problem* (New York: Prometheus Books, 2014), 320.

⁵¹ Manfred Nowak, *Mission To China: Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, March 10, 2006 (UN Doc. E/CN.4/2006/6/Add.6), 13, accessed February 7, 2017, http://www.dafoh.org/wpcontent/uploads/UNSpecialRapporteurManfredNowak_MissiontoChina_2006.pdf.

⁵² Amnesty International, *China: 'Changing the Soup but not The Medicine?' Abolishing Re-education through Labour in China* (London: Amnesty International Publications, December 17, 2013), 34, accessed November 20, 2017, <https://www.amnesty.org/en/documents/ASA17/042/2013/en/>.

⁵³ Minghui Correspondent in China, "Persecution Continues Unabated after Labor Camp Closures (Part 1)," *Clearwisdom*, January 18, 2014, accessed March 20, 2017, <http://en.minghui.org/html/articles/2014/1/18/144478p.html>.

⁵⁴ Amnesty International, *China: Changing the Soup*, 35.

⁵⁵ Stephen Noakes and Caylan Ford, "Managing Political Opposition Groups in China: Explaining the Continuing Anti-Falun Gong Campaign," *The China Quarterly* 223 (2015), 662, accessed August 20, 2017, doi:10.1017/S0305741015000788.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, 665.

⁵⁸ *Ibid.*

⁵⁹ Minghui Correspondent in China, "10,869 Cases of Falun Gong Practitioners Arrested and Harassed for Their Faith Reported in the First Half of 2017," *Clearwisdom*, November 6, 2017, accessed November 15, 2017, <http://www.minghui.org/html/articles/2017/11/6/171106p.html>.

phones, computers and other daily necessities were confiscated from Falun Gong practitioners during house raids.⁶⁰ In 2001, when the intensity of the eradication campaign was at its supposed peak, the total number of reported arrests, harassment and detention cases against Falun Gong was only 9,105.⁶¹

Forced Organ Harvesting

A critical aspect of the eradication campaign against Falun Gong is forced organ harvesting—extracting organs, including essential organs, without consent, resulting in death. In June 2016, David Kilgour, Ethan Gutmann and David Matas released a detailed update of their previous work on organ transplant activities in China. The update considered data from 164 hospitals approved by the Ministry of Health to conduct organ transplants in 2007.⁶² Based on over 2000 sources from Chinese hospital websites, academic articles published in China and Chinese media reports, the update was a continuation of eleven years of investigation into forced organ harvesting in China.⁶³ The update confirmed that forced organ harvesting continues in China on an industrial scale, despite announcements by Chinese officials that China has stopped using prisoners for organ transplantation.⁶⁴

The update made these key findings:

- A. Chinese transplant hospitals are providing matching transplant organs within a month of patient requests.⁶⁵ The organs are sourced from living donors, which means that the organs are harvested while the donors are still alive.⁶⁶
- B. Organs are available on demand and are sold both to domestic patients and to transplant tourists worldwide.⁶⁷
- C. The organ transplant infrastructure has grown rapidly since 2000, the onset of forced organ harvesting in China with Falun Gong victims. Many hospitals have built new transplant centres and new transplant wings and installed new beds in old buildings.⁶⁸ As well, many Chinese hospitals have experienced significant growth in revenue, with their organ transplant departments being the main profit drivers.⁶⁹
- D. A calculation based on hospital bed counts, bed utilization rates, staff numbers, in conjunction with the size of grants, awards and new infrastructure in the organ transplant facilities in China showed that the actual volume and scale of organ transplants in China far exceeds the official claim of 10,000 organ transplants per year.⁷⁰

en.minghui.org/html/articles/2017/11/6/166305.html

⁶⁰ Ibid.

⁶¹ Minghui Library, Statistics and Charts of Persecution from 1999-2017 (Chinese), accessed November 15, 2017, <http://library.minghui.org/category/2,418,,1.htm - G2>.

⁶² David Kilgour, Ethan Gutmann, and David Matas, "Bloody Harvest/The Slaughter - An Update," 18, accessed from August 26, 2016 to September 7, 2017, http://endorganpillaging.org/wp-content/uploads/2016/06/Bloody_Harvest-The_Slaughter-June-23-V2.pdf.

⁶³ Ibid., 11.

⁶⁴ Ibid., Chap. 9, accessed February 12, 2018, <https://endtransplantabuse.org/an-update-chapter-nine-findings-from-164-hospitals-volume-drivers/>.

⁶⁵ Ibid., 288; Torsten Trey, "Transplant Medicine at a Crossroads," in *State Organs: Transplant Abuse in China*, eds. David Matas and Torsten Trey (Niagara Falls: Seraphim Editions, 2012), 20.

⁶⁶ Ibid., 383. The quality of a transplant organ is determined by its ischemic time, which is the length of time that the organ is left without blood circulation. The shorter the ischemic time of the organ, the better is the success rate for the organ transplant. Organs lose their eligibility for transplant if they are left too long without blood circulation. As such, to optimize the quality of transplant organs, organs in China are harvested from living donors, who are either fully conscious or alive, or brain dead but with functional cardiac circulation at the time of transplant.

⁶⁷ Ibid., 62, 288-289.

⁶⁸ Ibid., 15.

⁶⁹ Ibid., 21.

⁷⁰ Ibid., 372-380.

- E. Forced organ harvesting is directed by the Chinese State/Communist Party machinery. It involves institutions of health, the military, the judiciary, law enforcement, the prisons, and the civil administration systems.⁷¹

For years, the official Chinese position was that the organs in China for transplantation were being sourced from executed criminals or voluntary donors. Former health minister Huang Jiefu asserted that over 90% of transplant organs were sourced from death-row criminals.⁷² This figure is misleading as China never officially admitted to sourcing organs from prisoners of conscience. As such, prisoners of conscience are systematically excluded from the official statistics on organ sources. Medical doctors consider the practice of sourcing organs from death-row criminals ethically untenable.⁷³ However, ethical debates surrounding this practice ignore an important factual issue—are these organs being sourced elsewhere, from prisoners of conscience?

Since 2000, there has been a steep upward trend in organ transplant activities in China. There was an officially reported increase in annual transplant volume from about 4,000 in 1999 to over 13,000 in 2004—an increase of more than 230% over five years.⁷⁴ The number of transplant centres in China increased from approximately 150 to over 1,000, while wait times for organs dramatically decreased to one to four weeks.⁷⁵ Such steep increase within five years has not been observed in other countries. According to the Global Observatory on Donation and Transplantation (GODT) which monitors the number of organ donations and transplantations globally, the annual transplant increase worldwide is about an equivalent of 10-15% in a similar five year window.⁷⁶

While organ transplant volumes were increasing exponentially in China, the volume of death penalty executions was declining. The rate of execution declined even further after 2007 when China required all death sentences to be approved by the Supreme People's Court.⁷⁷ Organ transplant volumes in China cannot be adequately accounted for by death-row criminals. There has to be another source of organs to explain the anomalous growth in organ transplant volumes in China. Chinese criminal law requires convicted death row prisoners to be executed within seven days of sentence.⁷⁸ Chinese hospitals can only provide matching organs to patients within a short time if there is a large pool of living donors who are available for harvesting on demand. It is impossible to maintain such a pool if each living donor has to be executed within seven days.⁷⁹ As well, organs from death-row criminals are often unsuited for transplantation because of the prevalence of medical conditions and infectious diseases among them.⁸⁰

In 2014, China announced that it would stop procuring organs for transplantation from executed prisoners and would instead rely on voluntary donations. The announcement has not been implemented in legislation and the 1984 law which permits organ sourcing from executed prisoners without consent of either the prisoners or their families has not been revoked.⁸¹

⁷¹ Ibid., 411-415; Allison et al., "Historical Development and Current Status of Organ Procurement from Death Row Prisoners in China," *BMC Medical Ethics* 16, no. 85 (2015), 2, accessed February 10, 2017, <https://bmcmethics.biomedcentral.com/articles/10.1186/s12910-015-0074-0>

⁷² Jiefu Huang, Yilei Mao, and J Michael Millis, "Government Policy and Organ Transplantation in China," *The Lancet* 372, Issue 9654, no. 612 (2008), 1937, accessed February 10, 2017, doi:10.1016/S0140-6736(08)61359-8.

⁷³ Paul et al., "Human Rights Violations in Organ Procurement Practice in China," *BMC Medical Ethics* 18, no.11 (2017), 2-3, accessed March 20, 2017, doi:10.1186/s12910-017-0169-x.

⁷⁴ Huang et al., *Government Policy and Organ Transplantation* 1938.

⁷⁵ Torsten Trey, *Transplant Medicine at a Crossroads*, 20. Figure updated in Kilgour, et al, *Bloody Harvest/The Slaughter*, 17.

⁷⁶ Torsten Trey and David Matas, "State-organized Criminal Forced Organ Harvesting," *Journal of Trafficking and Human Exploitation* 1, no. 2 (2017), 182.

⁷⁷ David Matas, "Numbers," in *State Organs: Transplant Abuse in China*, ed. David Matas and Torsten Trey (Niagara Falls: Seraphim Editions, 2012), 8384.

⁷⁸ The Congressional-Executive Commission on China, Criminal Procedure Law of the People's Republic of China, People's Republic of China Legal Provision (Amended March 14, 2012), article 251, accessed February 12, 2017, <http://www.cecc.gov/resources/legal-provisions/criminal-procedure-law-of-the-peoples-republic-of-china>.

⁷⁹ Trey and Matas, *State-organized Criminal Forced Organ Harvesting*, 180.

⁸⁰ Kilgour et al., *Bloody Harvest/The Slaughter*, 401.

⁸¹ Allison et al., *Historical Development and Current Status*, 3.

Academic studies have found that the recent organ donation program in China has produced a cadaveric organ donation rate which is one of the lowest in the world.⁸²

In December 2017, the Xinhua news agency proclaimed that voluntary organ donation volumes in 2016 had increased by 50% from 2015, with more than 330,000 registered organ donors and over 38,000 donations of major organs.⁸³ The integrity of these figures is questionable. Exactly 25,000 registered donors were found added to the Chinese organ donation registry in a single day.⁸⁴ This sudden large increase in a country which traditionally has been reluctant to donate organs is implausible. The increase in donations by a simple large number suggests data manipulation. Even if the claim were true, it could not account for anywhere near the actual volume of organ transplants in China. The official Government of China transplant volume figures are easily surpassed by the volume transplants performed by a few large hospitals in China.⁸⁵ Moreover, the organs of those near death in hospital would be available only for those on transplant waiting lists. For those who book transplants in advance, organ sources would have to be determined in advance and, for vital organs, booked in advance for killing.

The conclusion of research and investigation conducted starting from 2006 was that organs for transplantation from those booked for killing in advance were primarily sourced from Falun Gong practitioners,⁸⁶ with a minority sourced from other prisoners of conscience—Tibetans, Uighurs and House Christians.⁸⁷ This conclusion was affirmed in 2016⁸⁸ as organs from officially undisclosed sources continued to flood the Chinese transplant market, and reports of Falun Gong practitioners and other prisoners of conscience being systematically forced to take blood tests persisted.⁸⁹ The large population of detained Falun Gong prisoners of conscience provides a cogent and ready explanation for the source of the large volume of harvested organs. Falun Gong practitioners and other prisoners of conscience were systematically subject to costly medical examinations and blood tests while criminal detainees, other than those sentenced to death, were excluded from such procedures.⁹⁰ Falun Gong practitioners suffered forced labour, torture and deaths from injury and lack of medical treatment. These costly medical examinations could not have been administered for the sake of Falun Gong practitioners' health. Rather, the medical examinations were necessary to assess their organ health for the purpose of transplant, for screening and matching.⁹¹

Since the advent of the eradication campaign against Falun Gong, the Chinese Government has made the development of China's organ transplant infrastructure an important element in its Five Year Plans.⁹² The military and the central and local governments have invested heavily in domestic medical institutions to carry out basic research and development in organ transplantation

⁸² Ni An, Yuanyuan Shi, Yabo Jiang, and Linlin Zhao, "Organ Donation in China: The Major Progress and the Continuing Problem," *The Journal of Biomedical Research* 30, no. 2, 2016, 81, accessed August 20, 2017, doi: 10.7555/JBR.30.20150160.

⁸³ Xinhua Daily News, "What's Behind the Organ Donation in China Being Second in the World," *Xinhua Daily News*, December 1, 2017, accessed February 10, 2018, http://www.xinhuanet.com/2017-12/01/c_1122039703.htm.

⁸⁴ Trey and Matas, *State-organized Criminal Forced Organ Harvesting*, 185; Doctors Against Forced Organ Harvesting, "Unusual Course of Organ Donation Registry Numbers in China," January 15, 2017, accessed August 30, 2017, <https://dafoh.org/wp-content/uploads/Registered-organ-donors-in-China-2015-2016.jpg>.

⁸⁵ Kilgour et al., *Bloody Harvest/The Slaughter*, 15.

⁸⁶ *Ibid.*, 428.

⁸⁷ *Ibid.*; Gutmann, *The Slaughter*, 27.

⁸⁸ Kilgour, et al., *Bloody Harvest/ The Slaughter*, 316.

⁸⁹ For instance, according to a report by Minghui in April 2014, Chinese police were forcibly taking blood samples from Falun Gong practitioners in their own homes. Source: Liaoning, "Police from Multiple Areas Force Blood Tests on Falun Gong Practitioners at Their Homes," July 5, 2014, accessed December 2, 2017, <https://www.minghui.org/mh/articles/2014/7/5/多地警察上门逼迫法轮功学员验血-294315.html>.

⁹⁰ Matas and Kilgour, *Bloody Harvest*, 50.

⁹¹ Doctors Against Forced Organ Harvesting, "Implausible Medical Examinations of Falun Gong Forced Labor Camp Workers in China," *DAFOH*, August 10, 2014, accessed January 30, 2017, <http://www.dafoh.org/articlesandreports/implausiblemedicalexaminationsfalungongforcedlaborcampworkers/>

⁹² Kilgour et al., *Bloody Harvest/ The Slaughter*, 353.

and to promote its industrialization.⁹³ It is apparent that forced organ harvesting of Falun Gong practitioners in China is not just tolerated by the Chinese regime; it is organized and operated by the State.⁹⁴

The findings of state organized forced organ harvesting in China are based in part on circumstantial evidence. The limited eyewitness evidence is the consequence of lack of transparency in China's organ transplant system. This lack of transparency is itself an indicator of wrongdoing. The suppression of information in this area is consistent with overall pattern of cover-up. This cover-up is a defining feature of the cold genocide against Falun Gong.

The Intent to Destroy Falun Gong

The Convention on the Prevention and Punishment of the Crime of Genocide requires perpetrators to have a specific intent to destroy a national, ethnical, racial or religious group, in whole or in part.⁹⁵ This specific intent can be express or implied. In the eradication campaign against Falun Gong, the Chinese Communist regime demonstrates both an express and implied intention to destroy Falun Gong in whole or in part.

Express Intention

On November 30, 1999, Li Lanqing, under the Jiang's directions, announced to 3,000 fellow CCP officials at the Great Hall of Beijing a policy against Falun Gong to "defame their reputations, bankrupt them financially and destroy them physically."⁹⁶ This unequivocal call constitutes an express intention to destroy Falun Gong in whole or in part. In February 2001, Jiang convened a "central work conference" in which he called on Party officials to "unify their thinking and redouble their efforts to eliminate Falun Gong."⁹⁷ In the Tenth Five-Year Plan, the elimination of Falun Gong was designated as a national priority.⁹⁸

Statements of intent to destroy Falun Gong are legion in official documents issued at the municipal and lower levels throughout the decades to the present, especially during times which the regime considers sensitive. The World Organization to Investigate the Persecution of Falun Gong (WOIPFG) documented the regime's fifteen years of battle to transform the Falun Gong from 1999 to 2014. In particular, the NGO highlighted directives which call for "Educational Transformation Decisive Battle" (教育转化决战 *Jiàoyù zhuǎnhuà juézhàn*), issued at various levels of government in many provinces such as Hubei, Hunan, Gangsu, Anhui, Sizhuan, Shandong, Shanghai and Guangdong.⁹⁹ Noakes and Ford reported similar documents which call for "comprehensive clean-up" and efforts to "dispose" of Falun Gong.¹⁰⁰ By cross-referencing such documents from geographically disparate regions, the authors identified these directives as part of several nationally coordinated anti-Falun Gong initiatives.¹⁰¹ However, these directives are seldom publicly announced at the national level.

⁹³ *Ibid.*, 354.

⁹⁴ Trey and Matas, *State-organized Criminal Forced Organ Harvesting*, 184.

⁹⁵ United Nations Office of the Special Adviser for the Prevention of Genocide and the Responsibility to Protect, "Definitions: Genocide," accessed November 30, 2017, <http://www.un.org/en/genocideprevention/genocide.html>.

⁹⁶ Matas and Kilgour, *Bloody Harvest*, 222. Source of this information is an interview with Li Baigen who attended the November 30, 1999 meeting. He was then assistant director of the Beijing Municipal office. He is now resident in the United States. The U.S. Department of State Country Report for China for 1999 refers to the meeting.

⁹⁷ Noakes and Ford, *Managing Political Opposition Groups*, 662.

⁹⁸ *Ibid.*

⁹⁹ World Organization to Investigate the Persecution of Falun Gong, *Investigative Report on the Chinese Communist Regime's "Educational Transformation Decisive Battle" Policy of the Persecution of Falun Gong*, August 11, 2014, accessed November, 2017, https://www.zhuichaguoji.org/node/43884#_Toc394744064.

¹⁰⁰ Noakes and Ford, *Managing Political Opposition Groups*, 663 (footnote 29).

¹⁰¹ *Ibid.*, 659.

Inferred Intention

According to the jurisprudence of the international criminal tribunals, intent to destroy a group in whole or in part could be inferred from such factors as the scale and the nature of the atrocities committed, the number of group members affected, the use of derogatory language towards members of the targeted group, the systematic targeting of victims on account of their membership planning.¹⁰² Virtually all of these factors are satisfied in the eradication campaign against Falun Gong.

The scale and severity of torture applied to Falun Gong practitioners under the direction of the 610 Office, and the verified cases of death resulting from torture evinces an intention not just to harm but to destroy Falun Gong. The campaign against Falun Gong is conducted using status apparatus through a chain of command which connects the primary perpetrators to the highest echelons of Party leadership. In the capacity of President and head of Chinese Communist Party in 1999, Jiang Zemin directed, controlled, supervised, authorized and condoned the eradication campaign against Falun Gong. The provincial party and state officials, under the unified direction of the 610 Office, oversaw law enforcement and prison management, the operation of detention facilities and labor camps, and actions of the police and prison officials.¹⁰³

The intent to destroy Falun Gong can also be inferred from state involvement in the forced organ harvesting industry. Forced organ harvesting in China is not a private enterprise. It is spearheaded by the Chinese Communist Party/State.¹⁰⁴ The campaign is implemented by the Ministry of Health, and later by its successor, the National Health and Family Planning Commission.¹⁰⁵ Transplant organs are procured through a chain of command involving both military and civilian institutions, facilitated by the 610 Office.¹⁰⁶ In this chain of command, the People's Liberation Army General Logistics Department functions as the core operations unit responsible for allocation, distribution, transportation, delivery, security and accounting of transplant organs.¹⁰⁷ With cooperation from other military units, armed police, the Party Political and Legal Affairs Committee, the health system and organ brokers, transplant centres of military and civilian hospitals gain access to prison and detention centres to procure organs.¹⁰⁸

No one survives the removal of his/her vital organs—heart, lungs, liver or both kidneys. The Chinese Communist regime's selective targeting of Falun Gong practitioners for forced organ harvesting on an industrial scale evinces an intention to kill Falun Gong practitioners in large numbers. This is an intention to destroy Falun Gong in whole or in part.

The Option of Renouncing Falun Gong

Before they were tortured or killed, Falun Gong adherents were given the option of renouncing the practice of Falun Gong. As the scope of the Genocide Convention is limited to physical destruction,¹⁰⁹ there is an argument that the mental element of genocide is not satisfied. The masterminds and architects behind the eradication campaign intended more the eradication of the spiritual faith and less the physical destruction of Falun Gong adherents per se.

The regime resorted to increasingly grave measures such as killings and severe torture only after Falun Gong adherents resisted its attempts to convert. If all Falun Gong adherents willingly renounced Falun Gong, the eradication campaign might have conceivably ended without any violence or bloodshed. Some scholars take the position that destroying a religious group without physically destroying the people within the group does not constitute genocide.¹¹⁰

¹⁰² *The Prosecutor v. Jean-Paul Akayesu*, Trial Chamber Judgement, September 2, 1998, ICTR-96-4-T, para. 523-524.

¹⁰³ Matas and Cheung, *Concepts and Precepts*, 68.

¹⁰⁴ Kilgour et al., *Bloody Harvest/ The Slaughter*, 408.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*, 331, 398, 408.

¹⁰⁸ *Ibid.*, 412-413.

¹⁰⁹ United Nations Office of the Special Adviser for the Prevention of Genocide and the Responsibility to Protect, *Definitions: Genocide*.

¹¹⁰ William A. Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (New York: Cambridge University

This restrictive interpretation of intention does not comport with the text and purpose of the Genocide Convention. On a plain reading of Article II of the Convention, there is no indication that the intention to destroy must be an intention to destroy physically the members of the target group. This restrictive interpretation is repugnant to the object and purpose of the Convention, which is to safeguard the existence of human groups, and to enshrine the most elementary principles of humanity.¹¹¹ A person's right to choose a religious belief without violent interference and coercion is an elementary principle of humanity.¹¹² The restrictive interpretation limits the scope of religious freedom and spiritual faith.

The restrictive interpretation is also inconsistent with the *travaux préparatoires* (preparatory works) of the Convention. The inclusion of religious groups as protected groups indicates an intention to protect religious beliefs.¹¹³ A religion can always be renounced. To preclude a finding of genocidal intention where the victims were given an option to renounce denies the very protection that the Genocide Convention intended to confer on religious groups.

The Cold Genocide Against Falun Gong

Although the case of Falun Gong satisfies the component of the classical definition of genocide which refers to physical destruction, this definition places an undue emphasis on the physical aspect of the genocide and fails to capture the campaign against Falun Gong in all of its sophisticated and multifaceted dimensions. Recent genocide scholarship on cold genocide encourages a deeper inquiry into the significance of various acts of transgression committed against Falun Gong. In contrast with a hot genocide which highlights the immediate unleashing of violent death, a cold genocide recognizes subtler forms of structural violence which eventually lead to the annihilation of the targeted group. Acts such as ideological conversion, propaganda and demonization are not independent from the physical genocide, but part of the same project to annihilate Falun Gong, aiming for a thorough elimination of the practice and its practitioners.

The theory of cold genocide is still nascent. The precise scope and meaning of the concept is still open-ended and indeterminate. Nonetheless, we can conclude from existing literature on the topic at least two elements which distinguish a cold genocide. First, a cold genocide is multidimensional, in the sense that campaigns aim at the destruction of the victims in many different ways.¹¹⁴ Second, it is harder for outsiders to notice. Its lesser visibility facilitates prolonged duration.¹¹⁵ The society in which a cold genocide takes place often normalizes the genocide. In past Chinese Communist regime eradication campaigns, the perpetrators expended extensive effort to normalize their acts of cruelty by inculcating the Chinese populace with philosophies of violence against the designated enemies of the state or counterrevolutionaries.¹¹⁶ These techniques of normalization are similarly observed in the present day genocide of Falun Gong.

In the following analysis, we contend that the genocide of Falun Gong can be identified as a cold genocide on the basis that it is multidimensional, subtle and normalized. These factors not only distinguish Falun Gong as a cold genocide; they also explain why the campaign against Falun Gong is underrepresented in genocide studies. In the final section of the analysis, we address potential weaknesses and limitations in our thesis that the eradication campaign against Falun Gong constitutes a cold genocide.

Press, 2009), 82.

¹¹¹ *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, Advisory Opinion of 28 May 1951, International Court of Justice, 15, 7.

¹¹² United Nations General Assembly, *International Covenant on Civil and Political Rights*, December 16, 1966, article 18(1)-(2); Nathan Lee, "Convert or Die: Forced Religious Conversions and the Convention on the Prevention and Punishment of the Crime of Genocide," *Georgetown Journal of International Law* 47, no. 2 (2016), 584.

¹¹³ Lee, *Convert or Die*, 591.

¹¹⁴ Anderson, *Colonialism and Cold Genocide*, 10.

¹¹⁵ *Ibid.*, 12.

¹¹⁶ Yuan-Hong Chu, "The Counterrevolution—A Family of Crimes: Chinese Communist Revolutionary Rhetoric, 1929-89," in *The Web of Violence: From Personal to Global*, eds. Jennifer Turpin and Lester R. Kurtz (Chicago: University of Illinois Press, 1997), 69.

Multidimensional Destruction

A cold genocide is a sophisticated phenomenon. The perpetrator, in addition to some physical destruction, seeks to eradicate the victim group through non-physical means.¹¹⁷ Anderson argued that, in non-physical forms of genocide, physical destruction of the victims may not be intended. Rather, oppressive acts or policies are calculated to bring about the eventual destruction of the group by undermining the group's foundations of existence.¹¹⁸ In particular, Anderson identified destruction with attacks on three group dimensions—cultural, economic and political sustainability.¹¹⁹ Anderson was using West Papua, and not China, as a case study. Nonetheless, his three specific dimensions of attack are the same as the three dimensions of the Communist Chinese Party's attack against Falun Gong—defaming their reputations, bankrupting them financially and destroying them physically.¹²⁰

Pursuant to their policy, the Chinese communist regime not only has destroyed Falun Gong practitioners physically through torture and forced organ harvesting. Policies and systems have been established to attempt, through brainwashing and reeducation centers, to separate Falun Gong practitioners from their spiritual beliefs, to accept Party ideology and to reject the Falun Gong community. These campaigns and policies have undermined Falun Gong practitioners' conditions of life and severed them from their spiritual identity. Falun Gong practitioners, once identified at their work place, lose their jobs and income. These measures further the destruction of Falun Gong in incremental steps. The Chinese communist regime has also sought to ruin the reputation of Falun Gong and the social life of the practitioners both in China and abroad. Awareness of the Party's multidimensional destruction effort is critical to understanding the genocide of Falun Gong because that genocide is the interaction between multiple, incremental measures. This multidimensional incremental effort may not be obvious to a casual observer, but is destructive and lasting in its result.

Spiritual Death

Foremost in the multidimensional destruction of Falun Gong is the eradication of spiritual belief by forcing Falun Gong practitioners into ideological conversion. Forced ideological conversion is similar to forced assimilation, ethnocide or cultural genocide. In all of these cases, the victim group is forced to abandon its way of life and identity. These measures are designed to ensure the eventual disappearance of the victim group.

Systematic forced ideological conversion has been particularly important in the effort to eradicate Falun Gong. Since the onset of the eradication campaign in July 1999, detained Falun Gong practitioners were offered freedom in exchange for signing a confession and renouncing their beliefs and practice of Falun Gong.¹²¹ Those who resisted were subjected to torture, death through torture and forced organ harvesting. Falun Gong practitioners faced the cruel choice between soul and body, the choice either to abandon their spiritual existence and identity or to abandon their health and lives, to die spiritually or to die physically.¹²² Either choice was to become part of the gradual extinction of Falun Gong.

Brainwashing or reeducation is a form of psychological torture. The goal of brainwashing is forced conversion from a freely embraced spiritual belief to acceptance of content imposed by the Party/State. Brainwashing takes place in forced labour camps and other detention facilities. Falun

¹¹⁷ Anderson, *Colonialism and Cold Genocide*, 10.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ Matas and Kilgour, *Bloody Harvest*, 23.

¹²¹ Gutmann, *The Slaughter*, 141-142. Also, the *Falun Gong in China: Review and Update - Hearing before the Congressional Executive Commission on China*, 112th Cong., 2nd Session, 4, 6 (2012), accessed February 12, 2017, [http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/hearings/2012/CECC Hearing - Falun Gong in China Review and Update - 12.18.12.pdf](http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/hearings/2012/CECC%20Hearing%20-%20Falun%20Gong%20in%20China%20Review%20and%20Update%20-%2012.18.12.pdf).

¹²² Torsten Trey, "Unprecedented Evil behind Forced Organ Harvesting: The Choice to Die Spiritually or Physically," in *An Unprecedented Evil Persecution: A Genocide Against Goodness in Humankind*, eds. Torsten Trey and Theresa Chu, (USA: Clear Insight Publishing, 2016), 126.

Gong practitioners are taken to reeducation confinement and are forcibly exposed to long hours of anti-Falun Gong propaganda films and literature which defames and demonizes Falun Gong. They are bombarded by these messages to the point of physical exhaustion and mental breakdown, with the intent and often the effect of recanting their beliefs.¹²³

The Chinese Communist regime labelled its forced conversion process as *Zhuan Hua* (转化 or Transformation). The 610 Office specified five standards the transformation process had to meet. Falun Gong adherents had to:

1. Relinquish the practice;
2. Write a repentance statement;
3. Surrender all Falun Gong books and materials;
4. Write testimonials against Falun Gong and its founder; and
5. Assist in the transformation of other Falun Gong practitioners.

These standards have been adopted throughout the country.¹²⁴ The intended outcome of this transformation campaign is the eradication of the practice amongst the living and the death of those not transformed. Quotas for forced conversion are issued to local authorities who are incentivized to use any means necessary to achieve these targets, including coercive tactics such as forced-feeding, sleep deprivation, and shocks with electric truncheons.¹²⁵

The transformation work against Falun Gong adherents is not just carried out by state officials in detention facilities; it has become a national activity involving all elements of the Party/State and its cooperating agents. This is clear from the dozens of official documents circulated as part of the "2010-2012 Transformation through Reeducation Assault and Consolidation Overall Battle Work Plan".¹²⁶ These documents enlist local authorities, Party organizations, businesses, and individuals in the transformation of Falun Gong adherents. For instance, an April 6, 2010 Jiyuan Municipal Bureau of Industry and Information Technology document called on its local 610 Office to sign "responsibility agreements" with businesses and to inspect regularly the "transformation" work of those businesses.¹²⁷ A May 5, 2010 document issued by Tianwen Town People's Government, required organizations and small groups to conduct an "educational assault" on the homes of Falun Gong adherents.¹²⁸ A document issued in June 13, 2010 by the Jiangxi Provincial Reeducation Through Labour Administration Bureau called for the People's Police to "improve their knowledge and studies of sociology, medicine, psychology, and religion as part of their 'transformation through reeducation' work."¹²⁹

Social Death

Claudia Card wrote, "loss of social vitality is loss of identity and thereby of meaning for one's existence."¹³⁰ She argues that social death is central to an understanding of the evil of genocide.¹³¹ The Chinese Party/State makes a great effort to destroy the social existence of Falun Gong practitioners. By systematic propaganda, dehumanization and demonization, Falun Gong practitioners and society become poles apart. Falun Gong practitioners face rejection and condemnation from their communities. They are confronted with hate, isolation, and surveillance in their living and work environment, and ostracized or excommunicated from their families,

¹²³ Yiyang Xia, "Brainwashing: Extermination of Mind and Body," in *An Unprecedented Evil Persecution: A Genocide Against Goodness in Humankind*, eds. Torsten Trey and Theresa Chu, (USA: Clear Insight Publishing, 2016), 85.

¹²⁴ *Ibid.*, 81-82.

¹²⁵ Noakes and Ford, *Managing Political Opposition Groups in China*, 665

¹²⁶ The Congressional-Executive Commission on China, Communist Party Calls for Increased Efforts to "Transform" Falun Gong Practitioners as Part of Three-Year Campaign, *Commission Analysis* (March 22, 2011), accessed December 2, 2017, <https://www.cecc.gov/publications/commission-analysis/communist-party-calls-for-increased-efforts-to-transform-falun-gong>.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ Claudia Card, "Genocide and Social Death," *Hypatia* 18, no.1 (2003), 63.

¹³¹ *Ibid.*

friends and social circles. Social death and spiritual death, unlike physical massacre, are silent and bloodless, but they achieve a similar, but profound effect of eradication.

The 610 Office conducted an extensive demonization campaign to incite hatred against Falun Gong.¹³² This attempt at incitement has proven more difficult than expected. Due to Falun Gong's practice of kindness in Chinese society during the seven years after its introduction, Falun Gong was highly regarded in China; the Chinese generally were aware that Falun Gong practitioners are good people. The 610 Office reacted through escalation. They staged a self-immolation incident to demonize Falun Gong. In 2001, the regime organized five people to pretend to set themselves on fire at Tiananmen Square before an official state video, and had them claim to be Falun Gong practitioners.¹³³ The video of self-immolation was broadcasted in major state-sponsored media nationwide to discredit Falun Gong, and portray Falun Gong as dangerous. An analysis of the video showed that the apparent self-immolators were actors, not Falun Gong practitioners, and the incident was staged.¹³⁴ Without independent news to expose this fabrication, the self-immolation incident turned public opinion in China against Falun Gong.

Many Chinese citizens were led to support the regime in its surveillance of Falun Gong practitioners. Party-sponsored grassroots organizations, such as resident associations, are co-opted as Party agents to exert pressure on Falun Gong practitioners in local communities. These agents report to the Public Security Bureau who came to arrest and detain Falun Gong practitioners. Neighbourhood committees are also mobilized by the 610 Office to have regular patrols and to take down Falun Gong messages posted in the neighbourhood.¹³⁵ The pressure from these grassroots agents isolated Falun Gong practitioners from their own communities. The objective of this initiative, as vividly described in a CCP municipal office issued document, is to "render Falun Gong practitioners like rats running across the street that everyone shouts to smash; don't leave them any space".¹³⁶

Last but not least, the 610 Office established a collective penalty system to create further polarization between Falun Gong practitioners and the rest of the society. Under this system, work units or private employers of Falun Gong practitioners are penalized if the Falun Gong practitioner is caught protesting at Tiananmen Square.¹³⁷ Financial punishments are imposed on local officials, such as village security heads, if inspection teams discover Falun Gong literature in the geographical area for which they are responsible.¹³⁸ The collective penalty system is supplemented by a system of incentives and rewards to those who report on Falun Gong activities and Falun Gong practitioners' underground printing sites.¹³⁹ This collective penalty and reward system turned Falun Gong practitioners' colleagues, friends and confidantes into their enemies. Financial bankruptcy and economic ruin is another method the Party has used to undermine Falun Gong practitioners' conditions of life, and destroys their social vitality. Falun Gong practitioners are systematically denied access to jobs or further education.¹⁴⁰ Many of them are driven to unemployment and

¹³²"A State Crime," Stop Organ Harvesting in China, accessed February 20, 2018, <http://www.stoporganharvesting.org/a-state-crime/>; Noakes and Ford, *Managing Political Opposition Groups in China*, 665-666.

¹³³Cheung, *The Intersection between Mindfulness and Human Rights*, 60; He Yu, "Former 610 Office Head Li Dongsheng Indicted," *Clearwisdom*, August 29, 2015, accessed February 10, 2017, <http://en.minghui.org/html/articles/2015/8/29/152297.html>

¹³⁴Gutmann, *The Slaughter*, 167. The International Education Development, a USbased NGO linked to the United Nations issued a public statement verifying that the 2001 selfimmolation was a fabrication. Source: En Tang, "Twelve Years after the Tiananmen Self-immolation Hoax, More and More People Understand the Truth," *Clearwisdom*, March 7, 2013, accessed February 10, 2017, <http://en.minghui.org/html/articles/2013/3/7/138396.html>.

¹³⁵Noakes and Ford, *Managing Political Opposition Groups*, 666.

¹³⁶Ibid.

¹³⁷David Matas and David Kilgour, *Report Into Allegations of Organ Harvesting of Falun Gong Practitioners in China*, July 6, 2006, Appendix 9, accessed September 3, 2017, <http://organharvestinvestigation.net/report0607/report060706-eng.pdf>.

¹³⁸Noakes and Ford, *Managing Political Opposition Groups*, 667.

¹³⁹Ibid., 666-667.

¹⁴⁰Ibid., 672.

their pensions are withdrawn.¹⁴¹ Their financial hardship is compounded by the regular fines and confiscation of personal property by the regime. As a result, many Falun Gong practitioners are homeless and destitute.

Social isolation by itself may not justifiably be called cold genocide. As part of a multifaceted campaign, this isolation contributes to genocide.

Subtlety and Invisibility

Slow motion genocide is a blind spot in classical genocide studies.¹⁴² The diffusion of impact across space and time makes it harder for observers to appreciate the full destructive potential of these genocides.¹⁴³ It is not only the slow motion of a genocide which makes it elusive. Instead, more generally what distinguishes a cold genocide is its subtlety. A cold genocide is subtle in terms of visibility because, in addition to being slow, it is also covered up and its victims are marginalized from society in a way that denies their mainstream attention.

In the case of Falun Gong, we observe these three phenomena which have led to the subtlety of the genocide. First, slowness. The genocide began in 1999; it has stretched over eighteen years and continues today. As we wrote earlier, genocides which have captured international attention usually last no longer than five to ten years. A genocide which lasts longer than ten years is rare. As such, the genocide against Falun Gong, because of its slowness, stands as an anomalous case of genocide.

The perpetrators' systematic cover-up reinforces the lack of visibility, the minimal level of conscious perception of the genocide. The manipulation of media by the Chinese Party/State to disseminate propaganda and misinformation has become an effective tool not only to incite hatred, but also to cover up and deny their act of genocide against Falun Gong. A significant aspect of the regime's cover-up is the distortion and deletion of publicly available data. This sort of cover-up is particularly noticeable with transplantation data. Transplant hospitals, media, and official websites regularly remove information that may implicate them in the crime of forced organ harvesting, killing innocents for their organs. For instance, after the publication of Matas-Kilgour report in 2006, the transplant registry located in Hong Kong which used to be open to the public denied public access to their online statistics on organ transplant volumes. The numbers on transplant volumes were artificially decreased to a low, non-alarming figure which was incongruent with the transplant centers' scale and staff size.¹⁴⁴ While the transplant infrastructure in China expanded over ten years, the officially reported transplant numbers did not show any growth and remained implausibly at around 10,000 per year for the ten years between 2006 and 2016. Data manipulation on Chinese websites was discovered with the help of archived information, as documented in the 2016 update by Kilgour, Gutmann and Matas.¹⁴⁵

Another form of cover-up is the regime's online censorship of search terms related to Falun Gong. Several investigations of internet censorship have shown that Falun Gong is the most censored topic in China. In June 2009, the regime developed a censorship/spyware system known as "Green Dam Youth Escort" which was to be installed on all Chinese personal computers. Researchers at the University of Michigan found two lists of censored keywords on this system, the longer of which was called Falunwords.lib, with 90% of the 6500 words related to Falun Gong.¹⁴⁶

¹⁴¹ Minghui Correspondent in China, "The Economic Persecution of Falun Gong Practitioners in Beijing" *Clearwisdom*, March 23, 2004, accessed December 2, 2017, <http://www.en.minghui.org/html/articles/2014/3/23/146039p.html>.

¹⁴² Anderson, *Colonialism and Cold Genocide*, 9.

¹⁴³ *Ibid.*, 12.

¹⁴⁴ Kilgour et al., *Bloody Harvest/The Slaughter*, Chapter 8.

¹⁴⁵ *Ibid.*, 265.

¹⁴⁶ Jan Jekielek, "Google Exit Highlights China's Most Censored Internet Topic: Falun Gong," *The Epoch Times*, March 26, 2010, accessed November 30, 2017, https://www.theepochtimes.com/hlights-chinas-most-censored-internet-topic-falun-gong_1515779.html. This report corroborated with the study findings published by Jedidiah R. Crandall, et al., "Chat Program Censorship and Surveillance in China: Tracking TOM-Skype and Sina UC," *First Monday: Peer-reviewed Journal on the Internet* 18, no. 7 (2013), n.p., accessed November 26, 2017, <http://firstmonday.org/ojs/index.php/fm/article/viewArticle/4628/3727>.

Hackers who have procured lists of censored key words have found that Falun Gong is the most censored subject on the Chinese popular chat client QQ¹⁴⁷ and on other Chinese websites.¹⁴⁸

A cold genocide is also subtle because of the marginalized status of the victim group. Riccardo, Marczak, and Diamadis point out that the presence of bias or discrimination against the victims is an important factor which leads to their suffering being overlooked.¹⁴⁹ The cause and nature of bias against different victim group will differ, but the effect is the same—to marginalize the victim group and shroud their genocide from public view and attention. The Chinese communist regime's demonization of Falun Gong and misinformation campaign against Falun Gong instills widespread bias and discrimination against Falun Gong practitioners and marginalizes them both in China and abroad.¹⁵⁰ The misinformation has been exported to the mainstream and ethnic Chinese media outside China.¹⁵¹

Media and academia in the West have also played an instrumental role in marginalizing Falun Gong practitioners in the international community. To achieve an appearance of neutrality, the dominant academic and media discourse on Falun Gong took narratives from both the Chinese Communist Party and Falun Gong.¹⁵² This polarizing discourse created confusion and made it difficult for the public to appreciate the reality of the genocide and to take a decisive stance against it. The media and academia's reproduction of Chinese Communist Party's rhetoric also created suspicion in international communities towards Falun Gong. The sum effect of their work was to marginalize Falun Gong, to generate silence and denial towards the genocide, and consequently to leave Falun Gong practitioners to fend for themselves over the last eighteen years.

To put the effort of media manipulation into context and to understand its purpose, we observe that an informed society which rejected ostracism of the victim group could have arguably prevented the genocide from occurring. Prolonged misinformation undermines public opposition to an ongoing genocide, thereby creating an environment where a cold genocide can be sustained. The subtlety of a cold genocide may be necessary to maintain order and political legitimacy. A hot genocide, with its visibility, intensity and impact, can plunge a society into chaos. In the case of China, a hot genocide could have brought the Chinese regime into disrepute. By ensuring the silent disappearance of victims in the catacombs of detention centres and operation tables, the Chinese slow genocide of Falun Gong could be concealed, erased from official history and collective memory.¹⁵³

Normalization

In cold genocides, the atrocities against the victim group are normalized. Normalization means weaving genocide into the fabric of society. Normalization comes from hegemony, a mode of political domination through ideology rather than force.¹⁵⁴ The Chinese communist regime has used political hegemony to achieve normalization of its genocide against Falun Gong. Subtle yet pervasive dissemination of the perpetrator's perspectives have led the Chinese citizenry to internalize these perspectives. The citizenry have become programmed to accept the extraordinary

¹⁴⁷ The list was located by Chinese hackers in 2004, with 20% of the search terms related to Falun Gong. Crandall, et al., *Chat Program Censorship*.

¹⁴⁸ In 2006, the Washington Post produced a list of censored keywords used by Chinese blog service. Of the 236 keywords, 14% were related to Falun Gong—a proportion that is higher than any other subject. Source: "The Great Firewall of China: Keywords Used to Filter Web Content," *Washington Post*, February 18, 2006, accessed November 30, 2017, <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/18/AR2006021800554.html>.

¹⁴⁹ Riccardo Armillei, Nikki Marczak, and Panayiotis Diamadis, "Forgotten and Concealed: The Emblematic Cases of the Assyrian and Romani Genocides," *Genocide Studies and Prevention: An International Journal* 10, no. 2 (2016), 100, accessed December 12, 2016, doi:10.5038/1911-9933.10.2.1404.

¹⁵⁰ Matas and Cheung, *Concepts and Precepts*, 71, 75.

¹⁵¹ *Ibid.*, 72.

¹⁵² *Ibid.*

¹⁵³ Armillei et al., *Forgotten and Concealed*, 98.

¹⁵⁴ Thomas R. Bates, "Gramsci and The Theory of Hegemony," *Journal of the History of Ideas* 36, no. 2 (1975), 352, accessed September 8, 2017, <https://ondercetin.files.wordpress.com/2011/04/bates-1975.pdf>.

injustice against the Falun Gong as a normal fact. Sophisticated thought reform has subdued and co-opted what would otherwise have been dissenting voices opposing the genocide, and ensured the sustainability and long-term success of the anti-Falun Gong campaign.

A focus on normalization requires revisiting the concept of multidimensional destruction. Similar to demonization and reputational ruin, normalizing genocide also requires propaganda and ideological work on the populace. However, there are important distinctions between the two ideas, between demonization of a target population and normalizing genocide of that population. First, demonization is often achieved through direct and explicit propaganda in the media. In contrast, normalization is a more complicated and multi-leveled phenomenon where the message is “subtly disseminated at many levels of a cultural totality—at the levels of politics, education, entertainment, and common sense.”¹⁵⁵ Second, demonization often takes the form of an ideological belief which can be consciously articulated and contested. With normalization, thoughts and beliefs are so deeply ingrained in the subconscious that they are taken for granted and accepted as common sense.¹⁵⁶ For these reasons, normalization is a more thorough and sophisticated form of thought reform than demonization. The result of normalization is inattention; it creates an environment in which a cold genocide can thrive and achieve eradication over time.

We can see the fleshing out of normalization in the genocide against Falun Gong. The 610 Office, with its extensive reach and influence over both civil and public spheres, plays a key role in normalizing the atrocities perpetrated against Falun Gong. The branches of the Office convey anti-Falun Gong messages through the manipulation of cultural activities, education, exhibitions and grassroots events by the likes of women and youth organizations.¹⁵⁷ For example, school children are taken to see anti-Falun Gong exhibitions. In Shannan township, students were made to watch recordings of Falun Gong practitioners recanting their faith following the transformation process.¹⁵⁸ In post-secondary education, a condition of admission is that students must prove that they have adopted the “correct attitude” on Falun Gong.¹⁵⁹ Neighbourhood associations are instructed to hold study sessions to “unify their thinking” against Falun Gong.¹⁶⁰ The perpetrator’s perspectives are thus being continuously reinforced upon the populace through schools, workplace, media, academic and popular culture.

The 610 Office has leveraged its extensive authority to make anti-Falun Gong work as a routine and integral task for state and public institutions. The eradication campaign against Falun Gong has become a social institution and an element of social order itself.¹⁶¹ An example of such institutionalization is the integration of forced organ harvesting into the health system of the state. With the 610 Office as intermediary, the public security system operating in a chain of command with the judiciary, hospitals and civil affairs administration has forcibly procured organs from Falun Gong practitioner.¹⁶² After more than a decade of operation, the act of forced organ harvesting—an extraordinary cruelty—has been institutionalized and normalized as a healthcare policy.

The final cause of normalization we mention is the inculcation of cruelty and violence through the history and culture of the Chinese Communist Party. Under the Party’s philosophy of *dou zheng*,¹⁶³ violence and cruelty are legitimized and glorified as a means of emancipation and

¹⁵⁵ Douglas Litowitz, “Gramsci, Hegemony, and the Law,” *BYU Law Review* 2000, no. 2 (2000), 526.

¹⁵⁶ *Ibid.*, 529.

¹⁵⁷ World Organization to Investigate the Persecution of Falun Gong, *Investigative Report on the 610 Office*, September 8, 2003, updated on February 1, 2011, accessed August 20, 2017, <http://www.upholdjustice.org/node/197>.

¹⁵⁸ Noakes and Ford, *Managing Political Opposition Groups*, 671.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*, 666.

¹⁶¹ Kilgour et al., *Bloody Harvest/The Slaughter*, 396 (Figure 12.2).

¹⁶² *Ibid.*, 408.

¹⁶³ The concept of “*dou zheng*”, synonymous with “struggle” in English, is fundamental to Chinese Communist ideologies in both political and spiritual terms. Mao stated that “political power grows out of the barrel of a gun” (Source: Mao Tsetung, *Quotations from Chairman Mao Tse Tung* (Beijing: Foreign Languages Press, 1966).) Like Marx, Mao also perceives “struggle” as the basis of happiness and spiritual fulfillment (Source: San Xiao,

self-fulfillment. Started with Mao's leadership, the Party has adopted *dou zheng* and violence as the source of political power. As Mao notoriously said, "battle with heaven, fight with the earth, struggle (*dou zheng*) with humans – therein lies endless joy."¹⁶⁴ Violence employed by the Party not only serves as the means to seize and maintain power. The continuous use of violence justifies violence. By creating a political culture of violence through regular use of violence and supporting propaganda, the Party creates a society where violence is taken for granted.¹⁶⁵

Outside of this context, the genocide against Falun Gong may appear anomalous in what seems like an era of peace and prosperity in China. If we keep in mind the Party history and culture, we can see that the genocide of Falun Gong takes on the form of past violent projects which have persisted throughout the history of Chinese communist rule. The forced labour camps, brainwashing centres, and many of the torture methods applied on Falun Gong practitioners were inherited from past practices. One can observe striking parallels between the attack on Falun Gong and the Party's "counter-revolutionary" movements in the past, such as the Three Anti and Five Anti Campaign, Antiright Movement, and the Cultural Revolution.¹⁶⁶ The modus operandi for each campaign is similar: first, the regime designates the victim group with a derogatory label such as enemy of the State or counter-revolutionary to incite hatred and antagonism among the populace. Intensive nationwide media denunciations and condemnations of the victim group follow suit. Thereafter, the victim group is arrested in large numbers. The regime then runs secret courts, fabricates accusations, ransacks homes, and interrogates through torture.¹⁶⁷ When such behaviour towards societal outcasts is built into the culture and fabric of the society through constant repetition, citizens end up accepting these campaigns as the normal, expected, treatment of outcasts. As a result, citizens fail to see the violence and atrocities as the genocide that it truly is. The horror of genocide hides behind the normalized, casual application of violence inflicted on those the state defines as enemies. A habitual application of a stimulus results in numbness towards that stimulus. That numbness is the sensory equivalent of societal normalization.

The Issue of Classification

The classification of the anti-Falun Gong campaign as a cold genocide does pose some difficulties. These difficulties stem in part from the fluidity and sophistication of the cold genocide framework. In the case of Falun Gong, these difficulties arise also from the continuously evolving nature of the eradication campaign. In particular, the intent and motives demonstrated by the perpetrators against Falun Gong are more typical of a hot, rather than a cold genocide. This is especially so at the earlier phase of the eradication campaign. In a cold genocide, the destruction of the victim group has been seen by scholars as "inevitable rather than imperative."¹⁶⁸ Is that the case for Falun Gong?

On the one hand, the regime's imperative is to eradicate Falun Gong completely. The destruction of Falun Gong is directly, consciously and deliberately sought. The intensity of violence, damage and hate exemplified in the anti-Falun Gong campaign is remarkably higher than found in the archetypical cold genocide seen in the colonial and post-colonial context. There are anti-Falun Gong directives circulated among the state and party organizations. The determination to destroy Falun Gong was well publicized in the years 1999 to 2001. After that, the campaign quieted down within China, but according to the paper trails provided by Ford and Noakes, the regime remained determined to destroy Falun Gong. On the other hand, there is no law banning Falun Gong. The

The Youth of Comrade Mao Zedong (Liaoning: People's Publisher, 1951), 33.) Mao went as far as to theorize "struggle" as the physical manifestation of "contradiction" that underpins all matter and existence (Source: "On Contradiction, August 1937," Selected Works of Mao Tse-tung, Marxists Internet Archive, accessed February 18, 2018, https://www.marxists.org/reference/archive/mao/selected-works/volume-1/mswv1_17.htm).

¹⁶⁴ *The Youth of Comrade Mao Zedong*. An alternative translation is "Fighting with heaven, fighting with earth, and fighting with human being, what a great pleasure!"

¹⁶⁵ Chu, *The Counterrevolution*, 73.

¹⁶⁶ Ibid.

¹⁶⁷ This pattern is described as typical ritual by Chu, *The Counterrevolution*, 77.

¹⁶⁸ Anderson, *Colonialism and Cold Genocide*, 20.

610 office is a Party and not a State office. The regime has taken a sequence of steps against Falun Gong, which, if effective, would lead inevitably to its eradication. The Falun Gong are like fish in a net, without a chance to escape.

In any case, there are important features in the campaign against Falun Gong that can only be explained with the framework of a cold genocide. One such feature is the effort to destroy Falun Gong simultaneously on physical, spiritual and social planes. In this campaign, biological destruction is not paramount, but only a component in a larger scheme of complete eradication. As well, the anti-Falun Gong campaign evolved to develop dynamics that are atypical of hot genocide, but peculiar to cold genocides—subtlety and normalization. While we acknowledge the limitations in our characterization of Falun Gong as a cold genocide, we believe that the inquiry into the form of genocide to which Falun Gong has succumbed should not be a mere classification exercise. Genocides are, by nature, complex phenomena. To fit these events into watertight compartments is likely to restrict, rather than advance, our understandings of such mass crimes. In a spirit of critical inquiry, we consider the analytical structures in genocide studies to remain dynamic and fluid.

Conclusion

A critical inquiry into the concept of genocide challenges the classical school of genocide which focuses on biological death and body counts.¹⁶⁹ A critical inquiry also encourages exploration of new areas which have been marginalized. The genocide against the Falun Gong, on account of its scale, cruelty and sophistication, is a preeminent human rights disaster of the 21st century. Yet, this attack has thus far been poorly understood and is underrepresented in genocide studies.

It is possible to analyse the eradication campaign against Falun Gong within the classical framework of genocide. But such a framework fails to appreciate the invisible, non-physical elements of eradication which make the attack insidious, potent and deadly. We have sought to make sense of this eradication campaign through an alternative framework inspired by Anderson's concept of cold genocide. Our central contention is that the eradication of Falun Gong is a cold genocide because its elaborate underpinning of ideology and masking have led to a genocide which features multidimensionality, subtlety and normalization. These three features identify Falun Gong as a cold genocide. At the same time, they also provide explanations why the campaign against Falun Gong is underrepresented in genocide studies and is able to sustain for such a lengthy period.

The critical inquiry of the genocide of Falun Gong opens ways for scholars to appreciate new dynamics and nuances in state crimes. Falun Gong is not the only group that has been attacked by the Chinese communist regime. But it has become the primary target of eradication. The Party has invested a large amount of China's resources in the campaign.¹⁷⁰ The present inquiry also provides a fresh interpretive lens which allows us to make sense of the persecution of other groups in China.¹⁷¹ Genocide studies, in substance, are studies of extreme intolerance. Genocide studies should be responsive to the evolving manifestations of this intolerance. Definitions and theories of genocide should respond to this reality. Some aspects of the campaign against Falun Gong do not easily fit into the traditional classifications. The eradication campaign against Falun Gong has distinctive features. The purpose of the article is not just to apply traditional classifications to the Falun Gong eradication campaign but also to spark a discussion on the limits of those classifications in light of this campaign.

While the purpose of the article is scholarship, we would be remiss if we did not also add, in light of our analysis, a call to action. The eradication campaign of Falun Gong has persisted for eighteen years, with little opposition outside the Falun Gong community. It is well past time for the international community to take a stand on this eradication campaign and take steps to end the abuse. A study of an ongoing genocide cannot be only a theoretical discourse. All should try to end it. Cold genocides are slow. There is plenty of time for response. Nonetheless, combatting a cold

¹⁶⁹ James Snow, "Claudia Card's Concept of Social Death: A New Way of Looking at Genocide," *Metaphilosophy* 47, no. 4-5 (2016), 608, accessed May 25, 2017, doi: 10.1111/meta.12209.

¹⁷⁰ Zhang, *Pouring the Entire Nation's Efforts into Persecution*, 63.

¹⁷¹ There are comparable measures in the Chinese regime's strategies to eradicate the Falun Gong and Tibetan. Anderson, *Colonialism and Cold Genocide*, 14.

genocide requires identification, understanding and transcendence of the culture of hostility which accompanies the physical destruction. Otherwise, all countermeasures, all aid and rescue, will be too late, conducted postmortem, after the devastation is complete.

Acknowledgements

This article is dedicated to the Chinese citizens who were innocently killed for their spiritual beliefs.

Appendix A

Country/Region	Time of Genocide	Duration	Victim Group(s)	Estimated numbers of victims	Source
Ottoman Empire (present day Turkey, Syria & Iraq)	1915-1923	8 years	Armenians	1.5 million	Totten & Parsons, 4th edition, 132.
Ukraine (Holodomor: The Soviet Made Famine in Ukraine)	1932-1933	1 year	Ukrainians	5 - 7 million	Totten & Parsons, 4th edition, 157 & 166.
Germany and Europe (The Holocaust)	1939-1945	6 years	Mostly Jews, but also Gypsies (Romans), mentally and disabled people, and others	5-6 million Jews, 130,000 Gypsies, 275,000 people with disabilities.	Totten & Parsons, 3rd edition, 129 & 131; and 4th edition, 191.
Bangladesh (committed by Pakistani armed forces)	1971	9 months	Bengalis (Hindus and mostly Muslims) p. 256	3 million	Totten & Parsons, 4th edition, 250.
East Timor (committed by Indonesian military forces)	1975-1999	24 years	Timorese	No precise account due to absence of demographic records; but according to Ben Saul, over 200,000 East Timorese had been killed	Totten & Parsons, 4th edition, 287-288; Saul, 477-479.
Cambodia - Democratic Kampuchea	1975-1979	4 years	Buddhists, Muslim Cham, Vietnamese, and Chinese (and anyone who was not of the Cambodian race), and part of the majority national (Khmer) groups	1.7 million	Totten & Parsons, 4th edition, 317.
Iraq (The Anfal Operations in Iraqi Kurdistan)	February to September, 1988	8 months	Kurdish civilians	50,000-200,000	Totten & Parsons, 4th edition, 395, 399 & 401.
Rwanda	1994	100 days	Tutsi	500,000 -1,000,000	Totten & Parsons, 4th edition, 447.
Bosnia - Genocide in Bosnia Herzegovina	1992-1995	3 years +	Bosnian Serbs and Bosnian Croats attempted to remove the other and Bosnian Muslims	10,000 - 20,000	Totten & Parsons, 4th edition, 478.
Sudan - Darfur	2003 - present	Likely ongoing	Black Africans/Non-Arabs (Muslims)	300,000 - 400,000	Totten & Parsons, 4th edition, 513.
China	1999 - present	Ongoing	Chinese citizens who practice Falun Gong	Inconclusive (estimates range from 100,000 to over one million)	

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The Gardening States: Comparing State Repression of Ethnic Minorities in the Soviet Union and Turkey, 1908-1945

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He said it was important to get to know the East/
Said the people are a garden and we are gardeners/
Trees are not rejuvenated by grafting only/
First it is necessary to trim the tree
-Poem by Ziya Gökalp, in *The Red Apple*, 1914¹

Our Children blossom on the living trunk of our life; they are not a bouquet, they are a wonderful apple orchard. And this orchard is ours... Be so kind as to take on this job: dig, water, get rid of caterpillars, prune out the dead branches. Remember the words of the great gardener, Stalin.
-Anton Makarenko, *A Book for Parents*, 1937²

Introduction

Gökalp and Makarenko were agents of a “gardening” mentality that held sway in (Ottoman) Turkey and the Soviet Union in the first half of the twentieth century. In these countries, the social and ethnic realms of the state were reconceptualized as entities that required continuous cultivation in pursuit of a utopian vision of the future. This was manifested in state-sponsored interventionist programs favoring particular population groups, whilst other groups came to be regarded as unwanted, undesirable, or in another way unfit to be a part of the new order. Such unfit groups, or the “weeds” of society, were in many instances ethnic minority groups. As a result, in roughly the same time period, the Turkish and Soviet states deported, resettled, and in some instances even massacred, entire categories of their own populations on the basis of their perceived ethnic identity.

Examples of instances of state violence toward ethnic minorities in the first half of the twentieth century are abundant. In the Ottoman Empire/Turkey: the Armenian Genocide; ethnic cleansing of Greeks and Armenians during the War of Liberation; a population transfer with Greece in 1923; and deportations of Kurds from Eastern to Western Anatolia from the 1920s until the 1940s. In Tsarist Russia/the Soviet Union, examples include massive deportation campaigns during the First World War; decossackization campaigns during the Civil War; the deportation of Germans and Poles to *spetsposelenie* (special settlements) in 1935-1936; the various national operations of the Great Terror; and the deportation of a whole range of nationalities during and after the Second World War.³

This article compares such state repression of ethnic minority groups in the Soviet Union and (Ottoman) Turkey as instances of demographic engineering, which is in turn seen as an aspect of state-led modernization and group-based population policy. The article argues that, in pursuit of very different politico-ideological ends, these states exhibited a large degree of similarities in the ways they portrayed ethnic diversity in relation to the build-up of a new political order, as well as in the political techniques they used to repress ethnic minority groups in practice.

Comparing State Repression of Ethnic Minority Groups: Population Policy and Demographic Engineering

In recent historiography on the Soviet Union and (Ottoman) Turkey, scholars have applied the concepts of population policy and demographic engineering (as an aspect of state-led political modernization) as explanatory factors for the mass violence that was deployed towards specific

¹ Uğur Ümit Üngör, *The Making of Modern Turkey: Nation and State in Eastern Anatolia, 1913-1950* (Oxford: Oxford University Press, 2012), 35.

² David Hoffman, *Cultivating the Masses: Modern State Practices and Soviet Socialism, 1914-1939* (Ithaca: Cornell University Press, 2011), 1.

³ It should be noted that whereas state violence in Turkey was aimed primarily at non-Turkish citizens, in the Soviet Union it was by all means not exclusively aimed at ethnic minority groups. Underlying the comparison of this article is the notion that the repression of ethnic minorities in the Soviet Union was a distinctive category of repression worthy of separate analysis.

categories of people identified by the state.⁴ The term population policy (often used interchangeably with demographic engineering), refers in the broadest sense to these actions, techniques, or programs adopted by the state that have the purpose of influencing demographic processes.⁵ The methods by which states may attempt to achieve this include pronatalist policies, forced population movements, assimilation, and boundary alterations.⁶ Scholars implicitly or explicitly distinguish between practices of hard engineering (forced population movements or the physical destruction of population groups) and soft engineering (more subtle and indirect policies, such as incentives to migrate or birth rate limitations).⁷

From a historical perspective, the emergence of population policy refers to a process originating in western Europe, in which the population was reconceptualized as a social entity to be rationally studied and managed by the state, stimulating a new ethos of social state intervention.⁸ In nineteenth century Europe, this process became connected to a growing scientific discourse on eugenics. Advocates of eugenics argued that scientists could have a central role in improving the biological condition of human beings through cultivating elements considered desirable, whilst exterminating those considered unsuitable.⁹

In his monumental study on modernity and the Holocaust, Zygmunt Bauman refers to the process of state intervention with the aim of creating a perfect society as social engineering or gardening.¹⁰ It was this vision of society as an object of administration, and a collection of problems to be solved with the institutions of the modern state, that could, according to Bauman, make “Holocaust-style solutions not only possible, but eminently ‘reasonable.’”¹¹ Moreover, in several instances of genocide, the imagination of a homogeneous society in ethnic, racial, cultural, or political terms played a major role. This proved to be a particularly deadly combination when it came to be connected to mass-based revolutionary movements that saw the state as the critical agent of societal transformation.¹²

Despite the strong comparative outlook entailed in the concept of population policy and its successful application in the historiographies of both Turkey and the Soviet Union, the similarities

⁴ For the Soviet Union, see, among others Peter Holquist, “State Violence as Technique: The Logic of Violence in Soviet Totalitarianism,” in *Stalinism: The Essential Readings*, ed. David L. Hoffmann (Oxford: Blackwell Publishers, Ltd., 2003), 129-156; David Hoffmann and Yanni Kotsonis, eds., *Russian Modernity: Politics, Knowledge, Practices* (New York: St. Martin’s Press, 2000); Hoffmann, *Cultivating the Masses*; Stephen Kotkin, “Modern Times: The Soviet Union and the Interwar Conjunction,” *Kritika: Explorations in Russian and Eurasian History* 2, no. 1 (2008), 111-164; Amir Weiner, “Nature, Nurture, and Memory in a Socialist Utopia: Delineating the Soviet Socio-Ethnic Body in the Age of Socialism,” *The American Historical Review* 104, no. 4 (1999), 1114-1155; Amir Weiner, “Introduction: Landscaping the Human Garden,” in *Landscaping the Human Garden: Twentieth-Century Population Management in a Comparative Framework* (Stanford: Stanford University Press, 2003); Uğur Ümit Üngör, “Seeing like a Nation-State: Young Turk Social Engineering in Eastern Turkey, 1913-50,” *Journal of Genocide Research* 10, no. 1 (2008), 15-39; Üngör, *The Making of Modern Turkey*; Taner Akçam, *The Young Turks’ Crime Against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire* (Princeton: Princeton University Press, 2012); Nesim Şeker, “Demographic Engineering in the Late Ottoman Empire and the Armenians,” *Middle Eastern Studies* 43, no. 3 (May 1, 2007), 461-474.

⁵ Paul Demeny, “Population Policy: The Role of National Governments,” *Population and Development Review* 1, no. 1 (1975), 147.

⁶ Milica Zarkovic Bookman, *The Demographic Struggle for Power: The Political Economy of Demographic Engineering in the Modern World* (London: Routledge, 2013), 3.

⁷ Morland, *Demographic Engineering*, chap. 2.

⁸ Holquist, *State Violence as Technique*, 111-112; See also Michel Foucault, “Governmentality,” in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, et al (Chicago: The University of Chicago Press, 1991), 87-104.

⁹ Maria Sophia Quine, *Population Politics in Twentieth-Century Europe: Fascist Dictatorships and Liberal Democracies* (New York: Routledge, 1996), 1-15; For eugenic discourse in the Soviet Union and Turkey, see Nikolai Kremetsov, “From ‘Beastly Philosophy’ to Medical Genetics: Eugenics in Russia and the Soviet Union,” *Annals of Science* 68, no. 1 (2011), 61-92; Ayça Alemdaroğlu, “Politics of the Body and Eugenic Discourse in Early Republican Turkey,” *Body & Society* 11, no. 3 (2005), 61-76.

¹⁰ Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca: Cornell University Press, 1991).

¹¹ *Ibid.*, 18.

¹² Eric D. Weitz, “Utopian Ideologies as Motives for Genocide,” in *Encyclopedia for Genocide and Crimes Against Humanity*, ed. Dinah L. Shelton, World History in Context (Detroit: Thomson/Gale, 2005), 1124-1127.

and differences of the mechanisms of state violence and repression of ethnic minorities in the Soviet Union and Republican Turkey is an under-researched theme. Studies that place the Soviet Union in a comparative context, for example, limit the comparison to Western Europe, or more traditionally compare it under the denominator of totalitarianism with Nazi Germany.¹³ A number of case studies of separate instances of ethnic cleansing and genocidal violence that include both Turkish and Soviet cases do exist, but they do not take into account the larger structure of the regime, the variation of cases among different ethnic groups, the development of policy over a longer period, or the concept of population policy.¹⁴ Part of this disposition derives from a persistent tendency to stress the exceptionality of a particular instance of state violence, such as the Great Terror in the Soviet Union, or the Armenian Genocide in Ottoman Turkey.¹⁵

In the few studies that do explicitly compare the political regimes of the Soviet Union and Turkey, the latter often comes off with a cleaner image. For example, Shmuel Eisenstadt, in comparing the Kemalist revolution with among others the Russian ones, concludes that the institutionalization of coercion was limited in Turkey.¹⁶ Stefan Plaggenborg, similarly, comparing the levels of violence in Soviet Communism, Italian Fascism, and Kemalism in Turkey, argued that the latter was the least violent of the three because, quite simply, the Kemalists killed fewer people and had a “sensitivity for law and justice.”¹⁷ There are a number of issues with such an interpretation. First, Turkey simply had a much smaller population (162 vs. 16 million in 1935/1937), meaning that statements about the lower number of victims need to be qualified. Second, the fact that the number of victims was comparatively lower in Turkey should not lead us to ignore its manifold violent aspects. Third, the history of the repression of Kurdish rebellions and deportations of Kurds remains somewhat neglected, and the historiography on it is comparatively much less developed than historiography on ethnic repression in the Soviet Union.

The remaining pages of this article attempt to formulate a way to confront this historiographic gap by discussing the similarities and differences of three interrelated aspects of state repression of ethnic minority groups in Turkey and the Soviet Union. First, it looks at the way practices of state repression and forced population settlements emerged and were institutionalized by the state in the context of regime change during and after the First World War. Then, it goes on to discuss the political strategies for dealing with ethnic diversity that were formulated by political leaders in the new regimes in the first decades after their establishment, demonstrating how alternating tendencies of inclusion and exclusion were present in these policies. The final part of the article compares deportations and massacres that were deployed towards the Chechen-Ingush in the Soviet Union, and towards the Zaza Kurds in Republican Turkey. The conclusion will discuss the implications of the similarities and differences between these two cases for our understanding of demographic engineering as a method of statecraft.

Regime Change

The Republic of Turkey and the Soviet Union shared several similar historical legacies and displayed a number of common characteristics in the first decades of their formation and existence.

¹³ Michael Geyer and Sheila Fitzpatrick, eds., *Beyond Totalitarianism: Stalinism and Nazism Compared* (New York: Cambridge University Press, 2009).

¹⁴ Examples are Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton: Princeton University Press, 2015), which includes a short section on the Armenian genocide, and a chapter on Bolshevik violence; Naimark, *Fires of Hatred*, which includes case studies on ethnic cleansing of Armenians and Greeks in Anatolia and the Chechen-Ingush in the Soviet Union; and Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (New York: Cambridge University Press, 2005), which offers extensive typologies of ethnic cleansing, discussing a plethora of case studies including the Armenian genocide and Communist ethnic cleansing in the Soviet Union, China, and Cambodia.

¹⁵ Uğur Ümit Üngör, “State Violence under Kemalism and Stalinism: Common Themes and Analogies” (unpublished article, 2017), 9-10.

¹⁶ Shmuel Eisenstadt, “The Kemalist Revolution in Comparative Perspective,” in *Atatürk, Founder of a Modern State*, ed. Ergun Özbudun and Ali Kazancigil (London: C. Hurst, 1981), 127-140.

¹⁷ Stefan Plaggenborg, *Ordnung Und Gewalt: Kemalismus - Faschismus - Sozialismus* (München: Oldenbourg, 2012), 258.

Both states emerged on the geopolitical landscape of Europe out of the collapse of the imperial order on the continent during the First World War and its immediate aftermath. In both states, the violent epoch of the First World War was extended and spilled into new conflicts. In the Soviet Union, the First World War was followed by the Civil War that ended in 1922 with the official establishment of the Union of Soviet Socialist Republics (USSR). In the Ottoman Empire, the First World War was preceded by the Balkan Wars of 1912-1913 and followed by the War of Liberation of 1919-1923, ending with the establishment of the Republic of Turkey. The ruling parties of these successor states (respectively the Committee of Union and Progress or CUP, and its successor the Republican People's Party or RPP in the Ottoman Empire/Turkey, and the Communist/Bolshevik Party in Tsarist Russia/The Soviet Union) seized and consolidated power in this period of conflict. This had a profound impact on the ruling style of these parties, in which war and politics came to be entwined.¹⁸ After they consolidated their power, these parties embarked upon an ambitious agenda of state-led modernization, promising definitive and radical solutions to the problems that had haunted the late imperial era. Doing so, they both preached social and cultural revolution that was to unfold under their single-party leadership. To this end, they pursued mass mobilization, political centralization, and nation building.¹⁹

Of course, there were important differences in the process of regime change as well. Most notably, the CUP came to power in the context of severe territorial loss, as a movement that wanted to radically reform, but ultimately preserve the state. What bonded them was not so much a coherent and clear-cut ideological program or doctrine that purported to fundamentally transform society or overthrow the old order, but rather their distinctive approach to uplifting their country from its current predicament. This approach was aimed at establishing an ethnically homogeneous Turkish fatherland (*vatan*). There were moreover strong continuities between the Kemalists of the RPP and the Young Turks of the CUP, despite the strong anti-imperial sentiment that held sway by the time the Republic of Turkey was established. The experiences of the Republic's new president, Mustafa Kemal, had been shaped as an activist in the Young Turk movement, and many of the social engineers that worked for the Young Turks before and during the War continued to do so for Kemal's Republican Party.²⁰ The Bolsheviks, on the other hand, had come to power as a radical political party that did not want to reform the tsarist state, but abolish it and replace it entirely. They stood in the tradition of a radical revolutionary movement dating back to the nineteenth century that had lamented what they perceived as Russia's backwardness, and preached the need for it to catch up with the West through far-reaching social renovation and refashioning of the empire. Unlike the Young Turks and the Kemalists, the Bolsheviks did not want to establish a nation state, but preached class struggle and the imminent coming of socialist paradise on earth under the leadership of a strong, united vanguard party.²¹

As a result of these differences, the institutional continuities were far greater in the Ottoman Empire/Turkey than in Tsarist Russia/the Soviet Union. In Republican Turkey, there was only limited upheaval in the realm of political institutions, the civic bureaucracy, and the military. Bureaucratic purges and show trials were organized, but fairly limited in scope. The most significant innovation of the Kemalists was the prominence of the Republican People's Party (RPP). The RPP was increasingly used as an instrument of mass mobilization, although the implementation of politics was left to the regular state apparatus.²² In the Soviet Union, the Bolsheviks embarked directly

¹⁸ Üngör, *State Violence under Kemalism and Stalinism*, 5.

¹⁹ Ibid; Adeeb Khalid, "Backwardness and the Quest for Civilization: Early Soviet Central Asia in Comparative Perspective," *Slavic Review* 65, no. 2 (2006), 231-251.

²⁰ Erik Jan Zürcher and Touraj Atabaki, "Introduction," in *Men of Order: Authoritarian Modernisation in Turkey and Iran, 1918-1942* (London: I.B.Tauris, 2004), 1-12; Ryan Gingeras, *Fall of the Sultanate: The Great War and the End of the Ottoman Empire, 1908-1922* (Oxford: Oxford University Press, 2016), 1-7; M. Şükrü Hanioglu, *Atatürk: An Intellectual Biography* (Princeton: Princeton University Press, 2011), 48; Üngör, *The Making of Modern Turkey*, 121.

²¹ Hoffmann, *Cultivating the Masses*, 1-16; Yinghong Cheng, *Creating the "New Man": From Enlightenment Ideals to Socialist Realities* (Honolulu: University of Hawaii Press, 2009), 15-20.

²² Erik Jan Zürcher, "Institution Building in the Kemalist Republic: The Role of the People's Party," in *Men of Order: Authoritarian Modernisation in Turkey and Iran, 1918-1942*, ed. Erik Jan Zürcher and Touraj Atabaki (London: I.B.Tauris, 2004), 98-112.

after the revolution upon a process of immense party-based institutionalization and an almost complete restructuring of the relationship between state and society. This leadership strategy had an enormous impact on the shape and structure of the state and its bureaucracy, in which state and party increasingly overlapped.²³ This immense institutional upheaval also led to large-scale repression of the newly established institutions themselves, and bureaucratic purges and show trials run throughout the history of the Bolshevik party.²⁴

Whatever their differences, the processes by which the successor states were established and regime change was accomplished involved large-scale population policies and repression of ethnic minorities. In Russia, the practice of violently excising certain populations considered dangerous or harmful bridged the revolutionary divide and was practiced by both the Tsarist and Soviet regimes (and, for that matter, by the Provisional Government in 1917 as well).²⁵ Early twentieth century Russian political leaders were convinced they had a civilizing mission, in which order would be brought to the culturally backward non-Russians.²⁶ An important part of this process was the classification of the population into a simple hierarchy of nationalities that was ranked according to degrees of reliability.²⁷ In the context of total mobilization for the First World War, military authorities argued that certain historically sensitive border regions had to be cleansed from populations they considered unreliable.²⁸ During the war, the Russian government deported up to one million non-Russian subjects, mostly Jews and Germans, in one of the largest practices of forced migration up to the Second World War.²⁹ During the Civil War that followed the revolution, all warring parties practiced the deportation of certain distrusted elements of the population. In the words of one Soviet official speaking about the policy of decossackization, the objective of establishing Soviet power was unthinkable “until we slaughter all [the Cossacks] and resettle the Don with an external element.”³⁰

In the Ottoman Empire, the First World War also provided the context for large-scale population policies. During the war, in 1915, Ottoman authorities decided to deport the entire Armenian population, which it had come to regard as a dangerous fifth column, from the war zone in the East to the Syrian Desert. The campaigns went far beyond deportations as thousands of Armenians were massacred outright. Recent estimates based upon extensive archival research indicate that the number of deportees lay between 850,000 and 1,200,000, of who about 600,000 had perished by 1916.³¹ The governor of Diyarbekir province argued that the “Armenian question” was a problem of choosing “between killing the disease and the patients or seeing the destruction of the

²³ Yoram Gorzliki and Hans Mommsen, “The Political (Dis)Orders of Stalinism and National Socialism,” in *Beyond Totalitarianism: Stalinism and Nazism Compared*, ed. Michael Geyer and Sheila Fitzpatrick (New York: Cambridge University Press, 2009), 41-86.

²⁴ For a history of party purges, see J. Arch Getty and Oleg V. Naumov, *The Road to Terror: Stalin and the Self-Destruction of the Bolsheviks, 1932-39*, *Annals of Communism* (New Haven: Yale University Press, 2000); Sheila Fitzpatrick, “How the Mice Buried the Cat: Scenes from the Great Purges of 1937 in the Russian Provinces,” *The Russian Review* 52, no. 3 (1993), 299-320.

²⁵ Peter Holquist, “To Count, to Extract, and to Exterminate: Population Statistics and Population Politics in Late Imperial and Soviet Russia,” in *A State of Nations: Empire and Nation-Making in the Age of Lenin and Stalin*, ed. Ronald Grigor Suny and Terry Martin (New York: Oxford University Press, 2001), 111-144.

²⁶ Mark Steinberg, “Russia’s Fin Die Siècle, 1900-1914,” in *The Cambridge History of Russia. Vol. 3, The Twentieth Century*, ed. Ronald Grigor Suny (Cambridge, UK: Cambridge University Press, 2008), 89-93.

²⁷ Eric Lohr, *Nationalizing the Russian Empire: The Campaign against Enemy Aliens during World War I* (Cambridge, MA: Harvard University Press, 2003), 84,121-122,157, 164-165.

²⁸ Holquist, *To Count, to Extract, and to Exterminate*, 124.

²⁹ Eric Lohr, “The Russian Army and the Jews: Mass Deportation, Hostages, and Violence during World War I,” *The Russian Review* 60, no. 3 (2001), 404.

³⁰ Holquist, *To Count, to Extract, and to Exterminate*, 129.

³¹ For a historiographic discussion of estimates of the death toll of the Armenian Genocide, see Ronald Grigor Suny, *They Can Live in the Desert but Nowhere Else: A History of the Armenian Genocide* (Princeton: Princeton University Press, 2015), 354-355; Akçam, *The Young Turks’ Crime Against Humanity*, 258, gives a number of 1,200,000 casualties.

Turkish nation at the hands of madmen."³² Deportation practices during the war were not limited to the Armenian population, as Yezidis, Syriacs, and Kurds were also deported.³³ Moreover, several segments of the Greek population were deported from the Aegean littoral to the hinterland of Asia Minor. Eşref Sencer Kuşçubaşı, one of the leaders of the Special Organization, the organization that was responsible for the implementation of the deportations, described Ottoman Greeks as internal tumors that had to be removed.³⁴ Population policies aimed towards ethnic minorities were also practiced by the later Kemalist state. Already in 1907, Atatürk proposed "the Ottoman Empire should voluntarily dissolve itself in order to pave the way for population exchanges that would give rise to a Turkish nation state."³⁵ To this end, a population exchange with Greece was organized, in which the remainder of the Greek Orthodox population (about 900,000 people) was exchanged against Muslims from Greece (about 400,000).³⁶

Governing Ethnicity, Conquering Backwardness

These violent practices stood in stark contrast with a much-used discourse that promised the possibility that irrespective of ethnic identity; various population groups inhabiting the territory of the state could join the new political order. This chasm had much to do with the double-edged nature of the notion of backwardness that was used in both states. On the one hand, it were the states as a whole that were to catch up with the West under the auspices of a political elite that was presented as civilized and omnipotent. On the other hand, backwardness was used to refer to particular regions that were considered notoriously uncivilized and an impediment to development in general. In any case, backwardness was a discursive vehicle for implementing radically transformative policies. The possibility of overcoming regional backwardness was proclaimed in both states, and was predicated upon the espousal of nurturist and non-essentialist conceptions of nationality of political leaders.

In Turkey, the Kemalists believed that non-Turkish population groups, most importantly the Kurds, could become Turkified through a process of (forced) assimilation. The Soviet regime also made painstaking efforts to prove that irrespective of ethnic background, every population group could participate in socialist construction. This shared ideal partly derived from nurturist and non-essentialist conceptions of nationality and ethnicity that held sway in both regimes. Political leaders of the new regimes rejected biological racism and the idea that ethnic and national identities were fixed in time. According to Stalin, the nation was a political form characteristic of the capitalist period, defined as a "historically evolved, stable community of language, territory, economic life, and psychological make-up manifested in a community of culture."³⁷ Moreover, Stalin argued, although nations may have certain particularities or distinguishing characteristics, these are not fixed or unchangeable, but are subject to changing socio-historical circumstances.³⁸ Ziya Gökalp, an important ideologue of the Young Turk and Kemalist regimes, had similar convictions. Gökalp argued, "race is a term properly used only in zoology."³⁹ Moreover, he argued that "social traits are not transmitted through biologic inheritance but only through education, which means that ethnic origin plays no role whatever as regards national character."⁴⁰

Yet, despite such nurturist proclamations, a trend towards exclusiveness on ethnic grounds can be discerned in both states. In the Soviet Union of the 1930s, non-Russian ethnicity had become

³² Erik Jan Zürcher, *Turkey: A Modern History* (New York: I.B. Tauris, 2004), 346, fn 20.

³³ Üngör, *The Making of Modern Turkey*, 101.

³⁴ Zürcher, *Turkey*, 346, fn. 20.

³⁵ Hanioglu, *Atatürk*, 37.

³⁶ Zürcher, *Turkey*, 164; For the population exchanges see Renee Hirschon, *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey* (New York: Berghahn Books, 2003).

³⁷ Joseph Stalin, "Marxism and the National Question (1913)," in *Marxism and the National and Colonial Question, a Collection of Articles and Speeches*, trans. A. Fineberg (Moscow: Partizdat, 1934), 8.

³⁸ Stalin, *Marxism and the National Question*, 8.

³⁹ Ziya Gökalp, *The Principles of Turkism: Translated from the Turkish and Annotated by Robert Devereux*, trans. Robert Devereux (The Netherlands: Leiden E.J. Brill, 1968), 12.

⁴⁰ *Ibid*, 13.

a marker of unreliability, and enemies of the state were increasingly defined in ethnic terms.⁴¹ This process reached its climax in the context of the Second World War with the construction of a whole range of enemy nations that were perceived as inherently subversive of Soviet rule. Leaders in the Republic of Turkey oscillated on a similar scale. Whereas in 1921 Atatürk had proclaimed the possibility of granting Kurdish groups local autonomy, only four years later he discarded any possibility of giving minority groups equal rights.⁴² Moreover, after several Kurdish rebellions, a picture of the Kurds was generated as being Mountain Turks that were culturally backward, incapable of giving up their tribal identity, and forming an internal threat to the territorial integrity of Turkey.⁴³

This chasm between a nurturist discourse and an increasingly violent and exclusive political practice had much to do with a tension between, on the one hand, the strategic necessity of incorporating certain ethnic minority groups into the new order, and on the other hand, experiences of resistance to the new regimes from certain ethnic groups. As Stalin himself remarked, almost half of the Soviet population consisted of non-Russians, and they mostly inhabited border regions that “abound in raw materials, fuel and foodstuffs”, but were “less developed than Central Russia” and politically and militarily vulnerable.⁴⁴ Simultaneously, Stalin warned of the danger of “petty bourgeois elements” that could infiltrate the party, a danger that was particularly immediate in border regions.⁴⁵ In Turkey, the Kurds accounted for almost twenty percent of the population and inhabited a large contiguous area in the southeast. Hence, their adherence to the new regime was deemed crucial for the maintenance of the territorial integrity of the state. Kurdish resistance to assimilationist policies of the Kemalist state were seen through the lens of regional backwardness, and Kurds were seen as “the evils of Turkey’s pre-modern past.”⁴⁶ The fears of both regimes were of course not entirely fabricated. In the Soviet Union, peasant resistance to the programs of forced collectivization was substantially more widespread in the border regions.⁴⁷ In Turkey, of the eighteen rebellions that broke out on Turkish territory in the period of 1924-1938, Kurdish groups organized sixteen of them.⁴⁸

In order to overcome such resistance and perceived backwardness, both states launched ambitious modernization programs that were aimed at forging a new identity among certain elements of the population that were considered problematic. During the 1920s and the 1930s, the Bolsheviks launched extensive campaigns of so-called indigenization or nativization (*korenizatsiia*).⁴⁹ These campaigns stimulated the development of national institutions, national languages, and national elites. Hence, although the Soviet Union was a unified state that institutionalized nationality, it did

⁴¹ Mark Levene, *Crisis of Genocide: The European Rimlands 1912-1938* (Oxford: Oxford University Press, 2014), 348; Weiner, *Nature, Nurture, and Memory*; Eric D. Weitz, “Racial Politics without the Concept of Race: Reevaluating Soviet Ethnic and National Purges,” *Slavic Review* 61, no. 1 (2002), 1-29; Francine Hirsch, “Race Without the Practice of Racial Politics,” *Slavic Review* 61, no. 1 (2002), 30-43.

⁴² Mesut Yegen, “‘Prospective-Turks’ or ‘Pseudo-Citizens’: Kurds in Turkey,” *The Middle East Journal* 63, no. 4 (2009), 599.

⁴³ Welat Zeydanhoğlu, “‘The White Turkish Man’s Burden’: Orientalism, Kemalism and the Kurds in Turkey,” in *Neo-Colonial Mentalities in Contemporary Europe? Language and Discourse in the Construction of Identities*, ed. Guido Rings and Anne Ife (Newcastle upon Tyne: Cambridge Scholars Publishing, 2008), 8.

⁴⁴ Joseph Stalin, “The October Revolution and the National Policy of the Russian Communists (1921),” in *Marxism and the National and Colonial Question, a Collection of Articles and Speeches*, trans. A. Fineberg (Moscow: Partizdat, 1934), 117.

⁴⁵ Joseph Stalin, “Theses on the Immediate Tasks of the Party in Connection with the National Problem, Presented to the Tenth Congress of the R.C.P., Endorsed by the Central Committee,” in *Marxism and the National and Colonial Question, a Collection of Articles and Speeches*, trans. A. Fineberg (Moscow: Partizdat, 1934), 88-98.

⁴⁶ Yegen, *Prospective-Turks or Pseudo-Citizens*, 599.

⁴⁷ See Lynne Viola, *Peasant Rebels under Stalin: Collectivization and the Culture of Peasant Resistance* (New York: Oxford University Press, 1996), 110.

⁴⁸ Zeydanhoğlu, *The White Turkish Man’s Burden* 8; Soner Cagaptay, *Islam, Secularism and Nationalism in Modern Turkey: Who Is a Turk?* (Abingdon: Routledge, 2006).

⁴⁹ Yuri Slezkine, “The USSR as a Communal Apartment, or How a Socialist State Promoted Ethnic Particularism,” in *Stalinism: New Directions* (London: Routledge, 2000).

not strive to create an overarching national identity. There was no single official language, and no single national culture, even during the return to an increasing Russian nationalist discourse in the 1930s.⁵⁰ Scholars of Soviet nationality policy agree that, in principle, it was aimed at depriving nationality of its content by granting the forms of nationhood with the goal of delivering the message of the revolution in the Soviet Union's various languages.⁵¹ Thus, nationality policy was as much a way of granting non-Russian populations a degree of autonomy, as it was a means of achieving central control over the country's periphery. This is what Stalin meant to achieve with his famous formula of "national in form, socialist in content."

In Turkey, a comprehensive approach to assimilate the Kurdish population was formulated in the so-called Şark Islahat Planı (Eastern Regions Reform Plan).⁵² Moreover, several Inspectorate-Generals were established as regional governments in areas that had witnessed some form of Kurdish resistance. The Inspectorate-Generals were meant to incorporate these regions in the Turkish nation through implementing policies realizing Turkification.⁵³ In order to achieve the strengthening of national consciousness among the Anatolian population in general, the Kemalists launched a comprehensive program aimed at the replacement of Islam as the basis of Turkish identity with a so-called scientific theory of Turkish peoplehood. This theory was exalted in the (in)famous "Turkish History Thesis," developed in the 1930s by several leading Turkish scientists. This thesis, backed up with Darwinian social science and anthropological research, argued that the Turks stood at the cradle of all human civilizations.⁵⁴ The Turkish History Thesis also involved a denial of the ethnic identity of the Kurds. The Kurds were constructed as Turks who had "forgotten their Turkishness." This perception, understood as scientific fact, became part of the Turkish state's official discourse, legitimizing a program of forced Turkification that was to "integrate the Kurds into the Turkish core."⁵⁵

Above all, these were programs aimed at creating a legible, standardized and manageable population. Cultural diversity now became a symptom of backwardness. In Soviet Central Asia, where peoples' identities were still based on their tribal or clan identities, the response was to nationalize the territories they inhabited, most notably through the formation of a standardized language. This process would establish the amalgamation of several tribes and clans into a new nation. Hence, in the Turkmen republic, the population had to be Turkmenized, in Uzbekistan, Uzbekified, etc. This search for identity was for a large part instigated from above, by Soviet scientists and anthropologists who marked certain social patterns as being characteristic of the newly established nation.⁵⁶ Yet, this policy created a whole array of contradictory and unwanted responses, such as the possibility for certain ethnic groups to wrap resistance to certain policies of the Soviet regime in the flag of newly acquired national interests.⁵⁷

The practice of population resettlements was part and parcel to the establishment of national institutions and the organization of the state according to ethnic criteria. Throughout the 1920s and the 1930s, both regimes were actively involved in replacing entire categories of the population, although the way they did so and with which purposes differed significantly. In Turkey, two major Resettlement Laws were passed in 1926 and in 1934. These laws provided the legal framework for settling of Turkish immigrants into non-Turkish areas and, reversely, for the moving of segments of the Kurdish populations out of these areas and settling them into western Anatolia where they were

⁵⁰ Ibid, 34.

⁵¹ For a historiographic discussion, see Ronald Grigor Suny and Terry Martin, eds., *State of Nations: Empire and Nation-Making in the Age of Lenin and Stalin* (New York: Oxford University Press, 2001), 3-22.

⁵² Yeşim Bayar, *Formation of the Turkish Nation-State, 1920-1938* (New York: Palgrave MacMillan, 2014), 51-52.

⁵³ Cagaptay, *Islam, Secularism and Nationalism*, 22, 47-48.

⁵⁴ Hanioglu, *Atatürk*, 164-183.

⁵⁵ Zeydanlioğlu, *The White Turkish Man's Burden*, 9.

⁵⁶ Francine Hirsch, *Empire of Nations: Ethnographic Knowledge & the Making of the Soviet Union* (Ithaca: Cornell University Press, 2005), 173-174; see also Adeeb Khalid, "Nationalizing the Revolution in Central Asia: The Transformation of Jadidism, 1917-1920," in *State of Nations: Empire and Nation-Making in the Age of Lenin and Stalin*, ed. Ronald Grigor Suny and Terry Martin (New York: Oxford University Press, 2001), 145-164.

⁵⁷ See, for example, Northrop, *Nationalizing Backwardness*.

to be “made into Turks.”⁵⁸ The Kurds that were deported to Western Anatolia were to be spread geographically to prevent their congregation in separate territories. This strategy, called ethnic dilution by scholars of population policy,⁵⁹ was already practiced by the CUP during deportations of Kurds in the aftermath of the Armenian genocide, testifying to the degree to which strategies of population resettlement were a defining aspect of both the Young Turks and the Kemalists.⁶⁰

In the Soviet Union, the strategy of preaching socialism through newly established national institutions also entailed the settling of territorially dispersed population groups into designated national territories. Thus, for example, Assyrians, Kalmyks, Jews, Roma, and Gypsies were brought together in order to form a national territory so that they could be properly treated as nationalities.⁶¹ This constructive element in the Soviet strategy of population settlement decreased in the increasingly tense international context of the 1930s, and as a response to experiences with widespread resistance against the collectivization campaigns in the borderlands.⁶² This gave way to a more primordial understanding of nationality in which certain ethnic or national groups were seen as being anti-Soviet or kulak by nature.⁶³

This increasing exclusiveness on ethnic grounds did not necessarily entail an abandonment of the nurturist principle, but rather a strengthening of it. It were, most of all, the ethnic and other pre-national *identities* that had to disappear, more so than the specific groups themselves. In the perception of the political elite, the ethnic identity of certain groups and resistance to the new order in several instances overlapped. This is even more ironic because, to a large extent, it was the regime itself which had ascribed ethnic identity through the launching of efforts to categorize the population. Importantly, in the Soviet Union ethnic identity was not the only kind of identity that could overlap with resistance to the new order, and a whole range of people of Russian ethnicity were deemed anti-Soviet by nature and fell subject to repression.

Collective Punishment: The Deportation, Resettlement and Massacring of the Chechen-Ingush and the Zaza Kurds

How were violent population policies planned and implemented, and how did they play out on the ground? Here, two instances of mass resettlement programs that were implemented in the Soviet Union and in Turkey will be compared in some detail: the resettlement of the entire Chechen-Ingush population to Central Asia, and the massacres and mass deportations of the Kurdish population in the Dersim area between September 1937 and August 1938. Two important differences between these campaigns should be marked from the outset. First, the Soviet deportation of the Chechen-Ingush occurred during wartime, whereas the Kemalist massacres and deportations of the Zaza Kurds occurred during peacetime. Second, the Chechen-Ingush was only one of the many nationalities that fell subject to the repressive policies of the state.⁶⁴ There were also important similarities, however. Both campaigns consisted of large-scale operations that were implemented by the state with a tremendous display of military or police power, occurring within a relatively limited timespan in a well-defined geographic area. Both instances might be dubbed forced internal population movements, as they were aimed at the removal and resettlement of a specific population group *within* the boundaries of the state (other than ethnic cleansing, which is typically aimed at expelling the population group from the state’s boundaries). Finally, both the Dersim Kurds and the Chechen-Ingush had a notable pre-history of clashes with the centralizing state. In

⁵⁸ Erol Ülker, “Assimilation, Security and Geographical Nationalization in Interwar Turkey: The Settlement Law of 1934,” *European Journal of Turkish Studies, Social Sciences on Contemporary Turkey*, no. 7 (2008), 1-19; Cagaptay, *Islam, Secularism and Nationalism*, 86-90.

⁵⁹ See Bookman, *The Demographic Struggle for Power*, 125-127.

⁶⁰ Akçam, *The Young Turks’ Crime Against Humanity*, 43-45; Üngör, *Seeing like a Nation-State*, 26.

⁶¹ Terry Martin, *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939* (Ithaca: Cornell University Press, 2001), 44.

⁶² *Ibid.*, 69, 302-8.

⁶³ Weiner, *Nature, Nurture, and Memory*, 1128-1129.

⁶⁴ For an overview, see Pavel Polian, *Against Their Will: The History and Geography of Forced Migrations in the USSR* (Budapest: Central European University Press, 2004), 115-181.

both cases, entire population groups fell subject to collective punishment campaigns because they bore the same ethnicity of those who had dared to actively resist the new political order.

The Chechen and Ingush (referring to themselves as *Vainakhs*, or “our people”) were (and remain) the largest Muslim group in the North Caucasus region. The region they inhabit consists of steppe flatlands in the north, and an isolated and mountainous south. The Chechen-Ingushetia ASSR was considered a backward region by the Soviets. This had much to do with the frustrations resulting from attempts to incorporate the region in the Soviet body politic. There was widespread resistance in the region to the Bolshevik Red Army during the Civil War, and armed peasant resistance to collectivization. During the 1930s, the regime suspected widespread activities of counterrevolutionary bands and with the outbreak of the Second World War the region saw a serious armed uprising. There were also clashes between the Soviet secret police (People’s Commissariat for Internal Affairs; *Narodnyi Komissariat Vnutrennikh Del* or NKVD) and armed gangs, mostly of Chechen-Ingush nationality.⁶⁵ The Dersim region (current-day Tunceli) is a region in Eastern Anatolia that is surrounded by high mountains and has a harsh climate. The region was known by the Kemalist regime for its backwardness, lawlessness, and tribalism. The region was inhabited by Zaza Kurds that were organized in tribes and spoke a unique form of the Zaza language and adhered to a specific branch of Alevism. In 1920, some tribes living in the region had demanded autonomy from the newly established Turkish government.⁶⁶ By the early 1930s, the government had still not managed to establish control over the region. Moreover, by that time, the Turkish minister of Interior, Şükrü Kaya had been led to believe by several reports that the region was prone to resistance, well-armed, and, worst of all, Kurdifying instead of Turkifying.⁶⁷ Moreover, under the leadership of Seyit Rıza, several tribes had declared their intention to resist ongoing government intervention in Dersim. If one is to believe the military reports, 22,700 people were involved in this rebellion, of who about 4,200 were armed.⁶⁸

Substantial planning preceded both cases of forced population settlement. The Second World War and the alleged collaboration of the population with the invading Nazis (even though the Chechen-Ingush ASSR avoided full-scale occupation) provided the direct context of the resettlement of the Chechen-Ingush. NKVD chief Lavrentiy Beria was responsible for the planning and organization of the operation. Preparations to resettle the entire Chechen-Ingush population started in December 1943 directly after the Red Army had driven out the German Wehrmacht from the Northern Caucasus. Planning under the leadership of Beria had lasted for about a year, whereas the operation itself was completed in only a week. Everything was thought out in advance. The sudden appearance of a high number of troops was explained as training maneuvers of the Red Army in mountainous regions. Those anti-Soviet elements that were most likely to actively resist were identified and arrested individually before the onset of the operations. Detailed intelligence on the area moreover convinced the NKVD to sweep the more easily accessible foothills and lowlands in the first three days, and then use the remaining five days to remove the people from the more difficultly accessible mountainous areas.⁶⁹ To ensure effectiveness, the NKVD recruited local party leaders, clerical leaders, and other local elites to cooperate. These local authorities were sent into all the districts to announce to the population that they would be deported for having betrayed the Motherland and collaborated with the Germans. These elites were promised certain benefits during their resettlement (most notably, they were permitted to bring more personal belongings upon deportation) and were shipped off on the last

⁶⁵ Pohl, *Ethnic Cleansing in the USSR*, 82-83.

⁶⁶ David McDowall, *A Modern History of the Kurds*, (London: I.B. Tauris, 2004), 185-186.

⁶⁷ Nicole Watts, “Relocating Dersim: Turkish State-Building and Kurdish Resistance, 1931-1938,” *New Perspectives on Turkey* 23 (2000), 12.

⁶⁸ *Ibid*, fn 42.

⁶⁹ Beria to Stalin, “O Podgotovke Operacii po Pereseleniju Čečencev i Ingušej,” in *Stalinskie Deportacii, 1928-1953, Čast’ 3. Etničeskie Deportacii Periodia Velikoj Otečestvennoj Vojny (22 ijunja 1941- 9 maja 1945)*, ed. N.L. Pobel and P. Polian (Moscow: The Yakovlev Foundation, 2005), Dokument 3.115, accessed May 24, 2017, <http://www.alexanderyakovlev.org/fond/issues-doc/1022200>.

day of the deportations.⁷⁰ The Soviet deportation of the Chechen-Ingush was total in intent as well as implementation. Even Chechen-Ingush residing outside the area of the Chechen-Ingush ASSR fell subject to deportation and resettlement. By February 29, 1944 a mere seven days after the start of the operation, Beria reported that 478,479 people were evicted, of whom 91,250 were Ingush and 387,229 were Chechens.⁷¹

In the case of Dersim, it is more difficult to point at a concrete plan, and operations lasted much longer. Central authorities had certainly wanted to suppress and cleanse the region in the context of their general intention to abolish both Kurdish territories and Kurdish identity as such since the late 1920s, with the formulation of the Eastern Regions Reform Plan. Placing the operations in the general context of the widely used practice of resettling Kurds, it is impossible to deny that a substantial degree of planning must have been involved, although it remains unclear how hasty the decision to actually start the operations was finally made. Operations themselves consisted of two phases. Military intervention was triggered in March 1937, with the burning down of a strategic bridge. By the spring of 1937, troops started to move in the area, arrested Riza and other activists, and hanged them several days after their capture. In the second phase starting in 1938, a more comprehensive operation was launched. The operation was phrased as a punishment campaign that was necessary to civilize and re-educate the local population.⁷²

Both operations were extensively professionalized and involved only very limited mobilization of the local population. Beria came to the Chechen-Ingush ASSR with an overwhelming 119,000 NKVD, NKGD, and SMERSH officers, soldiers, and operatives.⁷³ In Dersim, about 50,000 troops were responsible for the operations.⁷⁴ Relative to the population of the regions, the mobilization of armed forces was even larger in Turkey than in the Soviet Union. Yet, the massacres, deportation, and resettlement of the Zaza Kurds of Dersim was partial, unlike the total deportation of the Chechen-Ingush. The exact number of deaths and deportees in Dersim has not been established clearly. A recently found military source counts 13,160 civilian casualties and 11,818 deported out of a total population of about 65,000 to 70,000.⁷⁵

Both operations went accompanied with horrendous brutalities. The deportation of the Zaza Kurds from the Dersim area saw a far greater degree of mass murder in relative and absolute terms. During the cleansing of a forbidden zone – the core region of Dersim that was most difficult to access – the army entered the villages, marched off the local population, and left after burning down their houses and fields. A substantial part of the population was killed outright. Villagers were assembled in a central square, where they were told they would be deported, and then marched off. When outside the forbidden zone, they were tied to their hands, told to stand in a line, and shot by machine gun fire. Their bodies were burned. The part of the population that survived

⁷⁰ Beria to Stalin, "O Podgotovke Operacii po Pereseleniju Čečencev i Ingušej," in *Stalinskie Deportacii, 1928-1953, Čast' 3. Etničeskie deportacii periodia velikoj otečestvennoj vojny (22 ijunja 1941- 9 maja 1945)*, ed. N.L. Pobel and P. Polian (Moscow: The Yakovlev Foundation, 2005), Dokument No. 3.116, accessed May 24, 2017, <http://www.alexanderyakovlev.org/fond/issues-doc/1022200>.

⁷¹ Beria to Stalin, "O Zaveršenii Operacii po Vyseleniju Čečencev i Ingušej," in *Stalinskie Deportacii, 1928-1953, Čast' 3. Etničeskie Deportacii Periodia Velikoj Otečestvennoj Vojny (22 ijunja 1941- 9 maja 1945)* ed. N.L. Pobel and P. Polian (Moscow: The Yakovlev Foundation, 2005), Dokument 3.121, accessed May 24, 2017, <http://www.alexanderyakovlev.org/fond/issues-doc/1022221>.

⁷² Özgür Inan Boztas, "Did a Genocide Take Place in the Dersim Region of Turkey in 1938?" *Papers of the Strassler Center for Holocaust and Genocide Studies* (2015), 9.

⁷³ Beria to Stalin, "O Nagraždenii Učastnikov Operacii po Vyseleniju Čečencev i Ingušej," in *Stalinskie Deportacii, 1928-1953, Čast' 3. Etničeskie Deportacii Periodia Velikoj Otečestvennoj Vojny (22 ijunja 1941- 9 maja 1945)* ed. N.L. Pobel and P. Polian (Moscow: The Yakovlev Foundation, 2005), Dokument 3.124, accessed May 24, 2017, <http://www.alexanderyakovlev.org/fond/issues-doc/1022225>.

⁷⁴ McDowall, *A Modern History of the Kurds*, 209.

⁷⁵ Hans-Lukas Kieser, "Dersim Massacre, 1937-1938," *Online Encyclopedia of Mass Violence*, July 27, 2011, sec. C, accessed May 24, 2017, <http://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/dersim-massacre-1937-1938>. The relevant source was originally published in the Turkish newspaper *Radikal*, November 20, 2009. The newspaper was shut down by the Turkish government in 2016, but the article was still available online at the time of writing, <http://www.radikal.com.tr/turkiye/resmi-raporlarda-dersim-katliami-13-bin-kisi-olduruldu-965187/>.

the cleansing of the forbidden zone was expelled and settled in more easily accessible (and as a result, more easily to control) areas of Dersim.⁷⁶

Although the NKVD operations in the Chechen-Ingush ASSR were more professionalized and saw less high degrees of killing, excesses and atrocities occurred here as well. Of course, these were excesses only in the sense of a deviation from an already violent standard. The usual procedure was that people were forced into military trucks (US Studebakers provided by the Lend-Lease program⁷⁷) at gunpoint, driven to train stations, and huddled into overcrowded train carriages like cattle. In several villages in the mountains that were difficult to access by truck, the entire civilian population was massacred. In the village of Khaybakh, an armed NKVD unit that was delayed in the mountains locked hundreds of villagers into a local barn, set it on fire, and shot those trying to escape.⁷⁸ The deportees also suffered extreme hardship during their journey to Central Asia. There were many instances of typhoid during the transportation, and people that strayed more than the permitted distance from the trains, when they stopped for a break, were shot outright.⁷⁹

As regards the settlement of the Zaza Kurds and the Chechen-Ingush, both state programs were accompanied with practices of ethnic dilution and forced assimilation, two key aspects of demographic engineering. Ethnic dilution can be defined as the territorial dispersion of populations in order to prevent them from organizing amongst themselves.⁸⁰ Territorial dispersion of Kurdish groups was a core element of Kemalist deportations of Kurds. Exiled Kurdish tribes were sent to Western Anatolia with their family, and official government policy stipulated that they were never to exceed ten per cent of the local population there.⁸¹ The Chechen-Ingush were sent to internal exile in so-called special settlements (*spetsposelenia*). These were villages located in resource-rich but inhospitable areas in Central Asia that were built in the 1930s by exiled peasants. Deportees were territorially dispersed. The Kazakhstan *oblast'* of Akmola, for example, received about 60,000 deportees, but their number in local communities never exceeded more than a few dozen families. This territorial dispersion of deportees prevented them from effective communication and internal organization.⁸² In the special settlements, the Chechens were officially forbidden to express their culture. Chechen art, folklore, music, and history were suppressed, and important Chechen national figures were purged from the *Great Soviet Encyclopaedia*.⁸³ In theory, the special settlements were seen to function as a mechanism for the re-education of anti-Soviet elements. This practice, it seems, remained superficial in practice.⁸⁴ A policy of linguistic Russification of these peoples was pursued, but hardly successfully so. In 1926, 99,7% of Chechen-Ingush spoke their native language, and by 1959 the number had dropped a mere one percent to 98,7%.⁸⁵

Forced assimilation can be defined as the pursuit of compulsive policies aimed at an ethnically defined group of people, which leads to the involuntary adoption of the dominant identity or ethnicity of the state.⁸⁶ With regard to this practice, it can be argued that the very act of removal and resettlement was, at least partly, an attempt to achieve assimilation. It can also be argued that frustrations with earlier failed attempts of forced assimilation and

⁷⁶ Boztas, *Did a Genocide Take Place?*

⁷⁷ Pohl, *Ethnic Cleansing in the USSR*, 9, 84.

⁷⁸ Amir Weiner, "Saving Private Ivan: From What, Why, and How?" *Kritika: Explorations in Russian and Eurasian History* 1, no. 2 (2008), 332; Polian, *Against Their Will*, 147; Naimark, *Fires of Hatred*, 97.

⁷⁹ Pohl, *Stalin's Genocide against the 'Repressed Peoples'*, 284.

⁸⁰ Morland, *Demographic Engineering*, 34; Bookman, *The Demographic Struggle for Power*, 121-146.

⁸¹ Zeydanlıoğlu, *The White Turkish Man's Burden*, 10.

⁸² Michaela Pohl, "'It Cannot Be That Our Graves Will Be Here': The Survival of Chechen and Ingush Deportees in Kazakhstan, 1944-1957," *Journal of Genocide Research* 4, no. 3 (2002), 403-404.

⁸³ Francine Hirsch, "Race without the Practice of Racial Politics," *Slavic Review* 61, no. 1 (2002), 40.

⁸⁴ See Lynne Viola, "Stalin's Empire: The Gulag and Police Colonization in the Soviet Union in the 1930s," in *Stalin and Europe: Imitation and Domination, 1928-1953*, ed. Timothy Snyder and Ray Brandon (New York: Oxford University Press, 2014), 18-44, for a concise discussion of the Gulag and special settlement system.

⁸⁵ Gerhard Simon, *Nationalism and Policy toward the Nationalities in the Soviet Union: From Totalitarian Dictatorship to Post-Stalinist Society* (Boulder: Westview Press, 1991), 395-396.

⁸⁶ Bookman, *The Demographic Struggle for Power*, 105.

incorporation played an important role in the motivation for both operations. In this regard, it is important to distinguish between the direct trigger for deportation – perceived collaboration in the case of the Chechen-Ingush, and rebellion in the case of the Zaza Kurds – and deeper underlying processes of attempted incorporation of these groups that played an indirect albeit fundamental role.

Concerning the settlement of these peoples, the Chechen-Ingush and Zaza Kurds were settled in areas where they could more easily be monitored and controlled by the state. In Dersim, this happened within the region itself as well, where people were removed from a difficult to access forbidden zone and settled in the less isolated periphery of the region.

Discussion

The high degree of practical similarities in the two case studies presented above raises important questions about the causal mechanisms underlying the application of forced internal population movements as a method of statecraft. Scholars of demographic engineering often understand forced (internal) population settlements as being driven by schemes aimed at the enhancement of the demographic dominance of a certain ethnic group in a particular geographic area through the removal of minority groups.⁸⁷ Yet, the forced settlement of the Chechen-Ingush and the Zaza Kurds does not seem to have been driven by desires of unmixing populations, but rather by a desire to establish control over the unruly population groups themselves through settling them in more easily controllable areas. It was no coincidence that both Dersim and Chechen-Ingushetia were inhospitable and isolated rural regions. In the perverted logic of these regimes, forced population settlement was a viable political strategy to incorporate these areas in the political order, as well as the people inhabiting them. This observation suggests that not only ethnic identity, but geography as well can be an important factor in demographic engineering.

Of further importance is that both instances of mass violence were framed and legitimized as collective punishment operations against peoples resisting the newly installed political order and unwilling to give up their so-called backward identity. Despite the extensive use of violence and ample instances of cruelty, these were operations of resettlement as much as of removal. The Soviets and Kemalists both possessed the operational capacity to murder the entirety of these population groups, but they did not do so. It was the cultural identity of these groups that had to be eradicated from the face of the earth, not the people as physical beings. This can be accounted for by the absence of a motivation of biological racism and by the primacy of nurturist thought. These observations could serve to open up the discussion about how these two cases relate to cases of (cultural) genocide, and to what extent these cases themselves should be considered as such.⁸⁸ Such a discussion, not within the scope of this article, could focus on the way ethnic diversity is portrayed in relation to the political goals of the regime in order to understand alternating tendencies of incorporation and assimilation as well as their relation to practices of demographic engineering, population resettlement and, potentially, to genocide.

Future research could benefit from the framework and analytic insights provided by this article and help to provide a more detailed understanding of the similarities and differences of these regimes and of their policies. One of the implications of this study has been to underline the importance of regime change in order to understand violent population policies towards ethnic minorities. Hence, a possibility for further research would be to extend the comparison to include other states that experienced regime changes and in which ethnic minority groups made up a significant part of the population, such as post-colonial India or Communist China. How did these new states represent ethnic diversity? To what extent was resettlement of population groups practiced by these states, and with which goals? Were notions of backwardness used to refer to the predicament of the country as a whole, or to particular regions of it, in these cases as well? And how did this relate to the treatment of ethnic minority groups? Additionally, research with primary

⁸⁷ Ibid, 121; Morland, *Demographic Engineering*, 39; Myron Weiner and Michael Teitelbaum, *Political Demography, Demographic Engineering* (New York: Berghahn Books, 2001), 55, 65-74.

⁸⁸ See Boztas, *Did a Genocide Take Place?*; Norman M. Naimark, *Stalin's Genocides* (Princeton: Princeton University Press, 2010) for separate discussions of these two cases as genocide.

source material in Turkish and Russian could offer a more comprehensive and varied picture of understandings of nationality in both states, as well as of internal discussions on nurturism. Primary source material could further give enhanced insight into the fate of the Chechen-Ingush and the Zaza Kurds in internal exile. Finally, it would be an important contribution to analyze the way the memory of state violence from the perspective of the persecuted groups has played a role in recent conflicts between the Russian and Turkish states and Chechen and Kurdish minorities. Such research could yield insight into how policies aimed at the forceful incorporation of these ethnic groups have had the long-term effect of creating new enmities that continue leading to conflict to this very day.

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Democidal Thinking: Patterns in the Mindset Behind Organized Mass Killing

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In such a world of conflict, a world of victims and executioners, it is the job of thinking people, as Albert Camus suggested, not to be on the side of the executioners.

–Howard Zinn¹

Introduction and Background

Sociopolitical violence is a tremendous social problem, given its capacity to spiral into outcomes of moral evil (i.e., intentional severe harm to others). The capacity for evil is compounded when the violent perpetrators have access to the resources of government or other forms of central authority. The 20th century saw 167 to 188 million deaths by organized violence, nearly 5% of all deaths during the century.² Any cause accounting for such a high rate of premature mortality deserves research attention.

Valentino wrote that “if we hope to anticipate mass killing, we must begin to think of it in the same way its perpetrators do.”³ Pursuing this imperative, we aim here to answer the question, “what were they thinking?” Suedfeld underlines the value of studying historical instances of mass murder together, so as to “identify possible universal, or at least, shared, factors as well as unique ones” if we hope to “move from post hoc explanations toward an enhanced ability to predict and to intervene before the worst happens”⁴. Policy experts have increasing interest in identifying the “triggers and accelerators of genocide and atrocities.”⁵ With knowledge of how democidalists think and tend to express themselves, one might create a preventive early warning system⁶ in which rhetoric in various sources would be monitored for the degree to which the democidal mindset has developed. Previous work provides useful indicators, but no comprehensive framework for this mass-killing mindset.

Here, using content analysis of texts from a relatively balanced set of 20 prominent cases of democide from around the world, we proceed from identification of specific high-frequency themes into a more parsimonious grouping of broader themes. In the themes, one finds a web of oversimplifying beliefs that all tend toward inculcating an out-group, prefatory to massive violations of that group’s human rights. We will propose that the greater part of this belief-web will be detectable in the rhetoric associated with any perpetrator of democidal mass violence. This emergent model is not only unprecedentedly comprehensive but likely, after further refinement, to be useful for prediction.

¹ Howard Zinn, *A People’s History of the United States* (New York: HarperCollins, 1999).

² Niall Ferguson, *The War of the World: Twentieth-Century Conflict and the Descent of the West* (New York: Penguin, 2006), xxxiv.

³ Benjamin Valentino, *Final Solutions: Mass Killing and Genocide in the 20th Century* (Ithaca: Cornell University Press, 2004), 243.

⁴ Peter Suedfeld, “Theories of the Holocaust: Trying to Explain the Unimaginable,” in *Ethnopolitical Warfare: Causes, Consequences, and Possible Solutions*, ed. Daniel Chirot and Martin E.P. Seligman (Washington, DC: American Psychological Association, 2001), 67.

⁵ James P. Finkel, “Atrocity Prevention at the Crossroads: Assessing the President’s Atrocity Prevention Board After Two Years,” Series of Occasional Papers no. 2, United States Holocaust Memorial Museum, Center on Genocide Prevention (September 2014).

⁶ Gregory Stanton, “Early Warning,” in *Encyclopedia of Genocide and Crimes Against Humanity*, ed. Dinah Shelton (Thomson-Gale, 2005), 271-273.

Defining Democide Within a Spectrum of Sociopolitical Violence

Genocide has been defined as “the sustained, purposeful action by a perpetrator [usually the state] to physically destroy a collectivity directly (through mass or selective murders and calculable physical destruction) or through interdiction of the biological and social reproduction of group members.”⁷ The concept of genocide is ambiguous in scope. Sometimes it is taken to include murderous suppression of political opposition and sometimes not (as in the 1948 United Nations Convention, based on Lemke’s well-known compromise to resolve an impasse in the convention). Some have remedied this gap by conducting studies of genocide plus politicicide.⁸

Here, we adopt Rummel’s broader term (democide), to be clear that political suppression is not artificially excluded. By this definition, democide is “the murder of any person or people by a government, including genocide, politicicide, or mass murder.”⁹ In our view, Rummel’s definition is too extensive in taking the murder by government of a single individual (e.g., an assassination) to be democide; it would be better to restrict the term to systematic killing of large numbers of noncombatant (civilian) individuals. This definition does not require the stated purpose of eliminating an entire group. Our slightly adjusted definition of democide ends up similar in scope to Valentino’s preferred terminology referencing “mass killing;”¹⁰ a difference is that Valentino used 50,000 deaths as a minimum threshold, whereas to take better account of democide against small-scale societies (with, in fact, often fewer than 50,000 lives to lose) we employed a lower threshold.

Our focus is on a psychological ‘mindset’ account of sociopolitical violence. We use the term mindset in a way consistent with dictionary definitions, meaning a fixed mental attitude that affects how someone interprets or responds to situations. For purposes of this research, mindset is defined pragmatically as aspects of such thinking patterns that are observable, that is, accessible in rhetoric, in public communications or official statements. This contrasts with private cogitations (in diaries or letters), ascertainable by an observer only years after horrendous events have occurred. Although these private thoughts would fit as well within a conceptual definition of mindset, the relative inaccessibility of sources means far less utility for real-time prediction, so they are not included within the *operational* definition used here. Unless one assumes a massive capacity for hacking into documents in a perpetrator’s private life, it is impractical for a prediction model to lean on them. Our interest is *pre*-diction, not *post*-diction. Observable mindset components are important for prediction purposes, since they may be detectable before appearance of any of the democide-trending *behavior*. The decade-earlier democide-promoting mindset in Hitler’s *Mein Kampf* is a memorable example.

Mindset Themes Detectable in Previous Literature

Many accounts proposed for democide are non-psychological. These invoke potential explanations like difficult conditions of life, intergroup competition, or conditions created by particular forms of social stratification or uneven distribution of power. Especially useful sets of mainly-society-level predictors are provided by Fein,¹¹ Harff,¹² and Williams.¹³ Fein’s predictors included situations associated with war, refugees, rebellions stimulated by mistreatment of ethnoclasses, independent states (rather than colonies), totalitarian regimes, and impunity stemming from passive reactions of patron or neighbor states. Harff stressed the importance of situations involving political upheaval, autocracy, autarky, prior genocide, and an ethnic minority as ruling elite. Williams’ analysis suggest that, roughly, mass killing occurs when at least three of the following four features are

⁷ Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1993), 23-24.

⁸ Barbara Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955,” *American Political Science Review*, 97 (2003), 57-73; Timothy Williams, “More Lessons Learned from the Holocaust – Towards a Complexity-Embracing Approach to Why Genocide Occurs,” *Genocide Studies and Prevention*, 9 (2016), 137-153.

⁹ R. J. Rummel, *Death by Government* (New Brunswick: Transaction, 1994), 31.

¹⁰ Valentino, *Final Solutions*.

¹¹ Fein, *Genocide*, 23-24.

¹² Harff, *No Lessons Learned from the Holocaust?*

¹³ Williams, *More Lessons Learned from the Holocaust*.

present: autocracy, salience (controversiality) of the ethnic status of the ruling elite, war or political upheaval, and autarky or exclusionary ideology. Exclusionary ideology (also prominent for Harff) can be considered a psychological factor, and as such will reappear later in this report.

Our focus here is on psychological accounts, emphasizing the mindset represented in and encouraged by perpetrators. Because we observed the previous literature on perpetrator rhetoric in democide to be rather scattered and lacking in coherent testable models, we elected to utilize this literature for diverse points of comparison only after first generating an inductive model. This model developed here is based on a wider and more culturally unbiased sampling of perpetrator rhetoric associated with the global phenomenon of democide than has been previously examined.

However, to give an initial picture of some key points in the existing literature, Table 1 lists a variety of candidate democidal-mindset variables gleaned from previous relevant literatures. Notably, a few of the variables are packaged as an explicit sequence: Allport described five degrees of the acting-out of prejudice, and Stanton's work on the stages leading up to genocide led to a partly similar sequence.¹⁴ Assembling puzzle-pieces together, the review suggests that organizers and perpetrators of democide could often share particular features of ideology and worldview. These range from exclusionary racialism and beliefs in the suppression of minorities, to emphases on zero-sum group competition, to group identification emphasizing visions of collective purity and unity, and to a more paranoid focus on internal enemies and threatening foreigners. A general effect might be unifying one's group by making competition and strife between groups seem intense and ever-present.

Democidal Mindset in 20 Diverse Cases

The content analysis to which we now turn utilized an approach similar to that used by Saucier et al. to model militant-extremist thinking.¹⁵ Here a similar approach is employed to delineate the mindset of democidal perpetrators. The object was discovery rather more than testing or confirming previous conceptions, aiming to maximize the likelihood of identifying important new themes. It was therefore carried out as an independent content analysis, observing what falls most readily and obviously out of relevant texts. This is a variant form of a grounded-theory study,¹⁶ proceeding from an open coding to an axial coding of texts that emphasizes potential causal conditions. As with grounded-theory studies generally, the aim was to generate a theory (or model) rather than test an existing one.

An independent, inductive content-analysis approach is sensible because those groups and individuals who commit acts of sociopolitical violence often generate publicly available text setting forth their beliefs and perspectives, often accessible prior to the onset of violence. These texts allow content analysis to identify common themes and linguistic tropes found among those most likely to act upon these beliefs in a violent fashion. One might identify elements that may appear in the texts and compile these elements into an index that will enable an assessment of the potential for violence. As a generative start-point, we assume the utility ultimately of a prediction approach within a structural theory of the phenomenon at hand. Such a theory would hypothesize diverse predictors, and the greater the number and intensity of these predictors present, the more likely the violence. This research is a first step toward identifying a model of attitudinal predictors.

Selection of Cases and Documents

Democide is geographically widespread, with perpetrators of many different stripes ideologically. Taking account of this, we began by attempting to unconfound as much as feasible the phenomenon of democidal violence from any specific kind of ideology, movement, or culture, or broad

¹⁴ Gordon W. Allport, *The Nature of Prejudice* (Reading, MA: Addison-Wesley, 1954); Gregory Stanton, "Could the Rwandan Genocide have been Prevented?" *Journal of Genocide Research*, 6 (2004), 211-228.

¹⁵ Gerard Saucier et al., "Patterns of Thinking in Militant Extremism," *Perspectives on Psychological Science*, 4 (2009), 256-271.

¹⁶ John W. Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Traditions* (Thousand Oaks: Sage, 1998).

Table 1. Compendium of Relevant Candidate Variables from Previous Sources.

Potential democidal-mindset variable	Source
Five degrees in acting out of prejudice: antilocution avoidance, discrimination, physical attack, extermination	Allport (1954)
Unfolding action-stages in genocide: classification, symbolization, dehumanization, organization, polarization, prevention, extermination, denial	Stanton (2009)
In-group favoritism arising from social categorization into in-group and out-group	Sherif et al., (1961); Tajfel et al. (1971)
Perceived competition between in- and out-groups	Pratto & Glasford (2008)
Classification-focused speech emphasizing power and mistrust	Donohue (2011)
Dehumanization	Baum (2008); Hollows & Fritzen (2010); Leader Maynard & Benesch (2016)
Moral exclusion	Opatow & Weiss (2000)
Hate	Winton (2011)
Cultivation of grievances from the past	Staub (2001)
Calls for revenge or retaliation	Baumeister (1997)
Extreme factionalism	Goldstone et al. (2010)
Asserted/believed legitimacy of violent actions	Sabucedo, Blanco & De la Corte (2003)
Moral disengagement (from e.g., sanitizing language)	Bandura (2002)\
Group-level worldview oriented to ""injustice"" or to ""superiority""	Eidelson & Eidelson (2003)
Racism	Kiernan (2007)
Belief favoring suppression or exclusion of minorities; seeing ""the people"" as one, indivisible, ethnic	Mann (2005)
Ethnonationalism; emotional attachment to a group	McCauley (2001); Smith (2001)
Paranoid discourse: ""other"" as foreigner, or as traitor; survival of ""us"" through destruction of ""them""; mad desire to build a world without conflict or enemies	Semelin (2007)
Xenophobia	Brannigan (1998)
Reactivity to blurring of traditional boundaries between groups	Green, Abelson & Garnett (1999)
Ethnic purity concepts	Sémelin (2007)

geographical region. That is, we assumed that, until proven otherwise, democide is a pancultural phenomenon, not being endemic to a select group of nations or societies. Based on this assumption, in order to obtain a sufficient range of sources for making generalizations about the democidal mindset, one would need to examine materials arising from a diverse range of regions, religions, and political systems and orientations. Such a wide sampling would facilitate an eventual model that is, as much as might be prudent, culturally and politically neutral, and identify risk factors that apply across a wide range of contexts.

Without such heterogeneity, investigators might develop culturally biased models that do not generalize widely. Such models may unwittingly and erroneously incorporate aspects of thinking endemic to one region, religion, or political orientation. For example, if one studies only cases of African democide, political or cultural features associated with Africa may inadvertently and erroneously become part of a purportedly scientific model of democide. This would lead to erroneous overdiagnosis of African polities or societies as proto-democidal, and underdiagnosis

elsewhere. Analogously, an analysis that focused only on democide carried out in communist regimes would lead similarly to a biased model, misconceiving aspects of communist systems as part and parcel of democidal tendencies. A different bias would arise if only fascist or authoritarian cases were examined. Although applied research might justifiably focus on democide with a particular provenance, a more general model of the phenomenon is needed.

Moreover, we sought an understanding not restricted to one subtype of democide. We included cases of several types, not limited to what is most commonly labeled as genocide. Included were programs of politicide or state terror in which a political opposition is eliminated, cases of colonial-settler violence, and cases of abusive economic exploitation of labor that resulted in mass deaths.

To ensure diversity of sampling, we divided the world into regions, seeking to identify at least one case from each region. In order to ensure there was sufficient contemporary relevance, we limited cases to the most recent 225 years (i.e., since the French Revolution). Each case had to fit the definition of democide, and to have had a record of actual violence involving the deaths in one or more target out-groups of at least thousands of people (a quantity quite large in scale when the group is small, as in many indigenous groups). To qualify, a case also had to have sufficient written documentary evidence (i.e., original statements) that would clearly indicate its mindset.

The cases we examined are listed and categorized in Table 2. The cases included six of the seven most deadly democides according to the figures of Rummel.¹⁷ The exception is the case of Chiang Kai-Shek (the Kuomintang case), which we omitted because it was estimated by Rummel to have fewer victims than the Maoist case (though still 10 million too many), and because we already had one case with Chinese perpetrators and did not wish our inductive model(s) to be biased by an overrepresentation of Chinese cases. We were not attempting an exhaustive study of three centuries of democide, but rather a sample sufficiently varied, along numerous axes, to reduce ethnocentric or regional bias.

The cases included seven on the Asian continent, four each in Europe and the Americas, three in Africa, and two in the islands south of Asia (i.e., 'Australasia'). There were four communist (or communism-aligned) cases, balanced by several (Argentina, Guatemala, Germany) that were overtly anti-communist. In nearly half the cases, perpetrators came from European-origin populations; in seven cases the perpetrators were Asian. The victims were more varied in their origin (five being European, seven Asian, three African; five were native peoples being victimized by settlers or colonizers). Such wide sampling is beneficial from a scientific standpoint: What a majority of the cases have in common cannot be characterized as specific to one kind of demographic or geographic context. Lest one develop a mistaken impression that the study is essentially of dictators or fascists, it should be noticed that several of the cases (USA, Australia, Bosnia) were in political contexts with some form of free elections, and some were mass political purges by Marxist regimes.

The groupings of cases in Table 2, though composed in an independent bottom-up manner, happen to correspond somewhat closely to the typology of Valentino.¹⁸ The top group corresponds with Valentino's dispossessive/ethnic type, the next group corresponds with his dispossessive/communist type, although these cases have some features of a state-terrorist (coercive) type as well; these can be characterized also as ideological¹⁹ or reorganizing²⁰ genocides. The third group resembles Valentino's dispossessive/territorial type, which Fein characterized as a "developmental" type of genocide.²¹ The fourth group fits Valentino's coercive/counter-guerrilla (and perhaps Harff's retributive) type, and the fifth group combines that type with the coercive/terrorist type. The last group fits partially with Valentino's imperial type, but might be more aptly characterized (after Dadrian²²) as utilitarian genocide.

¹⁷ Rummel, *Death by Government*.

¹⁸ Valentino, *Final Solutions*.

¹⁹ Harff, *No lessons learned from the Holocaust?*

²⁰ Daniel Feierstein, *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas* (Douglas Andrew Town, Trans.). New Brunswick: Rutgers University Press, 2014.

²¹ Fein, *Genocide: A Sociological Perspective*.

²² Vahakn N. Dadrian, "Patterns of Twentieth-Century Genocides: The Armenian, Jewish, and Rwandan Cases," *Journal of Genocide Research*, 6 (2004), 487-522.

Table 2. Listing and Categorization of Democidal Cases Examined in the Content Analysis.

<p><i>Primarily genocide that could be labeled “ethnocide” or ethnic cleansing:</i> Nazi Germany (1933-1945): German government vs. Jews, Roma, and other categories of people Rwanda (1994): ethnic Hutu vs. ethnic Tutsi and those of mixed Hutu/Tutsi ancestry Bosnia (1992-1995): primarily Serbs and Bosnian Serbs vs. Bosnian Muslims Turkey (1915): primarily ethnic Turks vs. ethnic Armenians Assam (1982-1983): ethnic Hindus vs. ethnic Muslims, including Nellie Massacre</p> <p><i>State terror programs designed to decapitate or disappear the (potential) political opposition:</i> Argentina (1975-1983): government vs. dissidents, including “Dirty War” Guatemala (1982-1983): Rios-Montt government vs. indigenous people branded as communists Revolutionary France’s Reign of Terror (1793-1794): government vs. monarchist sympathizers and the moderate Girondist Left</p> <p><i>State terror programs carried out in communist regimes against (potential) political opposition:</i> Stalin’s Russia (1922-1952): government vs. dissidents, non-Russians, kulaks (wealthy peasants) Maoist China (1945-1976): government vs. bourgeois class, dissidents, and intellectuals Khmer Rouge (1975-1978): government vs. dissidents, ethnic Vietnamese, and Cambodians living near Vietnam Ethiopia (1977-1991): Mengistu government vs. dissidents, students, supporters of independence for Eritrea and Tigray</p> <p><i>Suppression of targeted minority groups seeking political autonomy or independence:</i> Iraq (1978-1989): Saddam Hussein’s government vs. Kurds and Shiite Muslims Bangladesh (1971): West Pakistan government vs. East Pakistan dissidents’ war of independence Indonesia (1975-1999): government vs. independence-minded Christian residents of East Timor</p> <p><i>Settler violence against native people that involved expropriation of territories:</i> Australia (1800s): European-origin settlers vs. aboriginal people United States (1830s): government’s forced resettlement of Cherokee and other indigenous people, including “Trail of Tears”</p> <p><i>Brutal ‘colonial exploitation’ of native peoples’ labor:</i> Imperial Japan (vs. colonies in a context of war; 1931-1945) Belgian Congo (1890s): agents of King Leopold vs. indigenous slave labor Mexico (1900-1920): plantation owners vs. workers including indigenous people, “peonage system”</p>

Having identified a diverse set of cases, we gathered documentary evidence for each case. Documentary evidence was drawn mainly from books (and sometimes other printed material such as pamphlets and periodical articles) and in a few cases from Internet websites. The great diversity of cases, while affording a globally representative perspective, produces challenges for creating strictly comparable corpuses of material for differing cases; one case might be richly documented in one kind of material, another not.

Whose statements should be in particular focus? Answering this question implies a view on who tends to be responsible for mass-killing events, and here we followed Valentino’s argument, that a small group of leaders or elite are more responsible than ordinary people.²³ We focused on documentation of statements from the highest level instigators and perpetrators relevant in each case, that is, the focus was not on the soldier or militiaman or mob member who carried out specific killings, but rather on the top of the chain-of-command that set the killings in motion. (This differentiates the present work from that leading to the construct of authoritarianism, which focused to a greater extent on attitudes among lay collaborators rather than elites, and that mainly in the single dramatic case of Nazism.)

²³ Valentino, *Final solutions*.

Selection of materials was guided by a hierarchical scheme, attempting to draw material as much as possible from the highest levels of the hierarchy, resorting to lower levels of the hierarchy to the extent that higher levels could not be located in sources readily accessible via American academic libraries (in English, or French if not available in English, with much of the Chinese material [that not already translated] rendered into English by a bilingual research assistant). Texts written or spoken by democide-instigating leaders were the highest priority, followed by policy statements and texts from biographies of those leaders, followed by political histories more broadly about the time and place associated with the democide that referred to it, that included sufficient quotations from the leaders or policies.

The goal was to find indications of mindset – pattern of thinking – regarding deadly violence as related to achievement of sociopolitical power or other sociopolitical goals. We highlighted and extracted statements that stood out as directly revealing thinking and motivation, especially if in a dramatic and distinctive way. We sought statements that would indicate the characteristic thinking and motivation of each regime/group specifically as related to the democide, especially previous to or simultaneous with its occurrence. This general goal included (a) characteristic ways of using language or terminology that might reveal mindset, (b) views about what would justify elimination of people and other forms of violence, (c) views about enemies or opponents or out-groups, how to treat them, and what treatment they deserve, (d) views about the kind of higher authority that sanctions their (violent) actions or policies, (e) views about the proper role of government or other centers of authority within society, (f) views on what means are justifiable and allowable in achieving desired ends, and (g) whatever narratives, assumptions, beliefs, priorities (goals, motives, mission, value, perceived duties) that would help make sense of the aforementioned views. This was an open-ended search, with no axe to grind regarding which themes would emerge or which previous theories would be supported or not.

After the corpus of texts/statements consisting of broad sets of potentially relevant passages had been extracted by the second author, the first author examined the collected statements (which comprised 403 pages in a Word document, with 156,835 words including references and some annotations, made available as a supplement alongside publication of this article). The aim here was to identify key unifying themes, based partly on suggestions from the second author, and partly on acquaintance with the previous literature. But this was an inductive procedure, influenced but not constrained by previous work. A theme was taken to be present in statements from multiple sources when, in the first author's judgment, a reasonable person hearing the set of statements would recognize them to be making the same essential point. A first-stage goal was to identify specific rather than overly broad themes, which might lead to some categories in previous literature being initially broken into multiple subcomponents here, which may sometimes appear only subtly different; if one over-aggregates concepts at an early stage, much information that distinguishes concepts is lost from then on. We sought themes that emerged readily from the texts, rather than being limited to labels or framings for themes suggested in previous work by others. As a check on the plausibility of the themes originally induced from the observed data, two research assistants examining the collection of statements were able to identify instances of each of the themes in multiple, diverse cases. The more cases in which a theme appeared, the more prototypical of democidal mindset it was taken to be.²⁴

²⁴ This assumes that the 20 cases should be weighted equally. One could argue that the differential severity of the cases should be taken into consideration, particularly severity indexed by the number of human lives lost (or estimated to be lost) in each case. It may be that some themes appear especially in the more severe cases, whereas others show the opposite pattern. To provide one index of severity, we used estimates, provided by Rummel's 1994 volume, of the total number of deaths involved in each (acknowledging that precise estimates are hard to establish). To examine whether distribution of any of these themes was confounded with severity of the case (number of million estimated to have died, capped at 3 million to eliminate positive skew) we calculated point-biserial correlations between severity and presence versus absence of each of the themes. The allowed Type I error rate was defined by 99% confidence intervals, given the many correlations. With 20 cases, only large effects ($r > .50$) will fall outside a 99% confidence interval, and none did. The highest among the correlations were in the .40s (positive associations of dehumanization and racialism with severity), suggesting the possibility that, with a larger number of cases and thus higher statistical power, effects of severity might be found.

Convergent Themes

We initially identified over 40 themes in at least five of the cases, but relied on a stricter threshold. Table 3 lists those 20 themes that occurred in at least half the cases, ordered by relative frequency of occurrence across all cases. A total of 10 themes were identified as central and primary, based on their occurrence in at least 2/3 of the cases. That is, one finds each of these themes in a *super-majority* of cases; they are highly prototypical. These 10 themes appear in the top section of Table 3. Table 3 indicates which themes were identified in each case. Notably, nine cases form a set for which *all* of the 10 primary themes were identified: These cases (Nazi Germany, Bosnia, Stalinist Russia, Maoist China, Imperial Japan, Khmer Rouge, Saddamist Iraq, Rwanda, and Bangladesh [East Pakistan]) might be regarded as the more prototypical illustrations of democidal mindset.

Ten secondary themes were identified in at least half of the cases. These themes appear in the bottom section of Table 3.

A few of the Table 3 theme labels are truncations that benefit from a longer-form equivalent. "Uncivilized or uncivilizable" means that the target-group is held to be incapable of achieving any level of civilization. "Something held sacred" means that the sacredness of something is referenced as a rationale for a claim or for actions. "Attachment/entitlement to land" means that attachment to a particular territory is asserted or a group's entitlement to it is stated, as the group that can use it properly, or that has rights to it such that others taking it would be a moral violation (stealing).

Do These Patterns Appear Even in Antithesis Cases?

One possible objection is that the themes identified in the content analysis are widely characteristic of humans in general, or of leaders in general, or of crisis situations where subcultures are in conflict. If these were the case, the themes would appear even in texts generated by leaders who, in a serious conflict/crisis situation, did *not* resort to democide or even prevented democide from occurring. In order to guard against inclusion of themes that characterize movements or leaders generally (not just democidal ones), we made a similar examination of cases of leaders (or leading elites) governing in culturally/geographically diverse situations where a democide could well have occurred, but did not. These were not control cases so much as antithesis cases that bore promise of yielding the strongest contradicting evidence.

Identification of a suitable set of historical cases -- in which conditions were ripe for democide but none occurred, and where there was sufficient documentation, with the constraint that they be as diverse across culture and geography as our main 20 cases had been -- was very challenging. We did identify four instances strongly meeting these criteria. These geographically diverse cases included: Nelson Mandela and the ascension of the African National Congress to power in South Africa; Lech Walesa and colleagues in Poland after the fall of the Soviet-supported government there; Corazon Aquino's government in the aftermath of the Marcos regime; and handling of the loyalists after the American Revolution by George Washington and other patriot leaders. As with most of the 20 democide cases, these cases had an in-group with a strong sense of grievance toward an out-group, and the power to act on those grievances, because they had recently assumed greater power in government.

This was, simply put, a search for *any* contradictory evidence with respect to *any* of the themes identified in our main content analysis. We hoped that this step might enable a reduction in themes, allowing greater parsimony. Potentially relevant quotations -- particularly, statements about other groups -- were extracted by procedures like those used for the democide cases, resulting in text-amounts falling in the same range as for our seven least heavily-documented democide cases (Mexico, Belgian Congo, Ethiopia, Assam, Guatemala, Bangladesh). The results of this work are detailed in a companion report dealing with possible preventative mindset with respect to democide (available upon request from authors).

Important to mention here is just a simple point: Extremely little in the way of democidal-mindset themes in Table 3 was found in these cases; in their place we repeatedly found rhetorical restraint. While we did find some us-them dualistic rhetoric, it was not well connected to a good (us) vs. bad (them) distinction. We found evidence that George Washington (when he was a general, not a President) used dehumanizing language ("wolves") about the native American Iroquois, and suggested the desirability of their extermination during the Revolutionary War, when this tribe

Table 3. Distribution of 20 Themes Detected in Statements from 20 Diverse Cases of Democide.

Theme	NG	RW	BO	IR	TU	BA	JA	SU	CH	CA	GU	AR	AU	FR	IN	ET	US	MX	BC	AS	
Tactics/excuses for violence																					
Dispositionalism/essentialism*																					
Purity/cleansing language																					
Dehumanization																					
Dualistic/dichotomous thinking*																					
Internal enemies																					
Crush, smash, exterminate, eliminate*																					
Group or national unity																					
Racialism in some form																					
Xenophobia or foreign influence																					
Uncivilized or uncivilizable*																					
Attachment/entitlement to land*																					
Body or disease metaphor*																					
Revenge or retaliation language																					
Traitor talk (treason, treachery, etc.)																					
Conspiracy*																					
Subversion*																					
Something held sacred*																					
Nationalism/ethnonationalism																					
Threat of annihilation of our people*																					

Note. NG – Nazi Germany, RW – Rwanda, BO – Bosnia, IR – Iraq (Saddam), TU – Turkey (Armenians), BA – Bangladesh, JA – Japan, SU – Soviet Union (Stalin), CH – China (Maoist), CA – Cambodia, GU – Guatemala, AR – Argentina, AU – Australia (aborigines), FR – France (Revolution), IN – Indonesia (E. Timor), ET – Ethiopia, US – United States (Trail of Tears), MX – Mexico (peonage), BC – Belgian Congo, AS – Assam. * - Theme not readily found in Table 1. Shaded box indicates presence of a theme.

sided with the British enemy; however his actual orders were only for the razing of villages and taking of prisoners. During that same war he labeled British loyalists as pests; but this labeling was not applied to the loyalists after the war when the potential for a score-settling democide was high. The other three cases involved leaders whose rhetoric was even more restrained than Washington's (and who were more likely to employ deliberate counter-measures to avoid mass violence).

Our conclusion is that leaders who promote peace and reconciliation demonstrate, if anything, a marked tendency to *not* engage in prototypical out-group-inculcating eliminationist rhetoric as represented by the 20 themes identified earlier. So the model shows promise of strongly differentiating such leaders from eventual perpetrators of democide.

Potential Reductions and Expansions in the Inventory of Themes

The 20 initial themes provide a useful first-pass model but a model with 20 indicators is not very parsimonious. Moreover, the 20 themes merely reflect those emerging in a bottom-up grounded-theory content analysis, and it is useful to consider what themes are found in the previous literature that might be added as supplements to this set of 20. This section considers both how the 20-theme model might be contracted to obtain more parsimony, or expanded to achieve potentially greater comprehensiveness.

Consideration of how the themes are conceptually related to one another suggests a few areas of thematic convergence. Several themes involve the *moral-exclusionary evaluations of peoples*: dehumanization, obviously, but also "uncivilized or uncivilizable," and likewise the "crush, smash, exterminate, eliminate" theme also tends to presuppose an evaluation of certain victims as having lives that do not matter, thus excluded from the universe of morally relevant targets (as in Fein's "exclusive universes of moral obligation"²⁵). "Ethnic exclusionism," a psychological-attitude construct mentioned prominently in the previous literature (e.g., in work by Harff and Williams²⁶), is conceptually related to moral exclusion, but also to themes (including racism) involving a reductive group-essentialism. These themes – racialism and dispositionalism/essentialism tend to *assume an essence inhering in a group, held then to be highly determinative of the characteristics of those within that group*. That is, the essential qualities of the group (which may very well be stereotypes) are the defining fact about the individual: Not just that you *are* an X, but you are *nothing but* an X (where X denotes the name of some group). Persons are more or less deindividuated, with a strong assumption of within-group (out-group) homogeneity. This kind of worldview sets a foundation for collective blame²⁷, making an attributional assumption that events are caused by collectives (categories of persons) rather than by differentiated individuals. These thematic convergences resonate quite strongly with the previous literature (and a good deal of content in Table 1).

Several of the themes (conspiracy, subversion, internal enemies, traitor talk) appear to be sometimes subtle variations on a paranoid way of viewing the political situation, and this is less well-represented in the previous literature. Although Dadrian references themes of traitors and internal enemies,²⁸ the prime representation of this view there is in work of Sémelin.²⁹ But some 50 years ago, the label "paranoid style" was introduced by a prominent political historian. For Hofstadter³⁰ it was a way of believing that takes frequent political form, associated with overreaching theories of vast and sinister conspiracies that are about to undermine or destroy a whole way of life. Paranoid style included a preoccupation with power relations, exaggerated fantasies of superior forces and conspiracies in the external environment, and an angry and antagonistic relation to the world within which enemies and constant battles are fundamental.

²⁵ Helen Fein, "Accounting for Genocide After 1945: Theories and Some Findings," *International Journal on Group Rights* 1, no. 2 (1993), 79-106.

²⁶ Harff, *No Lessons Learned from the Holocaust?*; Williams, *More Lessons Learned from the Holocaust*.

²⁷ Brian Lickel et al., "Vicarious retribution: The Role of Collective Blame in Intergroup Aggression," *Personality and Social Psychology Review*, 10 (2006), 372-390.

²⁸ Dadrian, *Patterns of Twentieth-Century Genocides*.

²⁹ Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia University Press, 2007).

³⁰ Richard Hofstadter, "The Paranoid Style in American Politics," *Harper's Magazine* (November 1964).

Another smaller convergence has to do with nationalism (importance of in-group unity, ethnonationalism), which is likewise only modestly prominent in previous democide-relevant literature.³¹ In the terms of Weitz,³² like essentialism involving race, this involves a way of classifying difference, here in terms of nation. Other themes from among the 20 show less conceptual convergence with one another, and many of these have little representation in the previous literature. But the previous literature does have references to a few of them: revenge-retaliation,³³ xenophobia,³⁴ and concepts of ethnic purity.³⁵

These apparent convergences among the 20 themes are suggestive. Ultimately, however, thematic convergence would best be examined – and reduction to broader themes accomplished – in empirical data based on relative correlation among the themes as observed in descriptions of perpetrators or in self-indicated attitudes in the ordinary population.

There are some themes from the previous literature mentioned in Table 1 that did not emerge as themes detectable in text from a majority of our cases. These include hate, extreme factionalism, cultivation of grievances from the past, perceived competition between in- and out-groups, moral disengagement, and reactivity to blurring of traditional boundaries between groups. Expanding the assessment to include such themes would enable meaningful comparison between themes powerfully emerging from texts (the current 20) and expert conceptions, with respect to their prominence in further cases of democide, and their predictive capacity.

A close reading of classic works in genocide studies suggests a few additional promising candidate themes that may be useful for comparative assessment. These include placing national security above other goals,³⁶ advocacy for removing restraints on state security agencies,³⁷ believing that individuals must suffer for the good of the collective,³⁸ and believing in or demanding change with high speed and scope and magnitude.³⁹

We have mentioned numerous themes. Rather than having a single attitudinal cause, it appears that perpetration of democide is associated with a confluence of numerous differentiable attitudes. A complexity-embracing approach⁴⁰ is needed for attitudinal as well as societal-level indicators. As a theoretical organization, these superthemes together move to define what Kaplan⁴¹ called a concatenated or factor theory, in which multiple concepts form a configural pattern converging on the focal concept, each playing some contributory role in accounting for it. Kaplan suggested that, although it provides less depth, this type of theory tends to be more broad, wide, and extensive than more deductive or hierarchical theories. We posit that the empirical evidence lends itself better to a factor theory – democidal behavior is difficult to reduce to a single explaining factor (such as hate or racism).

Could a single uniting conceptual framework, making sense of commonalities or interconnections among these broader themes, be found? Leader Maynard and Benesch⁴² detail an integrative model of dangerous speech and ideology focusing on what may be core constituents of democidal mindset (e.g., dehumanization and threat construction), but overall cite far fewer themes

³¹ Fein, *Accounting for Genocide After 1945*.

³² Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation*. (Princeton: Princeton University Press, 2003).

³³ Roy F. Baumeister, *Evil: Inside Human Violence and Cruelty* (New York: Henry Holt, 1997).

³⁴ Augustine Brannigan, "Criminology and the Holocaust: Xenophobia, Evolution, and Genocide," *Crime and Delinquency*, 44 (1998), 257-276.

³⁵ Sémelin, *Purify and Destroy*.

³⁶ Valentino, *Final Solutions*.

³⁷ Williams, *More Lessons Learned from the Holocaust*.

³⁸ Frank Chalk and Kurt Jonassohn, "Genocide: An Historical Overview," *Social Education* 55, no. 2 (1991), 92-96, 129.

³⁹ Valentino, *Final Solutions*.

⁴⁰ Williams, *More Lessons Learned from the Holocaust*.

⁴¹ Abraham Kaplan, *The Conduct of Inquiry: Methodology for Behavioral Science* (San Francisco: Chandler, 1964).

⁴² Jonathan Leader Maynard and Susan Benesch, "Dangerous Speech and Dangerous Ideology: An Integrated Model for Monitoring and Prevention," *Genocide Studies and Prevention: An International Journal*, 9, no. 3 (2016), 75-90.

and evidence from fewer cases of democide than presented here. So one might expect vital insights to arise from whatever pattern emerges from our present empirical-data-based compendium of themes, beyond those offered by the model of Leader Maynard and Benesch.

Sémelin's⁴³ account of the basis for massacres is particularly salient given its frequent good match with themes we identified. Those who stand apart from one's 'people' are viewed suspiciously; in a "rage of oneness," with a "mad desire to build a world without conflict or enemies,"⁴⁴ there must be "unity at all costs against a common enemy."⁴⁵ With connotations of cleanliness and sacredness involved, there are the pure people and the impure people. One sees also a conspiratorial narrative, the internal enemy is the agent of the foreign external enemy, or the external enemy aids the internal one (e.g., Hitler's conflation of Jews with Russian bolshevism). One finds in either case a "delusional rationality", a "paranoiac type of discourse that unites 'us' through its evil-minded perception of 'them,'"⁴⁶ being "the survival of 'us' through the destruction of 'them.'"⁴⁷

An unexpectedly wide variety of themes seem to characterize the thinking of democide-perpetrators. But across this breadth of content, broad characterizations are possible. Generally they harmonize with Feierstein's impetus to identify "different discourses used to stigmatize otherness."⁴⁸ An applicable generalization is this: All themes represent distortive *oversimplifying beliefs that facilitate the inculcating of an out-group*, and not just the out-group loosely or abstractly but *with every member of that out-group thereby inculcated*. That is, we see a group portrayed as threatening, impure, absolutely bad, and less than human, all in the context of a worldview that not only essentializes groups but treats group-membership as the essence of any individual. The unificatory vision of one's in-group only reinforces this pattern, partly by stimulating an agent to act on behalf of a group against a whole other group (as occurs in the phenomenon of vicarious retribution⁴⁹). This interlocking of themes is common in the psychology of dictatorship – "a dangerous enemy... intends to attack and destroy us; we cannot afford to have dissent and disunity"⁵⁰– has strong overlap with the overall pattern of democidal thinking.

The overall configuration of thinking enables large-scale violence against out-group individuals, by making it seem not only justified but necessary. That is, these themes converge to yield "eliminationism" – a derived belief that important problems will be solved by eliminating from society a particular group (cast as enemies of "our" people). One can discern in this fanatical eliminationism an overall cognitive tendency: to oversimplify, failing to tolerate uncertainty, nuance, exceptions to a rule, or alternative explanations. However, a better-informed overall characterization can be eventually discovered empirically, by determining which constructs or variables tend to correlate positively with *all* of the themes.

Limitations and Future Directions

Recent decades have seen important work identifying the political and societal concomitants of mass-killing events.⁵¹ The present work yields, as far as we know, the most comprehensive databased model currently available for understanding the attitudinal mindset behind mass killings. Essentially, it suggests a first, tentative psychological, attitudinal formula (or algorithm) for democide. A review of its limitations will help set the stage for enlarging the contribution in the future.

⁴³ Sémelin, *Purify and Destroy*.

⁴⁴ *Ibid.*, 33.

⁴⁵ *Ibid.*, 32.

⁴⁶ *Ibid.*, 46.

⁴⁷ *Ibid.*, 48.

⁴⁸ Feierstein, *Genocide as Social Practice*, 122.

⁴⁹ Lickel et al., *Vicarious Retribution*.

⁵⁰ Fathali M. Moghaddam, *The Psychology of Dictatorship* (Washington, DC: American Psychological Association, 2013).

⁵¹ Fein, *Genocide: A Sociological Perspective*; Harff, *No lessons learned from the Holocaust?*; Williams, *More Lessons Learned from the Holocaust*.

First, as implied in the preceding section, this model might be expanded into a broader framework by including additional candidate themes (i.e., variables) emphasized in previous literature though not making a salient emergence in our content analysis. A limitation is that although this model derives from one large empirical content analysis of a rather balanced set of cases of mass killing (most of them quite prominent), it may not have identified all relevant (and potentially predictive) kinds of content.

We relied as much as possible on *explicit* statements, to minimize guesswork about what kind of thinking characterized a case. As a result, we may have systematically underestimated how widely the identified themes are distributed: That is, perpetrators of democide might endorse a wider range of the statements of the nature presented here, even if they never thought to make them spontaneously and without prompting in a context that led to recording of the statement.

As Valentino emphasizes, democide (mass killing) is virtually always led by elites.⁵² But there are other classes of perpetrator, such as paramilitary bands not strictly within a government, and a general population that may look the other way or provide more overt support.⁵³ Given our priority-hierarchy for selecting documents, the material in this content analysis was gleaned almost exclusively from the elites. But what of the two other levels, how would the framework here generalize to them? Does militia violence depends on the same factors? What role does the broader population play? Valentino points out that elites who perpetrate mass killing often recruit relatively sadistic individuals from the general population (sometimes from prisons) to carry out the killing, and also ideological fanatics; either sadists or fanatics may tend to exhibit many of the same attitudinal themes as the perpetrators. If the democidal mindset is more prevalent in a population (even if not among its elites), does that predict future democide? If the mindset is widely shared, and actually contributes to democide, it becomes a cultural factor; the prediction would be that such populations would see the emergence of more mass killings. Thus, constituents of democidal thinking have an important place in the measurement of political attitudes.

The content analysis sampled a large proportion of the most deadly democides of the past 225 years. In service of our goal of globally heterogeneous sampling of cases, we included cases that have not been cited as prototypical instances of genocide, such as state terror campaigns, forced removals of native peoples, and brutal economic-exploitation regimes. Table 3 demonstrates that these cases share many features with more prototypical instances, yet they may indeed be more peripheral instances, with fewer of characteristic themes of democidal thinking. Moreover, other major historical cases were omitted (e.g., the Kuomintang in China, the postwar partition of India, and the postwar expulsion of Germans from eastern Europe). Study of these omitted cases would be a validation test of the present framework, as would examination of more recent cases (e.g., Sudan, Syria, Myanmar).

The working model here represents only the early stage in development of a research paradigm. As is common for such an early stage, we rely heavily on a network of observations and inferences of a somewhat inductive nature. Because of the range of sources from which it was derived, the present inductive model has a content-validity basis. To examine to what degree *predictive* validity can be added to that initial basis, needed are further quantitative data: on the actual base-rate occurrence of the identified thinking patterns in everyday human activities, or in the rhetoric of political elites. Such patterns might be detected in attitudinal self-reports, or by eliciting norms about the thinking pattern (how appropriate it is for someone to think that particular way⁵⁴). If any of the themes turn out to be fairly common, relying on them in isolation as constituent symptoms of a democidal mindset would yield a high false-positive rate, which would lead to a lower contribution to prediction.

⁵² Valentino, *Final Solutions*.

⁵³ Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (New York: Cambridge University Press, 2005).

⁵⁴ Christian S. Crandall, Amy Eshleman, and Laurie O'Brien, "Social Norms and the Expression and Suppression of Prejudice: The Struggle for Internalization," *Journal of Personality and Social Psychology*, 82 (2002), 359-378.

For identifying concomitants and predictors, it matters very much which categories of sociopolitical violence one examines.⁵⁵ Future research should seek to discriminate the democidal mindset from related but necessarily distinct phenomena. For example, some of the features we have identified -- a nationalist ideal, belief that intergroup (e.g., racial) conflict is inevitable, exclusion of what is foreign, preoccupation with revenge, all arising in a chaotic political/economic situation -- have also been proposed as contributors to the development of tyranny (i.e., the abuse of power⁵⁶). Tyranny and democide will likely often overlap, but one is not a subset of the other. Although a majority of the cases in our content analysis did occur in the context of a national dictatorship, many did not fit this mold, being instead a kind of colonial economic-exploitation, or dominance of a region by an ethnic paramilitary, or suppression of minorities abetted by an elected government. It may be useful to understand democides without tyranny, in contrast to non-democidal tyrannies. Fein has categorized the varieties of life-integrity violations, genocide being but one type, in many ways the most severe; the other broad categories are slavery, and terror/torture.⁵⁷ While perpetrators of these practices may exhibit some of the democidal mindset found here, they may display important distinct elements. Further forms of sociopolitical violence deserving attention are war crimes, human sacrifice, and regimes of torture. More broadly, it may be useful to consider the extent to which this model captures key features of the mindset in extremely violent societies, where multiple population-groups may be victims and/or (along with organs of government) participants in massive physical violence.⁵⁸ Applications of this model to war itself are worth considering: Is it typical that war leaders and warriors themselves tend to gravitate toward thought-patterns partly like those of democidalists? There are indications that pro-war propaganda often involves dehumanization of an enemy, and framing attack as self-defense (to prevent annihilation of 'us' by an enemy).⁵⁹ Relations of democidal mindset to the thinking pattern of militant extremists⁶⁰ might be revealing, since numerous democide perpetrators (e.g., Stalin, Hitler, Mao) began their political careers as extremists on the periphery of power; violent extremist-groups may violent governments make. Finally, Dadrian identifies two types of genocide that are rarely studied, and not addressed in the present research either: cultural genocide that aims at forced assimilation of subject peoples, and latent genocide where the mass killing is a fully unintended consequence.⁶¹ A question is whether these types of outcome involve the same observable perpetrator attitudes as other types of mass killing.

Potential Applications to Democide Prevention

We propose that perpetrators of democides – prior to the destructive actions – characteristically engage in thinking that includes a majority of the 20 themes we have identified. These are attitudes observable in text, potentially before the onset of mass killing. Further research is needed to confirm the predictive value of such mindset variables. Such elements can ultimately be tested as early-warning indicators of high risk for programs of mass killing, programs that might with appropriate intervention be averted if leaders or regimes are flagged at an early enough stage, before actual mass violence has been initiated.

The model we delineate is empirically based, consistent with much of the existing literature and (due to the globally diverse set of cases examined to derive it) not culture-bound. However, this framework has, as of yet, no demonstrated operationalization or means of assessment. So, an important issue that necessarily follows in this line of work is how to measure the relative degree of

⁵⁵ Frank W. Wayman and Atsushi Tago, "Explaining the Onset of Mass Killing 1949-87," *Journal of Peace Research*, 47 (2009), 3-13.

⁵⁶ Daniel Chirot, *Modern Tyrants: The Power and Prevalence of Evil in Our Age* (New York: Free Press, 1994).

⁵⁷ Helen Fein, *Human Rights and Wrongs: Slavery, Terror, Genocide* (Boulder: Paradigm, 2007).

⁵⁸ Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth Century* (New York: Cambridge University Press, 2010).

⁵⁹ Stephan Lewandowsky et al., "Misinformation, Disinformation, and Violent Conflict: From Iraq and the 'War on Terror' to Future Threats to Peace." *American Psychologist*, 68 (2013), 487-501.

⁶⁰ Saucier et al., *Patterns of Thinking*.

⁶¹ Dadrian, *Patterns of Twentieth-Century Genocides*.

presence or absence of this mindset. An important application would be an assessment tool based on a broad-based understanding of the characteristics of this mindset. Such an index will allow researchers and workers in the field to gauge the degree to which the public speech acts (oral or written) of a group or individual reflect a democidal mindset. A reasonable starting assumption is consistent with a multiple-regression prediction approach: The more of these features are present, and the more intensely, the greater the probability of democide. And the more these features recede (a sign of effective intervention), the less that probability.

Among whom must these features be present? Any individual can exhibit this mindset, but those with the power to instigate democide must needs be in the government or the military, or otherwise be individuals with a following -- salient influencers of public opinion. Powerful and public figures all can be subjected to screening using this model as a filter.

As with the analysis that led to it, the core logic of such an index hinges on content validity. If it talks like a duck, there is a good chance it will walk like a duck, and in fact be a duck. Not to impugn waterfowl: For "duck" substitute "democide-perpetrator." An influential person whose rhetoric is redolent of that which Hitler, Stalin, Pol Pot, Saddam Hussein, and Robespierre used in common, is (by this rationale) more like to do what these characters *did* in common (democide). It is reasonable to propose that empirical evidence will back up this claim.

We argue that democidal episodes are rather like wildfires. They are rare but very powerful events. They do great damage and would best be prevented. And one can predict where they occur and where not, because they arise mainly in the context of identifiable risk factors: They are transmitted via individuals (most often leading elites) whose mindsets have a set of generalizable characteristics that, we argue, are crucial accelerators of democide. When individuals or groups move into a democidal mindset, potential for a devastating flare-up increases. To the extent that these individuals or groups cease to think in this manner, or the individuals who cultivate this way of thinking are hampered in their access to social power and group influence, risk factors are reduced and democidal events become less likely.

Summary and Conclusion

A content analysis of texts from 20 prominent cases of democide yielded an inductively observed pattern for democidal thinking including 20 themes present in at least half the cases. Characteristically in democide, under assumptions implying dualistic beliefs, members of an out-group are reduced to their group-categorization in an essentializing manner, excluded from moral consideration, identified with impurity or contamination and with violations of what deserves respect, and depicted as a dangerous and conspiratorial enemy, coupled with appeals to the desirable unity of the in-group. Each of these components is *usually* but not necessarily always present; it does appear that several of these broad themes will be regularly discernible in the eliminationist rhetoric associated with democide. Overall, themes represent oversimplifying beliefs that facilitate the inculcating of an out-group. And not just the out-group loosely or abstractly: Every member of that out-group is thereby inculpated.

The foregoing review and analysis is novel in diverse ways. It takes an unusually wide perspective, encompassing politicide and indigenocides in conjunction with well-known cases of genocide and ethnic cleansing, establishing moreover a relatively global and culture-neutral perspective that facilitates pancultural applications. It condenses the rich description afforded by 20 themes in democidal thinking into a more parsimonious organization of higher-order themes. And going beyond mere postmortem characterization of sociopolitical violence, it provides a start-point for multiple-indicator prediction of such based on observed attitudes evident in the perpetrators of mass-killing episodes.

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Book Review: *Negotiating Genocide in Rwanda: The Politics of History*

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Negotiating Genocide in Rwanda: The Politics of History

Erin Jessee

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Reviewed by Dorina A. Bekoe

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On August 4, 2017, Rwandans re-elected President Paul Kagame to a third term with nearly 99% of the vote. This incredible result, signifying *de facto* consensus, is all the more outstanding when considered through the lens of Erin Jessee's book, *Negotiating Genocide in Rwanda: The Politics of History*. Jessee sets out to discover how distinct communities in Rwanda currently interpret its past, present, and future; she finds a nation at odds with itself and the official narrative.

Jessee, an oral historian at the University of Glasgow, uses the methodology of oral history to juxtapose the Rwandan government's official narrative of the 1994 genocide with Rwandans' lived and living experiences. She challenges the Rwandan government's official version of history that emphasizes Rwanda's idyllic past; the genocide of the Tutsis (exclusive of moderate Hutus); and a future unmarred by the ethnic divisions that brought on the genocide. The book presents difficult challenges, to say the least: Jessee asks people—survivors, victims, perpetrators, and bystanders—to reflect and relive unimaginable suffering. Convincing people to speak their truth to a stranger is difficult in any circumstance. However, persuading people to divulge personal details of a situation overshadowed by the trauma of genocide, while working in an environment where the government is determined to sanction only one version of history, can render the project especially daunting.

Jessee accomplishes this difficult task through a series of 57 interviews with a broad set of stakeholders: genocide survivors; genocidaires; civil service employees in Rwanda's state memorial museums; and returnees—whom Jessee describes as mainly Tutsi elite who fled political and ethnic violence during the Hutu government's reign from 1959-1962, returning more than 30 years later when the Tutsi-led Rwandan Patriotic Front (RPF) took power following the 1994 genocide. Notably, beyond the obvious division between Hutus and Tutsis among the interviewees, Jessee also includes Twa, a minority group; Hutus that also consider themselves genocide survivors, in contradiction of the state's recognition; and women, who demonstrate a gender dimension in how truth reveals itself. With its varied interviewees, the book embodies the principles of its concluding chapter, "The Danger of a Single Story," a title inspired by Nigerian writer Chimamanda Ngozi Adichie's 2009 TED talk, which warned that knowing only one side of the story robs people of understanding their common bonds and a fuller perspective of each other's experiences.¹

Negotiating Genocide in Rwanda is unique among many books on Rwanda's 1994 genocide. It does not directly interrogate the causes of genocide, the international community's response, or Rwanda's post-genocide nation-building. While the book does not point fingers or assign blame—which does not suggest that it excuses the horrific violence of the genocide—it tries to bring understanding and perspective. This is trickiest in the chapter of interviews with Hutu genocidaires. One senses that Jessee attempts a delicate balance. She does not consciously go overboard to reassure the reader of her horror of the crime committed by the convicted genocidaires. She remains clear in her purpose not so much to explain the crime, as it is to understand the frame-of-mind, societal milieu, and historical context in which the crime unfolded. In other words, she tries to provide insight to how and why a seemingly normally functioning member of society can

¹ Chimamanda Ngozi Adichie, "The danger of a single story," TED Talks, October 7, 2009. <https://youtu.be/D9Ihs24Izeg>

justify to themselves the commission of these crimes. Students of genocide and mass atrocities continue to struggle with answering such questions satisfactorily.

The interviews reveal striking differences between Rwandans' lived experiences from the official narrative. In the official narrative, which Jessee narrates through her visits to all of the country's 6 genocide memorials, the onset of colonialism disrupted Rwanda's idyllic past, where Hutus and Tutsis lived in harmony. Colonialists cemented ethnic divisions between Tutsis and Hutus by the issuance of identity cards, enabling the two groups to grow distant. The government's narrative depicts the post-colonial days and the transition to democracy as anti-Tutsi; the 1994 downing of President Juvénal Habyarimana's plane serves as the trigger for the Tutsi genocide.

The interviews reveal a country divided over this official narrative. Tutsis largely agreed with the narrative, while accused genocidaires viewed events nearly oppositely. However, many agreed that the prevailing RPF narrative had resulted in further driving apart the two communities. The interviews acknowledge ethnic cleavages that the government tries hard to suppress. While societies can have competing narratives about a common history, the stories told by these 57 Rwandans goes beyond simply telling a different version of their perceived and lived histories. The stories that unfold in Jessee's book expose the intransigence of the state to consider different lived and living experiences.

The salience of ethnicity among Rwandans represents another striking aspect of the stories told by Jessee's interviewees. Under President Kagame, Rwanda has tried to quash conceptions and identification with ethnicity. At first blush, one can understand—even commend—such an effort: the 1994 genocide targeted Rwanda's Tutsi, Kagame's ethnic group, killing nearly 800,000 people within 100 days. An effort to evolve society to think beyond ethnicity, where all citizens identify only as Rwandan, removes the single most important factor of the genocide. But, ethnicity and ethnic stereotypes have not disappeared in Rwanda; they emerge with seemingly little prompting by Jessee.

Indeed, the gap between reality and the state's sanctioned version of events brings up many questions for those concerned about peacebuilding, memorialization, reconciliation, and justice. Can a society survive without the real truth emerging? How does a narrative relevant to a small slice of the population foster reconciliation? Can disregarding ethnicity eventually eliminate it as a divisive force?

While central to Jessee's project, the interviews are not the only important component of Jessee's work. The book is engaging because Jessee carries the reader with her; Jessee's methodology serves as much a part of the story as the interviews themselves. She provides a rich background of her experiences in interacting with Rwandan government officials, as well as her challenges and triumphs in the field—providing an important backdrop and context to the interviews.

Jessee exhibits a heightened sense of self-awareness of her role and others' perception of her; Jessee's first interview is especially instructive. She describes her increasing friendship and closeness with an employee at a state memorial museum, which eventually leads to an agreement for an interview. The interview is a failure, when compared to the others that follow, as the young lady is tense and reluctant to speak her truth. It is a commentary on Jessee's research methodology—from which she learns key lessons. But it is also a commentary on the reluctance of many Rwandans to speak openly and to trust. It is a turning point in Jessee's research and outreach methodology, exposing the level of distrust and reticence still present among Rwandans and the genocide narrative. Many other challenges present themselves along the way; Jessee addresses them honestly and uses them as learning experiences. She convinces Rwandans to tell poignant and believable stories. With stories too painful for even the survivors to talk about, Jessee finds ways to bring the reader into the interviewees' reality by discussing different angles of the stories.

Jessee's concluding chapter weaves the different perspectives and interviews together in a bid to compare and contrast them. Here, her systematic approach with all groups allows her to relate how different groups see Rwanda's past, present, and future. She demonstrates the congruence between the returnees' views with the prevailing government perspective and the odds at which Hutus and Tutsis continue to find themselves. Jessee's book shows that more than two decades after the genocide, ethnicity remains as salient as ever. It shows that different perspectives of history exist, despite official efforts to quash them.

While Jessee's singular focus on Rwanda is illuminating, it also generates a number of other questions about how regional and international bodies address impending or growing atrocities or genocides in Africa. The interviews raise questions around conflict resolution in Africa, generally, and preventing genocide and mass atrocities, in particular.

Jessee's interviews bring to the fore difficult questions about how states and international actors manage to heal deeply divided ethnic groups. A considerable number of scholars and practitioners emphasize recognizing and redressing ethnic grievances. This may manifest in political power-sharing or other overt signs of ethnic inclusion. However, Rwanda has chosen to force a silence around ethnicity. Does burying ethnicity suppress or inflame ethnic division? If elite society refrains from emphasizing ethnic division, does that practice trickle down eventually? Or, are there limits to how much government can legislate? How common is Rwanda's approach to preventing and redressing genocide, in practice? How has Burundi, which did not choose to bury ethnicity, fared in terms of reconciliation?

Jessee's book questions how we read signs of impending conflict and take steps to prevent violence. While the book is not meant to explain why genocide happens, it still prompts the question: How do people, who seem to be well-adjusted, commit such horrendous crimes? How did leaders of the genocide solve the collective action problem, to incite Hutus to murder fellow citizens? A subtext of many interviews hints at the fear that genocide could recur. Given the government's official narrative that denies other voices, does it create the same conditions that led to the 1994 genocide? How are conditions today different than in 1994?

Admittedly, the book cannot necessarily answer these questions directly. Nonetheless, they linger because of the gravity of the violence. The interviews serve as an important lens when interrogating the work in international relations and comparative politics, which address questions of conflict resolution and prevention in Rwanda—and Africa, generally. Reflecting back on the seemingly consensual support for Kagame, scholars and analysts must contend with the possibility that Rwandans could be making a choice—for the time being—to accept the differences that remain in the national narrative, rather than probe the divisiveness of their lived and living experiences. For conflict resolution, it suggests that we should expect a much longer arc toward durable peace.

Book Review: *Genocide: New Perspectives on its Causes, Courses and Consequences*

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Genocide: New Perspectives on its Causes, Courses and Consequences

Uğur Ümit Üngör, editor

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Genocide has been called the “crime of crimes,” and with good reason, as the actions and belief systems that underlie its manifestation encompass collective violence on a scale virtually all people find inconceivable. Yet the scholars who contributed their insights and analyses to Uğur Ümit Üngör’s remarkable book have not only conceived and named the causes and effects of genocide, they have explained them to us in ways that touch the very nature of the mass atrocities themselves and expose the inner workings of the minds of those who perpetrated them.

The twelve outstanding essays in this collection each deal with the fundamental facts in their own way, offering both original thinking and deftly created arguments to bring us a deep understanding of the genocidal events and processes as a whole and the specifics of particular instances of it. The contributors represent a wide range of international scholarship, with associations with universities in Amsterdam, Bucharest, Ghent, Utrecht and Ottawa, among others.

The book is part of the prestigious NIOD Studies on War, Holocaust and Genocide series, published by the Amsterdam University Press. The series focuses on the impact of war, the Holocaust, and genocide on 20th century societies. It aims for diverse disciplinary perspectives, set within a global context, and encompasses a wide range of historical approaches. The NIOD is the national center for documentation of World War II in the Netherlands.

Informing the book throughout its pages is an exploration of the dark side of human nature, the part of all people that often acts in ambivalence and ambiguity when it comes to the surface, often under circumstances in which our own inhibitions fail to counter strong communal forces of aggression. We are shown how our darker side is fragile and vulnerable, that crises can bring out behavior in which empathy and identification with others fail to materialize, and that hate may grow when serious polarization between groups and society is encouraged by what may be experienced as hypnotic illusions or delusions. Can this part of human nature be tamed? Yes, imply several of the essays. Can it be eliminated? Here the implication is a strong no.

So what is to be done? The scholarly tone of the multiplicity of answers is set by the editor in his opening essay, in which he discusses how genocide, horrific though it is, continues to endure in our modern age. Uğur Ümit Üngör, associate professor in the Department of History at Utrecht University and at the NIOD Institute for War, Holocaust, and Genocide Studies in Amsterdam, uses genocidal events in Syria as an object lesson, describing in clear language how protests there spread across the country and ultimately crossed the threshold of violence. He then deftly pulls apart the threads to show us the central dynamic operating within the system, carefully and impressively illustrating some of the individual thinking within the collective acts.

No one kills in a historical or cultural vacuum, he explains, then leading gracefully into the themes that illuminate the chapters in the book, such as struggles over truth, justice, and memory. We learn that in the 20th century alone, about 40 to 60 million people were systematically murdered within the complex process of genocide, and already the 21st century has seen episodes of genocide in Darfur, Myanmar, Congo, and Sri Lanka, among others. The essays Dr. Üngör assembled here ask why genocide continues, why it is difficult to stop, why so many societies that are so varied in political structure, culture, and level of technology all fall victim to this vicious process. Ultimately, we gain fresh understanding through the answers the individual authors posit.

The book is divided into three distinct sections: the causes of genocide, the courses it takes, and its ultimate consequences, just as the title promises. Within each part are three articles that weave together specific views and examples. Genocidal locations discussed in the book range from Romania and Serbia to the Philippines, from Kampuchea in Cambodia to Holocaust Germany, from Sarajevo to Rwanda and Sierra Leone. Under the direction of the article authors, the reader easily makes the leap from state deviancy to paranoid purges to sexual violence and comes to understand the role of memory and education and transitional justice and history.

Several essays prove this postulate. In Part II of the book, *Courses of Genocide*, for example, the essay by Franziska Karpinski and Elysia Ruvinsky, both of whom have degrees from the University of Amsterdam, stands out in its searing and original analysis of sexual violence in Holocaust Germany. Together the two scholars pursue an understanding of the relationship between gender, law, and ideology under the Nazis by illustrating how violence, death and sex were not only closely related but also seemingly interdependent. While it was illegal to rape, it was legal to murder during the Nazi genocide, and the essay explores the types of sexual violence that occurred in and seeks to explicate their causes.

The essay by Christophe Busch of the Memorial Museum Center on Holocaust and Human Rights in Belgium highlights Part I of the book, *Causes of Genocide*, by explaining some of the deeper issues in the way ordinary human beings are brought to commit extraordinary systematic evil. He maintains that collective violence does not occur by chance, but rather by conscious design. Nevertheless, he maintains that each person has an individual responsibility for—and a choice about—his or her actions. And while he posits that all people have the capacity for both good and evil, being involved with forces that execute what he calls demonic crimes changes people; however, and inevitably leads them further down the path, albeit by often tiny steps, toward genocidal acts they will one day commit themselves.

Consequences of Genocide, Part III, contains a particularly cogent article by Suzanne Hoeksema, who was educated at Upsalla University in Sweden, dealing with serious attempts at the re-education of the perpetrators of the genocide in Rwanda and tackles the question of whether or not they can be fully rehabilitated. Can divisive ideologies be eliminated in the minds of genocidal criminals? She cites the power of redefining ethnicity and creating a new view of politics as two successful attempts at answers, and studies how reshaping national narratives can have a positive effect on creating harmony and balance between the perpetrators' image of society and the socio-political reality, all along pointing out the dangers that are always at play in the fragile lives of those trying to reimagine their nation.

The book, while directed toward academics, will also appeal to a broader range of scholars—those who work in think tanks or create government policies, for example—as it is well-organized and accessible and free of arcane language.

Clearly, the scope of the book is huge, and best read and digested in small chunks. Much of it is deeply painful, not because it is sensationalized, but simply because the subject matter and the depth of the analysis brings us to the conclusion that genocide will never end. By the time we reach the epilogue, deftly written by Philip Spencer of Kingston University in London, we are ready for a coming to terms, a sense that the trauma experienced by the victims might be overcome, and that the crimes of the perpetrators might be admitted. Yet Spencer is realistic, and though he has framed his arguments in a most elegant and thorough way, and his conclusions are inescapable, our hearts nevertheless cry out our desire for a more positive version of our own flawed selves.

Book Review: *Violence as a Generative Force: Identity, Nationalism, and Memory in a Balkan Community*

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Violence as a Generative Force: Identity, Nationalism, and Memory in a Balkan Community

Max Bergholz

Ithaca, Cornell University Press, 2016

464 pages; Price: \$35 Hardcover

Reviewed by Kjell Anderson

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Max Bergholz's *Violence as a Generative Force* is an impressive work—notable for both its depth of focus, and its breadth of analysis. It gives a detailed accounting of a massacre in the Bosnian town of Kulen Vakuf in 1941, while also considering what this incident can tell us about collective violence more generally.

Bergholz's work is situated within a growing body of micro-level research into the dynamics of collective violence at the local level (such as the work of Lee Ann Fujii, Scott Straus, Omar McDoom, Stathis Kalyvas, and others).¹ While undertaking an exhaustive historical study, Bergholz also connects his research to social scientific theories on nationalism and the causes of mass violence. His central argument, as embodied in his title, is that (ethnic) identity is not necessarily a cause of violence: violence, can also *create identity*.

He rejects classical approaches to analyzing conflict in the Western Balkans, which frame violence as between ethnic groups (e.g. Serbs vs. Croats). These macro approaches essentialize violence as a war of all Serbs against all Croats. Through this framing, violence is depoliticised and naturalized as an inevitable consequence of deep-seated antagonisms. Such an approach tells us little about how and why conflict occurs in some places and times and not others. Bergholz draws from sociologist Rogers Brubaker in arguing that ethnic war frames of analysis drive research towards erroneous conclusions. One might even argue that these ethnicized approaches to conflict analysis echo the perpetrator gaze, which sees ethnic or religious identity as being all encompassing and often presents ethnic diversity as an inevitable source of conflict (or a threat to the survival of the in-group).² In articulating this critique *Violence as a Generative Force* challenges methodological and analytical assumptions about conflict and genocide.

Although the book is focused on a single case, Bergholz draws from a broad range of empirical and theoretical sources on political violence ranging from Kakar's studies of riots in South Asia to Kalyvas' insights into the unfolding of local level violence in the Greek Civil War, to Straus' analyses of the Rwandan Genocide. This moves the book from being mere description of a massacre in a small town on the Bosnian-Croatian border to addressing broader questions on the dynamics of political violence.

Bergholz dismisses the oft-stated riddle of how neighbors could kill neighbors by drawing from criminological research to note that violent crime is often intimate. There is no reason to expect that mass crime should be any different in this respect. There is a political context to mass crimes that is not present with conventional acts of murder, yet even crimes against humanity and genocide are composed of innumerable individual episodes of violent killing. Thus, the massacre in

¹ Lee-Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca: Cornell University Press, 2009); Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006); Omar Shahabudin McDoom, "Who killed in Rwanda's genocide? Micro-space, social influence, and individual participation in intergroup violence," *Journal of Peace Research* 50, no.4 (2013); Stathis Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006).

² Brakstad, Ingjerd Veiden: "Eldgammelt etnisk hat' – myter og avpolitiseringen av politisk vold. En analyse av samtidens norske medieframstillinger av massevolden i Bosnia-Hercegovina (1992-95) og Rwanda (1994)". English title: "'Ancient ethnic hatred' - Myths and the depoliticization of political mass violence." Ph.D. thesis in history, Department of Historical Studies, Norwegian University of Science and Technology, 2016.

Kulen Vakuf, like all other episodes of mass violence, represented an opportunity for the settling of personal scores and the reconfiguration of power at the local level. The extreme acts of violence in this case were often extreme precisely because the perpetrators knew (and harboured resentments) towards the victims. Bergholz draws from micro-sociologist Randall Collins' work in also arguing that excessive force can also be explained through "forward panic"—the excessive force that often follows a rapid shift in power (such as a police chase ending, or troops surrendering after an intense battle).³ There are probably additional dynamics at play here, such as: the opportunity for individuals predisposed to sadism to engage in satisfying acts of violence, the competitive spirit and festive atmosphere accompanying violence, and the situational sadism facilitated by the extreme power differentials between victim and perpetrator. There can be a reticence from some historians to engage social science in their work (particularly psychology), but Bergholz makes good use of the experimental and theoretical insights of these disciplines in explaining individual participation in violence.

His findings challenge the notion that nationalism always drives violence, rather arguing that violence also produces nationalism. This echoes studies done by Straus and others (including myself) concluding that perpetrators of collective violence are often acting for reasons that have little to do with deeply felt ethnic antagonisms.⁴ However, violence has the potential to strengthen "groupism" and perceived difference, while also producing motivations for future retaliatory violence by the victim group against the perpetrator group. This is, to some extent, what happened in Kulen Vakuf in 1941. The persecution of Serbs by the (Croatian) Ustaše was used as a justification for the wholesale massacre of Croats in July and August of 1941 (under the Independent State of Croatia, the *Nezavisna Država Hrvatska/NDH*). The "mutually reinforcing fears" of the groups provided a vocabulary to justify further acts of violence.

Yet, there is another equally-important story here. Bergholz argues that nationalism can be produced suddenly in periods of insecurity and violence; yet violence also brings forth forces of restraint including counter-narratives to exclusionary ethno-nationalism. Bergholz writes: "moments of extreme intercommunal violence can, in fact, forge inter-ethnic solidarity, which can then create the basis for the resistance to sudden nationhood. This violence, then, generates the mental templates not only for sudden nationhood, but also for its restraint...."⁵ He is essentially arguing that violence as an alpha process is followed by beta processes—actions produce a reaction. Just as people have a range of options in responding to the occurrence of violence, they have a range of options for making sense of violence. Acts of violence are communicative—sending a message to participants, victims, and bystanders, but so are acts of rescue, resistance, and restraint. Even amidst interethnic strife there are opportunities for building interethnic solidarity, something that is often lost in the existing literature on political violence. For example, a Serb who was rescued by a Croat in the early days of Ustaše violence might later act to restrain Serbian Chetnik violence against Croats. Violence is a generative force, producing nationalism and other social and political responses.

These responses are included in a chapter on "sudden nationhood," which addresses the years after the massacre at Kulen Vakuf. Communist Yugoslavia endeavored greatly to eliminate sectarianism in the form of laws prosecuting those who undermined the "peace and brotherhood" of the country. Yet, the legacy of violence could not easily be erased; for example, the book recounts a story of a tailor being brought to tears at the realization that the customer in front of him was wearing the watch of his son. These narratives make the book richly detailed, rooted in "thick description" of the case, but nevertheless recognizable to scholars focused on other cases.

The resolutely micro approach of the book is both its strength and its weakness. In focusing on the endogenous factors of violence in Kulen Vakuf, perhaps violence sometimes seems like it is entirely dependent on local factors. Yet the state (the NDH) provided the opportunity for the initial unchecked Ustaše criminality against Serbs and other minorities, which later produced the

³ Randall Collins, "Micro and Macro Causes of Violence," *International Journal of Conflict and Violence* 3, no. 1 (2009).

⁴ Kjell Anderson, *Perpetrating Genocide: A Criminological Account* (London: Routledge, 2018).

⁵ Max Bergholz, *Violence as a Generative Force: Identity, Nationalism, and Memory in a Balkan Community* (Ithaca: Cornell University Press, 2016), 320.

(excessive) retaliatory violence against Croats. Perhaps as an act of rebellion, it is easier to see the endogenous aspects of the Kulen Vakuf massacres. Bergholz is, of course, not unaware of the larger political context of the massacre, and this is also represented in the book in limited fashion. Ultimately, the choice to focus on the micro level was a wise one, as Bergholz was able delve deeply into the case, to challenge many assumptions about the nature of collective violence.

In responding to macro-level (quasi-primordial) approaches to studying conflict the book may also sometimes underplay the saliency of ethnic identity. While it is true that all conflict is ultimately produced through political decisions, individual alignment to groups is often more persistent than the concept of “sudden nationhood” seems to indicate. Although many Serbs certainly had good relations towards their Croat neighbors, and no deep-seated feeling of antagonism, it is no coincidence that ethnic identity proved to be such a powerful means of generating political mobilization. As Eck has noted, in-group mobilization costs are greatly reduced where conflict is ethnic.⁶ In other words, ethnicity remains politically and socially-salient to many individuals; nationhood is sudden, in certain respects, but it may also be drawing from ongoing perceptions of group membership. I am certain that Bergholz would agree with me here, but in emphasizing the malleability and fluidity of nationalism and identity, this point is sometimes lost.

Nonetheless, I would strongly recommend *Violence as a Generative Force* as a book which is rich in empirical detail and theoretical insight. Max Bergholz’s analysis of the micro-dynamics of violence and nationalism is fascinating and useful to scholars who study political violence, genocide, and the Western Balkans region.

⁶ Kristine Eck, “From Armed Conflict to War: Ethnic Mobilization and Conflict Intensification,” *International Studies Quarterly*, no. 53 (2009).

Book Review: *The Sobibor Death Camp: History, Biographies, Remembrance*

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The Sobibor Death Camp: History, Biographies, Remembrance

Chris Webb

Stuttgart, ibidem-Verlag, 2017

519 Pages; Price: \$45.00 Paperback

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Completing his trilogy on the Aktion Reinhardt camps (*Belzec, Treblinka*), Chris Webb provides a well-researched and profoundly needed text with *Sobibor*.¹ Webb intended to, and succeeds, in presenting a history of the Sobibor death camp and remembering its victims. Providing extensive source references for those looking to continue their research into Sobibor, the book is divided into two parts. Part I, *The Hell Called Sobibor*, details the history of the camp beginning with the first planning of the camp in early 1942 and continuing through to its shutdown in November 1943. Part II, *Survivors, Victims, Perpetrators, and the Aftermath*, focuses on the people of Sobibor, both the victims and the perpetrators, as well as what happened to the perpetrators after the camp completed its role in the Holocaust. Webb also provides an appendix on the labor camps around the Sobibor death camp (Appendix 1) and an appendix on the Trawniki men who served at Sobibor (Appendix 2). Following the appendices, there are photos, documents, drawings, and maps offering a visual of what Webb discusses in his history. These are beneficial on their own as primary sources but also add extensively to the history Webb provides. The writing of *Sobibor* uses terminology that assumes the reader has a strong background not only in Holocaust and Nazi history but also in the German language. Recognizing this, Webb provides a chart of equivalent military ranks as well as a glossary of Nazi terms, but the writing could still be overwhelming for someone without any prior knowledge.

Chapter 1 provides a brief overview of Aktion Reinhardt, the plan to exterminate Polish Jewry in the *Generalgouvernement* in the Belzec, Treblinka, and Sobibor camps. Webb introduces the major players of the program and outlines how it, and therefore Sobibor, came about. He also discusses how Aktion Reinhardt ended and what happened to the officials involved after the war. Chapters 2 through 5 focus on the construction of the camp and the start and expansion of the exterminations. It is in these chapters that we see what makes Chris Webb's *Sobibor* so unique. It is the focus on the people. Webb's detailed history of the camp relies heavily on first-hand accounts from camp personnel as well as survivors. Part I is filled with large block quotes from Germans, Ukrainian guards, other eyewitnesses, and some rare survivors of the camp. Webb does note multiple times, however, that some of these first-hand testimonies do contradict each other and contradict other information available on the camp. It is clear that Webb desires to put as much information available into the text to deliver the strongest history of Sobibor he can. While it shows Webb's dedication to the victims of Sobibor to ensure the history of Sobibor is told, sometimes there is so much information provided, especially within the numerous long block quotes, that some of the details get lost as one tries to retain all of them while also remembering which person is recounting them.

Chapter 6 examines in depth the Jewish Work Brigades and provides some of the first-hand accounts of those Jewish prisoners chosen to live and work in Sobibor. Webb identifies the responsibility of each work kommando and uses a personal account to provide the details making it not just a general history but an intricate visual of their daily lives. Once again, Webb emphasizes his focus on the people as the essential part of the Sobibor history. This focus is truly the strongest

¹ Chris Webb, *Belzec: The Death Camp Laboratory* (H.E.A.R.T/Holocaust Historical Society, 2012); Chris Webb and Michal Chocolaty, *The Treblinka Death Camp* (Stuttgart: ibidem-Verlag, 2014).

and most profound part of Webb's text. The Jewish prisoner eyewitness accounts continue in Chapter 7, joined by some SS accounts, with the recollection of Heinrich Himmler's visit to Sobibor in the winter of 1943. The later transports to Sobibor from other parts of Poland and Europe are also detailed by survivors in Chapter 8, however, the lack of quotation marks around non-block quotes, an occurrence throughout the entire text but especially notable in this chapter, makes it difficult at first to distinguish primary accounts from Webb's own writing, thereby affecting the flow.

Chapters 9 through 12 focus on the final months of the camp. Two major revolts happened at Sobibor in its closing months: the Waldkommando revolt on July 20, 1943 (Chapter 9) and the prisoner revolt on October 14, 1943 (Chapter 10). Webb presents these revolts through the eyes of the prisoners and the SS men. While the entire text is filled with incredible details of the camp and people's experiences there, the explicit descriptions of the October prisoner's revolt show why it ultimately led to the closing of Sobibor. Webb weaves each individual account together to form a complete picture of the events leading up to and the day's actual events. Chapter 11 picks up with the aftermath of the revolt, where Webb begins with SS men recalling their arrivals to Sobibor to assist. A most interesting part of these accounts is some men knew of Sobibor's existence prior to their arrival and some did not. While there are many outside of the Holocaust Studies field today that are not aware of Sobibor or may be aware of it but do not know much about it, at least in comparison to Auschwitz, Webb provides a wide variety of eyewitness descriptions to every aspect of the camp's existence to guarantee that everyone moving forward will have the chance to know of it. Chapter 12 completes the history of Sobibor discussing, as Webb calls it, the liquidation of the camp. A short chapter, it shows that the end of Sobibor is not the story, but instead all that leads up to it.

While it does not seem possible, given Webb's incredible attention to the individuals of Sobibor in the first section of the book, the second part of *Sobibor* focuses even more so on the people. This begins with Chapter 13 and the incredibly personal and meticulous roll of remembrance, placing a necessary spotlight on those lost forever at Sobibor as well as those who survived. Webb describes it as "an attempt to record some of the names of...those who set foot on the living hell that was Sobibor...to show these people were flesh and blood, and to honour their memory."² It is not a complete list, as Webb points out not everyone is known, but for those where it is possible a brief biography is provided.³ The list is separated into sections, with some sections including those who survived Sobibor, those selected in Sobibor for forced labor in other camps, those deported from Germany to Sobibor, and victims of Sobibor from other European countries.

Throughout his history of Sobibor, Webb provided statements from survivors as well as the criminals responsible for these evils and in the second part of this book, he provides biographies on the perpetrators of Sobibor (Chapter 14). Webb describes "the Personnel who ran the camps and supervised the extermination activities as absolutely ordinary people."⁴ This chapter is especially helpful as one reads through the book and tries to keep track of everyone involved in Aktion Reinhardt and at Sobibor itself. In Chapter 15, he discusses the testimonies and trials related to Sobibor. This includes official records from the trials involving the Aktion Reinhardt camps, providing further details of the events at Sobibor as those involved recounted what they did. Webb again shows his insightful research and exceptional use of sources to provide a history of Sobibor through the people, both the innocent and the evil. In his Epilogue (Chapter 16), Webb provides more recent information on Sobibor, including his own eyewitness account of the camp from 2002. The Epilogue shows that the history of Sobibor continues, making Webb's work vitally important, more so as 2017 marks the 74th anniversary of the revolts at Sobibor and its closing.

Webb ends his Author's Introduction writing "the trilogy of books serves as a memorial to each individual who was murdered in these horrendous 'factories of death'.⁵ He successfully honors them in *Sobibor* while also providing those in Holocaust Studies a detailed history of the

² Chris Webb, *The Sobibor Death Camp: History, Biographies, Remembrance* (Stuttgart: ibidem-Verlag, 2017), 156.

³ Ibid.

⁴ Ibid., 303.

⁵ Ibid., 13.

Sobibor death camp, the people lost, and the people responsible. In *Sobibor*, Chris Webb takes events in history and shows them not just as events on a timeline or events that are part of the larger atrocities known as the Holocaust or the Second World War but instead presents them as personal stories in people's individual lives that need to be learned and respected as such.

Book Review: *Constructing Genocide and Mass Violence: Society, Crisis, Identity*

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Constructing Genocide and Mass Violence: Society, Crisis, Identity
Maureen S. Hiebert
London, Routledge, 2017
230 Pages; Price: \$145.00 Hardcover

Reviewed by Carola Lingaas
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In her book *Constructing Genocide and Mass Violence*, Maureen S. Hiebert sets an ambitious goal to uncover the logic of genocide by means of a comparative analysis of two historical cases of genocide: the Holocaust 'final solution' and the Khmer Rouge killing fields. For her examination of these two cases, Hiebert chooses a constructivist approach, combining theoretical approaches of political science, comparative politics, and constructivist international relations and social theory. At the heart of her analysis lies the question of victim identity construction and why certain processes take the form of genocide, while others do not exceed the level of oppression, or conflict. Hiebert identifies a research gap in the lack of a systematic account of how victim group identities are constructed and what the exact relationship between collective identity construction and the initiation and acceptance of genocidal policies is. Genocide is, according to Hiebert, more likely to occur when it is grounded in an identity construction process, in which the victims are identified and presented as foreigners, sub-humans, and as 'enemies within.' The victims' sheer continued existence is understood to present a mortal threat to the perpetrators' group. This conclusion is supported by earlier research on the processes leading up to genocide.

Rather than relying on the Genocide Convention's definition of the crime of genocide, Hiebert defines genocide as "the intentional, systematic physical, biological, and/or cultural destruction of the members of a group in which the group is defined by the perpetrator."¹ In doing so, Hiebert acknowledges the centrality of intent and the perpetrator's subjective understanding of his victims, irrespective of their objective 'primordial' existence. This definition also allows the inclusion of groups other than the national, racial, ethnic, and religious groups that are granted exclusive protection by the Genocide Convention.

The book is structured into three major parts, in addition to an introductory chapter. Part I theorizes the socio-political environments in Germany and Cambodia. Part II discusses the crises that functioned as catalyst for later destructions in these two countries. Finally, Part III reconceptualizes the victim group and identifies three switches that have to be 'turned on' in order for genocide to occur. Part III also contains a brief analysis of the conflict in Vietnam, where abuses did not lead to genocide because not all three switches were activated. Each part ends with its own conclusion, resulting in the lack of a final conclusion that wraps up all chapters.

In Part I, Hiebert contends that a permissive socio-political environment, in which elite actors perceive intra-state and societal conflicts as zero-sum struggles, is a key genocidal dynamic. Rather than linking genocidal violence to a particular political regime, Hiebert focuses on social relationships, practices, and beliefs. In her analysis, she outlines three dimensions of the socio-political environment, which she applies to the cases of Germany and Cambodia. The first dimension concerns exclusionary and unequal patterns of group interaction. The second dimension identifies exclusionary conceptions of the community, characterized by a lack of solidarity, trust, and tolerance towards the 'others.' Finally, the third-dimension deals with authoritarian responses to conflicts, in which the state, rather than mediating, plays an active, direct, and hostile role in suppressing challenges.

¹ Maureen S. Heibert, *Constructing Genocide and Mass Violence: Society, Crisis, Identity* (London: Routledge, 2017), 4.

In applying these three dimensions to the case of Germany, Hiebert reviews the historical environment of anti-Jewish political, economic, societal and communal restrictions from the Middle Ages until the Holocaust. She meticulously singles out relevant historical occurrences that shaped anti-Semitism in Germany, which ultimately resulted in a collective image of the Jews as the 'enemy within.' Hiebert's discussion is detailed and accurate, but could be shorter as it largely reproduces established politico-historical scholarship. She chose a topical approach rather than a possibly more reader-friendly discussion of all relevant developments of each different era.

Hiebert then applies the three dimensions to the case of Cambodia, demonstrating a long-standing socio-economic hierarchy, consisting of an elite, a middle-ranking group not engaged in manual labor, and a lower group of poorly uneducated rural peasantry. The urban-rural split in terms of education and wealth ultimately enabled the Khmer Rouge to mobilize a large segment of the population. At the same time, the lack of social cohesion resulted in the absence of inter-group solidarity and prevented a unity in defense against the impending genocide. On a note of criticism, Chapter 3 reveals a somewhat one-sided reliance on (elderly) publications by a rather limited number of scholars.

Part II analyses the crises that function as the catalysts for destruction, exacerbating latent inter-group tensions, societal fragmentation, and conflict. Although these crises were triggers for the genocides in Germany and Cambodia, they were, in the opinion of Hiebert, not their direct cause. These conditions combined set the stage for the reconceptualization of the victim group to being perceived and presented as mortal threats, enemies, and sub-humans. As in Part I, Hiebert divides Part II into one chapter on Germany and another chapter on Cambodia, analyzing the inter-war crises, and the Sihanoukist and Lon Nol years, respectively. This structure inevitably leads to a certain degree of repetition of the earlier Part I. Structurally, such repetition could have been avoided in discussing all relevant developments, namely the permissive socio-political environment and the crises, collectively and chronologically for each country.

In sum, the most important economic crises leading to the Holocaust were, according to Hiebert's analysis, the Treaty of Versailles and imposed war reparations, the following hyperinflation, and the Great Depression. As such, her research confirms earlier findings. Conversely, Cambodia's crises were triggered by an underdeveloped and mismanaged agricultural economy, and corruption. Interlinked to this development were a parliamentary crisis and the overthrow of Sihanouk. Moreover, the Cambodian civil war and, later, the Vietnamese's war spillover severely affected Cambodia. Hiebert's analysis on the pre-genocidal crises in Cambodia is researched very thoroughly and detailed. She elegantly leads the reader through multifarious complex developments. Hiebert shows how and why, influenced by the Chinese Cultural Revolution, an irreconcilable difference between revolutionary workers and peasants on the one hand and the urban exploiters on the other hand arose.²

Lastly, Part III asks the important question of when the final step of reconceptualization of the victim's collective identity and engineering their genocidal destruction is taken. Hiebert suggests examining how the political elite reconceptualizes the victim group's identity beyond blaming them for the crises and depicting them as a threat. In line with other genocide researchers, Hiebert recognizes that the perpetrators of genocide must believe that the victim group's mere existence imperils the dominant community. As a result, the physical extermination of the victim group seems the only viable way by which to protect the society from this 'enemy within.' Yet, unlike other genocide researchers, Hiebert argues that the rationality that the perpetrators see in the extermination of the 'others,' lies not in underlying perceptions, but rather in the elite's decision-making processes leading up to genocide. What follows here is an impressive tour de force and the core of Hiebert's analysis: she draws on social constructivist theory to explain the process of collective identity construction. A permissive socio-political environment enables a distribution of ideas, which shape the conception of the victim group as different and as a mortal threat. This perspective may not be coherent with an objective reality. Instead, it is a socially constructed reality based on perceptions. In other words: the elites reconstruct the victim group's identity as a

² Ibid., Chapter II would have benefitted from stricter editing, avoiding verbatim duplications such as the ones on pages 112 and 117 ("the life-and-death enemies of the people's war," a war aimed at 'exterminate[ing] the exploiting class').

threat that needs to be eliminated before it destroys the collective 'self.' This reconceptualization is precisely what distinguishes crises that result in genocide from crises that stop short of destroying the victims.

Hiebert briefly outlines the three switches that need to be turned on in order for the genocidal reconceptualization to occur: switch one defines the victims as foreigners and draws a strict boundary between 'us' and 'them,' often based on unevenly distributed political, economic, or social rights and obligations. Switch two then presents the now-foreign victims as a mortal threat. The threat is constructed as an innate characteristic, requiring the group members' physical extermination. Finally, by means of the third switch, the victim group is dehumanized. As earlier research by, for example, David Livingstone Smith³ or Gregory Stanton⁴ has shown, in denying the 'others' their humanity, the normal revulsion against killing is overcome.

In Chapter 6, Hiebert then examines these three switches in Nazi Germany. Hiebert goes into great detail quoting and analyzing statements by the Nazi leadership, revealing their genocidal prophecy. She concludes that the Jews were perceived as an alien race, defined by a hereditary blood line, and conceptualized also by law as 'others.' Nazi ideology presented the Jews as a degenerate race, and the struggle between Jews and Aryans as an eternal struggle for survival. This race war, in which the Jews allegedly were a dangerous enemy whose goal was the destruction of the Aryan people, paved the way to the *Endlösung*. Another aspect of this second switch was the depiction of Jews as masters of Bolshevism and the international capitalist order, a threat motif that the Nazis merged with the racial epic struggle motif. Additionally, Nazi propaganda portrayed Jews as bearers of infectious lethal diseases that threatened Aryan racial purity. The combination of these motifs enabled the last switch of dehumanization. Dehumanization removes the victim's humanity and often includes a discourse on the victim's toxicity, an overlap that Chapter 6 does not fully address.

In Chapter 7, Hiebert applies the theory of the three switches to the Khmer Rouge killing fields. She concludes that the first and second switch occurred simultaneously, reconceptualizing the 'new people,' characterized by a static and innate essence, as non-members of the revolution. Unlike the Nazis, Pol Pot continuously defined and redefined his enemies, thereby blurring the lines between victims, perpetrators, and bystanders. Similar to the Nazis, the Khmer Rouge believed the counter-revolutionary essence to be contagious and thus a mortal threat. According to Hiebert, the second motif was a threat of foreign control by Vietnam, which had to be neutralized to save the "Cambodian race." As in Nazi Germany, the victims were treated as a collective unity and dehumanized by means of devaluating speech, enhancing the differences between 'us' and 'them.' Yet, she considers the dehumanization of Cambodia distinct from the German case in that it not only dehumanized the victims, but also the (low-level) perpetrators.

Lastly, Hiebert tests her theory on the case of Vietnam that did not result in genocide. She concludes that the Communist Party's leadership did not reconceptualize the southerners as foreigners or mortal threat. Rather, they could be reeducated, rehabilitated and integrated. The Vietnamese form of nationalism was, unlike in Cambodia or Germany, inclusive and trumped other forms of identity conceptions prevalent in mass violence genocides.

Hiebert deserves praise for addressing a complex topic and for suggesting a new theoretical approach to it. Her research is of great relevance not only to political scientists, but equally to sociologists, historians, psychologists, and lawyers, among others. I believe the book's core contribution is the creation of a theory of three conceptual switches of genocide, which Hiebert introduced in a publication of 2008. Yet, unlike her article *The Three "Switches" of Identity Construction in Genocide: The Nazi Final Solution and the Cambodian Killing Fields*,⁵ her book loses focus of her innovative suggestion, and the 'switches' are unfortunately overshadowed by often repetitive

³ David Livingstone Smith, *Less Than Human* (New York: St. Martin's Press, 2011), 71.

⁴ Gregory Stanton, "Countries at Risk Report 2012" (Washington: Genocide Watch, 2012), 4; Gregory Stanton, "Could the Rwandan Genocide Have Been Prevented?," *Journal of Genocide Research* 6, no. 2 (2004), 214.

⁵ Maureen Hiebert, "The Three 'Switches' of Identity Construction in Genocide: The Nazi Final Solution and the Cambodian Killing Fields," *Genocide Studies and Prevention: An International Journal* 3, no. 1 (April 1, 2008), <http://scholarcommons.usf.edu/gsp/vol3/iss1/3>.

earlier discussions. In my opinion, the book would have profited from stricter editing in Parts I and II and, conversely, from broadening the discussions in Part III. Hiebert's important contribution to genocide studies lies precisely in this latter part.

With her book *Constructing Genocide and Mass Violence*, Hiebert has published a fascinating piece of work, which upholds the reader's attention throughout and which is, without a doubt, an important addition to the ongoing research on genocide and mass violence.

Film Review: *First They Killed My Father: A Daughter of Cambodia Remembers*

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First They Killed My Father: A Daughter of Cambodia Remembers

Director: Angelina Jolie

Cambodia, United States, 2017

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This is the first major filmic intervention dealing with the genocide by the Khmer Rouge in Cambodia in the late 1970s since Roland Joffé's *The Killing Fields* in 1984¹ and will likely reach an even broader audience through its distribution on the online streaming platform Netflix. As such, the film will likely play an important role in the way the genocide is remembered internationally. The audio of the film is in Khmer with sprinklings of French, subtitled in English (and other languages), and this suggests a degree of authenticity. Indeed, the film succeeds in capturing the everyday experiences of people living under the Khmer Rouge regime.

The film tells the story of Ung Loung who was a young girl living under the Khmer Rouge and who co-wrote the script with the film's director Angelina Jolie. The film begins during the Vietnam War with images of the United States of America's bombing of Cambodia and the horrific consequences for the population. This beginning is significant as it explains to an audience, who for the most part will be new to Cambodian history, the complicity of the United States in destabilising the country and preparing the ground for the Khmer Rouge to become so strong. This focus on these dynamics on the fringe of the Vietnam War do, however, neglect political dynamics within the country itself, including the civil war which started five years prior to the fall of Phnom Penh and the key role of the country's king Sihanouk in appealing to his subjects to support the Khmer Rouge. These are important factors which should have at least featured briefly to highlight that Cambodia is not just a victim of global dynamics but that the Khmer Rouge regime for the most part is based on factors that are home-grown.

The plot itself first introduces Loung and her family, her father being a military officer and the family belonging to the privileged Phnom Penh elite, and their experience of the Khmer Rouge take-over and evacuation of Phnom Penh. The film masterfully depicts the confusion and only slowly materialising realisation of the Khmer Rouge and their ideological plans, as well as the unknown nature of who one should claim to be. At a Khmer Rouge armed checkpoint, the father is uncertain but ultimately denies his own military background, demonstrating well how people struggled initially how to present themselves under the new regime. The family first go to Loung's uncle, but have to move on as the family is worried that the father's identity as a former military person will be uncovered and endanger them all. Eventually, the family is located at a working camp and the film shows the progression of ever harder living and working conditions, as well as the gradual realisation of the totalitarian nature of the regime. As such, the film does justice to the perspective of the girl and her family as the totalitarian nature of the Khmer Rouge regime and coping strategies with this are only discovered throughout the film; it is thus a more realistic depiction of most Cambodians' experience with the regime.

In the course of the film, the family is split up as siblings are re-located to other working camps, the father is taken away (and killed as Loung realises in a dream) and Loung and her remaining siblings flee to other working camps. Loung herself is recruited as a cadre of the Khmer Rouge and is trained in rudimentary military combat and in the political ideologies of the regime; as a Khmer Rouge soldier herself, she then begins to wear her *kroma*, a traditional scarf worn by

¹ *The Killing Fields*, directed by Roland Joffé. United Kingdom, 1984. 141 minutes.

all, in the colour red, emblematic for Khmer Rouge cadres at the time. This part of the film shows well the relatively random nature by which many people were simply assigned to be cadres of the Khmer Rouge much like everyone else was also assigned to certain working groups; this coerced assignment of the role underlines the complex nature of living under the regime and alludes to the *problematique* of complex political perpetrators.² As such, the film continues to portray Loung as a victim of the regime, an attribution that is certainly not wrong, but one that highlights how people could be both victims and perpetrators in this situation of totalitarian control. That the film manages to bring in these nuances of responsibility, agency and victimhood so succinctly is important for an understanding of this period. This is a particularly welcome as it adds nuances of responsibility, agency and victimhood so succinctly into a discussion which has previously primarily portrayed Khmer Rouge cadres as 'evil others' with no attempt to trace their own motivations or their circumstances for joining. Moreover, there is no 'moment' of joining but it is part of a continuum of experiences and part of a fluid transition, so that the viewer does not realise immediately. This resonates with the experiences of many former Khmer Rouge.

The film's next turning point comes with the invasion of Vietnamese troops who Loung does not fight, but instead flees, including through a minefield that she herself had helped lay. At this point, the film takes a Hollywood-esque, sensationalist turn with the fighting between Khmer Rouge troops and Vietnamese, particularly with fleeing people running over mines and exploding. Although the scene is undoubtedly sensationalist and unnecessarily graphic, they are an important reference to the importance of landmines in the conflict and their ongoing impact on the country. Subsequently, Loung is reunited with two of her siblings at a refugee camp where violence between Khmer Rouge and the new government continues, reminding the audience that violence did not leave Cambodia in 1979 when the Khmer Rouge regime was toppled, but that the country remained engulfed by violent civil war well into the 1990s. Later, the siblings are reunited with two more of their brothers and the film ends with a picture of the five of them praying for their lost relatives in a Buddhist temple.

Although the film provides allusions to the broader temporal context within which the story is being told, it follows the lead of most other portrayals and discussions of the Khmer Rouge, seeing 17 April 1975 as the beginning and 7 January 1979 as the end of the Khmer Rouge in Cambodia. This is indeed the period that the Khmer Rouge had control over Phnom Penh and, for the most part, the entire country, but it neglects the civil wars which began in 1970. These civil wars are not only important because they provided incredibly complex dynamics and alliances between political and armed groups, but also because it meant that the population see the period from 1975 until 1979 as only *one* part of a longer continuum of violence. While a film may not be able to portray everything, its temporal selection plays into the well-rehearsed government narrative and supports its legitimisation narrative that is rooted in its liberation of the country from the Khmer Rouge in 1979.

It seems likely that this film will have an important impact on the global memoryscape regarding the genocide by the Khmer Rouge in Cambodia. Notwithstanding sensationalist moments in the cinematography and limited scope in challenging entrenched historical perceptions, the film does provide an important introduction for a broader audience, discusses important topics and offers degrees of nuance on some important issues.

Title of the Film: *First They Killed My Father: A Daughter of Cambodia Remembers*; Director: Angelina Jolie; Producers: Rithy Panh, Angelina Jolie, Michael Vieira; Screenplay: Angelina Jolie and Loung Ung (based on the book "First They Killed My Father"); Music: Marco Beltrami; Cinematography Anthony Dod Mantle; Film Editors: Xavier Box, Patricia Rommel; Sound Designer: Glenn Freemantle; Cast: Sareum Srey Moch, Phoeung Kompheak, Sveng Socheata, Mun Kimhak, Heng Dara, Khoun Sothea; Country: Cambodia, USA; Language: Khmer, Year of Release: 2017; Production Companies: Netflix, Bophana Production. Duration: 136 minutes.

² Erin Baines, "Complex Political Perpetrators", *The Journal of Modern African Studies* 47, no. 2 (2009).