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Jeff Benvenuto
Gratz College

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Book Review: *Cultural Genocide: Law, Politics, and Global Manifestations*

Jeff Benvenuto

Gratz College
Melrose Park, Philadelphia, U.S.A.

Cultural Genocide: Law, Politics, and Global Manifestations

Jeffrey S. Bachman, ed.

New York, Routledge, 2019

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Reviewed by Jeff Benvenuto

Gratz College

If the category of cultural rights has been called the “Cinderella of the human rights family,” could the same be said about its conceptual relative, *cultural genocide*?¹ That would be overstating it, although growing interest in the latter is a welcome development. Largely as a result of the return to Lemkin in genocide scholarship since the 2000s, the definitional center of gravity in the field has slowly yet surely shifted from a narrower conception of genocide as mass murder towards a broader one based on social destruction. Yet even if the cultural genocide concept has come in from the cold, it is still not enjoying a moment in the sun. Jeffrey Bachman’s edited volume, *Cultural Genocide: Law, Politics, and Global Manifestations*, is a testament to how far the emerging research agenda on cultural genocide has come, as well as how far it still has to go.

Since its origins, the concept has struggled to gain acceptance. Despite recent gains in popularity, proponents still have to fight rear-guard arguments in its defense. Bachman’s introduction thus begins with a relatable anecdote about a collegial exchange at a recent conference, where the author’s interlocutor was utterly dismissive: “There is no such thing as ‘cultural genocide,’ implying that genocide was synonymous with killing members of a protected group.”² Beyond our scholarly corners, such an assumption remains largely dominant both within academia and beyond. Even as an “insurgent”³ conceptualization of cultural genocide encroaches the boundaries of the field, the conceptual core of genocide remains tethered to the authoritative forces of international law and Holocaust memory. This leaves us in a predicament that Bachman rightly laments:

Scholars who recognize cultural genocide have been trapped in a debate with scholars who reject their ideas rather than engaging in debate with each other. This has acted as an impediment to the advancement of cultural genocide research.⁴

This problem has been there from the start. Part I of the volume provides a comprehensive overview of the contested origins of cultural genocide in international legal history. Douglas Irvin-Erickson draws from his larger intellectual history of Raphaël Lemkin

¹ Yvonne Donders, “The Legal Framework of the Right to Take Part in Cultural Life,” in *Human Rights in Education, Science and Culture: Legal Developments and Challenges*, eds. Yvonne Donders and Vladimir Volodin (Burlington, VT: Ashgate, 2007), 232.

² Jeffrey Bachman, ed., *Cultural Genocide: Law, Politics, and Global Manifestations* (New York: Routledge, 2019), 1.

³ *Ibid.*, 10.

⁴ *Ibid.*, 12.

to unpack the concept of culture in *cultural genocide*, the exact phrasing of which was not Lemkin's. It was actually coined by opponents of the concept in order to conceptually split the *cultural* from the *physical* and *biological*. Reflecting certain Eurocentric and modernist assumptions about ontology (see Woolford's chapter), this strategy of bifurcation was ultimately successful in omitting a provision against cultural genocide from the Genocide Convention (see Bachman's chapter). The concept has struggled ever since against being dismissed as a qualified or merely symbolic form of genocide. In response to this common misconception, a cornerstone of recent research on cultural genocide has returned to Lemkin's original understanding of it not as a type of genocide, but rather just one of several interrelated techniques. Yet Irvin-Erickson stresses the limits to Lemkin's thinking, as he did not always consider cultural destruction to be genocide, nor did he believe that group disintegration was a necessarily bad thing.

Situated in the historical context of the Convention, the implications of a broader definition of genocide were unsettling. Unlike some other acts of genocide that were supposed to "shock the conscience of mankind," the types of harms produced by cultural genocide were relatively far more common.⁵ This explains the infamous omission of a provision against cultural genocide from the final draft of the Convention. Bachman's following chapter covers familiar terrain in recounting the drafting process, while also demonstrating the hegemonic interests at stake. Perhaps most glaringly, attention is drawn to Article XII of the final draft, or the so-called "colonial clause."⁶ Inserted towards the end of the process by the British, this allowed application of the Convention in colonial territories to be voluntary, not compulsory. Ostensibly reasonable points of conceptual opposition against the cultural genocide provision, like the argument that it represented an "undue extension" and a "lack of ... proportionality,"⁷ were fig leaves covering the naked self-interests of colonial powers. This omission effectively "permitted such states to continue to employ acts associated with the technique of cultural genocide during the UNGC's drafting process, as well as subsequent to its entry into force."⁸ The Convention thus produced a lasting blind spot that has effectively condoned and even normalized certain forms of group destruction while criminalizing others.

Since World War II, this blind spot has been at least partly compensated by certain developments in other areas of international law. David Nersessian's chapter reviews how the issue of cultural genocide can be addressed through specialized treaties that protect different types of cultural property, as well as the limited cultural rights in the human rights regime. These two approaches provide alternative international legal routes for surmounting the gap left behind by the Convention. Such discursive shifts appear elsewhere in the volume. For example, Daud Abdullah's chapter on Israel and Palestine cites the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, whereas Andrew Woolford's concluding chapter refers to the UN Declaration on the Rights of Indigenous Peoples. Yet neither case inspires much confidence in the search for alternative international legal protections. Nersessian reasons that "half a loaf is better than none,"⁹ but the larger forces that produced the Convention's blind spot are still largely in effect.

Despite its official estrangement, the cultural genocide concept productively operates from beyond the margins of international law. In a point not fully illustrated in the volume, the concept's outsider status was largely brought back to life in the post-1970s context of global Indigenous politics. In her chapter on the Guarani Kaiowá in Mato Grosso do Sul, Brazil, Genna Naccache stresses that:

⁵ Ibid., 65.

⁶ Ibid., 51.

⁷ Ibid., 47, 49.

⁸ Ibid., 57.

⁹ Ibid., 76.

What is at stake ... is their very survival as a culturally distinct people. This is not a label, but a way of understanding a people's experience of suffering and collective loss, which they experience as culturally and physically destructive.¹⁰

Other chapters on settler colonialism in the United States (by Lauren Carasik and Bachman), Australia (Martin Crook and Damien Short), and Canada (Andrew Woolford) also stress the ongoing threats and realities of social destruction faced by Indigenous peoples. In this contemporary setting, the cultural genocide concept serves important rhetorical functions by articulating the righteous indignation of at-risk peoples and alerting the world to threatening situations that may otherwise remain unnoticed.

Whereas Part I of the volume analyzes cultural genocide as a discursive formation in global governance, Part II examines real-world cases and particular methods. No single definition of cultural genocide is used consistently across the chapters, although this is to be expected with any edited volume. Some chapters get away without offering any explicit definition. For example, Helen Malko's chapter on the so-called "Islamic State"¹¹ provides a devastating description of cultural genocide without needing to cite any particular version of the concept. In this chapter and others, readers get a sense of the varied techniques under this category: the vandalism and looting of cultural artifacts; the desecration of holy places; the prohibition of languages and customs; the closure of social institutions; the erasure of historical records; and the forced transfer of children, including residential schools, but also contemporary foster care and adoption systems. The contributors also stress the cultural ramifications of other techniques, such as the assassination of leaders, massacres, enslavement, removal and dispossession, and especially ecological destruction.

Beyond a general consensus on the meaning of cultural genocide, however, the chapters in Part II can be distinguished according to the various macro-level social forces that typically produce relations of cultural genocide, such as religion, the global political economy, and the nation-state. Of these, religion gets the least coverage. It is most evident in Malko's review of the Islamic State's rejection of diversity, as represented by the unique cosmologies of the Yazidis and the Assyrians. Similarly, Moojan Momen's essay on the Baha'i in Iran begins by observing this as a case in which an ostensibly "traditional" society attempts to eliminate a "modern" one.¹² However, the case of the Baha'i in Iran is not dissimilar from Abdullah's chapter on Israel and Palestine, where the manifestation of cultural genocide has been driven as much by the state than religion. Apart from brief references elsewhere to Catholic missionaries in colonial Brazil or the role of churches in the Indian residential schools, the theme of religion is otherwise limited to these chapters.

The global political economy receives relatively more attention. For example, Lauren Carasik's chapter, co-authored with Bachman, reviews the cost-effective logic behind the late 19th century shift in American Indian policy from confrontation and confinement to assimilation. Intending to further sever the deep bonds between Indigenous peoples and their territories, the assimilative project of the Indian residential school system was designed to produce new docile subjects fit for a liberal order. To that end, multiple chapters use the settler colonial analytic as a longitudinal and materialist framework for understanding the imperative of limitlessly expanding capitalist property relations vis-a-vis the long-term goal of eliminating Indigenous peoples as autonomous polities and social collectivities. Chapters by Naccache on Brazil and Crook and Short on Australia also highlight the roles of agribusiness and extractive industries in causing ecological destruction. Woolford thus imparts a crucial lesson: "We need to contend with the material nature of what is often portrayed as cultural genocide."¹³

¹⁰ Ibid., 133.

¹¹ Ibid., 207.

¹² Ibid., 246.

¹³ Ibid., 278.

Finally, the modern state appears to be the most common institutional force in the global manifestations of cultural genocide, showing up in one form or another across all of the chapters. This is especially so with Kjell Anderson's reprised essay on the colonization of West Papua as part of an aggressive project of nation-building in the postcolonial state of Indonesia, which like so many other modern nation-states that attempt to forge unity out of diversity, involves the incorporation of colonized populations into the territorial integrity and political unity of the sovereign state. The case is made for a theoretical distinction between "hot" and "cold"¹⁴ genocides, with the latter referring to slow-motion, low-intensity, and long-term processes of Indigenous group destruction. Such processes are underpinned less by intense hatreds than condescension, considering the deep-seated normative belief of the supposed inevitability of so-called "primitive" peoples going extinct when faced with the inexorable march of "progress."¹⁵ This type of attitude was instrumental in producing the blind spot of the Convention. So long as such prejudices remain normalized, this blind spot will persist.

In sum, there is an urgent need for this book, as the emerging research agenda on cultural genocide faces a world where patterns of cultural genocide appear to be normal, even fundamental. This very point was stressed by two French anthropologists from the 1960s, Robert Jaulin and Pierre Clastres, whose important works on ethnocide were notably absent in the volume's references.¹⁶ In fact, the keyword *ethnocide* only appears infrequently; where it does show up, it is problematically conflated with cultural genocide. To a certain extent, such conflation makes sense, insofar as we are opening up the concept of genocide to include broader forms of social destruction. Accordingly, this volume is correct: cultural genocide *is* genocide. By that logic, ethnocide may be redundant terminology. With that said, the types of techniques covered by the cultural genocide and ethnocide concepts are quite common, more so than other techniques of genocide. Even if we no longer abide by the modernist divorce of the cultural from the physical and biological, some other type of distinction may still be warranted, as evidenced by Anderson's theory of cold genocide. In that sense, perhaps the old ethnocide concept warrants renewed attention.

Beyond that, where does this research agenda go from here? Possibilities for future case studies are enormous; given the global normalcy of assimilation and other culturally destructive processes, there is no shortage of cases. Although the geographic coverage in this volume is somewhat limited (China is missing, for example), these contributions provide models for such an approach. Moreover, considering how many of the chapters here concern ongoing situations, it is imperative for the genocide prevention community to correct its inherited blind spot and pay attention to the issues raised by cultural genocide (and ethnocide). This research agenda still has a long way to go, not least in terms of gaining respect, but this volume has helped cement its status.

¹⁴ Ibid., 193.

¹⁵ Ibid., 180.

¹⁶ Robert Jaulin, *La paix blanche: Introduction à l'ethnocide* (Paris: Éditions du Seuil, 1970); Pierre Clastres, "On Ethnocide," trans. Julian Pefanis and Bernadette Maher, *Art & Text* 28 (1988), 51–58.