

Markus P. Beham

# **ATROCITY LABELLING**

From Crimes Against Humanity  
to Genocide Studies

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Markus P. Beham

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*In gratitude to both of my grandfathers,  
Harold Bernard Harper (1926–1995)  
and Alois Beham (1916–1991),  
for their aspirations;  
and to my parents for their encouragement to follow these.*

*The chapters on German South-West Africa and the Belgian Congo  
I dedicate specifically to the loving memory of  
Wendy Patricia Tinson (1954–2016)  
for instilling in me an imagination of Africa.*



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## Preface

This book is the result of a wider preoccupation with the intersection between international law and historiography. It was further encouraged by the widening – though regrettably still largely intradisciplinary<sup>1</sup> – interest of both disciplines in each other.

The original impetus came through a course on ethnic cleansing in the twentieth century held by Arnold Suppan – who also agreed to serve as a reviewer of the doctoral thesis that is the basis for this book – at the Department of East European History of the University of Vienna. Following the advice of my master's thesis supervisor in history, Oliver Jens Schmitt, to diversify after the previously medievalist focus of my work, I set out to explore histories of colonialism and the great transformations of the long nineteenth century reaching into the interwar years. Around that same time, I had finished my law degree and was able to secure a position at the Department of European, International and Comparative Law at the University of Vienna, which came with the need to refocus my academic trajectory on law.

Originally devised as a project for my doctoral thesis in law on international criminal law and the responsibility to protect, my interest in legal philosophy and theory tugged me further and further away from the issues of substantive law to the underlying discourse. More and more, my interest in narrative and terminology grew. I soon found myself getting lost in books of different disciplines, from history to sociology, from political science to international relations that all dealt with the same subject but from different angles: genocide, crimes against humanity, war crimes and ethnic cleansing. What had started off as an attempt to write an exposé for a legal thesis gradually developed into an unintentional discourse analysis.

<sup>1</sup> See Markus P. Beham, 'Bardo Fassbender and Anne Peters (Eds.), Oxford Handbook of the History of International Law (Oxford University Press 2012)' (2013) 18 *Austrian Review of International and European Law* 392.

Taking recourse to the syllabus and bibliography of Arnold Suppan's course, I started to look into how historians had been using legal terminology and whether it was really the legal parameters that made them pass 'judgement' on events. First suspicions and assumptions slowly fell into abstract patterns and allowed for the creation of a methodology to explore their validity. Comparative legal methodology helped to shape the main question.

However, a generous grant by the University of Vienna for the completion of a doctoral degree in law required me to set aside this first sketch before picking it up again after penning down a doctoral thesis in law.<sup>2</sup> Hopefully, perspective and scope were benefitted by this imposed abstinence from the historian's work.

In this regard, I would like to greatly thank my supervisor, Christoph Augustynowicz, for his patience and encouragement to continue the project of a doctoral thesis in history. He continuously, wholeheartedly and understandingly supported each and every step of my career, gently calling deadlines, all the way critically commenting and countering my methodology. His unique down-to-earth, out-of-the-box approach to teaching history and historiography analysis has greatly shaped my research agenda way beyond this book.

Even throughout my historian's hiatus, I was able to explore and expand on the ideas feeding into the research presented here at conferences and workshops. Most importantly, on the very kind invitation by Marija Wakounig of the University of Vienna, discrete parts of the underlying doctoral thesis were presented at the annual meetings of the Centres for Austrian Studies (the 'Austrian Centres') in Vienna (2012) and Leiden (2013) before publication in the respective conference volumes.<sup>3</sup> Both Arnold Suppan and Ruth Fine of the Hebrew University of Jerusalem provided valuable comments. Without the critical remarks by Gary Cohen of the

<sup>2</sup> Markus P. Beham, *State Interest and the Sources of International Law. Doctrine, Morality, and Non-Treaty Law* (Routledge 2018).

<sup>3</sup> See Markus P. Beham, "Borrowed" Concepts: The Pitfalls of "Atrocity Labelling" in Contemporary Historiography' in Markus P. Beham and Marija Wakounig (eds), *Transgressing Boundaries: Humanities in Flux* (Lit Verlag 2013); Markus P. Beham, 'Genocide and Crimes Against Humanity: Siamese Twins or Separated at Birth?' in Markus P. Beham and Marija Wakounig (eds), *Mind and Memory in Discourse: Critical Concepts and Constructions* (Lit Verlag 2014).

University of Minnesota, the case study on the ‘Holodomor’ would also not exist in its present form.

Aspects related to collective memory were presented at the XVII International Conference of Young Scholars at the University of Economics in Prague in May 2013 and published in the corresponding conference volume.<sup>4</sup> The ideas of the main research question were further discussed at the workshop ‘Genocide Studies: Sound, Image, Archive’ organized by Ian Biddle and Beate Müller at the University of Newcastle in November 2013. Finally, an advanced version of the thesis was presented at the Doctoral Colloquium, supervised by Marija Wakounig at the University of Vienna in June 2016.

An invitation by the editors of the *Austrian Review of International and European Law* to publish an article on the occasion of the seventieth anniversary of the Genocide Convention allowed for consolidation and revision of parts of the doctoral thesis.<sup>5</sup> A symposium on ‘The UN Convention on the Prevention and Punishment of the Crime of Genocide (1948)’ at the Charles University, Prague, on 15 October 2020 allowed for discussion of the process of atrocity labelling and awaits publication in a conference volume.

The basis of this book is my doctoral thesis in history at the Department of East European History of the University of Vienna. All chapters have been subject to – in some sections quite extensive – revision during the completion of the manuscript for publication, allowing for the inclusion of additional literature and source material. Thanks go to the three anonymous peer-reviewers and the reviewer of the final manuscript for their time and valuable suggestions.

As always, there is an infinite list of colleagues and friends, and more often both, that I must thank for intellectual exchanges, advice, and support. An enumerative list would prove impossible. The invaluable help of Alina Alma, Cecilie Reckhorn and Katharina Schötta in reviewing the tables of documents and cases as well as the bibliography is greatly appreciated, as is the assistance of Manuel Merz in compiling the index. Marie-Lidvine and Janet Beham kindly offered a fresh pair of eyes during the different stages of proofreading.

<sup>4</sup> Markus P. Beham, ‘Genocide and Collective Memory in International Relations’ in Nicolas Maslowski (ed.), *Collective Memory and International Relations. Conference Proceedings* (TROAS 2013).

<sup>5</sup> Markus P. Beham, ‘The 1948 Genocide Convention: Origins, Impact, Legacy’ (2018) 23 *Austrian Review of International and European Law* 85.

At Bloomsbury, working with Nayiri Kendir and Atifa Jiwa proved a thoroughly constructive and pleasant experience that deserves recognition beyond the obligatory words of gratitude usually given to the publishers in a preface. Thanks must finally go to Vishnu Prasad for his diligent work and responsiveness throughout the copy editing process.

Once more, I thank Lidi for all her patience and attentiveness.

## Foreword

This book is both a necessary and welcome addition for two reasons: first, there is an inflationary use of the term ‘genocide’ in contemporary writing, transferring the term to areas of life that have nothing at all to do with the intentional mass killing of human beings. Second, in comparing the many atrocities of the twentieth century – from the Ottoman genocide of the Armenians to the mass crimes committed by the Serbian military against Bosnian Muslim men in Srebrenica in 1995 – it is imperative to sharpen terminology.

Beham portrays both the relevant ‘Genocide Studies’ and the development of the term ‘genocide’ via the Treaty of Versailles (1919) and the ‘Charter of the International Military Tribunal’ of August 1945 that defined exactly what the International Military Tribunal in Nuremberg should consider ‘Crimes against Humanity’. Similar provisions were made a year later for the Military Tribunal in Tokyo. The International Criminal Tribunals for the former Yugoslavia and for Rwanda in the 1990s provided further clarification. These definitions under international law were based on the fundamental studies of the Polish international legal scholar Raphaël Lemkin, who published his seminal work ‘Axis Rule in Occupied Europe’ in Washington, DC, in 1944. Lemkin’s suggestions were eventually incorporated into the United Nations Genocide Convention, adopted by the General Assembly in 1948.

In Chapter 4, Beham uses four case studies as examples to illustrate the difficulty of retrospectively applying the term ‘genocide’:

- To the exploitation of rubber in the Belgian Congo, which in just a few decades cost the lives of several million people;
- To the ‘extermination order’ issued by German Lieutenant General Trotha against the Herero people in 1904, which cost the lives of tens of thousands of Herero and Nama;
- To the Ottoman leadership’s deportation order in the spring of 1915 against the Armenians in Eastern Anatolia, which resulted in the violent deaths of over a million men, women and children;

And to the catastrophic famine orchestrated by Stalin ('Holodomor') in Ukraine and Southern Russia in 1932–3 with several million deaths, described by Lemkin himself as 'the classic example of Soviet genocide'.

The reader may easily compare the four case studies following the uniform structure of each section: 'Course of events', 'Numbers', 'Genocide', 'Holocaust' and 'Assessment'. Beham depicts the different appraisals by international historiography and through his analysis emphasizes the importance of Article II of the Genocide Convention, which unequivocally speaks of 'the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group'.

Beham's research will surely invite further comparative studies into the history of human violence.

Em. Univ. Prof. Dr.phil. Arnold Suppan  
Vice president of the Austrian Academy of Sciences





## The word

‘Genocide.’ A word laying bare the horrors of industrialized killing, loss of home and division of families.<sup>1</sup> It is ‘the darkest word in the human language.’<sup>2</sup> A word that targets its perpetrators across jurisdictions.<sup>3</sup> It is ‘a word that evokes immediate moral outrage.’<sup>4</sup> A word so powerful that it may trigger the use of force by states.<sup>5</sup> It is ‘the “gold standard” of humanitarian emergencies.’<sup>6</sup> A word that stands as a substitute since 1945 for a ‘crime without a name,’<sup>7</sup>

<sup>1</sup> Cf Berel Lang, ‘The Concept of Genocide’ in A. Dirk Moses (ed), *Genocide. Critical Concepts in Historical Studies. Volume I. The Discipline of Genocide Studies* (Routledge 2010) 115.

<sup>2</sup> Gijs M. de Vries, ‘Genocide: An Agenda for Action’ in Richard G. Hovannisian (ed), *Looking Backward, Moving Forward. Confronting the Armenian Genocide* (Transaction Publishers 2003) 9.

<sup>3</sup> For example, § 64(1)(6) Austrian Criminal Code.

<sup>4</sup> Alexander Laban Hinton, ‘Introduction. Genocide and Anthropology’ in Alexander Laban Hinton (ed), *Genocide. An Anthropological Reader* (Blackwell 2002) 2.

<sup>5</sup> See United Nations General Assembly Resolution 60/1, ‘2005 World Summit Outcome’, 24 October 2005, A/RES/60/1, 138–9.

<sup>6</sup> A. Dirk Moses, ‘Raphael Lemkin, Culture, and the Concept of Genocide’ in Donald Bloxham and A. Dirk Moses (eds), *The Oxford Handbook of Genocide Studies* (Oxford University Press 2010) 41.

<sup>7</sup> Taken from a speech by Winston Churchill of 24 August 1941, the expression a ‘crime without a name’ has entered the discourse on the genesis of the origin of the term. In the speech, however, while he was emphasizing the extent and brutality of the ‘aggressor’, any ordinary reading of his speech shows that what Churchill was referring to in this particular passage were war crimes of an extensive scale, committed against combatants rather than the deportation and systematic killing of civilians. Churchill was referring specifically to the killing of Soviet soldiers: ‘The Russian Armies and all the peoples of the Russian Republic have rallied to the defence of their hearths and homes. For the first time Nazi blood has flowed in a fearful flood. Certainly a million and a half, perhaps two millions of Nazi cannon-fodder, have bitten the dust of the endless plains of Russia. The tremendous battle rages along nearly two thousand miles of front. The Russians fight with magnificent devotion. Not only that, our generals who have visited the Russian front line report with admiration the efficiency of their military organization and the excellence of their equipment. The aggressor is surprised, startled, staggered. For the first time in his experience mass murder has become unprofitable. He retaliates by the most frightful cruelties. As his armies advance, whole districts are being exterminated. Scores of thousands, literally scores of thousands of executions in cold blood are being perpetrated by the German police troops upon the Russian patriots who defend their native soil. Since the Mongol invasions of Europe in the sixteenth century there has never been methodical, merciless butchery on such a scale or approaching such a scale. And this is but the beginning. Famine and pestilence have yet to follow in the bloody ruts of Hitler’s tanks. We are in the presence of a crime without a name.’ See Prime Minister Winston Churchill’s Broadcast to the World About the Meeting With President Roosevelt, 24 August 1941, <<http://www.ibiblio.org/pha/policy/1941/410824a.html>>.

for '[i]n the beginning, there was no word'.<sup>8</sup> It has since been recognized as the 'most heinous'<sup>9</sup> and the 'crime of crimes'.<sup>10</sup> A word carrying a maximum prison term of a decade if denied.<sup>11</sup> A word that instils fear of reparations and restitution in revisionist governments and profiteers of past sorrow.<sup>12</sup>

These impacts and effects of the word 'genocide' are not accidental. As Samantha Power recounts in her best-seller *A Problem from Hell*, in 'one of his surviving notebooks, Lemkin' – the lawyer behind the composite neologism 'genocide' – 'scribbled and circled "THE WORD" and drew a line connecting the circle to the phrase, penned firmly, "MORAL JUDGMENT"'.<sup>13</sup>

Inherent in its origins is the political, a trajectory surpassed by the subsequent impact of the word. Devised as a legal concept against the background of the Second World War, the word has become synonymous with the destruction of the European Jews.<sup>14</sup> It carries the full weight of the Holocaust engraved in collective memory as the 'genocide of genocides'.<sup>15</sup>

The term 'genocide' was first included outside the ring of scholarly debate on and off during the Nuremberg trials,<sup>16</sup> then in a United Nations General Assembly resolution<sup>17</sup> and, finally, a multilateral treaty between states,<sup>18</sup> as the international community was still under the impression of 'the shadow

<sup>8</sup> Helen Fein, *Accounting for Genocide. National Responses and Jewish Victimization during the Holocaust* (Free Press 1979) 3.

<sup>9</sup> Cf the CNN documentary and report by Christiane Amanpour et al., 'Scream Bloody Murder. The World's Most Heinous Crime', 12 January 2009 <<http://edition.cnn.com/2008/WORLD/europe/11/20/sbm.overview/index.html#cnnSTCText>>.

<sup>10</sup> See for an early use of this description Pieter N. Drost, *The Crime of State. Penal Protection for Fundamental Freedoms of Persons and Peoples. Book II. Genocide. United Nations Legislation on International Criminal Law* (AW Sythoff 1959) ii. The phrase was popularized by the ICTR in *Prosecutor v. Jean Kambanda*, Judgement and Sentence of 4 September 1998, Case No. ICTR-97-23-S, para 16.

<sup>11</sup> For example, § 3h Austrian Prohibition Act 1947.

<sup>12</sup> Cf the recent Polish legislation introducing a statute of limitations for compensation claims related to seized property. See 'Israel Furious as Poland's President Signs Bill to Limit Property Claims' *Reuters* (14 August 2021) <<https://www.reuters.com/world/europe/polands-president-signs-bill-limit-ww2-property-restitution-claims-2021-08-14/>>.

<sup>13</sup> Samantha Power, *A Problem from Hell. America and the Age of Genocide* (Basic Books 2013) 42.

<sup>14</sup> See Stig Förster and Gerhard Hirschfeld, 'Einleitung' in Stig Förster and Gerhard Hirschfeld (eds), *Genozid in der modernen Geschichte* (Lit Verlag 1999) 5; Jürgen Zimmerer, 'Kolonialer Genozid? Vom Nutzen und Nachteil einer historischen Kategorie für eine Globalgeschichte des Völkermordes' in Vivianne Berg and others (eds), *Enteignet – Vertrieben – Ermordet. Beiträge zur Genozidforschung* (Chronos 2004) 110. Cf also A. Dirk Moses, 'Genocide and Settler Society in Australian History' in A. Dirk Moses (ed.), *Genocide and Settler Society. Frontier Violence and Stolen Indigenous Children in Australian History* (Berghahn Books 2004) 23.

<sup>15</sup> Mark Levene, *Genocide in the Age of the Nation-State. Volume I: The Meaning of Genocide* (I.B. Tauris 2005) 1.

<sup>16</sup> See p. 27.

<sup>17</sup> See p. 31.

<sup>18</sup> See p. 31.

of Auschwitz'<sup>19</sup> and 'the shadow of the Holocaust',<sup>20</sup> making the term 'at once universally known and widely invoked'<sup>21</sup> as an expression of 'collective memory'.<sup>22</sup> The experience is 'nothing less than a discursive explosion'.<sup>23</sup> The knowledge of the event allows for an understanding of the term.<sup>24</sup>

In the greater scheme of things, the term is still quite new. But considering that the organized destruction of civilian population has been suggested as one of the identifying phenomena of the twentieth century,<sup>25</sup> its quick rise to 'success' may not seem surprising. States, peoples, indigenous populations, minorities, groups, politicians, NGOs, activists and scholars have all come to recognize its power in the public discourse.<sup>26</sup> It creates 'a new site of collective identification that recounts the historical relationship between injury, state power, and group identity'.<sup>27</sup> Yet, it does not constitute the only word or phrase created to grasp or conceptualize mass atrocities: crimes against humanity, war crimes, ethnic cleansing, pogrom, massacre, extermination and annihilation. But none of these alternatives offer the same immediate representation, as does the term 'genocide'.

<sup>19</sup> Robert Gellately and Ben Kiernan, 'The Study of Mass Murder and Genocide' in Robert Gellately and Ben Kiernan (eds), *The Specter of Genocide. Mass Murder in Historical Perspective* (Cambridge University Press 2003) 6. See *verbatim* also Johan Dietsch, 'Holodomor: The 1932–1933 Ukrainian Famine-Genocide: Argumentum Ex Silentio' in Lubomyr Y. Luciuk (ed), *Holodomor: Reflections on the Great Famine of 1932–1933 in Soviet Ukraine* (Kashtan Press 2008) 181.

<sup>20</sup> Payam Akhavan, 'Preventing Genocide: Measuring Success by What Does Not Happen' (2011) 22 *Criminal Law Forum* 1, 2.

<sup>21</sup> Donald Bloxham and A. Dirk Moses, 'Editor's Introduction: Changing Themes in the Study of Genocide' in Donald Bloxham and A. Dirk Moses (eds), *The Oxford Handbook of Genocide Studies* (Oxford University Press 2010) 1.

<sup>22</sup> See Beham, 'Genocide and Collective Memory in International Relations' (preface, n 4).

<sup>23</sup> Benjamin Meiches, *The Politics of Annihilation. A Genealogy of Genocide* (University of Minnesota Press 2019) 21.

<sup>24</sup> Cf Dietrich Busse, 'Architekturen des Wissens. Zum Verhältnis von Semantik und Epistemologie' in Ernst Müller (ed), *Begriffsgeschichte im Umbruch?* (Felix Meiner Verlag 2004) 46–8; Oliver Harry Gerson, 'Wahrnehmungslenkende Funktion der Sprache im Strafprozess – Verfahrensbalance durch kommunikative Autonomie' in Günter Köhnken and Rüdiger Deckers (eds), *Die Erhebung und Bewertung von Zeugenaussagen im Strafprozess. Juristische, aussagepsychologische und psychiatrische Aspekte. 3. Band* (Berliner Wissenschafts-Verlag 2018) 156.

<sup>25</sup> See Jacques Sémelin, *Säubern und Vernichten. Die politische Dimension von Massakern und Völkermorden* (Hamburger Edition 2007) 13, 124–5, and 336. Cf also Leo Kuper, 'Types of Genocide and Mass Murder' in Israel W Charny (ed), *Toward the Understanding and Prevention of Genocide. Proceedings of the International Conference on the Holocaust and Genocide* (Westview Press 1984) 36: 'The twentieth century is sometimes viewed as initiating a new process in genocide'.

<sup>26</sup> Cf Irving Louis Horowitz, *Taking Lives. Genocide and State Power* (5th edn, Transaction Publishers 2002) 35 and 320; Kevin Lewis O'Neill, 'Anthropology and Genocide' in Donald Bloxham and A. Dirk Moses (eds), *The Oxford Handbook of Genocide Studies* (Oxford University Press 2010) 195.

<sup>27</sup> Meiches, *The Politics of Annihilation. A Genealogy of Genocide* (ch 1, n 23) 19.

What does it take then for past or present atrocities to be considered under the one or other word or phrase? Is it an analysis of legal requirements, the elements of the crime, or is the benchmark something else, memories of the Holocaust invoked – think of the picture of the emaciated men behind barbed wire in the Trnopolje internment camp on the cover of *Time* magazine during the Bosnian War<sup>28</sup> – or simply a rhetorical whim?

Whoever delves into the darker places of human history where individuals have been discriminated against, tortured or murdered – most often not committed by thugs in the night but by a state apparatus carrying the support of ‘civil society’ and the legal profession – for essentially being at the wrong time in the wrong place will experience a deep, soul-wrenching feeling of incredulity at such events.

Any attempt at differentiation, relativization or typology – for example, seeking to ‘distinguish between massacre and pogrom and partial genocide’<sup>29</sup> – must seem utterly off point at this moment in which the victims’ fate reveals itself to anyone capable of the slightest empathy and compassion. Yet this is the primary activity of a scholarly field aimed at the study, comprehension and, ultimately, prevention of the atrocities in question.<sup>30</sup>

<sup>28</sup> *Time* (17 August 1992).

<sup>29</sup> Robert Melson, ‘Problems in the Comparison of the Armenian Genocide and the Holocaust: Definitions, Typologies, Theories, and Fallacies’ in Stig Förster and Gerhard Hirschfeld (eds), *Genozid in der modernen Geschichte* (Lit Verlag 1999) 27.

<sup>30</sup> See on the latter point, particularly, Israel W. Charny, ‘Editor’s Preface’ in Israel W. Charny (ed), *Toward the Understanding and Prevention of Genocide. Proceedings of the International Conference on the Holocaust and Genocide* (Westview Press 1984) xvii. Moses sees the trend towards activism arising, in particular, in the 1990s against the background of inaction in the Balkans and Rwanda. See A. Dirk Moses, ‘Introduction: The Field of Genocide Studies’ in A. Dirk Moses (ed), *Genocide. Critical Concepts in Historical Studies. Volume I. The Discipline of Genocide Studies* (Routledge 2010) 4–5. See on this idea, generally, also Sémelin, *Säubern und Vernichten. Die politische Dimension von Massakern und Völkermorden* (ch 1, n 25) 397–412. For an earlier appraisal of such preventive measures, see Israel Charny, ‘Intervention and Prevention of Genocide’ in Israel Charny (ed), *Genocide. A Critical Bibliographical Review* (Facts on File Publications 1988) 20–30. See also the concluding chapters in Donald Bloxham and A. Dirk Moses (eds), *The Oxford Handbook of Genocide Studies* (Oxford University Press 2010). Yehuda Bauer even sees the issue of defining genocide as a ‘necessary step to taking preventive measures’. See Yehuda Bauer, ‘Comparison of Genocides’ in Levon Chorbajian and George Shirinian (eds), *Studies in Comparative Genocide* (Palgrave Macmillan/St Martin’s Press 1999) 31.

## 1.1 Genocide Studies

From the earliest efforts to legally conceptualize and deal with mass atrocities has sprung a field of scholarship of its own. The loose interdisciplinary *chapeau* of 'Genocide Studies' comprises scholars dealing with atrocities on a broad scale, most often at the comparative level and not necessarily with genocide itself. Predominantly a sociological endeavour<sup>31</sup> on the search for the causes of mass atrocities within a society,<sup>32</sup> the field leads a semi-symbiotic life alongside lawyers engaged in international criminal law, proponents of humanitarian intervention and the more specific yet related 'Holocaust Studies'.<sup>33</sup>

The comparative study of genocides gained momentum in the 1970s through a number of seminal articles and books on the subject.<sup>34</sup> Many more, in particular political scientists and sociologists,<sup>35</sup> followed suit.<sup>36</sup> Its earliest shapes were given by scholars whose biographies include the Holocaust as personal experience or part of their wider family history.<sup>37</sup> It cannot seem

<sup>31</sup> See Vivienne Jabri, *Discourses on Violence. Conflict Analysis Reconsidered* (Manchester University Press 1996) 3–4.

<sup>32</sup> See Förster and Hirschfeld, 'Einleitung' (ch 1, n 14) 6–7; Gellately and Kiernan, 'The Study of Mass Murder and Genocide' (ch 1, n 19) 8.

<sup>33</sup> See Moses, 'Introduction: The Field of Genocide Studies' (ch 1, n 30) 3. Donald Bloxham and A. Dirk Moses also refer to Genocide Studies as 'part offspring of, part uneasy junior partner to, the longer standing discipline Holocaust studies'. See Bloxham and Moses, 'Editor's Introduction: Changing Themes in the Study of Genocide' (ch 1, n 21) 3.

<sup>34</sup> For example, Vahakn N. Dadrian, 'A Typology of Genocide' (1975) 5 *International Review of Modern Sociology* 201; Leo Kuper, *Genocide. Its Political Use in the Twentieth Century* (Yale University Press 1982). See also Frank Chalk and Kurt Jonassohn, 'Conceptualizations of Genocide and Ethnocide' in Bohdan Krawchenko and Roman Serbyn (eds), *Famine in Ukraine 1932–1933* (University of Toronto Press 1986) 182–6; Adam Jones, *Genocide. A Comprehensive Introduction* (3rd edn, Routledge 2017) 17 and 22; Dominik J. Schaller, 'Genozidforschung: Begriffe und Debatten. Einleitung' in Vivianne Berg and others (eds), *Enteignet – Vertrieben – Ermordet. Beiträge zur Genozidforschung* (Chronos 2004) 9. Cf, however, Eric D. Weitz, *A Century of Genocide. Utopias of Race and Nation* (Princeton University Press 2003) x, who sees the emergence in the 1990s with the International Association of Genocide Scholars and Samantha Power's book. See Power, *A Problem from Hell. America and the Age of Genocide* (ch 1, n 13).

<sup>35</sup> See Barbara Harff, 'No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955' (2003) 97 *American Political Science Review* 57; Moses, 'Introduction: The Field of Genocide Studies' (ch 1, n 30) 1; Dan Stone, 'Introduction' in Dan Stone (ed), *The Historiography of Genocide* (Palgrave Macmillan 2008) 3. See on the debate also Moses, 'Introduction: The Field of Genocide Studies' (ch 1, n 30) 5–6.

<sup>36</sup> For a short overview, see Robert Gellately and Ben Kiernan, 'Investigating Genocide' in Robert Gellately and Ben Kiernan (eds), *The Specter of Genocide. Mass Murder in Historical Perspective* (Cambridge University Press 2003) 375; Jones, *Genocide. A Comprehensive Introduction* (ch 1, n 34) 22; Martin Shaw, *What Is Genocide?* (2nd edn, Polity Press 2015) 4; Yves Ternon, *L'État Criminel. Les Génocides au XXe Siècle* (Seuil 1995) 62–4. See also David Kader, 'Progress and Limitations in Basic Genocide Law' in Israel W. Charny (ed), *Genocide. A Critical Bibliographical Review. Volume Two* (Facts on File Publications 1991) 142–3 with regard to legal literature on genocide.

<sup>37</sup> See Moses, 'Introduction: The Field of Genocide Studies' (ch 1, n 30) 2.