

H-Diplo ROUNDTABLE XXIV-26

A. Dirk Moses. *The Problems of Genocide: Permanent Security and the Language of Transgression*. New York: Cambridge University Press, 2021. <https://doi.org/10.1017/9781316217306>

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Introduction by Carolyn J. Dean, Yale University

A. Dirk Moses's latest book masterfully synthesizes conceptual developments in genocide studies and upends familiar approaches to the study of mass violence.¹ Moses departs from the rest of the field by approaching genocide, in his own words, not as "the discovery or naming of a pre-linguistic reality but [as] the creation of one." His book is thus not an empirical history, but a genealogy of the term that asks not only how genocide came to be distinguished from other kinds of mass violence, but also how it came to represent the gravest moral transgression of all. More specifically, Moses argues that the Western liberal international order occluded the recognition of colonial genocides by defining the Holocaust of European Jewry as the "crime of crimes" after 1948. This paradigmatic status was accorded to the Holocaust even as Western imperial violence persisted in the form of population displacement, aerial bombings, torture, and later, humanitarian interventions and drone strikes.

In his boldest move, he introduces the concept of "permanent security" (1) to replace genocide as we have come to understand the term. As Moses conceives it, "permanent security" takes the form of two quests to secure a particular social order against perceived threats: one "illiberal" (authoritarian or totalitarian) and one "liberal" (Western and democratic). The concept expands beyond an ideology that targets racial and ethnic groups (the "genos" in genocide) to explain genocide more broadly as a(n often paranoid) response to perceived threats from groups not because of 'who they are' but for what peril they might pose to state security in the future. These threats can be articulated in racialized terms and they may be combatted in many ways: exterminating, enslaving, or displacing people to secure land and other resources, as well as crushing resistance and avenging past humiliation. Permanent security thus explains varied forms of violence—crimes against humanity, genocide, and war crimes—as features of historically and politically diverse struggles to secure state fantasies of invulnerability.

The author's efforts to place the Holocaust on a continuum of violence notably provoked controversy in Germany. As Frank Biess notes, Moses published an essay insisting that Holocaust memory in that nation has become a "catechism" that forefronts Jewish victimization at the expense of exploring Israel's treatment of Palestinians.² A German translation of the book is sadly not forthcoming because of these polemics. Indeed, much of the noise about *Problems of Genocide* has been a response to Moses's treatment of the Holocaust. The reviews collected in this H-Diplo forum instead engage the book in all its multidimensionality, raising some issues that are relevant to this recent controversy but also discussing more fully the book's contribution to rethinking genocide and genocide studies. This is not to say that other debates did not raise some pertinent questions, but that they focused primarily on the status of the Holocaust and often underplayed other dimensions of Moses's argument.³

The reviewers here reflect the book's scope—the authors are not only specialists of Western Europe, but also of Southeast Asia, Africa, and International Law. Together the seven reviews focus on three main issues, illuminating the book's complexity and underscoring its strengths and weaknesses: the book's conceptual

¹ A. Dirk Moses, *German Intellectuals and the Nazi Past* (Cambridge: Cambridge University Press, 2007). He has edited numerous collections, among them *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History*, ed. A. Dirk Moses (New York: Berghahn Books, 2008).

² A. Dirk Moses, "The German Catechism," *The New Fascism Syllabus*, 23 May 2021. It originally appeared in German in the Swiss online journal *Geschichte der Gegenwart* in March 2021: <https://geschichtedergegenwart.ch/der-katechismus-der-deutschen/>

³ See Omer Bartov, "Blind Spots of Genocide," *Journal of Modern European History*, 19.4 (2021), 395-400 (part of a forum devoted to the book); and the reviews of Oded Heibronner and Yehuda Bauer in *Haaretz*, September 21 and October 6, 2021, respectively. For more sympathetic accounts, see Jan Burzlaff, John K. Roth, Annette Weinke, Itamar Mann, and A. Dirk Moses, "Security, Genocide, and the Holocaust: A Forum," *Holocaust Studies: A Journal of Culture and History* (2022) [hereafter *Holocaust Studies*]: 1-24.

breadth; its focus on the Zionist views of the Polish-Jewish lawyer who coined the term genocide, Raphael Lemkin; and the viability of its argument in particular geographical and historical contexts.

Most of the assessments address the advantages and limitations of the book's historical and conceptual scope. Indeed, the book covers some five hundred years of discourse about the transgressions presented by atrocities from the sixteenth-century Spanish murder of indigenous peoples in the Americas to contemporary mass violence; it offers a granular account of the making of the Genocide Convention in 1948, but also discusses Nazism, settler colonialism, imperialism, Hannah Arendt and Raphael Lemkin, as well as Germany, India/Pakistan, Israel/Palestine, and more. According to several reviewers, this astonishing breadth enables Moses to rethink many conventions. Taner Akçam writes that his concept of permanent security brings together a wide variety of crimes ("genocide, war crimes, crimes against humanity"), understanding them as interconnected rather than of greater or lesser severity. Ana Filipa Vrdoljak argues that the book reveals links not only between colonialism and international law that have long been discussed by legal scholars, but also forges connections between the history of genocide and international law that are bound to generate discomfort. Others remark that the book's conceptual breadth reduces historical complexity. Biess notes that the concept of permanent security is an abstraction applied to 500 years of history: "rhetorical stability does not necessarily imply historical continuity." He adds that the term genocide has been useful because it is both a legal and a historical concept, while permanent security makes it difficult to draw a "distinction between a reasonable, perhaps universal quest for security and its more pathological, permanent versions." Erin Mosley asks if the broad definition of permanent security would really resolve what Moses calls "the lamentable hair-splitting" in discussions of civilian destruction. She believes that it might well lead to more hair-splitting, now about what constitutes "legitimate security concerns," for example.

The reviewers also address his focus on Lemkin as a central character in the story of how genocide became depoliticized. Moses argues that Lemkin and his Zionist commitments, together with efforts by the World Jewish Congress to push for Israeli statehood, dovetailed with Allied interests to protect state sovereignty against incursion. The Allies distinguished their own violence (notably Jim Crow in the US South, the Gulag in the former Soviet Union, and ongoing imperial practices) from genocide, which they defined as the physical destruction and elimination of ethnic or racial groups for 'who they are.' In so doing, they transformed the Holocaust of European Jewry into the paradigm of genocide, establishing a difference between the murder of innocents because of their identities and politically motivated violence like ethnic cleansing, populations transfers, and the brutal suppression of anticolonial resistance. This distinction between identity-based murder and politically motivated mass violence has caused the "hair-splitting" about whether mass murders qualify as "genocide" or not.

While acknowledging the importance of Moses's insight, the reviewers question the centrality of Lemkin and his Zionist beliefs to this outcome. As they note, the idea of a world order consisting of ethnically homogenous states was a feature of postwar order, not specific to Lemkin. Biess argues that the depoliticization of genocide was a feature of the Allies's refusal to be accountable for their own violence and less the result of Lemkin's intentions. He reiterates in other terms an important critique of Moses's book by historian James Loeffler, the author of the influential article that unearthed Lemkin's Zionism. Loeffler argues that the problems of genocide have little to do with Lemkin and are "really the problems of the modern world."⁴ Vrdoljak argues that Lemkin was an outsider and remains one in accounts of international law today, implicitly questioning the important role Moses attributes to him. She notes that Moses's and Lemkin's thinking actually has a lot in common: both conceptualize the meaning of mass atrocities more broadly than

⁴ James Loeffler, "The Problems of Lemkin," [Heb.] *Hazman hazeh* (February 2022), <https://hazmanhazeh.org.il/genocide/>. Loeffler argues that Lemkin's concept of genocide was grounded in a "universal moral imagination beyond the West's hierarchies" rather than in racial essentialism. Moses cites Loeffler in his response to this roundtable, but does not fully engage this claim.

contemporaneous thought and political realities permitted.⁵ And Akçam insists that it is “clearly still necessary to understand the major differences between the mass slaughter of the Jews and the massacre of POWs. In this regard, Lemkin’s degree of Zionist affiliation comes across as an insignificant detail.”

These are important questions about whether Moses’s focus on Lemkin and his Zionism plays too much of a causal role in explaining the construction of the Holocaust as an icon of evil to which other atrocities must measure up. They reiterate some of the concerns expressed elsewhere about how to assess the specificity of the “mass slaughter of the Jews” and the weight Moses gives to the role of Jewish elites and Zionism in explaining the triumph of the Western liberal international order. But most reviewers here do not question the importance of criticizing the now iconic status of the Holocaust, criticisms that have been made for a long while by scholars who have bemoaned the degree to which precisely that iconic status has removed the Holocaust from its historical context and often sacralized it. Of all the reviewers, only Edward B. Westermann strongly objects to Moses’s intervention in terms that recall some of the earlier controversies.

Finally, other responses ask about the pertinence of permanent security when it is considered in particular historical contexts. By what mechanisms, Diana Kim asks, did genocide travel and become globally relevant? Why, for example, has it so far eluded discussions about the experience of the Japanese Occupation, both by its victims and in the Tokyo War Crimes trial? How, Mosley asks, did the designation genocide come to matter not only for political elites using it instrumentally, but also for Tutsi survivors in Rwanda and how they articulated their experiences? Ned Richardson-Little asks how can we acknowledge Moses’s trenchant critique of human rights and yet recognize that the reality of human rights organizations was far more complex and nuanced than his account suggests. He believes that Moses’s work “obscures the dynamism of the post-war human rights system,” focusing on top-down politics and conflating population transfer, human rights, and genocide.

Moses provides a spirited response to all of these queries and readers will draw their own conclusions. Whatever one’s view, his book compels its readers to question conventional wisdom. By dint of the controversy it has caused and the excitement with which it has also been received, the book urges us to begin anew—to think about what assumptions were baked into the fashioning of the genocide concept and how they have caused no end of challenges for prosecutors, defenders, scholars, victims, and citizens seeking justice. *The Problems of Genocide* provides the conceptual opening that will allow readers to examine those assumptions anew.

Participants:

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⁵ Roth also claims slyly that Moses’s book “shows [him] to be a latter-day Raphael Lemkin.” Roth, “What Dirk Moses Wants” in *Holocaust Studies*, 4.

Taner Akçam is the inaugural Director of the Armenian Genocide Research Program at the UCLA Promise Armenian Institute. He is the author of *Killing Orders: Talat Pasha's Telegrams and the Armenian Genocide* (Palgrave 2018).

Frank Biess is Professor of History at the University of California-San Diego. He has published widely on 20th century German History, most recently *Die Republik der Angst. Eine andere Geschichte der Bundesrepublik* (Reinbek: Rowohlt, 2019) and *German Angst. Fear and Democracy in the Federal Republic of Germany* (Oxford: Oxford University Press, 2020), which won the 2021 Norris and Carol Hundley Award of the Pacific Coast Branch of the American Historical Association.

Diana S. Kim is an Assistant Professor at Georgetown University in the Edmund A. Walsh School of Foreign Service and core faculty member of the Asian Studies Program. Her scholarship is animated by concerns with how modern states develop capacity to define people at the edges of respectable society, constructing what it means to be illicit, marginal, and deviant, with regional focus on Southeast and East Asia. Kim is the author of *Empires of Vice: The Rise of Opium Prohibition across Southeast Asia* (Princeton UP 2020), which won the 2021 Giovanni Sartori Book Award from the American Political Science Association. She is currently working on projects regarding comparative colonial legacies, as well as the transnational politics of caste discrimination and global histories of untouchability.

Erin Mosely is an Assistant Professor of History at the University of Maryland specializing in the African Great Lakes region, with thematic interests in the politics of history and memory after mass violence; truth, justice, and reconciliation processes; and the influence of human rights paradigms on historical research and writing. Her current book project, "The Future of Rwanda's Past," examines the impact of the 1994 genocide on Rwandan historians and historiography, as seen through key developments in the political, legal, intellectual, and archival realms.

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Edward B. Westermann received his PhD from the University of North Carolina, Chapel Hill and is a Regents Professor of History at Texas A&M University-San Antonio. He is the author of *Hitler's Police Battalions: Enforcing Racial War in the East* (2005) and *Hitler's Ostkrieg and the Indian Wars: Comparing Genocide and Conquest* (2011). He was a Fulbright Fellow in Berlin, a three-time German Academic Exchange Service (DAAD) Fellow, and a J.B. and Maurice C. Shapiro Fellow at the USHMM. His most recent work, *Drunk on Genocide: Alcohol and Mass Murder in Nazi Germany*, was published by Cornell University Press in association with the USHMM in March 2021.

 Review by Taner Akçam, UCLA

In this brief review, I mention a number of arguments that I believe are central in A. Dirk Moses's 520-page work and also pose a number of questions. The book consists of three parts, each containing several chapters. In Part I, Moses provides an overview of what he terms "the language of transgression" from 1500 until the 1930s. This section also explains how Polish lawyer Rafael Lemkin coined the term 'genocide' and how the concept has become a category of atrocity separate from that of mass killings. Part II introduces the term 'permanent security,' which the author proposes as an alternative to the concept of genocide. It means an excessive form of security that seeks not only to confront immediate threats but to anticipate future ones. Permanent security is thus based upon a paranoid threat perception that seeks final solutions to perceived security problems. The author makes a further division between the concepts of 'liberal' vs. 'illiberal permanent security,' the former denoting globally-oriented policing practices typical of western empires, the latter referring to the exterminationist policies of authoritarian and totalitarian states. Several chapters in this section examine the evolution of the concept of genocide and explore idea in-depth, often through the ideas and practices of imperialism, settler-colonialism, and the post-Nazi/post-war world. The concept of 'liberal permanent security' is discussed in detail in Part III, and it is here that Moses addresses the ideas on genocide of both Lemkin and Hannah Arendt, whom he argues were its apologists by shielding the West from its murderous imperial expansion over the centuries. Among the other topics dealt with in this section is the evolution of genocide studies and Holocaust memory, both of which, Moses finds, are likewise complicit in liberal permanent security.

As one who has been conducting regular graduate seminars on "Problems of Genocide" (the same title as the book under review) since 2008 I can confidently say that Moses's work is the most comprehensive critique produced thus far on the concept of genocide, and is destined to become a foundational work on the subject. Until now there have certainly been many works dealing with the concept, but this work is of a different category altogether.

I would group the earlier discussions into two principal categories. The first group argues that the term is not sufficiently comprehensive and therefore calls for the field to be broadened. Studies in this category began with the establishment of 'genocide studies' as its own separate field of study, and generally cover the earlier period of the field. These earlier debates, which I shall term 'definitionalism,' criticized the concept of genocide as being too narrow. The central debates revolved around what was meant by such terms as 'group,' 'intent,' and 'as such,' and the scholars involved tended to come up with their own terms, which they felt were broader and more comprehensive, instead of using those found in the 1948 Convention.⁶ A few academics suggested abandoning the term altogether and offered other ones in its place;⁷ among the best-known examples of their works are Christopher Gerlach's "Extremely Violent Societies" and David Scheffer's "Atrocity Crimes."⁸

The discussions and debates within the second category have primarily concerned themselves not with the inadequacy of the term itself, but with its misuse and with incorrect understanding of its meaning. I would further sub-divide these debates (which claim that the term's meaning has been distorted). One part involves those arguments of the 'uniqueness' or 'unprecedented nature' of the Holocaust. In fact, "Comparative Genocide Studies," which are treated in Chapter 11 of the book, emerged in large part in reaction to the claim

⁶ For a list of these terms, see Adam Jones, *Genocide: A Comprehensive Introduction* (London & New York: Routledge, 2011), 15-20. An expanded list is to be found in the work's third edition (2017).

⁷ Another list can be found in Samuel Totten and Paul R. Bartrop, *The Genocide Studies Reader* (New York & London: Routledge, 2009), 57-95.

⁸ Christopher Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World* (New York: Cambridge University Press, 2010). David Scheffer, "Genocide and Atrocity Crimes," *Genocide Studies and Prevention* 1, 3 (December 2006): 229-250.

of the unique character of the Holocaust, although its proponents accepted the model status of the Holocaust for genocides generally. While this argument still has defenders in Germany, it is safe to state that, at least as far as genocide studies goes, the case is closed.

The second part of the arguments of the ‘incorrect/distorted use’ camp can be characterized as basing themselves on a ‘rediscovery of Lemkin.’ This group, of which Moses himself is an initiator, argues that since the concept has largely been explored and discussed through a Eurocentric lens, it has tended to overlook or ignore the genocidal crimes of colonialism, and, moreover, that the concept includes settler colonial modalities of group destruction. These scholars carried out a fundamental reexamination of Lemkin’s writings and began to use the concept of genocide in a broader sense, one that also encompassed the colonial experience.⁹ While some of its members, like Patrick Wolfe, proposed replacement concepts for genocide, such as the “logic of elimination,” as a whole this group continues to use genocide as a key concept in discussing colonial massacres and exterminations.¹⁰ One of the most recent modifications of the term is “settler-colonial genocide” that Moses helped pioneer.¹¹

Despite their differences, the various debates mentioned above all share a common denominator: even if they accept the validity of some of the criticism of the term genocide, they argue that the term still contains a core truth. The prevailing sentiment is well expressed by Leo Kuper’s 1994 statement that, “[i]n this bewildering array of definitions, there are sound reasons for working with the definition of the United Nations. It provides a workable definitional core for interdisciplinary analysis and application...”¹² Going beyond these classifications, Moses claims both that the concept of genocide itself is the very source of the problem, and that those who toss around the term—Lemkin included—consciously buy into the problems it causes. What he is questioning here is the idea of a “workable definitional core.”

Moses does so by reconstructing how and why Lemkin formulated the concept. His argument is that genocide’s problems are baked into its definitional DNA by virtue of its contingent formulation during World War II, when Lemkin felt the need to invent a very general concept of national destruction because the Holocaust was being ignored by the Allies. By including the persecution of Christian Europeans in his definition of genocide, Moses continues, Lemkin hoped that an alliance of the leaders of occupied ‘small nations,’ like his native Poland, and Jews, represented by the World Jewish Congress, could pressure the Americans and British to rescue Jews and prosecute the Nazis and their collaborators. While it is true that Lemkin had formulated “barbarism” and “vandalism” as forms of “terrorism” in 1933 in the context of discussions about terrorism as international crimes at the time (138), Moses argues that these terms have only rhetorical connections to genocide, which Lemkin invented a decade later in an entirely different legal context: the laws of occupation governed by the Hague Conventions.

Moses posits that the cost of this invention is a broad notion that conflates persecution and extermination, leading to widespread confusion, even if persecution and cultural genocide were removed from the United Nations Convention on the Prevention and Punishment of Genocide in 1948 in order to make genocide resemble the Holocaust. The other cost—or problem of genocide—was its depoliticization: genocide was now seen as an attack on a national or ethnic group solely on the grounds of its identity (unpolitical), not for acts committed by some of the members of the aggressor state (political). Because the mass violence against

⁹ See the chapters in A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History* (New York and Oxford: Berghahn Books, 2008).

¹⁰ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8.4 (2006): 387–409.

¹¹ A. Dirk Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (New York and Oxford: Berghahn Books, 2004).

¹² Leo Kuper, “Theoretical Issues Relating to Genocide,” in George J. Andreopoulos, ed., *Genocide: Conceptual and Historical Dimensions* (Philadelphia: University of Pennsylvania Press, 1994), 31.

civilians since the Second World War has occurred in military contexts, it is thus very difficult to argue that they are being targeted ‘as such.’

Some of these problems have been identified before, but here they are historically accounted for here for the first time. Moses’s argument that the concept excludes political crimes, for instance, and/or the assertion that the concept should only encompass race-based or ‘hate’ crimes against ‘innocent civilians,’ as distinct from those crimes committed during wars or civil wars, is constitutive of the fields of Holocaust and genocide studies. To offer one example: in 1982 the Turkish General Staff, when publishing Ottoman military archival documents on the “Armenian issue,” defined the term thus: “Genocide is the planned extermination by an armed group of all the individuals within an unarmed and defenseless group without distinction.”¹³ Using this term as its starting point, Turkish military authorities argue that the Armenian “events” of the First World War could/should be characterized as a “civil war” but not as genocide. Similar arguments have been made in regard to all colonial genocides, first and foremost the one against Native Americans in North America. The field is replete with debates claiming that such arguments are tantamount to “denialism” and defending the characterization of colonial cases as genocide.¹⁴ In fact, the debates revolving around both the inadequacy of the term itself and its intentional misuse or alteration can be said to be as old as the field of genocide studies itself.

As mentioned, Moses goes one step further. For him the source of many of today’s problems is the concept itself, or, more correctly, the fact that the logic that produced the concept, and the prevailing philosophy around it, is wrong. The author questions Lemkin’s idea of the “biological essence” of nations (164, 216), and claims that it has produced a definition of a crime that is based on “Ethnic-national human ontology” (146); this type of description of a crime, he argues, has completely removed the political aspect from the crime and simply produced a new category of crime known as race-based or hate crime at the expense of other categories of civilians. Thus the concept has acquired two negative side effects. The first is that it has created political and non-political (i.e., de-politicized) crime categories, and has thereby produced inaccurate explanatory models for many of the large-scale slaughters, such as the Holocaust and the Armenian, Cambodian, and Rwandan genocides. The second is that the term has contributed to the masking of several other mass killings. It has even been consciously produced and used for this purpose.

Moses therefore suggests that we need a new category of crime. The new descriptive term, he argues, must not be based on the concept of “genos,” or be fixated on such notions as “biological essence” or “ethno-national human ontology,” which run counter to the implied meaning of genocide (42). In his view, “the social fact of racial or religious difference or even prejudice does not cause genocidal violence.” Instead of “genos” or “ethno-national human ontology,” Moses introduces the idea of “securitization,” namely, “identifying a group as threatening” as the core element of the new crime category since it is “[t]he securitization of groups, whether racialized or otherwise defined,” that “is the driver of excessive violence.” The concept that he proposes is “permanent security.” The criminality that is expressed by a desire for permanent security “unites the triumvirate of genocide, crimes against humanity, and war crimes, as well as collateral damage” (42).

Moses’s critique is not only related to the meaning of genocide. He offers several other arguments in parallel with this. Principal among these is the claim that the concept of genocide narrows the conceptual field of “transgressions.” He argues that the western tradition, which has categorized crimes against civilians since the sixteenth century, has since the Second World War begun to formulate these categories of transgressions as

¹³ “Soykırım silahsız ve savunmasız bir toplumun bütün bireylerinin ayrım gözetilmeksizin, silahlı bir toplum tarafından ve planlı bir biçimde yok edilmesidir,” *Askeri Tarih Belgeleri Dergisi*, March 1983, Year 32, No. 83, (Ankara: Genelkurmay Basımevi, 1983), iii

¹⁴ The most known book in this category: David E. Stannard, *American Holocaust: Columbus and the Conquest of the New World* (Oxford, New York: Oxford University Press), 1992.

legal propositions: “this legalization dramatically narrowed the inherited imagination of transgression” and “our current imagination is impoverished compared to its nineteenth-century and interwar predecessors” (28). This “narrowing” is witnessed along with a secondary process, namely, the creation of a hierarchy of these transgressions, with genocide—the ‘crime of crimes’—at the apex.

The natural result of this process (to use a sports metaphor) has been to place genocidal crimes in the ‘premier league,’ with the Holocaust serving as the ‘perennial champion.’ Those who study other mass killings and atrocities must struggle tirelessly simply in order to show that their subjects of study ‘qualify’ for the league. Both the ranking of such crimes and the great efforts to portray them as sufficiently appalling to ‘make the cut’ have been grave errors on the part of those participating in this hierarchy of horrors, and it has inadvertently served to devalue and disregard a great many mass slaughters that were not deemed awful enough.

In Moses’s view, while the concept of genocide was thrown into the arena with the alleged aim of laying the foundations for a moral stance against mass slaughter, one of its less visible results has been to conceal the slaughter of civilians perpetrated by nation-states, first and foremost the great powers. He even hints that the concept was itself consciously created with this purpose in mind. In other words, the issue is not, (as has frequently been claimed), that the term has been used for nefarious and unintended purposes; rather, it is that it was produced precisely *for* these untoward aims, which he terms “[t]he impoverished language of transgression, with a depoliticized genocide at its apex. . . .the attenuated definition of genocide and accompanying memory regime constitute central pillars of postwar liberal permanent security that is designed to enable conquest, occupation, settlement, and resource extraction—as it has for 500 years” (510). In plain language, the crimes currently being perpetrated by states against their civilian populations in places such as Iraq, Afghanistan, Syria, Libya and Yemen (my examples) are denied a hearing in the court of public discourse since they are not seen as passing the “threshold” of being considered genocides.¹⁵

With these fundamental assertions, Moses’s book can be said to offer a provocative and radical interpretation. I would argue, however, that Moses’s arguments can fairly be said to parallel current developments in the field of genocide studies, although they have thus far not been named as such. For a long time, the field has witnessed either the employment of the concept of genocide in the broadest of terms and with unclear parameters, or, in many instances, its complete disuse. Going even further, I would argue that the field’s area of concern has not been to specify and isolate the events categorized as genocides, but mass killings in general. If we assume that this trend shall continue, we can claim that the arguments in Moses’s book are not only in agreement with the overall developments in the field but also the theoretical underpinning of the field itself.

I would like to conclude this review by posing several questions. Upon finishing the book, one very simple question came to mind. Why shouldn’t different crimes be differentiated and placed in different categories? Isn’t it natural to create such a hierarchy? As we know, the crime of homicide has been subject to a similar categorization in criminal law. Those basic categories are: murder, manslaughter, and justifiable homicide. Murder is also typically broken down further into several sub-categories. The most frequently used are first and second-degree murder. Genocide was ultimately created as a principle of criminal law. The purpose of its creation was to produce a definition of first-degree murder identical to that used for individual victims, but one that could be scaled up to encompass mass murder. As it exists, the concept can certainly be incorrect in substance, but if even if we accept this, it does not mean standardizing all instances of mass murder and blurring the differences between them. Moses’s category of ‘permanent security’ has the risk of doing

¹⁵ The position adopted by Dirk Moses is close to that of Noam Chomsky, who views the very concept of genocide as one that the United States and the West in general have repeatedly used in order to maintain their hegemony over others and therefore refuses to use it. Adam Jones, “Chomsky and Genocide,” *Genocide Studies and Prevention: An International Journal*, vol. 14, issue 1, 5-7 (2020): 76-104.

precisely that. In short, it is necessary to create different categories of mass murders, exactly as has been done for individual ones. Moreover, we must be aware that any such categorization will—and *should*—be the subject of ongoing discussion and debate, whether we are speaking of individual court cases or the public realm in regard to mass atrocities. In both cases, this is normal and acceptable.

The second important question I have is whether or not we need a crime category that is fixated on the *genos* and how important in this connection the question of Lemkin's Zionism is. Even if we do not create a category of transgression based on *genos* or ethnic-national human ontology, the question of to what degree this dimension, namely, the *genos*, has played a separate role in mass murders (in the attempted annihilation of European Jewry, for instance) will continue to be a serious subject of discussion. Even without placing both events on some hierarchy of atrocities, it is clearly still necessary to understand the major differences between the mass slaughter of the Jews and the massacre of POWs. In this regard, Lemkin's degree of Zionist affiliation comes across as an insignificant detail. One can develop a *genos*-based crime category without being a Zionist (say, as a Bundist or a believer in the Herderian tradition). Simply emphasizing the existence of the soul of a nation or any other group is a concept far broader than any Zionist claim. Indeed, the roots of this idea reach back at least as far as Attic Greece. Berel Lang's book, *Genocide: The Act as Idea* is a case in point. Referring to Aristotle, the author argues that groups should be thought of just like individuals, but that they are nevertheless "an entity prior to the individual person: life-giving" and that mass killings are not all the same; mass murder and genocide are and should be treated as different categories.¹⁶

My last observation concerns the question of whether or not the concept of genocide will continue to survive and see widespread use. I am of the opinion that we must make a clear distinction between what is intended by the term and how it is used by the public. Independent of what is meant by the term, the concept of genocide serves two important functions. The first is that it generates a profound sense of group belonging and togetherness within groups that are subjected to genocide (a feature to which Moses was one of the first to draw attention).¹⁷ For example, the magic of this concept lies in its ability to bring a sense of connection to Armenians living in places as far flung as, say, Argentina, Russia, and China, who perhaps have no other shared characteristics, such as a spoken language, culture, or faith. The term genocide is like "the invisible church."¹⁸

The second function is that it has become the most powerful weapon for those demanding 'recognition.' Each group whose members have suffered injustice and mass violence believes that the wrongs it has suffered may be recognized through the concept of genocide. For this reason, collectives everywhere demand that their suffering be recognized as a genocide. The concept's use as a "weapon for recognition" is even more important than the actual meaning of the term. It is reasonable to assume that as long as this struggle for recognition continues, the concept shall remain in use. This, of course, is one of the problems of genocide that Moses's book thematizes. He argues that if we focus on the permanent security crimes of states, whose threshold is lower than genocide, a concept which is indented to the Holocaust, we will not be engaging in these struggles for recognition based on Holocaust analogies.

¹⁶ Berel Lang, *Genocide, The Act as Idea* (Philadelphia: University of Pennsylvania Press, 2017, Kindle Edition), 32.

¹⁷ A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocides of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36: 4 (2002): 7–36.

¹⁸ This is a theological concept. See Jonathan Weaver, *Christian Theology: A Concise and Practical View of the Cardinal Doctrines and Institutions of Christianity* (Dayton, OH: United Brethren Publishing House, 1900), 245.

Why did the adoption of the UN genocide convention in 1948 not lead to a decline in state-sponsored violence? How can we better explain the escalation of state-sponsored violence against civilian victims in the twentieth century? And did the concept of ‘genocide’ as it emerged in the 1940s make it more difficult to confront other forms of mass violence? These are some of the very big questions addressed in A. Dirk Moses’s impressive and in many ways pathbreaking monograph on *The Problems of Genocide*. The book’s publication coincided with the intense controversy on German commemorative culture, in which the author was centrally involved with the publication of his online essay on Holocaust memory as a new “German catechism” in May 2021.¹⁹ This debate has also led several German publishers to bow out of a planned translation of *The Problems of Genocide*. This is regrettable since it deprives the German reading public of a highly ambitious, very erudite and, in parts, also very controversial analysis of some of the central problems of modern European and, indeed, global history. The book also provides a much deeper grounding of Moses’s critique of German commemorative culture, which, in my view, all participants in the debate would benefit from engaging with. This might prevent the debate from further descending into mutual polemics and denunciation to a more serious and fruitful controversy on important historical, political and moral issues with obvious relevance to our troubled present.

This is not an empirical history of genocide or, for that matter, a comparative study of genocides in history. In fact, Moses is deeply critical of the field of genocide studies as it emerged in the 1980s. Drawing on his background as an intellectual historian—he is also the author of a widely recognized and prize-winning book on German intellectuals after 1945²⁰—the book rather offers a deep genealogy of the concept of genocide itself. It is a conceptual history that seeks to expose the costs and blind spots that resulted from the emergence of genocide in the 1940s as a depoliticized hate crime against a racialized and innocent group of victims. It tries to lay “bare the intellectual and political structured that enabled the formulation of this new keyword and that determine its conventional meaning” (44) and to expose how and why “genocide” blocked from view the violence on which, he argues, the post-World War II international order was founded.

The book also seeks to deconstruct a heroic narrative that has placed Raphael Lemkin, a Polish-Jewish lawyer, at the center of the invention of genocide in the 1940s. In fact, some of the most critical reviews of *The Problems of Genocide* have focused on Moses’s portrayal of Lemkin. The issue is whether his well-known Zionism from the 1920 persisted into the 1940 and 1950s and drove his notion of genocide with the Holocaust as its singular archetype. The proper assessment of Lemkin as a historical figure might be a theme for further research and debate. But the book also offers a deep and impressive history of what the author calls “the language of transgression” (28), that is, the ways in which mass atrocities have been debated and conceptualized since the early modern period. In fact, the book begins with the debate between Bartolomé de las Casas and Juan Ginés de Sepúlveda on Spanish atrocities in the Americas.²¹ It then seeks to historicize the “language of transgression” by analyzing “what constellations in the history of emotion” produced the “shock in the conscience of mankind” when confronted with mass atrocities (51). An entire series of concepts sought to categorize and conceptualize mass atrocities before the emergence of genocide in the 1940s. Most important among them was the notion of ‘crimes against humanity,’ which was used as early as 1842 with reference to slavery. The language of transgression also applied to the experience of small nations, such as the Poles and Armenians, under imperial rule or to colonial violence, for example in the Belgian Congo.

¹⁹ A. Dirk Moses, “The German Catechism,” *The New Fascism Syllabus*, 23 May 2021, <https://newfascismsyllabus.com/opinions/the-catechism-debate/the-german-catechism/>.

²⁰ Moses, *German Intellectuals and the Nazi Past* (New York: Cambridge University Press, 2007).

²¹ Bartolomé de las Casas, *A Short Account of the Destruction of the Indies* (ed. and transl. Nigel Griffin, intro. Anthony Pagden (New York: Penguin, 1992); Lewis Hanke, *All Mankind is One: A Study of the Disputation between Bartolomé de las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians* (De Kalb: Northern Illinois University Press, 1974).

However, such denunciations of ‘crimes against humanity’ in the imperial context were always accompanied by a defense of a supposedly more benign enlightened imperialism. The language of transgression proliferated in the aftermath of World War I, and Moses shows how a wide variety of politicians, international lawyers and political activists sought to categorize new forms of mass violence in World War I, including submarine warfare, starvation through blockade, or aerial warfare. Never before has this semantic field been reconstructed so comprehensively and the richness of these discussions been documented so fully. This analysis enables the author to identify the conceptual and intellectual bases that Lemkin drew on in developing “genocide” in his 1944 book *Axis Rule on Occupied Europe*.²² Yet far from representing a conceptual advancement as it has usually been celebrated, Moses argues that the concept of genocide actually led to an “impoverished imagination” in conceptualizing mass atrocities compared to “its nineteenth-century and interwar predecessors” (28).

The conceptual space for genocide emerged because of the restrictive application of its main conceptual rival, the notion of crimes against humanities, in the Nuremberg trials of major Nazi war criminals. The Nuremberg trials limited the prosecution to crimes that were causally linked to the central charge of conspiring to wage a war of aggression, thus deliberately excluding the persecution of Germans Jews before 1939 or, for that matter, the German practice of violent reprisals against partisan attacks. These practices might have been uncomfortably close to the reality of racial segregation in the American South or colonial violence in the British and French empires. Lemkin certainly understood that only a depoliticized notion of genocide centering on the Holocaust would stand a chance of gaining crucial Allied support. Whether he truly anticipated the implications of this narrow definition appears to be more doubtful, and Moses himself appears somewhat ambivalent on this question. On the one hand, he argues that Lemkin “did not foresee that his creation would distort our criminal vocabulary [...] that screens out other violations of the principle of genocide” (27). On the other hand, he argues that regrettable outcomes such as the departure of Jews from postcolonial Arab states “flowed from Lemkin’s ontology of humanity as first and foremost comprising ethnic nations (392).” I am also not entirely convinced of the author’s effort to cast Hannah Arendt as another culprit in the depoliticization of genocide. While she did characterize totalitarianism as unprecedented and emphasized the “non-utility” of the Holocaust, her analysis of the origins of totalitarianism rested on essentially political process such as Jewish emancipation and the decline of the nation-state, and she ultimately also advocated a revival of a pluralist politics as the antidote to totalitarianism.²³ Still, Moses offers a compelling account of the discursive history of genocide and brilliantly succeeds in reconstructing the semantic field from which it emerged.

The second part of the book elaborates extensively on Moses’s own category in explaining forms of mass atrocity. He argues that it was not depoliticized racial hatred but rather the quest for “permanent security” that lay at the heart of mass violence during the last 500 years. Moses’s key witness for this concept is the former leader of the *SS Einsatzgruppe D* (SS killing squads), Otto Ohlendorf. In one of the Nuremberg successor trials, he justified the killing of Jewish children as a security measure against a possible future revenge. Permanent security, Moses argues, is thus necessarily directed toward the future and driven by a paranoid fear of imaginary security risks. Yet permanent security existed in an illiberal and a liberal version. The illiberal, fascist version aimed at territorial control and legitimized mass killings in the name of an elusive security. Liberal permanent security, by contrast, justified its often-violent practices and policies with reference to idealistic goals such as civilization, democracy, free trade or, in the post-WW II period, human rights. In fact, the escalation of violence against civilians in, for example, aerial bombings resulted precisely from the highly idealized ends that these increasingly violent means were supposed to serve.

²² Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation—Analysis of Government—Proposals for Redress* (Washington DC: Carnegie Endowment for International Peace, 1944)

²³ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace, Jovanovich, 1973 [1951]).

Moses applies the notion of permanent security to a wide variety of cases, including the Spanish conquest of the Americas, liberal empires, fascist expansion and the pax Americana of the post-1945 period. His broad analytic lens makes it possible to place a wide variety of forms of mass atrocities into one analytic framework. This is important because it undermines (without, it is important to add, entirely erasing) the blatantly Eurocentric dichotomy between a violent and genocidal fascist ‘other’ and a supposedly non-violent humanitarian liberal “West.” The book thus very capably deploys a postcolonial optic to the analysis of violence perpetrated by Western countries. Applied to the history of Nazi Germany, this approach yields the thesis of a subaltern logic against the perceived threat of Germany’s colonization by the victors of World War I. Following historians like Nicholas Stargardt or Alon Confino,²⁴ Moses seeks to take seriously the perspective of the perpetrators, to understand what the Germans thought they were doing, not the least because their paranoid political imaginary assumed a catastrophic historical efficacy. To be sure, Moses is not entirely consistent in maintaining this perspective. When he analyzes civilian casualties in, says, drone strikes, he appears to privilege the *effects* of violence over the *intentions* of the perpetrators of violence by asking: “Why does it matter to civilians if they are killed by violence inflicted with genocidal or military intent?” (2). Moreover, while the historicist reconstructions of the intentions of Nazi perpetrators certainly yields important insights, it can only be part of a larger historical explanation of the violent dynamics of National Socialism. Still, Moses also offers tantalizing evidence of various forms of mutual borrowing, mirroring, and appropriation between liberal and illiberal forms of permanent security: the Nazi empire was modeled on perception of the British and American empires whereas political activists denounced US bombing campaigns in Vietnam as a form of genocide. Unlike the depoliticized version of genocide that ultimately prevailed, “permanent security” brings into view essentially political forms of mass violence against civilians, such as civil wars, terrorism or what has become known as ‘collateral damage,’ that is victims of bombing.

That said, any analytic concept that claims to capture historical evidence stretching over 500 years necessarily needs to assume a level of abstraction that ultimately risks obscuring significant historical differences. While the language of transgressions appears to have indeed exhibited a “relative semantic stability over 500 years” (53), such rhetorical stability does not necessarily imply historical continuity. Moreover, while Moses’s critique of the deficiencies and blind spots of genocide is quite persuasive, one advantage of genocide is its utility as a legal *and* as a historical concept. By contrast, “permanent security” does not seem to be well suited as a legal concept since the distinction between a reasonable and perhaps universal quest for security and its more pathological, permanent versions seems hard to draw.

The last part of Moses’s book elucidates the post-1945 consequences of the widespread acceptance of genocide as the “crime of crimes” (19). In particular, it made it difficult to identify the various forms of violence on which the liberal order was based in the post-World War II world. The emergence of the human rights regime in the 1940s thus constituted a thinly disguised way of legitimizing ongoing interventionism, extending all the way to the drone war in Afghanistan or the ultimately disastrous intervention in Libya in 2011. Since the postwar order was based on ethnically homogenous nation-states (a vision, which, one might add, was very widely shared at the time and certainly not limited Lemkin’s alleged Zionism), large-scale population transfers such as in South Asia and in Palestine that were accompanied with extensive violence were essentially accepted (as was the displacement of 14 million ethnic Germans from Eastern Europe). The same logic applied to communal hostage taking by, for example, punishing Muslims in India for the treatment of Hindus in Pakistan. Here too, Moses is able to elucidate fascinating examples of mirroring and appropriation, for example the reference to Pakistan as a model for a “Muslim Zion” in Palestine (379). The field of comparative genocide studies as it emerged in the 1980s also largely enshrined the notion of the Holocaust and perhaps the Armenian genocide as depoliticized archetypical cases. It thus made it difficult to subsume cases such as the civil war in Biafra in the 1960s under the category of genocide.

²⁴ Nicholas Stargardt, *The German War: A Nation under Arms, 1939-1945* (New York: Basic Books, 2017); Alon Confino, *A World Without Jews: The Nazi Imagination from Persecution to Genocide* (New Haven: Yale University Press, 2014).

Finally, the identification of the Holocaust as archetypal and hence singular underlies the contemporary memory regime, which, as Moses charges, “functioned as a screen memory that blocked from view the violence and civilizational, indeed racial hierarchies on which the liberal permanent security of the West is founded” (405). Whereas the late Tony Judt famously described Holocaust memory as the “entry ticket to European civilization” after 1945, Moses alerts us to the costs and deficiencies of this particular memory regime.²⁵ This criticism is also at the center of the contemporary memory debate. Many of Moses’s critics defended precisely the established notion of the Holocaust as “singular.”²⁶ By contrast, Moses’s analysis places the Holocaust on a conceptual continuum with other forms of mass violence deriving from an illiberal or liberal quest for permanent security. I do not fully understand the outrage over this attempt at recontextualizing since it follows a well-established historiographical practice in seeking to place National Socialism in broader historical frameworks without erasing its historical specificity.²⁷ While I am not fully convinced that the notion of “permanent security” is the only or even the best way to widen our conceptual lens, the attempt to move away from an exclusively national perspective toward global and transnational comparisons (and, importantly, interrelationships) strikes me as urgently necessary and very much in line with broader developments in the field.

The Problems of Genocide is a vast, sprawling often somewhat unwieldy book. It is fiercely argumentative and makes an entire series of claims that will surely be controversial for some time to come. But it is also a very brilliant book by an extremely capable and erudite historian. The book combines a deeply moral and, indeed, humanitarian imperative with rigorous scholarship, massive empirical evidence drawn from a wide variety of different historiographies, and analytical brilliance. Even if not everybody will agree with all of the book’s conclusions, it forces us to rethink some of our most important conceptual and moral categories. That alone is a monumental achievement. This is why the book deserves a wide readership—also and especially in Germany.

²⁵ Tony Judt, *Postwar: A History of Europe since 1945* (New York: Penguin, 2005).

²⁶ See especially Saul Friedländer, Norbert Frei, Sibylle Steinbacher, Dan Diner, *Ein Verbrechen ohne Namen. Anmerkungen zum neuen Streit um den Holocaust* (Munich: CH Beck, 2022). It should be noted that most contributions to this volume do not reference the book reviewed here. For a discussion of the historiography, see Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation*, 4th edition (London: Bloomsbury Academic, 2015) and Robert Paxton, *The Anatomy of Fascism* (New York: Vintage, 2005).

The Problems of Genocide is a powerful and profound book. It traces how genocide, as the ultimate “crime of crimes,” became a dominant category in mid-twentieth century international law that enshrined the Holocaust as an archetype, and interrogates the political work that this legal category has done to naturalize hierarchies among events of mass violence in ways that mask many other forms of civilian destruction. In this regard, this is also a book that will always be tragically timely for understanding the violent worlds we live in. It sheds light on why we—as scholars, citizens, and bystanders—tend to see differently (or not see) vast varieties of violence against civilians by governments that remain the dark shadow of “the fetish of genocide” (11).

It is difficult to do full justice to the analytical richness of this book, which will appeal widely and differently to many disciplinary audiences. For ongoing discussions in political science, especially in US and Western European academia over how to study race in international relations and international political economy, *The Problems of Genocide* makes for essential reading.²⁸ It provides perspective into the origins of hidden racialized underpinnings to today’s security imperatives that legitimate state violence (against civilians). Building on his influential early work, Moses offers a panoramic account of how, over the course of 500 years, logics of argumentation, comparison and critique for sustaining European settler colonialism and the violent conquest of non-European people endured and morphed into the core concept undergirding the 1948 UN Genocide Convention and then traces the process through which genocide became depoliticized as a type of extreme hate crime pertaining exclusively to national, ethnic, racial, and religious identities.²⁹ In elucidating the imperial lineages of this vexed concept, the book more broadly reminds us of the false binaries that compartmentalize race and security, which treat one as less political than the other, and thus less legitimate as a basis for intervention. It also generates a welcome vocabulary for explicitly articulating racialization as a means for securitization that operates through pre-emptive threat mitigation and group-based targeting.

My appreciation for *The Problems of Genocide* stems from how generative it is for thinking comparatively about the global structures and ideational forces that have shaped the concept of genocide and its staying power. Let me highlight just a few aspects of its methodological approach and argument that I see as particularly exciting.

As a concept history of genocide, this book focuses on reconstructing the semantic field in which genocide became a keyword that was operative in Western international law and salient in political discourse. Moses makes clear upfront that “my questions, then are not when genocide was authentically defined or whether events qualify as genocide, but how its criteria were determined and whose interests they served. How and why was the ‘truth’—rather the violent reality—of genocide constructed?” (32). The answers, which are told through an intellectual history that is anchored in the higher of discursive realms of politicians, lawyers, diplomats, and academic communities, reveal a strong continuity for over 500 years to Empire’s “language of transgression” and politicized repertoires for condemning excesses of imperial coercion, which met a decisive turning point during the mid-twentieth century, at the hands of the Polish Jewish jurist Raphael Lemkin, who at once drew upon but also radically altered this language to invent the term ‘genocide.’ The figure of Lemkin

²⁸ For illustrative examples see Robbie Shilliam, *International Relations and Non-Western Thought: Imperialism, Colonialism and Investigations of Global Modernity*. (London: Routledge, 2010) and the 2020-2021 Global Political Economy Project on Race (GPEP-R, 2021), accessed here on March 8, 2022: <https://mortara.georgetown.edu/global-political-economy-project-gpep/gpepr/>

²⁹ A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History*. (New York: Berghahn Books, 2008); A. Dirk Moses, Marco Duranti and Roland Burke, eds., *Decolonization, Self-Determination, and the Rise of Global Human Rights Politics*. (Cambridge: Cambridge University Press, 2020).

as an individual and his world of ideas, interlocutors, and intellectual milieu occupies central stage in Moses's diachronic analysis of genocide's creation as a basic concept.³⁰

This invites many possibilities for exploring what a concomitant social, cultural, or “lower” intellectual history of the concept of genocide might look like. As I understand the book's argument, Moses leaves open the question of how exactly the power of Lemkin's genocide concept and its essential anchoring in the Holocaust became popularly compelling, and indeed, meaningful for people across the world. It makes sense that Lemkin's construct—not least as it sweepingly encompassed both Jewish and non-Jewish victims of Nazi Occupation—would appeal to certain audiences, such as Jewish American communities in the US, the World Jewish Congress, as well as lawyers and government representatives of the occupied small nations, not least because it had proximate emotional resonance and recognizable instrumental value among people of shared or overlapping linguistic and lexical traditions. What remains curious is how the word genocide gained its ordinary language use and its resonance outside of Europe, for people to whom the Holocaust was neither the most obvious nor the easily legible point of reference.

Put differently, through what mechanisms might Lemkin's concept have traveled and spoken to global audiences? For some scholars, there will be a story of transnational institutions, norm entrepreneurs, and networks to be told about the role of publicity and prestige or reputation costs, which IR scholarship on the making of global prohibition regimes—for slavery, drugs, trafficking from the time of early modern sovereigns to the League of Nations—recognizes as mechanisms for diffusing information and shaping public opinion.³¹ The cultural meaning of a legal category is also inseparable from its sites of enactment and ways of being articulated directly or on behalf of survivors, as Carolyn Dean's intrepid history of the making of the twentieth century figure of a “moral witness” to genocide shows.³²

As a student of Southeast Asia, I found myself reflecting anew on the Sook Ching, an infamous 1942 episode of mass killings of Chinese civilians in Singapore under Japanese Occupation during World War Two.³³ For survivors, the Chinese-Singaporean community writ large, and those who professed to speak for them on international stages, what might have made the 1948 Genocide Convention and Lemkin's depoliticized conceptualization of genocide resonate? Compared with the context of post-war British India (366-383), where Moses argues that “European affairs served as a screen for various analogical appropriations” (366) that drew upon extant identifications with Jewish nationalism among Indians and Muslim-Zion connections, such analogical appropriations looking toward Europe were complicated in sites like British Singapore that endured World War Two under the Japanese—the “other” Axis power. In the war's immediate wake, through what work of translation, based on what modes of comparisons between Japanese fascist military practices and those of Nazi Germany, and based on what emotive appeal would the Holocaust-anchored genocide concept have resonated; and through what ways of internalizing a moral hierarchy of violence that placed genocide at the apex of all crimes, subordinating all others?

Inspired by Moses's mode of inquiry, these types of questions open a productive avenue for better understanding the oft-noted peculiarity of Southeast Asia's memory regimes toward World War Two that

³⁰ Reinhardt Koselleck, “Introduction and Prefaces to the *Geschichtliche Grundbegriffe*,” trans. Michaela Richter, *Contributions to the History of Concepts* 6 (2011), 31.

³¹ Ethan Nadelmann, “Global Prohibition Regimes: The Evolution of Norms in International Society,” *International Organization* 44:4 (1990): 479-526; Steffan Rimner, *Opium's Long Shadow: From Asian Revolt to Global Drug Control* (Cambridge, MA: Harvard University Press, 2018).

³² Carolyn Dean, *The Moral Witness: Trials and Testimony after Genocide* (Ithaca, NY: Cornell University Press, 2019). Also see W. L. Cheah, “Culture and Understanding the Singapore War Crimes Trials (1946-1948): Interpreting Arguments of the Defence,” *International Journal of Law in Context*, 14:1 (2016): 87-109; Important emerging studies include Kayoki Takeda, *Interpreters and War Crimes*. (New York: Routledge, 2021).

³³ Kevin Blackburn, “The Collective Memory of the Sook Ching Massacre and the Creation of the Civilian War Memorial of Singapore,” *Journal of the Malaysian Branch of the Royal Asiatic Society*, 73:2 (2000), 71-90.

have long been silent on matters of wartime civilian atrocities.³⁴ This is part of a broader pattern of unevenness across Asian countries that were formerly occupied by the Japanese empire in terms of public, academic, and political remembrance of violence.³⁵ In addition to the blind-spots that genocide's peculiar conceptualization in international law created, perhaps it was also a matter of domestic politics for postwar nationalist leaders for whom the legal category of genocide was not particularly useful, whether speaking to local publics or making appeals for recognition on international stages. For social actors, perhaps what grieved, excited, and constructed the meaning of problems of mass death and moral hierarchies of violence also drew upon local languages and extant repertoires of speaking (or not speaking) of mass death. This book offers a general analytical architecture in which to situate these specific realities of different contexts, as well as a benchmark case for further exploring the work that colonial comparisons perform as political acts.³⁶ By way of focusing on the making and function of the genocide concept for the London Charter and Nuremberg Trials, it also provides an invaluable backdrop against which to think comparatively about the lesser-studied significance of the International Military Tribunal for the Far East (i.e., the Tokyo Trials) that held Japanese leaders and myriad collaborators accountable for many genocide-like wartime events, and how they have come to elude the Western legal conception of genocide.

The Problems of Genocide is surely a classic in the making, which will provoke important conversations that extend to comparative politics and international relations, as well as Asian history. The intellectual history of genocide, through Moses's telling, is also a provocative critique of the complicities of empire and racialized categories with today's liberal international order and national interest politics.

³⁴ Daniel Schumacher, "Asia's 'Boom' of Difficult Memories: Remembering World War Two across East and Southeast Asia." *History Compass*, 13:11 (2015): 560-577. For a striking contrast to East Asia, see Yukiko Koga's poignant study of compensation campaigns for imperial and wartime victims of sexual slavery in China under Japanese occupation. Yukiko Koga, "Accounting for Silence: Inheritance, Debt, and the Moral Economy of Legal Redress in China and Japan." *American Ethnologist*, 40:3 (2013): 494-507.

³⁵ Takashi Fujitani, Geoffrey White & Lisa Yoneyama, *Perilous Memories: The Asia-Pacific War(s)*. (Durham, NC: Duke University Press, 2001)

³⁶ Ann Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2001).

It has been rather uncanny reading and thinking about A. Dirk Moses's *The Problems of Genocide* against the backdrop of the 2022 Russian invasion of Ukraine—a military assault rife with indiscriminate killing, shelling and air strikes, rhetorical claims of “denazification” on the one hand and accusations of genocide on the other³⁷—as well as the less covered but no less horrific civilian destruction that continues to unfold in the Tigray region of northern Ethiopia.³⁸ Cases such as these, and the uneven global reactions they tend to elicit, bring the human stakes of Moses's academic intervention into sharp relief, revealing the vital importance of his book's central critique. If the conceptual underpinnings of the term genocide are as “shaky” as he claims (27), and we have nonetheless built an entire moral, legal, and political infrastructure around genocide as the “crime of crimes,” then we are no doubt blinding ourselves to (or rendering ourselves incapable of addressing and redressing) the vast majority of atrocities inflicted against civilians, both presently and in the past. As Moses suggests, we must move beyond the limited framework of the UN Convention on the Prevention and Punishment of Genocide and, more broadly in our public discourse, “reimagine a threshold of shocking criminality that does not require analogies with Nazi Germany and the Holocaust.”³⁹

The Problems of Genocide is a critique, an invitation, a provocation, and an injunction all wrapped up together in the form of a sprawling intellectual history. At its core, the book insists that “the concept of genocide is part of the problem of civilian destruction rather than its solution” (vii). Moses argues that the “definitional process” (17) of establishing the category of genocide in the 1940s ultimately “narrowed the inherited imagination of transgression” (28) and created a moral hierarchy in which genocide would assume pride of place as the “most heinous of all crimes,” to use the language of its originator, Polish-Jewish lawyer Raphael Lemkin (25). As a result, the term became inescapably tethered to the Holocaust as its ideal-type, which both depoliticized genocide—defining it as a mass hate crime against “innocent, blameless victims [who] are attacked for racial rather than for political reasons” (18)—and instituted a legal-memory regime in which egregious violence against civilians can only register as genocidal if it is seen to perfectly fit the Holocaust mold. The reason this is problematic, Moses contends, is that it “effectively licences rather than proscribes many forms of mass violence” (11-12). In particular, it diverts attention away from the “deeply utopian and sinister imperative” of “permanent security,” which Moses views as the real culprit and, ultimately, a better “category to name and explain the criminality that the genocide concept only partially captures” (34). In the self-justifying and often paranoid logic of permanent security, he argues, which is characterized by the quest to achieve “absolute safety” (1) in relation to immediate and future, real or imagined threats, states and armed groups end up taking violent, preemptive “measures against population groups in the name of security, self-preservation, ‘military necessity,’ and opposing ‘terrorists’” (9).

The scope of this book is ambitious, tracing the development of ideas, assumptions, and solutions regarding transgressive violence that “shocks the conscience of mankind” from the early modern period up through the age of Western liberal interventionism and “forever wars” in the late twentieth and early twenty-first centuries. Special emphasis is placed on the nineteenth century, the interwar years, the crucial decade of the 1940s, and the postwar era of decolonization and the Cold War, as well as the 1980s and 1990s, when the

³⁷ On Vladimir Putin's claims that he is “denazifying” Ukraine, see Katie Stallard, “Putin Isn't the Only Autocrat Misusing History,” *The Atlantic*, April 30, 2022. Regarding the accusations of genocide being leveled against Putin by Ukrainian president Volodymyr Zelenskyy and other world leaders, see Philippe Sands, “What the Inventor of the Word ‘Genocide’ Might Have Said About Putin's War,” *The New York Times*, April 28, 2022 and, unsurprisingly, Moses himself: A. Dirk Moses, “The Ukraine Genocide Debate Reveals the Limits of International Law,” *Lamfare* blog, May 16, 2022.

³⁸ For information on the war in northern Ethiopia, which first erupted in November 2020 and has triggered an ongoing humanitarian crisis, visit <https://www.hrw.org/tag/tigray-conflict>. Like Ukraine, this is a conflict in which the genocide label has been invoked almost reflexively by journalists and other observers. See David Volodzko, “There's Genocide in Tigray, but Nobody's Talking About it,” *The Nation*, May 10, 2022.

³⁹ Moses, “The Ukraine Genocide Debate Reveals the Limits of International Law.”

academic field of genocide studies started to crystallize. As a historian, I appreciate Moses's commitment to carefully contextualize, rather than mythologize, the story of the formation of the genocide keyword, underscoring how even normative concepts with as much ideological sway as this "do not possess ontological status, no matter what black-letter lawyers may think. [...] They are products of history: of particular conjunctures of ideas and interests" (27). With this approach, Moses showcases not only the dynamic debates and strategic twists and turns entailed in the lead-up to the adoption of the 1948 Genocide Convention, but also the contingency of its definitional staying power in the face of several attempts to conceptually "stretch" the term. He also reveals some profound continuities. In particular, he shows how the in-built chauvinism of the "language of transgression," which in the late nineteenth century "created an illusion of a community of solidarity that enabled continuing faith in humanitarian empire," carried forward into the 1940s and beyond (90). As a result, despite the fact that Lemkin, along with the strategically minded great powers coming out of World War II, ended up narrowing the parameters for what could be considered "conscience-shocking," the underlying conceit—of a barbaric "Other" who commits atrocities and a civilized Western champion whose humanity has been "vouchsafed" and who thus has the right and the obligation to intervene—remains intact.⁴⁰ According to Moses, this dichotomy both obscures the extreme violence of "the global settler colonial expansion of Europe and its state model since the late 15th century" (3-4) and has continued to excuse all manner of civilian destruction in more recent times, including partitions and population transfers, aerial bombings, wartime blockades that lead to mass starvation, repressive political violence, and drone strikes.

Although the elevation of genocide to the apex of the international criminal legal order was, in Moses's telling, guided by "[c]ontingency rather than coherence," it nonetheless proved to be a fateful development (203). Invested with a "special moral force" from the moment of its coining and codification, the term now effectively operates as a gatekeeper, with journalists, politicians, lawyers, and academics increasingly hard-pressed to "shoehorn" other instances of atrocity into the "Holocaust paradigm" (467).⁴¹ Conceptually, he argues, the category also forces us to "[inhabit] the mental world of genocide," by insisting that antipathy, rather than political or security considerations, is the essential driver of this crime (13). For Moses, herein lies the crux of the diagnostic problem of genocide, which has seeped into both popular and academic imaginations. By contrast, he argues: "The closer one looks at how mass violence against civilians is instituted and justified...the more it appears committed in the name of security by frightened patriots and those indoctrinated in paranoia" (275). Given his rejection of the underlying diagnosis that has been built into the genocide concept, it should come as no surprise that Moses also finds fault with the conventional remedies envisioned by genocide prevention activists, namely the widespread promotion of "toleration pedagogy" (26-7).

The Problems of Genocide is painstakingly researched, demonstrating the long-in-the-making nature of this project as well as its grounding in Moses's prolific body of work in genocide studies, a field he has been active in developing and pushing the boundaries of for the past two decades.⁴² While there is much that resonated

⁴⁰ On this point, Moses's book exemplifies the type of inquiry being called for by Alexander Laban Hinton at the end of his state-of-the-field piece, "Critical Genocide Studies," *Genocide Studies and Prevention* 7, no. 1 (2012): 4-15.

⁴¹ Beyond how it figures in debates over whether a specific case should legally, politically, or historically "count" as genocide, there is a dynamic and growing body of work on the Holocaust as a conceptual and representational model. See, for example, Noah Shenker, "Through the Lens of the Shoah: The Holocaust as a Paradigm for Documenting Genocide Testimonies," *History & Memory* 28, no. 1 (2016): 141-175 and Rebecca Jinks, *Representing Genocide: The Holocaust as Paradigm?* (London: Bloomsbury Academic, 2016).

⁴² In addition to his first monograph, *German Intellectuals and the Nazi Past* (New York: Cambridge University Press, 2007), Moses has authored numerous articles and book chapters on the intellectual foundations, frameworks, and parameters of genocide as a legal category and an academic field of study, spearheaded anthologies on a wide variety of cases of genocide, perhaps most notably on those occurring in settler colonial contexts, and co-edited critical readers such as *The Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2010). He has also served as the senior editor of the *Journal of Genocide Research* since 2011.

as I was reading, I did find myself wrestling with a few questions—particularly in relation to the concept of permanent security. Building from the term’s appearance in the 1947 trial testimony of Nazi commander Otto Ohlendorf, Moses describes the criminal rationale of permanent security as follows: “A group is held collectively guilty and attacked preemptively for the actions of some of its members: the group as a whole is seen as a potential security risk...and can be interned, deported, or otherwise destroyed *in toto* for reasons of state” (275). While I agree that this has the capacity to capture a wider set of mass violence cases, thus avoiding the problem of “screening out” civilian destruction that does not perfectly match the Holocaust archetype, I do wonder about the implications (471). When Moses argues rhetorically, “What does it matter to civilians if they are killed by violence inflicted with genocidal or military intent?” (2), I can see the point he is trying to make. But on some level, I think it does matter, and for certain individuals, quite a lot. In part, this is because of the empirical reality of genocide, the fact that some people *have* been targeted for extermination based on their identity (even if not “purely” so; I agree that political-strategic rationales, however paranoid or delusional, can never be fully removed from the equation). It is also likely that the very legal-memory regime Moses identifies in the book has had a mediating effect on the perspectives of genocide survivors and those with survivor heritage. Either way, the genocide-as-mass-hate-crime framing is there in these instances, is operative, and cannot be easily dismissed given how powerfully it has shaped individual, family, and community understandings about what happened and why.

To give a specific example, let me turn to the Rwandan case. Although what happened in 1994 has indeed become globally legible as an instance of “nonpolitical” genocide (in part through active efforts to associate it with the Holocaust), many analysts, myself included, would agree that “[i]t is politics that makes ethnicity significant...not ethnicity which invariably defines politics.” From this perspective, the genocide can be viewed as “a political phenomenon which had strong overtones of class conflict,” with ethnicity functioning not as a cause in itself, but as a weaponized tool or “a language through which these fears and ambitions were expressed.”⁴³ In other words, an apparently textbook illustration of the permanent security concept. And yet, for many Rwandan genocide survivors, such as Francine Niyitegeka, ethnicity is fundamental to the narrative: “I think that for me it will never end, being despised for my Tutsi blood. I recall my parents, who always felt persecuted in Ruhengeri. I endure a kind of shame over feeling hunted like that a whole life long, just because of what I am. The moment my eyes close upon that, I weep inside, from misery and humiliation.”⁴⁴ Ruminating on this disconnect and the subtle slippages that can exist between the political and nonpolitical, I am left with a feeling of uncertainty. What would it actually mean to deemphasize the core feature of genocide as we currently understand it? The answer, I suppose, is to a large degree dependent on another question: for whom?

What is clear, however, is the need to broaden the register. Rather than downgrading the severity or “heinousness” of that which has been defined as genocide within the international system (not what Moses is suggesting), a more constructive takeaway is that we need to upgrade the significance of many other instances of civilian destruction.⁴⁵ And we need to do so not just from a prevention standpoint; these problems of category and hierarchy, visibility and invisibility are equally bound up in questions of historical memory and the politics of acknowledgment, as Chérie Rivers Ndaliko so poignantly reminds us in relation to eastern Congo: “you see, Rwanda had a genocide, while Congo has a conflict. And conflict mobilizes forces of

⁴³ Catharine Newbury and David Newbury, “A Catholic Mass in Kigali: Contested Views of the Genocide and Ethnicity in Rwanda,” *Canadian Journal of African Studies* 33, no. 2/3 (1999): 313, 316.

⁴⁴ “Francine Niyitegeka, 25 Years Old, Farmer and Shopkeeper Kibungo Hill,” in Jean Hatzfeld, *Life Laid Bare: The Survivors in Rwanda Speak* (New York: Other Press, 2006), 43.

⁴⁵ Scott Straus provides a useful model for what this might look like in the Rwandan/Great Lakes context in his piece, “The Limits of a Genocide Lens: Violence Against Rwandans in the 1990s,” *Journal of Genocide Research* 21, no. 4 (2019): 504-524.

resolution rather than commemoration, which, in turn, coax out aspirations for the future at the expense of memories of the past.”⁴⁶

For Moses, even our aspirational frameworks could use some interrogation, namely the belief in the power of “toleration pedagogy,” which I agree, is unlikely to serve as a silver bullet (44, 495-499). In Rwanda, for example, the turn to “peacebuilding education” has been a significant development in recent years.⁴⁷ This educational reform process, like many of Rwanda’s policies for promoting social cohesion and national unity after the genocide, has been the subject of intense criticism, even if it has also generated some positive effects for the country’s younger generation.⁴⁸ Moses’s argument suggests that getting bogged down in debates over the transformational potential of this kind of pedagogy is ultimately beside the point; what matters is that peacebuilding education cannot, in and of itself, prevent Rwanda’s security-minded political elites from engaging in repressive violence at home or aggressive military actions across the border. More than tolerance is clearly needed, and I would be curious to hear Moses’s thoughts on what those preventative strategies might entail. Finally, would the replacement of genocide with the crime of permanent security fully resolve the “lamentable hair-splitting in discussions about civilian destruction” (12)? I am not sure. Given the self-serving political tendencies that Moses pinpoints throughout the book, my sense is that reorienting international law around the permanent security framework may only facilitate new types of hair-splitting over what constitutes “legitimate security concerns” (511).

Moses warns his readers from the outset that *The Problems of Genocide* will be a bitter pill to swallow, and it is a promise on which he delivers. Although he acknowledges that it “will not be to everyone’s liking,” he maintains that the “dissonance is intended” as the overall goal of the book is to prompt a reconsideration of the conventional wisdom that has accrued around the genocide keyword and to unsettle the intellectual, legal, and political status quo (vii). In this way, Moses’s contribution reminds me of other bold critiques that have emerged within the related fields of human rights and transitional justice, in particular Lea David’s recent book *The Past Can’t Heal Us*.⁴⁹ Although one could take issue with certain aspects of Moses’s claims in this book, it is nonetheless an extremely useful tool with which to think, or rather, to unthink and rethink. For that, we can be grateful.

⁴⁶ Chérie Rivers Ndaliko, “In the Presence of Absence: Commemoration and Disavowal in Congo,” *Critical Inquiry* 44 (2018): 767-9.

⁴⁷ See John Rutayisire, John Kabano, and Jolly Rubagiza, “Redefining Rwanda’s Future: The Role of Curriculum in Social Reconstruction,” in Sobhi Tawil and Alexandra Harley, eds., *Education, Conflict and Social Cohesion* (Geneva: UNESCO International Bureau of Education, 2004), 315-373 and Anna Obura, *Never Again: Educational Reconstruction in Rwanda* (Paris: International Institute for Educational Planning, 2003). On the explicit links to the Holocaust in this pedagogy, see Jean-Damascène Gasanabo, Freddy Mutanguha, and Aimable Mpayimana, “Teaching about the Holocaust and Genocide in Rwanda,” *Contemporary Review of the Middle East* 3, no. 3 (2016): 329-345.

⁴⁸ See, for example, Sarah W. Freedman et al., “Teaching History after Identity-Based Conflicts: The Rwanda Experience,” *Comparative Education Review* 52, no. 4 (2008): 663-690, Susanne Buckley-Zistel, “Nation, Narration, Unification? The Politics of History Teaching after the Rwandan Genocide,” *Journal of Genocide Research* 11, no. 1 (2009): 31-53, and Elisabeth King, *From Classrooms to Conflict in Rwanda* (New York: Cambridge University Press, 2014).

⁴⁹ Lea David, *The Past Can’t Heal Us: The Dangers of Mandating Memory in the Name of Human Rights* (Cambridge: Cambridge University Press, 2020). See also Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights,” *Harvard International Law Journal* 42, no. 1 (2001): 201-246, Rosemary Nagy, “Transitional Justice as Global Project: Critical Reflections,” *Third World Quarterly* 29, no. 2 (2008): 275-289, and Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca: Cornell University Press, 2013).

In his wide-ranging new book, A. Dirk Moses argues that the “fetish of genocide” as the peak of criminal inhumanity “effectively licenses rather than proscribes many forms of violence against civilians” (11-12). At the same time, he argues that genocide itself is only recognized as such when it closely resembles the template of the Holocaust, to the exclusion of other historical acts of mass killing. This narrow focus has both allowed states to deflect attention from crimes of mass violence against civilians by highlighting deviations from the Nazi model and created incentives for political actors to discern the crime of genocide in other forms of mass killings. The conceptual dominance of genocide along these lines has thus ushered in the normalization of the mass murder of civilian populations, not only in war, but also as a matter of course in the name of realizing security. Moses proposes the replacement of the term genocide with the more “general crime” of “permanent security”—the use of mass violence against civilians in the name of establishing a final peace that cannot be threatened in the future (12). For Moses, this would create a more inclusive understanding of the politics of mass civilian murder, both in the present and historically. In so doing, he also aims to highlight the present dangers of a liberal version of permanent security that has employed tools such as partition, population transfer and indiscriminate aerial bombing in the name of genocide prevention, and has led to a status quo in which “the continuous killing of civilians becomes the norm rather than confined to occasional wars” (3).

In this review, I focus primarily on how Moses situates this argument in the history of human rights. In the past fifteen years, historians have taken a more critical perspective on human rights by challenging claims that human rights are timeless and self-evident values extending back to antiquity and thereby exploring the discontinuities of human rights history, disrupting simplistic narratives of inevitable progress, and examining how the concept has been instrumentalized and adapted by a wide range of political actors and movements.⁵⁰

For his part, Moses posits that the emergence of international human rights norms in the post-World War II period was coupled with ascendancy of genocide prevention and, as a result, that the international order has a blind spot for crimes related to liberal modes of permanent security. Using a “conjunctural” analysis, he argues that human rights politics emerged at the same time as population transfers as a method for solving territorial disputes in the interwar period, and that post-World War II expulsions of ethnic Germans and Palestinians, as well as the population transfers of Indian partition, were justified on the basis of human rights and “humane” practices (334). In his reading, the human rights system, dating back to the 1940s, is inextricably linked to the violence perpetuated and legitimized through the liberal international order. Genocide, which is understood as a depoliticized form of irrational racial hatred, provided the intellectual groundwork to legitimize the separation of peoples as a form of atrocity prevention that could ultimately pave the way towards the realization of human rights. In this way, the human rights system did not take a turn towards armed humanitarian interventionism after 1989, as Stefan-Ludwig Hoffmann has argued, but rather, “the human rights revolution [of the 1940s] codified the modalities of liberal permanent security that founded the post-war liberal order” (334).⁵¹

To demonstrate the historical connections between the emergence of liberal permanent security and the human rights revolution, Moses points to how key figures who advocated for population transfer in Europe and the Middle East during and immediately after WWII did so in the name of human rights. This includes three prominent members of the *Institut de Droit international*, which published a pioneering human rights manifesto in 1929. After the outbreak of WWII, Czechoslovakian president-in-exile Edvard Beneš justified the expulsion of the German ethnic minority as a necessary pre-condition for a new European order that would realize human rights. The Greek-French jurist Nicolas Politis took a similar position, seeking to realize human rights via homogeneous European states as a means of preventing the destabilizing effects of the

⁵⁰ The catalyst for much of the recent literature can be traced back to Samuel Moyn, *Last Utopia: Human Rights in History* (Cambridge: Belknap, 2010).

⁵¹ Stefan-Ludwig Hoffmann, “Human Rights and History,” *Past & Present* 232, no. 1 (2016): 279–310.

interwar minority treaties, and comparing such a process to a painful but necessary operation. In the case of the partition of Palestine, René Cassin, one of the central architects of the Universal Declaration of Human Rights, argued for the Zionist project as a means of realizing human rights and solving the post-war refugee crisis in Europe, while simultaneously describing the affected Arab population as “thieving and bloody indigenous masters” (352). For all three, population transfers would eliminate unstable mixed populations and create conditions that would allow for the flourishing of human rights and democracy at home and through the world. The quest to create ethnically homogeneous nation-states in the name of securing the future thus became an elemental aspect of the human rights system from its very founding. As a result, Moses argues this system is not in need of a return to an earlier, untainted model of human rights that is less complicit in the interventions of the post-Cold War era, but that it is rotten at its intellectual and historical core.

Moses’s concept of liberal permanent security has a great deal of merit, and I believe it is useful as a tool for challenging what he rightly identifies as the problematic depoliticization of genocide in contemporary political history and analysis. Instead of making a more modest claim about the dangers of how human rights can be employed to legitimize violent ends, however, Moses inflates his claims to make them universal and systemic in ways that are not supported by the evidence at hand. The conjunctural method that he employs acts to press together the history of population transfer, human rights, and genocide in a manner that erases the differences and discontinuities between these concepts and their political trajectories beginning in the early twentieth century. Moses too often shows limited and specific points of contact between these political and intellectual currents and declares them to be the essential and defining aspects of their collective history. In so doing, the book collapses the complexity of these movements, and the use of parallel chronologies and an overlap in actors allows them to be depicted as essentially the same. Through his framing of the late 1940s as a singular human rights revolution that continues to define the present, Moses projects backwards a coherence to the international human rights system that erases the radical shifts which took place over the past seven decades.

The tenuousness of this conjunctural approach is most apparent in the treatment of the interwar period. Moses links the rise of an international system based on drawing borders around homogeneous national populations and treaty-based minority protections—what Eric Weitz has dubbed the “Paris System”—to the simultaneous rise of human rights as an intellectual and political project in Europe.⁵² But Moses does not concretely link interwar advocates of population transfer (for example, the massive 1923 population transfer between Turkey and Greece) to the wider human rights project of the era. When one looks at the overall activities of the interwar *Institut de Droit international*—as well as the French *Ligue des droits de l’homme* or Weimar Germany’s *Liga für Menschenrechte*—it is difficult to discern a central enthusiasm for population transfer as a method of realizing their lofty aims. The leagues, and most of the primary protagonists of the nascent movement, were primarily oriented towards universal rights, minority protections, anti-militarism, and peace activism.⁵³ Far from being the leading advocates of population transfer, the *Ligue*, for example, had already begun campaigning during World War I to moderate Allied plans to redraw the Western border of Germany and had advocated for local plebiscites to gain the consent of those on the ground.⁵⁴ While advocates for population transfer did emerge from this diverse movement, they did not define it.

The more compelling case against the human rights order in the immediate post-war period, as argued by Mark Mazower, is that it promoted a system of universal human rights to replace the minority rights of the

⁵² Eric D. Weitz, “From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions,” *The American Historical Review* 113, no. 5 (2008): 1313–43.

⁵³ See Jan Eckel, *The Ambivalence of Good: Human Rights in International Politics Since the 1940s* (Oxford: Oxford University Press, 2019), 23–26. and Helmut Aust, “From Diplomat to Academic Activist: André Mandelstam and the History of Human Rights,” *European Journal of International Law* (2014), Vol. 25 No. 4, 1105–1121

⁵⁴ Norman Ingram, *The War Guilt Problem and the Ligue des Droits de l’homme, 1914-1944* (Oxford: Oxford University Press, 2019), 48.

interwar League of Nations, but excluded colonized people as recognized rights holders.⁵⁵ Although the creation of homogeneous states was one option pursued by both colonizers and the colonized, this new order in fact contained a greater preponderance of multi-ethnic colonial polities ruled from Europe in the name of order and progress. The examples of liberal permanent security cited by Moses as essential to the new human rights project are better understood as pre-existing movements and political causes that sought to survive in the new era of human rights by grafting this rhetoric onto their cause. Human rights certainly provided a new vocabulary to legitimize nation-state formation through population transfer, particularly in the wake of collapsing empires, but the examples chosen—Czechoslovakia, the creation of Israel, and the partition of India—were political projects that well predated the human rights boom of the post-war period and had been formed without distinct reference to it. By eliding the role of intercommunal violence and ethnic cleansing carried out from below in these political projects, the book implies that the population transfers that occurred in these regions were more the result of an intellectual programme emanating from above.

The portrayal of the immediate post-war era as a singular turning point in the move towards a new order grounded in human rights as defined by genocide prevention is also called into question by recent literature on the evolution of post-war human rights. Roland Burke and Steven Jensen have shown how crucial Afro-Asian campaigns for the inclusion of self-determination were in remaking the human rights system in the 1960s, and Samuel Moyn and Jan Eckel highlighted the decisive shift towards transnational cosmopolitan activism in the 1970s.⁵⁶ At the same time, merging together narratives of genocide prevention and human rights and characterizing them as a singular development in the 1940s also flattens this complex history and elides the extent to which the two were still distinct ideas. Marco Duranti has demonstrated that not only were genocide and the Holocaust barely mentioned during the drafting of the Universal Declaration of Human Rights, but that a more general framing of Nazi crimes, including aggressive warfare, in fact provided the moral motivation for its creation.⁵⁷ Characterizing the depoliticization of the Genocide Convention as an element of liberal permanent security alone is also overly simplistic, as it ignores the fact that this was a collaborative project between the Soviet Union and the UK. Simultaneously, the United States sought to realize a conception of genocide that included political motivations, but as an element of Cold War anti-Communism, not as a rejection of liberal-motivated atrocities.⁵⁸ Finally, while examples in the book of human rights being employed towards coercive and violent ends are rhetorically framed as innately shocking and meant to reveal the true face of permanent security under the mask of humanity, several other scholars have already explored the sometimes troubling plurality of human rights projects in the late twentieth century, including those realized by exclusionary or irredentist European nationalists, imperialists, illiberal conservatives and state socialists.⁵⁹

⁵⁵ Mark Mazower, “The Strange Triumph of Human Rights, 1933–1950,” *The Historical Journal* 47, no. 2 (2004): 379–98.

⁵⁶ Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010); Steven L. B. Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge: Cambridge University Press, 2016); Jan Eckel and Samuel Moyn, *The Breakthrough: Human Rights in the 1970s* (Philadelphia: University of Pennsylvania Press, 2014).

⁵⁷ Marco Duranti, “Holocaust Memory and the Silences of the Human Rights Revolution,” in Aleida Assmann, Jan Assmann, eds., *Schweigen: Archäologie der literarischen Kommunikation XI*, Munich: Wilhelm Fink, 89–100.

⁵⁸ Anton Weiss-Wendt, *The Soviet Union and the Gutting of the UN Genocide Convention* (Madison: University of Wisconsin Press, 2017).

⁵⁹ Bonny Ibhawoh, *Imperialism and Human Rights: Colonial Discourses of Rights and Liberties in African History* (Albany: SUNY Press, 2008); Weitz, “From the Vienna to the Paris System”; Lora Wildenthal, “Rudolf Laun and the Human Rights of Germans in Occupied and Early West Germany,” in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2010), 125–46; Marco Duranti, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (Oxford: Oxford University Press, 2017); Ned Richardson-Little, *The Human Rights Dictatorship: Socialism, Global Solidarity and Revolution in East Germany* (Cambridge: Cambridge University Press, 2020).

In this vein, the narrow focus of the book on Palestinian activism in the history of self-determination occludes the dynamism of the post-war human rights system. In Moses's retelling, the post-war international liberal order emerged fully formed, facilitating population transfers seemingly without dispute, aside from the case of the partition of Palestine where, Moses asserts, it was the "Palestinians and their supporters [who] dislodged human rights from its nesting in the nation-state and claimed it as an abstract norm to protest their treatment—or to make self-determination a human right" (360). This elides not only the much wider disputes over the meaning of self-determination, but also the immediate backlash from the Socialist Bloc and Afro-Asian anti-colonial movements against its omission from the Universal Declaration in 1948. The subsequent international campaign led to the inclusion of self-determination as the first article of the two human rights covenants of 1966. An analysis of the many less congruous case studies would have greatly enriched this history. For example, the Algerian independence movement, including its sought-after removal of settler-colonists in the name of self-determination, which was arguably a case of anti-colonial permanent security legitimized by human rights, was a crucial forerunner and model for Palestinian demands for self-determination, as demonstrated in recent work by Shira Robinson.⁶⁰ While Palestinians certainly participated in the reorientation of human rights towards self-determination, they were still one group among many in a global coalition that is rendered invisible in the book.

Ultimately, while the idea of human rights coupled with genocide prevention has legitimized population transfer, partition and other mechanisms of liberal permanent security in various ways, it did not inspire or codify these instruments in the interwar and post-war period. Moses's oversimplified historical narrative in service of often polemically presentist argumentation is unfortunate, because the book correctly highlights the need for a greater interrogation of the longer history of the securitization of human rights in the twentieth and twenty-first centuries.

⁶⁰ Shira N. Robinson, *Citizen Strangers: Palestinians and the Birth of Israel's Liberal Settler State* (Stanford: Stanford University Press, 2013).

A. Dirk Moses's *The Problem of Genocide* is a generous and brave contribution to our understanding of the formulation of the international crime of genocide and international responses to atrocities that are not necessarily captured by the existing legal definition. Drawing on countless examples from the broad swath of global history, this important volume will be invaluable to historians, international relations scholars, political scientists, and lawyers alike.

The tectonic shifts in international relations currently underway inform contemporary challenges to long-dominant narratives in global history, international law, and political and moral philosophy. The rise and critique of genocide is caught in this tide. Yet our present moment with its multiplicity of crises and threats calls not only for a deconstruction of the existing frameworks and language, but the building of plausible and effective alternatives to address them. In this way, Moses's contribution is much like the classic text of the interwar period, *The Twenty Years' Crisis*, which E. H. Carr wrote in response to same events that gave rise to the mid-twentieth century lawyer, Raphael Lemkin's work on genocide.⁶¹ The latter is part of the central axis of *The Problem of Genocide*.

Moses argues that genocide is so narrowly defined and applied in law, international relations, and global history, and has so dominated the public imagination since the mid-twentieth century as the 'crime of crimes' that it eclipses culpability for similarly grave atrocities that are not framed in terms of the ethnic, national, or religious ties of the victims. He argues that a truer interpretation of these acts should acknowledge the fact that the distinction between combatant and civilian is often fluid and messy, that members of a group may be targeted because of the political affiliation of some, and that justification for the targeting of a group for destruction is more often framed in terms of *permanent* security. This assessment of the limitations of the international crime of genocide on international law and practice accords with reservations expressed by leading jurists like Hersch Lauterpacht when genocide was first proposed by Lemkin in the 1940s.⁶²

The book is generous, drawing as it does on Moses's work as author, editor, and teacher through many years and across many continents where he has been at the forefront of the resuscitation and re-evaluation of scholarship on genocide which has aligned with global events in recent decades. His knowledge and appreciation of the contemporary scholarship on genocide and global history is deftly deployed to illustrate and support his arguments. This book is brave because the author takes direct aim at that to which he has devoted much of his life's work. Deploying his vast knowledge of this research field, he systematically unpicks the design flaws and failings of genocide in addressing accountability for atrocities. Having made the case against genocide, the work is at its bravest when Moses sets out a detailed alternate reading—permanent security—as a means of more properly and fully understanding the atrocities visited by conflicts across time and space. Drawing the distinction between illiberal and liberal permanent security, he explores how the former has been used as a pretext for the latter. It is this distinction and interplay between illiberal and liberal permanent security which are potentially most devastating for the narratives that have dominated the post-war international order.

Reflecting its central thesis and intended dialectic purpose, the volume is divided into three parts. It begins by setting out in detail the formulation and limitations of genocide in its historical context from European colonisation through to its formal articulation in international law in the mid-twentieth century. This is counterposed with the reframing of these and similar events across the same historical sweep through the lens

⁶¹ E. H. Carr, *The Twenty Years' Crisis: 1919-1939. An Introduction to the Study of International Relations* (London: Macmillan and Co Ltd, 1940).

⁶² Letter Schwelb to Humphrey, 19 June 1946, PAG-3/1.3, Box 26, United Nations War Crimes Commission 1943-1949, Predecessor Archives Group, United Nations Archives, New York.

of permanent security. These strands are brought together in the final part to reinforce the limitations and costs of genocide as defined in law and its operation in international and human relations.

In Part I, Moses sets up the construction of transgression in which genocide sits as the “crime of crimes.” Given the years of thoughtful scholarship he has devoted to it, and its centrality to the arguments of the book, it is unsurprising that this part dominates the text.⁶³ Like the term itself, this part is anchored by the figure of Raphael Lemkin, his work, his motivators, his milieu, his personality and preoccupations, and his role in the formulation and adoption of genocide as a crime in international law. Yet this narrative of events in the mid twentieth century is placed in a broader global historical context, both near and far. The near context occurs towards at the end of Part I, as the author endeavours to explain the jockeying concerns and the compromises made towards the recognition of genocide. The far context being the long, lead-in history examining the evolving and contested construction of “transgression” within international law since commencement of contact between European and non-European peoples. Both of these threads are picked up again in Part III and updated as Moses zeroes in on permanent security and liberal states.

While various critical legal scholars over the last decades have revealed and continued to reveal the deep roots of international law in colonialism, the grounding of the story of genocide so squarely and unflinchingly in this context remains disturbing for many, particularly to those who reside in so-called settler states. Such an understanding of history and international law, of the interconnections, reoccurrence, and legacies between colonialism particularly by European powers and their settler states since the 1500s and the events in Europe in the mid twentieth century remains contested and is resisted in many quarters. Moses systematically unpicks and assembles these elements to ground his arguments in understanding the notion of transgression, its consistencies, reformulation, and selective application to better understand the crime of genocide, in which it sits. He borrows his method from Lemkin. Lemkin’s archive reveals file upon file, from correspondents from around the globe, of examples of atrocities, recent and historical, that was intended to establish that what he had documented occurring in Europe in the 1930s and 40s was not an isolated occurrence.⁶⁴ He was seeking to show that the pattern of laws and policies which he had defined as genocide were replicated in atrocities across time and space. This global historical sweep is indeed important to show that the design flaw in genocide was ever present.

Moses’s understanding of the articulation and application of genocide within this history of transgression is anchored by Lemkin’s story, which has been told and retold depending on the motivations of the teller. Moses engages many, indeed most of these narratives, as he provides his own detailed retelling. He quite rightly provides a nuanced examination of the broader historical, political, and legal milieu in which Lemkin found himself. It serves to show that the responses and contributions of Lemkin and his contemporaries were forged by the same concerns and challenges. Lemkin’s work was never as original as he claimed it to be. Nor could it be. What has become distinct was that Lemkin’s term ‘genocide’ and the narrative of his dogged determination to have it recognised in a binding international instrument has stuck, and it continues to define public, political, and legal discourse. Moses attributes significant agency to Lemkin in this regard as well as the compromises he made to achieve his agenda and their implications today. Yet it is important to recall that Lemkin was an outsider in the 1940s and for many international lawyers today, he remains of niche interest, never fitting in; an anomaly.

The final section of Part I closes with the operationalisation of genocide within understandings of transgression during the 1945-49 Nuremberg trials. In his close examination of the questioning by the

⁶³ A. Dirk Moses, Marco Duranti and Roland Burke, eds., *Decolonization, Self-determination and the Rise of Global Human Rights Politics* (Cambridge: Cambridge University Press, 2020); Donald Bloxham and Moses, eds., *Oxford Handbook of Genocide Studies* (New York: Oxford University Press, 2010); Moses and Dan Stone, eds., *Colonialism and Genocide* (London: Routledge, 2007).

⁶⁴ Raphael Lemkin Papers, Boxes 1-2, Rare Books and Manuscripts Division, The New York Public Library

prosecution and their submissions, Moses explores how the atrocities to be captured by the term genocide came to be defined and confined in such a way as to leave ‘civilized’ countries, and the conduct of Allied Powers, beyond reproach. The Nuremberg trials emphasized that the Nazi regime had targeted certain groups, including women and children, for extermination because of their ethnic or religious identities. This is reflected in the definition contained in the Genocide Convention adopted in 1948 and its formulation in the constitutive statutes of ad hoc international and international criminal tribunals and the Rome Statute. Moses transcribes the response of one of the defendants verbatim (234). He explains that Jewish women and children were targeted not because of their religion or ethnicity but to achieve “permanent security” (234). This reasoning, this rationale, then sets up the book for Part II.

In seeking to examine and set up ‘permanent security’ as an alternative or more effective mode of reading the atrocities sidelined by genocide, Moses mirrors in Part II mirrors the pattern he established in Part I. He revisits the history of European and European settler-state colonialism, the laws, policies, and rationales for the Nazi empire, and echoes in atrocities perpetrated during decolonisation. The lead in global history is more longitudinal than Part I, going back to antiquity to explain that foreign occupation and colonisation and attendant atrocities like mass relocation of populations was, more often than not, motivated by land and resources and often defined in terms of permanent security. These historical examples serve to show that while the justifications may have been articulated in racialized terms, they were also invariably triggered or fuelled by responses to political threats and resistance by the targeted groups. Moses also shows that the way in which groups could be targeted for extermination were multifarious, ranging from starvation, mass deportation, or relocation, and more recently, aerial bombardment. He recasts the histories of colonisation around the globe, in illiberal and liberal states alike, in this mantle of permanent security. Permanent security for Moses is characterised by four elements: groups were defined by collective guilt, so that if one was politically threatening one’s group was equally viewed as a threat; pre-emption, and being targeted not for what one had done, but what one may do in the future; paranoia of threat assessment often arising from early experiences of humiliation, loss and occupation; and the collapse of the distinction between combatants and civilians in the targeted group. These atrocities were not caught in the definition of genocide because it has depoliticised their actual context. Against this context Moses explains that permanent security is “total domination” (276).

This recalibration by Moses sets up a re-examination of the Nazi regime, its targeting of specific groups, and the Holocaust. Lemkin’s examination of atrocities he defined as genocide in *Axis Rule* focussed on the laws and regulations of the Nazi regime in Germany, its satellites, and occupied countries.⁶⁵ The gathering of examples was intended to show that this pattern of atrocities had occurred in other times and places. Moses sets the Nazi regime and its atrocities including the Holocaust against this broader history of imperialism and colonisation, explaining that while the regime narrative should not be accepted *carte blanche*, we should not ignore understanding of what they thought they were doing (284). He explains how their rationales drew heavily from this history from antiquity to the nineteenth century, and were manifested the four key elements of permanent security he identifies in other colonial contexts. In this context, the Holocaust was “less the ineluctable consequence of scientific racism or even a millennium of antisemitism than of frustrated and paranoid imperial elites lashing out at a perceived enemy that it thought was intent on destroying it—however outlandish the belief” (329).

Moses extends this argumentation into the post-war period and the United Nations and decolonisation, including historical examples of liberal permanent security. In so doing, he explains that the policies that sanctioned mass population transfer on the partition of territorial boundaries of states was justified despite the UN Charter’s espousal of human rights, which were nascent and evolving. Some drafters of the Universal Declaration of Human Rights embracing its grounding in the ‘rights of man’ and national self-determination

⁶⁵ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation—Analysis of Government—Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944).

rather than rights against the states as human rights have come to be understood. Moses explores these complexities and explains in the entwining of histories of self-determination, minorities, human rights, partition, refugees, and statehood in Europe, Palestine, and India. He details how the lack of consistency and double standards in assessing the transgression or justification for acts like forced transfer of populations was flagged by contemporary officials and scholars.

In Part III, Moses picks up the threads he explores in the preceding two parts concerning the formulation of genocide by the international community to provide a detailed examination of the compromises and concessions made, most particularly in the definition of targeted groups, to ensure the successful adoption of the Genocide Convention by the General Assembly in 1948. He sets out how the negotiations (and Lemkin's contribution to them) were steeped in growing Cold War rhetoric and divisions; and its depoliticization was amplified in the writings of Hannah Arendt and her defence of the liberal post-war order.⁶⁶ Through prominent examples drawn throughout the Cold War and the writings of contemporary theorists and legal scholars, Moses explains how these strictures contained in the Convention and the specificity attributed to the Holocaust meant that atrocities after atrocities went unanswered, undefined, particularly if they were committed in the name of liberal permanent security or humanitarian intervention. He notes that in the post-Cold War period this trend only intensified rather than dissipated both in scholarship, with the rise in genocide studies, and political discourse. In discussing current circumstances and contemporary examples, Moses come full circle back to the key issues he identified in Part I. Yet he explains that Lemkin's *Axis Rule* identified many of these same issues using a broader interpretation of genocide than that which would be codified in the Genocide Convention. Moses, like Lemkin, strives to provide words, and understanding, of the atrocities that continue to be visited on civilians, and combatants, by illiberal and liberal states in pursuit of permanent security today.

Moses's *The Problems of Genocide* is an ambitious book in its scope, scholarship, and purpose. The success of its ambitions is reflected not only in the central task of rethinking accepted wisdoms which define central issues, rationales, and silences in historical analysis, politics, international relations, and international law. Its richness means that that it will provoke debate and deliberation beyond genocide and genocide studies—and to this end, it will achieve an important aim. To this end, it is important to understand that courts beyond international criminal ones have intervened in this discourse, in particular in the cases, both advisory and contentious, that have been brought before the International Court of Justice.⁶⁷ Also, given the nature of the recalibration that Moses proposes, one wonders how permanent security fits within the evolution in proscribing use of force in international law. The preoccupation of the governments, especially in Central and Eastern Europe, during the inter-war period with religious and ethnic minorities—which defined the work of Lemkin and so many of his contemporaries—was put asunder after the Second World War. Indeed, with the emphasis on non-discrimination and individual human rights, genocide was perhaps its last vestige. Even with the resuscitation of interest in minorities in international law from the 1990s and in international criminal law, we have not replicated the intensity or centrality of interest in minorities of that time. Instead, as Moses notes, these energies were redirected into human rights and self-determination. But what is also clear is that the

⁶⁶ For example, Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 1951), and Arendt, *Essays in Understanding 1930-1954: Formation, Exile and Totalitarianism* (New York: Knopf Doubleday, 2011).

⁶⁷ *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide* Advisory Opinion, ICJ Report 1951,15; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)* Preliminary Objections, Judgment, ICJ Reports 1996, 595; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)* Judgment, ICJ Reports 2007, 43; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v Serbia)* Judgment, ICJ Reports 2015, 3; and pending cases *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v Myanmar)* filed 11 November 2019, and *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v Russian Federation)* filed 27 February 2022. See Nina H B Jorgensen, *The Responsibility of States for International Crimes* (Oxford: Oxford University Press, 2003).

post-war period was defined by the UN Charter, collective security, and prohibition against the use of force, of which self-defense forms part.⁶⁸

⁶⁸ See recent analyses Agatha Verdebout, *Renriting Histories of the Use of Force: The Narrative of 'Indifference'* (Cambridge: Cambridge University Press, 2021); Carrie MacDougall, *The Crime of Aggression under the Rome Statute of the International Criminal Court* (2nd ed., Cambridge: Cambridge University Press 2021); Adil Ahmad Haque, 'An Unlawful War' *AJIL Unbound* vol 116 (2022):155-159; and Tom Ginsburg "Article 2(4) and Authoritarian International Law," *AJIL Unbound* vol 116 (2022):130-134.

 Review by Edward B. Westermann, Texas A&M University-San Antonio

In 2002, Samuel Totten and Steven Jacobs published an anthology, *Pioneers of Genocide Studies*, a collection of essays by leading scholars in the field of genocide studies that was designed to highlight the emergence of the discipline in its own right and to assess the current state of scholarship.⁶⁹ Two decades later, a companion volume would undoubtedly include A. Dirk Moses in its list of contributors. Arguably, Moses is the best known and most influential contemporary scholar of genocide, and for this reason alone his new monograph will draw interest among a broad range of academics, activists, and policymakers. The standing of the author as well as the iconoclastic and provocative nature of his argument will garner attention and generate a lively discussion. *The Problems of Genocide* not only challenges the existing paradigm of genocide studies, but also calls for a fundamental reconceptualization of the field and, more problematically, the current conception of human rights. The work opposes the current practice of state intervention in support of national and international interests whether it is justified by military necessity, humanitarian rhetoric, or “permanent security” (34) objectives.

Moses’s sweeping historical review both reinforces and upends tenets within the field of contemporary genocide studies. He provides an explicit indictment of the emergence of Western Civilization from the 1500s including European liberal traditions, Christianity, global capitalism, and, especially, the justifications that accompanied the processes of colonialism and imperialism and the expansion of European, and later American power. These are criticisms inherent in the theory of ‘settler colonialism,’ a neo-Marxist paradigm that was stimulated by post-colonial liberation movements and focused on Euro-American imperial efforts in displacing Native peoples from their land, a process accompanied by acts of mass violence across the globe.⁷⁰ According to Moses, “...land appropriation, which occurs via imperial incorporation and settler colonialism, lies at the basis of all state-building. And at the basis of all state-building is permanent security. In its liberal mode, permanent security is expansive because capitalism is expansive” (267-268).

As the title implies, Moses identifies a number of problems related to the origins and subsequent use of the concept of genocide. He asserts:

this book is about the problems of the term genocide: what they are and how they developed. It argues that these problems are as much conceptual as empirical: that the crowning of genocide as the “crime of crimes” depoliticizes the language of transgression; and that depoliticization means screening out how genocide, crimes against humanity, war crimes, and the wanton infliction of collateral damage are driven by the permanent security imperatives of states and political movements seeking to found states (477).

Moses contends that the rhetoric and instrumentalization of genocide as the “crime of crimes” has acted as a conceptual and linguistic fig leaf to mask violence in the pursuit of “permanent security” primarily by nation-states that licenses rather than proscribes “mass violence against civilians” (12). He claims that the concept of genocide “functions ideologically to detract from systematic violence against civilians perpetrated by governments, including Western ones” (1). In support of this contention, Moses cites the Allied strategic bombing offensive against Germany and Japan, the US aerial bombing campaign in Southeast Asia during the Vietnam War, and contemporary aerial operations in the so-called Global War on Terrorism as exemplars of mass killing which he attributes to liberal permanent security imperatives that posit collateral civilian

⁶⁹ Samuel Totten and Steven L. Jacobs, *Pioneers of Genocide Studies* (New Brunswick, NJ: Transaction Publishers, 2002).

⁷⁰ For a discussion of this concept see A. Dirk Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (New York: Berghahn Books, 2004) and Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8:4 (December 2006): 387-409.

casualties simply as the cost of doing business. His solution to the problem of permanent security calls for the outlawing of “permanent security” as a legitimate and acceptable method for employing military force. This call, if heeded, would embrace the global renunciation of the concepts of *raison d'état* embodied in *Realpolitik* as well as the humanitarian rhetoric used to justify intervention under the banner of liberal internationalism.

In a comprehensively footnoted and dense work of over five hundred pages, Moses offers a broad ranging and multi-layered argument that seeks to define, or, perhaps most correctly, redefine the field of genocide studies and to a degree the accepted paradigm for international relations as a whole. Divided into three sections, the first part of the work traces the use and emergence of the “language of transgression” from the 1500s until its embodiment in the concept of genocide in the 1940s (94). The second section focuses on the concept of “permanent security” in both its “illiberal” and “liberal” variants, with the Nazi quest for a millenarian empire serving as an exemplar of the former. In turn, post-war international and state-sanctioned population transfers and exchanges and territorial partitions serve as manifestations of liberal permanent security initiatives. Moses argues that the US, the United Kingdom, and the Union of Soviet Socialist Republics sought to delink issues of “internal sovereignty” from the legal definition of genocide, thus ensuring that “permanent security measures like population transfer, cultural genocide, and the liquidation of political groups and political motivations of destruction were excluded” (204). He also contends that after 1948 the newly formed state of Israel joined in the effort to “depoliticize” genocide as a concept and to elevate the Holocaust as the ‘archetype’ of genocide, defined solely in terms of racial/ethnic hatred. In turn, he argues that the depoliticization of genocide served to justify post-World War II policies of military intervention by larger states to the detriment of smaller nations who favored the Nuremberg concepts of crimes against peace, war crimes, and crimes against humanity. The final and perhaps most controversial section of the work focuses on a critique of Raphael Lemkin, the patron saint of genocide studies, the initial cohort of comparative genocide scholars, the alleged sacralization and canonization of the Shoah, the perceived instrumentalization of Holocaust memory, and the assumed instrumentalization of the human rights revolution to support western, and specifically US, acts of state intervention.

While the language of transgression scaffolds Moses’s discussion, it is the concept of permanent security that constitutes the cornerstone of his argument. In this sense, permanent security linked to the concept of settler colonialism in both its illiberal and liberal variants constitutes Moses’s meta-historical narrative for explaining imperial conquest, expropriation, and mass killing from the 1500s until the present day. He outlines a taxonomy of the concept, including Illiberal Permanent Security I, or Imperial Conquest and Exploitation (e.g., Rome’s destruction of Carthage, the Mongols invasion into Europe); Illiberal Permanent Security II, Subaltern Genocide (e.g., National Socialism); and Liberal Permanent Security, Settler Colonialism (e.g., Euro-American imperialism from the 1500s to the present, Israel’s treatment of the Palestinians). In distinguishing between the two variants, Moses states that “whereas illiberal permanent security aspires to a bounded territoriality, the liberal version envisions the world as the territory to be secured in the name of ‘humanity’” (40). In this view, the settler colonial paradigm of the nineteenth century found its evolution in the actions of the contemporary ‘Global North’ imposing its will on the ‘Global South’ through a twenty-first century “civilizing mission of liberal permanent security” in which professed values of “toleration and human rights becomes an imperial ideology of cultural superiority” in which “intervention becomes akin to a modern colonial occupation” (493).

For Moses, the language of transgression is not only employed to demonize the actions of others, but it can also be recast in humanistic terms to provide a justification for intervention by western states against the “barbaric” other in the Global South (494). Importantly, the key characteristics underpinning permanent security include the targeting of entire groups, both combatants and noncombatants, based on “collective guilt” with women and children viewed as potential enemies and therefore legitimate objects of attack. While he mentions the concepts of proportionality and discrimination, he finds them lacking in application. Moses contends that “preemption is central to permanent security because groups are criminalized without its members necessarily representing an objective threat; the fear, indeed paranoia, that they could represent a

threat is held to justify the harshest measures” (273). Finally, he attributes these actions to “paranoia” in which actors (primarily nation-states) operating according to the “fatal logic of permanent security,” and adopt “fantastical security imperatives” and “paranoid threat assessments” to legitimate the killing of non-combatants as collateral casualties in support of their political objectives (273).

For those familiar with the fraught and often contentious relationship between the fields of Holocaust studies and genocide studies, it will not be surprising that the Holocaust, particularly the memory of the Holocaust, plays a central role in Moses’s criticism of the post 1945 ‘human rights revolution.’ Many scholars from the nascent field genocide studies in the 1980s, a field originally closely connected with Holocaust studies, came to resent the real or imagined subordination of other cases of mass killings and the perceived pressure to employ the Shoah as the benchmark for *all* genocides. Moses argues that this created a paradigm after 1945 in which “the greatest evil was driven by racial hatred alone, an identity crime devoid of political logics. . . any atrocity now must analogize with the Holocaust to be registered as shocking” (53). While this contention has been widely voiced among genocide scholars,⁷¹ it is surprising that he blames the “Father of Genocide Studies,” Raphael Lemkin, for screening out the “discursive context” of genocide and for exalting the idea of racial hatred as the driving force for the Holocaust (179). Moses argues that “if anyone is to blame for the problems of genocide, it is Lemkin” (139). His criticism of Lemkin (and of the World Jewish Congress) is tied to the development of Lemkin’s ideas in relation to the issue of Palestine and Zionism, including the ability, or in Moses’s view, the inability, to “distinguish Nazi policies from Zionist and British discussions about portioning Palestine and “transferring” parts of the Palestinian Arab population to make way for Zionist settlement” (217). In this respect he contends that Lemkin and his epigones are not only guilty for their roles in depoliticizing the destruction of the European Jews, but they are called to the bar for neglecting if not justifying similar processes in Palestine and Israel against non-Jewish populations, an argument that can quickly cross over from scholarly discourse into a polemical offensive.

In a similar vein, Moses asserts, in a provocative if not unkind manner, that “the founders of Comparative Genocide Studies eagerly filled the space as the academic handmaiden of US global aspirations” (441). He argues that Association of Genocide Scholars (AGS) (later International Association of Genocide Scholars) sought to find a champion for “genocide prevention activism” and chose the US despite the country’s own record of “liberal permanent security.” In this regard, he charges the AGS with leading an academic inquisition in which the “leadership ruthlessly excommunicated scholars who revived the Vietnam-era link of genocide and empire that jeopardized their favored view of the US as world sheriff” (456). These charges reflect in part a long simmering internecine feud between the AGS/IAGS and the International Network of Genocide Scholars, a rift that has produced much heat and little light, and whose inclusion in the book serves to further polemicize the issue rather than add to Moses’s argument.⁷²

From a more substantive perspective, it is Moses’s insistence on ‘deracializing’ the Nazi imperative for the destruction of the European Jews in his conception of the illiberal permanent security that provides the most problematic aspect of his argument. For Moses, the permanent security paradigm in both its illiberal and liberal manifestations is based on the political motives of the actors. In turn, his argument holds that “all Nazi extermination policies were expressions of permanent security” and thus were primarily an expression of imperialism and colonialism rather than antisemitism (279). Not only is this in line with his attempt to desacralize the Holocaust and refute the concept of Jews as the ‘ideal victims’ of genocide and the preeminent position of the Holocaust in genocide studies, but it also provides the pivot for establishing settler colonialism as the all-encompassing explanatory paradigm for describing state expansion and the concomitant

⁷¹ For a discussion of this view see Joyce Apsel and Ernesto Verdja, eds., *Genocide Matters: Ongoing and Emerging Perspectives* (New York; Routledge, 2013).

⁷² For some perspectives into this feud see Amos Goldberg, Thomas Kehoe, A. Dirk Moses, Raz Segal, Martin Shaw, and Gerhard Wolf, “Israel Charny’s Attack on the Journal of Genocide Research and its Authors: A Response,” *Genocide Studies and Prevention: An International Journal* 10:2 (2016): 3-22 and Gail Beckerman, “Top Genocide Scholars Battle over How to Characterize Israel’s Actions,” *Forward* (16 February 2011).

acts of killing that accompany it. In this reading, Reich Chancellor Adolf Hitler's quest for *Lebensraum* or living space was merely a contemporary manifestation of an ancient "imperial imaginary" or of a Führer's "political imaginary" in which the mass murder of the European Jews was a byproduct rather than the purpose of Nazi expansion (285).

In this regard, Moses argues antisemitism was a political project aimed at achieving permanent security, and he uses this construct to 'deracialize' Nazi actions versus the Jews. Furthermore, he contends that Nazi empire was "a consciously radical combination of imperial conquest and settler colonialism" (286). In support of this argument, he highlights the testimony of SS General Otto Ohlendorf, the commander of *Einsatzgruppe D*. At his trial in 1947, Ohlendorf attempted to justify the role of the SS murder squads and the mass annihilation of Jewish communities throughout the Soviet Union based on "permanent security" (35). What this argument fails to consider, however, is that this was the defense strategy prepared by Ohlendorf's lawyer, Rudolf Aschenauer. Based on the overwhelming evidence of the mass killings perpetrated by the *Einsatzgruppen*, Aschenauer built his case, not by denying the murders, but by arguing that the killings were "carried out legally in *presumed* self-defense of a third party—the German Reich—during a *presumed* state of emergency; that is, executions were necessary."⁷³ In other words, Ohlendorf's claim used the pretext of permanent security in an attempt to mitigate his guilt.

This attempt to frame Nazi mass murder as an act of putative self-defense was echoed four decades later by the conservative and right-wing German historian Ernst Nolte, who implied that the Nazis and Hitler "carr[ie]d out, an "Asiatic" deed perhaps only because they saw themselves and their kind as the potential or actual victims of the "Asiatic" deed" in the making."⁷⁴ In this sense, Moses's argument can be seen as coming perilously close to mirroring the argument of those who attempted to justify the Nazi war of aggression as a preventative war. In truth, Hitler may have been under the influence of an "imperialist imaginary," but he was also under the influence of a 'racial imaginary' in which the Jews became a personal obsession (295). As Ian Kershaw noted in his benchmark biography of the Nazi leader, the "key basic elements of Hitler's *Weltanschauung* [worldview]" that dominated his beliefs from 1919 to his suicide in 1945 involved "antisemitism resting on race theory; and the creation of a unifying nationalism founded on the need to combat the external and internal power of the Jews."⁷⁵

In contrast to Ohlendorf's post-war testimony, one need only consider the seminal extant document on Nazi plans for the annihilation of European Jewry, the so-called Wannsee Protocol, to demonstrate this point. While the meeting minutes discuss the need to "cleanse German living space of Jews" and the gaining of "practical experience" (i.e., gassings) "in relation to the future final solution of the Jewish question," it does not justify these actions on security grounds, but rather racial grounds using the language not of transgression, but of biology by depicting Jews as "epidemic carrier[s]."⁷⁶ In other words, during the highest level discussions of the 'Final Solution,' among the most senior leadership in the Nazi regime, race and not security was the primary concern in the annihilation of European Jews.

Despite the author's stated to desire to break free from this paradigm, paradoxically, Moses's work (and the field of genocide studies) appear firmly fixed in the shadow and the memory of the Holocaust. While it is certainly valid to warn against the trivialization of political motives, it is equally right to warn against the danger of underestimating the power of ethnic and racial hatred in the conduct of mass killing; one need not reject the latter and embrace the former in a zero-sum game. He is certainly correct to highlight the dangers in the instrumentalization of the Holocaust for contemporary political purposes, a point that he has recently

⁷³ Hilary Earl, *The Nuremberg SS-Einsatzgruppen Trial, 1945-1958: Atrocity, Law, and History* (Cambridge: Cambridge University Press, 2009), 198-99.

⁷⁴ Quoted in Geoff Eley, "Nazism, Politics, and the Image of the Past: Thoughts on the West German Historikerstreit 1986-1987," *Past & Present* 121:4 (November 1988): 173

⁷⁵ Ian Kershaw, *Hitler: 1889-1936 Hubris* (New York: W.W. Norton and Company, 1999), 125.

⁷⁶ For the text of the Wannsee Protocol see [The Wannsee Conference Protocol \(upenn.edu\)](https://www.upenn.edu/~history/wannsee.html).

explored with respect to the German government and its relationship to Israel.⁷⁷ Likewise, facile analogies of political leaders with Hitler or simplistic references to appeasement in modern conflict should be avoided. Still, there is a long road between the instrumentalization and the sacralization of the Holocaust, which he avers “licenses liberal permanent security to ensure that ‘humanity’ is not menaced by universal enemies” while allowing other states (e.g., the US, Israel) operating under the banner of moral righteousness to “wage ‘virtuous wars’ and police the world with unassailable technologies to make it ‘safe for democracy’ and international commerce by permanently destroying terrorism” (499). It appears too simplistic a response to view humanitarian military interventions as little more than a contemporary manifestation of neo-colonialism that serve merely as a pretext for the right to use force against those labeled as terrorists, barbarians, and pirates. To do so would amount to the de facto sacralization of another concept whether in the form of settler colonialism or in the guise of permanent security.

While one may disagree with Moses and some of his contentions, this book is an extensively researched, erudite, and ambitious work that will garner wide attention in the genocide studies community and beyond. If the argument for elevating permanent security as the twenty-first century paradigm of state criminality remains questionable, it is clear that Moses has marshalled a detailed and provocative case for his thesis.

⁷⁷ A. Dirk Moses, “Der Katechismus der Deutschen,” *Geschichte der Gegenwart*, 23 May 2021.

Response by A. Dirk Moses, The City College of New York

I am grateful to Diane Labrosse and Cindy Ewing for assembling such a large, diverse, and exquisitely qualified team of scholars to comment on *The Problems of Genocide*, and to Carolyn Dean for chairing this forum and writing the introduction. My thanks are also naturally extended to the team—Taner Akçam, Frank Biess, Diana S. Kim, Erin Mosely, Ned Richardson-Little, Ana Filipa Vrdoljak, and Edward B. Westermann—for having read my lengthy tome and penned their thoughtful reviews. Their expertise—ranging from African, Asian, Ottoman and German history to human rights and international law—mirrors much of the book’s coverage, meaning that its various aspects are addressed with considerable precision. No author could hope for more.

Five of the reviewers accurately understand my intentions and arguments, and use them for fruitful reflections on their fields. That was one of my aspirations for the book—for it to be useful to colleagues by opening up new perspectives and posing different sorts of questions. In particular, I wanted to “unfreeze the language of transgression so it becomes truly global and polyvalent, a source of insight rather than blindness” (53). So I greatly appreciate Diana Kim’s observation about Southeast Asian actors drawing “upon local languages and extant repertoires of speaking (or not speaking) of mass death.” Her discussion exemplifies the productive intellectual synergies from which I learn so much. I believe it is no coincidence that these reviewers are advancing historiographies on the extra-European world with an eye to critical public memory.

At the same time, as stated in the preface, I had also expected the opposite: resistance from those whose approach is framed around the conventional legal categories and teleological, indeed Eurocentric, histories that the book seeks to destabilize. Two of the reviewers critique the book from this perspective, but also partly misunderstand its arguments, knocking down open doors. I welcome the opportunity to address the points raised by all commentators, and to correct those misreadings.

The Problems of Genocide is really two books in one, each indicated by the bifurcated subtitle: “permanent security” and the “language of transgression.” I had not envisaged twelve sometimes very long chapters prefaced by a 46-page introduction when I began to write, but we all know that the evolution of a large project does not always follow a plan set out well in advance. The drafting was a dynamic process whose endpoint only became clear after many years of interrupted work. As I drew on and adapted some texts written long ago, I could trace the germination of ideas that I hope have matured in their current, monographic form. Moreover, as I assembled the chapters and pondered the next move, it became increasingly apparent that the interaction between permanent security and the language of transgression needed to be delineated and reconstructed in a third section. The one could not be satisfactorily understood without the other.

A few sentences on my method are necessary for those who have not read the book. *The Problems of Genocide* is not a conventional history. As its title indicates, the book identifies the problems that I see the concept and law of genocide creating. After setting out these problems in some detail, it seeks to account for them by drawing on different approaches in the history of ideas. From the German tradition of *Begriffsgeschichte* and Raymond Williams’s famous notion of “keywords,” I felt intellectually licensed to zero in on “genocide” as a new, constituent element of political language.⁷⁸ Thinking in terms of Foucauldian genealogy, we can ask more basic questions about power: why does the word exist at all and what purposes does it serve? Genocide was not the discovery or naming of a pre-linguistic reality but the creation of one. In this sense, I am a nominalist, and thus wonder about the status of the connection that the genocide concept forges between

⁷⁸ Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (London: Croom Helm, 1976).

“Armenians living in places as far flung as, say, Argentina, Russia, and China, who perhaps have no other shared characteristics, such as a spoken language, culture, or faith,” as Taner Akçam posits.

From the Cambridge School of the history of political thought, I won the insight that historical texts are less engagements with the ancients than with pressing contemporary political issues. What was the problem that “genocide” was seeking to solve and who was it seeking to convince? For the case of genocide, one needs to begin with the Polish-Jewish jurist Raphael Lemkin, who coined the term in *Axis Rule in Occupied Europe*, which was published in late 1944 but completed a year before.⁷⁹ What was he trying to achieve in 1942 and 1943 when he wrote this book? To answer this question one must place him firmly in various contexts. John Pocock’s emphasis on political languages draws our attention to Lemkin’s linguistic and conceptual options.⁸⁰ In reconstructing the semantic field in which he operated, we can illuminate the debates on which he drew and those he excluded.

Just as significantly, we can reconstruct the history of the semantic field in which operated, which I call the language of transgression. If we want to understand the conditions of possibility for Lemkin’s thinking and acting, then we need to move far beyond his writings and activism. Conventional, sometimes hagiographic, approaches misleadingly fixate on his person, thereby reproducing his own carefully cultivated image as a lonely innovator and humanitarian saint. As I show, he borrowed profusely from his contemporaries, sometimes without attribution, in many ways simplifying their ideas, while ignoring the interwar debate on international law and the aerial bombing of civilians.

Other sorts of misunderstandings abound as well. It is often said that Lemkin provided the word for Winston Churchill’s famous phrase, “a crime without a name,” namely the Holocaust. In fact, the British prime minister was referring to the German treatment of Soviet civilians: to its murderous mode of warfare that attacked civilians as well as combatants. Given Churchill’s penchant for such warfare with colonial peoples under British rule, he might have been less shocked. What is significant is that Lemkin did not seek to criminalize such indiscriminate killing of enemy civilians in armed conflict. He fixated on the ethnic, racial, and national groups covered by the minority treaties signed by new states and the victors of World War I. He was not naming the crime that Churchill could have called “colonial warfare.” Even Lemkin’s very broad definition of genocide, which was radically restricted by the United Nations in its 1948 convention, would not have covered all the German conduct in 1941 nor much of the Russian campaign in Ukraine today.⁸¹

By proclaiming genocide as the “crime of crimes,” Lemkin and the postwar world made the Russian mode of warfare in Ukraine a lesser crime. That was no accident. Many states wanted to reserve the right to conduct warfare in this manner. However, by virtue of this hierarchy, critics of the Russian campaign feel compelled to accuse it of genocide, leading to heated and, frankly, incoherent debate about the precise nature of Russian criminality. One of the many problems of genocide I analyze and reconstruct in the book, then, is the construction of a hierarchy of criminality, and confusion about the naming and categorization of mass civilian destruction.

⁷⁹ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944).

⁸⁰ J.G.A. Pocock, *Politics Language and Time: Essays on Political Thought and History* (Chicago: University of Chicago Press, 1960).

⁸¹ See Anson Rabinbach, “Rise and Fall of the *Sattelzeit*: The *Geschichtliche Grundbegriffe* and the Temporality of Totalitarianism and Genocide,” in Daniel Edelstein, Stefanos Geroulanos, and Natasha Wheatley, eds., *Power and Time: Temporalities in Conflict and the Making of History* (Chicago: University of Chicago Press, 2020), 114. Lemkin’s broad definition would have covered other aspects of Russian conduct, like efforts to erase Ukrainian nationality. A. Dirk Moses, “The Ukraine Genocide Debate Reveals the Limits of International Law,” *Lawfare Blog*, 16 May 2022, <https://www.lawfareblog.com/ukraine-genocide-debate-reveals-limits-international-law>

It is to highlight and historically explain how these problems evolved that I wrote this book. By turning the teleological history of warfare's humanization through international law on its head, I sought to account for the flawed universalism of the so-called human rights revolution after World War II. Ana Filipa Vrdoljak rightly draws attention to new literature pushing in a similar direction.⁸² There are many new titles: the *Zeitgeist* is calling for a reckoning with the failures of states and international law to protect people from mass violence and prosecute its perpetrators.⁸³

Historicizing “genocide” as a problem was not my plan when I published my first article on genocide in 2000.⁸⁴ I was then preoccupied with the genocide concept for its problem-solving capacity, because I saw it could be useful for Indigenous critiques of settler colonialism. That I hail from Australia and was then teaching at the University of Sydney is no accident. Recovering the colonial aspects of Lemkin's thought was one of the agendas here and, indeed, my first book was an anthology of genocide in Australia inspired by Lemkin's colonial notion of genocide.⁸⁵ In other anthologies, in the *Journal of Genocide Research*, and with colleagues around the world, we tried to effect a “colonial turn” in the field.⁸⁶

However, by about 2010, I saw its limitations as I repeatedly ran into a brick wall of Holocaust analogizing and tenaciously advanced uniqueness arguments from scholars of Nazi Germany as well as Australians who pointed to the Holocaust to exculpate settler colonialism: if the British treatment of First Nations peoples did not resemble the Nazi treatment of Jews, they reasoned, there could be no question of genocide in Australia.⁸⁷ Edward Westermann's comments here offer a paradigmatic case of what I called “conceptual blockages” and “anxieties in Holocaust and genocide studies.”⁸⁸

The closer I looked, the more I saw that Lemkin was more a figure of his times than the future-facing prophet we had heralded. Far from furnishing a conceptual weapon to ensure “never again,” his new term locked us into the ethno-nationalist imaginary that has driven so much conflict in the last two hundred years. Yes, genocide can be a powerful political tool for oppressed people, but I also saw that their efforts to gain

⁸² Agatha Verdebout, *Rewriting Histories of the Use of Force: The Narrative of “Indifference”* (Cambridge: Cambridge University Press, 2021); Carrie MacDougall, *The Crime of Aggression under the Rome Statute of the International Criminal Court*, 2nd ed. (Cambridge: Cambridge University Press, 2021).

⁸³ Ben Meiches, *The Politics of Annihilation: A Genealogy of Genocide* (Minneapolis: University of Minnesota Press, 2019); Margaret M. deGuzman, *Shocking the Conscience of Humanity Gravity and the Legitimacy of International Criminal Law* (Oxford: Oxford University Press, 2020); Jonathan Leader Maynard, *Ideology and Mass Killing: The Radicalized Security Politics of Genocides and Deadly Atrocities* (Oxford: Oxford University Press, 2022); and the review article by Amanda Alexander, “The Ethics of Violence: Recent Literature on the Creation of the Contemporary Regime of Law and War,” *Journal of Genocide Research* (8 October 2021): DOI: 10.1080/14623528.2021.1985809.

⁸⁴ A. Dirk Moses, “An Antipodean Genocide? The Origins of the Genocidal Moment in the Colonization of Australia,” *Journal of Genocide Research* 2:1 (2000): 89-107.

⁸⁵ Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Aboriginal Children in Australian History* (New York and Oxford: Berghahn Books, 2004); Michael McDonnell and A. Dirk Moses, “Raphael Lemkin as Historian of Genocide in the Americas,” *Journal of Genocide Research* 7:4 (2005): 501-29; A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History*. (Oxford and New York: Berghahn Books, 2008).

⁸⁶ See, for example, Jürgen Zimmerer's work on genocide and German Southwest Africa, and Alexander Laban Hinton, Andrew Woolford, Jeff Benvenuto, eds., *Colonial Genocide in Indigenous North America* (Durham, NC: Duke University Press, 2014). Needless, to say, this trend was fiercely resisted by those who want to centralize genocide committed by totalitarian and authoritarian regimes. Symptomatic: Omer Bartov, “Genocide and the Holocaust: Arguments over History and Politics,” in *Lessons and Legacies XI*, ed. Karl A. Schleunes and Hilary Earl (Evanston, IL: Northwestern University Press, 2014), 5-28.

⁸⁷ My misgivings were expressed already in 2011: “Revisiting a Founding Assumption of Genocide Studies,” *Genocide Studies and Prevention* 6:3 (2011): 289-302.

⁸⁸ Moses, “Conceptual Blockages and Definitional Dilemmas in the Racial Century: Genocide of Indigenous Peoples and the Holocaust,” *Patterns of Prejudice* 36:4 (2002): 7-36; Moses, “Anxieties in Holocaust and Genocide Studies,” in Claudio Fogu, Wulf Kansteiner and Todd Presner, eds., *Probing the Ethics of Holocaust Culture*, ed. (Cambridge, MA: Harvard University Press, 2016), 332-54 474-83.

recognition usually failed and their suffering was soon forgotten because it did not ‘rise to the level’ of genocide in the eyes of international society. And yet they suffered catastrophic losses. We were all making a category mistake, I began to realize.

Lemkin’s prioritization of national particularity—the ‘genos’ in genocide—derived from his Zionism, which was totally unknown until James Loeffler’s influential 2017 article that I invited him to submit to the *Journal of Genocide Research*.⁸⁹ This commitment is largely incidental, however, as other sorts of Jewish collective identity popular in interwar Poland likewise prized nationality—as did virtually everyone at the time, even Communists in their own way. That is one reason the intellectuals and leaders of “small nations,” who also influenced Lemkin’s thinking, were so drawn to “genocide” as a claim to make in protecting their vulnerable particularity.

The problem is the zoological ontology of humanity, imagined as a family of nations conceived in quasi-biological terms, when we now know that “nations” are as much imagined and constructed as natal communities of fate. And what about other kinds of human groups and civilians in general, that category of people whose protection Western powers have long averred as the “standard of civilization” distinguishing them from “savages” who wage war on entire societies? Moreover, what about the fact that many Western powers waged war on entire societies in their imperial expansion, calling it in turn colonization, settlement, and pacification in the name of “humanity”? Lemkin approved of this expansion, though not its “excesses,” because it was coterminous with the spread and development of international law.

This blindness and bias can also be traced to Lemkin’s interwar context. In a new article, Loeffler shows how Lemkin’s response to Polish antisemites, who argued that the Hebrew Bible and Judaism were riven with extermination, led him to stress the Roman antipathy to Judaism and Christianity as the origin of genocidal persecution.⁹⁰ Thus conceived, genocide was a pagan assault on Western Judeo-Christian civilization, which mapped neatly onto his identification of pagan genocidal perpetrators through the ages, culminating in the barbarous Nazi Germans.

Another problem of genocide stemming from Lemkin, unmentioned by Loeffler and other commentators, also requires mention: the depoliticization of mass violence. Reflecting the viewpoint of victims generally, Lemkin argued that Jews and Roma were targeted solely on ideological grounds: for who they were, not for anything that members of the group might have done. Because they were supposedly agentless, they were innocent and unpolitical. Thus genocide was a massive hate crime—a crime against identity. The UN Genocide Convention reflects this view in stipulating that groups must be targeted “as such.” For this reason, victim groups engage in misleading analogies with the Holocaust when in fact political logics are present in all such cases, even the Holocaust: they are attacked not “as such” but because perpetrators perceive them as threatening.

Now of course many victims were not combatants, and thus presented no objective military or security threat. This fact long confounded me when trying to understand perpetrator threat perception, especially the Nazi claim, detailed in Jeffrey Herf’s book, *The Jewish Enemy*, that the “international Jewry” was at war with Germany.⁹¹ The lesson I learned was that paranoia not only invoked the specter of imagined enemy entities, but also the question of temporality: members of a said group may not present a threat now, but they may in the future! For enduring security—permanent security, as the SS officer leading *Einsatzgruppe D*, Otto

⁸⁹ James Loeffler, “Becoming Cleopatra: The Forgotten Jewish Politics of Raphael Lemkin,” *Journal of Genocide Research* 19:3 (2017): 340–60.

⁹⁰ Loeffler, “The First Genocide: Antisemitism and Universalism in Raphael Lemkin’s Thought,” *Jewish Quarterly Review* 112:1 (2022): 139-163.

⁹¹ Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda During World War Two and the Holocaust* (Cambridge, MA: Harvard University Press, 2005).

Ohlendorf, put it—one has to anticipate and eliminate future threats, which means attacking entirely innocent people. This terrible logic is discernible not only in the mass murder of Jews by the *Einsatzgruppe* that Ohlendorf commanded, but also in colonial warfare. In the US, for example, First Nations children were murdered with the adage that “nits make lice.” As I show in the book, Ohlendorf’s lawyer tried to get his client off the hook with the argument of putative self-defense. The American judges wisely rejected this ruse: “To accept it would be to allow abrogation of the laws of war because of outlandish threat perceptions,” I observed (36). I extend this insight to Western powers. Did the security of Australian and American citizens really require the deaths of millions in Indochina in the Vietnam War? Only in terms of the liberal mode of permanent security, I argue.

Needless to say, I did not argue that race and racial hatred play no role in attacks on national groups, as Westermann supposes. I wrote:

When a “national, ethnical, racial or religious group,” to use the UN Genocide Convention list, is targeted, its members are *racialized* by those who ascribe racial meaning to social, political, and cultural processes and events. Members of groups can also self-racialize. Permanent security implicates racialization when it is combined with *securitization*: identifying a group as threatening. Persecution does not occur without securitization even if victims experience their persecution as the outcome of hatred, because that is the emotion they discern in the perpetrators. The social fact of racial or religious difference or even prejudice does not cause genocidal violence, however. The securitization of groups, whether racialized or otherwise defined, is the driver of excessive violence (42).

Jews were racialized *and* securitized in the Holocaust. Both are necessary for this terrible outcome, as Erin Mosely also sees in her elaboration of the Rwanda case. She rightly refers to Scott Straus’s essay on the subject. I heard him give a version at the University of Toronto. Agreeing with its argument, I asked him to submit the essay to the *Journal of Genocide Research*, where it was duly published in 2019.⁹²

More can be said about the fantastical workings of perpetrator paranoia. Westermann’s misleading mention of Ernst Nolte misidentifies the source of my arguments. They are inspired by the Israeli historian, Saul Friedländer, who observed that the Nazis regarded Jews “as an active threat, for all of Aryan humanity in the long run, and in the immediate future for a Reich embroiled in a world war,” meaning that “the Jews had to be exterminated before they could harm ‘Fortress Europe’ from within or join forces with the enemy coalition they had themselves set against the Reich.”⁹³ The difference between this position and Nolte’s is not that we lend analytical weight to Nazi paranoid fantasies, because obviously one must attend to what the Nazis said was driving them, as Frank Biess recognizes. Genocide is a crime of intention after all. The difference is, as I wrote in 2011, that “Nolte was incorrect to ascribe belligerent status to Jews and reality to the Judeo-Bolshevik myth. By an exaggerated act of *Verstehen*, he virtually participated in the Nazi fantasy rather than challenging it, and thereby seemed to attribute some blame to Jews for the genocide that they suffered.”⁹⁴ Friedländer’s adroit approach balances Max Weber’s maxim that scholars must both engage in *Verstehen* (understanding) and *Erklären* (explanation) to fully account for a phenomenon. Few are more challenging than the Nazis’ conspiratorial views about “international Jewry.”

⁹² Scott Straus, “The Limits of a Genocide Lens: Violence Against Rwandans in the 1990s,” *Journal of Genocide Research* 21:4 (2019): 504-524

⁹³ Saul Friedländer, *Nazi Germany and the Jews, 1939–1945*, Vol. 2, *The Years of Extermination* (New York: HarperCollins, 2007), 557. Emphasis in original.

⁹⁴ Moses “Paranoia and Partisanship: Genocide Studies Holocaust Historiography, and the ‘Apocalyptic Conjunction,’” *Historical Journal* 54:2 (2011): 562.

There are other misunderstandings. The book does not pit antisemitism against imperialism as the stark analytical options, as Westermann and some German reviewers suppose.⁹⁵ Chapter Seven on Nazi Germany and the Holocaust—the only case to receive its own chapter—makes clear that I am again developing a notion from Friedländer: “redemptive antisemitism.” In extending it to Nazi “redemptive imperialism,” I seek to show that continuity and rupture, patterned thinking and conscious innovation can be reconciled by attending to human agency: the Nazis explicitly adapted the destructive lessons of past empires to radicalize and “perfect” them on an unprecedented scale. It was not the continuity of German imperial traditions that led to the Holocaust, but the rupture of Germany’s forced decolonization after World War I that led to a compensatory continental imperial project to ensure that never again could the German people be starved into submission or deprived of natural resources and *Lebensraum*. This redemptive project targeted Jews preemptively as a security threat in a posited thousand-year empire. The paranoia inhered in imagining a local and global Jewish enemy and fearing that it threatened Germany’s permanent security.⁹⁶ Here was the most grievous case of illiberal permanent security in world history: as the Nazis intended their project, so it came to pass. Antisemitism, then, was entangled with imperialism rather than being an alternative explanatory option. Subtle, relational thinking can see that the Nazi project and the Holocaust entail both the histories of antisemitism and imperial expansion, and that they comingled fatally in this case.

I don’t propose to respond to Westermann’s other comments, like my alleged intention to “desacralize” the Holocaust: theology is not my interest. Nor will I engage with Richardson-Little’s comments on the historiography of human rights. He is asking for detail and coverage that do not belong in a book whose central concern is genocide. I appreciate his instruction.

The other commentators pose interesting and challenging questions. Given the space limitations, my answer is necessarily brief but hopefully suggestive. Taken together, they ask why should mass crimes *not* be differentiated? (Akçam) or upgraded to genocide’s gravity? (Mosely). They also press me to clarify whether the term should be abandoned when “genocide” is ethically, indeed existentially significant for victim groups (Mosely and Akçam). Frank Biess asks whether one can detect permanent security by its effects on civilians or by perpetrator intentions? He and Mosely also wonder if it is feasible or tenable to criminalize permanent security, “since the distinction between a reasonable and perhaps universal quest for security and its more pathological, permanent versions” seems hard to draw (Biess). Finally, Ana Filipa Vrdoljak asks how my innovation fits into extant international law: “given the nature of the recalibration that Moses proposes, one wonders how permanent security fits within the evolution in proscribing use of force in international law.”

As a matter of pragmatics, it is difficult to see the abandonment of the UN-designated four mass atrocity crimes—genocide, crimes against humanity, war crimes, and ethnic cleansing. I am arguing that we should i) recognize the “criminality” of hitherto largely legal state conduct like embargoes, blockades, and bombing that impacts civilian populations; ii) dispense with the “crime of crimes” notion and, iii) recognize that permanent security imperatives subtend them all: differentiation can be retained amid a commonality.

Of course, that would tell against the second question, which highlights the meaningfulness with which victims’ groups employ “genocide” as a talisman of recognition. Far be it for me to instruct victims about how to imagine and file their claims. As a scholar, I am interested in how we came to a situation in which “genocide” became freighted with such expectations that inevitably lead to counter-productive Holocaust analogizing. Given the patently distinctive features of the Holocaust, such analogizing is a losing bet for most groups because their cases won’t resemble the Holocaust. The rules of the recognition game work against them, as mentioned above.

⁹⁵ For example, Steffen Klävers, “Paradigm Shifts—Critical Reflections on the Historikerstreit 2.0: The Catechism-Debate and their Precursors,” *Society* (14 February 2022): <https://doi.org/10.1007/s12115-022-00677-0>.

⁹⁶ Friedländer, *Nazi Germany and the Jews*, Vol. 1, *The Years of Persecution* (New York: HarperCollins, 1997), 99.

So what if permanent security were the crime? Indeed, it is hard to see such a law receiving state consent because states reserve the right to derogate from human rights norms and obligations if they believe their survival is at stake. But as a thought experiment—we have to begin somewhere, after all: ask Lemkin—my wager is that focusing on the security arguments that states inevitably make in justifying their conduct means that we strike at the heart of state power legitimation. Since we are stuck with a global order of states, security considerations cannot be wished away. But they should not entail armed conflict that results in mass civilian destruction. If they do, we are likely witnessing permanent security in action. In other words, the impact of the state and parastate violence signals the transition from legitimate security to illegitimate permanent security: the killing of civilians, whether in short, intense bursts, as in genocide, or in longer-term campaigns and occupations in which smaller numbers are killed serially but mount, tragically, over time, as in liberal permanent security.

So I propose a new convention to augment current international law: to define and criminalize attempts to impose permanent security by one of the means mentioned above. Needless to say, states would hair-split, arguing their conduct is legitimately proportional rather than excessively permanent in aspiration. If so, at least an investigation can be conducted on these grounds rather than playing the distracting game of whether a case “rises to the level” of genocide or not. Changing the conversation about the sources of mass civilian destruction is the first step to preventing it. And it makes for more accurate scholarship about mass civilian destruction. That is my hope.