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Editors' Introduction

Picking up from the previous issues where we have been introducing new sections in our collection, the discussion on genocide and collective violence continues in this issue, which features a unique mix of traditional and non-traditional scholarship that address the various dimensions at play.

Grounded in comparative genocide theorizing, Hook's contribution explores the case of the Holodomor to suggest not only what key elements separate genocide from other categories of violence, but also to explicate how scholars can delineate patterns of genocidal violence from within broader processes of violence that may be co-occurring. To that end, Hook's article draws on an innovative mixed methods approach, as a complementary methodological approach to more traditional historical analyses in Genocide Studies that continue to provide importance and rich analyses.

Fidahić's *Case Study* contribution discusses the ICTY language policies and its effect on ICTY legacy and struggle against denialism, noting that the ICTY court transcripts have only been made in English and French, but not in Bosnian/Croatian/Serbian (B/C/S), the languages of the former Yugoslavia.

This issue's *Dossier* contribution by Lee-Winter and Kirabira discusses the practical consequences of collective violence against the Rohingyas, particularly the children. Simply by being stateless, the Rohingyas' vulnerability is intensified subjecting them to further exploitation by human traffickers.

The *Book Reviews* section contributions also span a diverse range of topics. Plum reviews Federman's examination of the French Railways and the victims search for transitional justice more than seventy years since convoys transported victims to Auschwitz. Bachman critically unpacks Hinton's latest work that builds on critical conversations he engaged with his students and the potential for mass atrocity in the United States while Weisbecker examines how agents of the state facilitated the conditions for anti-Mexican violence along the U.S. border. Ready reviews Blum and Burkholder's investigation of the segregated and unequal public education system in the United States and their proposals to promote a more pluralistic society. Lastly Carrim examines Morag's investigation of new directions in perpetrator cinema in Cambodia post-Khmer Rouge and the interactions between perpetrators and survivors.

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Fiza Lee-Winter

Laura Collins

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Meet the GSP Team: Featured Profiles



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Dossier: The Stateless Rohingya—Practical Consequences of Expulsion

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Introduction¹

In October 2013, the UN High Commissioner of Refugees called for the “total commitment of the international community to end statelessness,” with the ultimate goal of ending statelessness within 10 years, thus resulting in the establishment of *Global Action Plan to End Statelessness: 2014–2024*, providing states with a guiding framework of 10 Actions in a worldwide effort to ultimately end statelessness. Action 7 of the Global Action Plan calls on States to “ensure birth registration for the prevention of statelessness,”² as birth certificates provide key information that assists children to confirm or acquire nationality.³ This dossier presents the practical consequences of expulsion and discusses the imperative need for the Association of Southeast Asian Nations (ASEAN) states—collectively as a region—to take steps in fulfilling Action 7 of the Global Action Plan as part of their existing efforts in order to enhance the protection of refugee children.⁴

The focus on ASEAN is imperative due to its orthodox practice of collective-based decision making, but also evolving approaches towards atrocity prevention and integration of human rights norms within member states.⁵ Referring to the Rohingya refugee crisis in particular, this dossier also explores ways in which birth registration impacts the status of Rohingya refugee children in this region, without which these stateless children are placed at greater risk of becoming victims to child trafficking.

With over one million Rohingya refugees escaping persecution in Cox’s Bazar, Bangladesh, and many more having been displaced since the 2012—according to UNHCR, 741,947 Rohingya refugees have fled their homes in Rakhine state in Myanmar into neighboring Bangladesh since August 2017⁶—this issue merits special attention. As victims of collective violence, the Rohingyas not only face direct attacks to their persons (bodily harm) and their properties;⁷ the effects from experiencing such violence can be far-reaching and with adverse

¹ The views expressed in this Dossier belong solely to the authors. Due to their ongoing nature, Dossiers do not undergo the double-blind peer review process.

² UN High Commissioner for Refugees (UNHCR), “Global Action Plan to End Statelessness: 2014–2024,” (Geneva: Division of International Protection, UNCHR, 2017), 2, accessed 30 August 2021, <https://www.unhcr.org/54621bf49.html>.

³ UNHCR, “Ensuring Birth Registration for the Prevention of Statelessness,” (UNCHR, 2017), 1, accessed August 30, 2021, <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf>.

⁴ ASEAN is an intergovernmental economic union established on August 8, 1967, comprising 10 member states in Southeast Asia, namely Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. See “About ASEAN,” ASEAN, n.d., accessed October 8, 2021, <https://asean.org/about-us>.

⁵ David A. Frank, “The Reduction of Mass Atrocity Crimes in East Asia: The Evolving Norms of ASEAN’s Prevention Mechanisms,” *Genocide Studies and Prevention* 11, no. 3 (2018), 105.

⁶ For a more elaborate analysis, see UNHCR, “Refugee Movements in South-East Asia 2018–June 2019,” (UNHCR, October 1, 2019) 2, accessed 30 August 2021, <https://www.unhcr.org/5d91e2564.pdf>.

⁷ Ibid.

consequences, particularly to their health and well-being.⁸ In addition, the Rohingyas' vulnerability are intensified simply by being stateless.

Before delving into the gist of the dossier, it is important to draw a distinction between *de jure* and *de facto* statelessness. While *de jure* statelessness refers to the formal legal aspects of citizenship and rights e.g. issuance of birth certificates, *de facto* statelessness relates to the more practical situations where refugees do not have any protections in the host states.⁹ This dossier thus presents an argument for the *de jure* recognition of refugee children under the host states' laws, through the practice of birth registration.

Challenges associated with children's statelessness and lack of legal status vary for each country, depending on the national laws. However, looking beyond the practical challenges, empirical research reveals profound connections between legal identity documentation, birth registration, and human rights protection.¹⁰ More specifically, the negative impact stemming from the lack of birth registration and statelessness on the economic and social rights of children¹¹ should not be understated—and such trends beg for more attention, whether scholarly or in-practice, especially in contemporary contexts like the Rohingya crisis.

Linked Vulnerabilities

Why the extra focus on the Rohingyas? The first reason is an obvious one—the majority of refugees moving through the Southeast Asian (SEA) region are stateless Rohingyas.¹² Emerging scholarship on Rohingya statelessness reveal challenges of legal identity in countries like India,¹³ and Rohingya refugees themselves are considered to be “the most marginalized and persecuted section of people in the world.”¹⁴ But what is more unsettling is their extreme vulnerability in the SEA region. Reports in past years reveal that a host of Rohingya refugees have become victims of human trafficking and smuggling into countries like Thailand and Malaysia.¹⁵ Being caught in a protracted conflict, the Rohingyas suffer serious limitations on their basic human rights, not only in their country of origin, but also along the way as they make their journey to relative safety. Living under such dire conditions, the Rohingya refugees become extremely vulnerable to exploitation by traffickers.¹⁶

In the case of Rohingya children, the situation is much more dire as they become targets by child traffickers for forced labor, prostitution, and slavery under the guise of “better opportunities” for work abroad. While some children were at first thought to be kidnapped

⁸ UNHCR, *Refugee Movements*, 2.

⁹ Hugh Massey, *Legal and Protection Policy Research Series: UNHCR and De Facto Statelessness* (Geneva: Division of International Protection, UNHCR, April 2010), 3, accessed July 2, 2021, <https://www.unhcr.org/en-us/protection/globalconsult/4bc2ddeb9/16-unhcr-de-facto-statelessness-hugh-massey.html>; Aaron Hale and Fredline M'Cormack-Hale, “Statelessness, Nationality, and Citizenship in Sierra Leone,” *Journal of Global South Studies* 35, no. 2 (2018), 311.

¹⁰ Caroline Vandenebeele, “To Register or Not to Register?: Legal Identity, Birth Registration, and Inclusive Development,” in *Children Without a State: A Global Human Rights Challenge*, ed. Jacqueline Bhabha (Cambridge: The MIT Press, 2011), 307–330.

¹¹ Jacqueline Bhabha, “From Citizen to Migrant: The Scope of Child Statelessness in the Twenty-First Century,” in *Children Without a State: A Global Human Rights Challenge*, ed. Jacqueline Bhabha (Cambridge: The MIT Press Cambridge, 2011), 1–42.

¹² UNHCR, *Refugee Movements*.

¹³ Tejal Khanna, “Rohingyas and the (II)Legal Quest for an Indian Identity,” *Statelessness & Citizenship Review* 2, no. 2 (2020), 342, accessed October 8, 2021, <https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/221/109>.

¹⁴ Kudrat-E-Khuda (Babu), “The Impacts and Challenges to Host Country Bangladesh Due to Sheltering the Rohingya Refugees,” *Cogent Social Sciences* 6, no. 1 (2020), 2.

¹⁵ Ranyta Yusran, “The ASEAN Convention Against Trafficking in Persons: A Preliminary Assessment,” *Asian Journal of International Law* 8, no. 1 (2018), 258.

¹⁶ The ASEAN Post Team, “ASEAN's Human Trafficking Woes,” *The ASEAN Post*, May 11, 2020, accessed August 20, 2021, <https://theaseanpost.com/article/aseans-human-trafficking-woes>.

(missing persons cases), in actual fact, the situation is much more insidious¹⁷—they have been lured out of their camps and into labor and prostitution.¹⁸ Further, according to Chakraborty and Bhabha, the appalling experiences of the stateless Rohingyas in SEA during the COVID-19 pandemic demonstrate the need for formal legal recognition of refugees¹⁹—for stateless children, major concerns relate to limited access to food, education, an increase in child marriage and labor,²⁰ without which would result in adverse consequences and impacts, due to their expulsion and their default statelessness.

The Right of the Child to Birth Registration

Stein identifies administrative practices of birth registration among the contemporary causes of child statelessness.²¹ Although birth registration does not guarantee a right to citizenship, it lays a foundation for the obtaining of nationality, but also opens up channels for the enjoyment of human rights.²² Crucially, a human rights-based approach is necessary in dealing with child statelessness.

From an international human rights perspective, birth registration can be linked with the right to acquire a nationality under the United Nations Convention on the Rights of the Child (CRC): “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.”²³

Additionally, there are state obligations under the CRC: “States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”²⁴ However, we ought to remain cognizant of the deferring state practices in relation to citizenship laws and birth registration. As Stein points out, divergent domestic systems arise, limiting the protection of stateless people, including children.²⁵

Out of all the ASEAN states hosting Rohingya refugees, only Cambodia and the Philippines are signatories to the 1951 Refugee Convention. As a result of this lack of international legal obligation, countries like Thailand, Indonesia, and Malaysia (affected countries) are observed to apply exclusionary policies against Rohingya refugees.²⁶ But since we are extending this discussion to look at refugee and stateless children, from a normative perspective, all the 10 ASEAN Member States have signed and ratified the CRC, which provides a firm foundation for the protection of undocumented and stateless children.²⁷ Against the background of this legal framework, we are convinced that birth registration can be used as a

¹⁷ Leif Coorlim and Thomas Page, “Stolen Son: The Child Traffickers Preying on the Rohingya,” CNN, August 31, 2019, accessed August 29, 2021, <https://edition.cnn.com/2019/08/31/asia/stolen-son-rohingya-coxs-bazar-intl/index.html>. Watch video embedded in citation for further information on human trafficking and children trafficking of the Rohingyas in Cox’s Bazar, Bangladesh.

¹⁸ “The Rohingya Children Trafficked for Sex,” BBC, March 20, 2018, accessed October 8, 2021, <https://www.bbc.com/news/world-asia-43469043>.

¹⁹ Roshni Chakraborty and Jacqueline Bhabha, “Fault Lines of Refugee Exclusion: Statelessness, Gender, and COVID-19 in South Asia,” *Health & Human Rights: An International Journal* 23, no. 1 (2021), 237.

²⁰ Ibid.

²¹ Jill Stein, “The Prevention of Child Statelessness at Birth: The UNCRC Committee’s Role and Potential,” *International Journal of Children’s Rights* 24, no. 3 (2016), 599, 619.

²² Ibid., 618.

²³ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, Art. 7(1).

²⁴ Ibid., Art. 7(2).

²⁵ Stein, *Prevention of Child Statelessness*, 602.

²⁶ A. K. M. Ahsan Ullah, “Rohingya Crisis in Myanmar: Seeking Justice for the ‘Stateless,’” *Journal of Contemporary Criminal Justice* 32, no. 3 (2016), 285.

²⁷ ASEAN, “Children in ASEAN: 30 Years of the Convention on the Rights of the Child,” (ASEAN and UNICEF, 2019), 11, accessed July 2, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Children%20in%20ASEAN.pdf>.

tool in protecting the rights of refugee and stateless children in the region, including the Rohingyas.

Obstacles to Birth Registration: The Case of Thailand

As a state hosting one of the largest stateless populations in the world, “according to data from the Ministry of Interior in 2019, Thailand is home to more than 539,000 stateless persons, among which around 206,000 or 40 per cent are children.”²⁸

Under Thailand’s Civil Registration Act, which was revised and implemented in September 2010, “all children born in the country are entitled to birth registration even if their parents are not Thai nationals.”²⁹ Thailand considers this to be “one of the key conditions for the prevention of human trafficking and statelessness, and ensuring access to basic rights of children in various fields, especially education and health services”³⁰ and has extended the access to birth registration for “all children born in Thailand, including cross-border migrants and ethnic populations.”³¹

However, almost a decade later, the impacts of the legislation still remain unclear. This is largely due to challenges related to the situation of access to birth registration of children, further compounded by a lack of data on the actual number of the sub-groups living in Thailand at any given time.³² A recent quantitative study, conducted by the Legal Research and Development Centre at the Faculty of Law in Chiang Mai University with support from the European Union (EU) and UNICEF, indicated that the “challenge remains largely in translating policy into practice especially at the local level...[which include] inadequate human and financial resources, complex and overburdened procedures and negative attitudes among officials toward stateless families.”³³ This corroborated the findings of a previous study which also indicated a lack of awareness among parents on how to access birth registration.³⁴ Despite this setback, the data did indicate that some parents wanted “the child to have Thai health and education rights” as a reason for why they complied with the birth registration law, alluding to their understanding of the importance of birth registration as a right and an equity improvement strategy.³⁵

Optimizing Legislation to Enhance State Practice

In recent years, ASEAN states have used legal instruments like the Convention against Trafficking in Persons especially in Women and Children (ACTIP) to guide state practice.³⁶ A

²⁸ “Progress Must be Accelerated to End the Cycle of Statelessness: EU and UNICEF,” *UNICEF Thailand*, April 9, 2021, accessed August 30, 2021, <https://www.unicef.org/thailand/press-releases/progress-must-be-accelerated-end-cycle-statelessness-eu-and-unicef>.

²⁹ Vivian Tan, “In Thailand, Birth Registration Gives Refugee Babies a Good Start in Life,” *UNCHR*, September 24, 2012, accessed August 30, 2021, <https://www.unhcr.org/news/latest/2012/9/50604a959/thailand-birth-registration-gives-refugee-babies-good-start-life.html>.

³⁰ Chalermopol Chamchan, Kanya Apipornchaisakul and Phongsak Muensakda, “An Assessment of Access to Birth Registration among Migrant Children: The Quantitative Study,” (Salaya: Mahidol University, Thailand, June 2021), 1, accessed October 8, 2021, <https://www.unicef.org/thailand/media/6456/file/BR%20Assessment.pdf>.

³¹ Ibid.

³² Ibid.

³³ UNICEF Thailand, *Progress Must be Accelerated*. Link to the study “Invisible Lives: 48 Years of the Situation of Stateless Children in Thailand (1972–2020)” is in the press release. The final report has been published in the Thai language.

³⁴ Chamchan et al., *Assessment of Access to Birth Registration*, 55–56; see also Joint submission of: Franciscans International (FI) and Marist International Solidarity Foundation (FMSI) for the Universal Periodic Review (UPR) of Thailand in 2016, paras. 8–12, accessed August 29, 2021, <https://fmsi.ngo/wp-content/uploads/2019/09/2016.UPR-Thailand-FI-FMSI-EN.pdf>.

³⁵ On the importance of equity, see Harry Jones, “Equity in Development: Why It is Important and How to Achieve It” (London: Overseas Development Institute, November 13, 2009), accessed October 8, 2021, <https://cdn.odi.org/media/documents/4577.pdf>.

³⁶ Yusran, *The ASEAN Convention*.

host of soft law instruments also indicate ASEAN states' commitment towards the protection of children's rights in the region.³⁷ Whilst recognizing that one size does not necessarily fit all, birth registration should be seen as an important step to the prevention of statelessness. In the case of refugee and stateless children, being without birth registration puts these children at a higher risk of being trafficked for many reasons including forced labor, prostitution, forced or early marriages, and even recruitment as child soldiers; such are the far-reaching impacts and consequences of collective violence. Additionally, collective action by ASEAN states will help to create the necessary political will to implement the norms at the domestic level. It is important to note that political will is a vital element in the domestic enforcement and implementation of human rights, including those of vulnerable groups like the Rohingyas.³⁸

As a region heavily affected by human trafficking, it is in the ASEAN states' interest to develop a regional framework and adopt a workable uniform state practice on birth registration of refugee and stateless children. Such capacity building and mobilization will undoubtedly have a positive impact, not only in combatting human and child trafficking, but also to meet the commitments towards ending statelessness by 2024.

We are cognizant of the challenges of implementing top-down approaches in an era where policy and legal framers seek for more localized approaches towards refugee protection. What this commentary stresses, is the need for more attention towards stateless children by all stakeholders at both domestic and regional levels. Ultimately, addressing the situation of these vulnerable children through birth registration will also require the involvement of non-state actors like Non-Governmental Organizations (NGOs).

NGOs have the potential to influence both the adoption and implementation of the ASEAN legal framework.³⁹ Due to the context sensitive dynamics of migration, the effective implementation of the proposed laws will necessitate the engagement of the refugee host communities about the relevance of registering refugee children. Even with the (legal and practical) challenges and obstacles associated to birth registration, we remain convinced that ASEAN states should endeavor to develop and implement a workable framework as this addresses statelessness and combatting human trafficking at the same time. Without birth registration, these stateless children are left at greater risk to fall victims to child trafficking. As such, this dossier also opens up sightlines for various socio-legal approaches to tackle the issue of statelessness as a direct response to collective violence.

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³⁷ For a more elaborate overview, see ASEAN Plan of Action for Children (1993); Hanoi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (2010); Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN (2013); ASEAN Regional Plan of Action on Elimination of Violence Against Children (2016); ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth (2016) and ASEAN Early Childhood Care, Development and Education Quality Standards (2017).

³⁸ Frank, *Reduction of Mass Atrocity Crimes in East Asia*, 99.

³⁹ *Ibid.*, 102.

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Pinpointing Patterns of Violence: A Comparative Genocide Studies Approach to Violence Escalation in the Ukrainian Holodomor

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Introduction

For genocide prevention specialists, rapidly unfolding events and shifting violence patterns complicate efforts to understand, trace, and respond to this extreme social phenomenon. Devising policy-oriented frameworks structured enough to organize chaotic, complex events but flexible enough for cross-cultural variation requires analysts to thread the needle between speed and accuracy. Drawing from my experience in both genocide prevention policy and research, I suggest that answers to two key conceptual debates within comparative genocide studies are needed to advance genocide and mass atrocity analytic tools: 1) What are the core features that distinguish genocides from other forms of violence?¹ and 2) how can we trace genocidal patterns within larger processes of unfolding violence?²

To circumvent unproductive definitional arguments, some scholars have suggested methodologies that analyze large-scale violence (genocide and other) according to numerically based thresholds.³ Primarily quantitative, these methodologies represent the field's undeniable growth in epistemological sophistication,⁴ while answering certain aspects of the genocide puzzle. However, victim threshold-based methodologies are limited in their ability to incorporate cross-cultural variation and—relatedly—to guide the design of specific, contextually tailored violence interventions in real-time. To address this need, I operationalize other scholars' conceptual innovations to present a methodology grounded in two areas of scholarly consensus regarding what separates genocides from other large-scale violence: who is targeted (*intended target*) and for what purpose (*intended purpose*).⁵ In doing so, I demonstrate that the dynamics of genocidal and other violence can be mapped as they unfold, including as their characteristics evolve in the context of their broader occurrence.

Current violence in Nagorno-Karabakh and eastern Ukraine underscores the relationship between historical events and modern victims, with Joseph Stalin's unilateral boundary demarcations and ethnic population resettlement programs respectively influencing these contemporary conflicts. As a historical, contested instance of mass violence, the 1932–1933

¹ Scott Straus, "'Destroy Them to Save Us': Theories of Genocide and the Logics of Political Violence," *Terrorism and Political Violence* 24, no. 4 (2012), 551–555; Ernesto Verdeja, "The Political Science of Genocide: Outlines of an Emerging Research Agenda," *Perspectives on Politics* 10, no. 2 (2012), 311–313.

² Verdeja, *Political Science*, 308.

³ The following exemplifies this trend and its value. See Matthew Krain, "State-Sponsored Mass Murder: The Onset and Severity of Genocides and Politicides," *The Journal of Conflict Resolution* 41, no. 3 (1997), 331–360; Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *American Political Science Review* 97, no. 1 (2003), 57–73; Benjamin Valentino, *Final Solutions: Mass Killing and Genocide in the 20th Century* (Ithaca: Cornell University Press, 2004); Alex Bellamy, "Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Protect," *The Stanley Foundation Policy Brief*, February 2011, accessed September 1, 2019, 1–4, <https://stanleycenter.org/publications/pab/BellamyPAB22011.pdf>.

⁴ Scott Straus, "Second-Generation Comparative Research on Genocide," *World Politics* 59, no. 3 (2007), 476–478; Verdeja, *Political Science*, 307–308.

⁵ Straus, *Destroy Them*, 552–553.

Holodomor—an artificially induced famine in Stalin’s Soviet Ukraine⁶ which killed an estimated 3.9 to 5 million people⁷—is ripe for its extensive documentation to be analyzed from a comparative genocide framework. The Holodomor is one of the more widely explored examples of Soviet famines within Eastern European studies (with some emerging social science scholarship).⁸ Legal scholars have utilized this case study to question genocidal statutes of limitations⁹ and the overlap of *actus reus* (the action which constituted the crime) and *mens rea* (the knowledge or intent of wrongdoing).¹⁰ Still, the Holodomor case has thus far had a less significant impact on broader comparative genocide theorizing of how mass violence unfolds or can be prevented. I focus on this research gap, using the Holodomor to demonstrate that chaotic patterns of violence can be empirically organized with the most important dynamics for prevention policy decision-making amplified. Drawing on all available archival sources, I code the 1932–1933 correspondences directly to and from Soviet leader Joseph Stalin regarding Ukraine to display how decision-making shifted in the two areas of intended targets and purpose. The ability of this framework to detect change over time and the correlation of the two key violence characteristics originally suggested by Straus¹¹ is significant, indicating these approaches can be applied to empirically organize patterns in other mass killings. As my work demonstrates the emergence of genocidal criteria in the Holodomor, my framework ultimately concurs with other scholars who have labeled the Holodomor a genocide.¹²

⁶ Many historians include the Kuban region, which although held by the Russian republic’s Northern Caucasus province, was mainly populated by Ukrainians.

⁷ Significant demographic analyses on Holodomor deaths include the following works. See Oleh Wolowyna et al., “Monthly Distribution of 1933 Famine Losses in Soviet Ukraine and the Russia Soviet Republic at the Regional Level.” *Nationalities Paper* 48, no. 3 (2020), 530–548; Nataliia Levchuk et al., “Regional 1932–1933 Famine Losses: A Comparative Analysis of Ukraine and Russia,” *Nationalities Papers* 48, no. 3 (2020), 492, 510; Harvard Ukrainian Research Institute (HURI), “The Great Famine Project,” *MAPA: Digital Atlas of Ukraine*, 2018, accessed January 1, 2020, <http://gis.huri.harvard.edu/historical-atlas/the-great-famine.html>; Omelian Rudnytskyi et al., “Demography of a Man-Made Human Catastrophe: The Case of Massive Famine in Ukraine 1932–1933,” *Canadian Studies in Population* 42, no. 1–2 (2015), 53; Oleh Wolowyna, “Demographic Dimensions of the 1932–33 Famine in Ukraine,” in *Famine in Ukraine, 1932–1933: Genocide by Other Means*, eds. Taras Hunczak and Roman Serbyn (New York: Shevchenko Scientific Society, 2007), 98–114; Oleh Wolowyna, “Comments on the Demographic Consequences of the Holodomor,” *Harvard Ukrainian Studies* 30, no. 1–4 (2008), 243–IX; Jacques Vallin et al., “The Great Famine: Population Losses in Ukraine,” in *Holodomor Reflections on the Great Famine of 1932–1933 in Soviet Ukraine*, ed. Lubomyr Y. Luciuk and Lisa Grekul (Kingston: Kashtan Press, 2008), 35–46; Norman M. Naimark, *Stalin’s Genocides* (Princeton: Princeton University Press, 2010), 70–79; Anne Applebaum, *Red Famine: Stalin’s War on Ukraine* (New York: Knopf Doubleday Publishing Group, 2017).

⁸ Arturas Rozenas and Yuri M. Zhukov, “Mass Repression and Political Loyalty: Evidence from Stalin’s ‘Terror by Hunger,’” *American Political Science Review* 113, no. 2 (2019), 569–583.

⁹ Myroslava Antonovych, “Legal Accountability for the Holodomor-Genocide of 1932–1933 (Great Famine) in Ukraine,” *Kyiv-Mohyla Law and Politics Journal* 1, no. 1 (2015), 159.

¹⁰ Andriy Semotiuk, “The Ukrainian Holodomor—Was It a Genocide?,” *Famine-Genocide in Ukraine* (2008), 1–7, accessed September 1, 2019, <https://myworkvisa.com/usa/downloads/Holodomor.pdf>.

¹¹ Straus, *Destroy Them*, 552–553.

¹² For scholarly works labeling the Holodomor a genocide, see Andrea Graziosi, “The Soviet 1931–1933 Famines and the Ukrainian Holodomor: Is a New Interpretation Possible, and What Would the Consequences Be?,” *Harvard Ukrainian Studies* 27, no. 1 (2004), 106–109; Nicolas Werth, “The Great Ukrainian Famine of 1932–1933,” *Mass Violence and Resistance*, 2008, accessed August 20, 2019, <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/great-ukrainian-famine-1932-33>; Nicolas Werth, “The Crimes of the Stalin Regime: Outline for an Inventory and Classification,” in *The Historiography of Genocide*, ed. Dan Stone (New York: Palgrave, 2008), 406–408, 414–415; Naimark, *Stalin’s Genocides*, 15–29, 70–79; Bohdan Klid and Alexander J. Motyl, eds. *The Holodomor Reader: A Sourcebook on the Famine of 1932–1933 in Ukraine* (Toronto: Canadian Institute of Ukrainian Studies Press, 2012), xlii–xliv; George O. Liber, *Total Wars and the Making of Ukraine, 1914–1954* (Toronto: University of Toronto Press, 2016), 192–197. Of historical interest, Raphaël Lemkin labeled the Ukrainian case a genocide in a 1953 essay, calling it “perhaps the classic example of Soviet genocide, its longest and broadest experiment in Russification, the destruction of the Ukrainian nation,” quoted in Roman Serbyn, “Lemkin on Genocide of Nations,” *Journal of International Criminal Justice* 7, no. 1 (2009), 126.

Historical Context of the Holodomor and Scope of Research

Striking for its devastatingly short time span, the *Holodomor* (“killing by hunger”) resulted in every eighth person in Ukraine perishing from 1932 to 1934.¹³ These events took place within the larger context of persistent Soviet famines, including the 1932-1933 all-Union famines that killed millions across the grain-producing areas of the North Caucasus, Volga region, Kazakhstan, Western Siberia, and the South Urals.¹⁴ Despite many debated aspects, commonly suggested contributing factors to the all-Union famines include the forced, often-violent collectivization accompanying the 1928 implementation of Stalin’s first five-year plan aimed at industrial revitalization (replacing Vladimir Lenin’s New Economic Policy of the early 1920s), grain requisitions, over-rapid economic transformation, agricultural workforce issues (e.g., decreasing laborers, forced transition of Kazakh herding practices),¹⁵ and weather conditions. Foundational food security research states the “inescapable” conclusion that modern famines, “despite the role of [contributing] natural causes...are man-made,” as they are primarily driven by issues of food access.¹⁶ This subject’s more profound debates therefore question not *whether* the Holodomor and other Soviet famines were artificially induced, but 1) the degree of willful violence, as opposed to deadly incompetence, and 2) the presence of group-specific targeting.

Focusing this analysis on Stalin’s intentionality in the Ukrainian case, I note Liber’s data demonstrating a 1930 tenfold increase in collectivization-driven peasant rebellions across the Soviet Union, with 30 percent occurring in the Ukrainian Soviet Socialist Republic (SSR).¹⁷ Ukrainian lands experienced a deadly combination of grain requisitions; unworkable grain quotas; denial of requested food aid; seizure and destruction of food, seeds (the foundation of the following year’s harvest), and agricultural equipment; infamous black boards where villages were sealed to prevent hunger-driven out-migration; and the capture of fleeing peasants from train stations by soldiers who pursued and returned them to their desolated villages.¹⁸ Some of these dynamics were also present in other Soviet famines. However, Kulchytsky¹⁹ argues that while the Holodomor was linked to broader Soviet socioeconomic policies, it constituted a unique genocidal variant within the Stalinist regime’s broader lethal policies.²⁰ Despite all-Union attempts by Lenin and Stalin to “Sovietize”—i.e., transform economic and sociocultural identities—the countryside, Kulchytsky highlights four overlapping dynamics as demonstrating Ukrainian-specific targeting: physical blockades, seizure of all food, selective aid, and informational censure. These injurious directives coincided with Stalin’s termination of existing Ukrainization policies, while also attacking Ukrainian party units.²¹

¹³ Serhii Plokyh, *The Gates of Europe: A History of Ukraine* (New York: Basic Books, 2015), 253.

¹⁴ For a variety of interpretations, see R.W. Davies and Stephen G. Wheatcroft, *The Years of Hunger: Soviet Agriculture, 1931–1933* (New York: Palgrave Macmillan, 2004); Michael Ellman, “Stalin and the Soviet Famine of 1932–1933 Revisited,” *Europe-Asia Studies* 59, no. 4 (2007), 663–693; Hiroaki Kuromiya, “The Soviet Famine of 1932–1933 Reconsidered,” *Europe-Asia Studies* 60, no. 4 (2008), 663–675.

¹⁵ For Kazakhstan famine details, see Sarah Cameron, *The Hungry Steppe: Famine, Violence, and the Making of Soviet Kazakhstan* (Ithaca: Cornell University Press, 2018).

¹⁶ Nevin S. Scrimshaw, “The Phenomenon of Famine,” *Annual Review of Nutrition* 71, no. 1 (1987), 1. For an analysis of the political causes of famine, see Stephen Devereux, “Introduction: From ‘Old Famines’ to ‘New Famines’” in *The New Famines: Why Famines Persist in an Era of Globalization*, eds. Stephen Devereux (New York: Routledge, 2007), 1–26. For another seminal work in famine studies, see Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford: Oxford University Press, 1981).

¹⁷ Liber, *Total Wars*, 147.

¹⁸ Klid and Motyl, *Holodomor Reader*, 175–305; Werth, *Great Ukrainian Famine*; Graziosi, *Soviet Famines*, 97–115; Applebaum, *Red Famine*, 186–277.

¹⁹ In the 1980s, Stanislav Kulchytsky was one of the first Ukrainian historians to study the Holodomor, first describing it as an unintentional outcome of collectivization but evolving considerably in his views after 1991.

²⁰ Stanislav Kulchytsky, *The Famine of 1932–1933 in Ukraine: An Anatomy of the Holodomor*, trans. Ali Kinsella (Toronto: Canadian Institute of Ukrainian Studies Press, 2018), 49–128.

²¹ Plokyh, *Gates of Europe*, 254.

Multiple scholars have argued that Soviet authorities could have saved between 5 million²² to 7.8 million²³ lives by diverting huge quantities of grain exports to famine-impacted territories, with Medvedev concluding “only half of the grain that was exported in 1932-1933 would have been sufficient to save all the southern regions from famine.”²⁴ As Ukrainian lands—especially in the eastern, southern, and central regions of Ukraine’s modern boundaries—were depopulated due to the fatalities, Soviet records show organized campaigns to repopulate these lands with ethnic Russians and other Soviet citizens by late 1933.²⁵ Going beyond the Soviet Union’s documented history of deportations and population resettlements, ethnic Russians also filled Soviet Ukraine’s institutions to bolster the Ukrainian Communist Party: by January of 1934, only four out of twelve members of the Ukrainian Communist Party Politburo were Ukrainians.²⁶ In addition to social engineering and political institution takeover, the Holodomor resulted in a physically weakened, deeply traumatized populace, “crushing its capacity for open resistance to the regime for generations to come.”²⁷ Using hunger as a weapon of violence, Stalin managed to transform a Ukrainian national movement that declared an independent statehood from 1917 to 1921 into an “exemplary Soviet republic” as he wrote in a letter to a close associate.²⁸

Harsh repressions and informational blockades have contributed to Holodomor controversies today. References to “food difficulties” only appeared in Soviet scholarship in 1956, with the word “famine” itself not appearing until 1987.²⁹ When considering other works that have addressed the question of genocide in the 1932–1933 Holodomor, I carefully weighed dissenting views. Some historiographies view 1932–1933 as an artificial separation from broader chronological dynamics or other Ukrainian famines in the 1920s, late 1930s, or post-World War II. Another debate probes whether governmental grain seizures can accurately be interpreted as a form of annihilating violence, a question hanging over other Soviet famines as well. Here, Rosenberg and Silina provide a relevant counterpoint in their detailed analysis of why starvation, with its slow and dehumanizing destruction, deserves special recognition within legal definitions of genocidal violence.³⁰ Furthermore, Davies and Wheatcroft have blamed the Ukrainian famine on gross bureaucratic incompetence, saying, “the story which has emerged is of a Soviet leadership which was struggling with a famine crisis which had been caused partly by their wrongheaded policies, but was unexpected and undesirable.”³¹ Contestations as to whether grain requisitions constitute willful violence evoke debates involving the methods of mass deaths in other contested genocide cases including various Native American experiences.³² I concur with other scholarship stressing the intention of the violence over the various methods by which it can be achieved.³³ In describing conceptual challenges regarding *intentionality*, Verdeja suggests “emergent intentionality” and “cascading radicalization” as

²² Ellman, *Stalin and the Soviet Famine*, 679.

²³ Kuromiya, *Soviet Famine*, 665.

²⁴ Roy A. Medvedev, *Let History Judge: The Origins and Consequences of Stalinism* (New York: Columbia University Press, 1989), 243.

²⁵ Klid and Motyl, *Holodomor Reader*, 262.

²⁶ Applebaum, *Red Famine*, 291.

²⁷ Plokhy, *Gates of Europe*, 254.

²⁸ *Ibid.*

²⁹ Andrea Graziosi et al., “Introduction to After the Holodomor: The Enduring Impact of the Great Famine on Ukraine,” *Harvard Ukrainian Studies* 30, no. 1 (2008), xv.

³⁰ Sheri Rosenberg and Everita Silina, “Genocide by Attrition: Slow and Efficient,” in *Genocide Matters: Ongoing Issues and Emerging Perspectives*, eds. Joyce Apsel and Ernesto Verdeja (New York: Routledge, 2013), 106–126.

³¹ Davies and Wheatcroft, *Years of Hunger*, 441.

³² For a summary of these debates, see Benjamin Madley, “Reexamining the American Genocide Debate: Meaning, Historiography, and New Methods,” *American Historical Review* 120, no. 1 (2015), 98–139.

³³ Verdeja, *Political Science*, 309–312; Straus, *Destroy Them*, 550–552.

more productive.³⁴ He notes that assumptions of prior explicit intentionality prove problematic for many well-accepted cases like the Holocaust, Armenia, and Rwanda³⁵—a point applicable to debates over whether Stalin caused or capitalized on existing hunger to achieve more pronounced destruction. Taking a similar approach, Kulchytsky has stressed genocidal intentionality in the Holodomor but dated its roots and the wider all-Union famine to 1927, prior to the Great Break economic changes in 1928–1929.³⁶ With unequivocal confessions of genocidal guilt lacking in nearly every suggested case, I also drew from Verdeja’s methodological suggestion³⁷ to overlay the perpetrators’ capacity to inflict violence with their behavior (level of lethality, degree of coordination, and scope) in designing the proxy variables presented later in this article. Proxy variables are of particular importance when studying ultimate decision-makers, for as Kulchytsky reminds, Stalin was not obligated in any records to record *why* he had instituted the Holodomor.³⁸ Thus, similar to Davies and Wheatcroft,³⁹ I also find the question of genocide intentionality to be central but elected to address this question empirically through proxy variables, with my research findings diverging from their explanation of incompetence.⁴⁰

Other alternative Holodomor interpretations question whether an ethnonational element was present in the targeting of Ukrainians, especially in light of other famines and violence throughout the Soviet Union.⁴¹ Some scholars counter that the 1932–1933 Holodomor presents sufficient evidence of willful ethnonational targeting not present in other Ukrainian famines or in the additional all-Union famines.⁴² In this article, I make no claims regarding other Ukrainian famines. As I avoid ethnic targeting explanations for the violence, I also do not argue that the Holodomor should be considered a genocide at the expense of other Soviet famines or violence. This article’s methodology could easily be applied to other cases; this would expand upon—rather than negate—the patterns my analysis uncovered. Regarding the position that Stalin willfully targeted ethnic Ukrainians, this argument is often undertaken by those exploring whether the Holodomor adheres to the 1948 United Nations definition of genocide.⁴³ The definition’s notable exclusion of groups like political and economic groups has long been critiqued⁴⁴ but elevates the importance of ethnic motivations for those seeking international genocide recognition for the Holodomor. This article is not intended to re-address the compatibility of the Holodomor with the United Nation’s definition, as this debate has been

³⁴ Verdeja, *Political Science*, 310.

³⁵ Ibid.

³⁶ Kulchytsky, *Famine 1932–1933*, xx, 29.

³⁷ Verdeja, *Political Science*, 310.

³⁸ Stanislav Kulchytsky, “Why Did Stalin Exterminate the Ukrainians? Comprehending the Holodomor: The Position of Soviet Historians, Part 4,” *The Day Weekly Digest* no. 37, November 22, 2005, accessed December 1, 2019, <https://www.usubc.org/AUR/aur621.php#a4>.

³⁹ Davies and Wheatcroft, *Years of Hunger*, 441.

⁴⁰ While an extended summary of this debate is beyond this article’s scope, I note other dissenting voices who generally concur with Davis and Wheatcroft’s explanation of Soviet incompetence in famine deaths. See Terry Martin, *Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923–1939* (Ithaca: Cornell University Press, 2001); Sheila Fitzpatrick, *Stalin’s Peasants: Resistance and Survival in the Russian Village after Collectivization* (New York: Oxford University Press, 1994). For another summary of genocide debates within Soviet historical circles, see Norman M. Naimark, “Applebaum, Fitzpatrick, and the Genocide Question,” *Contemporary European History* 27, no. 3 (2018), 435–439.

⁴¹ Viktor Kondrashin, “Hunger in 1932–1933: A Tragedy of the Peoples of the USSR,” *Holodomor Studies* 1, no. 2 (2009), 16–21, accessed September 27, 2020, <https://holodomor.ca/wp-content/uploads/2016/09/2.-Holodomor-Scholarship-MY.pdf>.

⁴² Klid and Motyl, *Holodomor Reader*, xxviii–xliv.

⁴³ United Nations, *General Assembly Resolution 260, Convention on the Prevention and Punishment of the Crime of Genocide*, December 9, 1948 (UN Doc. A/RES/260(III)).

⁴⁴ Verdeja, *Political Science*, 309.

recently (though not exhaustively) covered by Applebaum,⁴⁵ nor is it directly intended to support or detract from other Holodomor-related political activities like commemorations, legal judgements, or modern-day consequences like reparations. Instead, the purpose of this article is to operationalize existing comparative genocide scholarship in the context of the Holodomor case, with a focus on understanding how this historical case may help violence prevention experts to rapidly make sense of complex patterns of violence in real-time. Scholarly questions remain as to whether the “rather arbitrary distinction between victim categories”⁴⁶ suggests politicization and/or an inherent empirical flaw in the United Nations definition; I follow other scholarly approaches that encourage empirically-based innovation regarding group characterization.⁴⁷

In dealing with the complex question of Holodomor-era Ukrainian identity, several considerations guided my approach. Liber utilizes “majority Ukrainian-speaking territories”⁴⁸ terminology in his study, clarifying that “this does not presuppose a developed national consciousness...nor does it imply an ‘ethnically pure’ Ukrainian population.”⁴⁹ Stating that peasant identity was likely stronger than Ukrainian identity—with the exception of urban Ukrainophile movement representatives⁵⁰—he argues that social position and religious adherence were key factors in defining one’s self-identification.⁵¹ A 1926 census found 90 percent of the rural population self-identifying as Ukrainian, with 81 percent of Ukraine’s 29 million residing in rural areas,⁵² a factor that helps to explain the extensive cultural heritage destruction of the Holodomor⁵³ even without subscribing to purely ethnic Ukrainian motivations. During this period, Ukrainian self-identification was further complicated by debates over relationships between smaller sub-ethnicities, ever-present language distinctions, and Ukrainian spread over various political empires.

While contextually helpful, genocide scholarship has long-focused the question of group membership as “defined by the perpetrator.”⁵⁴ Under Lenin’s New Economic Policy, a divide-and-conquer strategy separated rural laborers into three economic classes (*kulaks*, *seredniaks*, and *bedniaks*), a tactic Kulchytsky argues was intended to encourage strife, reduce unified resistance, and discourage collective identity development.⁵⁵ The broader debates of Lenin and Stalin’s views on nationality policy are beyond the scope of this article, but a prevailing interpretation of Lenin’s pragmatist approach has included the pacification of Ukrainian peasantry by allowing state participation.⁵⁶ When Stalin consolidated power, “a mode of hybrid Soviet identity crystalized, rooted in both nationality and perceived class

⁴⁵ Applebaum, *Red Famine*, 346–360.

⁴⁶ Verdeja, *Political Science*, 309.

⁴⁷ For examples of this approach, see Straus, *Destroy Them*, 552–555; Mark Osiel, *Making Sense of Mass Atrocity* (Cambridge: Cambridge University Press, 2009); Larry May, *Genocide: A Normative Account* (Cambridge: Cambridge University Press, 2010).

⁴⁸ Liber, *Total Wars*, xvi.

⁴⁹ *Ibid.*

⁵⁰ Plochy, *Gates of Europe*, 159–188.

⁵¹ Liber, *Total Wars*, 12–28.

⁵² *Ibid.*, 145.

⁵³ Olga Andriewsky, “Towards a Decentered History: The Study of the Holodomor and Ukrainian Historiography,” in *Contextualizing the Holodomor: The Impact of Thirty Years of Ukrainian Famine Studies*, eds. Andriy Makuch and Frank Sysyn (Toronto: Canadian Institute of Ukrainian Studies Press, 2015), 39–40; Kristina Hook, “‘When the Ukrainian World Was Destroyed’: Genocidal Narrative Convergence and Stakeholder Interactions during National Crises,” (PhD diss., University of Notre Dame, 2020), 44–87, <https://curate.nd.edu/show/jw827943j9c>.

⁵⁴ Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven: Yale University Press, 1990), 35.

⁵⁵ Kulchytsky, *Famine 1932–1933*, 26–30.

⁵⁶ *Ibid.*, 26–30; Graziosi, *Soviet Famines*, 100. See also, Francine Hirsch, *Empire of Nations: Ethnographic Knowledge and the Making of the Soviet Union* (Ithaca: Cornell University Press, 2005); Martin, *Affirmative Action Empire*.

origins...Ukrainian nationality and agricultural identity—kulak, seredniak, or bedniak.”⁵⁷ Along this interpretation, Stalin’s efforts to supersede the NEP involved taking on the dual, intertwined threats that Ukrainian lands posed: economic and national. Peasant resistance shifted rural self-perceptions; the lines between the wealthier kulaks and lower economic classes blurred as a more cohesive resistance was achieved. Graziosi summarizes an indivisible linkage between class and nationality in crystalizing the perpetrator-defined category of Holodomor-era *Ukrainian* by stating, “at least up to 1933, the national question *was* the peasant question.”⁵⁸ With Stalin’s push to actualize socialism across all fronts, it is reasonable to infer—as I do in the proxy variables presented later—that perpetrator perceptions of “Ukrainian” developed into the economic-national category of those strongly resisting their recasting as beneficial Soviet citizens and likely included a variety of minority groups residing in Ukrainian lands.⁵⁹ Such a point is especially helpful to emphasize here, as the perpetrator-driven *Ukrainian/Soviet* distinction exists separately to Ukrainian ethnic membership and does not correlate precisely to Ukrainian/non-Ukrainian surnames in the surveyed documents.

Overcoming the Challenges of Defining and Assessing Genocides

Debates over the Nature and Measurement of Genocides

As referenced, the Holodomor is important for scholars operating across academic fields⁶⁰ and for those seeking legal and/or political redress for long-suppressed crimes, a dynamic related to genocide’s powerful symbolic capital. The shocking brutality of the Nazi regime against more than six million Jews and other populations influenced its special moral authority, even in comparison to other acts of barbarity like war crimes or crimes against humanity. The dark side of technological and industrial advancements—which facilitated the Nazis’ horrific killing efficiency—shattered optimism,⁶¹ while burgeoning mass media spread visual proofs of the Holocaust into ordinary homes and shaped popular understandings of genocide.⁶² The subject of genocide today remains a highly contested yet morally powerful category used by a range of professionals (e.g., advocacy activists, policymakers, journalists, politicians, lawyers, etc.). Especially important for contested, long-suppressed cases like the Holodomor, clarifying that multiple actors employ varying working definitions for a variety of purposes—ranging from the political, legal, remembrance, and academic—must be stated upfront.

⁵⁷ Amber N. Nickell, “Book Review: The Famine of 1932–1933 in Ukraine: An Anatomy of the Holodomor, by Stanislav Kulchytsky,” *Canadian Slavonic Papers* 61, no. 4 (2019), 458.

⁵⁸ Graziosi, *Soviet Famines*, 100. See also, Hennadii Yefimenko, “The Kremlin’s Nationality Policy in Ukraine after the Holodomor of 1932–1933,” *Harvard Ukrainian Studies* 30, no. 1 (2008), 69–70.

⁵⁹ *Ibid.*

⁶⁰ For the purpose of this analysis, I draw a distinction between debates over the Ukrainian genocide question in two important academic fields: those occurring within Soviet Union historical studies and those within comparative genocide theorizing. The former often champions a more traditional historical analysis of archival records, prioritizing deep interpretation of documents in their chronological context of Ukraine, the region, and the Soviet Union. Alternatively, comparative genocide theorizing has developed into an interdisciplinary academic field that focuses on conceptual innovations derived from comparing large-scale violence in global perspective (e.g., eliciting shared violence patterns, precipitating factors, psychological similarities, etc.), often applying analytic methods to inform the prevention of future genocides. Although not exhaustive, a representative selection of the latter’s voices includes Maureen Hiebert, Joyce Apse, Scott Straus, Adam Jones, Ernesto Verdeja, Benjamin Valentino, Daniel Chirot and Clark McCauley, among others. While Soviet Union historical studies and comparative genocide theorizing can overlap and inform each other, epistemological variations sometimes result in legitimate differences of analysis, interpretation, and emphasis. Grounded in comparative genocide theorizing, my work is primarily intended to contribute to this field’s conceptual and methodological conversations regarding how to trace mass violence patterns in the Ukrainian case and in other global contexts, past and present. Both essential to the knowledge production process, I recognize the value of Soviet Union historical studies *and* comparative genocide theorizing, while situating my analysis within the latter.

⁶¹ Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge: Polity Press, 1989), 1–30.

⁶² For additional details, see Akiba Cohen et al., *The Holocaust and the Press: Nazi War Crime Trials in Germany and Israel* (Cresskill: Hampton, 2002).

Good faith academic disagreements over the scope and parameter of the genocide concept have existed since genocide studies took a comparative turn in the 1970s.⁶³ Without negating the significant role of founding voices, including Raphaël Lemkin⁶⁴ and Hannah Arendt,⁶⁵ some scholars have noted the powerful political processes that exerted pressure on the specific international law formulation of genocide terminology.⁶⁶ Others urged that the inclusion of additional cases, particularly from non-Western perspectives, should prompt an analytic reexamination of the assumptions guiding genocide research.⁶⁷ Adapting increasingly sophisticated methodologies, alternative analytic conceptualizations, and associated variables fostered significant theoretical breakthroughs. These developments also expanded the conceptual boundaries of genocide, with Jones gathering 25 distinctive definitions proposed by well-known scholars.⁶⁸ Legal scholars raise valid concerns about the importance of precedent and analytical consistency. However, Jones argues persuasively that scholarly conceptual debates are essentially consistent with internal law debates over “hard” and “soft” legal applications.⁶⁹ Some scholars have argued that the original United Nations definition is too rigid, thus ruling out many horrific acts that deserve the special international condemnation of genocide terminology. Dissenters respond that over-applied references to genocide will rob it of its moral weight and undercut preventative efforts by resulting in non-tailored responses to all forms of mass violence.

A universally accepted definition of genocide is elusive, complicating comparability across case studies. After reviewing seven major genocide comparative volumes, Straus stated that “no two authors under review share the same definition of the term [genocide], and as a result the authors end up explaining fairly different phenomena.”⁷⁰ Essential for genocide prevention policymaking, I note one key methodological divide, referring for clarity to this distinction as *numerical thresholds* or *dynamics-based* classifications. Regarding the former, social sciences like political science and psychology have increasingly emphasized the research potential of quantitative modeling to explain social and behavioral dynamics including war, violence, and peacebuilding.⁷¹ Some of these scholars have turned their attention to mass murder and have opted to circumnavigate genocide definition debates by instead comparing various instances of high-fatality violence.⁷² Recognizing that the numerical categories they propose may not fully align with traditional understandings of genocide, new conceptual categories, like “politicide” or “political mass murder”⁷³ have replaced strictly genocide-focused analyses. In addition, the actual number of victim fatalities constitutes a large range, ranging

⁶³ Adam Jones, *Genocide: A Comprehensive Introduction*, 3rd ed. (New York: Routledge, 2017), 11–27; Verdeja, *Political Science*, 311–313.

⁶⁴ Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, Division of International Law, 1944).

⁶⁵ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, Inc., [1956] 1973).

⁶⁶ Naimark, *Stalin's Genocides*, 80–98; Douglas Irvin-Erickson, *Raphael Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania, 2017) 152–196.

⁶⁷ Alexander Laban Hinton, “Critical Genocide Studies,” in *Genocide Matters: Ongoing Issues and Emerging Perspectives*, eds. Joyce Apsel and Ernesto Verdeja (London: Routledge, 2013), 46, 54–55.

⁶⁸ Jones, *Genocide*, 23–24.

⁶⁹ *Ibid.*, 28; see also, Christopher Rudolph, “Constructing an Atrocities Regime: The Politics of War Crimes Tribunals,” *International Organization* 55, no. 3 (2001), 655–691.

⁷⁰ Straus, *Second Generation*, 478–479.

⁷¹ Patrick M. Regan, “Quantitative Approaches,” in *Routledge Handbook on Peacebuilding*, ed. Roger MacGinty (London: Routledge, 2013), 183–194; Department of Peace and Conflict Research, “Uppsala Conflict Data Program,” Uppsala University, Sweden, 2017, accessed August 30, 2019, <http://ucdp.uu.se/>.

⁷² For a summary of these efforts, see Ernesto Verdeja “Predicting Genocide and Mass Atrocities,” *Genocide Studies and Prevention: An International Journal* 9, no. 3 (2016), 13–28.

⁷³ Harff, *No Lessons Learned*, 58–59; Krain, *State-Sponsored Mass Murder*, 331–338.

from Bellamy's 5,000 civilian death threshold for "mass atrocities"⁷⁴ to Valentino's "mass killings," which he defines as 50,000 or more noncombatants deaths within five years.⁷⁵ Other implicit references to genocide as related to numerical criteria have occurred in popular historical accounts, such as Hochschild's usage of the phrase "genocidal proportions" in reference to colonial Belgian Congo.⁷⁶

Numerical approaches can play an important role in global horizon scanning⁷⁷—where a wide rather than deep approach on mapping changes is needed—and provide important insight on some features of violence escalation.⁷⁸ However, dissenters note that foundational understandings of genocide stress the perpetrators' intentional efforts to annihilate entire groups, with victim totals unspecified. Accordingly, as victims are selected due to their group membership, specific patterns across diverse cultural or chronological contexts should separate genocide as a complex phenomenon, even compared to other severe violence.⁷⁹ Genocide's unique dynamics may occur with high or low body counts; fatalities can include "only a few hundred...if the targeted population is small and localized, or millions if it is large and widespread."⁸⁰ Other scholars support this view indirectly by arguing that genocides should be re-contextualized within broader social science literature without losing sight of what makes this phenomenon unique,⁸¹ necessitating that distinctive dynamics both exist and can be traced.

Now-Casting and the Need for a Dynamics-Based Approach

I suggest the dynamics-based approach is best situated to meet recognized gaps within genocide prevention research. In addition to *early warning* tools (which flag imminent threats of genocide or other mass violence) and *risk assessments* (which track gradually emerging accumulations of structural risks), a new push focuses on *now-casting* tools aimed at distilling the chaos of mass violence while amplifying the most significant dynamics for policymaking as they change in real-time.⁸² For this third type of tool, a framework built for dynamics-based classifications of mass killings is urgently needed. Taken alone, numerical counts of victims can undercut such research goals by obscuring contextual nuance and emerging patterns, conflating related-but-distinct forms of large-scale violence if they share similar fatality rates. While morally deplorable, high fatality rates do not automatically indicate that an entire population group was targeted for the extermination of genocide. Instead, dynamics-based now-casting elicits more nuanced questions regarding victim selection, perpetrator motivation, cascading violence scenarios, tipping points, and potentially successful violence interventions,⁸³ while allowing for the incorporation of cross-cultural factors that can profoundly shape the design, monitoring, and ultimate success of an intervention. Numerical approaches capture some aspects of change (e.g., variation in the number of fatalities across time and space). Yet they

⁷⁴ Bellamy, *Mass Atrocities*, 2.

⁷⁵ Valentino, *Final Solutions*, 11–12.

⁷⁶ Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (New York: Houghton Mifflin Company, 1998), 225.

⁷⁷ Kristina Hook, "Forecasting Policy Trends," *Anthropology News*, July 13, 2018, accessed January 6, 2019, <https://doi.org/10.1111/AN.907>.

⁷⁸ Verdeja, *Predicting Genocide*, 13–32.

⁷⁹ Straus, *Destroy Them*, 551–555; Hinton, *Critical Genocide Studies*, 46, 54–55.

⁸⁰ Daniel Chirot and Clark McCauley, *Why Not Kill Them All? The Logic and Prevention of Mass Political Murder* (Princeton: Princeton University, 2006), 17.

⁸¹ Verdeja, *Political Science*, 311–313.

⁸² Birger Heldt, "Atrocity Crimes as a Disease: A Statistical Approach to Early Detection," in *Preventing Mass Atrocities: Politics and Practices*, eds. Barbara Harff and Ted Gurr (New York: Routledge, 2019), 53–59; Philip E. Tetlock, "Second Thoughts about Expert Political Judgement: Reply to the Symposium," *Critical Review: A Journal of Politics and Society* 22, no. 4 (2010), 470.

⁸³ Verdeja, *Political Science*, 316.

cannot alone tell us if such changes are genocidal (i.e., oriented toward intentional destruction) or repressive-yet-not-genocidal—factors holding significant ramifications for prevention efforts.

A dynamics-based now-casting approach requires engaging what separates genocide from other forms of violence. Straus suggests consensus has clustered around two key questions for answering this: 1) Who is targeted, and 2) for what purpose?⁸⁴ Equally important, another research trend stresses that genocides should be viewed as a process that can ebb and flow through its occurrence (i.e., exhibiting violence not technically classified as genocidal at every stage).⁸⁵ Based upon this research, the spectrum of large-scale killings can be organized by separating genocidal patterns from another non-genocidal-but-still-severe form, which I refer to as *mass directed violence*,⁸⁶ along the criteria of *intended target* and *intended purpose*. With reference to intended targets, genocide is characterized by unqualified group selection, while mass directed violence is characterized by qualified (i.e., partial) group selection.⁸⁷ Therefore, in a context of genocidal violence, perpetrators target every member of the threatened group, making no distinctions by gender, age, or other features. In a mass directed violence context, violence is still targeted along group lines, but not every member is targeted; for example, combatants or perceived rivals from within a group may be singled out for violence. Additionally, genocide is waged for an intended purpose of destruction, while the intended purpose of mass directed violence falls short of this annihilating goal. The destructive violence of genocide implies that perpetrators cannot envision a future that entails co-existing with their victims. In contrast, the goal of mass directed violence can involve their victims alive but in a subservient, submissive role with violence thus including repression, intimidation, or harm. While genocides and mass directed violence do not constitute a moral hierarchy, distinguishing between their specific, distinctive specific patterns of violence is essential for policy-oriented academic research. Effective violence responses are tailored to nuanced ground dynamics and must locate ripe moments for various types of interventions. The Holodomor case aids in theory development by allowing historical hindsight to be juxtaposed to empirical findings, with my approach described below.

Methods

Research Questions and Data Considerations

As Soviet era archives opened for researchers,⁸⁸ new possibilities for analyzing the long-suppressed Holodomor emerged.⁸⁹ Many relevant archives in Ukraine opened to researchers in 2008⁹⁰ with another round of Soviet-related declassification in 2015.⁹¹ Other related documents

⁸⁴ Straus, *Destroy Them*, 546–548.

⁸⁵ Maureen S. Hiebert, “Theorizing Destruction: Reflections on the State of Comparative Genocide Theory,” *Genocide Studies and Prevention: An International Journal* 3, no. 3 (2008), 328–335; Maureen Hiebert, “Questioning Boundaries: What’s Old and What’s New in Comparative Genocide Theory,” in *Genocide Matters: Ongoing Issues and Emerging Perspectives*, eds. Joyce Apsel and Ernesto Verdeja (New York: Routledge, 2013), 34–36.

⁸⁶ “Directed” denoting targeted intentionality.

⁸⁷ This distinction mitigates an analytical challenge posed by the UN definition regarding destruction “in whole or in part,” a distinction so broad it undercuts preventive early warning efforts.

⁸⁸ “On Access of the Archives of Repressive Bodies of the Communist Totalitarian Regime from 1917–1991,” 2540 Verkhovna Rada of Ukraine § 316–VIII (2015), accessed October 2, 2021, <https://old.uinp.gov.ua/laws/law-ukraine-access-archives-repressive-agencies-totalitarian-communist-regime-1917-1991>.

⁸⁹ Werth, *Crimes Stalin Regime*, 406–08, 414–415; Yuri Shapoval and Marta D. Olynyk, “The Holodomor: A Prologue to Repressions and Terror in Soviet Ukraine,” *Harvard Ukrainian Studies* 30, no. 1 (2008), 99–100; Myroslav Shkandrij and Olga Bertelsen, “The Soviet’s Regime’s National Operations in Ukraine, 1929–1934,” *Canadian Slavonic Papers* 55, no. 3–4 (2013), 417–420; Ruslan Pyrih, *Holodomor of 1932–1933 in Ukraine: Documents and Materials*, trans. Stephen Bandera (Kyiv: Kyiv Mohyla Academy Publishing House, 2008), 1–63, accessed August 19, 2019, http://history.org.ua/LiberUA/PyrihHolodUkr_2008/PyrihHolodUkr_2008.pdf.

⁹⁰ Shapoval and Olynyk, *Holodomor: A Prologue*, 99–100.

⁹¹ Verkhovna Rada, *Access of the Archives*.

are believed to remain in closed Russian Federation archives,⁹² although relevant records have been published since Russian political independence.⁹³ Additional written records such as personal diaries and narrative oral accounts by survivors have also been published, providing poignant victim viewpoints.⁹⁴ These new documents have altered preexisting research limitations, have allowed earlier scholarship to be reconsidered, and—for some scholars—have resulted in a theoretical sea change in recent years.

These documents confirm that, like other examples of mass deaths in the former Yugoslavia, Armenia, the Holocaust, Rwanda, and elsewhere, the Ukrainian Holodomor was a complex sociopolitical phenomenon characterized by varying levels of participation, a degree of intentionality that continues to be contested (as will be discussed further), and multiple layers of decision-making across a constellation of bureaucratic structures and regional authorities. Also familiar to scholars of violence, questions of retaliation, the parameters of self-defense, limitations on the state's monopoly of force, and other debates add complexity to the conceptual boundaries of "victim" categories. Without denying this reality, I elected to focus this study on the primary records of Soviet leader Joseph Stalin who had consolidated his control over the Soviet Union by 1932.⁹⁵ With Stalin the central node of political authority, I restricted my scope to all available correspondences directly to and from him during the period of 1932–1933 that directly pertained to Ukraine. Aiming to include all documentation he can reasonably be inferred as personally viewing, I added several additional directives that contain his personal signature or that resulted in his immediate responsive action, such as firing an official.

Both Ukraine and the Soviet Union experienced a series of famines for a variety of reasons from the 1920s through the aftermath of World War II. Like other mass violence events (e.g., Straus' contention that the Rwandan genocide is best analyzed from 1990–1994),⁹⁶ scholars debate the Holodomor's chronological duration within this broader context. While some proponents of the genocide hypothesis in Ukraine argue that the 1920s famines or the later 1930s purges must be considered, the 1932–1933 period is the most frequently suggested common denominator across the widest range of literature. Questions of genocide are dependent on the overlap of the perpetrators' motives (intentionality) and means (the ability to carry out the violence they intend).⁹⁷ This study could be expanded to include other years and questions (such as do we see rhetorical escalations in 1931–1932 but with fewer deaths?) without definitely addressing genocidal questions (e.g., it is possible that Stalin's means emerged before his motivation, or vice versa). Thus, with the majority of scholars suggesting that mass deaths peaked in 1932–1933 (indicating at least the possibility of genocidal means), the question of whether motives (intentionality) can also be detected in this pivotal period is central. Accordingly, I restricted my analysis to the seventeen authenticated documents that I located to/from Stalin on Ukraine, dating from February 10, 1932 to October 2, 1933. Sixteen records were originally located in Russian archives, specifically the Russian State Archive of Socio-Political History (RGASPI) and the Archive of the President of the Russian Federation

⁹² Iryna Matiash, "Archives in Russia on the Famine in Ukraine," *Harriman Review* 16, no. 2 (2008), 36–45, accessed August 19, 2019, <https://docplayer.net/48842438-The-harriman-review-the-holodomor-of-papers-from-the-75th-anniversary-conference-on-the-ukrainian-famine-genocide.html>.

⁹³ These works were published in examples including the following edited volumes. A.N. Sakharov, "Sovershenno Sekretno: Lubianka-Stalinu o Polozhenii v Strane: v Chetyrekh Tomakh ["Top Secret: From Lubianka to Stalin on the State of the Country in 4 Volumes] (Moscow: Institut Rossiiskoi Istorii RAN, 2001); Reginald Manning et al., eds., *Tragedia Sovetskoi Derevni: Kolektivizatsia i Raskulachivanie: Dokumenty i Materialy v Pyati Tomakh* [Tragedy of the Soviet Countryside: Collectivization and Dekulakization: Documents and Materials, Volume 5] (Moscow: Rosspen, 2001).

⁹⁴ Anna Malpas, "Between the Lines: Historians Put Stalin-Era Diaries Online," *AFP*, March 27 2017, accessed September 1, 2019, <https://sg.news.yahoo.com/between-lines-historians-put-stalin-era-diaries-online-055626150.html>.

⁹⁵ Naimark, *Stalin's Genocide*, 70–79.

⁹⁶ Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006), 175–200.

⁹⁷ In legal terms, i.e., *mens rea* and *actus reus*, see William Schabas, *Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals* (Oxford: Oxford University Press, 2012); Semotiuk, *Holodomor Genocide*.

(APRF), published in the first decade of Russian independence. One additional record was located in Ukraine's Central State Archive of the Supreme Authorities and Governance of Ukraine in Kyiv (TsDAVO Ukrayiny). This article relies upon my translations and the work of a research assistant (a native speaker of Russian and Ukrainian) trained in ethnographic translation and working under my supervision. However, other English translations of these and other documents have also been published.⁹⁸

These seventeen documents are not fully representative of the full range of decision-making, perpetration, or complexity. Beyond Stalin's decision-making, this methodology could be expanded to address a wider range of Soviet bureaucracies and regional authorities;⁹⁹ shifting perpetrator/victim/bystander categories;¹⁰⁰ or the interplay of local responses to and participation in Soviet collectivization.¹⁰¹ Innovative computational tools could also adapt these proxy variables into algorithms for more extensive coding across a greater number of documents, such as records kept during this time period by external observers including foreign diplomats.¹⁰² Despite these limitations, tightly centralized decision-making within the Soviet Union and a widespread degree of institutionalized fear among the less powerful make focusing on Stalin's intentionality a foundational step. Fear and dread may have influenced the tone taken even by Stalin's close associates when they wrote to him, necessitating a careful read of the documents selected within their broader context. Historians have noted tonal shifts in surviving victim private recollections from the 1920s to early 1930s as harsh repressions were legally codified for discussing the famine or other topics deemed subversive.¹⁰³ Still, other scholars may adapt this methodology in creative ways to include these important local voices. Within Holodomor historical reconstructions, a perceived change in Stalin's decision-making toward Ukraine was frequently flagged in autumn of 1932¹⁰⁴ (discussed later). With this example in mind, two primary questions drove the textual approach I employed:

1. Do the records surveyed support an analytic assessment of the Holodomor as a genocide or mass directed violence, based on the conceptual categories of *intended target* and *intended purpose*?
2. Does the framework capture change over time, including shifts or multiple shifts (back-and-forth) across the genocide and mass directed violence conceptual categories?

⁹⁸ Klid and Motyl, *Holodomor Reader*, 220-306; Pyrih, *Holodomor of 1932-1933*, 1-63.

⁹⁹ For a classic Holocaust-focused example, see Raul Hilberg, *The Destruction of the European Jews* (New Haven: Yale University Press, 2003); for lower-level Soviet bureaucrat archives, see Valeriy Vasyliiev et al., eds. *Partiyno-radianske Kerivnytstvo Ukrainiskoi SSR Pid, Chas Holodomoru 1932-1933: Vozhdi, Pratsivnyky, Actyvyisty, Zbirnyk Dokumentiv ta Materialiv* [Soviet-Party Leadership of the Ukrainian SSR during the Holodomor of 1932-1933: Leaders, Employees, Activists, Collection of Documents and Materials] (Kyiv: Institute of Ukrainian History, 2013).

¹⁰⁰ For one such example, see Raul Hilberg, *Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933-1945* (New York: Harper Collins, 1992).

¹⁰¹ For one such example, see Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca: Cornell University Press, 2009).

¹⁰² For additional sources of foreign diplomat records, see Marco Carynnyk, Lubomyr Y. Luciuk, and Bohdan S. Kordan, eds., *The Foreign Office and the Famine: British Documents on Ukraine and the Great Famine of 1932-1933* (Vestal: Limestone Press, 1988); Athanasius D. McVay and Lubomyr Y. Luciuk, eds., *The Holy See and the Holodomor: Documents from the Vatican Secret Archives on the Great Famine of 1932-1933 in Soviet Ukraine* (Kingston: Kashtan Press, 2011).

¹⁰³ Malpas, *Between the Lines*.

¹⁰⁴ Martin, *Affirmative Action Empire*, 98-121; Klid and Motyl, *Holodomor Reader*, xxvii-xlv; Applebaum, *Red Famine*, 222-240.

Overview of Methods Approach

To conduct this analysis, I used MAXQDA mixed methods data software, which aids in the visualization, rapidity, and uniformity of qualitative data coding and analysis.¹⁰⁵ With its research design flexibility, it has been successfully utilized in textual analysis containing multiple themes and tonal characteristics, including by researchers controlling for temporal variation. Various epistemological perspectives exist for qualitative data analysis, with intercoder reliability an important component.¹⁰⁶ Although grounded analysis calls for inductive approaches, I used a deductive approach for specific testing, also informed by discourse analysis approaches aimed at capturing temporal variation in textual and spoken sources. I incorporated the same native speaker and my translations for standardization and confirmed translational consistency with native speakers for intercoder reliability. Over the course of this project, I conducted 2.5 years of ethnographic research in Ukraine (2016–2019). I completed extensive interviewing with diverse scholarly experts, accessed additional archival sources, and conducted site visits to impacted locations, which provided additional context. I employed a systematic approach to document identification to reduce bias in potential selectivity of records and coded the full range of available documents before organizing the themes and sub-themes in any way, thus reducing unconscious bias tendencies to fit the data to previously noted patterns. Finally, I developed proxy variables for the categories of *intended purpose* and *intended targets*, a standard practice for social scientific approaches to elusive categories like “intentionality,”¹⁰⁷ proxy variables that I have also employed in other geographically diverse cases. As mentioned, Stalin’s power consolidation and the period’s ideological monopoly left other authority figures vulnerable to crossing his official, definitive interpretations of party loyalty. To address the challenges of assessing motives in such an environment, I drew from Verdeja’s analytic suggestions and *emergent intentionality*¹⁰⁸ conception to overcome related methodological obstacles in other similar contexts.

Table 1. Proxy Variables, Intended Purpose of Violence

	Intended Purpose	Proxy Variable: Future-Orientation	Proxy Variable: Violence as Communicative [Violence used to send messages of fear or intimidation]
GENOCIDE	<ul style="list-style-type: none"> • Destruction 	<ul style="list-style-type: none"> • Perpetrators cannot envision a future that entails co-existing with victims. 	<ul style="list-style-type: none"> • Little to no communicative violence
MASS DIRECTED VIOLENCE	<ul style="list-style-type: none"> • All other violence falling below destruction • Repression • Non-destructive harm (e.g., injuries) 	<ul style="list-style-type: none"> • Perpetrators can envision a future that includes their victims in a submissive role. 	<ul style="list-style-type: none"> • Extensive evidence of communicative violence

¹⁰⁵ Eben Weitzman, “Software and Qualitative Research,” in *Handbook of Qualitative Research*, 2nd ed., eds. Norman K. Denzin and Yvonna S. Lincoln (Thousand Oaks: Sage, 2000), 803–820.

¹⁰⁶ See H. Bernard Russell et al., *Analyzing Qualitative Data*, 2nd edition (Thousand Oaks: Sage, 2016), 335–356; Gery W. Ryan and H. Russell Bernard, “Data Management and Analysis Methods,” in *Handbook of Qualitative Research*, 2nd ed., eds. Norman K. Denzin and Yvonna S. Lincoln (Thousand Oaks, CA: Sage, 2000), 769–802.

¹⁰⁷ Verdeja, *Political Science*, 309–311.

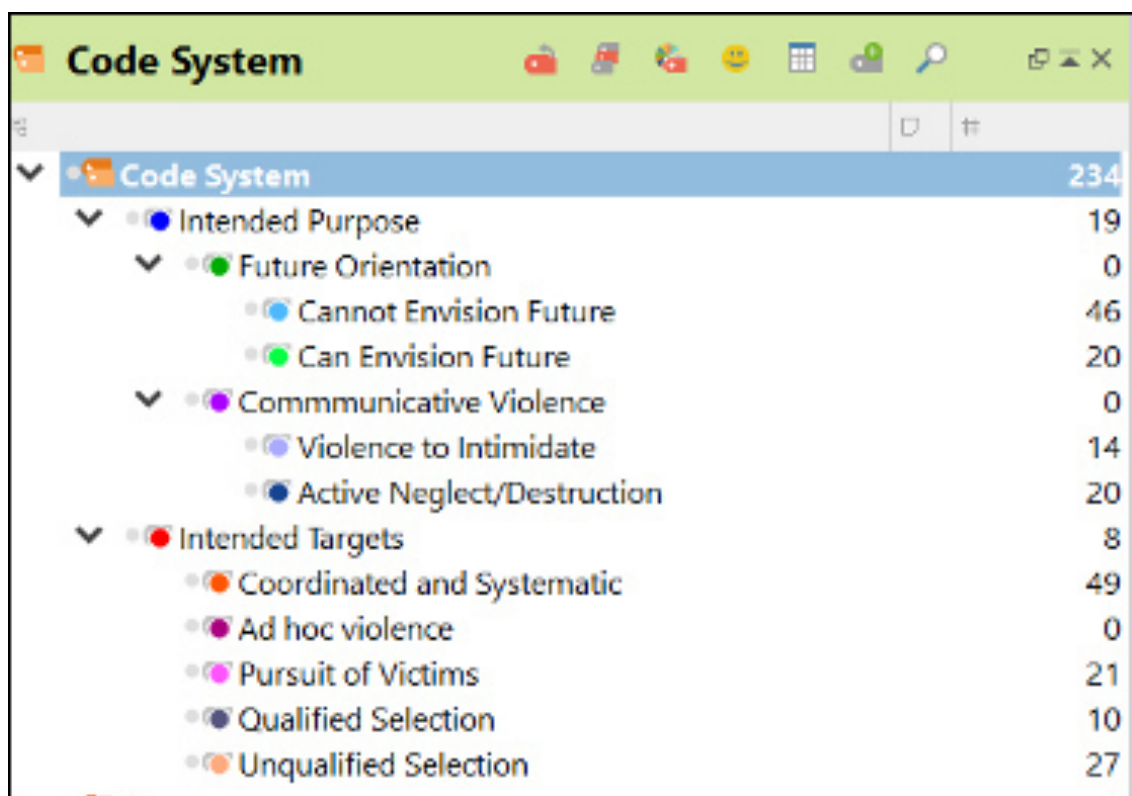
¹⁰⁸ *Ibid.*

Table 2. Proxy Variables, Intended Targets of the Violence

	Intended Target	Proxy Variable: Logistics of Violence	Proxy Variable: Pursuit of Victims
GENOCIDE	<ul style="list-style-type: none"> • Unqualified Group Selection 	<ul style="list-style-type: none"> • Coordinated <i>and</i> Systematic • Not ad hoc 	<ul style="list-style-type: none"> • Pursuit (even when inconvenient) over time and across distance.
MASS DIRECTED VIOLENCE	<ul style="list-style-type: none"> • Qualified Group Selection 	<ul style="list-style-type: none"> • Possibly coordinated and systematic • Possibly ad hoc 	<ul style="list-style-type: none"> • Little to no pursuit across time—killing may take place in single instance. • Little to no pursuit across distance—victims selected on criteria of convenience.

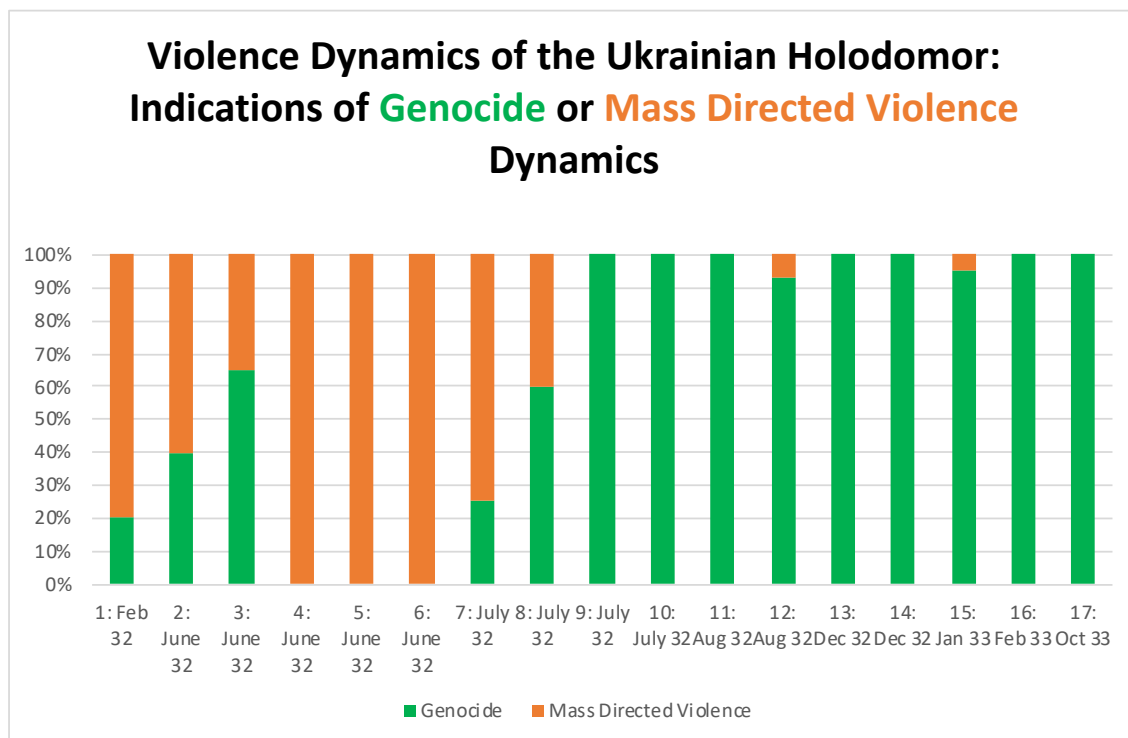
Using MAXQDA, I converted these proxy variables into coding themes and sub-themes (Image 3), recording a total of 207 themes and sub-themes. These themes aided theory development in various ways, either by indicating the presence/absence of a specific proxy or by explicating additional details about the nature of the violence.

Image 3. MAXQDA Codebook for Proxy Variables



The coded themes were then organized into a letter-by-letter matrix (Table 5) and code relations were assessed (Image 6). To guide readability of the following discussion, Graph 4 contains a preview of the final data by illustrating how the violence dynamics of the Ukrainian Holodomor adhered more closely to a pattern of mass directed violence until an unmistakable trend toward genocidal decision-making began in July 1932.

Graph 4. Proxy Variable Percentages Indicating Genocides or Mass Directed Violence Patterns



Discussion: Case Study Findings and Results

Violence Dynamics: February 1932 through July 1932

I begin with a February 10, 1932 letter¹⁰⁹ drafted by Komsomol Secretary Pastushenko¹¹⁰ of the Polonnyshte village, Baban raion (district), Vinnitsa oblast (province) to Stalin. The author writes from the perspective of *envisioning the future* of Ukraine, albeit one where the Soviet vision for collectivization is more fully realized. He writes approvingly of the village of 317 homesteads being “collectivized one hundred percent,” although he views greater Soviet transformation as needed: “No, it’s not Soviet but completely bourgeois.”¹¹¹ Writing from the perspective of a local official, Pastushenko nevertheless depicts an *unqualified* Ukrainian population that is resisting class transformation. Despite his criticism, his letter indicates his ability to envision the population alive yet more fully controlled in the future with detailed plans to fulfill the Soviet collectivist policies and grain totals. Historian Ruslan Pyrih later noted that this village council head was subsequently relieved of his post and expelled from the communist party after Stalin received this letter.¹¹²

Next, Grigory Petrovsky, a once prominent Soviet politician who served as Ukraine’s prime minister during this period and who fell out of popularity in the late 1930s,¹¹³ writes to Stalin on June 10, 1932.¹¹⁴ This second letter contains six examples of *qualified* (i.e., differentiated)

¹⁰⁹ TsDAVO Ukrayiny 1/8/117 (1932), 473–474, in Z. Mychailcenko et al., *Kolektyvizatsia i Holod na Ukraini 1929–1933: Zbirnyk Dokumentiv i Materialiv* [Collectivization and Famine in Ukraine 1929–1932: Collection of Documents and Materials] (Kyiv: Naukova Dumka, 1992), 414–416.

¹¹⁰ No first name recorded.

¹¹¹ TsDAVO Ukrayiny 1/8/117 (1932), 473–474.

¹¹² Pyrih, *Holodomor of 1932–1933*, 2.

¹¹³ Rostyslav Khotin, “Ukraine Tears Down Controversial Statue,” *BBC*, November 26, 2009, accessed September 1, 2019, <http://news.bbc.co.uk/2/hi/europe/8380433.stm>.

¹¹⁴ RGASPI 82/2/139 (1932), 162–165, in Yuriy Shapoval and Valeriy Vasyliev, *Komandyry Velykoho Holodu: Poyizdky V. Molotova i L. Kaganovicha v Ukrainu i na Pivnichnyi Kaokaz 1932–1933* [Commanders of the Great Famine: V. Molotov and L. Kaganovich, Trips to Ukraine and the Northern Caucasus] (Kyiv: Heneza, 2001), 212–215.

references to the Ukrainian populace, distinguishing between Ukrainian communists and Ukrainian villagers and between “poor peasants and even the middle-class farmers against our class enemies.”¹¹⁵ This type of qualified references between “good” and “bad” Ukrainians exhibits differentiated victim selection (associated with mass directed violence); Petrovsky appears to view some of the population as worth sparing and incorporating into the transformed Soviet society. His letter contains ten examples of *envisioning a future*, with references to building socialism’s popularity and food aid request for starvation victims. Significantly, his letter hints at escalating violence patterns, including two references to *unqualified victims* of starvation along gender (men and women) and class lines (poor and middle-class farmers). References exist to the *highly coordinated* policies deepening the suffering and six references to *active neglect* by the authorities who knew the populations were dying, including Petrovsky’s town meeting summary where the population asked, “Why did they [the authorities] create an artificial famine? After all, we had a harvest.”¹¹⁶ Overall, Petrovsky’s letter portrays accelerating suffering but depicts some elements of the Ukrainian population as able to provide valuable labor for the Soviet Union’s future. The third letter¹¹⁷ analyzed was also drafted on June 10, 1932 by Vlas Chubar,¹¹⁸ a Ukrainian Bolshevik revolutionary-turned-Soviet politician (the most senior Communist Party official in Ukraine at the time) executed during the Great Terror. In 2010, a Ukrainian criminal court judged Chubar as among the officials personally responsible for the Holodomor’s organization, along with Stalin, Molotov, and another figure in this analysis, Lazar Kaganovich.¹¹⁹ Chubar’s letter includes two references to a *qualified* view of Ukrainians (i.e., distinguishing between collectivized farmers and those resisting) and six instances of *violence used to intimidate* (e.g., the “malicious humiliation of private farmers”¹²⁰ to harass independent landowners), all indicating mass directed violence dynamics. Chubar also notes the *unqualified* victim impacts, one reference to the *pursuit of victims*, nine references to the actively *destructive* famine impact, and two instances hinting at a *future without Ukrainians*, blurring the line between the treatment of non-resistors and resistors to collectivization.

Kaganovich, Stalin’s close associate and an administrator tasked with implementing collectivization in Ukraine,¹²¹ forwarded both June 10 letters to Stalin with his comments on June 12, 1932 (letter four).¹²² Indicating that “we will have to provide help [food aid]” although “the question is one of scale,”¹²³ Kaganovich *envisioning a future* for Ukrainian famine survivors. His letter *qualifies group* selection, distinguishing between resisting Ukrainian peasants and Ukrainian party leadership.¹²⁴ Both proxies indicate mass directed violence dynamics, as does Stalin’s response back to Kaganovich in the fifth letter¹²⁵ assessed, dated June 15, 1932. In between invectives against Chubar and Petrovsky, Stalin indirectly concedes Kaganovich’s

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ RGASPI 82/2/139 (1932), 144–153, in Shapoval and Vasyliiev, *Commanders Great Famine*, 206–212.

¹¹⁸ Shapoval and Olynyk, *Holodomor: Prologue*, 101.

¹¹⁹ *Justice v. Skavronik*, Ruling in the Name of Ukraine, 13 January 2010, Kyiv Court of Appeals, Criminal Division, trans. Holodomor Victims Memorial, accessed September 2, 2019, <https://holodomormuseum.org.ua/en/resolution-of-the-court/>.

¹²⁰ RGASPI 82/2/139 (1932), 144–153, in Shapoval and Vasyliiev, *Commanders Great Famine*, 206–212.

¹²¹ Ibid.

¹²² RGASPI 558/11/740 (1932), 41 in Edward Rees et al., eds., *Stalin i Kaganovich: Perepyska 1931–1936 [Stalin and Kaganovich: Correspondence 1931–1936]* (Moscow: Rosspen, 2001), 164.

¹²³ Ibid.

¹²⁴ While this analysis focuses on letters written to/from Stalin, other records add contextual detail, portraying an atmosphere in which food assistance was prioritized to revitalize needed laborers and later, to reward the politically loyal who were still able to work. For other records outside this article’s methodological criteria, see Klid and Motyl, *Holodomor Reader*, 257–262.

¹²⁵ RGASPI 81/3/99 (1932), 63 in Manning et al., *Tragedy Soviet Countryside*, 169.

vision of a *future that includes Ukrainians* by agreeing to send aid. At 522,000 poods,¹²⁶ the food aid authorized by Stalin to Ukraine is ultimately one-third of the 1.5 million poods requested, but nevertheless indicates away from total genocidal destruction at this point. Stalin's intention to inflict suffering on the Ukrainian population through limited aid is clear from his statement, "[i]n my opinion, Ukraine has been given more than enough."¹²⁷ With this comment following his officials' reports of mass starvation, coupled with Stalin's refusal to halt grain requisitions, this statement was coded as *violence to intimidate* the population.

Kaganovich's response to Stalin on June 16, 1932 (letter six)¹²⁸ continues *envisioning a future* that includes Ukrainians, referencing their subdued-but-useful status as harvesters for the collective grain quotas twice. Explicitly recognizing that the upcoming "harvest campaign will be especially difficult, particularly in Ukraine" and the "danger of premature, spontaneous and unorganized...plundering," Kaganovich advocates for *violence to repress* by recommending that the party mobilize to prevent this outcome.¹²⁹ The seventh letter, a response from Stalin to Kaganovich and Molotov on July 2, 1932,¹³⁰ includes his instructions to attend the upcoming Ukrainian conference of communist leaders and "use all measure to win over workers' sentiment, isolate whining and rotten diplomats (regardless of personas!) and ensure a truly-Bolshevik decision" is made. Although Stalin still sees the Ukrainian population as composed of "good" and "bad" Ukrainians (i.e., *qualified group selection*), he appears to envision a future in which Ukraine is "lost." He writes, "Pay more serious attention to Ukraine... [Chubar and Stanislav Kosior's] rotten diplomacy and criminally-reckless approach to affairs will lose Ukraine in the end."¹³¹ This response marks the first hint of Stalin's emerging zero-sum thinking and hardening view of the *Ukrainian/Soviet* distinction (see earlier discussion), although at this stage he targets subduing the population through *repressive violence* like leadership isolation and removal.

Molotov and Kaganovich write Stalin twice on July 6, 1932. First, they report (letter eight)¹³² on the *repressive* steps they took to subdue increasing intractable local Ukrainian communists, referencing a future with subdued Ukrainian harvesters. For the first time, their letters contain *unqualified views* of the troublesome Ukrainian population; the local communists have clearly fallen out of favor. They also advocate for increasingly *systemized, coordinated* collectivization plans, in spite of escalating starvation deaths. Their second telegram (letter nine)¹³³ has increasingly *unqualified*—and unsatisfied—views of the Ukrainian population and the local leaderships' "shortcomings." They reference the ongoing famine's "grave conditions" but recommend to Stalin that the Soviet elites "maintain a reserved tone...to avoid feeding the foreign press."¹³⁴ This overt, active neglect of the accelerating starvation fatalities suggests willful choices to allow mass *destruction* of the Ukrainian people under Soviet jurisdiction. Stalin's short response (letter ten) on July 15, 1932 references a flurry of leadership changes to grasp control.¹³⁵ This cleaning house process indicates the growing degree of direct *systematic and coordinated* control of Ukraine, although no indication exists that greater control was used to alleviate the escalating famine-related fatality rates.

¹²⁶ Equal to 16.38 kilograms (36.11 pounds).

¹²⁷ RGASPI 81/3/99 (1932), 63 in Manning et al., *Tragedy Soviet Countryside*, 169.

¹²⁸ RGASPI 558/11/740 (1932), 61 in Rees et al., *Stalin and Kaganovich*, 173.

¹²⁹ *Ibid.*

¹³⁰ RGASPI 558/11/740 (1932), 41 in Rees et al., *Stalin and Kaganovich*, 164.

¹³¹ *Ibid.*

¹³² RGASPI 558/11/78 (1932), 16 in Rees et al., *Stalin and Kaganovich*, 219.

¹³³ RGASPI 558/11/78 (1932), 12 in Rees et al., *Stalin and Kaganovich*, 218–219.

¹³⁴ *Ibid.*

¹³⁵ RGASPI 81/3/99 (1932), 171 in Rees et al., *Stalin and Kaganovich*, 225.

Violence Dynamics: August 1932 through October 1933

Around August 1932, this methodology flags abrupt upticks in genocidal proxy variables. On August 11, 1932, Stalin's writing (letter eleven) drops all differentiated references to various "good" or "bad" elements in Ukrainian society, replaced by seven *unqualified* descriptions of the populace.¹³⁶ Stalin's usage of the word "Ukraine" itself takes on a new collective tone; individualized references to various groups no longer appear. He suggests an upcoming "battle with the counterrevolution in such a large and distinct republic as Ukraine," initiating a framing of the entire republic of Ukraine as an opposing collective, while stating that Ukraine is a "unique republic"¹³⁷ in his Soviet empire. Six examples of imagining a *future without Ukraine* were coded in this letter, including "if we do not correct the situation in Ukraine immediately, we will lose Ukraine."¹³⁸ Stalin further instructs Kaganovich, "Set yourself the goal of turning Ukraine into a fortress of the USSR, a real model republic, within the shortest possible time. Don't spare money for this purpose. Without these and similar measures (economic and political strengthening of Ukraine starting with the raions [districts] along the border, etc.), I repeat once again: we will lose Ukraine."¹³⁹ Other genocidal proxy variables coded in this letter include six instances of Stalin's growing *systematic and coordinated* control over Ukraine and three instances categorized as *active neglect/willful destruction* of the famine's now-catastrophic impact on the Ukrainian population.

Kaganovich's August 16, 1932 response (letter twelve) includes two direct references to *envisioning a future without Ukrainians*.¹⁴⁰ He suggests bringing "other workers, fresh blood...for Ukraine,"¹⁴¹ referring to the soon-initiated massive resettlement program that brought Russians, Belarussians, and other Soviet citizens into Ukrainian territories.¹⁴² Kaganovich twice references increasing *coordination and systemization* and ten *unqualified*, negative references to the Ukrainian character. He complains, "Truth be told, the people [Ukrainians] are not the same; I previously knew them to be different; they have gradually changed for the worse, in other words, changed considerably as a result of 'softness' and 'lightness of management.'"¹⁴³ The once-differentiated Ukrainian communists are termed "bacteria eating away"¹⁴⁴ at the Party's leadership. In this letter, he views even Ukrainian communists as threatening unified Soviet rule, hinting at the *Ukrainian/Soviet* distinction explained elsewhere. Perhaps reflecting Stalin's similar tonal shift, genocidal proxy variables increase.

The thirteenth surviving letter picks up with Kaganovich writing to Stalin on December 22, 1932.¹⁴⁵ He shares news of increased *coordination and systemization* of the upcoming grain procurement plan, which proved deadly. Seven references to a *future without Ukrainians* appear, the majority related to seizures of seed and grain reserves. Kaganovich argues, "We are convinced that this 'preoccupation' with reserves, including seed reserves is seriously hampering and undermining the entire grain procurement plan."¹⁴⁶ With the government's knowledge of the mass deaths,¹⁴⁷ Kaganovich's request to take the reserves—the agricultural

¹³⁶ RGASPI 81/3/99 (1932), 146–151 in Rees et al., *Stalin and Kaganovich*, 273–274.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ RGASPI 558/11/740 (1932), 155–159 in Rees et al., *Stalin and Kaganovich*, 283–284.

¹⁴¹ Ibid.

¹⁴² Klid and Motyl, *Holodomor Reader*, 262; Hennadii Yefimenko, "Resettlement and Deportation in the Post-Famine Years (1933–1936): A District-by-District Breakdown," in *Problems of Ukrainian History: Facts, Judgements, Searches* (Kyiv: Institute of History of Ukraine, 2013), 136–158, accessed August 19, 2019, https://holodomor.ca/wp-content/uploads/2020/04/Yefimenko_TranslatedArticle.pdf.

¹⁴³ RGASPI 558/11/740 (1932), 155–159 in Rees et al., *Stalin and Kaganovich*, 283–284.

¹⁴⁴ Ibid.

¹⁴⁵ RGASPI 81/3/232 (1932), 62 in Shapoval and Vasyliiev, *Commanders Great Famine*, 335.

¹⁴⁶ Ibid.

¹⁴⁷ Applebaum, *Red Famine*, 222–240.

foundation of next year's harvest—strongly indicates that a future with empty, population-depleted lands was an intentional Soviet policy choice. A week later, on December 29, 1932, the OGPU, the Soviet Union's secret police, issued a report to Stalin on the success of village deportations (letter fourteen).¹⁴⁸ As gulag¹⁴⁹ organizers, OGPU involvement indicates heightened *systemization* for dealing with Ukrainians, including in the Kuban region. Documentation of several thousand families deported to the harsh Ural Mountains (often an indirect death sentence) indicate a Soviet *future with Ukrainians removed*, not simply subdued.

Famine conditions deteriorated, indicated by Stalin's January 22, 1933 order (letter fifteen) to prevent the escape of "mass flight of peasants 'for bread.'"¹⁵⁰ The inconvenient pursuit of victims is significant for indicating genocidal dynamics (i.e., the victims' unpursued flight would have satisfied the repressive goal of mass directed violence). Genocide's unqualified, destructive logic necessitates that victims be hunted, caught, and destroyed, a pattern emerging in this document.¹⁵¹ As fleeing Ukrainian peasants were captured and forcibly returned, soldiers sealed their villages to inflict quick mass casualty rates.¹⁵² Nine reference indicating a *future vision in which Ukrainians no longer exist* were recorded in this document,¹⁵³ as Ukrainian starvation-driven out-migration was sabotaged and prevented. Four *systematic coordination* proxy variables indicate extensive pre-planning of the mass killings.

On February 2, 1933, a sixteenth letter¹⁵⁴ is authored by Generikh Yagoda, soon after promoted to NKVD (Soviet intelligence and security agency) chief due to his efficient management of the "Ukraine situation."¹⁵⁵ Yagoda informs Stalin of success in "preventing the mass exodus of villagers from the Ukrainian SSR [Soviet Socialist Republic]"¹⁵⁶ as well as the Northern Caucasus and Belarussian SSR, where many Ukrainian population clusters were located. Thirteen instances of highly *systematic coordination* and ten references to a *future without Ukrainians* are coded. Fourteen references indicate the far-reaching *pursuit of victims*, including "organized cordons and search groups on the following roadways: N. Caucasus, Ukraine, South-Eastern Western, Ryazan, Ural, Zlatoustovk, Oktiabrsk, Moscow-Kazan, Moscow-Belarus-Baltic."¹⁵⁷ The militarized prevention of famine-driven Ukrainian out-migration, forced repatriation, and village confinements until the victims starved to death¹⁵⁸ are major factors in the story of the Holodomor and the evidentiary case for genocide.

The seventeenth and final letter¹⁵⁹ in this analysis offers a tragic post-script to Yagoda's report. Eight months later on October 2, 1933, Kaganovich updates Stalin on the "resettlement committee for 1933."¹⁶⁰ With Ukrainian lands now experiencing widespread depopulation to famine fatalities, Stalin resettles "15,000 to 20,000 families [from Russia, Belarus, and other Soviet lands] to Ukraine's Steppe."¹⁶¹ While Ukrainian famine victims' petitions for grain aid were repeatedly denied or lessened by Stalin, these new, non-Ukrainian settlers were the

¹⁴⁸ APRF 3/30/196 (1932), 108 in Sakharov, *Top Secret*, 386.

¹⁴⁹ Forced labor camps.

¹⁵⁰ RGASPI 558/11/45 (1933), 108-09 in Manning et al., *Tragedy Soviet Countryside*, 635.

¹⁵¹ *Ibid.*

¹⁵² Andriewsky, *Decentered History*, 29; Renate Stark, "Holodomor, Famine in Ukraine 1932-1933: A Crime against Humanity or Genocide?," *Irish Journal of Applied Social Studies* 10, no. 1(2010), 27-29; Applebaum, *Red Famine*, 186-204.

¹⁵³ RGASPI 558/11/45 (1933), 108-09 in Manning et al., *Tragedy Soviet Countryside*, 635.

¹⁵⁴ APRF 3/30/189 (1933), 26-27 in Sakharov, *Top Secret*, 398-399.

¹⁵⁵ Clifford Levy, "A New View of a Famine that Killed Millions," *The New York Times*, August 19, 2016, accessed September 1, 2019, <https://www.nytimes.com/2009/03/16/world/europe/16kiev.html>.

¹⁵⁶ APRF 3/30/189 (1933), 26-27 in Sakharov, *Top Secret*, 398-399.

¹⁵⁷ *Ibid.*

¹⁵⁸ Andriewsky, *Decentered History*, 29; Stark, *Holodomor Famine*, 27-29; Applebaum, *Red Famine*, 186-204.

¹⁵⁹ RGASPI 558/11/741 (1933), 80-81 in Rees et al., *Stalin and Kaganovich*, 370-371.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

beneficiaries of a centralized campaign that prepared for them by “organiz[ing] house and all necessary equipment...and secur[ing] food.”¹⁶² This document adds to other documentation that indicates the Soviet government singled out Ukraine by not providing the same food aid as their neighbors.¹⁶³

Implications for Theory and Further Testing

Kaganovich’s October 1933 letter to Stalin is the last available document for this analysis, although starvation and resettlement waves of other Soviet citizens into Ukrainian lands continued for several more years before World War II’s outbreak.¹⁶⁴ Although covering a short time period—February 1932 to October 1933—an intriguing pattern emerges in the coded data. Table 5 shows the 207 themes organized in a letter-by-letter matrix according to genocidal or mass directed violence patterns.

Table 5. Letter-by-Letter Matrix with Number of Proxy Variable Appearances, Organized by Violent Phenomena

Letter # (Date) Author	GENOCIDE					MASS DIRECTED VIOLENCE			
	Cannot Envision Future	Active Neglect/ Destruction	Highly Coordinated, Systematic	Pursuit of Victims	Unqualified Victim Descriptors	Can Envision Future	Violence to Intimidate	Ad hoc Violence	Qualified Group Selection
1 (2/10/32) Pastushenko	-	-	-	-	1	4	-	-	-
2 (6/10/32) Petrovsky	1	6	3	-	2	10	2	-	6
3 (6/10/32) Chubar	2	9	-	1	3	-	6	-	2
4 (6/12/32) Kaganovich	-	-	-	-	-	1	-	-	1
5 (6/15/32) Stalin	-	-	-	-	-	1	1	-	-
6 (6/16/32) Kaganovich	-	-	-	-	-	2	1	-	-
7 (7/2/32) Stalin	1	-	-	-	-	1	1	-	1
8 (7/6/32) Molotov & Kaganovich	-	-	2	-	1	1	1	-	-
9 (7/6/32) Molotov and Kaganovich	-	2	-	-	1	-	-	-	-
10 (7/15/32) Stalin	-	-	4	-	-	-	-	-	-
11 (8/11/32) Stalin	6	3	6	-	7	-	-	-	-
12 (8/16/32) Kaganovich	2	-	2	-	10	-	1	-	-
13 (12/22/32) Kaganovich	7	-	1	-	-	-	-	-	-
14 (12/29/32) OGPU	2	-	2	-	-	-	-	-	-
15 (1/22/33) Stalin	9	-	4	6	-	-	1	-	-
16 (2/2/33) Yagoda	10	-	13	14	2	-	-	-	-
17 (10/2/33) Kaganovich	6	-	12	-	-	-	-	-	-

Color Code: Intended Purpose Proxies / Intended Targets Proxies

¹⁶² Ibid.

¹⁶³ Klid and Motyl, *Holodomor Reader*, 67–68.

¹⁶⁴ Liber, *Total Wars*, 196–201.

With the data organized (see also Graph 4), mass directed violence clusters (e.g., envisioned futures with Ukrainian existence, violence to repress and subdue) appear in nearly each of the first eight letters, i.e., until July 6, 1932. Each of the ten total references to “qualified group selection” appear during this time window. Some scattered proxy indicators for genocide appear; however, they are isolated to the missives by Stalin’s subordinates, Petrovsky and Chubar. Falling mainly in the “active neglect/destruction” category, potential explanations include their positionality and potential desire to impress Stalin through tough-sounding language. In context, they are describing the Holodomor’s ongoing destructive toll but are requesting food aid from Stalin. While actively neglectful and dismissive of mass suffering, the larger context hints that radicalized genocidal intentionality may not accurately characterize their behavior or discourse at this stage. According to the data, a stronger case for genocidal dynamics materializes around the timing of Stalin’s August 11, 1932 letter.¹⁶⁵ Often cited in Holodomor genocide evaluations, my analysis further contextualizes this letter with proxy variable coding suggesting that this letter was connected to broader shifts in Stalin’s decision-making and trends strengthened by his close associates. After this letter, mass directed violence proxy variables abruptly drop off. Significant on its own, it is also striking that genocidal proxy variables surge in quantity at this historical moment, illustrated by a clean break around letter eleven.¹⁶⁶ Historiographies add nuance and additional explanations to these patterns. The minutes of two Party conference meetings have been analyzed, with some historians suggesting Moscow-based policy decision-making between July 1932 and February 1933 worsened famine dynamics as a tool to destroy Kharkiv (eastern Ukraine) as a sub-center of power.¹⁶⁷ Relatedly, Graziosi has discussed changes in enforcing procurement and related harvest spikes which contextualize the patterns I suggest.¹⁶⁸ Finally, variations in *unqualified* or *qualified* descriptors raise important questions about center/periphery relations, imperial-colonial undertones, and the potential diversity of perspectives and policy choices among Union and republic authorities.¹⁶⁹

Finally, using MAXQDA code relations processing, I explored theme relationships. Each significant code relation flagged (Image 6) constitute genocide-to-genocide proxy variable clustering or mass directed violence theme clustering (square size visually depicts the numbers cited here). Perhaps due to its extreme nature, the most significant relations existed between genocide proxies. In particular, a relationship was noted between “cannot envision a future” [*Cann*] (intended purpose) to “coordinated and systemized” [*Coor*] (intended target) violence; these variables co-occurred together 31 times. Lesser relationships were noted between “cannot envision a future” (intended purpose) and “unqualified group selection” [*Unqu*] (intended target), which co-occurred 17 times, as well as between “cannot envision a future” (intended purpose) and “pursuit of victims” [*Pursui*] (intended target), which co-occurred 19 times. “Ad

¹⁶⁵ RGASPI 81/3/99 (1932), 146–151 in Rees et al., *Stalin and Kaganovich*, 273–274.

¹⁶⁶ *Ibid.*

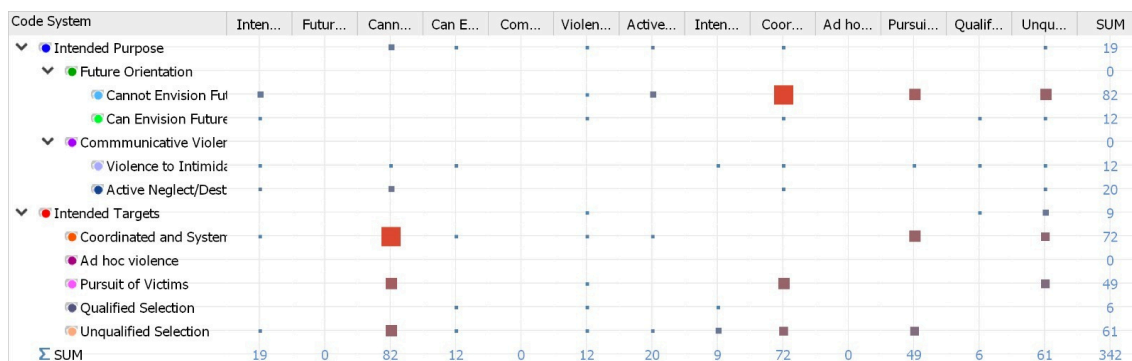
¹⁶⁷ Kulchytsky, *Famine 1932–1933*, 7, 29; Shapoval and Vasylyev, *Commanders Great Famine*, 57; Daria Mattingly, “Idle, Drunk and Good-for-Nothing: The Rank-and-File Perpetrators of 1932–1933 Famine in Ukraine and Their Representation in Cultural Memory,” (PhD diss., University of Cambridge, 2018), 18–79, accessed August 19, 2019, <https://doi.org/10.17863/CAM.38324>.

¹⁶⁸ Graziosi, *Soviet Famines*, 102–104.

¹⁶⁹ In addition to center/periphery dynamics, debate continues over whether the Soviet Union’s internal dynamics are best labeled “imperial” or “colonial.” This dispute does not obscure power differentials that are important to discussions of genocide. An imperial-colonial prism contextualizes Soviet Ukraine’s economic exploitation as linked to wider industrialization efforts as well as intensifying repressions of collectivization resistance and/or nationalist sentiment. A full summary of this discussion is beyond this article’s scope, but examples of power differentials linked to center/periphery and imperial-colonial dynamics may exist in the supplicatory tones taken by Petrovsky and Chubar (both ethnic Ukrainians and members of the Politburo of the Communist Party of Ukraine, akin to a regional unit of the All-Union Communist Party) and in Stalin’s response on August 11, 1932. The formers’ request for food aid hints at repressive colonial administrators appealing to a sovereign imperial ruler, a factor that may elucidate motivations and that underscores the contrast of Stalin’s destruction-oriented response.

hoc violence” (mass directed violence) does not appear in any letter; however, it is not certain that small-scale, lower-level instances would have been raised to the highest leadership levels of the Soviet Union.

Image 6. MAXQDA Code Relations of Genocide and Mass Directed Violence Proxies



Subject to additional testing, my approach yielded results that confirm the significance of a framework that distinguishes between genocides and mass directed violence according to the intended purpose and target characteristics suggested by other scholars.¹⁷⁰ Proxy variable clustering indicates the promise of this empirical approach and the potential to apply it to other cases in diverse geographic contexts, historical and contemporary. As referenced, additional analyses, including automated algorithm-based studies, could widen the scope of analysis. Still, both research questions posed indicate affirmative answers. First, the records surveyed, centered on Joseph Stalin, support analytic assessments of the Holodomor as a genocide beginning around July to August 1932 as assessed according to *intended targets* and *intended purposes*. Second, Holodomor violence does shift across the conceptual boundaries of genocide. This finding—that specific dynamics-based patterns can be micro-mapped within the broader chronological context—illustrates empirical sensitivity and demonstrates a dynamics-based now-casting approach to tracing complex violence in real-time. The brunt of Holodomor deaths occurred in an exceedingly compressed timeframe, yet this short timeframe still allowed for the violence to morph in pattern and form. Taken alone, numerical victim assessments may have missed this pattern shift, an omission with negative implications for intervention activities that are best tailored to specific dynamics and initiated at a precise ripe moment.

Conclusion

This analysis has demonstrated a way to operationalize existing literature that calls for genocides to be traced as a process *and* a phenomenon that can be distinguished from other forms of large-scale violence.¹⁷¹ Definitional quagmires once incentivized primarily quantitative approaches to many forms of large-scale violence. While helpful for certain questions, this article supports new calls for a third type of genocide policy-relevant monitoring tool, now-casting, that draws from mixed qualitative and quantitative approaches.¹⁷² Grounded in the view that large-scale violence can be diagnosed according to its presenting symptoms—including as these patterns change—the Holodomor case illustrates how this approach can more accurately flag evolving trends even within a compressed time period. Consequently, this approach can foster more carefully calibrated preventive responses by identifying additional nuances in violence dynamics, perpetrator decision-making, and possible spectrums of

¹⁷⁰ Straus, *Destroy Them*, 552–553.

¹⁷¹ *Ibid.*, 551–555; Verdeja, *Political Science*, 311–313.

¹⁷² Heldt, *Atrocity Crimes*, 53–59; Tetlock, *Second Thoughts*, 470.

outcomes. While the conceptual seeds of this approach sprouted ten years ago,¹⁷³ I have outlined a new methodology to operationalize this theorizing. Analyzing the historical Holodomor case through this methodological lens resulted in affirmative answers to the posed research questions and a clustering of proxy variables. It also empirically demonstrated the emergence of a key change in the Holodomor's violence dynamics, a shift also supported by historical approaches. This article's proxy variables coding approach was able to triangulate violence shifts by organizing and highlighting major patterns during precise historical moments. As this methodology and accompanying proxy variables can be translated into algorithms, increased speed for tracing the day-by-day process of violence and pinpointing major pattern shifts over periods of time is possible.

Several additional implications follow. Ultimately, the empirical approach I took concurs with other academics¹⁷⁴ who have labeled the Holodomor a genocide, thus underscoring this case's importance to the comparative genocide studies field. More tightly focused than longer-view historiographies or legal analyses, I nevertheless reach a concurring conclusion. In addition, while the Holodomor occurred nearly 100 years ago, the conceptual and methodological approach I took in this analysis can be applied to ongoing, contemporary acts of mass killing. Building on this reality, specific policy proposals that are tailored to genocidal or mass directed violence patterns are needed. Just as different pharmaceutical remedies are needed for diverse pathologies, our field must also tailor its prevention policy recommendations and toolkits for diverse manifestations of large-scale violence.

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¹⁷³ Verdeja, *Political Science*, 316; Straus, *Destroy Them*, 546–548; Hiebert, *Theorizing Destruction*, 328–335; Hiebert, *Questioning Boundaries*, 34–36.

¹⁷⁴ Graziosi, *Soviet 1931–1933 Famines*, 106–109; Werth, *Great Ukrainian Famine*; Werth, *Crimes Stalin Regime*, 406–408, 414–415; Naimark, *Stalin's Genocides*, 70–79; Klid and Motyl, *Holodomor Reader*, xlii–xliv; Liber, *Total Wars*, 192–197.

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Case Study: The International Criminal Tribunal for the Former Yugoslavia's Court Transcripts in Bosnian/Croatian/Serbian

Part 1: Needs, Feasibility, and Output Assessment

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Introduction¹

The ICTY was an independent institution which functioned in accordance with its Statute (ICTY-S)² and its Rules of Procedure and Evidence (RPE)³—these have been amended 9 and 52 times respectively since 1993 when they were originally delivered. Most critics stop short from calling them cut-and-pasted versions of the International Military Tribunal's Charter.⁴ Defenders seem to concede the ICTY-S was “drafted quickly,” but highlight the large number of revisions to the ICTY RPE, reflecting one of the main advantages of having judges do the rule-writing: the ability to quickly take into account lessons learned from concrete experiences in the courtroom.⁵ Indeed, both ICTY RPE Rule 6 and the self-explanatory Procedure for the Proposal, Consideration of and Publication of Amendments to the [RPE] of the [ICTY] (1998, r. 2001 and 2002), stipulate that the Rules Committee shall consider all proposals for amendment of the Rules forwarded to it by the President, a Judge of the International Tribunal or other body.⁶

Pursuant to the ICTY-S, Article 11, the ICTY consists of the Chambers, comprising three Trial Chambers and an Appeals Chamber; the Prosecutor; and a Registry, servicing both the Chambers and the Prosecutor. As Defense was not a part of the ICTY, they were taken care of by the ICTY Registrar through the Division of Judicial Support Services.⁷ The ICTY Registry was also in charge of the overall administration of the Court, including the provision of language services through the Conference and Language Services Section (CLSS). In general, the provision of language services in the UN is done according to the policies of multilingualism where two of six official UN languages (Arabic, Chinese-Mandarin, English, French, Russian, Spanish) are proclaimed official languages in each UN organization and entity where they are used “in fairness and parity” in internal and external communication.⁸ There is no “One UN, one language policy” in the UN which means the CLSS could not influence or change the overall UN language policy. However, they had legal obligation and legal facets to adapt and inform the ICTY language policies as per ICTY RPE Rule 6 and the Procedure for the Proposal, Consideration of and Publication of Amendments to the [RPE] of the [ICTY]. This case-study is going to examine whether the CLSS did that by examining their legal obligation to provide the

¹ The views expressed in this Case Study belong solely to the author. Due to their technical nature, Case Studies do not undergo the double-blind peer review process.

² ICTY, *Updated Statute of the International Criminal Tribunal for the Former Yugoslavia*, September 2009.

³ ICTY, *Rules of Procedure and Evidence*, July 8, 2015 (IT/32/Rev.50).

⁴ Gregory S. Gordon, *Atrocity Speech Law: Foundation, Fragmentation, Fruition* (Oxford: Oxford University Press, 2017).

⁵ Theodor Meron, *The Making of International Criminal Justice: The View from the Bench: Selected Speeches* (Oxford: Oxford University Press, 2011).

⁶ ICTY, *Practice Direction on Procedure for the Proposal, Consideration of and Publication of Amendments to the Rules of Procedure and Evidence of the International Tribunal* (as amended), January 24, 2002, (IT/143/Rev.2).

⁷ “Organization of the ICTY,” ICTY, accessed July 7, 2021, <https://www.icty.org/en/about/tribunal/organisational-chart>.

⁸ Papa Louis Fall and Yishan Zhang, *Multilingualism in the UN System Organizations: Status of Implementation* (Geneva: United Nations, Joint Inspection Unit, 2011), (JIU/REP/2011/4), accessed September 21, 2021, <https://undocs.org/en/JIU/REP/2011/4>.

essential part of any permanent court record, the court transcripts. Was there a need for ICTY court transcripts in the Bosnian/Croatian/Serbian (B/C/S) languages? Could the ICTY court transcripts have been made in the B/C/S from the very beginning of the institution and whether the existing ICTY court transcripts in the B/C/S are up to par for any of its audiences?

Should one wish to discuss the ICTY language policies and its effect on ICTY legacy and struggle against denialism, as this paper does, one should start by inspecting the ICTY data. This gives a validity to a reason why this case-study is not heavy on traditional academic literature review. Methodology followed respected the principles of qualitative research where a problem was discussed from the perspectives of recipients and subjects of ICTY language services and policies: the situation country (posterity), the parties to the proceedings (B/C/S speaking defense and victims and witnesses), and the local judiciary (next users and elaborators of ICTY legal reasoning). These B/C/S speaking clients need(ed) the ICTY B/C/S transcripts to engage in their own legal work, to see and to hear the atrocities of wars fought in the territory of the former Yugoslavia in their alleged name, and to gain insight into the criminal behavior of individuals and groups in order to start eliminating the causes that led to the situation in the first place, to start gaining critical perspectives on the issues, and to start neutralizing all causes perpetuating the situation in the present. Otherwise, the ICTY's mission in the former Yugoslavia cannot be said to be complete. In the first part of this study, the author will provide brief history of ICTY language policies affecting court transcripts and its effects on the above three groups of recipients of ICTY B/C/S transcripts. Then, the author will provide background to the court reporting services at ICTY. Finally, the author will provide extended summary of main findings on the existing transcripts in the B/C/S stemming from his original research published elsewhere in full.

This discussion is primarily informed by the author's original research published elsewhere in fuller detail, including the ICTY-S, ICTY RPE, ICTY Annual Reports (AR),⁹ the ICTY Defense Manual (Defense Manual),¹⁰ the ICTY Manual on Developed Practices (ICTY Manual),¹¹ other ICTY documents, including videos, as found on the ICTY official website. The reason why the ICTY website was chosen as a source of information for this study is because the background paper on the assessment of the legacy of ICTY proudly exclaims the ICTY's website is the primary tool for providing wide access to the ICTY's cases and records. The website was comprehensively overhauled in 2008, and several new features were introduced, including complete multilingualism in English, French and B/C/S (plus selected materials in Albanian and Macedonian), as well as a fresh look and a clear structure.¹² It is hoped that these three groups of sources will provide a balanced holistic background to this paper.

UN and ICTY Language Policies Affecting Court Transcripts

The provision of language services in the UN is done by the UN Department for General Assembly and Conference Management (DGACM). However, UN DGACM language professionals service only some principal organs of the UN set up at the UN Charter—the General Assembly, Security Council, Economic and Social Council, and the Secretariat—in offices in Addis Ababa, Bangkok, Beirut, Geneva, Nairobi, New York, Santiago, and Vienna, and only in the six official languages of the UN, namely Arabic, Chinese, English, French, Russian, and Spanish. As stated in the Introduction, the provision of language services in the UN is done

⁹ "Annual Reports," ICTY, accessed July 7, 2021, <https://www.icty.org/en/documents/annual-reports>.

¹⁰ United Nations Interregional Crime and Justice Research Institute (UNICRI), *Manual on International Criminal Defence: ADC-ICTY Developed Practices Documents: Within the Framework of the War Crimes Justice Project* (The Hague: UNICRI Publisher, 2011), accessed July 7, 2021, https://www.icty.org/x/file/About/Reports%20and%20Publications/manual_developed_practices/ADC-ICTY_developed_practices_en.pdf.

¹¹ UNICRI, *ICTY Manual on Developed Practices* (The Hague: UNICRI Publisher, 2009), accessed 21 September 2021, https://www.icty.org/x/file/About/Reports%20and%20Publications/manual_developed_practices/icty_manual_on_developed_practices.pdf.

¹² ICTY, *Assessing the Legacy of ICTY: The Background Paper* (The Hague: ICTY, 2010), accessed July 7, 2021, <https://www.icty.org/sid/10292>.

according to the policies of multilingualism where two of six official UN languages are proclaimed official languages in each UN organization and entity where they are used “in fairness and parity” in internal and external communication.¹³

The UN DGACM does not provide language services to many other UN entities; these establish their own language services. Although the ICTY has always fallen under the Subsidiary Organs of the Security Council, which is serviced by the UN DGACM, there is very little evidence the UN DGACM even acknowledged the ICTY language services. As to the ICTY management, they complied with the UN policies of multilingualism.¹⁴ As an institution, the ICTY-S does not set the official languages of the ICTY—although mentioned twice in the ICTY RPE Rules 47(G) and 55(C), “official languages” have nowhere been clearly set. The ICTY-S, Article 33 and the ICTY RPE Rule 3(A) explicitly set English and French as the working languages. The ICTY RPE Rule 3(C) combines “other persons appearing before the Tribunal, other than as counsel” giving those persons the right to use their own language.¹⁵ The languages of the former Yugoslavia—Bosnian, Croatian, and Serbian, collectively known as the B/C/S at the ICTY, and formerly known as the Serbo-Croatian—do not figure among the official languages of the UN and cannot be accommodated by the UN DGACM. The lawmakers set two UN languages as the official languages of the ICTY and completely ignored the language of the situation country, here B/C/S, the *raison d’être* of the ICTY and the language of ICTY’s main clients: B/C/S speaking accused, victims, witnesses, defense counsels, and the region of the former Yugoslavia. This set the delivery of language services at the ICTY to failure right from the outset.

As per ICTY RPE 66(A)(i) and (ii) the CLSS had a legal obligation to deliver specific documents including, *inter alia*, copies of all transcripts and written statements taken in accordance with Rule 92 *bis* (on admission of written statements and transcripts in lieu of oral testimony), Rule 92 *ter* (on admission of other written statements and transcripts), and Rule 92 *quarter* (on unavailable persons). In practice, looking for a loophole in the existing language laws and trying to make as much trouble as possible for everyone, Šešelj started his war on ICTY language services requesting court transcripts in Serbian and the Cyrillic script; the protracted ordeal resulted in an international fiasco with dire consequences for the insider witnesses against Šešelj whose identities have been publicly revealed while they were still in Serbia squirming with Šešelj’s supporters.¹⁶ Similar attempts by defendants and their defense counsels requesting transcripts in the B/C/S and in the Cyrillic script were stopped at the outset.¹⁷ However, they were not stopped due to the practical language-related problems. The judges took charge and designed the standard practice at the ICTY to suit the Court: defendants were allowed translation of basic documents (ICTY RPE Rules 66(A), 66(A)(i), 66(A)(ii) and

¹³ Fall and Zhang, *Multilingualism in the UN System Organizations*. First mentioned in footnote 7.

¹⁴ For example, ICTY President Claude Jorda (1999–2003) remarked the following: “I can only regret that French, as an official language of the [UN] and a working language of the Tribunal, is under-represented, in particular with regard to internal communications.” The parity in use of English and French never worked out in practice; I have written about its effects on multilingual delivery of court documents elsewhere in much more detail. See United Nations, *Seventh Annual Report of the Internal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*, August 7, 2000 (A/55/273-S/2000/777).

¹⁵ Here, we can see Judge Güney complying with the UN policies on multilingualism by speaking English in *Tolimir* and by speaking French in *Lukić*. Other ICTY judges could be seen communicating both in English and French, as well, at least during procedural prewritten matters. It would be fair to say that the only ones who did not were the native speakers of English and/or French. See ICTY, “Appeals Judgement, Tolimir: 08 April 2015,” YouTube video, 01:12:37, uploaded April 8, 2015, accessed July 2, 2021, <https://youtu.be/HE8xMksBd1w>; ICTY, “Arrêt, Milan Lukić & Sredoje Lukić: 4 Décembre 2012,” uploaded April 8, 2015, accessed July 2, 2021, <https://youtu.be/mM25Twga93U>.

¹⁶ “Court Transcript in *Šešelj*,” ICTY, March 25, 2003, accessed July 2, 2021, <https://www.icty.org/x/cases/seselj/trans/en/030325IA.htm>, T. 57–59, 76, 98–99.

¹⁷ “Court Transcript in *Tolimir*,” ICTY, September 14, 2007, accessed July 2, 2021, <https://www.icty.org/x/cases/tolimir/trans/en/070914SC.htm>, T. 62–70.

transcripts pursuant to ICTY RPE Rule 66) to be delivered to them in B/C/S and in the Latin script. Those transcripts that were not made in the B/C/S were given to defendants and defense in an audio or video form.¹⁸ Various time limits to respond to various court decisions specified elsewhere remained the same. But, was there an actual need for ICTY B/C/S transcripts beyond the abuse of the system privileges and stalling the process?

The ICTY Manual acknowledges the accused do not have transcripts of proceedings readily available in the B/C/S and must use audio/visual tapes. It also acknowledges time delays—cases can sometimes involve hundreds of witnesses and the lack of transcripts had the potential to create delays and inefficiencies in the use of courtroom time. The ICTY tried offsetting the problem by introducing an electronic transcript management application for the recording, storage, and use of witness testimony transcripts throughout trial and appellate proceedings.¹⁹

The ICTY Manual also acknowledged the lawyers from the former Yugoslavia—non-English or non-French speaking lawyers who wanted to consult transcripts were also given access to the audio/visual material in the B/C/S language. This process is both cumbersome and costly to the referral state because they must then listen to the audio/visual record, and then transcribe the testimony in their own language.²⁰

Finally, admitting the accurate transcripts of proceedings are critical, ICTY Manual advises court reporting should not be placed under CLSS, but under court management services. In ICTY Manual's view, transcripts involve verbatim reporting of what was said in the courtroom and do not require translation or interpretation skills. At the ICTY, court management sets the requirements for court reporting, and receives and controls the transcript. CLSS's role as court reporting project manager is therefore limited to the contractual and financial aspects only. The overall task is not within the domain of a language service.²¹

It is curious that the ICTY Manual and the Defense Manual did not make a single statement on how unavailability of B/C/S transcripts affected defense. The Defense Manual glosses over the issue of actual transcript-making, concentrating mostly on their admissibility and mentions the practical problems created by non-existence of B/C/S transcripts only once. In the context of the Law on Transfer of Cases from the ICTY to the Prosecutor's Office of Bosnia & Herzegovina (B&H) and the use of evidence collected by ICTY in proceedings before the courts in B&H,²² advising defense counsel can use ICTY transcripts to identify inconsistencies in the witnesses' accounts and thus, prepare for effective cross-examination.²³ Author's informal conversations with ICTY Defense support staff, a hybrid professionals combining the roles of case manager, translator, interpreter, researcher, and legal assistant in one person revealed that in addition to routinely comparing the B/C/S audio with the English/French transcripts of court sessions, these professionals were also given duties to listen to the in-court interpretation into B/C/S and alert lead defense attorneys to critical problems with interpretation.

The Defense Manual acknowledged one of the major barriers to regional information sharing is linguistic in nature.²⁴ This was acknowledged by B&H and Croatia's prosecutors during the conference on the ICTY legacy held in Sarajevo and Zagreb in 2012. The parties complained that even when they receive ICTY B/C/S transcripts, these do not include closed

¹⁸ *Prosecutor v. Karadžić*, Decision on the Accused's Request that all Materials, including Transcripts, be Disclosed to him in Serbian and Cyrillic script, September 25, 2008, IT-95-5/18-PT.

¹⁹ UNICRI, *ICTY Manual on Developed Practices*, 96. First mentioned in footnote 10.

²⁰ *Ibid.*, 174.

²¹ *Ibid.*, 187.

²² Law on Transfer of Cases from the ICTY to the Prosecutor's Office of B&H and the use of Evidence Collected by ICTY in Proceedings before the Courts in BiH, Official Gazette of Bosnia and Herzegovina No. 61/04, 46/06, 53/06, 76/06.

²³ UNICRI, *Manual on International Criminal Defence*, 225. First mentioned in footnote 9.

²⁴ *Ibid.*, 227.

sessions where the witnesses may have made certain identification of people, documents, and locations critically relevant for work of the local judiciary.²⁵

ICTY Court Transcripts

The ICTY was make-shifting as far as the B/C/S transcripts are concerned. Efforts at improving the transcript system are commendable and they must have made lives of English and French speaking staff much easier. But it is unclear how any helped if a B/C/S speaking witness testified several times—s/he would still have to sit and listen to their testimony off audio or video materials in the B/C/S which took away their time and took away money from the ICTY having to entertain a witness for days. Furthermore, it is unclear how it helped with expeditious trials against B/C/S speaking defendants or the B/C/S speaking overall audiences then and now; it is much easier to read a transcript in B/C/S than to soldier through an audio or video recording of a, by definition, agitated and overly excited legal client and complex legal reasoning. As far as Defense is concerned, their jobs, at least, would have been much easier if there were B/C/S transcripts. Instead, given that Defense was bound by very strict deadlines, the lack of B/C/S transcripts put undue pressure on them. As for the legacy, even when the local judiciary in the former Yugoslavia gained B/C/S transcripts, critical parts crucial for their work were still missing. The overwhelming need for full transcripts is obvious. Could the ICTY B/C/S transcripts be made from the onset?

The provision of language services at ICTY was largely uninformed and highly segmented. On the one hand, there was the official language services provider, CLSS, but on the other, it seems every other unit had their own language services: Rules of the Road (extended summaries of case files submitted for review of jurisdiction between the ICTY and local judiciary), UN Detention Unit (translation and consecutive interpreting for detainees), the ICTY Victims and Witnesses Unit (getting the victims and witnesses to The Hague from their areas of residence), the ICTY court reporters (court transcripts), the Outreach Program (news and publications in the languages of the former Yugoslavia), the Chamber Support Unit (legal drafting), and the Office of the Prosecutor (OTP) (translation of evidence and interpreting for clients, etc.) all had their informal, semi-formal, or formal language units. These seven language-related units that were completely separate from the CLSS and completely dependent on donations as detailed in all ICTY ARs were serviced by the so-called Language Assistants; the author has written about Language Assistants elsewhere.²⁶

Arrangements behind the use of court reporters were a part of this larger problem with the CLSS's inability to self-regulate. The court reporters belong to a category of officers of the court in certain legal traditions or, rather, they are an integral part of courts. However, when the ICTY was established, similarly to other international criminal tribunals, court reporters were unknown in the UN System. The UN recognizes the category of verbatim reporters, instead. These are regularly used at standing UN courts (International Court of Justice, UN Dispute Tribunal, and Administrative Tribunal of the International Labor Organization) and the UN Secretariat. The difference between the ICTY, and other court reporters and verbatim reporters in the UN System is that court reporters produce verbatim transcript of court sessions, whereas “[c]ombining the skills of transcription, translation and editing, verbatim reporters ensure the substantive accuracy of all statements, while maintaining a uniformly high standard of style.”²⁷ In other words, the end product of verbatim reporters' work is not a verbatim transcript, but an extended summary of facts, and they do not use any specialized equipment in the performance of their jobs. Naturally, this does not work for a court where every word

²⁵ Nerma Jelačić, *Legacy of the ICTY in the Former Yugoslavia* (The Hague: ICTY Outreach Programme, 2013), 61.

²⁶ Besmir Fidahić, *Linguistic Justice at the International Criminal Tribunal for the Former Yugoslavia* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2021).

²⁷ United Nations Careers, “Verbatim Reporters,” *United Nations*, accessed July 7, 2021, <https://careers.un.org/lbw/home.aspx?viewtype=LCEFD&Fid=4>.

uttered needs to be transcribed verbatim and kept as a part of the court record. It follows that the ICTY could not have used existing UN resources as court reporters.

The evolution of court reporting services at the ICTY can be easily followed through ICTY ARs. The ICTY acknowledged from the very beginning that they could not move forward without language professionals, but were struggling with basic terminology—they described them as “specialized stenotypists,” not as “court reporters” as they are professionally known throughout the industry.²⁸ This is not nitpicking, but a rather straightforward indication of legal professionals’ awareness of language-related work. The ICTY ARs also stated that CLSS was responsible for hiring English and French court reporters who have a duty to prepare transcripts of all sessions in court.²⁹ Here, again, it is unclear why the charge to hire and supervise court reporters was given to CLSS as, in most jurisdictions, court reporters are hired and supervised directly by the courts. ICTY ARs also state that the work in the courtroom requires the permanent services of court reporters for the ICTY’s two working languages: English and French.³⁰ The CLSS understood “permanent services of court reporters” not as those stemming from the use of in-house sources as the word “permanent” used in employment context normally suggests, but rather “permanently outsourced.” So, the CLSS hired court reporters from outside companies from the very beginning. The ICTY Procurement Office would make an Invitation to Tender and select the agency that outsources court reporters on the basis of their passing the court reporter test and, naturally, their price. The ICTY staff report that a single agency always won these tenders from the start.

As to the English language court reporters, in-house contractors of the outsourced company, they work in a team of two: one sitting in the actual courtroom and the other one sitting in a nearby office, revising work of an in-courtroom colleague (names, locations, misspellings, etc.). French language court reporters work(ed) off-site. Since they were located in Canada (-6 CET), they were able to respond to deadline to submit camera-ready transcripts ending at two hours after the court ends the session. Although the author of this study was not in any way privy to information contained in the contract between ICTY and the agency that outsourced court reporters, two things are certain: hiring through an agency is much more expensive than hiring directly, and since the ICTY investigative and prosecutorial workload only kept growing and court reporters are recognized professionals who are readily available in the global market both for English and French, the ICTY ought to have hired a few court reporters as in-house staff. However, CLSS did not do any such thing.

As to the ICTY court reporters’ substantive tasks, it was clear from the very beginning of their engagement at the ICTY that they were primarily to cater to the Court by creating English and French court transcripts. However, practice has shown a certain curiosity to their engagement which seems to have much to do with the type of contract they signed with CLSS. In the beginning, court reporters were paid by page and then by court session. Obviously, if they were hired on a different type of contract or as in-house staff, the page and hour restriction would not figure in the equation. Such court reporters could have been used to shorten the tediously lengthy process of manual transcription of video and audio recordings which are ubiquitous in any investigation or prosecution office, including the ICTY. Instead, English and French court reporters have always been used for the needs of the Court alone and have rarely been used by the OTP or Defense for their transcription needs.³¹ The OTP and the Defense could

²⁸ United Nations, *Report of the Internal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*, August 23, 1995 (A/50/365-S/1995/728), para. 90.

²⁹ UN, *Report of the Internal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*, August 16, 1996 (A/51/292-S/1996/665), para. 134.

³⁰ UN, *Report of the Internal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*, September 18, 1997 (A/52/375-S/1997/729), 109.

³¹ ICTY OTP Srebrenica team, for example, claims they received a lot of assistance from the ICTY court reporters.

have used court reporting services almost every day, given numerous interviews with clients conducted in English or French. Also, given that the witness statements were written down in English instead of being taped, the court reporters could have been used to transcribe those, as well, thus contributing significantly to the way witness statements were taken. But, since the contract court reporters signed with CLSS precluded them from being used for any of these purposes, French and/or English, and/or B/C/S, and/or Macedonian, and/or Albanian, Defense and OTP client interview transcripts then had to be made by their respective Language Assistants.

All this had a bearing on transcripts: if it was hiring outside court reporters, de facto strangers to the UN completely unregulated by any codes of conduct in the existing UN administrative laws, the ICTY should have hired in-house “transcript checkers” to ensure accuracy and completeness of outsourced transcripts. Since there was no Interpretation Monitor, an entity regularly used at Nuremberg to monitor the in-court communication and fix problems with interpretation then and there,³² these “transcript checkers” could have also checked the quality of in-court interpreting.³³

Post-2000 ICTY ARs report that CLSS explored the possibility of finding a more cost-effective method of producing transcripts through off-site reporting.³⁴ The CLSS Deputy Chief went to the ICTR in order to, *inter alia*, exchange views on the interpreting and court reporting systems several times.³⁵ Notwithstanding, it is, again, worth remembering that the agency that won the first tender for court reporters in 1994 remained unchanged. It is unclear why it did not occur to the ICTY or ICTR management to hire in-house court reporters, transcript checkers as a check and balance to court reporters’ work, or an Interpretation Monitor; if any corrigenda to English and French transcripts were made, it was requested by the parties to the proceedings.³⁶

Could ICTY transcripts have been made in B/C/S from the very beginning? Here, this study will first turn to equipment used to transcribe the court proceedings because it is crucial for the use of languages. There were two options for making transcripts in B/C/S: classical

³² See Francesca Gaiba, *The Origins of Simultaneous Interpreting: The Nuremberg Trial* (Ottawa: University of Ottawa Press, 1998).

³³ In 2016, ECCC announced a series of vacancies for Language Reviewers in combination French to English (United Nations Assistance to the Khmer Rouge Trials, Consultant Language Reviewer-French to English, Tuesday, March 22, 2016, VA/TU/2016/02) and Khmer to English (United Nations Assistance to the Khmer Rouge Trials, Consultant Language Reviewer-Khmer to English, Tuesday, July 12, 2016, VA/TU/2016/07) with a duty to review transcripts of trial proceedings in the target language against the digital audio recordings in the source language, edit and translate, when necessary, the transcripts to correct substantive errors or omissions detected in the interpreting using the audio recordings in the source language, edit the transcripts to ensure accuracy and consistency in terminology, spelling, grammar and punctuation following the Transcript Unit’s guidelines and glossaries, and finalize the transcripts prior to distribution to relevant parties.

³⁴ UN, *Report of the ICTY*, 2000 (A/55/273), para. 244. First mentioned in footnote 13.

³⁵ *Ibid.*, 203.

³⁶ The UN might have had something against employing court reporters because UN hires staff with university level education on the so-called P-level (professional) positions. Therefore, the lack of university diploma could be one impediment to recruitment of court reporters in the UN on P-level positions. To that effect, it is plausible to assume that English and French associations gathering court reporters would not take kindly to their court reporters being employed on GS-level (general support) positions because they are, after all, equipped with special skills and knowledge to perform these duties. The ICC was established in 2002. However, it is assumed that they also outsourced their court reporters until they started advertising for P-2 in-house court reporters specifically stating that, as far as education is concerned, candidate must have “post-secondary specialised training in court reporting, followed by intensive training in the profession” and “certification as a court reporter by passing a registered professional reporters’ examination is essential” without any mention of an actual university diploma. See ICC’s vacancy announcement for example, “International Criminal Court (ICC), Court Reporter-English, The Hague, 2013, Vacancy Announcement No: 3031EE-RE,” *Jobs in Zambia* (blog), accessed September 21, 2021, <http://zambiajobs.blogspot.com/2013/11/court-reporter-english-hague.html>. Although it remains unclear why it took the ICC 11 years to start hiring court reporters as full-time staff, two things seem likely. The first thing is that ICC is starting to explore a cheaper option to court reporters’ engagement, and the second, ICC is doing these court reporters a favor by hiring them on P-level posts because they are not in possession of required university education.

stenography notetaking followed by transcribing, and computer stenography on the stenotype machine and a computer program for simultaneously recording and transcribing speech. This stenotype machine is regularly used by court reporters in Common Law countries, including at the ICTY. Unfortunately, so far, none of those stenotype machines were adapted for use in B/C/S languages, despite all the best efforts of the local practitioners in the former Yugoslavia. Could the court reporters using the stenotype machine and related computer software be used to make B/C/S transcripts? The answer is: no, such machines and such practitioners do not exist for any of the B/C/S languages.

Now, could the manual stenographers be used to record proceedings in the B/C/S? The manual stenographers were working as court reporters throughout the First and the Second Yugoslavia; Yugoslavian Association of Stenographers and Dactylographers was functional between 1945 and 1990, bringing together all professional associations from all the republics, but the collapse of Yugoslavia led to the demise of this Association.³⁷ As we saw before, the ICTY as in whole made full and heavy use of Language Assistants, and CLSS was promoting their services, as well. Could the manual stenographers be used to record proceedings in B/C/S from the very beginning of the ICTY (1993)? Yes, they could. Could manual stenographers be used to record proceedings in B/C/S right now (2021)? Yes, they could. However, none of them were used to transcribe ICTY court proceedings in B/C/S then and they are still not used now.

Efforts to Make Transcripts in the B/C/S

There was no internal or external impediment to using ICTY internal resources, such as Language Assistants, or manual stenographers to record the proceedings in the B/C/S from the very beginning of ICTY. Was any of it done and what were the results?

In 2008, a team of experts, led by the OSCE's Office for Democratic Institutions and Human Rights, in conjunction with the ICTY and the UN Interregional Crime and Justice Research Institute, carried out a needs assessment among the judiciaries in the former Yugoslavia in order to transfer the wealth of knowledge from the ICTY and build the capacity of local judiciaries before the ICTY completes its mandate. In 2009, these findings were published in a report entitled, "Final Report: Supporting the Transition Process: Lessons Learned and Best Practices in Knowledge Transfer." One of the key findings in relation to the needs of local judiciaries in order to efficiently process the war crimes on the local level was a lack of ICTY court transcripts available in local languages. The three organizations jointly started an 18-month long "War Crimes Justice Project" in order to address those needs.

In July 2010, the ICTY Registry recruited a team who began creating verbatim transcripts of ICTY court proceedings in B/C/S from B/C/S audio recordings of ICTY court proceedings. It was reported the ICTY engaged a team of 20 transcribers—ICTY Language Assistants who accepted the job because they were going to be made redundant soon. The team transcribed a total of over 60,000 pages in B/C/S in those 18 months. The transcription project mainly addressed the most pressing needs of the local judiciaries in terms of assisting their ongoing trials and investigations within the available funding, time, and resource restraints. Unfortunately, on the project's completion in December 2011, the transcription project was discontinued due to a lack of additional funding. Currently, it is not clear whether the project would be continued.³⁸

These ICTY Registry transcripts were made only in B/C/S, not in Albanian or Macedonian, the languages of some defendants and some audiences in the situation country. The B/C/S transcripts of some, though not all, court sessions were made in trials: *Blagojević and Jokić* (12/145 trial days), *Brđanin* (7/284), *Erdemović* (2/n/a), *Halilović* (4/77), *Karadžić* (11/499),

³⁷ Author's most profound thanks go to Mr. Josip Hanjš, President of the Croatian Shorthand Association, for his help with the history and the future of stenography in the former Yugoslavia.

³⁸ Organization for Security and Co-operation in Europe (OSCE), *Supporting the Transition Process: Lessons Learned and Best Practices in Knowledge Transfer: Final Report*. Warsaw: September 2009. Accessed September 21, 2021. https://www.icty.org/x/file/About/Reports%20and%20Publications/report_supporting_transition_en.pdf.

Krajišnik (164/314), *Krstić* (3/98), *Lukić* (10/85), *Nikolić* (1/n/a), *Popović* (222/425), *Stanišić and Župljanin* (116/354), *Tolimir* (3/242), and *Vasiljević* (1/54) (B&H as a situation country), *Martić* (156/148) (Croatia as a situation country), *Dorđević* (5/199) and *Šainović* (3/285) (Kosovo as a situation country), and *Perišić* (4/198) and *Milošević* (42/n/a) (the influence of the Serbian political and military leadership over Serb rebels and Serb(ian) insurgents in B&H, Croatia and Kosovo).³⁹

This shows the ICTY Registry B/C/S transcript team produced a total of 766 court days of transcripts of more than 10,800 court days overall. The reports boasted that the ICTY Registry B/C/S transcript team had reached a goal of producing 60,000 pages of transcript out of 2.5 million pages of transcripts overall.

Such production indicators given in pages of transcript are not helpful at all for any assessment of the successfulness of the project. Transcribers' production is measured in minutes of recorded material, not in the number of pages produced. In other words: how many minutes of recorded material they transcribed, not how many pages they can produce. This is because the number of words appearing on a page is unpredictable: one single page may have a series of "uh-huhs" or it may have full text from top to bottom, in addition to transcribing tags identifying speakers and the proceedings. Given all the constraints with the actual recording, the transcription industry accepted minimum is four hours of transcription time for one hour of clear audio, or a 4:1 ratio. In other words, 15 minutes of audio per one hour of work or 120 minutes of transcribed audio material in an 8-hour working day.⁴⁰

The other problem with the reported 60,000 pages is that some pages are heavily redacted with only a sentence on them. Author's Excel spreadsheet counted all the Evidence registration number (ERN) ranges of transcribed material and came up to a total of 62,610 pages. Next, after the author recorded the number of pages in each court session as given by the PDF Viewer to which they were posted, added 1 to account for the actual number of pages, the Excel spreadsheet counted them all and came up with 59,903 actual pages. This means the ICTY Registry B/C/S transcript team managers did not report properly to the donors that they produced 60,000 pages of transcript because they were short 97 pages of achieving that goal.

As to the number of pages that had been actually transcribed, there were several constraints calculating them. English and French transcript templates have 25 lines per page; the ICTY Registry B/C/S transcript team template had 30. The shortest transcript found was 3 pages long (March 6, 2006, *Martić*) and the longest was 151 pages long (June 23, 2005, *Krajišnik*) which, following subtractions and divisions, could be taken to mean that the average transcript was about 74 pages long.

According to the calculations from above, the 30-line, 74-page transcript should have 2,220 lines, but the author found that the B/C/S transcript one had just 1,420 lines, which means a 74-page transcript, taken as an average length transcript, has a shortfall of about 35% as it is.

Then, the author recorded and duly counted every single full blank page and full ERN range inserted to consolidate between the English and the French transcripts which brought the grand total of actually transcribed pages of the ICTY Registry B/C/S transcripts from 59,903 down to 58,954.

Finally, since a total number of the ICTY Registry B/C/S transcripts contained a certain number of blank pages of redacted material, the author recorded and duly counted every single

³⁹ The data on total trial days in the above cases was taken as recorded in the Case Information Sheet; the author counted the days transcribed as they appear in the B/C/S transcripts. The value n/a means that there were no trials in this case because the defendant pleaded guilty or that he died before the trial was over. The discrepancy in the total days of trial and the days in the B/C/S transcripts in *Martić* might be because there is an error in *Martić* Case Information Sheet: 156 days in the B/C/S transcripts correspond to 156 days found in the English language transcript; this case seems to be the only trial that has been transcribed in full.

⁴⁰ Chloe Brittain, "Transcription Time Per Audio Hour: How Long Should Transcribing Actually Make?," *Opal Transcription Services*, n.d., accessed September 21, 2021, <https://www.opaltranscriptionservices.com/transcription-time-per-audio-hour/>.

full blank page and full ERN range of redacted material in the ICTY Registry B/C/S transcripts, counting only clearly marked full redacted pages which brought the grand total of actually transcribed pages of ICTY Registry B/C/S transcripts from 58,954 down to 55,916.⁴¹

This established the internal ICTY and OSCE reports, including the donor reports citing the number of pages transcribed by the ICTY Registry B/C/S transcript team as “more than 60,000,”⁴² should now correct their information to “a little bit above 55,000;” or even “a little less than 56,000.”

Since the number of pages of transcribed material is not at all a production indicator, the author recorded the times of court sessions, the Excel duly performed times calculations whereupon it was established that the ICTY Registry B/C/S transcription team transcribed a total of 2,657 hours and 41 minutes of audio material during the 18-month life of this project.

Considering the number of staff in the ICTY Registry B/C/S transcription team, the time at their disposal, and the audio quality of court sessions, this number seems subpar.

Although the minimum transcription industry standard is 15 minutes of transcribed material an hour, the author decided to calculate the daily output based on a 7-hour working day which brought the author to a minimum of 105 minutes of transcribed material a day, instead of 120 minutes.

A UN month has 21 days, the UN allows 45 days of annual leave, 15 days of uncertified sick leave, and 15 days of official holidays in 18 months; the latter must be taken. These criteria allow for the following combinations and calculations:

$$20 \times (105 \times ((18 \times 21) - x))$$

*Substitute x for either 75, 60, 30, or 15 to indicate the number of days off.

It would thus take, to transcribe, an absolute minimum output of 10,605 hours (-75 days off), an upper median output of 11,130 hours (-60 days off), a lower median output of 12,180 hours (-30 days off), or an absolute maximum output of 12,705 hours (-15 days off).

Obviously, with an end result of only 2,657 hours of transcribed material, the ICTY Registry B/C/S transcription team did not reach the bare minimum of 10,605 hours, lower medium of 11,130 hours, upper medium of 12,180 hours or absolute maximum of 12,705 hours of transcription output according to the transcription industry standards even with author’s overly liberal calculations of a 7-hour workday and the bare industry minimum of 15 minutes per hour indicating a shortfall of around 75%.

In 2018, the “Om3ga Solutions” developed an application called “Daktilograf” (typist or dactylographer). This application converts speech originally delivered in B/C/S to text with an accuracy of more than 95% in the real-time operation. The company already has a wide clientele using this application ranging from various industries to institutions of public administration in the former Yugoslavia. As the human work on the B/C/S transcripts would amount to revising, this application promises results in a rather short period of time, as well.⁴³ Could this application be used to complete pending work on B/C/S transcripts? The answer is: yes, it could.

Conclusion

The ICTY transcripts could have been made in the B/C/S from the beginning of the institution—there was a need and there was a way. The existing ICTY B/C/S transcripts are not at all up to par to any of its audiences, but the good news is that it could be made in the B/C/S now even faster.

The lack of fully available court transcripts in the languages of the former Yugoslavia does put a damper on the whole ICTY legacy. Whereas the ICTY parties to the proceedings put

⁴¹ Fidahić, *Linguistic Justice at the ICTY*, Appendix 5. First mentioned in footnote 25.

⁴² OSCE, *Supporting the Transition Process*. First mentioned in footnote 37.

⁴³ Om3ga Solutions, *Daktilograf*, n.d., accessed September 21, 2021, <https://daktilograf.me/>.

up a fair fight and fought each other with facts enabling judges to establish indisputable historical record of the events in the former Yugoslavia during the wars, the ICTY Registry, CLSS, failed to inform the former Yugoslavia about that indisputable record in their language. Although having legal recourse, the CLSS managers failed at their due diligence to inform language policies which led to the lack of full B/C/S transcripts with effect on defendants, defense, victims and witnesses, and the legal colleagues and posterity in the former Yugoslavia. There is a discrepancy in the quantity of ICTY B/C/S transcripts delivered to the local judiciaries in the former Yugoslavia and that reported to the donors; they are reported to be inadequate by the end-users. ICTY B/C/S transcripts remain the last chance for the former Yugoslav populace to finally heal from nationalist disease eating away at their ordinary citizens, academia, and politics. It would be the best if the judges took the reins and made sure ICTY B/C/S transcripts are completed and delivered in full; only then can it be said their legacy is full and complete.

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Book Review: *It Can Happen Here: White Power and the Rising Threat of Genocide in the US*

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It Can Happen Here: White Power and the Rising Threat of Genocide in the US

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Well-known by most for his research in Cambodia, as well as his testimony before the Extraordinary Chambers in the Courts of Cambodia (ECCC), in *It Can Happen Here: White Power and the Rising Threat of Genocide in the US*, Alex Hinton impeccably weaves public anthropology, history, comparative and critical genocide studies, and pedagogy into a tapestry that alternates between the historical, the present, the classroom, and the future. Nevertheless, when writing a review of a book like Hinton's, it can be difficult to identify where to begin and what to foreground because it is a unique tour de force comprising many parts that speak to many audiences—academics, students, policymakers, and the general public. Indeed, in addition to this review and those by other scholars, *Kirkus Reviews* describes *It Can Happen Here* as a “well-researched,” “deeply relevant,” “tremendously timely,” and “readable account.”¹

Perhaps, as a starting point, I should note what *It Can Happen Here* is not. Though former President Donald Trump plays a leading role throughout, Hinton's book is neither exclusively about Trump and his America, nor is it one that proclaims Trump to be a fascist ideologue. Hinton is far too critical and reflective to rely on such easy and signaling tropes. Hinton, instead, highlights Trump's connections to and reliance on ideological actors, noting that his “path to power was very much intertwined with demagoguery, hate speech, the demonization of nonwhite others, and the increased visibility of neofascists and other white power actors who supported him.”²

To be clear, Hinton does not understate the seriousness of Trump's deployment of white power rhetoric, both veiled and explicit. As Hinton writes, “[Trump] pandered to white power interests, a situation that could have had disastrous consequences—even genocidal ones—if circumstances had fully aligned.”³ Ultimately, this is what *It Can Happen Here* is about. It considers whether genocide can happen in the U.S.A, as well as how it can be prevented. Significantly, it does so without overlooking the forest for the trees by seeing Trump and current manifestations of white power as symptoms of the history of white power and associated violences perpetrated against persons and communities of color, in particular Indigenous North Americans and Africans forced into slavery, and their descendants, as well as Jewish communities.

¹ “It Can Happen Here: White Power and the Rising Threat of Genocide in the US,” *Kirkus Reviews*, May 13, 2021, accessed September 1, 2021, <https://www.kirkusreviews.com/book-reviews/alexander-laban-hinton/it-can-happen-here/>.

² Alexander Laban Hinton, *It Can Happen Here: White Power and the Rising Threat of Genocide in the US* (New York: New York University Press, 2021), 13.

³ *Ibid.*, 16.

As becomes clear throughout his book, critical thinking, analysis, and reflection are practices that Hinton demands of himself and his students. A central question Hinton poses throughout is: “What makes a man start fires?” It is in addressing the question of what makes a person participate in different forms of group-based violence that Hinton seamlessly moves between historical accounts, his anthropological research in Cambodia and the U.S., making comparisons therein that illuminate the potential for mass atrocities in the U.S., and his engagement with students in his classroom.

“What makes a man start fires?” is also Hinton’s “why” question, which is essential to his critical pedagogy and use of the Socratic method. Hinton explains that the Frankfurt School and its method of critique provide:

a way to take up not just identity issues like race, ethnicity, class, and gender but also phenomena such as colonialism, capitalism, bureaucracy, mass media, and so forth. For Horkheimer, Adorno, and the Frankfurt School, critique was emancipatory, providing a pathway to self-awareness, autonomy, and, when necessary, resistance.⁴

This brings us to “the snake” and “the bird”—bookends to Hinton’s *It Can Happen Here*. “The Snake,” a song written and first recorded by civil-rights activist Oscar Brown, and popularized by Al Wilson, was perverted by Trump during 2016 campaign rallies to stir anti-immigrant sentiments. Hinton writes that “‘The Snake’ can be directly read as a parable regarding the danger of white genocide replacement by immigrants.”⁵ Hinton concludes his book by counterposing Trump’s appropriation of “The Snake” with Toni Morrison’s “bird” of language. As Hinton explains, Morrison emphasized how language, when used in an ethically responsible manner, “can be emancipatory and stand against structures of domination, especially racism.”⁶

To achieve critical self-awareness, what we do with answers to the “why” question is more important than the question itself. In his research and his teaching, Hinton goes beyond simply posing the question; he challenges his students to interrogate their presuppositions, history, media narratives, political messaging, symbols, and so on. In doing so, Hinton seeks to move his students beyond understandings that are based predominantly on opinion to a deeper recognition of the complex processes that connect present day manifestations of hate, prejudice, bigotry and violence to their historical roots. Yet, in moving from opinion to interrogation, from the simple to the complex, Hinton does not require detachment when emotions are strong and lived experiences are intertwined.

It is clear that Hinton’s objective is not emotional detachment, but rather a recognition that the simple answers and explanations are always there, lying in wait, ready to be deployed. As Hinton writes, in relation to a discussion about Charlottesville that he had with his class, “The Hater lurks everywhere during our class.”⁷ Other terms that were used to describe Chris Cantwell, also known as the “Crying Nazi” include “crazy,” “demented,” “racist,” and “twisted.” These simple answers, however, can sometimes be the easy product of the question of “what makes a man start fires?” because, Hinton explains, “It directs us to focus on individual intention and look away from the structures that mediate human agency, including the forces of power and history.”⁸

It is in Hinton’s and his students’ exploration and interrogation of the paths that lead away from the simple answers that *It Can Happen Here* really shines. It simultaneously offers

⁴ Ibid., 29.

⁵ Ibid., 185.

⁶ Ibid., 217.

⁷ Ibid., 54.

⁸ Ibid., 71.

inspiration for others to employ a more critical pedagogy in the classroom, while also contributing to critical genocide studies, an approach to the study of genocide that can be traced back to Dirk Moses and Hinton.⁹ At a time when the primary critique of the U.S. remains that it is too often a bystander to genocide, Hinton confronts the current situation in the U.S., centers its history, and draws what is not necessarily a straight line, but one that nonetheless links U.S. history, including its genocidal origins and slavery, to its present.

The forgotten or ignored *We Charge Genocide: The Crime of Government Against the Negro People* petition is a text referenced throughout Hinton's book. By incorporating it, Hinton recognizes what few other genocide scholars seem willing to do:

the plight of Blacks in the United States at the time of the *We Charge Genocide* petition, particularly in the Jim Crow South, could arguably be viewed as part of a long-term genocidal process—one that also involved crimes against humanity.¹⁰

Hinton doesn't stop at Jim Crow, adding that "the current situation of Blacks—as well as Native Americans—could arguably be considered an ongoing genocide, particularly if one takes a long-duration perspective."¹¹ Of course, Hinton does not suffer from naivety. He recognizes that many genocide scholars would disagree. However, he counters that the possibility of ongoing genocides in the U.S.

is at least an in-depth conversation the field must have and that the field needs to be critically rethought in light of systemic white supremacy and the Holocaust prototype assumptions that inform much of its research.¹²

Even if not ongoing genocide, Hinton shows in his research and engagement with his students that the "rising threat of genocide in the US" is more than a subtitle. If genocide is viewed as a puzzle, with perpetration commencing when the puzzle is complete, many of the pieces are already in place and there are individuals and groups looking to place more pieces by peddling in the fear of "white genocide" and the idea of "great replacement."¹³

In confronting a widely held American exceptionalist belief that genocide is something that happens elsewhere and that, when it does, U.S. sin is not doing enough to prevent it, there may have been a missed opportunity in *It Can Happen Here* to challenge orthodoxy even further. This could have been achieved by broadly connecting racism and white power to a history of atrocities committed by the U.S. beyond its borders, particularly against people of color residing in the Global South, as well as those committed by client states with U.S. knowledge and support, as in the case of Indonesia in 1965.

The above critique must be viewed as a minor one, as U.S. foreign policy was not a focus of Hinton's incredibly important book. In *It Can Happen Here*, Hinton matches academic rigor with popular accessibility, making it a must read for academics, students, and the general population alike.

⁹ See A. Dirk Moses, "Toward a Theory of Critical Genocide Studies," Mass Violence and Resistance Research Network, accessed May 1, 2019, <http://www.sciencespo.fr/massviolence-war-massacre-resistance/en/document/toward-theory-critical-genocide-studies>; Alexander Laban Hinton, "Critical Genocide Studies," *Genocide Studies and Prevention* 7, no. 1 (2012), 4–15.

¹⁰ Hinton, *It Can Happen Here*, 142.

¹¹ *Ibid.*, 232.

¹² *Ibid.*

¹³ *Ibid.*, 183.

Book Review: *Perpetrator Cinema—Confronting Genocide in Cambodian Documentary*

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Perpetrator Cinema—Confronting Genocide in Cambodian Documentary

Raya Morag

New York, Columbia University Press, 2020

312 Pages; Price: £25.00 Paperback

Reviewed by Sabah Carrim

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In *Perpetrator Cinema*, Raya Morag analyses the direction that Cambodian cinema has taken in the aftermath of the Khmer Rouge (KR) era (1975–1979), where members of the art community, and invariably creators of cinema, were eliminated by the deadly policies of Pol Pot and his clique. This void, Morag comments, was quickly and effectively filled in the aftermath of the KR era, specifically in the 90s, in a unique turn of emphasis on the portrayal of the relationship between perpetrators and victims, in this case, involved in KR violations.

According to Morag, we live in what she denotes as a Perpetrator cinema age, where the focus has been on interviewing and creating documentaries about perpetrators—a clear shift away from the erstwhile Era of the Witness (or the victim/survivor) that marked the post-Holocaust period.¹ Peculiar to Cambodian cinema however, and as a further nuance to solely perpetrator-centred cinema, are the endless movie and documentary productions that place perpetrators and victims in direct confrontation with one another²—a feat which Morag alleges, Claude Lanzmann’s *Shoah* came the closest to achieving in the context of the Holocaust. Morag comments on how impossible a feat it was, since in the context of the Holocaust, perpetrators and survivors did not return to Germany while in the context of the Khmer Rouge, many perpetrators and survivors remained in the country of perpetration. Another reason, Morag avers, was that no creator of cinema thought of exposing such a potentially charged confrontation.³

An additional unique trait of post-KR cinema, says Morag, is how it explores the complexity involved in the formation and operations of the KR, bringing to the fore blurred lines between so called Big Perpetrators and perpetrators of lesser consequence. It equally bears upon how members were voluntarily as well as involuntarily made to join the KR resistance army. Other matters are also dealt with, such as how contentious it was to denote a specific post-KR era, since members of the genocidal regime continued to assert their political presence (and dominance) till recently.⁴ A limitation faced by Interview-based Big Perpetrator Cinema in Cambodia, and hence presenting the duelling between perpetrator and victim, is the ageing and dwindling population of perpetrators and survivors.⁵ Among the controversies broached in Cambodian Cinema is genocidal denial, when for instance, Ven Dara in *Bitter Khmer Rouge*

¹ Raya Morag, *Perpetrator Cinema: Confronting Genocide in Cambodian Documentary* (New York: Columbia University Press, 2020), 50.

² Ibid., 42.

³ Ibid., 50.

⁴ Ibid., 52–53.

⁵ Ibid., 56.

accuses the Vietnamese for the ills befallen on Cambodians.⁶ Morag also touches upon the absurdity depicted in *Bitter Khmer Rouge*, where the funerals of Ta Mok and Khieu Ponnary were organised in line with Buddhist rituals, rituals that they had once rejected and condemned by them as they acted in line with KR policy.⁷ *Bitter Khmer Rouge*, produced in the pre-ECCC (Extraordinary Chambers in the Courts of Cambodia) period, also hints at the scepticism aimed towards the setup of the tribunal as a forum to try the crimes of the KR regime to bring justice to survivors and their families.⁸ All these points refer to the breadth and depth of issues raised in contemporary Cambodian Cinema, which therefore provide a venue to deal with not only trauma and perpetration, but silence and wounds, all beyond the limited purview of the ECCC and other instruments and mechanisms of transitional justice.

In a separate theme in her work, Morag discusses the confrontation between Rithy Panh and Duch on one hand, and Theth Sambath and Nuon Chea on the other, both pairs having been perpetrator-and-survivor to each other during the KR era. *Enemies of the People* is a production that achieves the objectives of Nuon Chea's admission to guilt in the killing of Cambodians, unravelling the methods of torture and killing of low-ranking perpetrators through re-enactment of murder scenes. It also highlights the fear and denial of responsibility of perpetrators such as Sister Em, and provides an insight into the rampancy of cannibalism in the Khmer Rouge era where perpetrators confess to drawing bile from human gallbladders to prevent dengue.⁹ This film is another rendition of the emotion of resentment, as opposed to revenge and hatred, since in the expression of Theth Sambath's sadness when Nuon Chea is taken away, there is a transition into scenes of death and devastation from Tuol Sleng (S-21 prison) that fill the missing picture of Sambath's state of mind. Morag concludes that *Enemies of the People* seeks to avoid the western ethnocentric perspective of the Pol Pot regime's atrocities as another version of the heart-of-darkness trope.¹⁰

Another novelty introduced by Panh in these films is to represent the standpoints and opinions of the dead—those who were tortured and/or killed during the KR perpetrations. This is achieved through the technique of inserting a voice that is not matched or identified with a corresponding physical presence in the scenes.¹¹ Morag extends this interpretation to reveal a connection between the realities of the KR where New People, those who now have voices but no bodies because they are dead, were 'no longer human beings' with the rise of the KR who placed the peasant and farmer class above them.¹² Moreover, in a move to oppose genocidal denial, Panh justifies his cinematic techniques and representations by saying that, "Thanks to cinema, the truth comes out: montage versus mendacity," and "Duch reinvents his truth in order to survive... I edit my film, therefore, against Duch. The only morality is the editing, the montage."¹³ The director of *About my Father*, Guillaume P. Suon also resorts to editing to reveal the incongruence between the perpetrators' detailed description of killing and their refusal thereafter to pin it down as a crime.¹⁴

A key take-away from Morag's *Perpetrator Cinema* is her reflection on Jean Amery's twist in understanding Friedrich Nietzsche's reference to "Ressentiment," which the latter associated with the weak, inferior and cowardly, or those who were not strong enough to avenge themselves. Morag suggests that Rithy Panh adopted Amery's more recent take than Nietzsche's draconian one. In *Mind's Limits*, Amery declared that "I rebel: against my past,

⁶ Ibid., 61–62.

⁷ Ibid., 65.

⁸ Ibid., 67.

⁹ Ibid., 71–79.

¹⁰ Ibid., 81.

¹¹ Ibid., 99.

¹² Ibid., 100.

¹³ Ibid., 104.

¹⁴ Ibid., 109.

against history, and against a present that places the incomprehensible in the cold storage of history and thus falsifies it in a revolting way.”¹⁵ Thus in *S-21*, one of Panh’s productions, he revives scenes unknown to many of past perpetrations in the precincts of Tuol Sleng, and clearly at the risk of being forgotten and erased from history. Ten low-ranking perpetrators are interviewed and made to re-enact the ongoings in the prison, including the torture they meted out on inmates—something they do with troubling ease, and in doing so, reveal the existing dominance of the past on their present bodily reflexes and state of mind.¹⁶ As a contrast to *S-21*, in *Duch*, Panh requires Duch to read the ‘confessions’ that he based himself on to torture and kill inmates of Tuol Sleng. Duch does so reluctantly, but at the same time, the ingenuity of this cinematic move is to compel him to admit to his responsibility—something he denies in various instances, including in one of his most theatrical and memorable moves in the ECCC trial.¹⁷

The duelling between perpetrator and survivor in Cambodian post-KR New Cinema serves to provide one more clue to the puzzle of genocidal tendencies, says Morag.¹⁸ Morag’s conclusion is that perpetrator cinema is neither a manifestation of transitional justice, nor one seeking reconciliation, but one of moral resentment.¹⁹ These are some of the ground-breaking epistemological achievements of New Cambodian cinema production, she adds. Morag thus discerns the phenomenon of ‘moral resentment’ where reconciliation and resentment, once deemed antithetical to each other, are harmoniously united.²⁰ Reconciliation, in Cambodian cinema, she says is not “antithetical to resentment, but complementary to it.”²¹ Moreover post-KR New Cinema highlights the How of the Cambodian genocide (as opposed to the more common Why), and provides a forum for retaliation by survivors, victims and their families in suppressing the widespread denial sounded by perpetrators.²² Morag ends on the note that Cambodian perpetrator cinema “is first and foremost a cinema of survival that keeps the wound open.”²³ *Perpetrator Cinema* offers important insights into the post-KR cinematic productions if one is sufficiently patient to plough through its complexity.

¹⁵ Ibid., 89.

¹⁶ Ibid., 92.

¹⁷ Ibid., 97.

¹⁸ Ibid., 49.

¹⁹ Ibid., 121–122.

²⁰ Ibid., 47.

²¹ Ibid., 43.

²² Ibid., 184.

²³ Ibid., 187.

Book Review: *Last Train to Auschwitz: The French National Railways and the Journey to Accountability*

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Last Train to Auschwitz: The French National Railways and the Journey to Accountability

Sarah Federman

Madison, University of Wisconsin Press, 2021

344 Pages; Price: \$79.95 Hardcover

Reviewed by Timothy Plum

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In the *Last Train to Auschwitz: The French Railways and the Journey to Accountability* Sarah Federman has placed a new understanding of transitional and social justice discourse in World War II and modern literature. The rise of social justice movements around unchecked police powers, corporate greed, and government malfeasance, along with corporate accountability to past deeds factor heavily in this narrative. Federman's book reminds us that the present-day issues we struggle with have historic and surprising roots. For example, paradoxes of identity—is a corporation a person? Is it a sentient being? Do corporations owe a debt to society for wrongs and ills of the past? The latter question raises disagreement among the most harmed—Holocaust survivors. Federman's book places renewed focus on corporate accountability through victims' and survivors' eyes. Delving into the human condition through one of the most heinous acts in human history, Federman examines corporate responsibility over decades from the acts of barbarity to the modern-day.

Gleaned from her Ph.D. dissertation, *Last Train to Auschwitz* tells of the *Société nationale des chemins de fer français* (SNCF) railroad and its complicity with Nazi Germany during the occupation of France from 1940 to 1944. Argued mainly from a French Holocaust survivor's perspective, the book looks at the accountability of the SNCF transport of approximately 70,000 people to Auschwitz and other camps. Taking the reader through multiple countries, legal arguments, survivor testimony, SNCF records, federal and state legislation, and officials of the SNCF railway in their own words to decide if a corporation can be held liable, and should it be seventy plus years on from the events.

Reaching into distant memories touched off from an unlikely source brought Federman to an unlikely subject. A request from a history professor to “find out if those French train drivers kept their jobs after the war”¹ and an etching of a name, Sarah Federman in the Treblinka death camp in 2009,² became the inspiration for this book. The source for inspiration can come from many places, and indeed few can be as wrenching as seeing your name on a wall of the murdered. Federman could have made this into a personal story around her Jewish ancestry a central device; instead, the emotional journey acts as a bridge to history. It reminds us the connections are genuine and visceral, even as the author remained neutral for the sake of academic rigor.

The narrative goes beyond corporate accountability giving voice to the victims and survivors, sitting down to tea, leafing through scrapbooks, the reader understands the people on a human level. The SNCF is given a bit of humanity from interviews and understanding how the corporation has paid for memorials, victim's funds, plaques, but never directly to the

¹ Sarah Federman, *Last Train to Auschwitz: The French Railways and the Journey to Accountability* (Madison: University of Wisconsin Press, 2021), xii.

² *Ibid.*, xiii.

victims.³ Using a different font in the text of the book as “voices from the last train” placed at the end of each chapter gives a definitive space for victims and survivors and augments the argument of each chapter; it was welcome to read and understand directly from the most affected.

The SNCF is today the French railroad system; by combining seven railroad lines in 1938 the French government nationalized the rail system. When France fell on June 22, 1940, the nationalized rail system was easier to gain control under Article XIII of the occupation agreement than the independent lines would have been for total control of rail. As Federman shows, rail in France was critical everyday survival. At the height of World War II and Nazi occupation, the railroad employed approximately 500,000 people (about 250,000 today). The SNCF did remain with a sense of autonomy from the Nazi regime through management and control of the rolling stock.⁴

Federman’s use of the trains of Convoy 77 and 78, last to leave Paris and Lyon respectively for Auschwitz are used as narrative devices to follow throughout the text that allows the reader to follow Daniel and Samuel, brothers on Convoy 77 and Estéra on Convoy 78.⁵ Through their eyes, we get the sense of traveling away from home, in many instances, never to return. What did the few survivors such as Daniel, Samuel, or Estéra and others return to? They found destroyed homes, missing family members, and little to no help and obstruction from banks and others unwilling to restore their monies or recognize their previous lives.⁶ Federman’s use of the narrative loop of the train departure and arrival to Auschwitz or the return home after the war helps to bring an understanding to the survivors of the abuse upon leaving home, travel to Auschwitz, and the return home riding the same trains that delivered death and carnage. The reaction is visceral to the reader, giving the reader the real sense of the train journey and centrality to life, death, and survival.

Transitional justice⁷ is not a panacea and Federman uses stories of victims and survivors that seventy plus years on are still seeking through transitional justice mechanisms of transparency, apologies, compensation, commemoration, and trauma service,⁸ recognition from the world as the Holocaust slips from our consciousness and understanding. Inclusion in schools curriculum is shrinking as deniers gain strength in numbers and it is used as a punchline to compare behaviors between groups.

Building the case of SNCF complicity from the occupation to deportations into modern times allows the reader to glimpse the historic atrocities today. The conditions and types of trains used, merchandise cars (*les wagons de merchandise*), or cattle cars as commonly referred to in U.S. English. With little water, one bucket per car, and a bare bit of bread for fifty people per car, twenty cars to a train, and 1,000 people transported to almost certain death.⁹ Federman notes the reports, movies, and books over the decades following the war that brought unwanted attention to corporations, including the SNCF.¹⁰

The SNCF claimed after the war and to the present day that it operated without control and received no remuneration for the transport to the camps. As the author points out from survivors and documents, this was not true.¹¹ The SNCF was regarded as heroes to the French people in the immediate aftermath of the war; trials were held for persons, not corporations.

³ Ibid., 133–140.

⁴ Ibid., 32–36.

⁵ Ibid., 42.

⁶ Ibid., 108–109, 114, 213.

⁷ Transitional Justice as defined by the International Center for Transitional Justice refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response.

⁸ Federman, *Last Train to Auschwitz*, 6.

⁹ Ibid., 51.

¹⁰ Ibid., 111–113.

¹¹ Ibid., 59.

Monetary remuneration would wait for many decades. By the 1980s, the façade of heroism was slipping from the SNCF but strangely not from other companies such as Hugo Boss, Volkswagen, the Reimann Family, and JAB Holdings, with many household brands including Dr. Pepper, Krispy Kreme Donuts, Panera Bread, Peets Coffee, Keurig, Au Bon Pain, Pret a Manger, Einstein's Bagels, Jimmy Choo, and Coty.¹² Federman acknowledges in the introduction that a portion of the book is from the U.S. perspective, various states legislative actions, and survivor testimonies, giving the reader an international sense. Without coverage of these areas, the survivors and descendants of victims would not have received as much acknowledgment and voice in the fight to hold those responsible accountable.

In the concluding chapter of the book the reader reviews the road traveled on the rails, in the courtrooms, gardens, and sitting rooms through seventy years as victim, hero, and perpetrator to understand the SNCF better, but more importantly, to understand themselves in the past seventy plus years.¹³ Seventy years passed by quickly in the narrative. By examining the past, Federman placed the interviewees at the intersection of the Holocaust and today. A deep and revealing work built from personal experiences and unwavering scholarly research, *Last Train to Auschwitz* makes a significant contribution to existing scholarship on corporate accountability and broadly transitional justice.

¹² Ibid., 3.

¹³ Ibid., 209.

Book Review: *Integrations: The Struggle for Racial Equality and Civic Renewal in Public Education*

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Integrations: The Struggle for Racial Equality and Civic Renewal in Public Education
Lawrence Blum and Zoë Burkholder
Chicago and London, The University of Chicago Press, 2021
268 Pages; Price: \$27.50 Paperback

Reviewed by Michael Ready
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In their illuminating, timely, and forward-thinking new book—*Integrations: The Struggle for Racial Equality and Civic Renewal in Public Education*—Lawrence Blum and Zoë Burkholder investigate the educational and moral consequences of United States' long history of school segregation. The book will be of interest to anyone in the field of Genocide Studies who is interested in parsing the multiple legacies of educational marginalization that the children of African American, Native American, Latinx, and Asian American communities have faced. And, perhaps more importantly, *Integrations* should be required reading for those of us in Genocide Studies who teach in the United States.

Blum and Burkholder make a kind of “dream team” author pairing, and this reviewer can think of no better set of co-authors for undertaking the task of this book. Blum is a distinguished professor of philosophy and one of the nation's leading voices on education, racism, and anti-racist pedagogies. Burkholder is a renowned historian of integration and racial justice in American schooling, who currently directs the Holocaust, Genocide, and Human Rights Education Project at Montclair State University. Together, they show that meaningful integration in American schooling requires Americans to think about integration itself in the plural sense—of finding ways of integrating white identities and narratives into the identities and narratives often attributed to “others,” and embracing multiple histories and many possible definitions of and courses of action for integration.

Integrations focuses on the continued argument of racial and socio-economic disparities in American public education. The book can be divided into two main parts, each with central arguments and suggestions around an integrated and equal public education. The first two chapters sets up the historical precedence of racial and socio-economic inequalities in American public schools, while also establishing the main purpose of the institution. Public education in America, as Horace Mann stated in 1846, serves to provide a free education to all, “sufficient to qualify each citizen for the civil and social duties he will be called to discharge.”¹ Public schools promised to forge a nation of immigrants into a united citizenry. Blum and Burkholder examine America's past educational policies and systems as methods of which white supremacy was instilled and maintained in the white mainstream political and social thought. With the *Brown v. Board* decision in 1954, explicit segregation, by which they define as meaning separation, was outlawed, and significant legal hurdles to unequal educational access was lifted. However, equal and equitable access to education was not rectified by this decision alone.

Blum and Burkholder spend the next three chapters of the book exploring the ways in which education has remained unequal, and potential ways to rectify this. At the center of their argument is that public education in America is based on fixed and often predetermined

¹ Lawrence Blum and Zoë Burkholder, *Integrations: The Struggle for Racial Equality and Civic Renewal in Public Education* (Chicago: The University of Chicago Press, 2021), 13.

outcomes for all students. From the moment students enter the system, educators and administrators have made conclusions about these students based on a plethora of reasons, mainly socio-economic or racial in nature. Beyond this, American education is set up to produce a workforce and very little else. Thus, more affluent, often white middle-class students are awarded far better outcomes than that of people of color. Education is seen as a way to “achieve” something, generally academic accolades or tangible rewards. *Integrations* strongly refutes this approach to education, arguing that instead that quality education should be driven by four main factors: 1) intellectual/cognitive development (subject mastery and content knowledge), 2) Personal growth or individual flourishing (the formation of healthy friendships and the capacity to think and live a healthy life), 3) Moral capabilities (Possessing empathy, a sense of justice, and respect towards others), and finally 4) Civic Duty (commitment to engagement in ones polity, a commitment to the common good of all).² These educational goods they outline make for the backbone of all their subsequent arguments and the ways that education should be driven to meet these goals.

The last two chapters outline the principals of integration that are commonly approached by educators and administrators, the first being based around capital, the other based around civic duty. In the first argument, *Integrations* explores the inherent problems with a capital approach to integration. While they acknowledge that many issues in public education stem from the lack of apparent capital in underserved communities, the approach to rectify this is often color-blind and harmful to non-white students. It equates to assimilationism, or the pressure put on a group to abandon a distinctive group identity and culture and adopt the norms and culture of the dominant group, i.e., middle-class white students.³ The idea surrounding this approach is that by assimilating poor communities into affluent ones, all students will benefit from the increased level of funds available. What this fails to realize is that in public education funds are never equally distributed. While some disadvantaged students may benefit from this, inherent tracking in school systems will most certainly maintain that students who have been labeled as underachievers or disadvantaged will more than likely stay as such. Secondly, it assumes that education can only be “fixed” with the capital gained by the advocacy of parents. White-middle class parents in this regard are more likely then to donate and provide funds for programs that aid their children (i.e., sports, advanced programs and the like). Another way to approach the Capital argument is by instead separating once again ethno-racial groups, so that funds can be pulled to service a single or several groups of under advantaged students based on their ethno-racial make-up. This approach maintains that by doing this, the color-blindness and inherent racism in the first approach is stalled. Blum and Burkholder refute this approach as well, arguing instead that by doing this, we lack the pluralism needed for a functioning democracy and it further delays anyways of addressing long standing inequalities and systemic racism in the school systems. Thus, they offer a second argument, integration based on civic duty.

They argue that only through integration with the mindset of creating, as Dr. King wrote, communities of equal respect, with the goal of meeting all of the educational goods outlined above. They argue that through egalitarian civic integrationist pluralism (ECIP) can truly equal and equitable education be reached.⁴ This includes integration of communities throughout the country, not by money or borders, but in spite of them. That curriculum needs to be active in bridging the gap between students and active in its portrayal of multiple perspectives and racial backgrounds. Educators need to be aware of their interactions with students as not to perpetuate the continued systems that have been in place. Growth mindset and restorative justice are imperative to making the civic approach a reality. Blum and Burkholder however acknowledge that schools alone cannot make this form of integration work. That in order for civic integration to be possible, legislators, educators, students, parents,

² Ibid., 96.

³ Ibid., 132.

⁴ Ibid., 180.

and communities must come together and address the socio-economic disparities and systemic racism that plagues not just education but almost all social institutions.

Integrations is an integral look into the history and continued segregation of American schools in the post *Brown v. Board* era. In many ways, it explores how the American school system, which should be a backbone of our democracy and pluralistic society, has instead been used to prop up and maintain genocidal policies and racism since its inception. As we see time and time again, education is the cornerstone to both liberation and repression. Left to the wrong powers that be, education has been used to maintain systems of oppression and death for centuries. If we look at other examples of genocidal nations, we see a perplexing number of educators who collaborated with the systems that lead to mass murder. Pol Pot of Cambodia was a history teacher before he led Khmer Rouge in the murder of millions. In Nazi Germany, roughly ninety percent of all public school and university teachers were active members in the Nazi Party. *Integrations* if for no other reason than knowledge, should be commonplace on an educator's shelf. It encourages self-reflection and thought as we all approach our profession.

I am an educator in a small rural school in Washington state. My district services a predominantly white affluent community. Up until this year, we had allowed hate symbols such as the Confederate flag on our campus. Hate speech and vandalism was met with minor consequence and no school wide conversations. I understand the fear that comes from having these tough conversations. I understand that emotions run high especially in the rural areas of America. Yet, rather than face these fears head on, and tackle ways that could make our school a more inclusive place, our district as with so many other rural districts relent to a growing mass of misinformed community members and parents. Blum and Burkholder ring true in every way that true change CANNOT come from educators and schools alone. There is too much at stake and too little support to make it happen. My like-minded educators are sadly in the minority in the many different areas of rural America. My school is on traditionally Native lands. We "honor" this by hosting a racial caricature of our mascot that the community defends with a vehement myth that it is in respect to the Native ancestors of the community. The current political and post-fact society we live in makes for a civic integration of education to be an uphill battle, but one we desperately need.

While integration alone will not create a perfect equal education it will bring us closer to a kind of civic education that can better prepare our students for life in a multiracial plural society. Inequalities will always exist, as is the sad nature of existence. Inequities will continue to plague our nation and world. But, by taking steps to civically integrate and engage our students we give the tools to *change* these inequalities and inequities. I still hold true to my heart as an educator that public education is meant to bridge the gaps of inequality and give all who walk through our halls and doors the ability to flourish no matter what. But serious change needs to come from all corners of our polity. Only then can the ideas outline in *Integrations* begin to bear fruit and see the dreams of all students made real.

Book Review: *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*

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The Injustice Never Leaves You: Anti-Mexican Violence in Texas

Monica Muñoz Martinez

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In her 2018 book *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*, historian Monica Muñoz Martinez examines anti-Mexican violence in the Texas-Mexico border region of the United States between 1910 and 1920. Muñoz explores the role of the Texas Rangers who, in collusion with Anglo mobs, local and state law enforcement, and the United States military, have created extralegal regimes of lethal violence intended to incite terror in the ethnic Mexican population and forcibly displace them from their homes. The book focuses on the role of state administrations and institutions as well as historians in celebrating this culture of violence, offering a mythologized official narrative of the Texas Rangers as heroes protecting the Anglo population in the face of menacing Mexican “bandits” and “criminals.” The book also illustrates how this celebrated culture of violence coexisted with lynchings of Black Texans during this period. Muñoz highlights the work of descendants of the victims of anti-Mexican violence, politicians, civil rights advocates, and historians who challenged official narratives. Local ethnic Mexican survivors, descendants, and other residents of the region engaged in what Muñoz calls vernacular history-making, which is “an effort to participate in shaping popular understandings of the past by making histories of racial violence, preserved in community memory, available to the public.”¹ Through personal and family archives, blogs, poetry, historical essays, websites, digitized archives, and documentaries, residents have not only contested and challenged official narratives of the Texas Rangers, but also have engaged in anamnesis, or a praxis against forgetting Texas’s violent anti-Mexican past.²

Each of Muñoz’s first three chapters highlights a different instance of anti-Mexican violence in the Texas border region. In Chapter One, Muñoz recounts the November 2, 1910 lynching in Rocksprings of Antonio Rodriguez, a Mexican national accused of murdering an Anglo woman. A dominant narrative surrounding the event was fixed in which mob violence was justified, and English-language newspapers framed the murders of Rodriguez and other Mexicans as a necessary defense of Anglo property. Additionally, there was a gendered character to the reporting of the Rodriguez lynching, wherein ethnic Mexican men were cast not only as dangerous foreign elements, but also a particular threat to Anglo women. This was contrasted by Spanish-language newspapers and cross-border and transnational activists which framed the event as symbolic of a long history of colonial violence and racism in America and abroad, which helped to counter hegemonic Anglo narratives as well as mainstream celebrations of the lynchings of Mexicans. More importantly, local residents remembered the violence not through any official mechanisms or historical archives, but rather through a communal tradition of oral storytelling which “functioned as a political act of resisting

¹ Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas* (Cambridge: Harvard University Press), 27.

² *Ibid.*, 294.

dominant historical narratives and provided solace to those left with the sting of injustice.”³ This private remembering became important due to the lack of official memorialization of the murder. Ultimately, on November 4, 2010, a public memorial to Antonio Rodriguez was held at Sacred Heart of Mary Catholic Church in Rocksprings, and local citizens recounted stories they heard about Antonio Rodriguez and the history of anti-Mexican violence in the region.

In Chapter Two, Muñoz relates the lynching of ranch owner Jesus Bazán and his son-in-law Antonio Longoria who were shot in the back on September 27, 1915 by Rangers Captain Henry Ransom of Ranger Company D and two armed civilians. This double murder occurred during a period nicknamed by local residents as the *matanza* (massacre), wherein between 100–300 ethnic Mexicans were indiscriminately murdered between August 1915 and June 1916. During this period of anti-Mexican violence, numerous ethnic Mexicans fled their communities to find refuge in Mexico, which was in the throes of a civil war. There was a particular pattern to the violence against Mexicans wherein Rangers and other Anglo vigilantes employed a revenge-by-proxy technique, killing ethnic Mexicans regardless of evidence of guilt for crimes such as looting, merely for being in the vicinity where a crime took place. They profiled ethnic Mexicans as bandits, made arrests, and then left prisoners vulnerable to mob violence; or they used *la ley de fuga* (law of flight) to kill fleeing Mexicans usually by shooting them in the back. This anti-Mexican violence served as ethnic cleansing, an attempt to remove ethnic Mexicans from Texas.⁴ There was very little official or historical documentation of the Bazán and Longoria murders; however, some local efforts preserved the memory of the oral history of these murders. Kirby Warnock, Anglo grandson of Roland Warnock who helped bury the bodies of Bazán and Longoria, published an oral memoir of his grandfather titled *Texas Cowboy* (1992) and created a documentary *Border Bandits* (2004). The documentary was not only a retelling of the lynchings, but also a reminder of how these events continue to be felt in the present, and the long-lasting consequences for survivors and descendants. Additionally, Norma Longoria Rodriguez, the great-granddaughter and granddaughter of Bazán and Longoria respectively, created a private archive of documents, photographs, and interviews of family members which eventually were published in online historical essays and local newspapers. Because of Warnock and Longoria Rodriguez’s work, memorials were proposed to commemorate the murders, and initiatives were created to commemorate Tejano history in Texas schools, all of which served to initiate a discussion about the violence of Texas’s history. As with other initiatives discussed later in this review, their work disrupted official historical narratives that justified and celebrated anti-Mexican violence, and helped encourage a public dialogue about the history of state violence and injustice in Texas.”⁵

Chapter Three examines the January 28, 1918 massacre in Porvenir, a rural ranching community in the Big Bend region of West Texas, wherein Company B of the Texas Rangers and four local Anglo ranchmen massacred fifteen ethnic Mexican men and boys. After the massacre, the women and children survivors fled the town and ran to the Mexican side of the Rio Grande. Although there were criminal legal proceedings against Captain James Monroe Fox and other Rangers for the murders, they were never prosecuted, and some Rangers involved such as Fox were able to re-enlist with the Ranger forces. As with the Bazán and Longoria lynchings, Muñoz argues that, “[t]he epitome of this violence was the lethal force used to displace and downing ethnic Mexican families” which in turn “provided opportunities for Anglo ranchers.”⁶ Indeed, during investigations into the murders, the Rangers characterized residents of Porvenir as “thieves, informers, spies, and murderers.”⁷ These statements, along with the celebration of Fox’s killing of Mexicans before, during, and after Porvenir, helped to bolster the mythical heroic narrative of the Texas Rangers. However, Porvenir survivors and other community

³ Ibid., 55.

⁴ Ibid., 89–90.

⁵ Ibid., 118.

⁶ Ibid., 125.

⁷ Ibid., 132–133.

members, Mexican and Anglo, were able to resist and contest this narrative through testimony at international claims commissions and through vernacular history-making and personal archives. These archives and vernacular histories formed the foundation for several forms of knowledge production such as United States Cavalry soldier Robert Kiel's memoir *Bosque Bonito*, Gode Davis's documentary *American Lynching: Strange and Bitter Fruit*, and documentation and interviews that are now part of the archives at Sul Ross State University in Alpine, Texas.

Muñoz's fourth chapter is aptly titled "Cultures of Violence," and places anti-Mexican violence in the broader context of anti-Black violence in Texas. Muñoz explains how the ideologies of White supremacy that condoned violence against both Black and Mexican communities in Texas, which was built by conquest and slavery, "mutually informed and justified one another" which in turn "helped state authorities justify extralegal violence."⁸ This became evident in state congressional hearings in 1919 which investigated abuses by Texas Rangers. Defense witnesses and some state representatives repeated racist tropes and argued that extrajudicial killings of ethnic Mexicans were justified as they posed a threat to Anglo women and property, in much the same way that lynchings of Blacks were countenanced. Ultimately, the commission issued its report which did not recommend criminal charges against Rangers, local police, or civilians, and concluded that anti-Mexican violence was necessary. The commission's conclusion should not be surprising, as Muñoz succinctly points out that the "white supremacist ideologies that condoned anti-black vigilantism helped justify the documented anti-Mexican violence at the hands of state agents."⁹ These racial ideologies that embraced violence would preserve racial hierarchies, which "would continue to mark the bodies of racial and ethnic minorities as available for violence at the hands of mobs or law enforcement officers."¹⁰

Chapter Five, "Idols," analyzes the ways in which the "Texas creation myth" is narrated as a racial triumph. In this mythologized history taught through public school lesson plans, museum exhibitions, and public memorials and celebrations, Anglo settlers are revered as pioneers who rescued Texas from threatening indigenous nations and criminal Mexicans. Architects of this memory, such as journalists, politicians, historians, historical commissions, and museums, promoted this mythic narrative which served to erase the violence of conquest and colonialization as well as exclude Mexicans and other racial minorities from the community.¹¹ For example, local historians such as Walter Prescott Webb who was a member of the University of Texas at Austin's History Department 1918–1946 and later president of American Historical Association in 1958, lauded the Texas Rangers as heroic, courageous, and mentally and morally superior, while demonizing indigenous people as savages and Mexicans as corrupt. This heroic narrative is reinforced through Western films, a Junior Ranger program for children to become honorary Texas Rangers, and the celebratory Texas Ranger Hall of Fame and Museum in Waco which opened in 1968.

Muñoz's sixth chapter, "Reckoning with Violence," serves as a counterpoint to this mythologized history of Texas by documenting vernacular history-making efforts calling for an honest dialogue about Texas's racist and violent past. Several Tejanos, including descendants of survivors of anti-Mexican violence, created digital spaces through websites, blogs, and online memorials which contest the glorified images of the Texas Rangers and celebration of state violence. For instance, Hernan Contreras's website *Los Tejanos* contains interviews of witnesses to violence as well as histories written by Norma Longoria Rodriguez, the great-granddaughter and granddaughter of Jesus Bazán and Antonio Longoria. Additionally, Muñoz recounts the efforts of her and other scholars in their application to the Texas Historical Commission to memorialize state-sanctioned racial violence. One of the outcomes was a 2016 temporary

⁸ Ibid., 174.

⁹ Ibid., 215.

¹⁰ Ibid., 215–216.

¹¹ Ibid., 230–231.

exhibition titled *Life and Death on the Border 1910–1920* housed at the Bob Bullock Texas State History Museum in Austin. Aided by artifacts from families and descendants of murdered Mexicans, the exhibit was divided into three sections. The first section, “Life,” displayed the economic and cultural diversity of ethnic Mexicans living in the border region and gave a historical overview of economic changes and Mexican land dispossession at the hands of railroad companies and Anglo real estate developers. The second section, “Death,” offered an overview of the deadly decade of anti-Mexican violence which is the subject of this book, in large part describing the role of the Texas Rangers. This section centered state violence which had been heretofore obscured from public reckoning, and created space for survivors and life in the aftermath of state violence. The third section of the exhibit, titled “Legacies,” highlighted the history of racism and Juan Crow segregation, as well as the work of various civil rights activists in the state who resisted racism. The significance of this exhibition was evident at its opening in January 2016, when the audience commented on the necessity of teaching this history in schools, and initiated a public discussion calling for a more honest acknowledgement of the anti-Mexican racial violence of Texas’s past.

The importance and timeliness of *The Injustice Never Leaves You: Anti-Mexican Violence in Texas* cannot be understated, particularly when considering Monica Muñoz Martinez’s epilogue. For students of United States history, this book articulates the ways in which dominant historical memory in the United States continues to be shaped by official White supremacist narratives that erase violence wrought by conquest, colonialization, and segregation, and also offers examples of resistance and critique to these hegemonic narratives. Muñoz’s work should also be of interest to genocide scholars, particularly those who study the United States and our history of genocidal violence during conquest, colonialization, and ethnic cleansing, and the legacies of same which continue today through violent policing at the militarized southern border, mass incarceration, and the immigrant detention industrial complex.

As Muñoz explains in her epilogue, state agents who created the conditions for the period of anti-Mexican violence studied in her book went on to become architects of the United States Border Patrol and incarceration systems in the United States, as current federal and state policing regimes have “deep roots in the violence of the borderlands”¹² Muñoz’s book contributes to a growing conversation on Critical Genocide Studies and the United States.¹³ The book is a substantive addition to our knowledge about how dominant historical memory in the United States not only silences and redacts White supremacist violence, but also presents this violence as something that has contributed positively to the construction of democratic institutions.¹⁴ In this regard, we are reminded of Raphaël Lemkin’s early discussions of genocide as something that was seen as heroic or good by those who committed genocide or benefited from it.¹⁵ Moreover, Muñoz’s research reminds us of Lemkin’s formulation of genocide as a colonial crime with the goal of “destroy[ing] the national way of life of peoples under colonial rule because of economic and political interests, not national hatred—even though the protagonists spoke about the conflict and rationalized the violence in these terms.”¹⁶ Euro-Americans waged this colonial crime against ethnic Mexicans in the United States through the imposition of institutions of governance such as the criminal justice system, direct extralegal violence such as lynchings, and ethnic cleansing. *The Injustice Never Leaves You* furthermore

¹² Ibid., 296.

¹³ See Alexander Laban Hinton, *It Can Happen Here: White Power and the Rising Threat of Genocide in the US* (New York: New York University Press, 2021).

¹⁴ See Roxanne Dunbar-Ortiz, *An Indigenous Peoples’ History of the United States* (Boston: Beacon Press, 2014); Douglas Irvin-Erickson et al., “Introduction: Hidden Genocides: Power, Knowledge, Memory,” in *Hidden Genocides: Power, Knowledge, Memory*, eds. Alexander Laban Hinton et al. (New Brunswick: Rutgers University Press, 2014), 1–18; Mahmood Mamdani, *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities* (Cambridge: Harvard University Press, 2020).

¹⁵ Douglas Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania Press, 2017), 16.

¹⁶ Ibid., 242.

establishes the important role played by the criminal justice regime in Texas and the wider United States, criminalizing forms of social identities, presenting ethnic and racial minorities as criminal elements deserving of elimination, and thus legitimizing and normalizing state and state-sanctioned violence towards oppressed and marginalized groups.¹⁷

Moreover, the criminalization of ethnic Mexicans along the southern border during the 1910s echoes the discourse regarding migrants in our country today, and has the potential to become part of a campaign of even more widespread violence against them culminating in genocide. In that regard, Muñoz's study parallels Carole Nagengast's research which illustrates the ways in which the United States government and its agencies, particularly Customs and Border Patrol agents, employ both symbolic and physical violence against Latinx migrants and citizens in the border region. The discourse of criminalization of predominantly Latinx persons, and acts of everyday violence, figures into this analysis of symbolic violence. Nagengast argues that it is necessary to examine the symbolic violence inflicted on a marginalized group perceived as outsiders and which the dominant group has defined as less than human, in order to see the potential for more widespread genocidal violence.¹⁸ Symbolic violence also lends to Nagengast's notion of "inoculations of evil," whereby actions such as raiding Latinx neighborhoods, discrimination against people who speak Spanish, and extrajudicial killings are justified due to the ways in which the "collective imagination is immunized" through these acts of everyday violence because of the alleged threat these populations present.¹⁹ These inoculations are important because they function to normalize and justify present-day violence committed against migrant populations and those who look like them, just as they did during the 1910s in Texas.

¹⁷ Irvin-Erickson, *Raphaël Lemkin*, 85. See also Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2020); Tony Gaskew, "The Policing of the Black American Male: Transforming Humiliation into Humility in Pursuit of Truth and Reconciliation," in *Crimes Against Humanity in the Land of the Free: Can a Truth and Reconciliation Process Heal Racial Conflict in America?*, ed. Imani Michelle Scott (Santa Barbara: Praeger, 2014), 219–240; Lissa Skitolsky, "The 'Criminal' and the Crime of Genocide," in *Logics of Genocide: The Structures of Violence in the Contemporary World*, eds. Anne O'Byrne and Martin Shuster (New York: Routledge, 2020), 57–76.

¹⁸ Carole Nagengast, "Inoculations of Evil in the U.S.-Mexican Border Region: Reflections on the Genocidal Potential of Symbolic Violence," in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton (Berkeley: University of California Press, 2002), 325.

¹⁹ *Ibid.*, 339.