

DEN DANNEDE OPPRØRER



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# DEN DANNEDE OPPRØRER

Bernt Hagtvet  
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# Wall of Silence

## *The Field of Genocide Studies and the Guatemalan Genocide*

BEN KIERNAN

On January 28, 2013, a judge in Guatemala ordered the man who had been the country's president in 1982–83, General José Efraín Ríos Montt, to face trial for genocide.<sup>1</sup> He became the first former head of state to be tried for genocide in the Americas. Ríos Montt's successor as president of Guatemala, General Oscar Mejía, had also been indicted for genocide, but was deemed unfit for trial.<sup>2</sup> Also indicted was Ríos Montt's former intelligence chief, Gen. José Mauricio Rodríguez Sánchez. After a public hearing, in May 2013 the court convicted Ríos Montt and sentenced him to 80 years in jail, but ten days later Guatemala's constitutional court overturned the conviction on a technicality. Rodríguez was acquitted. In August 2015, a panel of three judges ordered both the ex-president and his former intelligence chief to face a new trial for genocide, to begin in 2016 and to be heard *in camera*, with their lawyers representing them but no reporters present, on the grounds that Ríos Montt suffers from dementia.<sup>3</sup>

The term 'genocide' was first used during the Nazi Holocaust of the Jews, but was never applied exclusively to it. Similarly, the field of genocide studies initially grew out of the study of the Holocaust. Several of the field's founding pioneers conducted their first research on the genocide of the Jews, and many were influenced then and later by scholarly findings and debates in Holocaust

Studies. But by definition, genocide studies is a comparative field that has focused on broadening the notion beyond the Holocaust. It has successfully brought into view other less well-known genocides, comparing and contrasting them with one another and with Nazi crimes, while also casting new comparative light on the Holocaust. This article seeks to explain why, for twenty years or more, that successful inclusive approach did not extend to the Guatemalan genocide of 1981–1983.

Theoretical debates in genocide studies have long revolved around two issues. First, scholars contested definitions of genocide and of its victims. Second, they debated its causes, the perpetrators and the social structures that engender it. The main definitional debates concerned the 1948 United Nations Genocide Convention's specification that victims of genocide are limited to members of «a national, ethnical, racial or religious group,» excluding political and other groups from the Convention's protection. Many early contributions to genocide studies argued for a more expansive definition. More recently, debate raged about the Convention's requirement to prove a perpetrator's *intent* (conscious desire) to destroy such a group, rather than any particular *motive* for it, and on the legal, individualist concept of a crime, as opposed to its social context or causes. Some scholars have preferred to argue, for example, that a motivation of racial hatred is central to genocide, or instead that genocide arises out of certain social or historical structures, rather than mental processes or human agency.

This concern with definition and theory has not served all purposes. Genocide studies also requires an empirical approach that investigates cases without being steered by any need to develop theory or fit facts to it. Since its inception the field has also been connected to concern for the detection and prevention or amelioration of looming or ongoing humanitarian disasters around the globe. Perhaps more than in other fields, scholars of genocide must literally call the «shots» as they see them – espe-

cially *when* they see them. This requires researching contemporary evidence.

During and for long after the Guatemalan genocide of 1981–83, a new field preoccupied with theory generally failed to give that disaster the attention it deserved. By contrast, scholars from regional area studies, or from disciplines linked to the victims like psychology and anthropology, were far ahead of comparative genocide scholars in documenting what happened in Guatemala and calling it genocide. They were less concerned with theoretical debates over definitions or structures, and more with events on the ground, often involving destruction of people or communities they personally knew. With a few exceptions, genocide studies kept its distance and its scholars were slow to learn from these colleagues – about two decades too slow.

### The Guatemalan Case

On March 19, 2013, the Guatemalan court began hearing the first case against Ríos Montt, namely, that he committed genocide against Mayan Indians while he held office between March 1982 and August 1983. A year earlier, the prosecutor general had presented the indictment and evidence against him.<sup>4</sup> Ríos Montt's lawyer then argued that he is innocent because as president, the general «did not determine the level of force that the army used.» But at the time, in 1982, Ríos Montt had asserted the contrary: «Our strength is our ability to respond to the chain of command, the army's capacity to react. Because if I can't control the army, what am I doing here?»<sup>5</sup>

A quick answer to that question came from one of the pioneers of genocide studies, Leo Kuper (1908–94). In his *International Action Against Genocide* (1982), Kuper had accused Guatemala's government of «massive murder and torture as routine instruments of despotic power.» He initially placed these crimes in the category

of «Mass Murder of a Political Group,» which as he stated did not fit the Genocide Convention.<sup>6</sup> However in a 1983 paper, «Types of Genocide and Mass Murder,» Kuper made clear the legal distinction between those two categories, and significantly – given what had happened since 1981 – he now classified the Guatemala case as genocide: «There are many other contemporary cases of massive murder and torture as routine instruments of despotic power – e.g., Argentina, Chile, and El Salvador, – but not falling within the scope of the Genocide Convention. In Guatemala, however, the massacres of Indians by the Government have assumed genocidal dimensions.»<sup>7</sup> Kuper followed this up in his 1985 book, *The Prevention of Genocide*, by warning that «current cases of immediate urgency» included «the Guatemalan massacres of Indians.»<sup>8</sup> He then reviewed the 1983 Survival International publication, *Witness to Genocide: The Present Situation of Indians in Guatemala*, with other compilations of what he termed «the evidence for the charges that the government is pursuing a genocidal policy against the Indians.»<sup>9</sup>

Kuper's brief but timely appeals fell on deaf ears. On this case he remained for years afterwards almost a lone voice in genocide studies, a field whose members, over the following two decades, pursued several different paths. None went close to treating the massacres of Guatemala's Indians with «immediate urgency,» let alone documenting and exposing them.

The genocide peaked in 1982, but persisted.<sup>10</sup> By the 1990s the Guatemalan military dictatorship's murderous «scorched earth» counter-insurgency war slowly came to a halt. It ended only in 1996, and only then did a UN-sponsored Truth Commission, the Historical Clarification Commission, commence work. In 1999 it released its 10-volume official report, *Guatemala, Memoria del silencio* (Guatemala, Memory of Silence), on the years of anti-communist dictatorships from 1962 to 1996. For that period, the report documented no fewer than 626 separate massacres, and the

killings of 200,000 people, «the vast majority» civilians. The report detailed and analyzed the specific death tolls under the military regimes headed by the late Romeo Lucas Garcia (1978–82) and by Gen. Efraín Ríos Montt (1982–83). It concluded that 81 percent of the human rights violations and «more than half the massacres and scorched earth operations» had occurred under their rule in 1981–83 alone, and it accused those two former presidents of having conducted genocide against four ethnic groups of Mayan Indians, who comprised «the vast majority» of the victims.<sup>11</sup> Mayans made up 60 percent of Guatemala's population, but 83 percent of those killed by the military.<sup>12</sup> Only 17 percent of victims were Ladinos, i.e. of Spanish descent, and were mostly suspected political opponents of the regime.

During the fourteen years prior to the publication in 1999 of this authoritative Truth Commission report, the response in the field of genocide studies to Leo Kuper's 1985 warning about the «immediate urgency» of these massacres was meager. The field was young, but its members should have had little difficulty determining what was happening. Like Kuper, Survival International and Amnesty International were both well aware of events in Guatemala, and had quickly documented them.<sup>13</sup> So had scholars of Central America. By 1983 the priest and anthropologist Ricardo Falla had prepared a 196-page study of the massacres, and that year he delivered a 60-page paper entitled «Genocidio in Guatemala» to the Madrid hearings of the Permanent People's Tribunal on Guatemala. The paper appeared in print with an English summary, «We Charge Genocide,» accompanied by the testimonies of seven Mayan Indians, in the 1984 volume *Guatemala: Tyranny on Trial: Testimony of the Permanent People's Tribunal*, edited by Susanne Jonas and others.<sup>14</sup> Michael McClintock included a chapter subtitled «A Final Solution» in his 1985 book, *State Terror and Popular Resistance in Guatemala*.<sup>15</sup> Contributors to the 1988 volume *Harvest of Violence: the Maya Indians and the Guatemalan Crisis*,

detailed many of the massacres. Its editor, anthropologist Robert M. Carmack, asserted that they constituted genocide.<sup>16</sup>

Further Central American area studies scholarship published from 1985 to 1987 led to what was apparently, following Kuper's, the first mention of these massacres in any work of global comparative analysis of cases of mass murder. The anthology *State Organized Terror: The Case of Violent Internal Repression* included papers presented at a 1988 conference at Michigan State University. One was political scientist Charles D. Brockett's «Sources of State Terrorism in Rural Central America,» on the opening page of which he estimated the number of people murdered by government forces in Guatemala during the years 1978–85 at between 50,000 and 75,000. Brockett cited area studies analyses published in 1985–87, including interviews with military perpetrators.<sup>17</sup> Like Kuper, he specified that this was a case of ethnic mass killing as well as political repression: «The noncombatant group most likely to supply the innocent victims of state terrorism in Central America in recent decades has been the Indians of Guatemala's western highlands.»<sup>18</sup>

Genocide studies scholars, by contrast, placed Guatemala far down their lists, if they mentioned it at all. Barbara Harff, a comparative political scientist, seems to have been the first since Kuper to note the Guatemalan case. In her *Genocide and Human Rights* (1984), Harff had briefly listed the regime's «death squad activities» alongside those in Argentina and El Salvador, without noting an ethnic dimension.<sup>19</sup> But at the 1988 conference, she cited, in a line of an Appendix to her paper, a death toll of 30,000–63,000 Guatemalans from two groups, «Indians» and «Leftists.» While Harff still classified these massacres jointly under «politicide,» she termed the Indians «communal victims,» a category she used to define victims of genocide.<sup>20</sup>

In the best genocide studies literature of the first decade following Kuper's 1985 appeal, I have found little other attention given to the Guatemalan genocide. The 1987 and 1990 anthologies, *Genocide*

*in the Modern Age* and *The History and Sociology of Genocide*, don't mention it, nor does Lawrence Le Blanc's *The United States and the Genocide Convention* (1991).<sup>21</sup> The journal *Holocaust and Genocide Studies*, launched in 1986, printed no articles on Guatemala in its first 23 years of publication. Elsewhere the Guatemalan genocide received an occasional line or two, at most. Sociologist Helen Fein's 1990 study, *Genocide: A Sociological Perspective*, included «Guatemala/Indians 1980-84» in a table listing 20 cases of «Identified Perpetrators and Victims of Genocide since World War II.» Fein gave no casualty figures and briefly classified the case as an anticommunist ideological genocide.<sup>22</sup>

Even in work inspired by Leo Kuper, the massacres in Guatemala continued to attract little interest from the genocide studies field, with strikingly minimal reference to the extensive area studies and human rights literature cited above.<sup>23</sup> In a 1991 work to which Kuper wrote the foreword, the comparative genocide scholar Samuel Totten noted the continuing «crucial need to collect as many accounts as possible of the least documented and/or more recent genocidal acts,» among which he included those in Guatemala. But Totten stated that only «a minute number» of such personal accounts were yet available and that «very few (and in some cases, no) scholars» were making «a concerted effort» to collect them.<sup>24</sup> At least, no *genocide* scholars were. Political scientist Robert Melson's important 1992 book *Revolution and Genocide* also included a foreword by Kuper and case studies of mass murder under Hitler, the Young Turks, Stalin and Pol Pot, but made no mention of Guatemala.<sup>25</sup> Two more anthologies, Helen Fein's *Genocide Watch* (1992) and George Andreopoulos' *Genocide: Conceptual and Historical Dimensions* (1994), each included a survey chapter by Kuper and sections on victims and refugees from 11 countries or cases, ranging from Sudan to East Timor. Fein's volume reprinted Harff's 1988 table listing Guatemala's Indians as «communal victims,» but the case appears otherwise unmentioned, as it does in the Andreopoulos

book.<sup>26</sup> Rudolph Rummel's *Death by Government* (1994) seems not to mention Guatemala either, nor does Herbert Hirsch's *Genocide and the Politics of Memory* (1995).<sup>27</sup>

My work, too, could have devoted more attention to the case. The Introduction to my 1993 anthology *Genocide and Democracy in Cambodia* briefly noted actions «approaching genocide» perpetrated by «US-backed regimes, for instance in Guatemala,» that were comparable «to the Khmer Rouge record.»<sup>28</sup> In a 1998 comparative article on «Genocide and 'Ethnic Cleansing',» I noted «the state-sponsored slaughter of 150,000 indigenous Indian peasants of Guatemala beginning in the 1960s,» but classified it among cases of «political mass murder» that are «not always described as genocide.»<sup>29</sup>

Finally, the year after Kuper's death and a decade after his appeal, the 1995 first edition of the anthology *Century of Genocide* included a chapter on «Physical and Cultural Genocide of Various Indigenous Peoples.» It listed the Guatemalan case in a table of 39 such genocides in the twentieth century, and, in the field's first extended treatment of it, the editors reprinted seven pages of Guatemalan author Rigoberta Menchú's 1984 personal account.<sup>30</sup> By contrast, Guatemalans are not mentioned in the 1996 volume *Ethnic Cleansing*, nor in the 1997 study *Accountability for Human Rights Atrocities in International Law*, nor in the 1997 inaugural issue of the Australian journal *Genocide Perspectives* (which creditably gave attention to other genocides of indigenous peoples), nor in three anthologies published over the next two years: *Genocide and Gross Human Rights Violations*, *Studies in Comparative Genocide*, and *The Massacre in History*.<sup>31</sup> By the end of 1999, the journal *Holocaust and Genocide Studies* had yet to mention Guatemala. All this inattention to Guatemala contrasts starkly with the record of the Catholic Church there, which in 1998 presented its 4-volume report *Nunca Más* (Never Again) only to see the report's director Bishop Juan Gerardi murdered two days later, and of the



American Association for the Advancement of Science, which in 1999 published two long-range studies of Guatemalan state violence and repression.<sup>32</sup>

How, then, did genocide studies scholars respond *after* the 1999 UN Truth Commission report found that genocide had occurred in 1981–83? Israel Charny's *Encyclopedia of Genocide*, published later in 1999, included a 2-page entry on Guatemala, by Samuel Totten.<sup>33</sup> The next year legal scholar William Schabas included a paragraph on the report in his book *Genocide in International Law*, and seven other works in the field published from 1999–2002 each devoted a line or two to Guatemala.<sup>34</sup> Still, in the twenty years after it began, documentation of what had happened in 1981–83 remained a low priority for the first generation of scholars who saw themselves within the field of genocide studies. Study of the case was still left to the attention of local or general human rights scholars and activists, and Central America specialists. Genocide scholars took little note of their work.<sup>35</sup>

Exposition of the Guatemalan massacres had to wait for a different group of genocide scholars. These were researchers who came later to genocide studies from other fields that were already doing the work, disciplines previously underrepresented in genocide studies like psychology and anthropology, or from area studies, human rights, or law. A leading scholar in this group was anthropologist and Latin America specialist Victoria Sanford, who began working with Guatemalan refugees in 1986 and then started researching inside Guatemala. In 1994 she conducted exhumations of mass graves there, of which she recently wrote: «It is hard to describe what it is like to be exhuming a mass grave of 268 women and children while at the same time listening to indigenous peasants who have traveled for hours by foot to report to us that they also had a massacre.»<sup>36</sup> In 2001, Sanford presented the first paper on Guatemala to be discussed at a conference of the International Association of Genocide Scholars (founded in 1994), «Coming

to Terms with Genocide in Guatemala.» In 2003, she published two books on the case, *Buried Secrets: Truth and Human Rights in Guatemala*, and *Violencia y genocidio en Guatemala*.<sup>37</sup>

So far as I can tell, the first book chapter or article devoted to the Guatemala case by a comparative genocide scholar was penned by psychologist James Waller in his 2002 book *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*, which included five pages on the «massacres in Guatemala.» Waller commented: «The political, social and economic persecution of indigenous peoples in Guatemala is unparalleled in the contemporary world.»<sup>38</sup> That same year the anthropologist and Cambodia specialist Alexander Hinton published two anthologies, each with a chapter on the Guatemalan genocide.<sup>39</sup> Jurist Chérif Bassiouni's *Post-Conflict Justice* (2002) included an assessment of the Truth Commission by human rights activist Paul Seils.<sup>40</sup> For our 2003 anthology *The Specter of Genocide*, historians Robert Gellately and I commissioned an original chapter on the Guatemalan genocide, written by Latin America historian Greg Grandin.<sup>41</sup> Political scientist Benjamin Valentino's 2004 book, *Final Solutions: Mass Killing and Genocide in the Twentieth Century*, offered a case study on Guatemala in his chapter «Counter-Guerrilla Mass Killings,» which he began by noting: «The effort to defeat guerrilla insurgencies was the single most common motivation for mass killing in the last century.»<sup>42</sup> In 2006, Daniel Chirot and Clark McCauley's *Why Not Kill Them all? The Logic and Prevention of Mass Political Murder*, referred briefly to «Ingrained political problems such as... revolutionary and counterrevolutionary warfare in Guatemala,» and Adam Jones' *Genocide: A Comprehensive Introduction* offered a one-page case study on Guatemala.<sup>43</sup> In all, however, in the two decades after Kuper drew attention to the «immediate urgency» of what was happening there, genocide scholars (apart from Sanford) had still published less than 100 pages about Guatemala.

Worse, even after the Truth Commission's report, no fewer than thirteen general or comparative works of genocide studies published between 2001 and 2007 totally ignored Guatemala. Readers will find no mention of it in any of the following books: Peter Ronayne, *Never Again? The United States and the Prevention and Punishment of Genocide since the Holocaust*; Samantha Power, «*A Problem from Hell*»: *America in the Age of Genocide*; Irving Horowitz, *Taking Lives: Genocide and State Power* (5th ed.); Herbert Hirsch, *Anti-Genocide: Building an American Movement to Prevent Genocide*; Eric Weitz, *A Century of Genocide*; Colin Tatz, *With Intent to Destroy: Reflecting on Genocide*; W. D. Rubinstein, *Genocide: A History*; Manus Midlarsky, *The Killing Trap: Genocide in the Twentieth Century*; Dan Stone, *History, Memory and Mass Atrocity: Essays on the Holocaust and Genocide*; Jacques Semelin, *Purify and Destroy: The Political Uses of Massacres and Genocide*; or Martin Shaw's *War and Genocide* and *What is Genocide?*<sup>44</sup> *The Killing Trap* failed to list Guatemala even among the «cases that are excluded.»<sup>45</sup> More disappointing was the announcement in the 2004 second edition of *Century of Genocide* that «space constraints» had required the removal of the chapter that had appeared in the first edition on genocides of indigenous groups. In the book's index, the only citation for «indigenous groups» refers to that note; there is no mention of Guatemala or Mayans.<sup>46</sup> (Only five years later in the third edition was the gap corrected with a chapter on Guatemala by Susanne Jonas.)<sup>47</sup>

Coverage was hardly better in Australia, Europe, or Israel. The second and third volumes of *Genocide Perspectives*, published in Sydney in 2003 and 2006, still devoted no attention to Guatemala. As of 2006 the German journal *Zeitschrift für Genozidforschung*, founded in 1999, had also given it no space. In France, neither Jacques Semelin's 2005 work, *Purifier et Détruire*, nor the 2007 anthology *Comprendre les génocides du XXe siècle*, mentioned Guatemala or Mayan Indians.<sup>48</sup> The same is true of two Italian works

on the genocides and crimes of the twentieth century, though historian Marcello Flores covered the Guatemala case briefly in his 2005 book, *Tutta la violenza di un secolo*.<sup>49</sup> Apparently no Israeli scholar took up the subject until possibly as late as 2010.<sup>50</sup>

As this long bibliography suggests, genocide studies has recently been called «one of the fastest-growing disciplines in the humanities and social sciences.»<sup>51</sup> Of course, the distinct field of Holocaust Studies also rapidly expanded during much the same period, and it too paid little attention to the Guatemalan case. But why specifically did genocide studies, a field that by definition aimed at inclusion, comparison, detection, and prevention, so signally fail the victims of genocide in Guatemala during the quarter century following 1981?

A number of genocide scholars have focused on the key issue of determining effective ways to identify in advance and thus detect the early stages of a genocide, in order to recognize and prevent or interrupt its development. Barbara Harff, as early as 1988, developed useful tables of numerous specific indicators of «genocides and politicides» since 1945. She divided these episodes into hegemonial and xenophobic genocides, and repressive, repressive/hegemonial, retributive and revolutionary politicides.<sup>52</sup> Taking a longer historical approach, in *Blood and Soil* I proposed four common components of genocidal thinking through the ages (racism or religious prejudice, expansionism, and obsessions with agrarianism and antiquity), which may be detectable in perpetrators' speech and actions before they begin their rise to power or implementation of genocidal plans. Harff's selected indicators, and mine, I believe, reveal contextual features and modes of perpetrator thinking and action that cut across the usual left to right spectrum of political ideologies.<sup>53</sup>

Other scholars, however, have suggested something different: that genocide is not the result of specific ways of thinking and decisions, but that it originated in general socio-political processes and

projects of a certain type. Depending on the authors, these could be either totalitarianism (Nazi and Communist);<sup>54</sup> the nation-state;<sup>55</sup> capitalist imperialism;<sup>56</sup> settler colonialism;<sup>57</sup> or modernity.<sup>58</sup>

The «totalitarian» interpretation of genocide is probably the oldest of these schools and remains the most common conception in U.S. universities. Its scholarship focuses mostly on a fairly familiar European landscape, and it also resonates most closely with the colloquial understanding of the crime as a state-planned, top-down, twentieth-century phenomenon. It has also proved convenient for denouncing official U.S. enemies, from Hitler and Stalin to Pol Pot and Saddam Hussein. Thus a work entitled *A Century of Genocide* offers just four case studies, three of them European, analyzing the Nazi regime and three Communist ones. Non-totalitarian genocides in the Americas and even Rwanda are barely mentioned: «while Rwanda was certainly shaped by Western colonialism, it lies outside the realm of Nazi and Soviet influence, a key factor...»<sup>59</sup>

But there is more to this important genre. Alongside Leo Kuper, not a proponent of the totalitarian model, most of those who do fit that category in genocide studies had already done the earliest and hardest work to broaden the notion of genocide beyond the Holocaust and to include in it the Armenian genocide in particular. With Kuper, these path-breaking scholars were the founding pioneers of comparative genocide studies. They also worked to include at least one case of colonial genocide, that of the Herero in German Southwest Africa, as a possible early-twentieth-century precursor to the Holocaust in German history.<sup>60</sup> Some have also included the 1965–66 massacres of communists in Indonesia.<sup>61</sup>

However, as we have seen, unlike Kuper they have given less attention to other cases of U.S.-backed mass murder, notably the genocide of Mayans in Guatemala in 1981–83. As Greg Grandin wrote twenty-five years afterwards, that case remained «mostly ignored by pundits and scholars who over the last decade have

made genocide a category fundamental for understanding and responding to political violence.»<sup>62</sup>

The challenge these scholars faced was real. At the time it was occurring in 1981–83, Grandin added, the Guatemalan genocide also «went largely unobserved by the U.S. press.»<sup>63</sup> Exceptions included the Boston *Globe*. But sixteen years later, *Globe* columnist Jeff Jacoby wrote in the wake of the 1999 Truth Commission report: «The news out of Guatemala has been causing me twinges of self-reproach ... because I have never written about Guatemala ... I think I was not atypical of the conservative commentariat. I'm sure some pundits and journals on the right wrote about Guatemala's agony, but offhand I don't recall any ... Over the years I have occasionally been challenged by readers to write about Guatemala and the atrocities of its right-wing government. I never did. The subject never interested me.»<sup>64</sup>

What caused not only U.S. media observers but even genocide scholars to look away from the nearest neighboring genocide, one which was unfolding precisely as their field of study developed, and in a country so closely allied to the U.S. government that successful citizen lobbying in Washington for a change of policy might possibly have helped limit or even end the genocide? Was it precisely because Guatemala was so close to home, with only one country (Mexico) separating it from the U.S.? Or was it because General Efraín Ríos Montt was a graduate of the U.S. Army School of the Americas?<sup>65</sup> This would not be the first case of a genocide overlooked by a neighboring allied country.<sup>66</sup>

The conservative politics of the time both set the agenda and denied the impact. The Guatemalan military's massacres of the population escalated during the years 1978–1982, when the U.S. provided assistance to the dictatorship that included «an estimated \$35 million in indirect or covert military aid.»<sup>67</sup> In December 1982, at the very height of the Guatemalan genocide, U.S. President Ronald Reagan defended its leading perpetrator, President Efraín

Ríos Montt, calling him «a man of great personal integrity» who was «totally dedicated to democracy.» Reagan even asserted that Ríos Montt was «getting a bum rap» from unfair critics while the «brutal challenge» came from guerrillas.<sup>68</sup> Despite his frank expression of remorse, Jacoby was incorrect to add: «The worst that can be said of most conservatives is that they were not aggressive enough in denouncing right-wing villains – the Argentinian junta, Chile’s Augusto Pinochet, or the Guatemalan strongman, General Efraín Ríos Montt... Yet, if conservatives failed to condemn such crimes, at least they never denied them, never covered them up, and never made the criminals out to be heroes.»<sup>69</sup>

U.S. aid to the Guatemalan regime continued to flow through to the end, and even after the genocide.<sup>70</sup> As Brockett wrote in 1988, «the state terrorism of 1980–84 coincided with the electoral campaign and first term of a U.S. president whose administration refused to apply any serious countervailing pressures on the guilty regimes until the end of 1983» – that is, until after Ríos Montt had lost power.<sup>71</sup> Even then, as historian Christian Gerlach notes in his 2010 book, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World*: «From 1980 to 1988, Guatemala received US\$575 million in military and economic aid» from Washington.<sup>72</sup> It also received military assistance from Israel.<sup>73</sup> I doubt North American genocide scholars were influenced by U.S. or Israeli policy, but that policy – and the conservative cover-up on Guatemala – should have resulted in scholars giving more attention to the genocide, not less.

There were other factors. The silence on Guatemala in the U.S. after the 1999 publication of the UN-sponsored Truth Commission’s report might have been less deafening had its ten volumes not been published solely in Spanish – an exception to the U.N.’s practice of publishing its documents in several international languages. Why was the full report never published in English (or French)?<sup>74</sup> Did the U.S. government play a role in that omission?

We must remember, also, that the United States did not even ratify the 1948 Genocide Convention until 1988, and until then, much energy on the part of genocide scholars went into campaigning for that ratification. Meanwhile others in the field, for instance in Turkey and Israel, faced Ankara's continuing denial of the Armenian genocide. The Israeli government even moved to appease Turkey by attempting to prevent the first International Conference on the Holocaust and Genocide, which Israel Charny convened under difficult conditions in Jerusalem in June 1982. Even as the Guatemalan genocide reached its height, the struggle to affirm the important facts of the Armenian genocide was still at stake.<sup>75</sup>

Finally, the continuing silence on Guatemala in the 1990s may have been partly due to the fact that the end of the Cold War was quickly followed by a new departure in genocide studies. Genocide prevention, and incidentally also the United States' assertion of world power after the collapse of its former Soviet rival, could still be justified on the grounds of local humanitarian protection, not now from totalitarian states but from the chaos of supposed «failed states.» That new rubric did not fit Guatemala either. In the two decades after the end of the Cold War, genocide studies focused more than ever before on the need to intervene against those wielding power in failed states, or against *non-state* actors, rather than to prevent, interrupt, or document international *state-sponsored* mass murder, as occurred in Guatemala.<sup>76</sup>

Guatemala's genocide fell through the cracks of scholarship between the totalitarian state theory of genocide and a successor preoccupation in genocide studies with contemporary «failed states.» More rarely did either totalitarian theorists or humanitarian interventionists study a third category of genocides, the pre-1900 exterminations of indigenous peoples conducted by expanding non-totalitarian regimes such as colonial Britain, the United States, and France.<sup>77</sup>



The totalitarian interpretation of genocide has many strengths. It contributes a great deal to our understanding of possibly the worst or most extensive mass crimes in history, those of Hitler, Stalin, and Mao. But this approach in genocide studies too often fails to incorporate two important insights propounded by relevant major theorists, of totalitarianism itself as well as of genocide. In her seminal work *The Origins of Totalitarianism*, political theorist Hannah Arendt located its beginnings in European imperialism, particularly in the late nineteenth and early twentieth centuries.<sup>78</sup> Second, jurist Raphael Lemkin, who coined the term 'genocide' in 1943-44 in his *Axis Rule in Occupied Europe*, not only applied it to the Holocaust about which he was then writing, and to the Armenian genocide, for the recognition of which he had campaigned for a decade. He also, in an incomplete but lengthy study, applied his term 'genocide' to a long series of historical events from ancient times, such as Rome's destruction of Carthage in 146 BCE, to various European colonialisms, such as the British settlement of Tasmania in the early nineteenth century and the subsequent extermination of Aboriginal peoples there.<sup>79</sup> Either the *phenomenon* of totalitarianism long predated the twentieth century, or the *term* «totalitarianism» is inadequate as either a synonym or an explanation for genocide.

Taking a leaf out of Lemkin's book, a new cohort of younger scholars has preferred to see the origins and the specificity of genocide arising not in twentieth-century totalitarianism or post-Cold War «failed states» but in earlier European colonialisms more widely, and settler colonialism in particular. Plugging the historical gaps left by the pioneers of the field, these scholars began to document colonial genocides not only in turn-of-the-century Africa but also earlier in Australia, and even earlier in the New World, while also including genocides committed in the United States during the nineteenth century.<sup>80</sup> They have helped add a new dimension to genocide studies, extending the field beyond its parameters of Cold War totalitarianism and post-Cold War interventionism.

In another way, however, the new focus is narrower. Because of their favored subject matter, this younger group of scholars tends to be more historically- and theoretically-oriented than their pioneer predecessors. They tend to deploy a specialized vocabulary, highly academic definitions, and classifications even of scholars into categories such as «liberals» (meaning the «totalitarian» school) and «post-liberals» (the «colonial» school).<sup>81</sup> Thus we read of «Liberals, who are mostly North American political scientists...»<sup>82</sup> That formulation is far from the conception of liberalism that historians Tony Judt and Timothy Snyder employed in endorsing «the revival of liberalism as ethics in Eastern Europe.»<sup>83</sup> In his Introduction to the anthology *Genocide*, Dirk Moses explained that «a handful of scholars on the left began to challenge the 'liberal' consensus. These 'post-liberal' scholars emphasised social structures and pre-twentieth-century colonial cases rather than the state, racist ideology, and mass murder.»<sup>84</sup> It is perhaps ironic that these younger scholars «on the left» tend to be less concerned with more contemporary issues and political challenges, such as genocide prevention. Some are more academic and professionally-minded, while their older predecessors proved both more politically activist and dedicated to alleviating current human suffering. Sadly, despite attempts to combine the acknowledged qualities of both cohorts, the two groups of scholars have largely fallen out in mutual incomprehension, and each now has its own academic journal whose respective names reflect these differences: *Genocide Studies and Prevention*, and *Journal of Genocide Research*.

By tackling the study of pre-1900 colonial genocides, the newer scholars have more accurately and comprehensively fulfilled Lemkin's vision of genocide studies. But they have not been as successful in implementing his motivation to combat and end genocide. Less interested in practical politics, they have as yet mastered neither the political skills that Lemkin deployed to get the Genocide Convention adopted by the United Nations, nor the

arts of coalition-building that the alliance of older mostly Jewish and Armenian scholars who first succeeded Lemkin displayed as they charted a conceptual and institutional course for the field. Nor have the newer group displayed much interest in the criminality of genocide. To them the adjudication or analysis of individual responsibility, even the details of specific crimes, sometimes seem too difficult – even irrelevant.

This is partly because of the focus on theory and structure, not on individual criminals. As one such author put it, «Genocide is what supplanting societies do.»<sup>85</sup> In all settler societies, by this interpretation, genocide of the indigenes is inevitable.<sup>86</sup> Identifying who actually conducted the crime and how sparks little interest, raising only a risk of being «defeated by the detail.»<sup>87</sup> In this view, critical of the pioneers of the field, the danger in documenting intent is rather that «The core assumption of the Holocaust and genocide studies fields lead[s] to a misrecognition of genocides by equating them with hate crimes.»<sup>88</sup>

The broader definition of intent, in which racial hatred is not the only possible motive for genocide, is indeed the understanding enshrined in the UN Convention. But the tenor of the new approach goes further, to emphasize the inevitability of structure and to devalue the importance of human agency in the making of history and the merit of scholarly inquiry even into intent, let alone motive. Thus «the liberal position» must be distinguished and critiqued for «its emphasis on premeditation as the key element of the crime.»<sup>89</sup> Rather than the criminal plans of individual leaders, it is more important to focus on what «societies do.»<sup>90</sup>

For such writers the term «genocide» is itself problematic: «The problem is that it conjures up images of killing.» We are invited to see those as an unhelpful vision, merely the way genocide is «popularly understood,» a distraction for scholars. In this view, focussing academic attention on cases of «genocidal violence and extermination» somehow misses the main point, which must equally be

sought by studying cases of «attempted genocide» conducted «by other means,» including «non-lethal» techniques.<sup>91</sup> Study of genocide has always involved careful scholarly navigation between the Scylla of this charge that genocide is inevitable if not ubiquitous, and the competing Charybdis of a defense that denies even the existence of «so-called massacres.»<sup>92</sup> We should reject both these viewpoints: that mass killing makes little difference, and that it just didn't happen.

Surprisingly, although the newer school focuses on colonial genocides of indigenous peoples, that doesn't seem to have helped draw its attention to the 1981-83 genocide of indigenous Mayans in Guatemala. The «post-liberals» (to use Dirk Moses' term<sup>93</sup>) have demonstrated no more concern to document the facts of that case than had their «liberal» predecessors. Mark Levene is one of the best historians of genocide, but his excellent two-volume study *Genocide in the Age of the Nation State*, published in 2005, makes only four brief references to the massacres of Mayans in Guatemala, sixteen lines in 540 pages of text.<sup>94</sup> The *Journal of Genocide Research*, launched in 1999, the year the Truth Commission published its report, devoted its first article to the Guatemalan genocide only in 2005.<sup>95</sup> By contrast it took just two volumes for a new Japanese journal, *Comparative Genocide Studies*, to run an article on «Genocide in Guatemala» that same year.<sup>96</sup> For two decades after Kuper's appeal, then, this catastrophe had attracted too little notice in genocide scholarship, both old and new. No matter how insistently «post-liberals» asserted that «This North American cast of genocide studies could not last,» for victims of the Guatemalan genocide, Yes it could.<sup>97</sup> Despite their praise for Leo Kuper's vision, they took years to heed his call to address a case of «immediate urgency.»<sup>98</sup>

This omission on the part of younger scholars who had given due attention to earlier colonial and indigenous genocides suggests that it was neither Eurocentrism nor an excessive focus on

the Holocaust that led the broader field of genocide studies to neglect the Guatemalan case. While that might conceivably be true of Holocaust Studies, and possibly of some members of the totalitarian school of comparative genocide scholars, the younger group tend to be less affected by Eurocentrism and not overly preoccupied with the Holocaust. It was their focus on theory, and on the implications for it of the history of colonialism, rather than on contemporary, ongoing or recent cases of genocide, that helped them overlook the Guatemalan case.

Yet the neglect was a loss for theory, as well as for humanity. While so few genocide scholars were watching, in 1999 the Guatemala Truth Commission made a key breakthrough in our general understanding of genocide. It resolved the debate over intent versus motive: «It is very important to distinguish between ‘the intent to destroy a group in whole or in part’ (that is, the positive determination to do so) and the motives behind such an intent. In order to determine genocide, it is only necessary to demonstrate that there exists an intent to destroy the group, regardless of motive. For example, if the motive to destroy an ethnic group is not pure racism, but rather a military objective, the crime may nevertheless be understood to be genocide.»<sup>99</sup>

Despite the importance of this finding to comparative genocide studies, only in the third decade after Leo Kuper’s 1985 appeal did the field begin to detail the nature of the Guatemalan genocide. In 2007 Helen Fein devoted a section to the case in her book *Human Rights and Wrongs*, as did Christian Gerlach in his *Extremely Violent Societies* (2010), and Adam Jones in the 2011 second edition of his *Genocide: A Comprehensive Introduction*.<sup>100</sup> Alex Alvarez has cited Guatemala as an example of how «the United States sometimes aided and abetted genocidal crimes.»<sup>101</sup> In his 2008 anthology *The Historiography of Genocide* (2008), Dan Stone included a chapter by Victoria Sanford (subtitled «Yes, There Was a Genocide in Guatemala»), as did Alexander Hinton and Kevin O’Neill in their 2009

collection, *Genocide, Truth, Memory, and Representation: Anthropological Approaches*.<sup>102</sup> The 2011 volume *Confronting Genocide* lists the Guatemala case on page 2; Jones' anthology *New Directions in Genocide Research* (2012) includes another section on it by Russell Schimmer.<sup>103</sup> At last Guatemala is more often noted along with the other twentieth-century genocides, rather than silently excluded or buried in an appendix or table. Two books of English translations, of the Truth Commission's genocide findings and of a condensed version of its full 10-volume report, have brought more of the detailed evidence to a wider public.<sup>104</sup> In his 2012 book *Genocide since 1945*, Philip Spencer devotes a section to Guatemala and concludes that «the wall of silence that surrounded this genocide has been broken.»<sup>105</sup>

At least the scholarly community has not taken so long to recognize the Guatemalan genocide as the seven decades it took for the Armenian case to be widely acknowledged. And surviving Guatemalan victims undoubtedly benefited from the eventual affirmation of the Armenian genocide which played an important role in the emergence of the field of genocide studies and thus even of international criminal accountability. However slow the field was to pay much attention to what happened in Guatemala, genocide studies, along with area studies and human rights scholarship, did contribute to the international and national climate that led to the eventual and continuing prosecution for genocide of at least one of the perpetrators, former President Efraín Ríos Montt, while he is still living and fit to face trial.

It is less of a consolation that the Guatemalan genocide victims were not alone in a different sense as well. Other postwar victims of U.S.-abetted genocides included those in Bangladesh, Indonesia and East Timor, Cambodia and Iraq.<sup>106</sup> But Guatemala stands out both for its proximity to the United States, and its distance from the gaze of genocide scholars there.

## Notes

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- 2 Laura Carlsen, «Genocide on Trial,» *Nation*, March 19, 2012, 8–9. See also Naomi Roht-Arriaza, «Criminal Prosecutions for Genocide in Guatemala,» in Etelle Higonnet, ed., *Quiet Genocide: Guatemala 1981–1983*, Transaction, New Brunswick, NJ, 2008, 135–55, at 135.
- 3 «Former Dictator Faces Genocide Retrial in Guatemala,» *NYT*, Aug. 26, 2015, A9.
- 4 «Guatemala’s Search for Justice Continues,» International Center for Transitional Justice, April 11, 2012: <http://ictj.org/news/guatemala%E2%80%99s-search-justice-continues-conversation-prosecutor-general-claudia-paz>
- 5 Carlsen, «Genocide on Trial,» 9.
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- 7 Leo Kuper, «Types of Genocide and Mass Murder,» in Israel W. Charny, ed., *Towards the Understanding and Prevention of Genocide*, Boulder, Westview, 1984, 32–47, at 44. Charny confirms that Kuper completed and submitted this article in 1983; personal communication, Feb. 28, 2013.
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- 9 Leo Kuper, «Other Selected Cases of Genocide and Genocidal Massacres,» in Israel W. Charny, ed., *Genocide: A Critical Bibliographical Review*, London, Mansell, 1988, 167–8.
- 10 Comisión para el Esclarecimiento Histórico (CEH), *Guatemala, memoria del silencio*, 10 vols., 1999, paragraphs 3214, 3241–2, 3584. A full English translation of the Commission’s genocide findings may be found in Higonnet, *Quiet Genocide*, 17–133 (on the 1982 ‘peak,’ v. 21, 26–7, 128).
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- 17 Charles D. Brockett, «Sources of State Terrorism in Rural Central America,» in *State Organized Terror: The Case of Violent Internal Repression*, T. Bushnell *et al.*, eds., Boulder, Westview, 1991, 59–76, at 59, citing Richards (1985), Krueger and Enge (1985), and Bowen (1987).
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- 38 James Waller, *Becoming Evil*, Oxford, 2002, 197–201.
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- 60 Leo Kuper, *Genocide: Its Political Use in the Twentieth Century*, New Haven, 1981, 16; Chalk and Jonassohn, *History and Sociology of Genocide*, 230–48; Israel Charny *et al.*, *Century of Genocide*, ch. 1.
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- 72 Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World*, Cambridge, New York, 2010, 216.
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- 79 Steven L. Jacobs, ed., *Lemkin on Genocide*, Lanham, MD, Lexington, 2012, e.g. 17–19; Ann Curthoys, «Raphael Lemkin's Tasmania: An Introduction,» *Patterns of Prejudice* 39:2 (2005), 162–96.
- 80 Michael A. McDonnell and A. Dirk Moses, «Raphael Lemkin as historian of genocide in the Americas,» *Journal of Genocide Research* 7 (4), December 2005, 501–29.
- 81 A. Dirk Moses, ed., *Genocide*, London, Routledge, 2010, v. I, *The Discipline of Genocide Studies*, «Introduction,» 1–23, at 6.
- 82 A. Dirk Moses, «Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocides of Indigenous Peoples and the Holocaust,» in *Patterns of Prejudice* 36 (4), 2002, 7–36, at 20.
- 83 Tony Judt and Timothy Snyder, *Thinking the Twentieth Century*, Penguin, New York, 2012, xiii.
- 84 Moses, ed., *Genocide*, 2010, v. I, 6.
- 85 David Day, «Disappeared,» *The Monthly* (Melbourne), April 2008, 70.
- 86 Dan Stone has written in another context: «if it is genocide, what more

- needs to be said, why should we try and understand the patterns of interaction, violent or otherwise, that lie behind the events?» Introduction, *The Historiography of Genocide*, Basingstoke, Macmillan, 2008, 1. Stone included a chapter in this volume by Victoria Sanford, «Si Hubo Genocidio – Yes, There Was a Genocide in Guatemala,» 543–76.
- 87 Day, «Disappeared,» 72.
- 88 A. Dirk Moses, «Paranoia and Partisanship: Genocide Studies, Holocaust Historiography, and the ‘Apocalyptic Conjunction’,» *The Historical Journal*, 54, 2 (2011), 553–583, at 556.
- 89 Moses, «Conceptual Blockages and Definitional Dilemmas,» 20.
- 90 Day, «Disappeared,» 70.
- 91 Day, «Disappeared,» 72; Moses, *Genocide*, 2010, v. I, 7.
- 92 Janet Albrechtson, *Australian*, Aug. 23, 2006, quoted in Raymond Evans, «The Country Has Another Past: Queensland and the History Wars,» in *Passionate Histories: Myth, Memory and Indigenous Australia*, eds. Frances Peters-Little, Ann Curthoys, and John Docker, ANU e-Press, Canberra, Aboriginal History Monograph 21, 2010, 9–38, at 11.
- 93 Moses, *Genocide*, 2010, v. I, 6.
- 94 Levene, *Genocide in the Age of the Nation-State*, v. I, *The Meaning of Genocide*, 108, 128, 140, 161.
- 95 Kevin Lewis O’Neill, «Writing Guatemala’s Genocide: truth and reconciliation reports and Christianity,» and Marcia Esparza, «Post-War Guatemala: long-term effects of psychological and ideological militarization of the K’iche Mayans,» *Journal of Genocide Research* 7:3 (Sept. 2005), 331–49, 377–91. From a perspective different from that of the «post-liberals,» Benjamin Madley had mentioned the Guatemalan genocide on the first page of his article, «Patterns of Frontier Genocide,» *Journal of Genocide Research* 6:2 (June 2004), 167–92.
- 96 Yuji Ishida, «Genocide in Guatemala,» *Comparative Genocide Studies* 2 (2005/2006), 56–9.
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- 103 René Provost and Payam Akhavan, eds., *Confronting Genocide*, London, 2011, 2; Adam Jones, ed., *New Directions in Genocide Research*, London, 2012, 115–17.
- 104 Higonnet, *Quiet Genocide*, and Daniel Rothenberg, ed., *Memory of Silence: The Guatemalan Truth Commission Report*, New York, Palgrave Macmillan, 2010.
- 105 Philip Spencer, *Genocide since 1945*, Routledge, New York, 2012, 72–77.
- 106 For documentation see Kiernan, *Blood and Soil*, 692–3, n.1, and Kiernan, *Genocide and Democracy in Cambodia*, 199–207, 250–3.