

war was fought in the absence of a UN resolution, but was seen as largely legitimate even though it was strictly 'illegal'. Hence, the argument over Iraq seems to me to be really one about legitimacy, not legality. International law is a far less secure system of rules than, say, criminal law or civil law. It does not mean that we can ignore it. But the scope for discretion and disagreement seems much greater.

A much stronger case is put over human rights and the persecution of the 'war on terror'. Here, the argument made by Sands is stronger and very illuminating. It makes for depressing reading. The United States (but not the United Kingdom) has consistently violated its own procedures and safeguards, ignoring the laws of war, the international torture convention and the most basic rules of human rights. Under the guidance of John Yoo, US Deputy Assistant Attorney General, the Bush administration has pursued an unrelenting war on civil liberties. But again, it is hard to see how 'America' can be held accountable for the policies of its President. The US Supreme Court has already found the Guantanamo regime illegal and has asked for its significant change. Sands himself adds in the last chapter that 'whatever the superficial attractions of the claim that America is against international rules (or doesn't need them) and that Europe and the other are for them (because they need them), the approach is unsustainable'. Sands observes that both the US courts and the Senate have shown respect for these principles. So the case against America as a whole is perhaps overstated. The book's title may thus be its only unhappy feature. Still, the case against an irresponsible and cynical government is securely made.

More importantly, perhaps, a very clear case is made for the great relevance and value of modern international law. Hopefully, an introductory book of this nature will inspire others, students, officials or activists, to join in this difficult but worthwhile project. Thanks to Sands and the other international lawyers who have built international law afresh after the Second World War, we do not live in a lawless world. Far from it.

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## The Meanings of Genocide

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*The Killing Trap: Genocide in the Twentieth Century*, by Manus Midlarsky. Cambridge University Press. xv + 463 pp. £16.99; *The Meaning of Genocide (Genocide in the Age of the Nation State I)*, by Mark Levene. I. B. Tauris. ix + 266 pp. £24.50; *The Rise of the West and the Coming of Genocide (Genocide in the Age of the Nation State II)*, by Mark Levene. I. B. Tauris. 463 pp. £29.50; *Beyond Camps and Forced Labour: Current International Research on Survivors of Nazi Persecution*, edited by Johannes-Dieter Steinert and Inge Weber-Newth. Secolo. 101 pp. + 824 pp. (CD-ROM). €69.00.

For all that its protagonists continue to emphasise the novelty and marginality of their discipline, comparative genocide studies have firmly established themselves as a sexy field of study that sells well. Manus Midlarsky's *The Killing Trap* bears eloquent testimony to the opportunities and pressures this situation creates. Parts of his book are of extraordinary perceptiveness but overall it is extremely uneven. Midlarsky has a straightforward, ultra-functionalist theory about genocide. Not 'a statement of *desire* or *intent* to commit genocide' but 'the actual events occurring just prior to genocide and the relevant geopolitical setting are crucial'. The actual 'key variable' is 'loss', recent or impending loss (real or imagined), that is, that leads to 'loss compensation' in the form of genocide. 'Losers in earlier or ongoing conflicts are the most likely perpetrators of genocide. The etiology of ethnic cleansings . . . is distinguished from that of genocide mainly by the presence of recent loss in the case of genocide.' Thus, 'if Germany', for example, 'had defeated the Soviet Union on the Eastern front in 1941, the Holocaust in its final dimensions would not have occurred'. The solution, then, is obvious enough. 'Instead of loss compensation taking the form of genocide . . . it can be introduced much earlier in relations between states or communities.' Midlarsky refers to post-Soviet Russia as a case in point. Why did the Russians not opt for genocide against the Chechens? Because 'compensatory policies in the economic and political realm have been reincorporating Russia into the global

system with its own substantial rewards'. In short, 'Hitler in Germany and Zhirinovskiy in Russia experienced very different historical trajectories in part because of the contrasting reactions of international diplomacy in the two cases.'

Midlarsky explains at the outset that he wants to offer a 'social science explanation' of genocide and then adds that 'theory, with its necessary mode of abstraction' might be viewed as offensive in this context. By the time I had finished the book I knew just what he meant. The problem is not, of course, theory or abstraction as such. What is likely to make the reader's heart miss the occasional beat is the stark and mechanistic straightforwardness with which Midlarsky applies his particular form of abstraction. His approach is well and truly ahistorical. That does not in and of itself invalidate his contribution, of course. Historians who know their business will benefit from it in two respects: in part it presents a genuine challenge to the complacency and lack of conceptual rigour that exaggerated recourse to the supposedly 'particular' in each historical context can generate; yet in equal measure it offers welcome confirmation of the fact that there really is a certain depth and sophistication that only genuinely historical analysis can bring to our understanding of the past. This is certainly no book for students or other novices in the field, but its obvious weaknesses notwithstanding, and in part precisely because of its obvious weaknesses, it is a stimulating, thought-provoking and in large part engaging contribution to the general debate.

The first two volumes of Mark Levene's *Genocide in the Age of the Nation State* are made of altogether more substantial stuff. Levene's project is certainly not short on ambition. These two are the first of four, possibly five volumes. While the first discusses the conceptual framework, the second focuses on 'The Rise of the West and the Coming of Genocide' and takes the story up to 1914. The third is set to address the two World Wars. A 'fourth post-1945 volume will up the ante further', Levene explains, 'by arguing for an even more persistent and universal landscape of genocide emanating from repeatedly labyrinthine conflicts associated with post-colonialism, the Cold War,

its demise, and yet a further lurch into a new era of global uncertainties.' Finally, 'the very turbulence of the contemporary era' suggests that 'a further, final but shorter sequel' may be in order. It would be highly desirable, incidentally, that the future volumes are edited and proofread with considerably more care than these two.

Levene's central goal is to demonstrate that 'the most dramatic processes of modernisation do not travel in separate compartments from genocide'. He wants to dispel the 'Western equals "normal", genocide equals aberrant premise' and with it the facile juxtaposition of 'the primitive world of yesterday', on the one hand, and 'the supposedly demon-free milieu of modernity' on the other. Genocide, then, is 'a systemic dysfunction' of the modernisation process. Levene is quite clear in stating that 'it is the process of modernisation rather than the state of modernity per se which should be our fundamental reference point'.

At the centre of his argument is the contention 'that the origins and continued momentum towards the potentiality for genocide in the modern world has been intrinsically bound up with the strivings—albeit convoluted and often frustrated—of societies towards some form of national, territorially grounded coherence'. While the 'potentiality for genocide' is thus a generalised phenomenon integral to 'the age of the nation state', genocide itself 'has become a function of unusually driven latecomer states attempting to assert their integrity and independence in a system created by and operated on behalf of its forerunners'. Now firmly established, these forerunners tend to stand above the sort of existential angst that generates the genuinely genocidal mindset, yet that mindset nevertheless loomed large over the process by which they attained their hegemony in the first place. Thus the focus of the second volume is on 'emerging elements from which, after 1914, a modern form of "total" genocide would fully crystallise'. In its course, Levene becomes increasingly less timid, though, and eventually speaks of a 'gamut of imperial genocides'.

This ambiguity results in part from his difficulties in clearly delineating structural violence from genocidal dynamics proper. He himself states that 'the serious mass

killing perpetrated by the hegemonic ascendancy of the West' came not 'out the barrel of a gun but from the much more chronic structural violence which emanated from the creation of the world market'. He is also forthright about the absence in most instances of genocidal intent on the part of those who perpetrated mass killings in the process of establishing and consolidating Western hegemony. Yet he remains determined to qualify the 'bitter but inexorable logic' of that process, if not as outright genocide, then at least as inherently genocidal or at least 'sub-genocidal'. He fares fairly well in this endeavour when focusing on the angst of the imperialists. 'Beneath the exterior of arrogant triumphalism', he explains, 'lurked an intrinsic self-doubt which could only fully manifest itself in projective form.' Put simply, 'the potency and resilience of native resistance . . . too obviously controverted the assumed reason upon which the new world order . . . was being built', and thus easily precipitated a massive over-reaction. His discussion of these issues is one of the central strengths of the second volume.

His argument becomes altogether less convincing, though, when he tries to integrate into his line of argument the fact that the imperialist states 'always ultimately sided with the interests of capital, property and development, whatever the murderous ramifications'. If people need telling that the most appalling destructive potential inheres in capitalism; that human lives ultimately count for little if they get in the way of its ability to generate profit; or that nationalism in all its guises is a poisoned chalice if ever there was one—then they will obviously benefit from this book and the vehemence with which it reiterates the extent to which the relative calm and equanimity of existence in the metropolitan centres was established—and, we might add, to a considerable degree continues to be maintained—at the expense of those who live on the periphery under conditions where human life is inordinately cheaper and violence is much less internalised and sublimated and instead remains a real and raw everyday reality.

The vagaries involved in conceptually conflating, at least in part, this 'much more chronic structural violence' with the notion

of genocide is demonstrated not least by Levene's linguistic acrobatics. We hear of 'the usual scorched-earth pacification' and 'increasingly desperate and unforgiving tactics, including scorched earth . . . as well as mass, indiscriminate reprisal', of 'mass atrocities' and 'criminal mass killings', of 'exterminatory assaults', 'exterminatory massacres' and of 'traditional wars of extermination', of the determination to 'quash with exterminatory zeal', of 'annihilatory counter-insurgency tactics' and 'massive exterminatory overkill'. If I understand it correctly, these terms and phrases all denote activities that stop short of genocide proper. Indeed, as Levene explains, 'at what point pulverising a people into acceptance of the fact becomes so total as to become indistinguishable from genocide is certainly a moot point'. Moreover, he also remarks that other, non-genocidal mass killings are by no means 'less important or serious than cases of genocides'. But then what is ultimately the point?

In this respect the two volumes are in many ways oddly inconsistent. The conceptual first volume focuses in large measure on the uncontroversial (Armenian, Jewish and Tutsi) cases while also including in his considerations Soviet dekulakisation and specifically the Red Khmer's campaign in Cambodia's Eastern Zone. This is solid, thought-provoking stuff that will stand anybody trying to gauge the dynamics of genocide in good stead. All his professions notwithstanding that the Holocaust needs to be comprehensively contextualised and historicised, he in fact explicitly characterises it as *sui generis* or the 'most systematic and relentless' case virtually every time he discusses it. (It comes as all the more of a shock, incidentally, to see him use the term 'holocaust' twice in connection with unrelated massacres in the second volume.)

Levene is particularly to be commended for his emphasis on what he calls the 'sado-erotic' dimension of genocide, the joy and gratification many perpetrators clearly drew from their involvement. That said, his vehemence at this point is in part predicated on a fundamental misunderstanding. Rather tellingly, here too matters come to a head in the context of his discussion of the Holocaust where he implies that the identification of 'industrial killing' as one of the Holocaust's most

characteristic features amounts to a reductionist focus on the rationality of the industrial process and its 'detached and dispassionate' nature. It takes the impoverished world of post-Marxist theory, though, in which the category 'industrial' seems to have become simply a matter of technology, for this suggestion to make sense. Hence, for Levene, the emphasis on the 'industrial' nature of the Holocaust militates against his contention that a 'relatively sophisticated apparatus for killing large numbers of people is not a necessary requirement for modern genocide'. Moreover, he implies that this emphasis ultimately inclines towards the 'disingenuous or lazy' tendency of 'describing the Holocaust as about "inexorable momentum", or like some runaway machine'. (His repeated use of the concept of 'cumulative radicalisation' in the second volume seems rather perplexing in this light, given that its chief proponent, Hans Mommsen, inclines heavily towards this 'disingenuous or lazy' interpretation.)

Are there no good reasons, then, to emphasise the industrial nature of the Nazi killing machinery? One might be that it allows for a conceptualisation of the (supposedly) redemptive nature of the genocide within the framework of Marxist analysis, as demonstrated most intriguingly by Moishe Postone. Within such a framework Nazi anti-capitalism emerges as a revolt against the commodification of all aspects of the production process including labour itself (and the means of its reproduction), a revolt that promises to reassert the preponderance of the use value of commodities over their commodity value and thus to reinstate the worth and dignity of individual efforts and skills over the interchangeability of labour as a commodity. This promise obviously could not be kept in the actual process of production yet the one sphere in which it could be enacted, at least symbolically, was precisely the genocide. It deployed the means of commodification to transmute 'raw material' identified as the embodiment of commodification (Jewry) into a commodity that had only a use value (namely its redemptive function) but no commodity value whatsoever: Jewish corpses. This symbolic act, far from being 'detached and dispassionate' was indeed highly 'sadoerotically' charged. Against this background

the occasionally raised question whether this distinctly industrial killing machinery was really technologically all that sophisticated is obviously neither here nor there.

A 'relatively sophisticated apparatus for killing large numbers of people' may not be a necessary prerequisite for genocide, then, but it certainly was a characteristic feature of the Holocaust. Levene is a little disingenuous himself, of course, when he implies that classifying the Holocaust as unique is the same as insisting that it was the only genuine genocide ever to occur. Historians have hotly debated whether the Nazi regime is best classified as fascist or National Socialist. The suggestion is obviously not that it was not fascist but that the emphasis on its fascist nature risks detracting from those characteristics that marked it out as something even more sinister than a fascist regime. Analogously, it may well be that we can only really arrive at a manageable concept of genocide for the purposes of comparative genocide studies if we treat the Holocaust as something even more sinister than genocide. The one thing we cannot do, though, is have our cake and eat it. We can either lower the threshold for the definition of genocide or try to draw on the emotive appeal created by equating atrocities to the Holocaust, but we cannot do both.

It seems remarkable, incidentally, that both Levene and Midlarsky identify the escalation of the National Socialist genocide as a function of the regime's desperation while both acknowledging Browning's recent *The Origins of the Final Solution* (2004). For Browning maintains that 'Nazi racial policy was radicalised at points in time that coincided with the peaks of German military success, as the euphoria emboldened and tempted an elated Hitler to dare ever more drastic policies.' Admittedly, 'seen in hindsight . . . October 1941 was not only the fateful watershed in Nazi Jewish policy but also a crucial military turning point on the eastern front', but 'such a perspective was not, of course, available to the Nazi leadership at the time'. To be sure, this assessment is not uncontroversial, but it would surely have merited more careful discussion, given how much emphasis both authors place on the 'make-or-break' nature of the juncture at which the Nazi regime finally pushed ahead with outright genocide.

It is hard to imagine any sort of redemptive project on this scale that is not designed to remedy massive existential angst but that by no means implies, of course, that the actual implementation of the project is born of (subjective) desperation.

Some of the wider implications of the Holocaust that may well transcend the immediate remit of comparative genocide studies were discussed by an international conference held in London in January 2003 under the title 'Beyond Camps and Forced Labour'. This field has been drawing increasing interest in recent years, as demonstrated not least by the follow-up conference that was held in London in January 2006. The proceedings of the 2003 conference have now been published in an original and interesting format. The bulk of the material comes on a CD-ROM accompanied by a booklet that contains not only an introduction by the conference's convenors and the two keynote speeches by Dan Bar-On and David Cesarani, but also the concise abstracts of all the papers one can consult on the CD. In all, more than seventy papers are presented here. They cover a variety of fields ranging from immediate humanitarian relief and the thorny issue of viable (re)settlement options to conceptual reflections on memorialisation and the intergenerational transmission of the experience of persecution and survival. Included are substantial sections on child survivors and gender issues. This is hardly a carefully coordinated and closely-knit collection but it will offer a useful point of reference for scholars wishing to gain a sense of orientation on one aspect or another of this wide-ranging field. Inevitably, some of the pieces assembled here are stronger than others. Conversely, it is virtually impossible to single individual contributions out without doing an injustice to other equally deserving ones. Even so, Boaz Cohen's innovative discussion of survivors' contributions to Holocaust research *ab initio* deserves special mention. The notion that survivors were for the most part inclined, for a variety of reasons, to remain silent about their experiences, at least until the 1960s and often until well into the 1980s, is now almost commonplace. Yet there were exceptions to this rule and Cohen discusses these exceptions, and their significance, in a touching and instructive manner. Also particularly commendable is the schol-

arly rigour Helga Amesberger, Katrin Auer and Brigitte Halbmayr bring to their discussion of 'Sexualised Violence against Women' in the context of Nazi persecution.

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## Down with Political Parties?

Paul Webb

*The Party's Over: Blueprint for a Very English Revolution*, by Keith Sutherland. Exeter Academic Imprint. 200 pp. £19.95 and £8.95.

This is a punchy and provocative polemic in the Societas series of essays in political and cultural criticism, the declared aim of which is to revive the art of pamphleteering as a counter to the twin vices of media trivialisation and academic impenetrability. Sutherland offers a tirade against political parties from the Oakeshottian right, a plea for a revival of 'a very English' constitutional balance between Crown, Lords and Commons. Shorn of the pathologies of party politics, we seem to be transported back to an earlier age—with one huge concession to the democratic age, however: the transformation of the Commons into a citizens' jury chosen by lottery.

Sutherland somewhat immodestly likens himself to a latter-day Luther, intent on the 'removal of modern corruptions from a body he revered'. The chief such corruption he identifies in the contemporary political system is the party—the bastard grandson of one of the darkest and most bloody periods in British history, 'an anachronism' that 'serves no useful purpose . . . a danger to democracy and affront to the constitutional dignity of this country'. The party is the key culprit in the litany of constitutional perversions that Sutherland highlights: the state is too large and centralised; parties dominate Parliament; and leaders dominate their parties. Various panaceas—electoral reform, direct democracy, presidentialism, libertarian-anarchism—are dismissed in favour of Sutherland's own idiosyncratic prescriptions.

This is a book which may persuade some readers with respect to the weaknesses it identifies in contemporary British politics. But as a bold and maverick piece of writing,