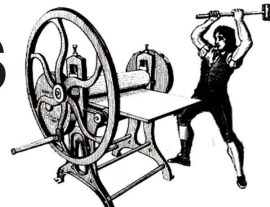


# Settler colonialism & the elimination of the native

- 71 Zika, "Fashioning new worlds from old fathers: reflections on Saturn, Amerindians and witches in a sixteenth-century print," in Donna Merwick, ed., *Dangerous Liaisons: Essays in Honour of Greg Dening* (Melbourne: History Department, University of Melbourne 1994), pp 249–281; Zika, "Cannibalism and witchcraft in early-modern Europe: reading the visual images," *History Workshop Journal*, Vol 44, 1997, pp 77–105.
- 72 "At June 2002, 22% (4,200) of children in out-of-home care were Aboriginal or Torres Straight [sic] Islander children. This represented a much higher rate of children in out-of-home care among Indigenous children than non-Indigenous children (20.1 per 1,000 compared with 3.2 per 1,000)." "Children in out-of-home care," in Australian Bureau of Statistics, *Australia Now* (Canberra: Australian Bureau of Statistics, 2004), s. 2, "Australian social trends, 2003: family and community-services: child protection." An indication of the progress that Indigenous people in Australia have achieved since the darkest days of the assimilation policy is contained in the sentence that follows this excerpt: "In all jurisdictions, the Aboriginal Child Placement Principle outlines a preference for Indigenous children to be placed with other Aboriginal or Torres Straight [sic] Islander peoples, preferably within the child's extended family or community."
- 73 Given the matrilineal transmission of—and relative difficulty of conversion to—Judaism, this factor indicates vigilance in relation to Palestine.
- 74 "Assimilated natives would be proof positive that America was an open society, where obedience and accommodation to the wishes of the majority would be rewarded with social equality." Hoxie, *Final Promise*, p 34. See also George P. Castile, "Indian sign: hegemony and symbolism in federal Indian policy," in his and Robert L. Bee, eds, *State and Reservation. New Perspectives on Federal Indian Policy* (Tucson, AZ: Arizona U.P. 1992), pp 165–186, at pp 176–183.
- 75 A drive to replace Palestinian labour with cheap immigrant labour was begun in the early 1990s in response to the first *Intifada*. Though this policy was officially abandoned as it generated its own problems, around 8% of Israel's population continues to be made up of illegal immigrants (who are, by definition, non-Jewish). See Shmuel Amir, "Overseas foreign workers in Israel: policy aims and labor market outcomes," *International Migration Review*, Vol 36, 2002, pp 41–58; Eric Beachemin, "Illegal in Israel," Radio Netherlands broadcast, September 15, 2004, at <http://www2.rnw.nl/rnw/en/features/humanrights/tornlives/ilegalinIsrael?view=Standard>; Leila Farsakh, "An occupation that creates children willing to die. Israel: an apartheid state?," *Monde Diplomatique*, English language edition, November 4, 2003, at <http://mondediplo.com/2003/11/04apartheid>
- 76 Though formal legislative power was, for a time, exercised by Blacks in Black-majority Southern states during Reconstruction. See Thomas C. Holt, *Black Over White: Negro Political Leadership in South Carolina during Reconstruction* (Urbana, IL: Illinois U.P. 1977).
- 77 W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana, IL: Illinois U.P. 1993); Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Knopf 1998); Joel Williamson, *The Crucible of Race: Black–White Relations in the American South Since Emancipation* (Oxford: Oxford U.P. 1984), pp 180–223.
- 78 "Slave labor could be analyzed in economic, social, and political terms [in traditional histories,] but free labor was often defined as simply the ending of coercion, not as a structure of labor control that needed to be analyzed in its own way." Thomas C. Holt, Rebecca J. Scott and Frederick Cooper, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill, NC: North Carolina U.P. 2000), pp 2–3.
- 79 Though he is too scrupulous a scholar not to acknowledge that "Israeli actions may become near-genocidal." Tatz, *With Intent to Destroy*, p 181.
- 80 "[C]apital punishment now being an unquestioned, routine penalty for chucking stones at Israelis." Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London: Fourth Estate 2005), p 546. Quote in text from Tatz, *With Intent to Destroy*, p 117. I have chosen not to patronize Professor Tatz by quoting approvingly from his otherwise very useful book, from which I have learned a lot, on account of our fundamental divergence over the issue of contemporary Zionism, which I wholeheartedly oppose, and, in particular, of my disdain for his attempts to confuse contemporary anti-Zionism with anti-Semitism (e.g. pp 19, 27, 127). Apart from anything else, these attempts do grave injustice to the real victims of anti-Semitism.



**Subversion press**  
subversionpress.wordpress.com



**PATRICK WOLFE**

# Settler colonialism and the elimination of the native

PATRICK WOLFE

The question of genocide is never far from discussions of settler colonialism. Land is life—or, at least, land is necessary for life. Thus contests for land can be—indeed, often are—contests for life. Yet this is not to say that settler colonialism is simply a form of genocide. In some settler-colonial sites (one thinks, for instance, of Fiji), native society was able to accommodate—though hardly unscathed—the invaders and the transformative socioeconomic system that they introduced. Even in sites of wholesale expropriation such as Australia or North America, settler colonialism’s genocidal outcomes have not manifested evenly across time or space. Native Title in Australia or Indian sovereignty in the US may have deleterious features, but these are hardly equivalent to the impact of frontier homicide. Moreover, there can be genocide in the absence of settler colonialism. The best known of all genocides was internal to Europe, while genocides that have been perpetrated in, for example, Armenia, Cambodia, Rwanda or (one fears) Darfur do not seem to be assignable to settler colonialism. In this article, I shall begin to explore, in comparative fashion, the relationship between genocide and the settler-colonial tendency that I term the logic of elimination.<sup>1</sup> I contend that, though the two have converged—which is to say, the settler-colonial logic of elimination has manifested as genocidal—they should be distinguished. Settler colonialism is inherently eliminatory but not invariably genocidal.

As practised by Europeans, both genocide and settler colonialism have typically employed the organizing grammar of race. European xenophobic traditions such as anti-Semitism, Islamophobia, or Negrophobia are considerably older than race, which, as many have shown, became discursively consolidated fairly late in the eighteenth century.<sup>2</sup> But the mere fact that race is a social construct does not of itself tell us very much. As I have argued, different racial regimes encode and reproduce the unequal relationships into which Europeans coerced the populations concerned. For instance, Indians and Black people in the US have been racialized in opposing ways that reflect their antithetical roles in the formation of US society. Black people’s enslavement produced an inclusive taxonomy that automatically enslaved the offspring of a slave and any other parent. In the wake of slavery, this taxonomy became fully racialized in the “one-drop rule,”

- 57 John R. Wunder, *“Retained by the People”: A History of American Indians and the Bill of Rights* (New York: Oxford U.P. 1994), pp 17, 39.
- 58 The best source on this campaign remains the authoritative report that found its way into the House hearings preceding the *Indian Reorganization Act* of 1934: D. S. Otis, *The Dawes Act and the Allotment of Indian Lands*, Francis P. Prucha, ed. (Norman, OK: Oklahoma U.P. 1973 [1934]).
- 59 *Statistical Abstract of the United States* (Washington, DC: US Bureau of the Census, Department of Commerce, 1955), p 180.
- 60 See e.g. Frederick E. Hoxie, *A Final Promise. The Campaign to Assimilate the Indians, 1880–1920* (Cambridge: Nebraska U.P. 1989); Prucha, *Americanizing the American Indians*, passim.
- 61 Thomas J. Morgan, “What is an Indian?,” in *Sixty-Fifth Annual Report of the Commissioner for Indian Affairs* (Washington, DC: Government Printing Office 1892), pp 31–37.
- 62 “Thus the key factor in colonial and ‘post’-colonial race relations is not, as some have argued, simple demographic numbers, since populations have to be differentiated before they can be counted. Difference, it cannot be stressed enough, is not simply given. It is the outcome of differentiation, which is an intensely conflictual process.” Patrick Wolfe, “Land, labor, and difference: elementary structures of race,” *American Historical Review*, Vol 106, 2001, pp 865–905, at p 894.
- 63 M. Annette Jaimes, “Federal Indian identification policy: a usurpation of Indigenous sovereignty in North America,” in her, ed., *The State of Native America: Genocide, Colonization, and Resistance* (Boston: South End Press 1992), pp 123–138, at p 137. Patricia Limerick is almost as succinct: “Set the blood quantum at one quarter, hold to it as a rigid definition of Indians, let intermarriage proceed as it has for centuries, and eventually Indians will be defined out of existence. When that happens, the federal government will finally be freed from its persistent ‘Indian problem’.” Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: Norton 1987), p 338.
- 64 Donald L. Fixico, *Termination and Relocation. Federal Indian Policy, 1945–1960* (Albuquerque: New Mexico U.P. 1986); Charles F. Wilkinson and Eric R. Biggs, “The evolution of the termination policy,” *American Indian Law Review*, Vol 5, 1977, pp 139–184.
- 65 Baruch Kimmerling and Joel S. Migdal, *The Palestinian People. A History* (rev. ed., Cambridge, MA: Harvard U.P. 2003), p 172.
- 66 Wolfe, “Nation and miscegeNation,” p 111; *Settler Colonialism and the Transformation of Anthropology*, p 180. Scholars who have made this point after me are too numerous to mention. Among those who made it before I did, see e.g. Jeremy Beckett, “The past in the present, the present in the past: constructing a national Aboriginality,” in his, ed., *Past and Present: The Construction of Aboriginality* (Canberra: Aboriginal Studies Press 1988), pp 191–217; Gillian Cowlishaw, “Colour, culture and the Aboriginalists,” *Man*, Vol 22, 1988, pp 221–237; Andrew Lattas, “Aborigines and contemporary Australian nationalism: primordiality and the cultural politics of otherness,” in Julie Marcus, ed., *Writing Australian Culture (Social Analysis special issue no. 27, pp 50–69.*
- 67 Evans and Thorpe, “The massacre of Aboriginal history,” *Overland*, Vol 163, 2001, pp 21–39, at p 36.
- 68 For examples (some of which are actually hyphenated), see Katherine Bischooping and Natalie Fingerhut, “Border lines: Indigenous peoples in genocide studies,” *Canadian Review of Social Anthropology*, Vol 33, 1996, pp 481–505, at pp 484–485; Robert K. Hitchcock and Tara M. Twedt, “Physical and cultural genocide of various Indigenous peoples,” in Samuel Totten, William S. Parsons and Israel W. Charny, eds, *Genocide in the Twentieth Century* (New York: Garland Press 1995), pp 483–514, at pp 498–501. For “politicide” (“a process that covers a wide range of social, political, and military activities whose goal is to destroy the political and national viability of a whole community of people”), see Baruch Kimmerling, *Politicide. Ariel Sharon’s War Against the Palestinians* (rev. ed., London: Verso 2006).
- 69 Ever alert to the damaging implications in this connection of Israel’s invasion of Palestinian territory, Colin Tatz belittles the significance of “a contest for land and what the land held” as merely “explain[ing] away” colonial ethnocide. Tatz, *With Intent to Destroy: Reflecting on Genocide* (London: Verso 2003), p 180. Lower down the page, however, he observes that “We need to remember that Aboriginal Australians were deemed expendable not just because they were considered ‘vermin’, or because they sometimes spared cattle or settlers, but because they failed the Lockean test of being a people capable of a polity and a civility, to wit, they couldn’t or wouldn’t exploit the land they held, at least not in the European sense.”
- 70 Wolfe, “Nation and miscegeNation,” pp 110–118; *Settler Colonialism and the Transformation of Anthropology*, pp 168–190. For US examples, see e.g. Robert F. Berkhofer, Jr., *The White Man’s Indian. Images of the American Indian from Columbus to the Present* (New York: Vintage Books 1979); Hugh Honour, *The New Golden Land: European Images of America from the Discoveries to the Present Time* (New York: Pantheon 1975). For responses to the phenomenon, see e.g. Fergus M. Bordewich, *Killing the White Man’s Indian. Reinventing Native Americans at the End of the Twentieth Century* (New York: Anchor Books 1996); Ward Churchill, *Indians Are Us? Culture and Genocide in Native North America* (Monroe, ME: Common Courage Press 1994).

- the war club, bow, and scalping knife.” Sean M. O’Brien, *In Bitterness and in Tears: Andrew Jackson’s Destruction of the Creeks and Seminoles* (Westport, CT: Praeger 2003), p 229. For the Constitution of the Cherokee Nation, see the *Cherokee Phoenix*, February 28, 1828.
- 42 The capacity to achieve permanence was typically put down to European ancestry, as in Andrew Jackson’s exasperated disparagement of the “designing half-breeds and renegade white men” who had encouraged Chickasaw reluctance to cede land. Theda Perdue, “*Mixed Blood*” *Indians: Racial Construction in the Early South* (Athens, GA: Georgia U.P. 2003), pp 70, 95–96.
- 43 Foreman, *Indian Removal*, p 310.
- 44 Perdue, “*Mixed Blood*” *Indians*, p 68.
- 45 Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, NE: Nebraska U.P. 1975), p 83.
- 46 European anti-Semitism could produce similar results: “What centuries of deprivation and persecution had failed to do, the dazzling light of [Jewish] emancipation [in France] achieved. Yet the choice was limited. The words of Clermont-Tonnère, a liberal deputy in the French national assembly: ‘*Aux Juifs comme nation nous ne donnons rien; aux Juifs comme individuels nous donnons tout*’ [to Jews as national collectivity we give nothing; to Jews as individuals we give everything] . . . reveal how restricted was the application of liberty.” Isaiah Friedman, *The Question of Palestine, 1914–1918: British–Jewish–Arab Relations* (London: Routledge & Kegan Paul 1973), p 26.
- 47 From Richard H. Pratt, “The advantages of mingling Indians with whites” (1892), selection in Francis P. Prucha, ed., *Americanizing the American Indians: Writings by the “Friends of the Indian,” 1880–1900* (Cambridge, MA: Harvard U.P. 1973), pp 260–271, at p 261. Ward Churchill’s *Kill the Indian, Save the Man: The Genocidal Impact of American Indian Residential Schools* (San Francisco: City Lights 2004) illuminates the genocidal consequences of Friends of the Indian-style total institutions with dreadful and systematic clarity.
- 48 So far, at least. If Al-Qaeda were to repeat the procedure a sufficient number of times, then 9/11 could emerge as the onset of a genocide. Definitionally, in other words, as in the case of other patterned or cumulative phenomena, genocide can obtain retrospectively.
- 49 He had alternatives. Liddell and Scott give “race, stock, family” as primary meanings of *genos*, with secondary meanings including offspring, nation, caste, breed, gender(!) and “class, sort, kind.” “Tribe” is listed as a subdivision of *ethnos* (“a number of people living together, a company, body of men . . . a race, family, tribe”). Henry G. Liddell and Robert Scott, *Greek–English Lexicon* (Oxford: Clarendon 1869), pp 314, 426. Cf. Lemkin, *Axis Rule in Occupied Europe*, p 79.
- 50 Russell Thornton, *American Indian Holocaust and Survival: A Population History Since 1492* (Norman, OK: Oklahoma U.P. 1987), p 133.
- 51 “In 1998–2000, life expectancy for Aboriginal and Torres Strait Islander peoples was shorter by 21 years for males and 20 years for females, compared with the total population . . . In 1998–2000, the death rate for Indigenous infants was around four times the rate in the total population.” Australian Bureau of Statistics, *Australian Social Trends: Health—Mortality and Morbidity: Mortality of Aboriginal and Torres Strait Islander Peoples* (Canberra: Australian Bureau of Statistics, 2002), p 1. See also: House of Representatives Standing Committee on Family and Community Affairs, *Health is Life: Report on the Inquiry into Indigenous Health* (Canberra: House of Representatives, 2000); Neil Thomson, “Trends in Aboriginal infant mortality,” in Alan Gray, ed., *A Matter of Life and Death: Contemporary Aboriginal Infant Mortality* (Canberra: Aboriginal Studies Press 1990), pp 1–8.
- 52 What Jefferson bought was French dominion. The rawly unsettled nature of the Purchase territory (at least, outside New Orleans and its environs and outpost settlements such as Detroit and St Louis) was illustrated by the rapid commissioning of Lewis and Clark’s 1803 expedition to chart it.
- 53 This was the reality behind the mushrooming frontier demographics. “In the decade before 1820, the population of the new state of Alabama increased by a startling 1,000 per cent.” O’Brien, *In Bitterness and in Tears*, p 221. For an illuminating catalogue of Creek responses to this invasion, see Richard S. Lackey, comp., *Frontier Claims in the Lower South. Records of Claims Filed by Citizens of the Alabama and Tombigbee River Settlements in the Mississippi Territory for Depredations by the Creek Indians During the War of 1812* (New Orleans: Polyanthos 1977).
- 54 Abel, “Indian consolidation west of the Mississippi River,” p 412.
- 55 “No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.” 16 *Stat.*, 566 (Act of March 3, 1871), c 120, s 1. For discussion, see Vine Deloria, Jr. and David E. Wilkins, *Tribes, Treaties, & Constitutional Tribulations* (Austin, TX: Texas U.P. 1999), pp 60–61; Francis P. Prucha, *The Great Father: The United States Government and the American Indians* (abridged ed., Lincoln, NE: Nebraska U.P. 1986), p 165.
- 56 In particular, *US v. Kagama*, 118 *US* 1886, p 375; *Lone Wolf v. Hitchcock*, 187 *US* 1903, p 553.

whereby any amount of African ancestry, no matter how remote, and regardless of phenotypical appearance, makes a person Black. For Indians, in stark contrast, non-Indian ancestry compromised their indigeneity, producing “half-breeds,” a regime that persists in the form of blood quantum regulations. As opposed to enslaved people, whose reproduction augmented their owners’ wealth, Indigenous people obstructed settlers’ access to land, so their increase was counterproductive. In this way, the restrictive racial classification of Indians straightforwardly furthered the logic of elimination. Thus we cannot simply say that settler colonialism or genocide have been targeted at particular races, since a race cannot be taken as given. It is made in the targeting.<sup>3</sup> Black people were racialized as slaves; slavery constituted their blackness. Correspondingly, Indigenous North Americans were not killed, driven away, romanticized, assimilated, fenced in, bred White, and otherwise eliminated as the original owners of the land but *as Indians*. Roger Smith has missed this point in seeking to distinguish between victims murdered for where they are and victims murdered for who they are.<sup>4</sup> So far as Indigenous people are concerned, where they are *is* who they are, and not only by their own reckoning. As Deborah Bird Rose has pointed out, to get in the way of settler colonization, all the native has to do is stay at home.<sup>5</sup> Whatever settlers may say—and they generally have a lot to say—the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism’s specific, irreducible element.

The logic of elimination not only refers to the summary liquidation of Indigenous people, though it includes that. In common with genocide as Raphaël Lemkin characterized it,<sup>6</sup> settler colonialism has both negative and positive dimensions. Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base—as I put it, settler colonizers come to stay: invasion is a structure not an event.<sup>7</sup> In its positive aspect, elimination is an organizing principal of settler-colonial society rather than a one-off (and superseded) occurrence. The positive outcomes of the logic of elimination can include officially encouraged miscegenation, the breaking-down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, resocialization in total institutions such as missions or boarding schools, and a whole range of cognate biocultural assimilations. All these strategies, including frontier homicide, are characteristic of settler colonialism. Some of them are more controversial in genocide studies than others.

Settler colonialism destroys to replace. As Theodor Herzl, founding father of Zionism, observed in his allegorical manifesto/novel, “If I wish to substitute a new building for an old one, I must demolish before I construct.”<sup>8</sup> In a kind of realization that took place half a century later, one-time deputy-mayor of West Jerusalem Meron Benvenisti recalled, “As a member of a pioneering youth movement, I myself ‘made the desert bloom’ by uprooting the ancient olive trees of al-Bassa to clear the ground for a banana grove, as required by the ‘planned farming’ principles of my kibbutz, Rosh Haniqra.”<sup>9</sup> Renaming is central to the cadastral effacement/replacement of the Palestinian Arab presence that Benvenisti poignantly recounts.<sup>10</sup> Comparably, though with reference to Australia,

Tony Birch has charted the contradictory process whereby White residents sought to frustrate the (re-) renaming of Gariwerd back from the derivative “Grampians” that these hills had become in the wake of their original owners’ forcible dispossession in the nineteenth century.<sup>11</sup> Ideologically, however, there is a major difference between the Australian and Israeli cases. The prospect of Israeli authorities changing the Hebrew place-names whose invention Benvenisti has described back to their Arabic counterparts is almost unimaginable. In Australia, by contrast (as in many other settler societies), the erasure of indigeneity conflicts with the assertion of settler nationalism. On the one hand, settler society required the practical elimination of the natives in order to establish itself on their territory. On the symbolic level, however, settler society subsequently sought to recuperate indigeneity in order to express its difference—and, accordingly, its independence—from the mother country. Hence it is not surprising that a progressive Australian state government should wish to attach an indigenous aura to a geographical feature that bore the second-hand name of a British mountain range. Australian public buildings and official symbolism, along with the national airlines, film industry, sports teams and the like, are distinguished by the ostentatious borrowing of Aboriginal motifs. For nationalist purposes, it is hard to see an alternative to this contradictory reappropriation of a foundationally disavowed Aboriginality. The ideological justification for the dispossession of Aborigines was that “we” could use the land better than they could, not that we had been on the land primordially and were merely returning home. One cannot imagine the Al-Quds/Jerusalem suburb of Kfar Sha’ul being renamed Deir Yasin. Despite this major ideological difference, however, Zionism still betrays a need to distance itself from its European origins that recalls the settler anxieties that characterize Australian national discourse. Yiddish, for instance, was decisively rejected in favour of Hebrew—a Hebrew inflected, what is more, with the accents of the otherwise derided Yemeni *mizrachim*. Analogously, as Mark LeVine has noted, though the Zionist modernization of the Arab city of Jaffa was intended to have a certain site specificity, “in fact Jaffa has had to be emptied of its Arab past and Arab inhabitants in order for architects to be able to reenvision the region as a ‘typical Middle Eastern city’.”<sup>12</sup>

In its positive aspect, therefore, settler colonialism does not simply replace native society *tout court*. Rather, the process of replacement maintains the refractory imprint of the native counter-claim. This phenomenon is not confined to the realm of symbolism. In the Zionist case, for instance, as Gershon Shafir has cogently shown, the core doctrine of the conquest of labour, which produced the *kibbutzim* and Histadrut, central institutions of the Israeli state, emerged out of the local confrontation with Arab Palestinians in a form fundamentally different from the pristine doctrine of productivization that had originally been coined in Europe. The concept of productivization was developed in response to the self-loathing that discriminatory exclusions from productive industry encouraged in Eastern European Jewry (in this sense, as Shafir acutely observes, Zionism mirrored the persecutors’ anti-Semitism<sup>13</sup>). In its European enunciation, productivization was not designed to disempower anyone else. It was rather designed, autarkically as it were, to inculcate productive self-sufficiency in a Jewish

- 23 James M. Mooney, *Historical Sketch of the Cherokee* (Chicago: Aldine Transaction 1975 [1900]), p 124.
- 24 The most lively source on the ghoulish enterprise of craniology/craniometry remains Stephen J. Gould, *The Mismeasure of Man* (Harmondsworth: Norton 1981). For a superbly written account with an Australian focus, see Helen MacDonald, *Human Remains: Episodes in Human Dissection* (Melbourne: Melbourne U.P. 2005).
- 25 Wolfe, “Limits of native title,” p 144.
- 26 Williams, *American Indian in Western Legal Thought*, p 269.
- 27 *Johnson v. McIntosh*, 21 US (8 Wheaton), 543, 1823, p 573.
- 28 For discussion of Olney’s “tide of history” concept, see Jackie Delpero, “‘The tide of history’: Australian native title discourse in global context,” MA thesis, Victoria University, Australia, 2003; David Ritter, “The judgement of the world: the Yorta Yorta case and the ‘tide of history,’” *Australian Historical Studies*, Vol 123, 2004, pp 106–121.
- 29 Ilan Pappé, *The Making of the Arab–Israeli Conflict, 1947–1951* (London: I.B. Tauris 2001), p 187. “[I]n order to justify the inclusion of the Negev in the future Jewish state, eleven new kibbutzim were simultaneously installed in that desert region on October 6th, 1946, in addition to the ten settlements already established there during the War for the same purpose.” Nathan Weinstock, *Zionism, False Messiah*, Alan Adler, trans. (London: Ink Links 1979), p 249.
- 30 Bernard Avishai, “Saving Israel from itself: a secular future for the Jewish state,” *Harper’s Magazine*, January 2005, pp 33–43, at p 37.
- 31 Isabel V. Hull, “Military culture and the production of ‘Final Solutions’ in the colonies: the example of Wilhelminian Germany,” in Gellately and Kiernan, *The Specter of Genocide*, pp 141–162.
- 32 In 1902, the renowned English liberal J. A. Hobson was expressing the fear “that the arts and crafts of tyranny, acquired and exercised in our unfree Empire, should be turned against our liberties at home.” Hobson, *Imperialism. A Study* (London: Allen & Unwin 1902), p 160.
- 33 Enzo Traverso, *The Origins of Nazi Violence*, Janet Lloyd, trans. (New York: New Press 2003); Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust* (New York: Lantern Books 2002).
- 34 “The [Central Government region Jewish] ghetto clearings amounted to wild, day-long shooting sprees in particular sections of cities, at the end of which bodies were lying in the main streets leading to train stations.” Pohl, “The murder of Jews in the general government,” in Ulrich Herbert, ed., *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies* (New York: Berghahn Books 2000), pp 83–103, at p 99. See also Jürgen Zimmerer, “Colonialism and the Holocaust: towards an archaeology of genocide,” Andrew H. Beattie, trans., in Moses, *Genocide and Settler Society*, pp 48–76. On colonial starvations and the “New Imperialism,” see Mike Davis, *Late Victorian Holocausts: El Niño Famines and the Making of the Third World* (London: Verso 2001).
- 35 Israel is also, of course, a partial exception here, though not so substantial an exception as is asserted by those who claim that Israel cannot be a colonial formation because it lacks a single commissioning metropolis. From the outset, the Yishuv co-opted Ottoman, British and US imperialism to its own advantage, a reciprocated opportunism involving what Maxime Rodinson neatly glossed as “the collective mother country.” Rodinson, *Israel. A Settler-Colonial State?* David Thorstad, trans. (New York: Monad 1973), p 76.
- 36 Cole Harris, “How did colonialism dispossess? Comments from an edge of empire,” *Annals of the Association of American Geographers*, Vol 94, 2004, p 179.
- 37 Robert Melson, “Modern genocide in Rwanda: ideology, revolution, war, and mass murder in an African state,” in Gellately and Kiernan, *The Specter of Genocide*, pp 325–338, at p 326.
- 38 Melson, “Modern genocide in Rwanda,” pp 327–328.
- 39 “For the provisions serving to the support of humane life, produced by one acre of inclosed and cultivated land, are (to speak much within compass) ten times more, than those, which are yeilded [sic] by an acre of Land, of an equal richnesse, lyeing wast in common.” John Locke, *Two Treatises of Government* (Cambridge: Cambridge U.P. 1963 [1698]), p 312.
- 40 The new Jew is an enduring Zionist theme. In introducing his terrorist memoir, future Israeli prime minister Menachem Begin announced that, in addition to his Jewish readers, he had also written the book for gentiles: “lest they be unwilling to realise, or all too ready to overlook, the fact that out of blood and fire and tears and ashes a new specimen of human being was born, a specimen completely unknown to the world for over eighteen hundred years, ‘the FIGHTING JEW’.” Begin, *The Revolt*, Samuel Katz, trans. (London: W.H. Allen 1979), p xxv, capitals in original. For a more recent diasporan example, see, for instance, the Adi Nes photograph used as publicity for the Jewish Museum of New York’s 1998–1999 “After Rabin: new art from Israel” show, at [www.thejewishmuseum.org/site/pages/content/exhibitions/special/rabin/rabin\\_zoom/rabinL1.html](http://www.thejewishmuseum.org/site/pages/content/exhibitions/special/rabin/rabin_zoom/rabinL1.html)
- 41 “[John] Ross—the successful self-made Cherokee entrepreneur—was really what white Georgians feared. Their biggest obstacle to acquiring the Cherokee lands was the cultivator’s plow and overseer’s whip—not

- 5 Rose, *Hidden Histories: Black Stories from Victoria River Downs, Humbert River and Wave Hill Stations* (Canberra: Aboriginal Studies Press 1991), p 46.
- 6 “[O]ne, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and colonization of the area by the oppressor’s own nationals.” Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York: Carnegie Endowment for International Peace 1944), p 79.
- 7 Wolfe, *Settler Colonialism and the Transformation of Anthropology*, p 2; “Nation and miscegeNation,” p 96.
- 8 Theodor Herzl, *Old–New Land [Altneuland, 1902]*, Lotta Levensohn, trans. (New York: M. Wiener 1941), p 38.
- 9 Meron Benvenisti, *Sacred Landscape. The Buried History of the Holy Land since 1948* (Berkeley, CA: California U.P. 2000), p 2.
- 10 Walid Khalidi and his team memorialized the obsessively erased Arab past in their undespairing *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948* (Washington, DC: Institute for Palestine Studies 1992).
- 11 Tony Birch, “‘Nothing has changed’: the ‘making and unmaking’ of Koori Culture,” in Michèle Grossman, ed., *Blacklines: Contemporary Critical Writing by Indigenous Australians* (Melbourne: Melbourne U.P. 2003), pp 145–158.
- 12 Mark LeVine, *Overthrowing Geography: Jaffa, Tel Aviv, and the Struggle for Palestine, 1880–1949* (Berkeley, CA: California U.P. 2005), p 227.
- 13 Gershon Shafir, *Land, labor, and the origins of the Israeli–Palestinian Conflict, 1882–1914* (Cambridge: Cambridge U.P. 1989), p 81.
- 14 *Ibid*, pp 81–82.
- 15 Quoted in LeVine, *Overthrowing Geography*, p 167.
- 16 For varying analyses and discussions of the principal formulations of the doctrine of discovery, see e.g. Anthony Anghie, “Francisco de Vitoria and the colonial origins of international law,” in Eve Darian-Smith and Peter Fitzpatrick, eds, *Laws of the Postcolonial* (Ann Arbor, MI: Michigan U.P. 1999), pp 89–107; Andrew Fitzmaurice, *Humanism and America: An Intellectual History of English Colonisation, 1500–1625* (Cambridge: Cambridge U.P. 2003); David Kennedy, “Primitive legal scholarship,” *Harvard International Law Journal*, Vol 27, 1986, pp 1–98; Mark F. Lindley, *The Acquisition and Government of Backward Territory in International Law* (London: Longmans, Green. 1926); Robert A. Williams, Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (Oxford: Oxford U.P. 1990), esp. pp 233–286.
- 17 This observation unites almost all commentators, whatever their political inclination. Cf. e.g. Anthony Anghie, “Finding the peripheries: sovereignty and colonialism in nineteenth-century international law,” *Harvard International Law Journal*, Vol 40, 1999, pp 1–80, at p 69; L. C. Green, “Claims to territory in colonial America,” in L. C. Green and Olive P. Dickason, *The Law of Nations and the New World* (Alberta: Alberta U.P. 1989), p 125.
- 18 See e.g. Wilcomb E. Washburn, ed., *History of Indian–White Relations* (Washington, DC: Smithsonian Institution 1988), William C. Sturtevant, ed., *Handbook of North American Indians*, Vol 4 (Washington D.C., Smithsonian Institution, 1978), pp 5–39.
- 19 As Mr Justice Johnson put it in his concurrence with Chief Justice Marshall’s judgment in *Cherokee v. Georgia*, “The hunter state bore within itself the promise of vacating the territory, because when game ceased, the hunter would go elsewhere to seek it. But a more fixed state of society would amount to a permanent destruction of the hope, and, of consequence, of the beneficial character of the pre-emptive right.” *Cherokee v. Georgia*, 30 US (5 Peters) 1, 1831, p 23.
- 20 The judgments most often cited in this connection are *Worcester v. Georgia*, 31 US (6 Peters) 515, 1832, *Crow Dog*, 109 US 556, 1883, and *Williams v. Lee*, 358 US 217, 1959. I am currently preparing a critique of the limitations of these judgments, and of the limitations of US-style Indian sovereignty as a whole, in an article provisionally entitled “Against the intentional fallacy: marking the gap between rhetoric and outcome in US Indian law and policy.”
- 21 Harvey D. Rosenthal, “Indian claims and the American conscience: a brief history of the Indian Claims Commission,” in Imre Sutton, ed., *Irredeemable America: The Indians’ Estate and Land Claims* (Albuquerque: New Mexico U.P. 1985), pp 35–70, at p 36.
- 22 The classic accounts from a well-established literature include: Annie H. Abel, “The history of events resulting in Indian consolidation west of the Mississippi River,” in *American Historical Association Annual Report for 1906*, 2 vols (Washington, DC: American Historical Association 1906), Vol 2, pp 233–450; Angie Debo, *A History of the Indians of the United States* (Norman, OK: Pimlico 1970); Grant Foreman, *Indian Removal* (Norman, OK: Oklahoma U.P. 1932).

population that had been relegated to urban (principally financial) occupations that were stigmatized as parasitic by the surrounding gentile population—a prejudice that those who sought to build the “new Jew” endorsed insofar as they resisted its internalization. On its importation into Palestine, however, the doctrine evolved into a tool of ethnic conflict, as Jewish industries were actively discouraged from employing non-Jewish labour, even though Arabs worked for lower wages and, in many cases, more efficiently:

“Hebrew labor,” or “conquest of labor” . . . was born of Palestinian circumstances, and advocated a struggle against Palestinian Arab workers. This fundamental difference demonstrates the confusion created by referring “Hebrew labor” back to the productivization movement and anachronistically describing it as evolving in a direct line from Eastern European origins.<sup>14</sup>

As it developed on the colonial ground, the conquest of labour subordinated economic efficiency to the demands of building a self-sufficient proto-national Yishuv (Jewish community in Palestine) at the expense of the surrounding Arab population. This situated struggle produced the new Jew as subject of the labour that it conquered. In the words of Zionist architect Julius Posner, reprising a folk song, “We have come to the homeland to build and be rebuilt in it . . . the creation of the new Jew . . . [is also] the creator of that Jew.”<sup>15</sup> As such, the conquest of labour was central both to the institutional imagining of a *goyim-rein* (gentile-free) zone and to the continued stigmatization of Jews who remained unredeemed in the *galut* (diaspora). The positive force that animated the Jewish nation and its individual new-Jewish subjects issued from the negative process of excluding Palestine’s Indigenous owners.

In short, elimination refers to more than the summary liquidation of Indigenous people, though it includes that. In its positive aspect, the logic of elimination marks a return whereby the native repressed continues to structure settler-colonial society. It is both as complex social formation and as continuity through time that I term settler colonization a structure rather than an event, and it is on this basis that I shall consider its relationship to genocide.

\*\*\*

To start at the top, with the European sovereigns who laid claim to the territories of non-Christian (or, in later secularized versions, uncivilized) inhabitants of the rest of the world: justifications for this claim were derived from a disputatious arena of scholarly controversy that had been prompted by European conquests in the Americas and is misleadingly referred to, in the singular, as the doctrine of discovery.<sup>16</sup> Though a thoroughgoing diminution of native entitlement was axiomatic to discovery, the discourse was primarily addressed to relations between European sovereigns rather than to relations between Europeans and natives.<sup>17</sup> Competing theoretical formulas were designed to restrain the endless rounds of war-making over claims to colonial territory that European sovereigns were prone to indulge in. The rights accorded to natives tended to reflect the balance between European powers in any given theatre of colonial settlement. In Australia, for instance, where British

dominion was effectively unchallenged by other European powers, Aborigines were accorded no rights to their territory, informal variants on the theme of *terra nullius* being taken for granted in settler culture. In North America, by contrast, treaties between Indian and European nations were premised on a sovereignty that reflected Indians' capacity to permute local alliance networks from among the rival Spanish, British, French, Dutch, Swedish and Russian presences.<sup>18</sup> Even where native sovereignty was recognized, however, ultimate dominion over the territory in question was held to inhere in the European sovereign in whose name it had been "discovered." Through all the diversity among the theorists of discovery, a constant theme is the clear distinction between dominion, which inhered in European sovereigns alone, and natives' right of occupancy, also expressed in terms of possession or usufruct, which entitled natives to pragmatic use (understood as hunting and gathering rather than agriculture)<sup>19</sup> of a territory that Europeans had discovered. The distinction between dominion and occupancy illuminates the settler-colonial project's reliance on the elimination of native societies.

Through being the first European to visit and properly claim a given territory, a discoverer acquired the right, on behalf of his sovereign and *vis-à-vis* other Europeans who came after him, to buy land from the natives. This right, known as preemption, gave the discovering power (or, in the US case, its successors) a monopoly over land transactions with the natives, who were prevented from disposing of their land to any other European power. On the face of it, this would seem to pose little threat to people who did not wish to dispose of their land to anyone. Indeed, this semblance of native voluntarism has provided scope for some limited judicial magnanimity in regard to Indian sovereignty.<sup>20</sup> In practice, however, the corollary did not apply. Preemption sanctioned European priority but not Indigenous freedom of choice. As Harvey Rosenthal observed of the concept's extension into the US constitutional environment, "The American right to buy always superseded the Indian right not to sell."<sup>21</sup> The mechanisms of this priority are crucial. Why should ostensibly sovereign nations, residing in territory solemnly guaranteed to them by treaties, decide that they are willing, after all, to surrender their ancestral homelands? More often than not (and nearly always up to the wars with the Plains Indians, which did not take place until after the civil war), the agency which reduced Indian peoples to this abjection was not some state instrumentality but irregular, greed-crazed invaders who had no intention of allowing the formalities of federal law to impede their access to the riches available in, under, and on Indian soil.<sup>22</sup> If the government notionally held itself aloof from such disreputable proceedings, however, it was never far away. Consider, for instance, the complicity between bayonet-wielding troops and the "lawless rabble" in this account of events immediately preceding the eastern Cherokee's catastrophic "Trail of Tears," one of many comparable 1830s removals whereby Indians from the South East were displaced west of the Mississippi to make way for the development of the slave-plantation economy in the Deep South:

Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockade

counterproductive to destroy it. The same can be said of African American slavery. In both cases, the genocide tribunal is the wrong court.

The US parallel is significant because, unlike the South African case, the formal apparatus of oppression (slavery) was overcome but Whites remained in power.<sup>76</sup> On emancipation, Blacks became surplus to some requirements and, to that extent, more like Indians. Thus it is highly significant that the barbarities of lynching and the Jim Crow reign of terror should be a post-emancipation phenomenon.<sup>77</sup> As valuable commodities, slaves had only been destroyed *in extremis*. Even after slavery, Black people continued to have value as a source of super-cheap labour (providing an incitement to poor Whites), so their dispensability was tempered.<sup>78</sup> Today in the US, the blatant racial zoning of large cities and the penal system suggests that, once colonized people outlive their utility, settler societies can fall back on the repertoire of strategies (in this case, spatial sequestration) whereby they have also dealt with the native surplus. There could hardly be a more concrete expression of spatial sequestration than the West Bank barrier. There again, apartheid also relied on sequestration. Perhaps Colin Tatz, who insists that Israel is not genocidal,<sup>79</sup> finds it politic to allow an association between the Zionist and apartheid regimes as the price of preempting the charge of genocide. It is hard to imagine that a scholar of his perspicacity can have failed to recognize the Palestinian resonances of his statement, made in relation to Biko youth, that: "They threw rocks and died for their efforts."<sup>80</sup> Nonetheless, as Palestinians become more and more dispensable, Gaza and the West Bank become less and less like Bantustans and more and more like reservations (or, for that matter, like the Warsaw Ghetto). Porous borders do not offer a way out.

## Notes and References

- 1 Patrick Wolfe, "Nation and miscegenation: discursive continuity in the post-Mabo era," *Social Analysis*, Vol 36, 1994, pp 93–152; Wolfe, *Settler Colonialism and the Transformation of Anthropology* (London: Cassell 1999).
- 2 See e.g. Collette Guillaumin, "The idea of race and its elevation to autonomous scientific and legal status," in her *Racism, Sexism, Power and Ideology* (London: Routledge 1995), pp 61–98; Ivan Hannaford, *Race: The History of an Idea in the West* (Baltimore: Johns Hopkins U.P. 1996); Kenan Malik, *The Meaning of Race: Race, History and Culture in Western Society* (London: Macmillan 1996). For discussion, see my "Race and racialisation: some thoughts," *Postcolonial Studies*, Vol 5, No 1, 2002, pp 51–62.
- 3 Robert Manne has missed this point. Responding to a question posed in 1937 by Western Australian Aboriginal affairs functionary A. O. Neville ("Are we going to have a population of 1,000,000 blacks in the [Australian] Commonwealth, or are we going to merge them into our white community and eventually forget that there ever were any aborigines in Australia?"), Manne suggests that, in order to "grasp the genocidal implications" of the question, "we need only replace the words 'blacks' and 'Aborigine' [*sic*] with the word 'Jew'" and locate the posing of the question in Berlin rather than Canberra. Manne, "Aboriginal child removal and the question of genocide," in A. Dirk Moses, ed., *Genocide and Settler Society* (Berghahn, New York, 2005), pp 219–220. Apart from its contrivance, this analogy fails because the Nazi racialization of Jews did not conduce to their assimilation. Rather, the reverse was the case. As Robert Gellately has observed, "Although we can point to some similarities in Nazi plans and actions for Jews and Slavs, there was, and remains one crucial difference: in principle Jews could never be saved, never convert, nor be assimilated." Gellately, "The Third Reich, the Holocaust, and visions of serial genocide," in Gellately and Kiernan, eds, *The Specter of Genocide: mass murder in historical perspective* (Cambridge: Cambridge U.P. 2003), pp 241–263, at p 262.
- 4 Roger W. Smith, "Human destructiveness and politics: the twentieth century as an age of genocide," in Isidor Wallimann and Michael N. Dobkowski, eds, *Genocide and the Modern Age: Etiology and Case Studies of Mass Death* (New York: Greenwood Press, 1987), pp 21–39, at p 31.

a qualified genocide? I suggest that the term “structural genocide” avoids the questions of degree—and, therefore, of hierarchy among victims—that are entailed in qualified genocides, while retaining settler colonialism’s structural induration (it also lets in the witches—whose destruction, as Charles Zika has shown, was closely linked to the coeval transatlantic destruction of Native Americans<sup>71</sup>). Given a historical perspective on structural genocide, we can recognize its being in abeyance (as, mercifully, it seems to be in contemporary Australia) rather than being a thing of the past—which is to say, we should guard against the recurrence of what Dirk Moses terms “genocidal moments” (social workers continue to take Aboriginal children in disproportionate numbers, for example.<sup>72</sup>) Focusing on structural genocide also enables us to appreciate some of the concrete empirical relationships between spatial removal, mass killings and biocultural assimilation. For instance, where there is no space left for removal (as occurred on the closure of the frontier in the US and Australia, or on the Soviet victory on Nazi Germany’s eastern front), mass killings or assimilation become the only eliminatory options available. Under these circumstances, the resort to mass killings can reflect the proclaimed inassimilability of the victim group, as in the case of Jews in relation to the “Aryan” blood stock.<sup>73</sup> Correspondingly, assimilation programmes can reflect the ideological requirements of settler-colonial societies, which characteristically cite native advancement to establish their egalitarian credentials to potentially fractious groups of immigrants.<sup>74</sup>

\*\*\*

How, then, might any of this help to predict and prevent genocide?

In the first place, it shows us that settler colonialism is an indicator. Unpalatable though it is (to speak as a member of a settler society), this conclusion has a positive aspect, which is a corollary to settler colonialism’s temporal dimension. Since settler colonialism persists over extended periods of time, structural genocide should be easier to interrupt than short-term genocides. For instance, it seems reasonable to credit the belated UN/Australian intervention in East Timor with warding off the likelihood of a continued or renewed genocidal programme. *Realpolitik* is a factor, however. Thus the Timorese miracle would not seem to hold out a great deal of hope for, say, Tibet.

Since settler colonialism is an indicator, it follows that we should monitor situations in which settler colonialism intensifies or in which societies that are not yet, or not fully, settler-colonial take on more of its characteristics. Israel’s progressive dispensing with its reliance on Palestinian labour would seem to present an ominous case in point.<sup>75</sup> Colin Tatz has argued, conclusively in my view, that, while Turkish behaviour in Armenia, Nazi behaviour in Europe, and Australian behaviour towards Aborigines (among other examples) constitute genocide, the apartheid regime in South Africa does not. His basic reason is that African labour was indispensable to apartheid South Africa, so it would have been

[where they were held prior to the removal itself.] Men were seized in their fields or going along the road, women were taken from their wheels and children from their play. In many cases, on turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage. So keen were these outlaws on the scent that in some instances they were driving off the cattle and other stock of the Indians almost before the soldiers had fairly started their owners in the other direction. Systematic hunts were made by the same men for Indian graves, to rob them of the silver pendants and other valuables deposited with the dead. A Georgia volunteer, afterward a colonel in the Confederate service, said: “I fought through the civil war and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew.”<sup>23</sup>

On the basis of this passage alone, the structural complexity of settler colonialism could sustain libraries of elaboration. A global dimension to the frenzy for native land is reflected in the fact that, as economic immigrants, the rabble were generally drawn from the ranks of Europe’s landless. The cattle and other stock were not only being driven off Cherokee land; they were being driven into private ownership. Once evacuated, the Red man’s land would be mixed with Black labour to produce cotton, the white gold of the Deep South. To this end, the international slave trade and the highest echelons of the formal state apparatus converged across three continents with the disorderly pillaging of a nomadic horde who may or may not have been “lawless” but who were categorically White. Moreover, in their indiscriminate lust for any value that could be extracted from the Cherokee’s homeland, these racialized grave-robbers are unlikely to have stopped at the pendants. The burgeoning science of craniology, which provided a distinctively post-eighteenth-century validation for their claim to a racial superiority that entitled them to other people’s lands, made Cherokee skulls too marketable a commodity to be overlooked.<sup>24</sup> In its endless multidimensionality, there was nothing singular about this one sorry removal, which all of modernity attended.

Rather than something separate from or running counter to the colonial state, the murderous activities of the frontier rabble constitute its principal means of expansion. These have occurred “behind the screen of the frontier, in the wake of which, once the dust has settled, the irregular acts that took place have been regularized and the boundaries of White settlement extended. Characteristically, officials express regret at the lawlessness of this process while resigning themselves to its inevitability.”<sup>25</sup> In this light, we are in a position to understand the pragmatics of the doctrine of discovery more clearly. Understood as an assertion of Indigenous entitlement, the distinction between dominion and occupancy dissolves into incoherence. Understood processually, however, as a stage in the formation of the settler-colonial state (specifically, the stage linking the theory and the realization of territorial acquisition), the distinction is only too consistent. As observed, preemption provided that natives could transfer their right of occupancy to the discovering sovereign and to no one else. They could not transfer dominion because it was not theirs to transfer; that inhered in the European sovereign and had done so from the moment of discovery. Dominion without conquest constitutes the theoretical (or “inchoate”) stage of territorial sovereignty.<sup>26</sup> In US

Chief Justice John Marshall's words, it remained to be "consummated by possession."<sup>27</sup> This delicately phrased "consummation" is precisely what the rabble were achieving at Cherokee New Echota in 1838. In other words, the right of occupancy was not an assertion of native rights. Rather, it was a pragmatic acknowledgment of the lethal interlude that would intervene between the conceit of discovery, when navigators proclaimed European dominion over whole continents to trees or deserted beaches, and the practical realization of that conceit in the final securing of European settlement, formally consummated in the extinguishment of native title. Thus it is not surprising that Native Title had hardly been asserted in Australian law than Mr Justice Olney was echoing Marshall's formula, Olney's twenty-first-century version of consummation being the "tide of history" that provided the pretext for his notorious judgment in the *Yorta Yorta* case.<sup>28</sup> As observed, the logic of elimination continues into the present.

The tide of history canonizes the *fait accompli*, harnessing the diplomatic niceties of the law of nations to the maverick rapine of the squatters' posse within a cohesive project that implicates individual and nation-state, official and unofficial alike. Over the Green Line today, *Ammana*, the settler advance-guard of the fundamentalist *Gush Emunim* movement, hastens apace with the construction of its facts on the ground. In this regard, the settlers are maintaining a tried and tested Zionist strategy—Israel's 1949 campaign to seize the Negev before the impending armistice was codenamed *Uvda*, Hebrew for "fact."<sup>29</sup> As Bernard Avishai lamented of the country he had volunteered to defend, "settlements were made in the territories beyond the Green Line so effortlessly after 1967 because the Zionist institutions that built them and the laws that drove them . . . had all been going full throttle within the Green Line before 1967. To focus merely on West Bank settlers was always to beg the question."<sup>30</sup> In sum, then, settler colonialism is an inclusive, land-centred project that coordinates a comprehensive range of agencies, from the metropolitan centre to the frontier encampment, with a view to eliminating Indigenous societies. Its operations are not dependent on the presence or absence of formal state institutions or functionaries. Accordingly—to begin to move toward the issue of genocide—the occasions on or the extent to which settler colonialism conduces to genocide are not a matter of the presence or absence of the formal apparatus of the state.

\*\*\*

While it is clearly the case, as Isabel Hull argues, that the pace, scale and intensity of certain forms of modern genocide require the centralized technological, logistical and administrative capacities of the modern state,<sup>31</sup> this does not mean that settler-colonial discourse should be regarded as pre- (or less than) modern. Rather, as a range of thinkers—including, in this connection, W. E. B. Dubois, Hannah Arendt and Aimé Césaire—have argued, some of the core features of modernity were pioneered in the colonies.<sup>32</sup> It is a commonplace that the Holocaust gathered together the instrumental, technological and bureaucratic constituents of Western modernity. Accordingly, despite the historiographical energy

appear to have been built into a great social transition), these mass killings would seem to have little to tell us about the long-run structural consistency of settler colonizers' attempts to eliminate native societies. In contrast to the Holocaust, which was endemic to Nazism rather than to Germany (which was by no means the only—or even, historically, the most—anti-Semitic society in Europe), settler colonialism is relatively impervious to regime change. The genocide of American Indians or of Aboriginal people in Australia has not been subject to election results. So why not a special kind of genocide?—Raymond Evans' and Bill Thorpe's etymologically deft "indigenocide," for instance,<sup>67</sup> or one of the hyphenated genocides ("cultural genocide," "ethnocide," "politicide," etc.)<sup>68</sup> that have variously been proposed? The apparently insurmountable problem with the qualified genocides is that, in their very defensiveness, they threaten to undo themselves. They are never quite the real thing, just as patronizingly hyphenated ethnics are not fully Australian or fully American. Apart from this categorical problem, there is a historical basis to the relative diminution of the qualified genocides. This basis is, of course, the Holocaust, the non-paradigmatic paradigm that, being the indispensable example, can never merely exemplify. Keeping one eye on the Holocaust, which is always the unqualified referent of the qualified genocides, can only disadvantage Indigenous people because it discursively reinforces the figure of lack at the heart of the non-Western. Moreover, whereas the Holocaust exonerates anti-Semitic Western nations who were on the side opposing the Nazis, those same nations have nothing to gain from their liability for colonial genocides. On historical as well as categorical grounds, therefore, the hyphenated genocides devalue Indigenous attrition. No such problem bedevils analysis of the logic of elimination, which, in its specificity to settler colonialism, is premised on the securing—the obtaining and the maintaining—of territory.<sup>69</sup> This logic certainly requires the elimination of the owners of that territory, but not in any particular way. To this extent, it is a larger category than genocide. For instance, the style of romantic stereotyping that I have termed "repressive authenticity," which is a feature of settler-colonial discourse in many countries, is not genocidal in itself, though it eliminates large numbers of empirical natives from official reckonings and, as such, is often concomitant with genocidal practice.<sup>70</sup> Indeed, depending on the historical conjuncture, assimilation can be a more effective mode of elimination than conventional forms of killing, since it does not involve such a disruptive affront to the rule of law that is ideologically central to the cohesion of settler society. When invasion is recognized as a structure rather than an event, its history does not stop—or, more to the point, become relatively trivial—when it moves on from the era of frontier homicide. Rather, narrating that history involves charting the continuities, discontinuities, adjustments, and departures whereby a logic that initially informed frontier killing transmutes into different modalities, discourses and institutional formations as it undergirds the historical development and complexification of settler society. This is not a hierarchical procedure.

How, then, when elimination manifests as genocide, are we to retain the specificity of settler colonialism without downplaying its impact by resorting to



societies like those of mainland Europe, the frontier designates a national boundary as opposed to a mobile index of expansion. Israel's borders partake of both qualities. Despite Zionism's chronic addiction to territorial expansion, Israel's borders do not preclude the option of removal (in this connection, it is hardly surprising that a nation that has driven so many of its original inhabitants into the sand should express an abiding fear of itself being driven into the sea). As the logic of elimination has taken on a variety of forms in other settler-colonial situations, so, in Israel, the continuing tendency to Palestinian expulsion has not been limited to the unelaborated exercise of force. As Baruch Kimmerling and Joel Migdal have observed, for instance, Israeli officials have only permitted family unions "in one direction—out of Israel."<sup>65</sup> The Law of Return commits the Jewish state to numerically unlimited but ethnically exclusive immigration, a factor that, formalities of citizenship notwithstanding, militates against the assimilation of gentile natives. Thus assimilation should not be seen as an invariable concomitant of settler colonialism. Rather, assimilation is one of a range of strategies of elimination that become favoured in particular historical circumstances. Moreover, assimilation itself can take on a variety of forms. In the Australian context, for instance, various scholars have recognized that "the genetic and cultural codes recapitulated each other."<sup>66</sup> Though "softer" than the recourse to simple violence, however, these strategies are not necessarily less eliminatory. To take an example from genocide's definitional core, Article II (d) of the UN Convention on Genocide, which seems to have been relatively overlooked in Australian discussions, includes among the acts that constitute genocide (assuming they are committed with intent to destroy a target group in whole or in part) the imposition of "measures intended to prevent births within the group." Given that the Australian practice of abducting Aboriginal children, assuming its "success," would bring about a situation in which second-generation offspring were born into a group that was different from the one from which the child/parent had originally been abducted, there is abundant evidence of genocide being practised in post-war Australia on the basis of Article II (d) alone. It is impossible to draw simple either/or lines between culture and biology in cases such as these. Though a child was physically abducted, the eventual outcome is as much a matter of a social classification as it is of a body count. Nonetheless, the intentional contribution to the demographic destruction of the "relinquishing" group is unequivocal.

\*\*\*

Why, then, logic of elimination rather than genocide? As stated at the outset, settler colonialism is a specific social formation and it is desirable to retain that specificity. So far as I can tell, an understanding of settler colonialism would not be particularly helpful for understanding the mass killings of, say, witches in medieval Europe, Tutsis in Rwanda, enemies of the people in Cambodia, or Jews in the Nazi fatherland (the *Lebensraum* is, of course, another matter). By the same token, with the possible exception of the witches (whose murders

that has already been devoted to the Holocaust, the genealogical field available to its historian remains apparently inexhaustible. Thus we have recently been informed that its historical ingredients included the guillotine and, for the industry-scale processing of human bodies, the techniques of Chicago cattle-yards.<sup>33</sup> Yet the image of the dispassionate genocidal technocrat that the Holocaust spawned is by no means the whole story. Rather, as Dieter Pohl, Jürgen Zimmerer and others have pointed out, a substantial number of the Nazis' victims, including Jewish and Gypsy (Sinti and Rom) ones, were not murdered in camps but in deranged shooting sprees that were more reminiscent of sixteenth-century Spanish behaviour in the Americas than of Fordism, while millions of Slav civilians and Soviet soldiers were simply starved to death in circumstances that could well have struck a chord with late-eighteenth-century Bengalis or mid-nineteenth-century Irish people.<sup>34</sup> This is not to suggest a partition of the Holocaust into, say, modern and atavistic elements. It is to stress the modernity of colonialism.

Settler colonialism was foundational to modernity. Frontier individuals' endless appeals for state protection not only presupposed a commonality between the private and official realms. In most cases (Queensland was a partial exception), it also presupposed a global chain of command linking remote colonial frontiers to the metropolis.<sup>35</sup> Behind it all lay the driving engine of international market forces, which linked Australian wool to Yorkshire mills and, complementarily, to cotton produced under different colonial conditions in India, Egypt, and the slave states of the Deep South. As Cole Harris observed in relation to the dispossession of Indians in British Columbia, "Combine capital's interest in uncluttered access to land and settlers' interest in land as livelihood, and the principal momentum of settler colonialism comes into focus."<sup>36</sup> The Industrial Revolution, misleadingly figuring in popular consciousness as an autochthonous metropolitan phenomenon, required colonial land and labour to produce its raw materials just as centrally as it required metropolitan factories and an industrial proletariat to process them, whereupon the colonies were again required as a market. The expropriated Aboriginal, enslaved African American, or indentured Asian is as thoroughly modern as the factory worker, bureaucrat, or *flâneur* of the metropolitan centre. The fact that the slave may be in chains does not make him or her medieval. By the same token, the fact that the genocidal Hutus of Rwanda often employed agricultural implements to murder their Tutsi neighbours en masse does not license the racist assumption that, because neither Europeans nor the latest technology were involved, this was a primordial (read "savage") blood-letting. Rwanda and Burundi are colonial creations—not only so far as the obvious factor of their geographical borders is concerned, but, more intimately, in the very racial boundaries that marked and reproduced the Hutu/Tutsi division. As Robert Melson has observed in his sharp secondary synopsis of it, "The Rwandan genocide was the product of a postcolonial state, a racist ideology, a revolution claiming democratic legitimation, and war—all manifestations of the modern world."<sup>37</sup> The mutual Hutu/Tutsi racialization on which this "post"-colonial ideology was based was itself an artifice of colonialism. In classic

Foucauldian style, the German and, above all, Belgian overlords who succeeded each other in modern Rwanda had imposed a racial grid on the complex native social order, co-opting the pastoral Tutsi aristocracy as a comprador elite who facilitated their exploitation of the agriculturalist Hutu and lower-order Tutsis. This racial difference was elaborated “by Belgian administrators and anthropologists who argued—in what came to be known as the ‘Hamitic Hypothesis’—that the Tutsi were conquerors who had originated in Ethiopia (closer to Europe!) and that the Hutu were a conquered inferior tribe of local provenance.”<sup>38</sup> Shades of the Franks and the Gauls. In their inculcation with racial discourse, Rwandans were integrally modern. Even the notorious hoes with which some Hutus murdered their Tutsi compatriots symbolized the agriculture that not only encapsulated their difference from their victims. As such, these hoes were also the instruments of the Hutus’ involvement in the global market.

\*\*\*

Of itself, however, modernity cannot explain the insatiable dynamic whereby settler colonialism always needs more land. The answer that springs most readily to mind is agriculture, though it is not necessarily the only one. The whole range of primary sectors can motivate the project. In addition to agriculture, therefore, we should think in terms of forestry, fishing, pastoralism and mining (the last straw for the Cherokee was the discovery of gold on their land). With the exception of agriculture, however (and, for some peoples, pastoralism), none of these is sufficient in itself. You cannot eat lumber or gold; fishing for the world market requires canneries. Moreover, sooner or later, miners move on, while forests and fish become exhausted or need to be farmed. Agriculture not only supports the other sectors. It is inherently sedentary and, therefore, permanent. In contrast to extractive industries, which rely on what just happens to be there, agriculture is a rational means/end calculus that is geared to vouchsafing its own reproduction, generating capital that projects into a future where it repeats itself (hence the farmer’s dread of being reduced to eating seed stock). Moreover, as John Locke never tired of pointing out, agriculture supports a larger population than non-sedentary modes of production.<sup>39</sup> In settler-colonial terms, this enables a population to be expanded by continuing immigration at the expense of native lands and livelihoods. The inequities, contradictions and pogroms of metropolitan society ensure a recurrent supply of fresh immigrants—especially, as noted, from among the landless. In this way, individual motivations dovetail with the global market’s imperative for expansion. Through its ceaseless expansion, agriculture (including, for this purpose, commercial pastoralism) progressively eats into Indigenous territory, a primitive accumulation that turns native flora and fauna into a dwindling resource and curtails the reproduction of Indigenous modes of production. In the event, Indigenous people are either rendered dependent on the introduced economy or reduced to the stock-raids that provide the classic pretext for colonial death-squads.

None of this means that Indigenous people are by definition non-agricultural. Whether or not they actually do practise agriculture, however (as in the case of

for the abrogation of existing treaties,<sup>56</sup> relentlessly sought the breakdown of the tribe and the absorption into White society of individual Indians and their tribal land, only separately. John Wunder has termed this policy framework “the New Colonialism,” a discursive formation based on reservations and boarding schools that “attacked every aspect of Native American life—religion, speech, political freedoms, economic liberty, and cultural diversity.”<sup>57</sup> The centrepiece of this campaign was the allotment programme, first generalized as Indian policy in the Dawes Severalty Act of 1887 and subsequently intensified and extended, whereby tribal land was to be broken down into individual allotments whose proprietors could eventually sell them to White people.<sup>58</sup> Ostensibly, this programme provided for a cultural transformation whereby the magic of private property ownership would propel Indians from the collective inertia of tribal membership into the progressive individualism of the American dream. In practice, not only did Indian numbers rapidly hit the lowest level they would ever record, but this cultural procedure turned out to yield a faster method of land transference than the US Cavalry had previously provided. In the half-century from 1881, the total acreage held by Indians in the United States fell by two thirds, from just over 155 million acres to just over 52 million.<sup>59</sup> Needless to say, the coincidence between the demographic statistics and the land-ownership ones was no coincidence. Throughout this process, reformers’ justifications for it (saving the Indian from the tribe, giving him the same opportunities as the White man, etc.) repeatedly included the express intention to destroy the tribe in whole.<sup>60</sup> With their land base thus attenuated, US citizenship was extended to all Indians in 1924. In 1934, under the New Deal *Indian Reform Act*, allotment was abandoned in favour of a policy of admitting the tribe itself into the US polity, only on condition that its constitution be rewritten into structural harmony with its US civic environment. A distinctive feature of the model constitutions that the Secretary of the Interior approved for tribes that registered under the 1934 Act was blood quantum requirements, originally introduced by Dawes Act commissioners to determine which tribal members would be eligible for what kind of allotments.<sup>61</sup> Under the blood quantum regime, one’s Indianness progressively declines in accordance with a “biological” calculus that is a construct of Euroamerican culture.<sup>62</sup> Juaneño/Jaqi scholar Annette Jaimes has termed this procedure “statistical extermination.”<sup>63</sup> In sum, the containment of Indian groups within Euroamerican society that culminated in the end of the frontier produced a range of ongoing complementary strategies whose common intention was the destruction of heterodox forms of Indian grouphood. In the post-World War II climate of civil rights, these strategies were reinforced by the policies of termination and relocation, held out as liberating individual Indians from the thralldom of the tribe, whose compound effects rivalled the disasters of allotment.<sup>64</sup> A major difference between this and the generality of non-colonial genocides is its sustained duration.

For comparative purposes, it is significant that the full radicalization of assimilation policies in both the US and Australia coincided with the closure of the frontier, which forestalled spatial stop-gaps such as removal. In infra-continental

impact on that people's capacity to stay alive (even apart from their qualitative immiseration while they do so). At the height of the Dawes-era assimilation programme, for instance, in the decade after Richard Pratt penned his Denver paper, Indian numbers hit the lowest level they would ever register.<sup>50</sup> Even in contemporary, post-Native Title Australia, Aboriginal life expectancy clings to a level some 25% below that enjoyed by mainstream society, with infant mortality rates that are even worse.<sup>51</sup> What species of sophistry does it take to separate a quarter "part" of the life of a group from the history of their elimination?

Clearly, we are not talking about an isolated event here. Thus we can shift from settler colonialism's structural complexity to its positivity as a structuring principle of settler-colonial society across time.

\*\*\*

The Cherokee Trail of Tears, which took place over the winter of 1838–1839, presupposed the Louisiana Purchase of 1803, when Thomas Jefferson had bought approximately one-third of the present-day continental United States at a knock-down price from Napoleon.<sup>52</sup> The greatest real estate deal in history provided the territory west of the Mississippi that successive US governments would exchange for the homelands of the eastern tribes whom they were bent on removing. For various reasons, these removals, which turned eastern tribes into proxy invaders of Indian territory across the Mississippi, were a crude and unsatisfactory form of elimination. In particular, they were temporary, it being only a matter of time before the frontier rabble caught up with them.<sup>53</sup> When that happened, as Annie Abel resignedly observed in concluding her classic account of the removals, "Titles given in the West proved less substantial than those in the East, for they had no foundation in antiquity."<sup>54</sup> Repeat removals, excisions from reservations, grants of the same land to different tribes, all conducted against a background of endless pressure for new or revised treaties, were the symptoms of removal's temporariness, which kept time with the westward march of the nation. In the end, though, the western frontier met the one moving back in from the Pacific, and there was simply no space left for removal. The frontier had become coterminous with reservation boundaries. At this point, when the crude technique of removal declined in favour of a range of strategies for assimilating Indian people now that they had been contained within Euroamerican society, we can more clearly see the logic of elimination's positivity as a continuing feature of Euroamerican settler society.

With the demise of the frontier, elimination turned inwards, seeking to penetrate through the tribal surface to the individual Indian below, who was to be co-opted out of the tribe, which would be depleted accordingly, and into White society. The Greenwood LeFlore situation was to be generalized to all Indians. The first major expression of this shift was the discontinuation of treaty-making, which came about in 1871.<sup>55</sup> Over the following three decades, an avalanche of assimilationist legislation, accompanied by draconian Supreme Court judgments which notionally dismantled tribal sovereignty and provided

the Indians who taught Whites to grow corn and tobacco), natives are typically represented as unsettled, nomadic, rootless, etc., in settler-colonial discourse. In addition to its objective economic centrality to the project, agriculture, with its life-sustaining connectedness to land, is a potent symbol of settler-colonial identity. Accordingly, settler-colonial discourse is resolutely impervious to glaring inconsistencies such as sedentary natives or the fact that the settlers themselves have come from somewhere else. Thus it is significant that the feminized, finance-oriented (or, for that matter, wandering) Jew of European anti-Semitism should assert an aggressively masculine agricultural self-identification in Palestine.<sup>40</sup> The new Jew's formative Other was the nomadic Bedouin rather than the *fellaheen* farmer. The reproach of nomadism renders the native removable. Moreover, if the natives are not already nomadic, then the reproach can be turned into a self-fulfilling prophecy through the burning of corn or the uprooting of fruit trees.

But if the natives are already agriculturalists, then why not simply incorporate their productivity into the colonial economy? At this point, we begin to get closer to the question of just who it is (or, more to the point, who they are) that settler colonialism strives to eliminate—and, accordingly, closer to an understanding of the relationship between settler colonialism and genocide. To stay with the Cherokee removal: when it came to it, the factor that most antagonized the Georgia state government (with the at-least-tacit support of Andrew Jackson's federal administration) was not actually the recalcitrant savagery of which Indians were routinely accused, but the Cherokee's unmistakable aptitude for civilization. Indeed, they and their Creek, Choctaw, Chickasaw and Seminole neighbours, who were also targeted for removal, figured revealingly as the "Five Civilized Tribes" in Euroamerican parlance. In the Cherokee's case, two dimensions of their civility were particularly salient. They had become successful agriculturalists on the White model, with a number of them owning substantial holdings of Black slaves, and they had introduced a written national constitution that bore more than a passing resemblance to the US one.<sup>41</sup> Why should genteel Georgians wish to rid themselves of such cultivated neighbours? The reason why the Cherokee's constitution and their agricultural prowess stood out as such singular provocations to the officials and legislators of the state of Georgia—and this is attested over and over again in their public statements and correspondence—is that the Cherokee's farms, plantations, slaves and written constitution all signified *permanence*.<sup>42</sup> The first thing the rabble did, let us remember, was burn their houses.

Brutal and murderous though the removals of the Five Civilized Tribes generally were, they did not affect each member equally. This was not simply a matter of wealth or status. Principal Cherokee chief John Ross, for example, lost not only his plantation after setting off on the Trail of Tears. On that trail, one deathly cold Little Rock, Arkansas day in February 1839, he also lost his wife, Qatie, who died after giving her blanket to a freezing child.<sup>43</sup> Ross's fortunes differed sharply from those of the principal Choctaw chief Greenwood LeFlore, who, unlike Ross, signed a removal treaty on behalf of his people, only to stay behind himself, accept US citizenship, and go on to a distinguished career in Mississippi politics.<sup>44</sup>

But it was not just his chiefly rank that enabled LeFlore to stay behind. Indeed, he was by no means the only one to do so. As Ronald Satz has commented, Andrew Jackson was taken by surprise when “thousands of Choctaws decided to take advantage of the allotment provisions [in the treaty LeFlore had signed] and become homesteaders and American citizens in Mississippi.”<sup>45</sup> In addition to being principal chiefs, Ross and LeFlore both had White fathers and light skin. Both were wealthy, educated and well connected in Euroamerican society. Many of the thousands of compatriots who stayed behind with LeFlore lacked any of these qualifications. There was nothing special about the Choctaw to make them particularly congenial to White society—most of them got removed like Ross and the Cherokee. The reason that the remaining Choctaw were acceptable had nothing to do with their being Choctaw. On the contrary, it had to do with their *not* (or, at least, no longer) being Choctaw. They had become “homesteaders and American citizens.” In a word, they had become individuals.

What distinguished Ross and the removing Choctaw from those who stayed behind was collectivity.<sup>46</sup> Tribal land was tribally owned—tribes and private property did not mix. Indians were the original communist menace. As homesteaders, by contrast, the Choctaw who stayed became individual proprietors, each to his own, of separately allotted fragments of what had previously been the tribal estate, theirs to sell to White people if they chose to. Without the tribe, though, for all practical purposes they were no longer Indians (this is the citizenship part). Here, in essence, is assimilation’s Faustian bargain—have our settler world, but lose your Indigenous soul. Beyond any doubt, this is a kind of death. Assimilationists recognized this very clearly. On the face of it, one might not expect there to be much in common between Captain Richard Pratt, founder of the Carlisle boarding school for Indian youth and leading light of the philanthropic “Friends of the Indian” group, and General Phil Sheridan, scourge of the Plains and author of the deathless maxim, “The only good Indian is a dead Indian.” Given the training in individualism that Pratt provided at his school, however, the tribe could disappear while its members stayed behind, a metaphysical variant on the Choctaw scenario. This would offer a solution to reformers’ disquiet over the national discredit attaching to the Vanishing Indian. In a paper for the 1892 Charities and Correction Conference held in Denver, Pratt explicitly endorsed Sheridan’s maxim, “but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him and save the man.”<sup>47</sup>

\*\*\*

But just what kind of death is it that is involved in assimilation? The term “homicide,” for instance, combines the senses of killing and of humanity. So far as I know, when it comes to killing a human individual, there is no alternative to terminating their somatic career. Yet, when Orestes was arraigned before the Furies for the murder of his mother Clytemnestra, whom he had killed to avenge her murder of his father Agamemnon, he was acquitted on the ground that, in a

patrilineal society, he belonged to his father rather than to his mother, so the charge of matricide could not stand. Now, without taking this legend too seriously, it nonetheless illustrates (as legends are presumably meant to) an important point. Orestes’ beating the charge did not mean that he had not actually killed Clytemnestra. It meant that he had been brought before the wrong court (the Furies dealt with intra-family matters that could not be resolved by the mechanism of feud). Thus Orestes may not have been guilty of matricide, but that did not mean he was innocent. It meant that he might be guilty of some other form of illegal killing—one that could be dealt with by the blood-feud or other appropriate sanction (where his plea of obligatory revenge may or may not have succeeded). As in those languages where a verb is inflected by its object, the nature of a justiciable killing depends on its victim. There are seemingly absolute differences between, say, suicide, insecticide, and infanticide. The etymology of “genocide” combines the senses of killing and of grouphood. “Group” is more than a purely numerical designation. *Genos* refers to a denominate group with a membership that persists through time (Raphaël Lemkin translated it as “tribe”). It is not simply a random collectivity (such as, say, the passengers on a bus). Accordingly, with respect to Robert Gellately and Ben Kiernan (concerning both the subtitle of their excellent collection and their reference, in this context, to 9/11), the strike on the World Trade Center is an example of mass murder but not, in my view, of genocide. Certainly, the bulk of the victims were US citizens. On the scale of the whole, however, not only was it an infinitesimal part of the group “Americans” (which, strictly, is not a consideration), but it was a one-off event.<sup>48</sup> This does not mean that the perpetrators of 9/11 are not guilty. It means that a genocide tribunal is the wrong court to bring them before. Mass murders are not the same thing as genocide, though the one action can be both. Thus genocide has been achieved by means of summary mass murder (to cite examples already used) in the frontier massacring of Indigenous peoples, in the Holocaust, and in Rwanda. But there can be summary mass murder without genocide, as in the case of 9/11, and there can be genocide without summary mass murder, as in the case of the continuing post-frontier destruction, in whole and in part, of Indigenous *genoi*. Lemkin knew what he was doing when he used the word “tribe.”<sup>49</sup> Richard Pratt and Phillip Sheridan were both practitioners of genocide. The question of degree is not the definitional issue.

Vital though it is, definitional discussion can seem insensitively abstract. In the preceding paragraph, part of what I have had in mind has, obviously, been the term (which Lemkin favoured) “cultural genocide.” My reason for not favouring the term is that it confuses definition with degree. Moreover, though this objection holds in its own right (or so I think), the practical hazards that can ensue once an abstract concept like “cultural genocide” falls into the wrong hands are legion. In particular, in an elementary category error, “either/or” can be substituted for “both/and,” from which genocide emerges as either biological (read “the real thing”) or cultural—and thus, it follows, not real. In practice, it should go without saying that the imposition on a people of the procedures and techniques that are generally glossed as “cultural genocide” is certainly going to have a direct