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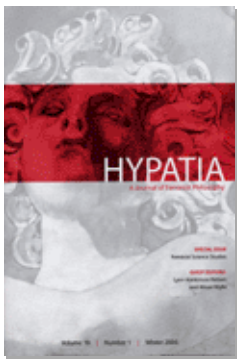

Genocide and Social Death

CLAUDIA CARD

Social death, central to the evil of genocide (whether the genocide is homicidal or primarily cultural), distinguishes genocide from other mass murders. Loss of social vitality is loss of identity and thereby of meaning for one's existence. Seeing social death at the center of genocide takes our focus off body counts and loss of individual talents, directing us instead to mourn losses of relationships that create community and give meaning to the development of talents.

This essay develops the hypothesis that social death is utterly central to the evil of genocide, not just when a genocide is primarily cultural but even when it is homicidal on a massive scale. It is social death that enables us to distinguish the peculiar evil of genocide from the evils of other mass murders. Even genocidal murders can be viewed as extreme means to the primary end of social death. Social vitality exists through relationships, contemporary and intergenerational, that create an identity that gives meaning to a life. Major loss of social vitality is a loss of identity and consequently a serious loss of meaning for one's existence. Putting social death at the center takes the focus off individual choice, individual goals, individual careers, and body counts, and puts it on relationships that create community and set the context that gives meaning to choices and goals. If my hypothesis is correct, the term "cultural genocide" is probably both redundant and misleading—redundant, if the social death present in all genocide implies cultural death as well, and misleading, if "cultural genocide" suggests that some genocides do not include cultural death.

1. What Is Feminist about Analyzing Genocide?

The question has been asked, what is feminist about this project?[1] Why publish it in a journal devoted to feminist philosophy? The answer is both simple and

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complex. Simply, it is the history behind the project and the perspective from which it is carried out, rather than a focus on women or gender, that make the project feminist. Some of the complexities are as follows.

The evil of genocide falls not only on men and boys but also on women and girls, typically unarmed, untrained in defense against violence, and often also responsible for care of the wounded, the sick, the disabled, babies, children, and the elderly. Because genocide targets both sexes, rather than being specific to women's experience, there is some risk of its being neglected in feminist thought. It is also the case that with few exceptions (for example, Schott 1999; Card 1996 and 1997), both feminist and nonfeminist philosophical reflections on war and other public violence have tended to neglect the impact on victims. Philosophers have thought mostly about the positions of perpetrators and decision-makers (most of them men), with some feminist speculation on what might change if more women were among the decision-makers and if women were subject to military conscription. The damage of war and terrorism is commonly assessed in terms of its ruin of individual careers, body counts, statistics on casualties, and material costs of rebuilding. Attention goes to preventing such violence and the importance of doing so, but less to the experience and responses of the majority of victims and survivors, who are civilians, not soldiers. In bringing to the fore the responses of victims of both sexes, holocaust literature stands in sharp contrast to these trends. Central to holocaust literature is reflection on the meaning of genocide.

Women's Studies, in its engagement with differences among women, has moved from its earlier aim to train a feminist eye on the world and all kinds of issues (such as evil) to the more limited aim of studying women and gender. I return here to the earlier conception that recognizes not only the study of women, feminism, or gender, but feminist approaches to issues of ethics and social theory generally, whether the word "feminist" is used or not. My interests move toward commonalities in our experiences of evil, not only commonalities among women differently situated but commonalities shared with many men as well. Yet my lens is feminist, polished through decades of reflection on women's multifarious experiences of misogyny and oppression. What we notice, through a feminist lens, is influenced by long habits of attending to emotional response, relationships that define who we (not just women and girls) are, and the significance of the concrete particular.

Centering social death accommodates the position, controversial among genocide scholars, that genocidal acts are not always or necessarily homicidal (more below). Forcibly sterilizing women or men of a targeted group or forcibly separating their children from them for re-education for assimilation into another group can also be genocidal in aim or effect.[2] Such policies can be aimed at or achieve the eventual destruction of the social identity of those so treated. It may appear that transported children simply undergo change in

social identity, not that they lose all social vitality. That may be the intent. Yet, parents' social vitality is a casualty of children's forced re-education, and in reality, transported children may fail to make a satisfying transition.

The holocaust was not only a program of mass murder but an assault on Jewish social vitality. The assault was experienced by hidden children who survived as well as by those who died. Hitler's sterilization program and Nuremberg laws that left German Jews stateless were parts of the genocide, not just preludes to it. Jews who had converted to Christianity (or whose parents or grandparents had done so) were hunted down and murdered, even though one might think their social identities had already changed.[3] This pursuit makes a certain perverted sense if the idea was to extinguish in them all possibility of social vitality, simply on grounds of their ancestral roots. Mass murder is the most extreme method of genocide, denying members of targeted groups any degree or form of social vitality whatever. To extinguish all possibility of social vitality, child transportation and re-education are insufficient; it may be necessary to commit mass murder or drive victims mad or rob them of self-respect, all of which were done to holocaust victims.

Although I approach genocide from a history of feminist habits of research and reflection, I say very little here about the impact of genocide on women and girls as opposed to its impact on men and boys. I would not suggest that women suffer more or worse than the men who are also its victims. Nor am I especially interested in such questions as whether lifelong habits of caregiving offer survival advantages to segregated women. (In fact, the evidence appears to be that no one survives without others' care and help.) My interest here is, rather, in what makes genocide the specific evil that it is, what distinguishes it from other atrocities, and what kinds of atrocities are rightly recognized as genocidal. Feminist habits of noticing are useful for suggesting answers to these questions.

2. Genocide, War, and Justice

Genocide need not be part of a larger war, although it commonly is. But it can be regarded as itself a kind of one-sided war. Precedents for regarding one-sided attacks as wars are found in the idea of a "war on drugs" and in the title of Lucy Dawidowicz's *The War against the Jews* (1975). If genocide is war, it is a profoundly unjust kind of war, perniciously unjust, an injustice that is also an evil.

John Rawls (1999) opened his first book on justice with the observation that justice is the first virtue of institutions as truth is of systems of thought. No matter how efficient and well-arranged, he wrote, laws and institutions must be reformed or abolished if they are unjust (3). Like critics who found these claims overstated, even Rawls noted that although "these propositions

seem to express our intuitive conviction of the primacy of justice," "no doubt they are expressed too strongly" (4). Not all injustices, even in society's basic structure, make lives insupportable, intolerable, or indecent. Reforms are not always worth the expense of their implementation. Had Rawls made his claim about abolishing unjust institutions in regard to *pernicious* injustices, however, it should not have been controversial: laws and institutions must be abolished when they are evils.

Not all injustices are evils, as the harms they produce vary greatly in importance. Some injustices are relatively tolerable. They may not impact people's lives in a deep or lasting way, even though they are wrong and should be eliminated—unjust salary discriminations, for example, when the salaries in question are all high. An injustice becomes an evil when it inflicts harms that make victims' lives unbearable, indecent, or impossible, or that make victims' deaths indecent.[4] Injustices of war are apt to fall into this category. Certainly genocide does.

3. The Concept of Genocide

"Genocide" combines the Greek *genos* for race or tribe with the Latin *cide* for killing. The term was coined by Raphael Lemkin (1944), an attorney and refugee scholar from Poland who served in the United States War Department. He campaigned as early as the 1930s for an international convention to outlaw genocide, and his persistence resulted in the United Nations Genocide Convention of 1948. Although this convention is widely cited, it was not translated into action in international courts until the 1990s, more than forty years later. The first state to bring a case to the World Court under the convention was Bosnia-Herzegovina in 1993. It was not until 1998 that the first verdict interpreting that convention was rendered, when the Rwanda tribunal found Jean-Paul Akayesu guilty on nine counts for his participation in the genocide in Rwanda in 1994 (Orentlicher 1999, 153). The United States did not pass legislation implementing ratification of the 1948 genocide convention until 1988 and then only with significant reservations that were somewhat disabling (Lang 1992, I: 400). Such resistance is interesting in view of questions raised during the interim regarding the morality of U. S. conduct in Vietnam. By the time the United States ratified the convention, 97 other U. N. members had already done so.

The *term* "genocide" is thus relatively new, and the holocaust is widely agreed to be its paradigmatic instance. Yet Lemkin and many others find the *practice* of genocide ancient. In their sociological survey from ancient times to the present, Frank Chalk and Kurt Jonassohn (1990) discuss instances of apparent genocide that range from the Athenians' annihilation of the people of the island of Melos in the fifth century B.C.E. (recorded by Thucydides) and

the ravaging of Carthage by Romans in 146 B.C.E. (also listed by Lemkin as the first of his historical examples of wars of extermination) through mass killings in Bangladesh, Cambodia, and East Timor in the second half of the twentieth century (Chalk and Jonassohn 1990). Controversies are ongoing over whether to count as genocidal the annihilation of indigenous peoples in the Americas and Australia (who succumbed in vast numbers to diseases brought by Europeans), Stalin's induced mass starvation of the 1930s (ostensibly an economically motivated measure), and the war conducted by the United States in Vietnam.

The literature of comparative genocide that historian Peter Novick (1999) calls "comparative atrocitology" so far includes relatively little published work by philosophers. Here is what I have found. Best-known is probably Jean-Paul Sartre's 1967 essay, "On Genocide" (Sartre 1968), written for the Sartre-Russell International War Crimes Tribunal, which was convened to consider war crimes by the United States in Vietnam. In 1974 Hugo Adam Bedau published a long and thoughtful essay "Genocide in Vietnam?" (Bedau 1974, 5–46), responding to Sartre and others who have raised the question of whether the United States was guilty of perpetrating genocide in Vietnam. Bedau argues for a negative answer to that question, relying primarily on intent as an essential factor in genocide. His view is that the intent of the United States in Vietnam was not to exterminate a people, even if that was nearly a consequence. Berel Lang's essay "The Concept of Genocide" (1984/85) and the first chapter of his book *Act and Idea in the Nazi Genocide* (1990) are helpful in their explorations of the meanings and roles of intent in defining "genocide."

Other significant philosophical works include Alan S. Rosenbaum's anthology *Is the Holocaust Unique? Perspectives on Comparative Genocide* (1996), which discusses the Nazi assault on Jews and Romani during World War II, the Atlantic slave trade, the Turkish slaughter of Armenians in 1915, and Stalin's induced famine. Legal scholar Martha Minow (1998) reflects philosophically on measures lying between vengeance and forgiveness taken by states in response to genocide and mass murder. Jonathan Glover's *Humanity: A Moral History of the Twentieth Century* (2000), in some ways the most ambitious recent philosophical discussion of evils, includes reflections on Rwanda, Stalin, and Nazism. The Institute for Genocide Studies and the Association of Genocide Scholars (which holds conventions) attract an interdisciplinary group of scholars, including a small number of philosophers. And the Society for the Philosophic Study of Genocide and the Holocaust sponsors sessions at conventions of the American Philosophical Association.

On the whole, historians, psychologists, sociologists, and political scientists have contributed more than philosophers to genocide scholarship. Naturally, their contributions as social scientists have been empirically oriented, focused on such matters as origins, contributing causes, effects, monitoring, and pre-

vention. Yet, philosophical issues run throughout the literature. They include foundational matters, such as the meaning of "genocide," which appears to be a highly contested concept, and such issues of ethics and political philosophy as whether perpetrators can be punished in a meaningful way that respects moral standards. If adequate retribution is morally impossible, and if deterrence is unlikely for those who are ideologically motivated, then what is the point in punishing perpetrators? If there is nevertheless some point sufficient to justify doing so, then who should be punished, by whom, and how?

Controversies over the meaning of "genocide" lead naturally to the closely related question of whether genocide is ethically different from nongenocidal mass murder. The practical issue here is whether, and if so, why it is important to add the category of genocide to existing crimes against humanity and war crimes. Crimes against humanity were important additions to war crimes in that, unlike war crimes, they need not be perpetrated during wartime or in connection with a war, and they can be inflicted by a country against its own citizens. But given that murder of civilians by soldiers is already a war crime and a human rights violation, one may wonder whether the crime of genocide captures anything that they omit.

If the social death of individual victims is central to genocide, then, arguably, genocide does capture something more. What distinguishes genocide is not that it has a different kind of victim, namely, groups (although it is a convenient shorthand to speak of targeting groups). Rather, the kind of harm suffered by individual victims of genocide, in virtue of their group membership, is not captured by other crimes. To get a sense of what is at stake in the hypothesis that social death is central, let us turn briefly to controversies over the meaning of "genocide."

The definition of "genocide" is currently in such flux that the Association of Genocide Scholars asks members on its information page (which is printed in a members directory) to specify which definition of "genocide" they use in their work. A widely cited definition (Robinson 1960, 147) is that of the 1948 U. N. Convention on the Prevention and Punishment of the Crime of Genocide:

> Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a nation, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.

Every clause of this definition is controversial.

Israel Charny (1994) and others criticize the U. N. definition for not recognizing political groups, such as the Communist Party, as possible targets of genocide. Political groups had been, in fact, recognized in an earlier draft of the genocide convention, and Chalk and Jonassohn (1990) do recognize political groups as targets of genocide in their historical survey. Some scholars, however, prefer the term "politicide" for these cases and reserve the term "genocide" for the annihilation of groups into which one is (ordinarily) born—racial, ethnic, national, or religious groups. Yet, one is not necessarily, of course, born into one's current national or religious group, and either one's current or one's former membership can prove fatal. Further, some people's political identity may be as important to their lives as religious identity is to the lives of others. And so, the distinction between "genocide" and "politicide" has seemed arbitrary to many critics. A difficulty is, of course, where to draw the line if political groups are recognized as possible victims. But line-drawing is not a difficulty that is peculiar to political groups.

The last three clauses of the U. N. definition—conditions of life intended to destroy the group "in whole or in part," preventing births, and transferring children—count as genocidal many acts that are aimed at cultural destruction, even though they are not homicidal. "Preventing births" is not restricted to sterilization but has been interpreted to include segregation of the sexes and bans on marriage. Social vitality is destroyed when the social relations—organizations, practices, institutions—of the members of a group are irreparably damaged or demolished. Such destruction is a commonly intended consequence of war rape, which has aimed at family breakdown. Although Lemkin regarded such deeds as both ethnocidal and genocidal, some scholars prefer simply to call them ethnocides (or "cultural genocides") and reserve the term "genocide" (unqualified) for events that include mass death. The idea is, apparently, that physical death is more extreme and therefore, presumably, worse than social death. That physical death is worse, or even more extreme, is not obvious, however, but deserves scrutiny, and I will return to it.

Even the clauses of the U. N. definition that specify killing group members or causing them serious bodily or mental harm are vague and can cover a wide range of possible harms. How many people must be killed in order for a deed to be genocidal? What sort of bodily harm counts? (Must there be lasting disablement?) What counts as "mental harm?" (Is post-traumatic stress sufficient?) If the definition is to have practical consequences in the responses of nations to perpetrators, these questions can become important. They become important with respect to questions of intervention and reparations, for example.

Although most scholars agree on including intention in the definition of genocide, there is no consensus regarding the content of the required intention. Must the relevant intention include destruction of all members of a group as an aim or purpose? Would it be enough that the group was knowingly

destroyed, as a foreseeable consequence of the pursuit of some other aim? Must the full extent of the destruction even be foreseeable, if the policy of which it is a consequence is already clearly immoral? Bedau (1974) makes much of the content of the relevant intention in his argument that whatever war crimes the United States committed in Vietnam, they were not genocidal, because the intent was not to destroy the people of Vietnam as such, even if that destruction was both likely and foreseeable.

Charny (1994, 64–94), however, objects to an analogous claim made by some critics who, he reports, held that because Stalin's intent was to obtain enough grain to trade for industrial materials for the Soviet Union, rather than to kill the millions who died from this policy, Stalin's famine was not a genocide. Charny argues that because Stalin foresaw the fatal consequences of his grain policies, those policies should count as genocidal. As in common philosophical criticisms of the "doctrine of the double effect," Charny appears to reject as ethically insignificant a distinction between intending and "merely foreseeing," at least in this kind of case.

The doctrine of double-effect has been relied on by the Catholic Church to resolve certain ethical questions regarding life and death issues (Solomon 1992, I: 268–69). The doctrine maintains that under certain conditions it is not wrong to do something that has a foreseeable effect (not an aim) which is such that an act *aiming* at that effect would have been wrong. The first condition of its not being wrong is that the act one performs is not wrong in itself, and the second is that the effect at which it would be wrong to aim is not instrumental toward the end at which the act does aim. Thus, the Church has found it wrong to perform an abortion that would kill a fetus in order to save the mother, but at the same time, not wrong to remove a cancerous uterus when doing so would also result in the death of a fetus. The reasoning is that in the case of the cancerous uterus, the fetus's death is not an aim; nor is it a means to removing the uterus but only a consequence of doing so. Many find this distinction troubling and far from obvious. Why is the death of a fetus from abortion not also only a consequence? The aim could be redescribed as "to remove the fetus from the uterus in order to save the mother," rather than "to kill the fetus to save the mother," and at least when the fetus need not be destroyed in the very process of removal, one might argue that death due to extrauterine nonviability is not a means to the fetus's removal, either.

The position of the critics who do not want to count Stalin's starvation of the peasants as genocide would appear to imply that if the peasants' deaths were not instrumental toward Stalin's goal but only an unfortunate consequence, the foreseeability of those deaths does not make Stalin's policy genocidal, any more than the foreseeability of the death of the fetus in the case of a hysterectomy performed to remove a cancerous uterus makes that surgery murderous. Charny's position appears to imply, on the contrary, that the fore-

seeability of the peasants' mass death is enough to constitute genocidal intent, even if it was not intended instrumentally toward Stalin's aims.

Some controversies focus on whether the intent was "to destroy a group as such." One might argue with Bedau, drawing on Lang's discussion of the intent issues (Lang 1990, 3–29), that the intent is "to destroy a group as such" when it is not just accidental that the group is destroyed in the process of pursuing a further end. Thus, if it was not just accidental that the peasant class was destroyed in the process of Stalin's pursuit of grain to trade for industrial materials, he could be said to have destroyed the peasants "as such," even if peasant starvation played no more causal role in making grain available than killing the fetus plays in removing a cancerous uterus. Alternatively, some argue that the words "as such" do not belong in the definition because, ethically, it does not matter whether a group is deliberately destroyed "as such" or simply deliberately destroyed. Chalk and Jonassohn (1990) appear to take this view.

Further, one might pursue the question of whether it is really necessary even to be able to foresee the full extent of the consequences in order to be accurately described as having a genocidal intent. Historian Steven Katz argues in *The Holocaust in Historical Context* (1994) that the mass deaths of Native Americans and Native Australians were not genocides because they resulted from epidemics, not from murder. The suggestion is that the consequences here were not reasonably foreseeable. However, David Stannard, American Studies scholar at the University of Hawaii, finds the case less simple, for it can be argued that the epidemics were not just accidental (Stannard 1992, 1996). Part of the controversy regards the facts: to what extent were victims deliberately infected, as when the British, and later Americans, distributed blankets infected with smallpox virus? [5] And to what extent did victims succumb to unintended infection stemming from ordinary exposure to Europeans with the virus? But, also, part of the controversy is philosophical. If mass deaths from disease result from wrongdoing, and if perpetrators could know that the intolerably destructive consequences had an uncontrollable (and therefore somewhat unpredictable) extent, then, does it matter, ethically, whether the wrongdoers could foresee the full extent of the consequences? One might argue that it does not, on the ground that they already knew enough to appreciate that what they were doing was evil.

What is the importance of success in achieving a genocidal aim? Must genocide succeed in eliminating an entire group? An assault, to be homicide, must succeed in killing. Otherwise, it is a mere attempt, and an unlawful attempted homicide generally carries a less severe penalty than a successful one. Bedau and Lang point out, however, that "genocide" does not appear to be analogous to "homicide" in that way. There may still be room for some distinction between genocide and attempted genocide (although Lang appears not to recognize any such distinction) if we distinguish between partially formed

and fully formed intentions, or if we distinguish among stages in carrying out a complex intention. But in paradigmatic instances of genocide, such as the holocaust, there are always some survivors, even when there is clear evidence that the intention was to eliminate everyone in the group. There is general agreement that at least some mass killing with that wrongful intention is genocidal. The existence of survivors is not sufficient to negate fully formed genocidal intent. There may be survivors even after all stages of a complex genocidal intention have been implemented. Bedau observes, however, that there is a certain analogy between "genocide" and "murder" that enables us to contrast both with homicide. Both genocide and murder include wrongfulness in the very concept, whereas a homicide can be justifiable. Homicide is not necessarily unlawful or even immoral. In contrast, genocide and murder are, in principle, incapable of justification.

On my understanding of what constitutes an evil, there are two basic elements: (1) culpable wrongdoing by one or more perpetrators and (2) reasonably foreseeable intolerable harm to victims.[6] Most often the second element, intolerable harm, is what distinguishes evils from ordinary wrongs. Intentions may be necessary to defining genocide. But they are not always necessary for culpable wrongdoing, as omissions—negligence, recklessness, or carelessness—can be sufficient. When culpable wrongdoing *is* intentional, however, its aim need not be to cause intolerable harm. A seriously culpable deed is evil when the doer is willing to inflict intolerable harm on others even in the course of aiming at some other goal. If what is at stake in controversies regarding the meaning of "genocide" is whether a mass killing is sufficiently evil to merit the opprobrium attaching to the term "genocide," a good case can be made for including assaults on many kinds of groups inflicted through many kinds of culpable wrongdoing. Yet that leaves the question of whether the genocidal nature of a killing has special ethical import, and if so, what that import is and how, if at all, it may restrict the scope of "genocide." I turn to these and related questions next.

4. The Specific Evils of Genocide

Genocide is not simply unjust (although it certainly is unjust); it is also evil. It characteristically includes the one-sided killing of defenseless civilians—babies, children, the elderly, the sick, the disabled, and the injured of both genders along with their usually female caretakers—simply on the basis of their national, religious, ethnic, or other political identity. It targets people on the basis of who they are rather than on the basis of what they have done, what they might do, even what they are capable of doing. (One commentator says genocide kills people on the basis of *what* they are, not even *who* they are).

Genocide is a paradigm of what Israeli philosopher Avishai Margalit (1996) calls "indecent" in that it not only destroys victims but first humiliates them by deliberately inflicting an "utter loss of freedom and control over one's vital interests" (115). Vital interests can be transgenerational and thus survive one's death. Before death, genocide victims are ordinarily deprived of control over vital transgenerational interests and more immediate vital interests. They may be literally stripped naked, robbed of their last possessions, lied to about the most vital matters, witness to the murder of family, friends, and neighbors, made to participate in their own murder, and if female, they are likely to be also violated sexually.[7] Victims of genocide are commonly killed with no regard for lingering suffering or exposure. They, and their corpses, are routinely treated with utter disrespect. These historical facts, not simply mass murder, account for much of the moral opprobrium attaching to the concept of genocide.

Yet such atrocities, it may be argued, are already war crimes, if conducted during wartime, and they can otherwise or also be prosecuted as crimes against humanity. Why, then, add the specific crime of genocide? What, if anything, is not already captured by laws that prohibit such things as the rape, enslavement, torture, forced deportation, and the degradation of individuals? Is any ethically distinct harm done to members of the targeted group that would not have been done had they been targeted simply as individuals rather than because of their group membership? This is the question that I find central in arguing that genocide is not simply reducible to mass death, to any of the other war crimes, or to the crimes against humanity just enumerated. I believe the answer is affirmative: the harm is ethically distinct, although on the question of whether it is worse, I wish only to question the assumption that it is not.

Specific to genocide is the harm inflicted on its victims' social vitality. It is not just that one's group membership is the occasion for harms that are definable independently of one's identity as a member of the group. When a group with its own cultural identity is destroyed, its survivors lose their cultural heritage and may even lose their intergenerational connections. To use Orlando Patterson's terminology, in that event, they may become "socially dead" and their descendants "*natally alienated*," no longer able to pass along and build upon the traditions, cultural developments (including languages), and projects of earlier generations (1982, 5–9). The harm of social death is not necessarily less extreme than that of physical death. Social death can even aggravate physical death by making it indecent, removing all respectful and caring ritual, social connections, and social contexts that are capable of making dying bearable and even of making one's death meaningful. In my view, the special evil of genocide lies in its infliction of not just physical death (when it does that) but social death, producing a consequent meaninglessness of one's life and even of its termination. This view, however, is controversial.

African American and Jewish philosopher Lawrence Mordekhai Thomas argues that although American slavery natally alienated slaves—that slaves were born severed from most normal social and cultural ties that connect one with both earlier and later generations—the holocaust did not natally alienate Jews (1993, 150–57). He does not explicitly generalize about genocide and natal alienation but makes this judgment in regard to the particular genocide of the holocaust. Yet, the apparent implication is that a genocide no more successful than the holocaust (an accepted paradigm of genocide) is not natally alienating, because enough victims survive and enough potential targets escape that they are able to preserve the group's cultural traditions. Thomas's analyses of patterns of evil in American slavery and the holocaust are philosophically ground breaking and have been very helpful to me in thinking about these topics. Yet I want to question this conclusion that he draws. I want to consider the Nazi genocide in light of the more fundamental idea of social death, of which natal alienation is one special case, not the only case.

Thomas's conception of natal alienation is more specific and more restricted than Patterson's conception of social death. Thomas seems not to be thinking of lost family connections and lost community connections, the particular connections of individuals to one another, but rather of the connections of each individual with a culture in general, with its traditions and practices. He finds members of an ethnic group natally alienated when the cultural practices into which they are born "forcibly prevent most of them from fully participating in, and thus having a secure knowledge of, their historical-cultural traditions" (150). He notes that after seven generations of slavery, the memories of one's culture of origin are totally lost, which is certainly plausible. Patterson used the term "natal alienation" for the extreme case of being *born* to *social death*, with individual social connections, past and future, cut off from all but one's oppressors at the very outset of one's life. Hereditary slavery yields a paradigm of natal alienation in this sense. Slaves who are treated as nonpersons have (practically) no socially supported ties not only to a cultural heritage but even to immediate kin (parents, children, siblings) and peers. As a consequence of being cut off from kin and community, they also lose their cultural heritage. But the first step was to destroy existing social ties with family and community, to "ex-communicate them from society," as Patterson puts it. In Rawlsian terms, they were first excluded from the benefits and protections of the basic structure of the society into which they were born and in which they must live out their lives. Loss of cultural heritage follows.

Those who are *natally* alienated are *born* already socially dead. Natal alienation might be a clue to descent from genocide survivors (although not necessarily, insofar as genocide depends also on intent). Thus, the natal alienation of slaves and their descendants, when slavery is hereditary, is one clue to a possible history of genocide committed against their ancestors.

Thomas recognizes that alienation is not "all or nothing." A lost cultural heritage can be rediscovered, or partially recovered, later or in other places. Those who were alienated from some cultures may become somewhat integrated into others. Still, he denies that the holocaust natally alienated Jews from Judaism "because the central tenets of Judaism—the defining traditions of Judaism—endured in spite of Hitler's every intention to the contrary" (153).

The question, however, should be not simply whether the traditions survived but whether individual Jewish victims were able to sustain their connections to those traditions. Sustaining the connections meaningfully requires a family or community setting for observance. Many Jews, of course, escaped being victimized, because of where they lived (in the United States, for example) and because of how the war turned out (the defeat of the Axis powers), and they were able to maintain Jewish traditions with which survivors might conceivably connect or reconnect. But many survivors were unable to do so. Some found family members after the war or created new families. Many did not. Many lost entire families, their entire villages, and the way of life embodied in the *shtetl* (eastern European village). Some could not produce more children because of medical experiments performed on them in the camps. Many survivors lost access to social memories embodied in such cultural institutions as libraries and synagogues.

Responding to the observation that entire communities of Jews were destroyed and that the Yiddish language is on the way out, Thomas argues that members of those communities were destroyed not "as such" (as shtetl Jews, for example) but more simply "as Jews," and that the entire community of Jews was not destroyed.[8] He concludes that "the question must be whether the holocaust was natally alienating of Jews as such, without regard to any specific community of Jews" (153). In answering negatively, he is apparently thinking of survivors who reestablished a Jewish life after the war, rather than of non-European Jews, potential victims whose positions might be regarded as somewhat analogous to those of unhunted and unenslaved Africans at the time of the African slave trade.

Some European Jews survived, however, only by passing as Christians. Some hidden children who were raised by strangers to be Christians only discovered their Jewish heritage later, if at all. If they were full members of the societies in which they survived, Thomas does not consider them natally alienated. Those who pass as members of another religion need not be socially dead, even if they are alienated from their religion of origin. Still, if they were originally connected in a vital way with their inherited religion and if they then experienced no vital connection to the new one, arguably, then they do suffer a degree of social death. More clearly, those who were made stateless before being murdered were certainly treated, socially, as nonpersons. National Socialist decrees robbed them of social support for ties to family, peers, and

community, stripped their rights to earn a living, own property, attend public schools, even ride public transportation, and on arrival at the camps they were torn from family members. Although they were not *born* to social death, they were nevertheless intentionally deprived of all social vitality before their physical murder.

For those who survive physically, mere knowledge and memory are insufficient to create social vitality, even if they are necessary. Those who cannot participate in the social forms they remember do not actually have social vitality but only the memory of it. Further, from 1933 to 1945 many children were born to a condition that became progressively more *natally* alienating.

Contrary to the apparent implication of Thomas's hypothesis regarding the differences between American slavery and the holocaust, social death seems to me to be a concept central to the harm of genocide, at least as important to what is evil about the holocaust as the mass physical murder.

Although social vitality is essential to a decent life for both women and men, the sexes have often played different roles in its creation and maintenance. If men are often cast in the role of the creators of (high?) culture, women have played very central roles in preserving and passing on the traditions, language, and (daily) practices from one generation to the next and in maintaining family and community relationships. Where such generalizations hold, the blocking of opportunities for creativity (being excluded from the professions, for example) would fall very heavily on men. But disruptions of family and community, such as being alienated from one's family by rape or being suddenly deported without adequate provisions (or any means of obtaining them) into a strange environment where one does not even know the language, would also fall very heavily, perhaps especially so, on women.

Most immediate victims of genocide are not born socially dead. But genocides that intentionally strip victims of the ability to participate in social activity, prior to their murders, do aim at their social death, not just their physical death. In some cases it may appear that social death is not an end in itself but simply a consequence of means taken to make mass murder easier (concentrating victims in ghettos and camps, for example). When assailants are moved by hatred, however, social death may become an end in itself. Humiliation before death appears often to have been an end in itself, not just a means. The very idea of selecting victims by social group identity suggests that it is not just the physical life of victims that is targeted but the social vitality behind that identity.

If the aim, or intention, of social death is not accidental to genocide, the survival of Jewish culture does not show that social death was not central to the evil of the holocaust, any more than the fact of survivors shows that a mass murder was not genocidal. A genocide as successful as the holocaust achieves the aim of social death both for victims who do not survive, and to a degree and for a time, for many survivors as well. Thomas's point may still hold that

descendants of survivors of the African diaspora produced by the slave trade are in general more alienated from their African cultures of origin than holocaust survivors are from Judaism today. Yet it is true in both cases that survivors make substantial connection with other cultures. If African Americans are totally alienated from their African cultures of origin, it is also true that many holocaust survivors and their descendants have found it impossible to embrace Judaism or even a Jewish culture after Auschwitz. The survival of a culture does not by itself tell us about the degree of alienation that is experienced by individual survivors. Knowledge of a heritage is not by itself sufficient to produce vital connections to it.

The harm of social death is not, so far as I can see, adequately captured by war crimes and other crimes against humanity. Many of those crimes are defined by what can be done to individuals considered independently of their social connections: rape (when defined simply as a form of physical assault), torture, starvation. Some crimes, such as deportation and enslavement, do begin to get at issues of disrupting social existence. But they lack the comprehensiveness of social death, at least when the enslavement in question is not hereditary and is not necessarily for the rest of a person's life.

Still, it is true that not all victims of the holocaust underwent social death to the same extent as prisoners in the camps and ghettos. Entire villages on the Eastern front were slaughtered by the *Einsatzgruppen* (mobile killing units) without warning or prior captivity. Yet these villagers were given indecent deaths. They were robbed of control of their vital interests and of opportunities to mourn. Although most did not experience those deprivations for very long, inflicted en masse these murders do appear to have produced sudden social death prior to physical extermination. The murders were also part of a larger plan that included the death of Judaism, not just the deaths of Jews. Implementing that plan included gradually stripping vast numbers of Jews of social vitality, in some places over a period of years, and it entailed that survivors, if there were any, should not survive as Jews. The fact that the plan only partly succeeded does not negate the central role of social death within it or the importance of that concept to genocide.

If social death is central to the harm of genocide, then it really is right not to count as a genocide the annihilation of just any political group, however heinous. Not every political group contributes significantly to its members' cultural identity. Many are fairly specific and short-lived, formed to support particular issues. But then, equally, the annihilation of not just any cultural group should count, either. Cultural groups can also be temporary and specialized, lacking in the continuity and comprehensiveness that are presupposed by the possibility of social death. Some mass murders—perhaps the bombings of September 11, 2001—do not appear to have had as part of their aim, intention, or effect the prior soul murder or social death of those targeted for physical extermination. If so, they are mass murders that are not also genocides. But

mass murders and other measures that have as part of their reasonably foreseeable consequence, or as part of their aim, the annihilation of a group that contributes significantly to the social identity of its members are genocidal.

Notes

1. This question was raised by anonymous reviewers of an earlier draft of this essay.

2. Unlike Native American families whose children were forcibly transported for re-education in the United States, many Jewish families during the holocaust sought to hide their children in gentile households. Loss of Jewish social vitality to the children was hardly the responsibility of their families' decisions to do this but, rather, of those whose oppressive measures drove families to try to save their children in this way.

3. An example well-known to philosophers is Edith Stein, student of and later assistant to Edmund Husserl. Her doctoral dissertation on the topic of empathy was originally published in 1917 (Stein 1964). She became a Catholic nun but was nevertheless deported to Auschwitz from her convent in the Netherlands.

4. For elaboration, see Card 2002, which includes chapters on war rape and on terrorism in the home. There is not a chapter on genocide, although genocide figures throughout as paradigmatic of atrocities.

5. See Stiffarm with Lane (1992, 32–33).

6. See Card (2002, chap. 1), for development of this conception of an evil.

7. Men are sometimes also violated sexually (usually by other men), although the overwhelming majority of sex crimes in war, including genocide, are perpetrated by men against female victims of all ages and conditions.

8. It is commonly estimated that two thirds of European Jews died. That leaves not only one third of European Jews but also Jewish communities in many other parts of the world, such as Israel (to which some European Jews fled), the Far East, Australia, and the Americas.

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