

Transcript

History Now: Truth-Telling & Histories of Genocide Now

Jesse Adams Stein: 0:10

Well, good evening and good morning, depending on where you are. Hello everyone, and thank you so much for joining us for this online special session of History Now, particularly exciting because we've got people from all over the world joining us. And also a special thank you to those who are joining us at an unusual time, for example late at night. We really appreciate it. My name's Jesse Adams-Stein and I'm here in my capacity as Program Director of History Now 2024. And I represent both the History Council of New South Wales and the Australian Centre for Public History at UTS, and I'm also a DECRA History at UTS and I'm also a DECRA Fellow at UTS School of Design. So thanks for coming along to the fifth History Now 2024 event Truth Telling and Histories of Genocide, with speakers Lorena Allam, Umit Kurt and Dirk Moses and with Chair Nancy Cushing. Before we begin, I'd like to start by acknowledging First Nations, people and traditional custodians of country throughout the place we call Australia and internationally as well. I'm zooming in from Gadigal country, but I know we have people joining us from many different places around the world and I know this topic of truth telling and histories of genocide has strong meaning and resonance for First People internationally as well as here, I'd like to pay my respects to elders, past and present, and acknowledge that sovereignty was never ceded in this place. Colonisation and genocide are, of course, intertwined subjects and we will be hearing or maybe hearing some about that as the speakers present. Before I hand over to our chair for today's session, associate Professor Nancy Cushing, I will just introduce History Now as a whole series. It's sort of had a bit of a bit of a revival this year. It's been a long-running public history talk series. Actually it's always had the aim to bring what you might call cutting-edge historical practice into public discourse. The vibe of the event has always been candid and conversational, featuring professional and academic historians as well as experts whose work relates to historical subject matter and practices. History Now has had several iterations, organisers and homes over the years. Sometimes it's been online, for example during COVID, other times in person in Sydney. This year I'm coordinating it in my multiple hats capacity at the History Council and at the Australian Centre for Public History at UTS. And this particular event, this session for this topic, is a collaboration with Newcastle University of Newcastle's Centre for the Study of Violence. And currently Nancy Cushing is Director of the Centre for the Study of Violence.

Jesse Adams Stein: 2:48

In History Now 2024, we've got nine sessions. We started in March run through to November. The full event program can be easily found on the History Council website and through a quick search engine inquiry. But for now I'd like to introduce you to our

chair for tonight's session, associate Professor Nancy Cushing from the University of Newcastle, Australia. Aside from being the Director of the Centre for the Study of Violence, Nancy is also an environmental historian specialising in human-other animal relations. Nancy is also the 2024-25 Coral Thomas Fellow of the State Library of New South Wales and the Deputy President of the University of Newcastle's Academic Senate for Research. Nancy is also a strong supporter of the History Council for New South Wales and we thank her so much for accepting the invitation to chair today's event. I'll now hand over to Nancy, who will introduce today's topic, and our speakers. Thank you, Nancy.

Nancy Cushing: 3:43

Thank you so much, Jesse, and thanks everyone who's come along this morning, this evening, wherever you are situated in the temporal zones. So, yeah, welcome to the session. I would also like to acknowledge the owners of the unceded land from which I am coming to you this evening, the Dharamarigal people of what's now northern Sydney. I thank them for their care of this land and I extend my respects to their elders, past and present, and, as Jesse was suggesting, these are people who know firsthand the gravity and power of both truth telling and genocide. So these are weighty topics and not to be taken lightly. As the current violence has continued in Palestine, many historians and historical associations have debated over how to respond, what is appropriate from us, and I think we all have our own personal opinions, and many have taken action, signing petitions, participating in demonstrations, making donations, for example.

Professionally, I think we act most ethically and effectively when we remain within our sphere of expertise, and I certainly cannot claim any expertise in this area, and so my role tonight is purely as a facilitator and a careful listener. But my three guests this evening Lorena Allam, Dirk Moses and Umut Kurt have all spent many years working towards deeper understandings in these areas. They approach the topics from differing perspectives, but in each case they show the value to the present and future of having a solid understanding of the past. This is not a matter of pulling out simplistic lessons from the past you know, what can the past teach us but an awareness of how the past reaches into the present, informing current attitudes, assumptions and actions. Such critical perspectives are greatly needed to avoid the blind perpetuation of past wrongs, and so I'm going to be inviting each of the speakers to address us for about 15 minutes this evening. So we begin with Lorena Allam.

Nancy Cushing: 6:08

Lorena is a multi-Walkley award-winning journalist descended from Gamilaraay and Yawalaray nations of Northwestern New South Wales. Lorena's substantive role is as the Guardian's Indigenous Affairs Editor. I first became aware of her work in 2022 through the Killing Times project, which drew upon the colonial massacres map that was developed by the late Emeritus Professor Lyndall Ryan, who was a longtime

member of the Centre for the Study of Violence and also a dear friend. Lorena's work helped to translate that research for a mass audience. In 2023, she was awarded a Churchill Fellowship to investigate the role of the media in Indigenous truth-telling, and so that's going to be her topic tonight. She's going to share with us something of the insights that she's developed into the complexities of this role of the media. So I'll hand over to you, Lorena. Thanks.

Lorena Allam: 7:11

Thank you, Nancy, and thank you for mentioning Professor Emeritus, Professor Lyndall Ryan. She's much loved and missed and was a fantastic colleague to collaborate with on the Killing Times, which was a very transformative project, I think, for the media. As Nancy said, I'm Lorena Allam. I'm a Gamilaraayiwalaraayi woman from northwest New South Wales and the Guardian's Indigenous Affairs editor, and I live and work on the unceded sovereign lands of the Wangal clan of the Dharug Nation and I pay my respects to all of our mob who are tuning in tonight and all of you who are tuning in, you could be watching the Olympics. So thanks for that, thanks for your time.

Lorena Allam: 7:53

Australia is almost a year on from the failed referendum to enshrine an Indigenous voice to Parliament in the Constitution. The voice was designed as one of three reforms. It was supposed to be followed by treaty-making and truth-telling. The Uluru Statement from the Heart called for a Makarrata Commission. Makarrata is a Yolngu word, meaning coming together after a struggle was meant to oversee those processes. If the voice was successful and we know the voice failed so resoundingly. The governments appear to have hit the brakes on the other ambitious reforms called for in the Uluru Statement. It's now unlikely there will be any progress on a federal treaty and the Albanese government says it won't be rushed on announcing the next steps in any truth-telling process. The focus is on practical outcomes for now, but nevertheless these issues remain vitally important and truth-telling is the one thing that Aboriginal communities are calling for.

Lorena Allam: 8:53

The tone of the debate during the referendum showed that many Australians remain ignorant of the history of colonisation and how that dispossession continues to affect Aboriginal lives today. Those gaps in understanding have consequences for the health and wellbeing of Aboriginal people and the future of a reconciled Australia. Like we all know, Australia's history is complex and layered. There is no one narrative that defines us, but there is so much more we need to acknowledge about our past. But there is so much more we need to acknowledge about our past, and the voice may have been successful had people understood a bit more the reasons why it was so necessary in our history, alongside the horrors of stories of defiance and resistance, and bravery and kindness and compassion that all need to be told and celebrated, I think our

descendants deserve to know the full history of the nation, and that's why truth-telling matters.

Lorena Allam: 9:50

What is truth-telling in the media context? I mean. The broader concept of truth-telling emerged in the late 20th century, in places where people were coming out of, you know, dictatorships or civil war and moving to democracy, from the idea that transitional justice could be reached via commissions or other public processes that allowed people to tell their experiences. So we know there have been prominent processes in South Africa, uganda, rwanda, northern Ireland, timor-leste in 2001, and, of course, canada's monumental Reconciliation Commission from 2008 to 2015. And Sweden, norway and Finland are currently at various stages of conducting truth-telling commissions for Sámi people.

Lorena Allam: 10:39

But that model has many critics. It's argued that few of these processes have led to substantive change and if you're following the news in Australia, there was the release of the Disability Royal Commission report today and disability advocates were saying exactly that. Why did we share our stories with you when it seems to be leading to very little change? It's argued that these processes should be which we can think about truth-telling in a number of ways, but localised and bottom-up approaches designed by people, indigenous people, seem to be the most successful.

Lorena Allam: 11:20

Like the annual Myall Creek Massacre, so Myall creek massacre in 1838 was the killing of at least 28 men, women and children by eight colonists on the 10th of June at the Myall Creek near the Goyder River, on where I land in northern New South Wales. After two trials, seven of the 12 accused were found guilty of murder and they were hanged. It is one of the best known massacres because I think it was the first one where the white perpetrators were brought to justice. Of course we know, thanks to the work of Emeritus Professor Lyndall Ryan, that there were hundreds and hundreds of massacre sites across Australia, massacres that continued right up until the late 1920s and in fact increased in size over time and severity, and despite many of those public truth-telling processes at the time, including a royal commission in West Australia into the mass killing of Aboriginal people and the burning of their bodies led to no change. But at Myall Creek these days the descendants of that terrible event, the descendants of the site survivors and the perpetrators, gather together every year to remember. It began as a very small gathering and it's grown and grown over time to the point now that there's a memorial on the site where people can gather at any time of the year to acknowledge those who lost their lives and the perpetrators, of course, and those who courageously contributed to the pursuit of justice in that story.

Lorena Allam: 12:58

That's probably the clearest example of that organic, ground up style of truth telling that many people are now advocating for, as opposed to the performative, often heavily regulated commission model that might be based on a letters patent in the case of the Europe Commission a terms of reference that's beholden to government for funding that are often very highly regulated in what they can look at and how. So the organic style of truth-telling, because it's created and owned and cared for by the community, people are invested in it and it has great benefits for a localised understanding of frontier history. I mean, things are always more impactful if you comprehend that they've happened in your neighbourhood or to your ancestors, or they take on a very personal meaning to which people can feel a greater responsibility. Of course, there are many other forms of truth telling in between the community local model and those big, performative commissions, and I would argue that they are all valid and whichever path people choose to take should be their own community driven decision to make. There's scholarship internationally that interrogates the idea of truth telling as justice. In a sense, it is a form of justice, but it cannot be an end in itself. So, University of New South Wales Professor Megan Davis, who's also an architect of the Uluru Statement, said in 2021, revisiting trauma is not the road to justice for Aboriginal people.

Lorena Allam: 14:32

Australian history is replete with examples of the Commonwealth detaching justice outcomes from truth. There's two I can think of straight away the Royal Commission into Aboriginal Deaths in Custody, which in 1991 released 339 recommendations aimed at reducing incarceration rates and therefore deaths in custody of Indigenous people. 30 years later, we are still the most incarcerated people in the world and those incarceration rates are rising. Tomorrow the Closing the Gap figures will be out and they will show that the incarceration rates among adults have grown worse in the last 12 months, not better. And even our children, now that while the incarceration rates of young people have remained bad, they haven't gotten worse. But but even now we've. We are dealing with the fact that a 16 year old boy in WA is the first child to die, aboriginal child to die in custody. These are horrific milestones nobody wants to know about.

Lorena Allam: 15:34

The other time, I think where we've had a big performative truth-telling process that hasn't led to substantive change, despite our best efforts, is the Bringing them Home Inquiry in 1997. It was a landmark report that told the story of the stolen generations and the devastating intergenerational impacts of forcible removal on our families. It made more than a dozen recommendations, including better access to records, more support for family reunions and for families suffering intergenerational trauma. Yet it took the Australian government 11 years to issue a formal apology, and so much of what we recommended in that inquiry is still unresolved. The issue of records is still a

problem. Churches still retain crucial records that they were recommended to be made public 30 years ago to their survivors and their descendants, and federal government data continues to show that the Stolen Generations are the poorest and most disadvantaged among Aboriginal people, with significantly worse health, housing, employment and family outcomes. The intergenerational impact is significant. The Healing Foundation estimates that almost half the population in Western Australia have Stolen Generations Links. And despite that important report a very important report our children are still being removed at alarming rates. They make up almost half of all children in out-of-home care, despite being less than 4% of the population. So you could clearly argue that these truth processes have required a great emotional investment and participation from Aboriginal people, some of our most vulnerable community members, who placed their trust in these processes but have been disappointed over and over that they've led to little substantive change, and I believe we can't continue to ask our people to tell their stories of pain for just another report that will sit on a shelf. So whatever form truth-telling takes in Australia will need to account for this. It has to account for this. We can't just replicate that. Um, I've been tracking.

Lorena Allam: 17:47

There's been some work about how truth-telling might develop in Australia and and so two, two academics from the Uni of New South Wales released a study earlier this year. Dr Ann Maree Payne and Dr Heidi Norman made - produced a report for Reconciliation Australia about what truth-telling could look like and what are the barriers to it in Australia. They say that being realistic about what truth-telling can achieve is important. Got to be clear about what it's for. Is it done for healing? Is it done to seek justice? Is it done to educate Australians about the full history of colonisation? Therefore, what is everyone's role in that process? Because everybody has a role.

Lorena Allam: 18:28

So they found a significant gap between Aboriginal people and non-Aboriginal people in understanding what they thought truth-telling was and their role in it. Their report said truth-telling needed to be led by Aboriginal people and communities, recognise the continuing impact of the past on their lives today, be ongoing and aim to achieve lasting change. People need to feel safe to speak and to listen. So Heidi Norman said truth-telling may involve difficult emotions and the potential for conflict, and strategies need to be put in place to manage these. They found that there was wide agreement about what truth-telling, that it was an essential step forward, but Indigenous and non-Indigenous people had very different understandings of what it could look like and they would need to be very carefully navigated. So here we come up against the justice issue again. If you think about the bringing them home report, one of the the most um controversial uh recommendations that meet the media made it controversial was that

people who were taken from their families ought to be compensated. So here, when you start to connect justice to truth, people get extremely uncomfortable.

Lorena Allam: 19:46

Anne-marie Payne said truth-telling is not a panacea that will fix every problem facing Indigenous communities. It is one step as part of a bigger journey, not a destination in itself, and I think that will be a difficult thing to convince the media and the general Australian public of that. Truth-telling is not one and done. It is a process that we undertake and we continue to do, because once you start down this path, you have to keep going. I think the Sydney Friends of Mile Creek said there is no shortcut to the future. We have to do this work. So what's the role in all of this for the media? Well, I think the coverage of the voice to parliament referendum should provide some very fertile ground for media academics in coming years.

Lorena Allam: 20:33

I mean, we saw an avalanche of misinformation. There was lies and fear-mongering circulated on social media. It was very hard to keep to fact check. One claim before another one popped up. It was like an endless game of information whack-a-mole. And all of that played out at a time where news fatigue is generally high and people are switching off from traditional sources of news gathering.

Lorena Allam: 20:57

The general faith in the reliability of old school news is at a low ebb. We have conspiracy theories rampant. People are getting their information from a range of sources, opinions, people they follow on YouTube. It's not always subject to the same rigour as old-fashioned journalism is and consequently there is a growing group of news consumers who are immune to anything the mainstream media will report. They are truth-seeking but not necessarily truth-binding, and I guess in that landscape we all have to be very media literate about the info we're given and we all need to be reporters in a way and interrogate that.

Lorena Allam: 21:36

It's definitely a challenging time to work in the media and, as an Indigenous journalist to be exposed to the level of racist trolling online and comments on social media. It really does take its toll, but there are opportunities for the kind of truth-telling that is transformational and meaningful for the tellers and those who hear them, and the Killing Times is one of those projects, if you Google it on the Guardian. What we attempted to do was to take Lyndall's map and analyse the data that it was showing us and to talk to descendants of people from all sides of that massacre history about how they were personally coming to terms with this very complex and painful past. I think I was going to talk about another project we've done, which is working with the uncles of Kinchela Boys Home, but I'm mindful of time so I just want to sort of finish by saying that, as I

said earlier, the flip side of truth-telling, especially in the media, of accountability, makes people uncomfortable.

Lorena Allam: 22:39

The media has a clear role to play in helping break the code of silence that surrounds much of our colonial history, but it also has to acknowledge its role as a pillar of colonization in the past. One thing we found over and over during the killing times was that that we were very reliant on colonial newspapers for information about massacres. So, on the one hand and and some of them were, you know, quite encouraging of frontier violence. In fact, the Sydney Morning Herald recently did a project acknowledging its role and apologising for its role in running a campaign to defend the perpetrators of Myall Creek.

Lorena Allam: 23:18

So I think, there are probably a lot more cases like that one worth exploring in the mainstream media. I also think at some point very soon, the media needs to consider establishing a framework for responsible reporting about truth-telling that is trauma-informed and respectful of people's privacy, and it might include things like guidelines and protocols for reporting on Indigenous vulnerable people and a greater awareness among journalism educators of the importance of historical context in covering Indigenous affairs. A lot of journos are graduating from universities and they don't have enough of that knowledge. It is a real gap in their learning. As I say, help understand the past role of the media as a pillar of colonisation and help provide a trauma-informed process of reporting around vulnerable people in Indigenous truth-telling. As truth-telling involves in Australia, so must the media's relationship to it. Thank you, I'll leave it there. Thank you so much.

Nancy Cushing: 24:18

Thank you so much for starting us off. That was really powerful and a wonderful start for the evening. Our second speaker is Professor Dirk Moses. Dirk is originally from Australia and has had long stints at the University of Sydney, but is currently teaching international relations at the City College of New York of genocide in memory. Two anthologies he has appearing this year are Holocaust Museum and Human Rights, transnational Perspectives on Contemporary Memorials from the University of Pennsylvania Press and the Russian Invasion of Ukraine Victims, perpetrators, justice and the Question of Genocide, with Routledge. Dirk supports the development of the field as a senior editor of the Journal of Genocide Research and he's a public intellectual who's generous in sharing his research in online writing and podcasts, links for which can be found on his webpage, dirkmoses.com. Tonight, he's going to take on an issue that has troubled many in the last 10 months whether it is possible to prove genocidal intent.

Dirk Moses: 25:42

Okay, thanks very much for the generous introduction and, of course, for the invitation to participate in this important forum that Lorena mentioned the Stolen Generations Report and related issues, because when it came out I think it's in '96, I was a PhD student in the US and then in Germany doing my research, which was on West German intellectuals and the Nazi past. So it was about the post-war period and the way the collapse of the Weimar Republic and the rise of the Nazis and its many crimes had been debated and discussed in West Germany. So it was really about historical justice and the lessons one draws from it. And I studied Australian history as an undergrad at the University of Queensland with Ray Evans and we'd read the work of Lindell, among others, and that generation of scholars. This is now in the second half of the 1980s and so I was quite aware of, at least according to the scholarship at the time, of what had been going on in Australia and especially in Queensland, which was the epicenter of genocidal violence against Indigenous people. I thought and I ended up, although working on post-war Germany in the late 90s, starting to write about Australia and the debate regarding the genocide question, which is also in the report that Lorena mentioned, and from memory it wasn't just the issue of reparations which exercised Australian commentators, particularly conservative ones. It was also the question of genocide, and there was widespread confusion about what is genocide, what are its legal requirements. And then there are a lot of instant experts who are writing columns in newspapers, and I guess I was one of them as well. I was just a young postgraduate at the time.

Dirk Moses: 27:39

In any event, I ended up writing an article about how you conceptualize genocide in a sort of dynamic, decentralized process like the colonization of Australia came out in the year 2000, which was also the year that I started a lectureship at the University of Sydney, and when I got there I wanted to offer a class on the global history of genocide, with obviously a week or two on Australia, and I couldn't find a textbook that would cover that and it just didn't exist. Of course there was plenty of research on frontier violence and also on stolen Indigenous children, but not in relation to the genocide concept. They were kept apart. So I ran a small workshop on the subject in Sydney, you know Henry Reynolds and others came along. I established contact with the Indigenous Centre at the University of Sydney, where its members were very supportive and in a way helped open my eyes to a lot of things, because I was educated in a very Eurocentric way, working on Germany as I did and I also then did. A conference in 2003 on genocide and colonialism at Sydney University was the first of its kind. I mean there was a little writing on the subject but not much.

Dirk Moses: 28:58

The most people working on genocide in the 90s were concerned with totalitarian regimes like the Cambodian Khmer Rouge, or authoritarian ones and dysfunctional

non-Western ones like Rwanda, and genocide wasn't seen to occur in the West. The West was seen as the vehicle for preventing genocide. That was the discourse of humanitarian intervention which culminated in the NATO intervention in Kosovo and Serbia in 1999. So you can see those dates it's all very fresh, you know, and the 90s were a really convulsive period for these debates. So you know, had the Stolen Generations Report in '96, you had, you know, Rwanda and Srebrenica the year or two earlier. Then you had the conflagration in Kosovo and the whole humanitarian intervention debate throughout this period.

Dirk Moses: 29:53

Samantha Power's important book, *A Problem from Hell* about US non-intervention and genocides came out in 2001. And that was very much a Bible for a certain generation of older genocide scholars for whom the West was a vehicle for genocide prevention rather than a vehicle for genocide. There was really just no interest in genocide and settler colonialism. So that's the sort of a research angle I tried to promote and eventually I became involved in that journal that was mentioned in the introduction by Nancy, the *Journal of Genocide Research*, which I've been the senior editor of since 2011 and an associate editor since 2005. And we have been promoting this theme in that journal and you'll find quite a few articles about settler colonial genocides in Africa, Australia and in North America in the journal, if you care to look. And that's affected what we would call a colonial turn in genocide studies. Now, genocide studies is one thing. There's just scholars who can range far and wide, do as they wish.

Dirk Moses: 31:03

The law of genocide is quite another, and we're seeing, in relation to the proceedings at the International Court of Justice instituted by South Africa against Israel in January and onwards, how strict that definition is. I mean, those who are international lawyers know this well, of course, already, but it's become much more of a publicly conscious issue because the war is such a divisive public conflict outside the region in the US yes, in Germany, which I study carefully very much, and also in Australia. I've been watching, you know watching the media coverage of that closely as well, and the encampments and so forth at the universities are one manifestation of that. And certainly for the Palestine advocacy movement, it's just an article of faith that genocide is taking place. Likewise for the Israel solidarity movement, this is an armed conflict, Israel is engaged in legitimate self-defense and there's no question of genocide.

Dirk Moses: 32:08

What you've got is the instrumentalization of um, this so-called crime of crimes against Israel for political reasons. But it's not legally serious. Uh, and and those are basically the the positions at the ICJ by of the of the two legal teams, South Africa and Israel. So versions of this argument are taking place on campuses and among lawyers. But why is it that it's so difficult to prove? I mean, a lot of those who are sympathetic to the

Palestinian situation will admit that it could quite well be the case that when the ICJ comes to decide on the merits of the genocide case by South Africa, that they may well say genocide is not taking place, precisely because of the very strict legal definition.

Dirk Moses: 32:59

Now, one thing you don't hear enough from international lawyers is why is it that we have this very strict legal definition? Why is it so different from the more general understanding of genocide, which is, you know, basically a synonym for the destruction of nations, groups, ethnic groups and so forth? Why is there disparity? Now, when the concept of genocide was invented really is around 1943. It was then published in a book by Raphael, Polish-Jewish jurist, in 1944. There was a sort of a time lag of a year between the time he invented the concept and then when it came out in a book, but it's during the Second World War. He had a very broad definition of what genocide was and that was then narrowed down in law when it was codified in the United Nations Convention four years later, in 1948. Now I think we need to talk a bit about how and why that occurred and how his original definition of genocide is one that, if you like, has an Indigenous sensibility that I think would that I see Indigenous peoples, whether in Australia or elsewhere, reflecting accurately.

Dirk Moses: 34:07

Now we have to talk a little bit about Lemkin, who he was. To understand this, if you like, indigenous sensibility. He was a Polish patriot as well as a Jewish, a Zionist as well, growing up in the 1920s and 30s. As a young man, he was born in 1900 in what is now Poland. The town in which he was born was in what is now Belarus was all part of the Russian Empire until the end of the First World War, when Poland became a separate state. In any event, he grew up there in what historians of the region called small nations. Small nations, although Poland is actually a large nation. But the small nations are that band of countries from the Baltic to the Black Sea between Russia and Germany that have always felt crushed by these large major land powers and which didn't have independent statehood until the end of the First War because they were part of the Russian Empire or, bits and pieces, the German and Austro-Hungarian empires. So there was always this precarious sense of statehood and being subsumed into larger nations and being culturally under pressure and indeed with the fear that one may disappear from history by being absorbed into larger entities.

Dirk Moses: 35:25

Now, although this isn't quite the same as a settler, colonial situation, you can see the parallels and the notion of nationhood that Lemkin was using when he invented this concept of genocide as a policy of occupation is a term he used by the Germans. He was thinking very broadly. What constituted a nation was not just the bare lives of, say, Poles or Czechoslovaks or Jews under German occupation. It was their culture, it was their natural resources, it was their political autonomy. He even talks about morality. He

listed eight techniques of genocide we would say policies today which the Germans perpetrated against these occupied nations in order to destroy them. So you could destroy a nation, according to Lemkin, in a variety of ways, and one of them today we would call cultural genocide. Cultural genocide.

Dirk Moses: 36:26

Now, when it came to codifying genocide in international law, after a General Assembly resolution calling for a convention, in late 1946, a draft convention was produced by the Secretariat of the United Nations. It was written by a committee of three international lawyers. One of them was Lemkin and it reflected his very broad definition and included biological genocide, physical genocide and cultural genocide. Now then it went through all these committees for the next two years from late, you know, 1947 and 1948. And if you read the transcripts of those committee deliberations, which amount to about 2,000 pages they've been collected in a book you can see that the majority of delegates were very uncomfortable with this very broad definition of genocide, because it would be very easy for, say, an indigenous group to say that these forced assimilation policies from, say, Latin American countries or Australia or Canada or what have, were genocidal because they aimed to destroy their peoples. Okay, though assimilation policies were seen in the 40s and 50s and 60s is very progressive, as many of you know, but of course not for the people it was affecting.

Dirk Moses: 37:43

Now, all these sort of broad elements of genocide were stripped from the convention drafts and we ended up with a very narrow definition at the end of 1948, which reflected the interests of states. And the interests of states were not to establish a convention, which means an international treaty which could be used to impugn them. They wanted their sovereign right to put down, to assimilate minorities, indigenous people, and to put down rebellions and to engage in degraded forms of warfare against their neighbours if they wanted to. So the convention's narrow definition not only excluded genocide and political motivations for committing genocide, it also excluded ethnic cleansing and was very careful to demarcate genocide, a genocidal logic, from a military logic. A genocidal logic aims to destroy. A military logic aims to defeat, even though, in the course of which many civilians may be killed, collaterally or incidentally, as human shields, as a language we hear a lot about now. The reason they did that is because the Allies, of course, had killed hundreds of thousands of Axis civilians in bombing German and in Japanese cities. In fact they'd used two atomic weapons which had killed civilians.

Dirk Moses: 39:17

So a definition of genocide which was broad, in the sense that it protected civilians as a category, could not be allowed. And so the convention is very clear that the destruction of a people as such is what is required for genocide and the as such it's curious two words means that members of a group are targeted solely because they are members

of a group, because of their group attributes, not for anything they've done so, it's for who they are. It's an identity crime rather than for anything they've done so, which would entail political logics. Colonial Queensland of indigenous people. It can be argued that the perpetrators are not, they're not attacking members of this group because they're members of this group, they're trying to attack the insurgents, or you know, the terrorists and civilians got in the way. That's regrettable, but that's what happens, happens in armed conflict. So you can see how armed conflict gets separated conceptually from genocide, although it's very artificial because in practice what we now call genocide always takes place in the context of armed conflict. When we consider the armenian genocide umit has written about so much, this was in the context of the First World War, anzacs, among others, were invading through the Dardanelles, and that, coincidentally correct me if I'm wrong was also the week when the Armenian genocide starts, in April 1915. And so security crises are always the, or virtually always the locus or context in which what we now call genocidal attacks take place.

Dirk Moses: 41:25

Campaigns is that the leaders of a state regard themselves as in an existential emergency or a part of in a border region. For example, in Myanmar with the in Rakhine state is a sensitive area and there's an ethnic minority living there that's not loyal to the majority. According to the way they're thinking and this is the way that the Chinese are thinking with Xinjiang province in relation to the Uyghurs, for example they're ethnically a minority, there might be a majority there, but they're not for the majority of the state as a whole, and we don't regard them as loyal. We regard them as loyal to the people on the other side of the border who want part of our land, and so this is a dangerous separatist movement. So, rather than deal with, as they would be entitled to, the actual insurgents, they decide to deport or incarcerate the entire population from which the insurgents come. So they attack innocent women, men, people who aren't involved in any uprising or separatism For a once and for all solution to this quote unquote separatist problem.

Dirk Moses: 42:40

And it's this once and for all thinking that is very characteristic of genocide. I call it a permanent security logic, because they're not just engaging in a regular security operation, they are engaging a once and for all security operation so that in the future there can never be security threats. Now I'm seeing a fair bit of that kind of language in relation to Gaza from Israeli authorities where they're suggesting we can't ever again allow Gaza to be a staging point for this kind of attack on the 7th of October. So we're going to make Gaza unlivable so that eventually all the Gazans leave one way or the other. So they're kind of future-proofing yourself. So this is, I think, the strategic logic that's discernible at the moment.

Dirk Moses: 43:29

You know, whether it fits these very narrow legal definition of genocide remains to be seen. There's certainly plenty of genocidal rhetoric by Israeli authorities, but whether that's taken as a command responsibility statement by the ICJ is another question. So, as an analyst, I'm more interested in trying to understand, you know, what is driving states in these kind of campaigns, which clearly mix genocidal and military logics. They really can't be separated as they are in law, rather than engaged in pin the tail on the donkey exercises, which are in the end legal, and political, tail on the donkey exercises, which are in the end legal and political.

Dirk Moses: 44:14

So I'll finish by noting that it was 20 years ago that my first book came out, which is an edited book on genocide in Australia.

Dirk Moses: 44:20

It's called Genocide and Settler Society, in which I gathered historians and other scholars working on frontier violence and the stolen Indigenous children claim. So that's 20 years ago and the cover of the book is an image of the Myall Creek Memorial site, which Lorena will know very well. And it's in studying colonial violence that I finally understood that the security imperative is really quite central to genocidal violence. When you looked at the colonial newspapers that Lorena mentioned and that were studied so importantly in this massacre map project and the other work that Lyndall did, you can see the frontier commentators were constantly worried about the security of the pastoral industry and the workers in it and they they understood that if indigenous resistance prevailed and that pastoral sheep and cattle farming collapsed, the colonial economy would collapse and the whole project would fall apart. So destroying Indigenous resistance was really central to the settler colonial project in Australia and I think that should be part of the truth-telling that Lorena mentioned. I'll finish with that.

Nancy Cushing: 45:52

Thank you so much. And you know, very elegantly tying the two talks that we've already heard together and pointing to those parallels, and I enjoyed that brief history of the development of genocide studies to encompass the colonial, settler colonial actions as well as the others that had the earlier attention. Thank you so much for that. Okay, now we go to our final speaker, who is my colleague and fellow member of the Study of Violence, Dr Umit Kurt. Umit is a DECRA postdoctoral fellow and award-winning historian who focuses on the transformations of imperial structures in the modern Middle East and the late Ottoman Empire and their role in constituting the republican regime. He is a fellow of the Royal Historical Society and the author of the Armenians of Aintab the Economics of Genocide in an Ottoman Province, published by Harvard University Press, and co-author of the Spirit of the Laws the Plunder of Wealth in the Armenian Genocide with Bergen. So Umit is going to talk to us about what's been

labelled genocide and how it works on the ground, drawing on his in-depth knowledge of the Armenian genocide as it affected that small city of Aintab.

Umit Kurt: 47:21

So over to you, Umit. Thank you so much Nancy, for this generous introduction, and I would like to thank the organizers for bringing this timely discussion forth with excellent historians and researchers. I'm so happy to be here with you. Truth-telling is always a major problem for me and I encounter over the course of my research, writing and talking, especially when you're talking about the historical events which took place and named as Armenian genocide in the international arena but has been denied by the main perpetrator country so far. So it's not desirable in Turkey or post-Ottoman urban and country landscapes. This matter and history of genocide is a fundamental topic for modern Turkey, has to do with its existence, national and society building, as well as national identity, and it has to do with existence, and that also resonates with Dirks beautifully, within the framework security imperative, because always the main perpetrators, the ruling lead of the committee of union progress, the ottoman ruling elite then always considered and regarded the Armenian issue or problem as a security matter. All their actions were based on the security imperative and still denialism actually, which is an absolute truth in Turkish context for the time being, and it also came out of exactly the same security imperative. So it came out of exactly the same security imperative to embrace nihilism, to continue it and to feed it, not only at the state level but also society level. So therefore it's really difficult to deconstruct, this kind of history writing, and this kind of truth-telling or state discourse and also its reflections on the different walks of life and society, affects one's upbringing, just like me.

Umit Kurt: 49:41

Discussion of the "Armenian issue, quote-unquote in Turkey is dominated by claims of atrocities committed by Armenian groups against Muslims, reflecting a position that official Turkish historiography imposed on our collective memory. So on the rare occasions when revisionist Turkish historians conceded that Armenians were indeed massacred, the proclivity is often to fall back the false equivalency discourse of quote-unquote. But the Armenians killed Turks too. So this phenomenon can be weaved as a natural kind of natural instinct of individuals and societies to disassociate themselves from wrongdoings in order to elevate feelings of guilt. So, understandably, it's difficult for a society like Turkey to talk openly about crimes that are claimed to have been committed for the good of the nation, although as individuals they may not have taken part in or even approved of such actions. So to have these conversations even is to open the door to confronting collective responsibility in the Turkish context. So, unfortunately, we are just at this level. So, while investigating the history of the Armenian Genocide, I uncovered the problematic roots of Turkish national identity and how many of Turkey's current problems can be traced back to these events. Notably, the

construction and visibility of Turkish national identity was made possible by the destruction and erosion of other identities, such as Assyrian, greek, arab, kurdish and, of course, armenian, so its existence required the negation of other identities. Which brings to mind Raphael Lemkin's description of the two faces of genocide: one the destruction of the national pattern of the oppressed group, the other the the imposition of the national pattern of the oppressor.

Umit Kurt: 51:50

Growing up in a multilingual household, but being taught only Turkish, I was a living manifestation of the national pattern of the oppressor, which continued over the course of my entire education, and my awakening began in late 2009 by questioning one of the taboo issues in Turkish political history, that of the Armenian question . I reoriented my PhD studies to Armenian genocide and the concomitant exploration of the how and why of the hegemony of the official denialist ideology and the widespread lack of expertise necessary for supervising genuine scholarship made this a risky quest for a student in Turkey. Scholarship made this a risky quest for a student in Turkey. Consequently, I chose to pursue my doctorate in the United States, where I would be granted intellectual freedoms unavailable in Turkey, by studying at Clark University under the supervision of Taner Akça, a renowned scholar of the Armenian genocide. Embarking on my PhD in the Holocaust and Genocide Studies at Clark was a crucial turning point for me in breaking with any residual influences of Turkey's official ideology, which nearly universally pervades all research in the country relating to issues deemed sensitive or detrimental to state interest, and so I learned a lot at Clark. I mastered the West literature on the most infamous genocide in history Shoah and Holocaust historians have been raising questions on the nature of human behavior that pertain to every case of mass violence.

Umit Kurt: 53:32

But why do people come to commit such brutal acts? From the first day of my investigation into why and how the genocide was perpetrated in my hometown of Ain Taab, where I was born and raised, I wish to be able to pose this question to Muslim civilians who executed the Armenians' neighbors during the genocidal rule of the Committee of Union Progress regime and those members of the CUP whose single-party dictatorship lasted from January 1913 to October 1918. To understand why the locals of Ayentap undertook genocidal acts, I decided to conduct my research and write the book titled the Armenians of Ayentap the Economics of Genocide in an Ottoman Province. As historian Max Berkholz aptly puts in his groundbreaking work. Violence can be both destructive and generative forces. The same holds true for the Armenian genocide. As a mass violence event, destruction of the Armenians went parallel with the process of the birth of new modern Turkey, its bourgeoisie. Rise of violent middle class entrepreneurs with fists, which I term people who became rise up to the social ladder, not because they own the means of production, but they confiscated,

then expropriated them. It is equally interesting to see how this rather quiet, somewhat uneasy and easy coexistence between the Armenians and Muslims was shattered within such a short amount of time during the World War I four years.

Umit Kurt: 55:16

So the concept of genocide itself I'm following the Dirks elites the concept of genocide itself was created not as an analytical concept for historians but as a legal category, and rightly so. There is a history behind it, as they have just pointed out. When it's used in the analysis of the past, it brings attentions and creates a kind of moral urgency about instances of violence, which is important. But it also, I think, tends to blind us as historians in certain ways by dividing off the past in black and the white categories of perpetrators and victims. The way the category is defined in the UN Convention also sets up a certain type of analytical questions that also tend to lead towards looking at elites, ideologies and the way in which my book also tries to approach the telling of the history of genocide in this smallish city or town by looking at the more meso-level analysis and micro-level, but without losing the side of the micro-dimension. So to have something like genocide is institute.

Umit Kurt: 56:37

The kind of questions that emerge here are to perpetrate violence on the scale, how are people mobilized to do so? To assume that hatred or deep ideological convictions is dominated in a society is part of the problem that labeled what happened as genocide to these events of mass violence. In this respect, it's important to get down to the ground level, the crime scene itself, and to try to understand how and why local people in certain moments think and decide that persecution is the right way to go from one day to the next. Various motivations, including economic ones, play a role in that process, particularly in relation to my work, and that is one of the ways in which this instance of violence at the local level, which needs to be understood and researched and memorised in its own terms. Also, it can be compared in very significant ways with other instances of other small towns, the change from one regime to the next in the midst of a crisis, which is often a time triggering factor, which we also see in this instance usually provides unprecedented opportunities for people to achieve objectives that would have never been possible. And those can be people who may already sit in certain kinds of positions of power, certain kinds of economic assets, and this provides opportunity to acquire things that would have never been able to, or people who are very marginal to hold any kind of power. All of a sudden, they can find themselves with this opportunity to accumulate things that they could only have dreamed of.

Umit Kurt: 58:38

And studies like this that look at small, discrete units and understand something like genocide as a process with a lot of contingencies and a lot of different kinds of motivations that are not always reducible down to long-term hatred among people on

the basis of ethnicity, ideology, religion and so on and so forth. So a local history of a complex and, for some, still controversial events manages to shed a new light, both on its wider historical context and how specifically unfolded on the ground. This approach that combines *longue durée* with the close focus on one location as the potential fully realized in my work of revising the entire historiography of the event as a whole. For instance, this is precisely what Umit Kurt tried to do in his book *Anatomy of a Genocide*, published in 2018. There is almost ethnographic, archaeological approach of just walking through these areas, the neighborhoods and seeing. In fact, the traces of this violence are still visible to this day and beginning to reveal layers back, and this type of work cannot be carried out from a distance and from only the top down. It absolutely resonates with the field of genocide studies and it's subversive in a way. It does not dispute the necessary nature of that designation of this violence, but allows us to understand it more historically than some of the previous literature has.

Umit Kurt: 1:00:31

Let me briefly introduce my book. *The Armenians of Aint aab* provides precisely a kind of archaeology of the forgotten, erased and denied past of the course of the 20th century required, denied past of the course of the 20th century required. It makes what appears as natural and comforting, such as the landscapes of one's childhood, appear in a different, troubling, indeed terrible, light, as it excavates the past. It reveals the genocide and ethnic cleansing is not just a matter of governmental policy, but also a social event, a communal eruption where neighbors turn against neighbors. So you have killed and also taken possession become a daily mundane reality, as genocide is not only profitable for the genocides, but also a mechanism for creating a new social reality.

Umit Kurt: 1:01:21

In the case of the Ottoman Empire and the nascent republican regime, this means the creation of a new Turkish middle class that replaced the Armenian population deported from the town and in large parts murdered, using the Armenian property as a very basis of elevating itself materially and socially. For anyone familiar with the case of the Jews of Eastern Europe, who were blamed for hindering the creation of an indigenous middle class by occupying that socio-economic niche, this sounds very familiar. Just as the Turks living in Armenian houses prefer not to talk about or remember of former inhabitants, so the Lithuanians and Poles, Ukrainians, Hungarians and Romanians prefer not to remember what was of the root of the demographic and economic transformation of their countries, facilitated by ethnic cleansing and genocide. So all genocides combine a dynamic of organization and instructions from the top and active engagement and initiatives at the local level. These two have become increasingly evident in the case of the Holocaust, as local studies have shown the extent to which Gentile populations of towns occupied by Germans participated in and profited from the killing of the Jews. So not solely because they were forced to do because that was or

became part of their agenda, namely elevating themselves into a higher socioeconomic niche now vacated by their Jewish neighbors.

Umit Kurt: 1:02:58

So if we want to understand why people turn against their neighbors turn against Armenians or Poles and Ukrainians against Jews it's insufficient to invoke all this from above or even long-term prejudice. We need to remember the might, strength of resentment, potency of greed and the will to improve. This is also the deep root of the subsequent forgetting and denial, which resonates especially with the Turkish context for the time being. But one should bear in mind the deeper causes for the disintegration of the inter-ethnic relations and relative communal harmony. So I think I should. Yeah, I can stop here.

Nancy Cushing: 1:03:43

Yeah, thank you very much, jumin, and that was really fascinating and especially you were drawing attention, as Lorena did, to the importance of the really micro approach and to understand things we need to drill right down to, to neighbors and interpersonal relations on a very basic level. So thank you to all three of our speakers and we've we've all pretty much kept to time, so we do have about 15 minutes for questions. So the way that we're going to do it is using this Mentimeter, which perhaps you've come across before, so you just need to hold your phone with the camera activated up to the screen and that will take you through to a website where you can enter your question, the other way as well.

Jesse Adams Stein: 1:04:43

Sorry to interrupt, Nancy if you don't want to do the QR code option, you can also just go to menti. com and put in the code that's on the screen there. That's another option if that's easier for some. I'll also just note on the Mentimeter system it's a fairly short character count, so either keep your question short or, if you want to, you can go over to questions. But just make sure you put your name on both the questions so it's a bit easier for us to track who said what.

Nancy Cushing: 1:05:11

thank, you okay, so we'll give people a few minutes to do that before the questions start coming through. And I guess what struck me in listening to each of the presentations was this idea, that of the power of that's accorded to very small and often marginalized groups to to bring down entire nation states and then this is the power of that state has to be turned against these small groups, and I wondered if any of the speakers would like to speak to that. I guess boom, it was suggesting at some level it becomes kind of instrumental that it's economically driven. But yeah, I just wondered if anybody would like to talk about the way that these, the groups who become subjected to genocidal violence, are constructed as such threats when objectively that seems questionable.

Lorena Allam: 1:06:29

I would say Nancy, in the Australian context the media has played a big role in that. Historically, we were not quite human. The language that was used to describe our peoples was very dehumanising. We were like animals and vermin. The language that was used in the massacre to kind of justify massacres was land clearing. They were seeking retribution and seeking justice, and the justice that was meted out was always wildly out of proportion to the alleged crime. So someone might steal a sheep and in retaliation the settlers would ride out in the posse and massacre hundreds of people indiscriminately, massacre hundreds of people indiscriminately, so, and the media over time helped make that possible. It's easier, I imagine, to kill people if you don't think of them as people and if you think of them as an impediment to your fair and justified occupation of the country. Yeah, I could say more, but I'll leave it there.

Nancy Cushing: 1:07:48

Thank you.

Umit Kurt: 1:07:52

Yeah.

Umit Kurt: 1:07:53

I can say a few words regarding the late Ottoman and the modern Middle East context. Actually, there has been this conventional understanding which has argued that the ethnic and sectarian identities and national identities that led to violence. But when you get down to the ground level and when you look at the different provinces, towns of the late Ottoman Empire and also in the modern Middle East, especially Lebanon in the 1860s and 1880s, in the late 19th century, what we have seen as historian Laura Robson actually demonstrated it aptly, demonstrated it aptly violence gave rise, violence gives rise to this ethnic sectarian, you know, divisions and violence mapped. This demarcation lies ethnically and nationally Because it also explains a different dimension of how a relatively harmonious society with, you know, Muslims and the Christians and the Jews who used to live, you know, relatively speaking, harmoniously, all of a sudden, in the midst of crisis, especially the political crisis and in the war context, how the societies start to define themselves with their ethno-religious identities rather than defining themselves as their occupations or their names or their neighbors and etc.

Umit Kurt: 1:09:33

So I think this aspect does really matter. And also in the Ottoman context, of course, there were different reasons, different motivations that made perpetrators partake in this mass violence event. In the case of my own hometown, economic motivations became much more, you know, vocal in that context. But I think there is a regional variation in the Ottoman context so we can talk about not only one genocide. We can talk about different genocides in different contexts. So that's why I think the case studies and biography of the post-Ottoman cities shows us more concrete and also

critical insights about how this historical event unfolded in different contexts and different regions in the Ottoman landscape.

Nancy Cushing: 1:10:33

Thank you. Okay, so we have some questions coming in now. So the first one is thank you for the talks. Could someone please elaborate on the economic drivers in the frontier wars in Australia? Would you like to say a little bit more about that, Lorena Sure?

Lorena Allam: 1:10:57

I think you should.

Lorena Allam: 1:10:57

Probably too, Nancy, but I think, yeah, of course there were economic drivers.

Lorena Allam: 1:11:02

A lot of the massacres we found occurred in conflicts over water, conflicts over land.

Lorena Allam: 1:11:11

Obviously the settlers, the invaders, were wanting to run their sheep and get rich quick.

Lorena Allam: 1:11:21

So there was absolutely an economic imperative and it was more important to clear us off land that they wanted. So that happened for over a century and then when, towards the end of that phase of colonisation, they started to round everybody up and put us on missions and reserves and generally we were put in places that didn't have any great economic value, where we could be contained and trained and developed to be a labour force sent out to work for pocket money or rations, or sometimes neither in the service of the colony and in the service of those squatters who had come and taken the land, or in the role of native police, in the case in Queensland, who were brutally effective. So there, of course, there was an economic imperative. We got in the way of that of the expansion of the nation. We were a nuisance needed to be dealt with. And often I mean, if you read the record, the historical record that is how we're perceived. As I said before massacres were called land clearing exercises and so forth.

Nancy Cushing: 1:12:39

So the language tells you that definitely it was an economic driver and you mentioned being placed in locations that were considered not to have economic value, but if anything shifted and that did rise, then those people were moved off as well. Time to go somewhere else that we don't know, much about.

Nancy Cushing: 1:13:05

Dirk. Did you want to come in on that one? Just no, okay, all right. Our second question is for Umit. Given that Turkey has been outspoken in denouncing Israel's attacks on Gaza, have any references to the Armenian genocide seeped into the critique of opposition intellectuals?

Umit Kurt: 1:13:29

Yeah, thank you for the question. There is a few critical voices with respect to this the government discourse vis-a-vis the Israeli attacks and genocidal policies in Gaza and the full-fledged ethnic cleansing in Gaza. And besides that, there have been some court cases for some intellectuals who commemorated 24th of April 1915, the commemoration of the Armenian genocide and paying their respects to victims. There were even court cases against these people amidst of all these events taking place. So it's a trademark.

Umit Kurt: 1:14:17

This kind of duplication and hypocrisy is a trademark of the ruling government in Turkey and it's way beyond the perennial populism, it's way beyond the pragmatism.

Umit Kurt: 1:14:34

It's another way for the government or the state establishment to divert attention from Armenian genocide or other historical wrongdoings, not only against the Ottoman Armenians but also Greeks and the Assyrians as well. So therefore, the government is very capable of using what has been happening in Gaza so far against Israels. But of course, Netanyahu is the one who kind of reminds of the historical wrongdoings of people, especially the Kurds, because, you know, Armenian genocide has not been acknowledged by the Israeli Knesset, Israeli parliament as well, because they don't want to break down these diplomatic relations between Turkey and Israel. It's just they are playing with one another, Both Erdogan and Netanyahu. They are like twin brothers, you know. So that has been the case, but there is still there few intellectuals and scholars and historians who are trying to remind of the this historical wrongdoings of the Turkish government regarding Armenians and the Ottoman Greeks as well, when the government or Erdogan is making any statement about what has been happening in Gaza.

Nancy Cushing: 1:16:06

Thank you. Now, dirk, there's a question from Jessie and it's actually one that I was trying to formulate something about as well, and so she says it's kind of a what next question, and that she asks for forgiveness because she's not a legal scholar. Are there enough progressive jurists on the ICJ to potentially change the legal precedent that you've been telling us about allowing a definition of genocide that encompasses military logics to be included and not seen as separate, or are we just kind of stuck in this limited definition that you've set out for us?

Dirk Moses: 1:16:48

Yeah, I fear we're stuck. Lawyers like to operate with the doctrine of precedent. So if the ICJ in a judgment a few years ago, as it did, said that in inferring genocidal intention from a pattern of events, because states don't say we're committing genocide, they hide their intentions, so the courts understand that and they allow the prosecution to infer a genocidal intention from a pattern of events. But in doing so the court has said that the

only inference that can be drawn from a pattern of events to meet the threshold of genocidal intention must be that it's genocide and not anything else. So it can't be mixed as things are in practice. Okay, so that's, that's how it's limiting, uh, the category of genocide to very exceptional cases. If we think about the wars in the former Yugoslavia, so from 1990 to 95, you know, only one of the massacres and there were many was classified as genocide, the one in Srebrenica, when about 8,000 Bosnian men and boys were killed, and even that was controversial for many in the legal community. A broader definition of genocide which was interested in protecting civilians more generally, a definition of genocide which was interested in protecting civilians more generally, would have classified, you know, many episodes of that war, although a series of conflicts because there are many different conflicts uh as genocidal, and it would also, in my view, you know, be much more open to classifying many types of modern warfare as genocidal, For example, the conduct of the Syrian government with Russian help in Syria, Russia's conduct in Chechnya in the 1990s, where it indiscriminately flattened cities like Grozny and engaged in, you know, vicious counterinsurgency, and you know who knows what's happening uh in in gaza right now. Just to show you how complicated these things are and how messy these logics are in their in in their entwinement, let's just, let's just investigate uh one case uh, the the 972 mag, which is this progressive Israeli uh online magazine that does investigative journalism, came out with an article a few months ago about the ai technology that the Israeli drone operators are using to to target uh Hamas operatives in Gaza and then bomb them. So the bombing is quite it's not indiscriminate, it's quite discriminant, you know it's very targeted. But what they revealed is that, with this AI technology, which is based on their phone usage, they actually waited for these low-level operatives you could be police officers or what have you to come home. That was the AI technology called Where's Daddy. So they didn't bomb them while they were on the street, relatively isolated, they waited till they got home and then they dropped the entire building in which there were many families, and this is how you account for the high number of women and children who are being killed, right? So it was quite deliberate and this is that this is inconsistent with the line that the, that Hamas are using civilians as human shields, which would imply that they're cowering amid the population and that the Israelis have no choice but to, incidentally, kill civilians while targeting particular Hamas individuals. What they're actually waiting is until they're within civilian context.

Dirk Moses: 1:20:56

So now, a one-off of these may be a war crime, but once it's serial and it's a policy, uh, you can see the outcome. So entire neighborhoods and cities have been destroyed and tens of thousands of people killed and many, many more maimed. That people are forgetting the, the amputations of all these children and so forth. You know, without anesthetic, right now, this is quite calculated. We now know Now this is leading to the

destruction of a group in that place. Now we're also in numbers far higher than in the Srebrenica case, where it was 8,000. But it's also a military logic, because they're not just flattening entire neighborhoods like carpet bombing in World War II. They are targeting, you know, putatively, military objects, but in the course of which they're willingly, consciously, in a calculated way, also killing lots of civilians, women and children. Okay, this is not accidental, it's not incidental, it's not the human shields argument. So you can see there how a military and a genocidal logic of destruction are entwined and that messiness in reality is not reflected in the way the law operates at the moment.

Dirk Moses: 1:22:10

Certainly there are international lawyers I've published several in the Journal of Genocide Research who are arguing for what's called a knowledge-based interpretation of genocidal intent, where, that is, it's sufficient for the perpetrators to know that their intentions, that their acts will lead to these outcomes, rather than intending those outcomes from the beginning as a matter of policy, in a sort of genocidal way.

Dirk Moses: 1:22:33

But those have been rejected by the courts over the last 20 years, first in the International Criminal Tribunal for Rwanda, and then for the one in four weeks, Yugoslavia, which began in the second half of the 90s and finished several years ago, and now then at the ICC and now at the ICJ as well.

Dirk Moses: 1:22:52

So Philippe Sands, the British jurist, gave a talk recently you know, online, you can download it if you want where he's asked this very question and he's someone who appears before these courts and he said that the judges you know and they will know each other.

Dirk Moses: 1:23:08

You have to understand that these are fairly small circles. These people like have coffee in the cafeteria at the Hague and so forth, and they chat and they know their associates. You know the people, the students interning there writing their judgments, and they are reluctant to what he calls open the floodgates, which would mean that there would be genocidal uh prosecutions in basically every armed conflict and they want to avoid that. They don't have the resources to cover it. It would break down international relations and that goes back to my earlier point that states wanted to devise a very narrow definition of genocide which gave them a free hand in running conflicts, like in Gaza, or occupations, and in putting down internal security threats quote unquote threats like in Myanmar with the Rohingya or with the Uyghurs in China. States aren't interested in an international legal system which potentially puts them on the dock in the dock.

Nancy Cushing: 1:24:21

Okay, that has clarified things a lot for me. Thank you for that. All right, well, well done. All this has been a fascinating, challenging, but I think really ultimately very rewarding discussion, and we're all fortunate to have such careful and sincere people investing so much of their time and intellect into areas so subject to superficial understandings as I think Dirk mentioned and to gut responses. So I really thank you for what you do and wish you all the best as you continue to do it. So now I'm just going to hand back over to Jessie for a couple of wrapping up remarks.

Jesse Adams Stein: 1:25:02

Thank you, Nancy. And look, I just want to reiterate the thanks to Lorena Allam, Dirk Moses, Umit Kurt, and also to Nancy as well. I have to say, in a world where so much that is said about contemporary conflicts is either misinformation or propaganda or bias reporting or just very short, well-meaning social media blips that say very little, it is so important and refreshing indeed to listen to people who are, who are experts, who talk so carefully, in such considered ways and in such historically informed ways. So thank you all so much for being part of this and thank you to our audience as well.

Jesse Adams Stein: 1:25:40

I just wanted to um as have a few acknowledgements and thank yous for the people that contribute to running History Now, of course, the History Council of New South Wales team, Catherine Shirley, Amanda Wells and Lauren Chater in particular, but also the Executive Committee.

Jesse Adams Stein: 1:25:55

Also thank you to the Australian Centre for Public History. I also want to acknowledge Eugene Schofield-Georgison for coming up with the idea of this particular theme and allowing me to talk about it endlessly with him pretty much every day since we came up with the idea. I also, as always let me just flick to the next slide History Council, new South Wales would like to acknowledge our cultural partners. In particular, we received funding from the New South Wales government via Create New South Wales. And a very quick mention of the next History Now event coming up next week a very different kind of an event but should be really fascinating. In fact, I think one of the speakers was in the audience today transnational design histories with Livia Resende and Isabel Rousset and I'll be sharing that one and that will be an in-person session in Sydney in the maps room at the State Library of New South Wales, 5pm on the 7th of August.