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Terrorism, A History: Stage One

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Cover Page Footnote

In order to write I am obliged to dedicate. Because this piece so often concerns revolutionaries and because revolutionaries are, for many of us, romantic "outlaw" figures, and because we suffer for our illusions, I dedicate the work to culture heroes. And, because my husband is one of the culture heroes of our generation, especially to him and to our communal redemption, I dedicate this work. Whisky Jack shook his head. 'I'm a culture hero,' he said. 'We do the same shit gods do, we just screw up more and nobody worships us. They tell stories about us, but they tell the ones that make us look bad along with the ones where we came out fairly okay.' NEIL GAIMAN, AMERICAN GODS 400 (2001). In addition, I would like to express my appreciation to the James E. Beasley School of Law for their continuing financial support and encouragement.

TERRORISM, A HISTORY: STAGE ONE

SHARON HARZENSKI*

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“Our cultures, our histories, grasp us with a thousand invisible fingers. . . . [E]ach country is inhabited not only by its citizens but also by ghosts from the past and by phantasms from imaginary futures or saints from lands outside time.”¹

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NEIL GAIMAN, *AMERICAN GODS* 400 (2001). In addition, I would like to express my appreciation to the James E. Beasley School of Law for their continuing financial support and encouragement.

1. ROBERT CONQUEST, *REFLECTIONS ON A RAVAGED CENTURY* 29 (2000). My youth cut across the 1960-1970 era of Civil Rights, hippies, anti-war protests, with all the accompanying violence associated with these movements. From Reverend Martin Luther King to the Black Panthers; from the death of Freedom Riders to the bombing of churches; from People’s Park to Altamont; from the Peace Movement to Four Dead in Ohio; from anti-war marches to trial of the Chicago 8; from We Shall Overcome to the Weathermen; this was my culture, my history. Its ghosts will always whisper their hopes to me; its ghouls will always warn me of the danger of wanting without wisdom. The particular memory that connects those days with this study of terrorism happened one day in 1971 while sitting through an interminable strategy session. It occurred to me that “Come the Revolution” my friends and I, embroiled revolutionaries, would be no more able than our current government to love the people, generate justice or walk hand-in-hand into a better world. We had become the enemy. That ended the revolution for me. But, I never forgot the intense dedication to a cause that burned so brightly. I never forgot what it was like to look into the light. And, because I never forgot, those who struggle against oppression are always my brothers and sisters. The way I see it, but for a moment of humility in an otherwise arrogant life, I could have died at Ruby Ridge, joined Timothy McVeigh’s Oklahoma horror story or found myself lending support to Osama

“Epochal moments belong rightly to history, and it is history that holds the only hope of providing an understanding of the twisted road that has brought us to this frightening pass.”²

“So long as the past and the present are outside one another, knowledge of the past is not of much use in the present. But suppose the past lives on in the present . . . and [is] at first sight hidden beneath the present’s contradictory and more prominent features.”³

I. INTRODUCTION

In a recent New Yorker article,⁴ I was exposed to a view of history previously unknown to me. The first glance revealed a period of “humiliation and disgrace” which began for many Muslims in 1918 with the defeat of the Ottoman sultanate by Western European forces.⁵ Shortly thereafter, when Turkish nationalists were able to regain territorial control from the French and British, the sultanate, the Ottoman sovereign, the caliph, head of all Sunni Islam, the last personality to inherit authority through a lineage directly connected the Prophet Muhammad, was abolished.⁶ Finally, the caliphate itself, a rocky but essentially unbroken tradition, a symbol of Muslim unity and identity for thirteen centuries, was eradicated.⁷

Lewis, the author of the New Yorker article, points to resulting shock waves that continue to be experienced in the Muslim community. I can well understand the fact of this type of historic shock. I was raised in a tradition where the destruction of a Temple not long after the beginning of the Christian era was taught as a trauma from which there was no complete recovery. Having been

bin Laden. I never want to call these people names, dehumanize them, demonize them, degrade or belittle them. They are not so different from me. On the other hand, I do not want to be murdered or to have my friends, family, and fellow citizens slaughtered or tormented by those who find themselves trapped in violence. So, it is here, acknowledging that we are capable of endangering ourselves and others to achieve our projected ends, that I want to start my exploration of history.

2. CALEB CARR, *THE LESSONS OF TERROR: A HISTORY OF WARFARE AGAINST CIVILIANS—WHY IT HAS ALWAYS FAILED AND WHY IT WILL FAIL AGAIN* 5 (2002).

3. JONATHAN GLOVER, *HUMANITY: A MORAL HISTORY OF THE TWENTIETH CENTURY* 411 (1999) (citing R.G. COLLINGWOOD, *AUTOBIOGRAPHY* (1978)).

4. Bernard Lewis, *The Revolt of Islam*, *THE NEW YORKER*, Nov. 19, 2001, at 50.

5. *Id.*

6. *Id.* at 50-51.

7. *Id.* at 51.

raised among Roman Catholics, I can imagine the deep disturbance the loss of the Pope, as Father of the Church, would cause. When the Dalai Lama was forced into exile by the Chinese, the shock to that Buddhist community was evident. Imagine the ramifications had “foreign imperialists and domestic modernists”⁸— the forces Lewis identifies as being held responsible for the loss of the caliphate— been capable of eradicating completely the person and position of this religious leader.

The second glance revealed a world unified by religion, not nationality.⁹ While I know this world well from my childhood and from my studies of pre-Reformation Europe, my ignorance of Middle Eastern history had veiled its vitality in the Muslim community. Nation-states and the form of nationalism associated with them are relatively new inhabitants of the world community.¹⁰ Tribal and religious collectives, loyalties, and identities are far older. Their strength draws from the deepest possible affiliations known to humankind.¹¹ It would be foolhardy to look upon a community united through religion and anticipate an equivalent regard for political affiliations.

The third revelation exposed a previously unfamiliar view of the United States as a threatening monolithic empire. From the vantage point of a once powerful Islam brought low by “foreign imperialists and domestic modernity,” a degree of safety was achieved as the tensions between imperialist superpowers kept them off balance. The failure of the Soviet system left the United States singular and unrivaled.¹² No compensating patron existed for Islamic interests. As Lewis puts it, “Middle Easterners found themselves obliged to mobilize their own forces of resistance. Al Qaeda—its leaders, its sponsors, its financiers— is one such force.”¹³

There is more to this particular history: the international and unwelcomed imposition of Israel; the support by the United States of tyrannical governments; the poverty of many in the Middle East along with the extravagant wealth of others in the same community; the role of *jihad* in Islamic tradition; the unbridgeable distinctions

8. *Id.*

9. *Id.*

10. *Id.*

11. *Matthew* 8:21 (The Oxford Annotated Bible) (“Another of the disciples said to him, ‘Lord, let me first go and bury my father,’ But Jesus said to him, ‘Follow me, and leave the dead to bury their own dead.’”); DAVID S. NOSS & JOHN B. NOSS, *MAN’S RELIGIONS* 106-07 (7th ed. 1984) (reporting the often repeated story of Prince Gautama, the Buddha, who left his royal family, wife and child, renouncing household life, to seek spiritual renewal).

12. Lewis, *supra* note 4, at 51.

13. *Id.* at 54.

between strict Islamic and hedonistic Western lifestyles; and the modern history of terrorism.¹⁴

These aspects are not unimportant details, listed to be overlooked in favor of the deep, underlying influences of history. They are, as Collingwood instructed us, the sometimes contradictory and always prominent features familiar to us in the present.¹⁵ But they, by themselves, may not be enough to prepare us to make informed decisions in the present about how to move toward a more peaceful, resolved future.¹⁶

Wanting to know how to move toward that future, I decided to learn from the past by immersing myself in history. Specifically, I wanted to know more about the history of terrorism.¹⁷ I decided to

14. *Id.*

15. See GLOVER, *supra* note 3.

16. I think, not until I mourn with the Sunni Islamic community over the loss of their caliph, can I begin to comprehend the perspectives that influence belief and underlie action. I think, not until I perceive the overwhelming nature of United States power, can I hope to comprehend the seemingly futile but horribly painful acts of resistance represented by the events of September 11th.

17. The constructed history of terrorism begins with the *sicari*, an extremist group of Jewish resisters active during the Roman occupation of Palestine. It is from this group we inherited the word "zealot;" a zealous lot they were. They fought as guerrillas against the Romans in the countryside, attacking priests and moneylenders, and torched archives and palaces within Jerusalem. These are the suicidal patriots of Masada and, according to Josephus Flavius, may have contributed to the destruction of the second Temple, circa 70 C.E., and thus, to the seemingly endless Diaspora of the Jewish people. WALTER LAQUEUR, *THE NEW TERRORISM* 11 (1999). Next, we are brought into the eleventh century with the Order of the Assassins (Hashhashin), a Muslim sect that began by seizing mountain fortresses, graduated to urban activity and specializing in the assassination of powerful individuals. Yonah Alexander, *Terrorism in the Twenty-First Century: Threats and Responses*, 12 *DEPAUL BUS. L.J.* 59, 65 (1999/2000). Their goal was the purification of Islam in preparation for the coming of the Madhi or Messiah. Patricia A. Long, *In the Name of God: Religious Terrorism in the Millennium—An Analysis of Holy Terror, Government Resources, and the Cooperative Efforts of a Nation to Restrain Its Global Impact*, 24 *SUFFOLK TRANSNAT'L L. REV.* 51, 56 (2000). The Assassins must be considered in conjunction with their enemies, the Crusaders, who came from Europe to the Holy Land during the same era. They too sought, through violence, to purify the land of Jesus' birth in what they called a "righteous war against the infidel." *Id.* European pirates and privateering during sixteenth and eighteenth century are mentioned as additional episodes of terrorism. Alexander, *supra*, at 65; see also Marcus Rediker, *The Seaman as Pirate: Plunder and Social Banditry at Sea*, in *BANDITS AT SEA: A PIRATE'S READER* 139, 152 (C. Richard Pennell ed., 2001) ("The Jolly Roger . . . a 'black Ensign, in the Middle of which is a large white Skeleton' . . . was intended to terrify the pirates' prey."). Research for my American Legal History class revealed a rich and stimulating supply of sources, such as the importation of slaves from Africa to the Americas. HANNAH ARENDT, *ON REVOLUTION* 65-66 (1963) [hereinafter ARENDT, *ON REVOLUTION*]. Additional research yields supportive information. Slavery in the United States is mentioned as a product, rather than a method, of terror. CARR, *supra* note 2, at 136-37. See ALLEN W. TRELEASE, *WHITE TERROR: THE KU KLUX KLAN CONSPIRACY AND SOUTHERN RECONSTRUCTION* (1971), for an intensive investigation into the terrorist activities of the KKK during Reconstruction. Other sources speak about Rwanda and South Africa, but these are not always focused on terrorism. HUMAN RIGHTS WATCH, *SLAUGHTER AMONG NEIGHBORS: THE POLITICAL ORIGINS OF COMMUNAL VIOLENCE* (1995) (covering Rwanda at 13-32 and South

investigate the history of terrorism in a formal sense, in the sense that from a date forward there existed an identifiable class of political conduct that was called terrorism. According to the Western canon, the terrorism I was interested in is first associated with the Reign of Terror in the French Revolution.¹⁸ So, it was to the French Revolution that I turned. Also, the idea of terrorism, its justification, is linked to the violence of an oppressed people seeking liberation from the clutches of subjugation.¹⁹ As a result, it was to

Africa at 57-72). See also PHILIP GOUREVITCH, *WE WISH TO INFORM YOU THAT TOMORROW WE WILL BE KILLED WITH OUR FAMILIES: STORIES FROM RWANDA* (1998). The Maasai-Kikuyu conflict in Kenya, which brought the term "mau mau" into association with terrorism, is mentioned in one of my sources. HUMAN RIGHTS WATCH, *supra*, at 102-05. Sri Lanka is mentioned in several sources but the emphasis is mostly modern and not solely on the terroristic nature of the problem. HUMAN RIGHTS WATCH, *supra*, at 85-100; Bruce Kapferer, *Remythologizing Discourses: State and Insurrectionary Violence in Sri Lanka*, in *THE LEGITIMIZATION OF VIOLENCE* 159, 159-88 (David E. Apter ed., 1997); LAQUEUR, *supra*, at 100-01, 191-96. Chinese and Indian secret societies are mentioned briefly as having long histories that qualify for further investigation. The Boxer Rebellion of 1900 in China is alluded to as providing some relevant material. *Id.* at 12. Finally, from India, the *thuggee*, from which we have derived the term "thug," who strangled their victims as a service to Kali, are noted as part of terrorist history. *Id.*

18. Bradley Larschan, *Legal Aspects to the Control of Transnational Terrorism: An Overview*, 13 OHIO N.U. L. REV. 117, 123 n.32 (1986) (citing PAUL WILKINSON, *POLITICAL TERRORISM* 9 (1974) for the proposition that the first usage of "terrorism" was in reaction to the "systematic policy of violence, intimidation and the use of the guillotine by the Jacobin and Thermidorian movements in revolutionary France."). 17 OXFORD ENGLISH DICTIONARY 820-21 (2d ed. 1989) (listing as its first definition of "terrorism": "Government by intimidation as directed and carried out by the party in power in France during the Revolution of 1789-94; the system of the 'terror' (1793-4)"; and, as its first definition of "terrorist" it provides: "As a political term: a. Applied to the Jacobins and their agents and partisans in the French Revolution, especially to those connected with the Revolutionary tribunals during the 'Reign of Terror.'"). This methodology of looking for and attending to the first use of a particular term, accords with Foucault's system of searching out the earliest uses of terminology. See MICHEL FOUCAULT, *ETHICS: SUBJECTIVITY AND TRUTH* (Paul Rabinow ed., Robert Hurley et al. trans., 1997) (referring especially to chapters covering: *The Abnormals*, at 51-57; *Society Must Be Defended*, at 59-65; *Technologies of Self*, at 223-251; and *What is Enlightenment*, at 303-319); see also CONQUEST, *supra* note 1, at 4 ("[I]n France . . . we first find Revolution in the sense of the complete destruction of the existing order, and its replacement by abstract concepts—these latter formulated by, and dictatorially enforced by, theorists with no experience of real politics.").

19. Actually, this issue is part of a definitional debate between those who conclude that politically motivated violence should not automatically be labeled terrorism and those who believe that the unlawful use of violence to further political or social objectives and/or to intimidate or coerce governments into changing policies is exactly what terrorism is. Compare and contrast definitions quoted by Louis René Beres, *The Meaning Of Terrorism—Jurisprudential And Definitional Clarifications*, 28 VAND. J. TRANSNAT'L L. 239, 240-41 (1995) (citing R. Kidder, *Unmasking Terrorism: The Fear of Fear Itself*, in *VIOLENCE AND TERRORISM* 14 (Bernard Schechterman and Martin W. Slann eds., 3d ed. 1993)) which promote the idea that terrorism is "the unlawful use of violence to intimidate or coerce in furtherance of political agendas," with the Third World Proposal definition, which shelters from the label of terrorism the use of violence for self-determination and independence while attaching the label to the use of violence by colonial racist regimes who seek to repress a people's struggle for freedom; and State assistance offered to fascist or mercenary groups whose terrorist activities are directed against other sovereign nations. Liam G. B. Murphy,

a trail of Revolutions emerging from the French experience that I

A Proposal on International Legal Responses to Terrorism, 2 TOURO J. TRANSNAT'L L. 67, 81 n.47 (1991) (citing Third World Proposal, Report of the *Ad Hoc* Committee on International Terrorism, 28 U.N. GAOR supp. (No. 28) at 21, U.N. Doc. A/9028 (1973)). When, in the 1970s, the United Nations undertook to draft "An International Convention Against the Taking of Hostages," the inability of nation-states to reach an agreeable definition of terrorism moved the community to adopt a piecemeal instead of a comprehensive approach toward restraints against terrorism. Elizabeth R.P. Bowen, Note, *Jurisdiction over Terrorists Who Take Hostages: Efforts to Stop Terror-Violence Against United States Citizens*, 2 AM. U. J. INT'L L. & POL'Y 153, 191 n.202 (1987) (citing Ved P. Nanda, *Progress Report on the United Nations' Attempt To Draft An "International Convention Against the Taking of Hostages,"* 6 OHIO N.U. L. REV. 89, 89 (1979)). More than a decade later, "defining terrorism remained a stumbling block to international agreements. Despite years of effort it was impossible to definitionally distinguish between terrorist activity and national liberation movements." Caleb M. Pilgrim, *Terrorism in National and International Law*, 8 DICK. J. INT'L L. 147, 157-58 (1990). The condition lingers in this unsettled state. See Roberta Smith, Note, *America Tries To Come To Terms With Terrorism: The United States Anti-Terrorism and Effective Death Penalty Act of 1996 v. British Anti-Terrorism Law and International Response*, 5 CARDOZO J. INT'L & COMP. L. 249, 254-55 (1997); see also Michael J. Glennon, *The Fog of Law: Self-Defense, Inherence, and Incoherence in Article 51 of the United Nations Charter*, 25 HARV. J.L. & PUB. POL'Y 539, 558 (2002); Emanuel Gross, *Thwarting Terrorist Acts by Attacking the Perpetrators or Their Commanders as an Act of Self-Defense: Human Rights Versus the State's Duty to Protect its Citizens*, 15 TEMP. INT'L & COMP. L.J. 195, 200-03 (2001).

In its modern manifestations, terror is the totalitarian form of war and politics. It shatters the war convention and the political code. . . .

Despite this, terrorism has been defended. . . . It is said, for example, that there is no alternative to terrorist activity if oppressed peoples are to be liberated. Those who make these arguments, I think, have lost their grip on the historical past.

Id. at 233. The issue of definition is so controversial that scholars have questioned the possibility of solution. Note, *International Terrorism and Islamic Law*, 29 COLUM. J. TRANSNAT'L L. 629, 631 n.7 (1991) (citing JOHN F. MURPHY, PUNISHING INTERNATIONAL TERRORISTS 3-5 (1985) and ALEX P. SCHMID & ALBERT J. JONGMAN, POLITICAL TERRORISM 1-10 (1988)); R.R. Baxter, *A Skeptical Look at the Concept of Terrorism*, 7 AKRON L. REV. 380, 380 (1974) ("We have cause to regret that a legal concept of 'terrorism' was ever inflicted upon us. The term is imprecise; it is ambiguous; and above all, it serves no operative legal purpose."). Compiling multiple definitions is a technique offered by some. See Beres, *supra*, at 240-41; Murphy, *supra*, at 81-83 nn.47-50. Still others define terrorism based on the intent of the perpetrator.

See Jeffrey Allan McCredie, Note, *The Responsibility of States for Private Acts of International Terrorism*, 1 TEMP. INT'L & COMP. L.J. 69, 69 n.2 (1985) (citing Tran Tam, *Crimes of Terrorism and International Criminal Law*, in A TREATISE ON INTERNATIONAL LAW 491 (M. Bassiouni ed., 1973); see also Note, *International Terrorism and Islamic Law*, 29 COLUM. J. TRANSNAT'L L. 629, 631 n.7 (1991) (citing BUREAU OF DIPLOMATIC SECURITY, U.S. DEP'T OF STATE, PUB. NO. 9718, SIGNIFICANT INCIDENTS OF POLITICAL VIOLENCE AGAINST AMERICANS: 1988 (1989), at 2).

Traditional terrorism, whether of the separatist or the ideological (left or right) variety, had political and social aims, such as gaining independence, getting rid of foreigners, or establishing a new social order. Such terrorist groups aimed at forcing concessions . . . from their antagonists. The new terrorism is different in character, aiming not at clearly defined political demands but at the destruction of society and the elimination of large sections of the population.

LAQUEUR, *supra* note 17, at 81. While subjected to critical appraisal, cataloguing offenses is sometimes posited as our only alternative. LAQUEUR, *supra* note 17, at 79 ("There has been no 'terrorism' per se, only different terrorisms."); but see *International Terrorism and Islamic Law*, *supra*, at 631 n.7 (defining terrorism based on intent).

turned.

This article is the resulting documentation of my research. After a brief introduction by way of background material, it moves to an examination of the events, and delves into the processes, of four Revolutions—French, Russian, Chinese, and Cambodian—from their inception through their devolution into terror. Each revolutionary section is weighted toward historic reporting; each attempts to capture the movement from a liberating to a terroristic regime. The conclusion is appropriately brief, proffering a series of hypotheses requiring further investigation.

II. BACKGROUND

A. *Definitional Difficulties: Political Action or Criminal Conduct*

“It becomes difficult to ignore the heroic side of political violence. Reallocations of wealth . . . human betterment . . . are . . . inseparable from political violence. . . . It takes confrontation outside the law to make the law itself. Few basic changes in the content and scope, logic and practices of liberty and equality occur peacefully.”²⁰

Compare:

“[W]e distinguish political violence from violence in general. Most violence is random if not criminal. Political violence disorders explicitly for a designated and reordering purpose: to overthrow a tyrannical regime, to redefine and realize justice and equity, to achieve independence or territorial autonomy, to impose one’s religious or doctrinal beliefs.”²¹

with:

“Engels said that the first form of revolt of the modern proletariat. . . was criminality. . . [A]t the end of the eighteenth century and at the beginning of the nineteenth century criminality was perceived, by the

20. David E. Apter, *Political Violence in Analytical Perspective*, in *THE LEGITIMIZATION OF VIOLENCE* 1, 3 (David E. Apter ed., 1997).

21. *Id.* at 5 (citing John Locke, *A Letter Concerning Toleration*, in *THE SECOND TREATISE ON CIVIL GOVERNMENT AND A LETTER CONCERNING TOLERATION* (John Wiedhofft Gough ed., 1948)).

proletarians themselves, to be a form of social struggle."²²

and:

*"[E]veryone knows that Napoleon III was able to seize power only with the help of a group consisting, at least on its lower levels, of common-law criminals."*²³

Terrorists commit crimes. No one doubts that. Timothy McVeigh was executed as a murderer for the Oklahoma federal building bombing.²⁴ In 1995, Shoko Asahara and his Aum Shinri Kyo followers released sarin, a poison gas, in a Tokyo subway station killing a dozen people and injuring more than 5,000. Sheikh Omar Abdul Rahman was charged with the 1994 bombing of the World Trade Center. On September 11, 2001 many of us watched in horror the actual destruction of the World Trade Center towers.

In addition to their specified terroristic crimes, terrorists often commit instrumental crimes. Bank robbery was a preferred method for attaining financial support among some modern right wing terrorists in the United States.²⁵ Irish terrorists in the nineteenth century were known to forge banknotes to keep themselves in funds.²⁶ "The 'social banditry' of Pancho Villas combined horse theft with a political agenda."²⁷ Ideologists of terrorism like Bakunin, perhaps following Engels' philosophy, identified criminals as the true revolutionary class.²⁸ Stalin, operating under the name Koba in 1907, successfully attacked two Cossack guarded carriages

22. MICHEL FOUCAULT, *POWER/KNOWLEDGE* 18-20 (Colin Gordon ed., Colin Gordon et al. trans., 1980).

23. *Id.* at 40. See also LAQUEUR, *supra* note 17, 210-25, where the author provides a modern day overview of the links between terrorist groups and organized crime. An investigation of the connections between terrorism and criminal organizations, particularly between terrorism and illegal drugs, is covered in part in MARK BOWDEN, *KILLING PABLO: THE HUNT FOR THE WORLD'S GREATEST OUTLAW* 63-70, 188-200 (2001) [hereinafter "BOWDEN, *KILLING PABLO*"].

24. LOU MICHEL & DAN HERBECK, *AMERICAN TERRORIST: TIMOTHY McVEIGH & THE OKLAHOMA CITY BOMBING* 468-71 (2001).

25. KEVIN FLYNN & GARY GERHARDT, *THE SILENT BROTHERHOOD* 39, 152, 153-56, 158, 159, 162, 454, 465 (1989). See also *id.* at 275-76, 282, for references to the Brinks Company robberies.

26. LAQUEUR, *supra* note 17, at 210; see also FLYNN & GERHARDT, *supra* note 25, at 136-41, 266-69 (describing how counterfeiting was one method relied upon as a source of funding for political action groups).

27. LAQUEUR, *supra* note 17, at 210.

28. *Id.* at 211.

carrying large sums of money.²⁹ The “outlaw” issues its own seductive appeal.³⁰

Whether to treat terrorism as a crime or as an act of war is one of the debates pervading the literature of definition.³¹ The proponents of criminal treatment hold that war is a condition between States; with the exception of qualified guerillas,³² it is not available to private parties or non-State collectives.³³ Those who favor criminalization often desire to “de-legitimize terrorists, revealing them to society as the criminals they really are.”³⁴ Others favor this approach because it could empower International Court action.³⁵ Those who view terrorism as a species of war speak of

29. EDVARD RADZINSKY, *STALIN* 56 (H.T. Willetts trans., 1996).

30. BOWDEN, *KILLING PABLO*, *supra* note 23, at 14-15.

Anyone can be a criminal, but to be an outlaw demands a following.

The outlaw stands for something. . . . No matter how base the actual motives of criminals like those in the Columbian hills, or like the American ones immortalized by Hollywood—Al Capone, Bonnie and Clyde, Jesse James—large numbers of average people rooted for them and followed their bloody exploits with some measure of delight. Their acts, however selfish or senseless, were invested with social meaning. Their crimes and violence were blows struck against distant, oppressive power. Their stealth and cunning . . . were celebrated, these being the time-honored tactics of the powerless.

Id.

31. Compare Pilgrim, *supra* note 19, at 147 and Larschan, *supra* note 18, at 117 (suggesting a war-based orientation), with Beres, *supra* note 19, at 239; Murphy, *supra* note 19, at 67; L. Paul Bremer III, *Counterterrorism: Strategies and Tactics*, DEP'T ST. BULL., Jan. 1988, at 47, 47; Jacqueline Ann Carberry, Note, *Terrorism: A Global Phenomena Mandating A Unified International Response*, 6 IND. J. GLOBAL LEGAL STUD. 685 (1999) (favoring criminal treatment). See also generally CARR, *supra* note 2, for an insightful recharacterization of war and terrorism. Noah Feldman, in a recent article, has expanded the range of considerations brought to this topic. Noah Feldman, *Choices of Law, Choices of War*, 25 HARV. J.L. & PUB. POL'Y 457 (2002). His willingness to end the binary nature of the discussion is joined by Sean D. Murphy, *Terrorism and the Concept of “Armed Attack” in Article 51 of the U.N. Charter*, 43 HARV. INT'L L.J. 41, 49-50 (2002); see also United Nations Office on Drugs and Crime, *Terrorism*, at www.undcp.org/odccp/terrorism.html (last visited Feb. 13, 2003) (“Terrorism is a unique form of crime. Terrorist acts often contain elements of warfare, politics and propaganda. . . . Their form of psychological warfare is ‘propaganda by deed.’”); Beverly Allen, *Talking “Terrorism”: Ideologies And Paradigms In A Postmodern World*, 22 SYRACUSE J. INT'L L. & COM. 7, 7 (1996) (“‘Terrorism’ is the most linguistic of violent political acts because its success depends entirely on whether or not it gets its message across. Such violence does not claim territory or establish new sovereignties; it works in a largely communicative mode, where the language is destruction, injury, and murder.”).

32. LAQUEUR, *supra* note 17, at 8 (“The strategy of guerrilla warfare is to liberate territory, to establish counter institution and eventually a regular army. . . . The classic case of guerrilla warfare is China in the 1930s and 1940s. . . .”); see also Eric J. HOBBSAWM, *REVOLUTIONARIES 195-211* (1973).

33. Murphy, *supra* note 19, at 75; see also Maryann Cusimano Love, *Globalization, Ethics, and the War on Terrorism*, 16 NOTRE DAME J.L. ETHICS & PUB POL'Y 65, 66 (2002).

34. Bremer, *supra* note 31, at 47.

35. Carberry, *supra* note 31.

“campaigns of violence,”³⁶ “global battlegrounds,”³⁷ “low-level armed conflict”³⁸ and “nothing less than warfare.”³⁹ Their objective is often premised on a “strategic deterrence” theory—neutralize terrorists by forcing them to concentrate on defense and survival.⁴⁰ Alternatively, Caleb Carr promotes “*terrorism as war*” to emphasize its roots, and the disutility of its unduly extreme measures.⁴¹

These persistent categorical difficulties⁴² were not obstacles I foresaw when initiating the research. Operating without a clear referent, doing historical research without a defined object of investigation, is daunting. How to search out the history of “something” when there was no “objective correlative”⁴³ for the

36. Larschan, *supra* note 18, at 134.

37. *Id.*

38. *Id.* at 139.

39. *Id.*

40. Pilgrim, *supra* note 19, at 155.

41. CARR, *supra* note 2, at 12.

42. Consider LAQUEUR, *supra* note 17, at 43: “Classic terrorism is propaganda by deed.” “If, according to the nineteenth-century creed, terrorism was propaganda by deed, a suicide terrorist mission was *a fortiori* such propaganda.” *Id.* at 140. “For the aim of terrorism . . . was propaganda by deed, and if their actions were not publicized—or if their actions were ascribed to their political foes—it must have seemed pointless or even counterproductive to engage in terrorist operations.” *Id.* at 107.

The word [terrorism] works very well, in fact, as a cipher indicating practically nothing about the events we think it describes, but a great deal about the ideology of the person . . . who uses it.

The word “terrorism”. . . like the word “terrorist,” is more than anything else a shifting indicator of the user’s point of view.

Allen, *supra* note 31, at 8 (1996); Ileana M. Porras, *On Terrorism: Reflections on Violence and The Outlaw*, 1994 UTAH L. REV. 119, 124-125 (“Everyone uses the word ‘terrorism’ to mean a kind of violence of which he or she does not approve, and about which he or she wants something to be done. . . . [T]he word ‘terrorism’ came to be understood universally as pejorative.”). Interestingly, the history of piracy reveals similar complexities. “[T]here is no authoritative definition of international piracy.” Anne Pérotin-Dumon, *The Pirate and the Emperor: Power and the Law on the Seas, 1450-1850*, in BANDITS AT SEA 25, 31 (C. Richard Pennell ed. 2001). Pérotin-Dumon goes on to draw this tight analogy between piracy and terrorism:

In the 1930s the Nicaraguan patriot Augusto Sandino was a bandit in the eyes of the North Americans, and in the 1940s the German authorities of occupied France viewed as terrorists the *résistants* loyal to *France libre*.

On the Malabar coast of India in the sixteenth century, the Kunjalis were the main adversaries of the Portuguese, who treated them as *cossarios*; for the Zamorin princes of Calicut, the Kunjalis were their naval force and were patriots *avant la lettre*.

Id.; see also John L. Anderson, *Piracy and World History, An Economic Perspective on Maritime Predation*, in BANDITS AT SEA 82, 82-83 (C. Richard Pennell ed. 2001) (“Piracy is a subset of violent maritime predation in that it is not part of a declared or widely recognized war. Within the general category of maritime predation, a precise definition of piracy universally acceptable over time and between places has eluded jurists.”).

43. FRANCIS OTTO MATTHIESSEN, *THE ACHIEVEMENT OF T.S. ELIOT: AN ESSAY ON THE NATURE OF POETRY* 58 (2d ed. 1947).

“something” searched for?⁴⁴ I found myself, through my research, in a conundrum I had not anticipated. In my attempt to seek understanding, my choice of focus led me into a debate I was not prepared to enter: whether terrorism can emanate from state action. My conclusion is that it can and it does. We cannot understand terrorism without paying careful attention to the terroristic capacity of establishing and established governments.⁴⁵

III. REVOLUTIONS

A. A Terrorist Tree: Evolution In Action

1. The French Revolution Clears the Land: Slash & Burn

“It was the war upon hypocrisy that transformed Robespierre’s dictatorship into the Reign of Terror.”⁴⁶

“Looked at from without, from the viewpoint of misery and wretchedness, it [eighteenth century French society] was characterized by heartlessness; but seen from within, and judged upon its own terms, it was the scene of corruption and hypocrisy. That the wretched life of the poor was confronted by the rotten life of the rich is crucial for an understanding of . . . Rousseau and Robespierre.”⁴⁷

“[O]nly naked need and interest [are] without hypocrisy, the ‘malheureux’ changed into the ‘enrages’, for rage is indeed the only form in which misfortune can become active.”⁴⁸

“[T]he rage of impotence eventually sent the Revolution to its doom, it is true that suffering, once

44. Allen, *supra* note 31, at 7 (“Therefore, the ‘terrorism’ we speak of . . . in some very real symbolic sense does not exist. In linguistic terms, the signifier has no signified.”).

45. *But see* Love, *supra* note 33, at 66 (“[T]errorism . . . the use of violence by *nonstate actors* against non combatants for the purpose of causing fear in order to achieve political goals.”) (emphasis added). This definition complies with the general understanding of Saint Augustine’s “Just War Tradition” which operates “to de-legitimize private armies and bands of armed criminals and to centralize the use of force in the hands of the sovereign.” *Id.* at 72. The intended purpose of the “Just War Tradition” was to progress toward peace. Its theorists hope to attain this end by “legitimizing a monopoly on the use of organized violence for public authorities” and by “requiring strict limitations . . . on the circumstances under which war could be used and how it could be waged.” *Id.*

46. ARENDT, ON REVOLUTION, *supra* note 17, at 95.

47. *Id.* at 101.

48. *Id.* at 106.

*it is transformed into rage, can release overwhelming forces.*⁴⁹

Hannah Arendt's thesis is that the French Revolution twisted on its axis, moving away from its original orientation, political freedom, toward an unbounded desire to liberate "man from suffering."⁵⁰ This unleashing of unbounded desire led to terror, not to political liberation. Three elements of Arendt's reasoning are required to understand her point and to consider this point in relationship to terrorism.

First are Arendt's ideas about liberation, freedom, and the political identity of free people. Arendt, like the Greeks she so admires, believes in the elevating value of responsible community decision-making: participation in the governing of affairs as civic virtue.⁵¹ Revolution, she believes, is best undertaken to change the structure of the political realm.⁵² One intelligently undertakes to establish a political realm of civil equality. Arendt, who does not believe in essential or 'by nature' equality, posits that through institutions an artificial equality, a community of peers participating together, discussing and deciding the affairs of their community, is desirable and achievable.⁵³ "[N]o one can be free except among . . . peers" is a principle she adopts from the ancient Greeks.⁵⁴ A liberated person, a free person, is one who, out from under the oppression of tyrannical, despotic or household obligations, is able to meet with her peers and participate in public

49. *Id.* at 107.

50. *Id.* But see HOBBSAWM, *supra* note 32, at 201-08, for a critical view of Arendt's methods and conclusions.

51. ARENDT, ON REVOLUTION, *supra* note 17, at 25 ("[T]he actual content of freedom . . . is participation in public affairs, or admission to the public realm."). See also GORDON S. WOOD, THE RADICALISM OF THE AMERICAN REVOLUTION 104 (1991):

Public virtue was the sacrifice of private desires and interests for the public interest. It was devotion to the commonweal.

Republicanism thus put an enormous burden on individuals. They [are] expected to suppress their private wants and interests and develop disinterestedness- the term eighteenth century most often used as a synonym for civic virtue.

Id.

52. ARENDT, ON REVOLUTION, *supra* note 17, at 17.

53. *Id.* at 23.

[T]his equality within the range of the law . . . was not equality of condition . . . but the equality of those who form a body of peers. . . . Neither equality nor freedom was understood as a quality inherent in human nature, they were . . . conventional and artificial, the products of human effort and qualities of the man-made world.

Id.

54. *Id.* at 23.

affairs.⁵⁵ Creating and maintaining opportunities for shared participation in community decisions is a positive and attainable goal.

Second, Arendt presents a wondrous exploration of the way in which the term 'revolution' was transplanted from its scientific, planetary, cosmic applications to its political constructions. Where, originally, the term referred to planetary patterns of cycles and return, restoration,⁵⁶ through association with the French Revolution the irresistibility element of these same patterns emerged as dominant.⁵⁷ The strength and power of natural forces that keep the cosmos in place, their lawfulness, when applied to human events, became the irrepressible, unstoppable, violence of renewal, a law unto itself.⁵⁸ Restoration transmuted into creation,

55. *Id.* at 23-24.

[N]o one can be free except among his peers. . . . [N]either the tyrant nor the despot nor the master of a household—even though . . . fully liberated and . . . not forced by others—was free. . . . The life of a free man needed the presence of others. Freedom itself needed . . . a place where people could come together . . . the political space proper.

Id.

56. *Id.* at 35-36.

When the word [revolution] first descended from the skies and was introduced to describe what happened on earth among mortal[s], it appeared clearly as a metaphor, carrying over the notion of an eternal, irresistible, ever-recurring motion to the haphazard movements, the ups and downs of human destiny. . . . [T]he original meaning of the word . . . was used for a movement of revolving back to some pre-established point.

[T]he word "revolution" meant originally restoration. . . . The revolutions of the seventeenth and eighteenth centuries, which to us appear to show all evidence of a new spirit . . . were intended to be restorations.

Id.

57. *Id.* at 40-41.

The date was the night of the fourteenth of July 1789, in Paris, when Louis XVI heard from the Duc de La Rochefoucauld-Liancourt of the fall of the Bastille. . . . The famous dialogue that took place between the king and his messenger is . . . very revealing. The king . . . exclaimed, "*C'est une revolte,*" and Liancourt corrected him: "*Non, Sire, c'est une revolution.*" Here we hear the word still, and politically for the last time, in the sense of the old metaphor which carries its meaning from the skies down to the earth; but here, for the first time . . . the emphasis has entirely shifted from the lawfulness of a rotating, cyclical movement to its irresistibility. The motion is still seen in the image of the movements of the stars, but what is stressed now is that it is beyond human power to arrest it, and hence it is a law unto itself.

Id.

58. *Id.* See, e.g., *id.* at 42-43. "In the decades following the French revolution, this association of a mighty undercurrent sweeping men with it . . . was to become dominant." *Id.* "Whether these men [referring to the Founding Fathers of US Revolution] were 'conservative' or 'revolutionary' is . . . impossible to decide . . . [C]onservatism as a political creed and an ideology owes its existence to a reaction to the French revolution and is meaningful only for the history of the nineteenth and twentieth centuries." *Id.* at 37-38.

origination, unleashing violence. While Arendt does not refer to nuclear energy as an analogue, it comes to mind as not dissimilar to the process she describes.

Perhaps, even after this transformation, Arendt would prefer to conceive of revolution as a political event, as the violent establishment of a new body politic, during which or through which liberation from oppression is attained and a new beginning fostering participation in the public realm is initiated.⁵⁹ However, she acknowledges that through the French Revolution, so radical was the shift in paradigm, that one of its most far-reaching consequences was the birth of the modern Hegelian concept of history.⁶⁰ According to Arendt, through Hegel, and later Marx, *necessity replaced freedom* as the chief focus of political and revolutionary thought.⁶¹ As Arendt views it, this replacement is more than just a loss of an ideal; it exemplifies supplanting a sound aspiration with an essentially dangerous idea.⁶²

Third, according to Arendt, this substitution—the ideological exchange of freedom for necessity—along with the French (rather than the American) Revolution “set the world on fire.”⁶³ Consequently, it is with reference to the events of the French Revolution and not with reference to the events of the American Revolution that our current use of the term ‘revolution’ receives its

59. *Id.* at 28.

[O]nly where change occurs in the sense of a new beginning, where violence is used to constitute an altogether different form of government, to bring about the formation of a new body politic, where the liberation from oppression aims at least at the constitution of freedom can we speak of revolution.

Id.; see also Jacques Derrida, *Force of Law: The “Mystical Foundation Of Authority,”* in DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE 3, 31-57 (Drucilla Cornell et al. eds., 1992) (discussing founding violence, conserving violence and divine violence in the context of law and justice).

60. ARENDT, ON REVOLUTION, *supra* note 17, at 45.

61. *Id.* at 46-47.

[O]ut of the revolution and counter-revolution, from the fourteenth of July to the eighteenth of Brumaire and the restoration of the monarchy, was born the dialectical movement and counter-movement of history which bears men on its irresistible flow, like a powerful undercurrent, to which they must surrender the very moment they attempt to establish freedom on earth.

Id. at 47-48.

62. *Id.* at 47-48. See also CONQUEST, *supra* note 1, at 4 (quoting Alexander Yakovlev, former Politburo member: “The morbid faith in the possibility of forcing through social and historical development, and the idealization of violence, traces back to the very sources of the European revolutionary tradition.”). “What remains today of Marxism, once a large and ambitious structure, is little more than this basic dogma that our society (and all others) is driven by unappeasable strife, in which one contestant must inevitably destroy the other.” *Id.* at 49.

63. ARENDT, ON REVOLUTION, *supra* note 17, at 49.

connotations. We conceive of revolution in inversion, not reversion terms; we conceptualize it as representing irresistible forces of change. Despite the fact that it ended in obvious disaster, the French Revolution became the model we follow.⁶⁴

Following Arendt's theories of revolution, revolutionaries would forecast, could forecast and should forecast, that revolutions "devour their children."⁶⁵ The maw of the monster, like a shark, contains two rows of teeth. The first row, historic necessity, casts a magic spell, what Arendt calls the "self-imposed compulsion of ideological thinking."⁶⁶ Individuals find themselves carried along by, but do not direct, and in that sense believe themselves insulated from responsibility for, revolutionary forces. When this tidalic factor of historic necessity combines with the second element, physical necessity, the overwhelming biological impulse to survive engendered by acute poverty,⁶⁷ terror is unleashed.

The modeling events, which took place without preconception during the French Revolution,⁶⁸ served as an inspiration, and not as a warning, to future thinkers, planners, actors.⁶⁹ Necessity was

64. *Id.*

[T]he October revolution, was enacted according to the rules and events that led from the fourteenth of July to the ninth of Thermidor and the eighteenth of Brumaire—dates which so impressed themselves on the memory of the French people that even today they are immediately identified by everybody with the fall of the Bastille, the death of Robespierre, and the rise of Napoleon Bonaparte.

Id. at 44; see also GWYNNE DYER, *WAR* 161 (1985) ("The principle technique which insurgent groups have used to attack the state in the past half century . . . drew . . . inspiration from the French revolution in 1789.")

65. ARENDT, *ON REVOLUTION*, *supra* note 17, at 51. "[T]his association of a mighty undercurrent sweeping men with it, first to the surface of glorious deeds and then down to peril and infamy." *Id.* at 42. Revolution "devouring its own children" is a phrase coined by Vergniaud and used by Arendt. *Id.*

66. *Id.* at 50-51.

67. *Id.* at 54.

Poverty is more than deprivation, it is a state of constant want and acute misery whose ignominy consists in its dehumanizing force; poverty is abject because it puts men under the absolute dictate of their bodies, that is, under the absolute dictate of necessity as all . . . know . . . from their most intimate experience and outside all speculations.

Id.

68. *Id.* at 96.

[E]ntirely absent from the French Revolution . . . was the concept of historical necessity, which . . . did not so much spring from the experiences and thoughts of those who made the Revolution as it arose from the efforts of those who desired to understand and to come to terms with a chain of events they had watched.

Id.

69. *Id.* at 54-55.

It is well known that the French revolution had given rise to an entirely new figure on the political scene, the professional revolutionist, and his life was spent not in revolutionary agitation, for which there existed but

expressed in man-made violence until, eventually, violence became the necessary function or surface phenomenon of an all powerful underlying and overruling necessity.⁷⁰ To this formula was added the fact that selflessness, the ability to deny the value of self when confronted with the needs of the many or the necessity for action, emerged as a prerequisite both for the revolutionary and for the people she purports to serve.⁷¹

Finally, Arendt says both Rousseau and Robespierre were governed by sentiment and an emotionally laden insensitivity to reality instead of principle or compassion. Under these influences, driven to solve, more quickly than feasibly, the vast problem of wretchedness and misery experienced and expressed by the *malheureux*, Robespierre allowed force to replace communal public action;⁷² in this way, the chance for freedom was sacrificed.⁷³

The experience of the French became an unfortunate theme. Again and again we would, we will, observe revolutionary leadership, out of touch with the real experiences of deliberative community action, overreaching and controlling, acting under a self-imposed compulsion to ride the wave of necessity toward almost instantaneous, and, therefore, impractical solutions to nearly intractable problems. As a result, over and over again, in the name of freedom, independence, human dignity, we will observe the *torrent revolutionnaire*,⁷⁴ *terreur*.⁷⁵

Not every historian sees the French Revolution *a la* Arendt. However, its terror is equally, although distinctively, communicated

few opportunities, but in study and thought, in theory and debate, whose sole object was revolution.

Id. at 262. It is somewhat surprising to me that Arendt, who I usually count on to be more sensitive than I am to such issues, does not notice the substitution here of privatized discourse- the dialogues between these newly generated professional revolutionaries- for the participation in public affairs she so respects. Perhaps I am missing the point. Perhaps immediate community needs and concerns must be at the heart of these "participating in governance" events for them to take on the fellowship of responsibility that makes for equality and freedom for Arendt.

70. *Id.* at 59. "Their need [the poor in France, the *malheureux*] was violent, and . . . prepolitical; it seemed that only violence could be strong and swift enough to help them." *Id.* at 86.

71. *Id.* at 74-76.

72. *Id.* at 247-50, 259-61. See also CONQUEST, *supra* note 1, at 64 ("[I]dentification with the masses was in all these cases more than a mental generalization. It also . . . involved a psychological mechanism—of the sort Kierkegaard refers to when he writes that . . . '[T]he pleasure consists in losing oneself in order to be volatilised into a higher potency.'").

73. ARENDT, ON REVOLUTION, *supra* note 17, at 55 ("Robespierre, finally, knew well enough what had happened though he formulated it (in his last speech) in the form of prophecy: 'We shall perish because, in the history of mankind, we missed the moment to found freedom.'").

74. *Id.* at 42.

75. *Id.* at 95.

in alternative accounts.⁷⁶ For instance, as another historian, Schama, understands it, “[b]loodshed was not the unfortunate by-product of revolution, it was the source of its energy.”⁷⁷ The terror, in its particular formulation, followed the fall of the monarchy on August 10, 1792, and the erection of the guillotine “on the place du Carrousel, in front of the Tuileries.”⁷⁸ It was not the introduction of a new wave of experience; it was the continuation of a process begun much earlier.⁷⁹ Those who held official positions in the French government repeatedly tried to recover for the state its monopoly on punitive violence; always, they found themselves outmaneuvered by other politicians who organized and endorsed further episodes of public violence.⁸⁰

Schama reports the story to us this way: in the period beginning with the fall of the monarchy a series of events took place culminating in the institution we call “The Terror.” The nation was at war, threatened by war. The people were afraid.⁸¹ By late August arrests became “absurdly indiscriminate.”⁸² Paris was frantic with activity.⁸³ Danton was orchestrating attacks on traitors.⁸⁴ The massacres of September began with an attack on the

76. SIMON SCHAMA, *CITIZENS: A CHRONICLE OF THE FRENCH REVOLUTION* (1989).

77. *Id.* at 615.

78. *Id.* at 619.

79. *Id.* at 615.

80. *Id.* at 623. See also Love, *supra* note 33, and its brief coverage of the Just War Tradition through the lens of Ms. Love’s law review article. It may be that terror is likely to result when nation-state or empire building strategies inclined to monopolize violence come in contact with intractable resistance.

81. SCHAMA, *supra* note 76, at 612.

Earlier in the summer the Prussians had entered the war as allies of the Emperor and during July had advanced with ominous steadiness. Their declaration of intent was issued in the name of their commander, the Duke of Brunswick. . . .

The Brunswick Manifesto in effect told the Parisians . . . that they had already committed acts for which they would be unsparingly punished. . . . All that counted was to keep those who threatened them at home from acts of betrayal. All calculations had come down to this final primitive determination: kill or be killed.

Id.

82. *Id.* at 625.

83. *Id.* at 627.

84. *Id.* at 627-628. Schama quotes Danton: “Our enemies prepare to carry out the last blows of their fury. . . . Citizens, no nation on earth has ever obtained liberty without a struggle. You have traitors in your bosom; well, without them the fight would have been soon over.” *Id.* at 628. For those whose indoctrination in revolutionary history does not include these details, Danton, along with Robespierre, were Jacobin leaders during the French revolution, that is, both emerged from the most radical, ultra democratic party of the time. Danton was eventually executed in 1794. Robespierre followed him several months later. The Girondins were members of a more moderate republican party in the revolutionary French Assembly during the 1791-1793 period. They were excluded from power and subjected to execution during the Terror.

Abbaye, a prison holding mostly priests.⁸⁵ The slaughter continued at a Carmelite convent used to imprison other priests.⁸⁶ At Bicetre, another prison, common criminals and adolescent boys were killed. At LaSalpetriere, the victims were prostitutes.⁸⁷ When September ended, half the prisoners in Paris were dead.⁸⁸

The "moral squalor" of the revolutionary predicament, the dependence of the Revolution on organized killing to attain political ends, was fully exposed,⁸⁹ and still what we call "The Reign of Terror" awaited its future. The king was beheaded in January of 1793.⁹⁰ Insurrections began in earnest that spring.⁹¹ In March, the Revolutionary Tribunal was established.⁹² By April, the Committee of Public Safety, the key organ of the Terror, was initiated.⁹³ Inflation, grocery riots,⁹⁴ the collapse of the war effort,⁹⁵ disorder in the countryside, more insurrections,⁹⁶ factionalism,⁹⁷ growing distrust and lawlessness,⁹⁸ all this followed one after another in a mad rush fueled by the *enrages*, by the *sans-culotte*, by what Schama calls a desire for paternalism.⁹⁹ The Republic could not

85. *Id.* at 633 ("A party of twenty-four priests. . . . In an hour and a half, nineteen of the group were hacked to pieces.")

86. *Id.* at 633-34. Of the one hundred and fifty clerics held in this convent, "by the end of the day one hundred and fifteen . . . had been subject to the *bacha vengeresse* (the axe of vengeance)." *Id.* at 634.

87. *Id.* at 634-35.

88. *Id.* at 636.

89. *Id.* at 637-38.

90. *Id.* at 668-71.

91. *Id.* at 696-705. In this case the insurrections were secondary rebellions; rebellions on the part of territorial subcommunities outside of Paris like Vendee and Lyon. *Id.* at 690-706, 727-29. These insurrections were treated as counter-revolutionary activities by the Revolutionary government and viciously repressed. *Id.* at 786-92, 779-87.

92. *Id.* at 706. The Tribunal was authorized to try suspects accused of counter-revolutionary activities. *Id.*

93. *Id.* at 706. Schama quotes Danton defending the establishment of the Revolutionary Tribunal and the Committee of Public Safety: "Let us be terrible so that the people will not have to be." *Id.*

94. *Id.* at 707-08.

95. *Id.* at 708.

96. *Id.* at 709-11.

97. *Id.* at 716-20. "In mid-May, the battle for survival between the Mountain [the Jacobins] and the Gironde was joined in deadly earnest." *Id.* at 720.

98. *Id.* at 714. Schama quotes Pierre Vergniaud speaking before the tribune:

When the laws were set aside out of fear of intimidation, 'it is a great accomplishment for the enemies of the republic thus to have perverted reason and set at naught all ideas of morality. . . . So, citizens, it must be feared that the revolution, like Saturn, successively devouring its children, will engender, finally, only despotism with the calamities that accompany it.

Id.

99. *Id.* at 713. Schama spoke of "the common people": "They wanted paternalism rather than economic liberalism, the regulation of prices rather than a free market, and above all they wanted the public punishment of exploiters." *Id.* See, e.g., *id.* at 713-14, 720-24.

survive losses in the field, insurrection in the countryside, and mob violence in the streets. Schama says of the Jacobins, who rode to power during the late spring of 1793 on the back of this violence, that with them, "Revolutionary democracy would be guillotined in the name of revolutionary government."¹⁰⁰

Terror became the order of the day.¹⁰¹ Schama catalogues the process: a revolt in Lyon; the purging of the Girondins in Paris;¹⁰² the assassination of Marat;¹⁰³ the ceremonies of Champ de Reunion;¹⁰⁴ terroristic economic policies;¹⁰⁵ Jacobian manipulation of the "language and the tactics of popular mobilization;"¹⁰⁶ the institution of national conscription;¹⁰⁷ a massive mobilization of resources to further the war effort;¹⁰⁸ the passage and implementation of the Law of Suspects;¹⁰⁹ a revised calendar, along with the establishment of public standards of conduct and morality;¹¹⁰ the fostering of dechristianization policies and practices;¹¹¹ the profoundly destructive eradication of centers of rebellion, *i.e.*, "the wholesale destruction of an entire region in France;"¹¹² the rapid deployment of prisons to house the increasing

100. *Id.* at 725.

101. *Id.* at 726-92; *id.* at 807 (attributing the original phrase "Terror is the order of the day" to a September 5th speech by Danton).

102. *Id.* at 728.

103. *Id.* at 729-46. Marat, like Danton and Robespierre, was a Jacobin activist. Unlike the others he was not officially executed. Instead, he was assassinated by a young woman. She believed the ousted Girondins and not the victorious Jacobins, were that last best hope for the Revolution. *Id.* at 729-37.

104. *Id.* at 746-50.

105. *Id.* at 753 ("[P]roposals for the economic Terror-extensive price controls, poor relief funded by draconian forced loans and taxes on the rich . . . were emanating from the *enrages* and the Commune.")

[A] great network of information about crops and harvests that . . . implied an unprecedented intrusion into the rural economy. . . Even the Terror had inadequate resources for this enormous exercise in snooping, and very often it degenerated into the *sans-culotte armées révolutionnaires*, sent to enforce the economic Terror, ransacking villages.

Id. at 757.

106. *Id.* at 759.

107. *Id.* at 760-63.

108. *Id.* at 764-65 ("[T]he revolutionary state had committed itself to an all-out mobilization of resources that would not be seen again in Europe until the twentieth century.")

109. *Id.* at 766-67. "[E]nacted on September 17 [1793 it] . . . gave the Committee . . . sweeping powers of arrest and punishment over extraordinary broad categories of people defined as harboring counter-revolutionary designs." *Id.* at 766.

110. *Id.* at 770-74; *Id.* at 805 ("Purity became a political fetish.")

111. *Id.* at 776-79.

112. *Id.* at 787. *See also id.* at 791-92, where Schama discusses the death toll of these events, placing the numbers at a low of 40,000 to a high of 250,000. It may be that in the year spanning spring 1793 to spring 1794, one third of the entire population of the Vendee region of France was killed.

number of counter-revolutionary suspects awaiting execution;¹¹³ the beheading of Marie Antoinette;¹¹⁴ the death of families;¹¹⁵ the “epidemic of suicides among the fallen revolutionaries;”¹¹⁶ the denunciation, trial and execution of Danton;¹¹⁷ Robespierre’s schools of virtue;¹¹⁸ the Festival of the Supreme Being;¹¹⁹ the bloody violence of Floreal, Prarial, Messidor,¹²⁰ and, finally, Thermidor, the month in which Robespierre himself was sacrificed to the guillotine.¹²¹

Schama tells us that the violence did not end with the Terror,¹²² and reiterates his theme that the violence of the terror was not an unfortunate side effect of the revolution. Instead, he reminds us, “violence was the motor of the Revolution.”¹²³ According to Schama, it is the “morbid preoccupation with the just massacre and the heroic death” that designates the political culture of the French Revolution and to which should be attributed much of its horror.¹²⁴ This “neoclassical fixation with the patriotic death”¹²⁵ dehumanizes victims, brutalizes participants,¹²⁶ obsesses revolutionaries¹²⁷ and distorts observation.¹²⁸

This, then, is the heritage that informs the concept of terrorism. Following Fabre d’Eglantine, the creator of the French Revolutionary calendar, “we conceive nothing except by images: even the most abstract analysis or the most metaphysical formulations can only take effect through images.”¹²⁹ Our ideas about revolution are rooted in this French experience. And, the images, the imaginative associations, we bring out of the French Revolution, especially out of the years after 1792 insinuate themselves into the attitudes, we could even call them prejudices, that attach themselves to our here and now ability to think about

113. *Id.* at 793.

114. *Id.* at 796-98.

115. *Id.* at 822-27.

116. *Id.* at 804.

117. *Id.* at 808-11, 816-20.

118. *Id.* at 827-30.

119. *Id.* at 831-36.

120. *Id.* at 837. Schama accounts for 354 executions in Floreal (a month in the revolutionary calendar)—up from only 155 the month before—that number increases to 509 in Prarial and to 796 in Messidor. In just the first nine days of Thermidor the number of executions was 342. *Id.*

121. *Id.* at 839-46.

122. *Id.* at 852 (“The violence did not stop . . . with the Terror.”). Schama refers to, “waves of the Counter-Terror . . . anarchic murder gangs.” *Id.*

123. *Id.* at 859.

124. *Id.*

125. *Id.* at 861.

126. *Id.* at 860.

127. *Id.* at 875.

128. *Id.* at 859, 861.

129. *Id.* at 770.

terrorism. For Westerners, the violent, bloody images we carry from the last months, from Foreal, Prairial, Messidor, Thermidor, are the ground, the soil, in which the seeds of terrorism are planted.¹³⁰ What grows draws its nourishment from this source.¹³¹

2. The Russian Revolution: Seeds, Once Planted, Ripen In Fertile Soil

*Terror as an institutional device, consciously employed to accelerate the momentum of the revolution, was unknown prior to the Russian Revolution.*¹³²

*The eighteenth-century terror was still enacted in good faith. . . . The purges in the Bolshevik party . . . were motivated chiefly by ideological differences; in this respect the interconnection between terror and ideology was manifest from the very beginning.*¹³³

*Mass atomization in Soviet society was achieved by the skillful use of repeated purges.*¹³⁴

[N]ot only political propaganda but the whole of modern mass publicity contains an element of threat; that terror, on the other hand, can be fully effective without propaganda, so long as it is only a question of conventional political terror of tyranny. Only when terror is intended to coerce not merely from without

130. CONQUEST, *supra* note 1, at xiv (claiming that we have carried into the present: “[A] still living past, where we can trace the primitive but still powerful notion that any political or other objective can be achieved by mere force.”).

131. ARENDT, ON REVOLUTION, *supra* note 17, at 108, wrote in 1963:

[A]ll revolutions, with the exception of the Hungarian Revolution in 1956, have followed the example of the French Revolution and used and misused the mighty forces of misery and destitution in their struggle against tyranny or oppression. And although the whole record of past revolutions demonstrates beyond doubt that every attempt to solve the social question with political means leads into terror, and that it is terror which sends revolutions to their doom, it can hardly be denied that to avoid this fatal mistake is almost impossible.

There is no doubt of the emphasis Arendt accords the ethnocentricity of the Western canon. Writing in 1963, she was able to ignore the very different revolutionary history of Gandhi in India or Nkrumah’s success in Ghana.

132. *Id.* at 95.

133. *Id.*

134. HANNAH ARENDT, TOTALITARIANISM: PART THREE OF THE ORIGINS OF TOTALITARIANISM 21 (1968) [hereinafter ARENDT, TOTALITARIANISM].

*but . . . from within, when the political regime wants more than power, is terror in need of propaganda.*¹³⁵

What was required for the success of the Russian Revolution was “the manufacturing of Communist man out of the human material of the capitalist age.”¹³⁶ Revolutionary leaders in Russia confronted the task of transforming a structureless mass governed by a despotic and centralized bureaucracy¹³⁷ into a paradise of shared abundance. The end of suffering, the procurement of human happiness, goals inherited from the French Revolution, called for dramatic measures.¹³⁸

These dramatic measures began early with Lenin’s purges¹³⁹ and escalated to the horrors, the terrors, of Stalin’s regime. The estimates of the carnage stun the mind. According to Glover’s sources, over sixty million people may have been killed between 1917 and 1987. He reports another estimate, for just the Stalin years, that puts the death toll at twenty million. Yet another estimate approximates almost ten million killed in the decade between 1930 and 1940. As Glover states it, regardless of our ability to determine exact figures “a very rough idea is enough. Stalinist deliberate killing was on a scale surpassed only by war.”¹⁴⁰

The methods used varied. Many were executed, singly or in masses.¹⁴¹ Compulsory displacements of populations, which effectively translated into mass murder, account for many deaths.¹⁴² Many collective farm efforts amounted to little more than compulsory starvation, deliberately constructed famines.¹⁴³ Slave labor took its toll; up to 250,000 died building the Baltic-White Sea Canal.¹⁴⁴ Officials were given quotas of “enemies of the people” and directed to accomplish their extermination.¹⁴⁵ Religious practice

135. *Id.* at 39 n.1.

136. GLOVER, *supra* note 3, at 254, tells us that Lenin underlined this particular phrase in his copy of Nikolai Bukharin’s *Economics of the Transition Period*.

137. ARENDT, *TOTALITARIANISM*, *supra* note 134, at 16.

138. See GLOVER, *supra* note 3, at 255. Walter Duranty’s supportive poem, *Red Square*, published in the *New York Times* in 1932, is quoted by Glover: “Russians may be hungry and short of clothes and comfort/ But you can’t make an omelet without breaking eggs.” *Id.*

139. ARENDT, *ON REVOLUTION*, *supra* note 17, at 95-96.

140. GLOVER, *supra* note 3, at 237.

141. *Id.*

142. *Id.* at 238. For example, Glover reports, through Solzhenitsyn as a source, that in 1930, 10,000 families were sent on a winter relocation move that, in the end, killed them all. *Id.*

143. *Id.* (reporting that four to six million people died in the Ukraine as the result of collectivization policies that imposed impossible grain quotas, removed home-grown food products and blockaded the population so no supplies could be brought from the outside). Radzinsky estimates a five to eight million death toll figure. RADZINSKY, *supra* note 29, at 258.

144. GLOVER, *supra* note 3, at 238-39.

145. *Id.* at 239.

was a criminal offense. Arrest led to torture. Torture led to confessions. Confessions led to labor camps. Labor camps led to more torture and, most often, death.¹⁴⁶

As Glover describes the Stalin period: "Resistance was paralyzed [sic]."¹⁴⁷ Informers were everywhere. The terror became its own fuel. Fear governed.¹⁴⁸ Party leaders as well as ordinary people had good reason to tremble. They too were frequently arrested, tortured, tried, convicted and executed,¹⁴⁹ for example, Bukharin, one of the ideological leaders of the Revolution was, during Stalin's regime, charged, tried, convicted, and executed.¹⁵⁰ According to Glover, "[t]he leaders were trapped by fear of Stalin and even he was trapped by his fear of their desire to be rid of him."¹⁵¹

Picking up on a theme from Arendt, Glover says: "What distinguishes the Soviet terror from its predecessors is the role of an ideology, or system of beliefs."¹⁵² In Glover's terms ideology supplanted moral restraint.¹⁵³ According to this ideology, for the Russian Revolution to succeed, the people needed to be led by the Party and the Party needed to be led by an incorruptible source.¹⁵⁴

All this leadership was necessary, according to Marxist theory, because, for the most part, prior regimes had already corrupted the minds, ideas, and beliefs of those who experienced them. Prevailing morality, for Marxists, is not an honorable result of deep human reason but a mask for obscuring class interests.¹⁵⁵ That mask must be removed for the people to see clearly their real interests and

146. *Id.* at 238-39.

147. *Id.* at 242.

148. *Id.* See also RADZINSKY, *supra* note 29, at 261 (reporting that "[f]ear is stronger than shame").

149. GLOVER, *supra* note 3, at 243-45.

150. *Id.* at 245-46. "My own fate," Bukharin said at his trial, "is of no importance. All that matters is the Soviet Union." *Id.* at 246.

151. *Id.* at 250.

152. *Id.* at 252. Glover quotes Aleksander Solzhenitsyn's *The Gulag Archipelago*: "Macbeth's self-justifications were feeble—and his conscience devoured him. Yes, even Iago was a little lamb too. The imagination and the spiritual strength of Shakespeare's evildoers stopped short at a dozen corpses. Because they had no *ideology*." *Id.*

153. *Id.*

154. *Id.* at 253.

Totalitarian movements are mass organizations of atomized, isolated individuals. . . . [T]heir most conspicuous external characteristic is their demand for total, unrestricted, unconditional, and unalterable loyalty of the individual member. . . . Such loyalty can be expected only from the completely isolated human being who, without any other social ties to family, friends . . . derives his sense of having a place in the world only from his belonging to a movement.

ARENDT, *TOTALITARIANISM*, *supra* note 134, at 21-22.

155. GLOVER, *supra* note 3, at 254.

options. Stripped of obscurity, they will see what is in their own best interest. The problem is how to make the transition from the defective reasoning of the deluded population to the cleansed reasoning of those who have finally achieved freedom from their chains.

The problem appears solvable at the level of ideas. One need only treat the population to an educational cleansing. Reveal the error of the old. Reveal the strength of the new. People, however, are not as pliable as ideas. Or, maybe, people are exactly as pliable as ideas. It may be that we are deluded about the ease with which ideas can be changed. Glover, whose theme is morality, talks about the web of interconnected ideas and concepts that hold a belief system in place.¹⁵⁶ He tells us any belief, "no matter how absurd," can be preserved if a person is willing to make enough changes to its supportive web.¹⁵⁷ It seems, as a logical inversion, that beliefs can be changed as long as there is sufficient willingness to make the requisite changes to their supportive networks.

The process of bringing change to the network of beliefs that holds one's moral universe in place is described by Glover throughout his book. For me, it is the process of bringing change, or more accurately of attempting to bring change through terror to populations in revolutionary contexts that drew me to his work. What I am observing are revolutionary leaders who attempt to change social results by requiring people to conduct themselves in accordance with ordained ideas.

In Russia, the inspiration for change began at an intellectual level. For many the word "intelligentsia" accurately characterizes the early leaders of the Russian Revolution. The term, Pipes tells us, refers to "intellectuals who want power in order to change the world."¹⁵⁸ As Pipes describes it, intelligentsia feed on materialistic beliefs that facilitate social engineering by conceiving of human beings almost entirely as creatures of changeable environments. As environments change, the humans who experience them also change.¹⁵⁹ Perfect environments create perfect human beings.¹⁶⁰ Imperfect, defective environments inevitably create imperfect, defective people.¹⁶¹ These ideas, conceived during the

156. *Id.* at 265-66.

157. *Id.* at 266; *see also* CONQUEST, *supra* note 1, at 146 ("Even in the true sciences, deep intellectual investment in what turns out to be a fallacy is not easily given up.")

158. RICHARD PIPES, A CONCISE HISTORY OF THE RUSSIAN REVOLUTION 21 (1995). "They were revolutionaries not for the sake of improving the condition of the people but for the sake of gaining domination over the people and remaking them in their own image." *Id.* at 388.

159. *Id.* at 21.

160. *Id.* at 23.

161. *Id.* at 24.

Enlightenment,¹⁶² incubated in the patriotic clubs of France in the mid-1700s,¹⁶³ quickened by Marx,¹⁶⁴ infiltrated, influenced and, indeed, generated generations of “intelligentsia” as professional revolutionaries. It is to these professional revolutionaries, a class identified by Arendt, and not to the general conditions of early twentieth century Russia, that Pipes attributes the Russian Revolution.¹⁶⁵

Preceding this revolution, a closed caste of professional revolutionaries created the first organization in history dedicated to political terror. They were capable of ignoring the beliefs of others, capable of calling themselves the “People’s Will” despite their miniscule representation, and capable of assassinating Tsar Alexander II.¹⁶⁶ Their efforts did not succeed in bringing the masses to their side. They did, however, give rise to other terrorist organizations.¹⁶⁷ A Tsarist government incapable of responding successfully to its own challenges played into the hands of this developing revolutionary class.¹⁶⁸ Its capitulations did not stop their violence. Terrorism increased after 1905.¹⁶⁹ Eventually, in 1917,

162. CONQUEST, *supra* note 1, at 4 (“The origin of the modern era’s ideologies lay in John Locke’s derivation of scholastic generalities from traditional English understandings of liberty, thus excessively rationalizing and at the same time limiting, or in a sense desiccating, the more complex reality.”).

163. PIPES, *supra* note 158, at 24.

164. *Id.* at 23-24. Pipes quotes Marx: “The whole development of man . . . depends on *education and environment.*” It would follow that, “[I]f man draws all his knowledge . . . from the world of the senses . . . the empirical world must be arranged so that in it man experiences and gets used to what is really human. . . . If man is shaped by his surroundings, his surroundings must be made human.” *Id.* at 24-25.

165. *Id.* at 24 (“Nothing in early twentieth century Russia inexorably pushed the country toward revolution, except the presence of an unusually large and fanatical body of professional revolutionaries.”). Pipes defines professional revolutionaries as “a novel breed whose life’s goal was overthrowing by violence all existing institutions.” *Id.* at 29.

166. *Id.* at 26. Pipes tells us that the group involved thirty individuals in a nation of one hundred million, and “the ‘masses’ neither needed nor desired a revolution; the only group interested in it was the intelligentsia.” *Id.* at 390.

167. *Id.* at 27. Pipes identifies the Socialist-Revolutionary Party as a direct descendent of the People’s Will. In fact, Pipes tells us, one main distinguishing point between the Socialist-Revolutionaries and the Social-Democrats, a rival organization, was their beliefs about terror. The SR (as he calls them) favored terror as a means of coming to power. The SDs also believed in the political utility of terror. They, however, believed it was best used as a strategy after assuming control of a government. *Id.* at 29.

168. *Id.* at 36-44.

Lenin viewed skeptically the whole notion of ‘proletarian culture.’ He had a very low opinion of the cultural level of the Russian masses and little faith in their creative potential. The task facing his government, as he perceived it, was to inculcate in the masses modern scientific and technical habits. . . . The Communist regime under Lenin controlled cultural activities through two devices: censorship and strict monopoly on cultural organizations and activities.

Id. at 315.

169. Pipes estimates four thousand, five hundred officials and nine thousand people were

"Russia's fragile political structure" collapsed under the stress of this "war of attrition."¹⁷⁰

The February Revolution began as a mutiny of soldiers.¹⁷¹ With surprising speed, the Russian state deteriorated.¹⁷² The Bolshevik Party that took over in October 1917 was Lenin's party, Lenin's creation.¹⁷³ The political idea that guided this Party was Lenin's radicalism, the radicalism that Pipes says became the heartbeat of Russia. It was not idealistic; instead, its ideation was rooted in personal resentment.¹⁷⁴ On a more intellectual level, Lenin sought to graft Marxism to the anarchism-terrorism of the People's Will.¹⁷⁵ He thought of politics as warfare.¹⁷⁶ He could not tolerate dissent or criticism; he trusted only physical force;¹⁷⁷ Lenin was absolutely

killed in SR attacks in 1906 and 1907. *Id.* at 49.

170. *Id.* at 56. Of course, World War I played a role in this dynamic. Pipes does not ignore the war. *See id.* at 58-70. But, for the purposes of studying the Revolution, emphasis on the War would distract from the development of material.

171. *Id.* at 81.

172. *Id.* at 96-97 ("It was as if the greatest empire in the world had been an artificial construction, without organic unity. The instant the monarch withdrew, the entire structure collapsed in a heap."). Pipes quotes V. Rozanov as stating,

Russia wilted in two days. . . . Even *The New Times* [the newspaper] could not have been shut down as quickly as Russia shut down. It is amazing how she suddenly fell apart, all of her, down to particles, to pieces. . . . There was no Empire, no Church, no army, no working class. And, what remained? Strange to say, literally nothing. The base masses remained.

Id. at 97. "Lenin rode to power on that anarchy, which he did much to promote." *Id.* at 390.

173. *Id.* at 101. The Bolsheviks,

on seizing power in October 1917, promptly eliminated all rival parties to become Russia's exclusive source of political authority. Communist Russia, therefore, was throughout its seventy-four years to an unusual extent the embodiment of the mind and psyche of one man: his biography and its history are uniquely fused.

Id.

174. *Id.* at 103.

[T]errorism had become a kind of philosophy through which to express frustration, resentment, and blind hatred, a kind of political expressionism which used bombs to express oneself, which watched delightedly the publicity given to resounding deeds and was absolutely willing to pay the price of life for having succeeded in forcing the recognition of one's existence on the normal strata of society.

ARENDDT, TOTALITARIANISM, *supra* note 134, at 30.

175. PIPES, *supra* note 158, at 103.

176. *Id.* at 104. Pipes calls Lenin:

one of history's great conquerors—a distinction not vitiated by the fact that the country he conquered was his own. His innovation, the reason for his success, was militarizing politics. He was the first head of state to treat politics, domestic as well as foreign, as warfare in the literal sense of the word, the objective of which was not to compel the enemy to submit but to annihilate him.

Id. at 392.

177. *Id.* at 144.

convinced of the rightness of his position and totally committed to the revolution.¹⁷⁸ Pipes tells us that Lenin was cruel, a person able to condemn thousands of people to death without remorse.¹⁷⁹ The political system he constructed out of these beliefs and personality traits, he made up as he went along.¹⁸⁰ The Party was conceptualized as a spiritual force, leading by example.¹⁸¹ A facade of democratic institutions was put in place, while the institutions of the old regime were uprooted, smashed, eradicated.¹⁸² Opposition was dealt with ruthlessly.¹⁸³ Machine guns became instruments of political persuasion.¹⁸⁴ The Cheka, a new security organ, was licensed to kill. Bolshevik terror began.¹⁸⁵

Events began to take shape. Foreign affairs were determined according to a Marxist theory delineating the eventual dominance of Communism.¹⁸⁶ Lenin's regulation of domestic affairs was

178. *Id.* at 104. Lenin, like the other intelligentsia, "saw 'revolution' not as the replacement of one government by another but as something incomparably more ambitious: a total transformation of the human condition for the purpose of creating a new breed of human beings." *Id.* at 387. Indeed: "Although couched in scientific terms, [these] . . . views were immune to contrary evidence and hence more akin to religious faith." *Id.*

179. *Id.* at 105.

180. *Id.* at 151.

181. *Id.* at 152. Whatever else this meant, it did not mean an improvement in the education system. Despite the importation of modern ideas into model schools, the fact is that by the mid-1920s Soviet per capita allocations for education were lower than they had been in 1913 and only 45% of eligible children actually attended school. *Id.* at 325. Nor did it mean that the children of Russia were otherwise well cared for. By the mid-1920s seven to nine million *besprizornye*, orphans or abandoned children, lived without parents, in gangs, and survived by begging, scrounging, stealing, and prostitution. *Id.* at 326. Moreover, whatever else the idea of spiritual leadership implied, it certainly did not imply support of the Church. "[O]rganized religion . . . had no place in a Communist society." *Id.* at 334.

182. *Id.* at 151.

183. *Id.* at 154-165. Pipes quotes a Russian proverb "He who grabs the stick is corporal," to support the proposition that the boldest, most ruthless claimant was the one most likely to succeed to power. *Id.* at 164. "[M]erciless violence, violence that strove for the destruction of every actual and potential opponent, was for Lenin not only the most effective but the only way of dealing with problems." *Id.* at 394.

184. *Id.* at 165 ("The unrestrained brutality with which they [the Bolsheviks] henceforth ruled Russia stemmed in large measure from the knowledge . . . that they could do so with impunity."). See also *id.* at 203 ("[T]he Communists would . . . govern not by consent but by coercion.").

185. *Id.* at 173. In 1922, the Cheka would become the GPU. *Id.* at 332. In 1934, the GPU would become the NKVD—People's Commissariat of Internal Affairs. RADZINSKY, *supra* note 29, at 316.

186. PIPES, *supra* note 158, at 178. In Lenin's words:

The existence of the Soviet Republic alongside the imperialist states over the long run is unthinkable. In the end, either the one or the other will triumph. And until that end . . . a series of the most terrible conflicts between the Soviet Republic and bourgeois governments is unavoidable. This means that the ruling class, the proletariat, if it only wishes to rule and is to rule, must demonstrate this [intent] also with its military organization.

Id. In Pipes' words: "[T]he Bolsheviks seized power in Russia not to change Russia but to use

governed by his belief that socialism would be, or could be, instantaneously successful.¹⁸⁷ To assure that success, radical economic policies, policies at least the equivalent of the economic terror of the French Revolution, were put into effect.¹⁸⁸ These policies introduced the Red Terror of the Russian Revolution. The proletariat declined by one half, industrial output declined by three-quarters, and industrial productivity declined by more than two-thirds.¹⁸⁹ To compensate, the worker's state initiated compulsory labor¹⁹⁰ and collectivized agriculture.¹⁹¹ Lenin asserted state control over the food supply; he ordered the monopolization of the grain trade, the forced extraction of produce;¹⁹² he instituted intra-group

her as a springboard from which to change the world. . . . [T]he Bolsheviks came to regard the interests of Russia as identical with those of world communism." *Id.* at 286-87. Again, in Lenin's words: "We assert that the interests of socialism, the interests of world revolution, are superior to national interests." *Id.* at 286.

187. *Id.* at 192. Trotsky is reported quoting Lenin: "The triumph of socialism in Russia [required] a certain interval of time, *no less than a few months*. . . . I recall very distinctly that in the first period . . . Lenin invariably repeated that we shall have socialism in half a year and become the mightiest state." *Id.* "The Bolshevik leaders viewed culture in purely instrumental terms: it was the branch of government concerned with molding minds and promoting attitudes favorable to the construction of a socialist society. Essentially, its function was propaganda in the broadest sense of the word." *Id.* at 313.

188. *See id.* at 193-94. These policies, instituted by amateur economists, included: expropriation of real estate; nationalization of industry; repudiation of state debts; abolition of inheritance; and the radical devaluation of money. Lenin said:

The socialist organization of the economy begins with the liquidation of the market, and that means the liquidation of its regulator—the 'free' play of the laws of supply and demand. The inevitable result—namely the subordination of production to the needs of society—must be achieved by the *unity of the economic plan*, which, in principle, covers all the branches of production.

Id. at 197.

189. *Id.* at 199 ("[T]he utopian programs which Lenin had approved had all but destroyed Russian industry and reduced by one half Russia's industrial labor force."). According to one spokesperson, during this period the Russian economy suffered a calamity "unparalleled in the history of mankind." *Id.* at 203. However, the fact that the state's policy had reduced productivity to levels that threatened Russia's survival did not sound an alarm to dedicated revolutionaries. "Bukharin, a leading left communist, boasted that [it] performed a positive role in that it thoroughly demolished the legacy of capitalism, clearing the way for communism." *Id.*

190. *See id.* at 201-02. Trotsky commented: "One may say than man is rather a lazy creature. As a general rule, he strives to avoid work. . . . The only way to attract the labor force required for economic tasks is to introduce *compulsory labor service*." *Id.* at 201. *See also* Pipes' comment that when the Party found that workers were less attracted to its ideology than intellectuals, Lenin instructed: "[I]n case of necessity . . . resort to every kind of trick, cunning, illegal expedient, concealment, suppression of truth, so as to penetrate the trade unions, to stay in them, to conduct in them, at whatever cost, Communist work." *Id.* at 297.

191. *Id.* at 203.

192. *Id.* at 204. *See also* CONQUEST, *supra* note 1, at 93 (claiming about Lenin's strategies: "Ideology demanded that the independent peasantry be destroyed as an economic class; power demanded that the products of the countryside be taken into the hands of the state.").

hostility.¹⁹³ These policies were no more successful than the Bolshevik's industrial program; they led to a 12.5% decline in cultivated acreage and generated a 30% decline in agricultural yields.¹⁹⁴ People went hungry.¹⁹⁵ Peasants openly revolted. No amount of military presence and no amount of bloody repression could improve those figures or change these facts.¹⁹⁶

Meanwhile, the Tsar and his family were murdered;¹⁹⁷ the Party that was proving itself unable to rule by consent was simultaneously proving itself willing to rule by terror.¹⁹⁸ At a minimum, terror in this context meant summary executions, a pervasive atmosphere of lawlessness, and the enforced wrenching powerlessness of ordinary citizens.¹⁹⁹ Later, after an attempt on Lenin's life, concentration camps were established²⁰⁰ and "a kind of murderous psychosis seized the Bolsheviks."²⁰¹ The death toll

193. PIPES, *supra* note 158, at 205.

Only if we succeed in splitting the village in two irreconcilably hostile camps, if we are able to inflame there the same civil war that had taken place . . . in the cities . . . only then will we be in a position to say that we will do that to the village that we are able to do for the city.

Id. at 207 (quoting I. Sverdlov).

194. *Id.* at 209.

195. *Id.*

196. *Id.* at 208-09. See also CONQUEST, *supra* note 1, at 39 (quoting Lenin as stating: "The victory of the workers is impossible without sacrifices, without a temporary worsening of their condition."). Further, as Conquest reasons: "Only when envisaged in the abstract, as verbal icons, did the proletariat or the masses figure positively." *Id.* at 41.

197. PIPES, *supra* note 158, at 216. Trotsky is quoted: "The execution of the Tsar's family was needed not only to frighten, horrify, and instill a sense of hopelessness in the enemy but also to shake up our own ranks, to demonstrate that there was no retreating, that ahead lay either total victory or total doom." *Id.*

198. *Id.* at 217. According to one government official quoted by Pipes, terror became a "heavy, suffocating cloak thrown from above over the country's entire population, a cloak woven of mistrust, lurking vigilance, and lust for revenge." *Id.* "Lenin attached to propaganda the highest priority, attributing to it (along with the disunity of his opponents) his regime's ability to survive. . . . Its prerequisite was complete control of all sources of information." *Id.* at 305.

199. *Id.* at 217. Law was replaced by "revolutionary conscience." *Id.* at 219. Political crimes were handled by revolutionary tribunals modeled after those made famous during the French Revolution. *Id.* In Lenin's own words, the task of the Communist judiciary was to provide a "justification of terror. . . . The court is not to eliminate terror . . . but to substantiate it and legitimize it." *Id.* at 220. According to Pipes:

The whole thrust of legal theory and practice under Lenin was to eliminate all obstacles that stood in the way of punishing those whom the government for any reason found undesirable. Communist legal historians, referring to the practices of the 1920s, defined law as 'a disciplining principle that helps strengthen the Soviet state and develop the socialist economy.'

Id. at 355.

200. *Id.* at 223. "The decree on Red Terror of September 5, 1918, explicitly provided for 'safeguarding of the Soviet Republic from class enemies by isolating them in concentration camps.'" *Id.* at 227.

201. *Id.* at 224. "Without mercy, without sparing, we will kill our enemies by the scores of

mounted.²⁰² More would soon perish from associated events; the carnage was exacerbated by civil war.²⁰³ The civil war was accompanied by pogroms in the Ukraine,²⁰⁴ the liquidation of the Cossacks in the Don region,²⁰⁵ and severe casualty losses on both sides.²⁰⁶ Its toll on the civilian population is staggering.²⁰⁷ The civil war was followed by famine.²⁰⁸ The famine excused attacks on the Church.²⁰⁹

hundreds, let them be thousands, let them drown in their own blood. For the blood of Lenin and Uritskii . . . let there be floods of blood of the bourgeoisie—more blood, as much as possible.” *Id.* (quoting the Red Army Newspaper). Also, “[w]e must execute not only the guilty. Execution of the innocent will impress the masses even more.” *Id.*

202. *Id.* at 227. The death toll for this stage of the Red Terror is estimated at between fifty thousand and one hundred forty thousand. *Id.*

203. *Id.* at 233-36. “Lenin not only expected civil war to break out in his own country and around the globe after he had taken power, but he took power in order to unleash such a war.” *Id.* at 233. As Trotsky stated: “Soviet authority is organized civil war.” *Id.* And, “[t]he Civil War was primarily a political conflict, a struggle for power and not a conventional war.” *Id.* at 236.

204. *Id.* at 259. The death toll for this endeavor reached an estimated fifty thousand to one hundred thousand. *Id.* at 264.

205. *Id.* at 254 (“A secret directive from Moscow demanded ‘the complete, rapid, decisive annihilation of Cossackdom as a separate economic group, the destruction of its economic foundations, the physical extermination of its officials and officers, and altogether the Cossack elite.’”).

206. *Id.* at 274 (estimating 1,125,000 casualties).

207. *Id.* Between one and a half and two million citizens fled the country. Infectious diseases are believed to have killed two million people during this period. Malnutrition, exposure, suicide, account for another sizable statistic. *Id.*

208. *Id.* at 337. The famine and associated diseases killed over five million people. *Id.* at 360. It was not a natural disaster in any ordinary sense. It was the result of Bolshevik agrarian policies. In 1920,

The government persevered with forcible confiscation of peasant food ‘surplus,’ which in many cases was not surplus at all but grain needed for sustenance and the planting of next year’s crop. Since the weather in 1920 was unfavorable to agriculture, the meager bread reserves dwindled still further and the countryside began [experiencing] . . . famine.

Id. at 344. By the spring of 1921, conditions had reached mass starvation proportions.

[M]illions of wretched human beings abandoned their villages . . . Moscow persisted in denying that a catastrophe had occurred . . . Visitors to the stricken areas passed village after village with no sign of life. . . . In the cities, corpses littered the streets. . . . The famine was accompanied by epidemics. . . . The Soviet government watched the spread of the famine in a state of paralysis. . . . [It] “confronted a problem which, for the first time, it could not solve with resort to force.”

Id. at 357 (quoting historian Michel Heller). In the summer of 1921, an appeal for help was finally issued. The United States, guided by Herbert Hoover under the auspices of the American Relief Administration (“ARA”), established a system of assistance. By the summer of 1922, the ARA was feeding eleven million people a day. Deaths from starvation had ceased. *Id.* at 359-60.

209. *Id.* at 338-40. In Lenin’s words:

It is now and only now, when in regions afflicted by famine there is cannibalism and the roads are littered with hundreds if not thousands of corpses, that we can (and therefore must) pursue the acquisition of [church] valuables with the most ferocious and merciless energy, stopping

This was the Red Terror; it was followed by another. Lenin aged and died.²¹⁰ Stalin assumed power.²¹¹ It was Stalin's theory that "the closer Communism approached final victory, the more intense grew social conflicts—a notion that justified a bloodbath of unprecedented ferocity."²¹² Trotsky and others were hounded from the party and executed or assassinated.²¹³ Under Stalin's leadership forcible confiscation of grain resumed, peasant class antagonisms were reawakened.²¹⁴ Informing on others became a virtue; the secret police were transformed into heroes.²¹⁵ Show trials and the escalation of class warfare²¹⁶ were followed by renewed attacks against what was left of the Church as Stalin led the country into renewed revolution.²¹⁷ Famine re-emerged.²¹⁸ A campaign against "ideological distortions" was undertaken to tame the intelligentsia.²¹⁹ Despite its total subservience to him, between

at nothing in suppressing all resistance. . . . The greater the number of the representatives of the reactionary bourgeoisie and reactionary clergy we will manage to execute in this affair, the better.

Id. at 338.

210. *Id.* at 372-81.

211. *Id.* at 372-73.

212. *Id.* at 392.

213. *Id.* at 378-79; see also RADZINSKY, *supra* note 29, at 228 ("Lenin had intended to tame the rebellious old guard: Stalin made this imperative. Lenin had adopted a menacing resolution on Party unity: Stalin made it an iron law.").

214. CONQUEST, *supra* note 1, at 96 ("We now have full documentation that the Stalin leadership knew exactly what was happening and used famine as a means of terror, and of revenge, against the peasantry."); see also RADZINSKY, *supra* note 29, at 233. Stalin called for "the liquidation of the kulak as a class." *Id.* at 246. Deportation, execution, camp assignments for Kulak individuals and Kulak families was mercilessly undertaken. In the end about four hundred thousand people were uprooted. *Id.* at 246-247. Kulaks were characterized as counter-revolutionaries. *Id.* However, it seems as if they were the most successful of the peasant class. *Id.* at 248. Surviving peasants were united in collective farms. *Id.*

215. *Id.* at 240.

216. *Id.* at 242-43. "Those under arrest confessed to everything. . . . One thing unknown until the present was the extent of Stalin's involvement. Only now, after reading the new documents, can I say for sure that he personally staged the trials." *Id.* at 249. "He . . . saw to it that blood was spilled abundantly. How can you have Terror without blood?" *Id.* at 251.

217. *Id.* at 244-45.

The underlying idea of the plan was to squeeze a century of progress into ten years, by revolutionary means. This required industrialization, the collectivization of agriculture, and the creation of a manipulable Party, which would carry out the leader's injunctions to the letter instead of wasting time on discussion and opposition. Only such a Party could finally tame a country stirred up by revolution and create a united society.

Id. at 254. "The revolutionary path, through blood and famine, was the one by which the people could be led into the bright future." *Id.* at 298.

218. *Id.* at 256-59. This famine consumed between five and eight million people. *Id.* at 258. Stalin fought it with Terror. *Id.* He bound the peasants to the land, like serfs, while exporting grain. *Id.* at 259. "Never mind the hunger, never mind the corpses: Stalin would drag his helpless country along the road he had always envisioned for it." *Id.* at 272.

219. *Id.* at 261. "Stalin was gradually eliminating shame. Fear is stronger than shame."

1935 and 1938, Stalin destroyed the Leninist Party.²²⁰ More show trials ensued.²²¹ Torture was developed into an art form.²²² Fear became insanity.²²³ The daily life of most citizens was lived collectively.²²⁴ They, too, were victimized by terror.²²⁵ Industrialization was, however, achieved to some degree.²²⁶ World War II occurred.²²⁷ During the war Stalin's deliberate terrorizing of

Id. "[A]rt's only duty was to set the agenda for technology." *Id.* at 265.

220. *Id.* at 319.

221. *Id.* at 343-51. In ARENDT, *TOTALITARIANISM*, *supra* note 134, at 31, the author points to the "demoralizing fascination in the possibility that gigantic lies and monstrous falsehoods can eventually be established as unquestioned facts . . . that the difference between truth and falsehood may cease to be objective and become a mere matter of power and cleverness, of pressure and infinite repetition."

222. RADZINSKY, *supra* note 29, at 354-55. Cell torture led to torture by interrogator. *Id.* at 354. Those who survived were subjected to "the notorious conveyor belt"—a system of continuous interrogation. *Id.* at 355. Consolidation, a form of "good cop" followed. *Id.* Testimony, when it was allowed, was rehearsed. *Id.*

223. *Id.* at 368. Radzinsky tells us that "1937 was to be the most terrible year in Russia's history." *Id.* at 364. Wreckers, another term for internal counter-revolutionaries, were denounced everywhere. *Id.* at 368. Even Bukharin, the Party's greatest theoretician, was arrested, imprisoned, convicted, and executed. *Id.* at 358-61, 374-84. Radzinsky describes the entire process as "[t]he deadly conveyor belt." *Id.* at 391. "Stalin inaugurated a self-service system of elimination: each victim killed his predecessor, and was killed by his successor. . . . Stalin wanted to involve as many people as possible in the work of destruction." *Id.* at 392. According to Radzinsky, this series of public trials provided a "magnificent ritual of retribution." *Id.* at 386.

224. *Id.* at 387.

Everything was collective. You worked collectively, lived collectively in a communal apartment, enjoyed your leisure collectively, perhaps on a collective excursion into the countryside. Holidays were collective. . . . Every profession had its own holiday, so that on that one day its collectives could drink and frolic to their hearts' content, and—most important—all together.

Id. And, "[p]ersonal responsibility died; there was only collective responsibility. . . . This collective conscience enabled people to enjoy life unconcernedly when the Terror was at its most cruel. Woe to anyone troubled by a conscience of his own." *Id.* at 388.

225. *Id.* at 413.

The families of enemies of the people, their acquaintances, acquaintances of their acquaintances—endless chains of people were turned into convicts. In the hands of the army, mass terror consigned thousands of physically strong people to the camps. [Stalin] now had at his disposal the army of unpaid laborers of which Trotsky once dreamed. . . . Before any major project was begun, the NKVD received direct instructions about the number of arrests it needed to make.

Id.

226. *Id.* at 424 ("In the economy, the private sector had been abolished, capitalism was finished."). "The victory of the workers' and peasants' state was more important than mere human lives." *Id.* at 437. Through terror, Stalin had managed to wrestle Russia into the twentieth century.

227. *Id.* at 443-89. During WWII the Russian army lost over eight hundred fifty thousand men and the civilian population suffered a loss of eighteen million. *Id.* at 505.

his own population abated; following the war, it resumed.²²⁸ Only Stalin's death relieved the tension.²²⁹

Arendt speaks about a fury of wretchedness as fueling the rage of destruction that became the Reign of Terror in the French Revolution; in the Russian situation a kind of manipulative coldness seemed to take over. To some degree, Arendt draws a connection between the passionate destruction of the French Revolution and the heartless destruction wrought by Russian revolutionaries by examining a transformation of suspicion.²³⁰ Because the overall theme of my research is an investigation into the terrorism that grows out of this revolutionary tradition, I hoped to draw connections through the fervent wish for liberation; if I insist on this image, like a bulimic, we would experience liberation though the process of purge. And, during and after the Russian Revolution, when we purge, we rid ourselves of more and more of the facts and artifacts of human life.²³¹

When we finally move through the Chinese Revolution to Pol Pot's regime in Cambodia, we will find that purging an entire city

228. *Id.* at 500. Over one half million Chechen and Ingush people were evacuated from their homelands. *Id.* at 503. The Crimea was "cleansed" of over two hundred thousand ethnic minorities. *Id.* Pogroms against Soviet Jews resumed. *Id.* at 529-35. New trials were planned. *Id.* at 550-60.

229. *Id.* at 568-69. Radzinsky reports: "Shortly before he died the Boss [Stalin asked one of his guards]. . . . 'What do you think- will America attack us or not?' . . . '[J]ust remember this: they *will* attack us, [they are] imperialists, and they certainly will attack us. If we let them.'" *Id.*

230. Compare, ARENDT, ON REVOLUTION, *supra* note 17, at 250,

For Robespierre's rule of terror was indeed nothing else but the attempt to organize the whole French people into a single gigantic party machinery . . . through which the Jacobin club would spread a net of party cells all over France; and their tasks were no longer discussion and exchange of opinions . . . but to spy upon one another and to denounce members and non-members alike

with, ARENDT, TOTALITARIANISM, *supra* note 134, at 120,

The first stage [is] . . . ferreting out secret enemies and hunting down former opponents. . . . The end of the first stage comes with the liquidation of open and secret resistance in any organized form. . . . Only after the extermination of real enemies has been completed and the hunt for 'objective enemies' begun does terror become the actual content of totalitarian regimes.

and, "[t]otalitarianism defined its enemies ideologically before it seized power, so that categories of the 'suspects' were not established through police information." *Id.* at 121.

231. PIPES, *supra* note 158, at 393.

[T]he Bolsheviks . . . were guilty of ignoring the cultural realities of Russia and her unpreparedness for the economic and social order that they tried to impose on her. The Bolsheviks ceased to be utopians when, once it had become obvious the ideal was unattainable, they persisted in the attempt by resorting to unrestrained violence.

Id. "Terror . . . the execution of a law of movement whose ultimate goal is . . . the fabrication of mankind, eliminates individuals for the sake of the species, sacrifices the 'parts' for the sake of the whole." ARENDT, TOTALITARIANISM, *supra* note 134, at 163.

of its population and purging, that is exterminating, an entire quarter of a nation's people is both possible and not enough.

Mussolini seemed to capture the spirit motivating Russian Revolutionary terror when he said of Lenin: "Lenin is an artist who worked on humans as other artists work on marble or metal. But human beings are harder than granite and less malleable than iron."²³² The quote continues with Mussolini saying, "No masterwork has emerged. The artist has failed. The task has proven beyond his powers."²³³ I have no doubt that the artist failed; but, the fact that he failed does not go to the heart of the matter. The problem lies in his, or our, willingness to accept the idea of human beings as mediums of expression; human perfectibility does not mix well with political power.²³⁴ This problem, though, was certainly not evident to Mao Zedong. It is to Zedong's work in the context of the People's Republic of China that we now turn.

3. *The People's Republic of China: Let a Hundred Flowers Bloom*

*The true heirs of Stalin were not the Soviet leaders... For huge Stalinist projects of reshaping society, one has to turn to Mao Zedong in China and Pol Pot in Cambodia.*²³⁵

*Political power grows out of the barrel of the gun.*²³⁶

Disclosure is better than no disclosure; early disclosure is better than late disclosure; thorough disclosure is better than reserved disclosure. If one sincerely discloses his whole criminal story and

232. PIPES, *supra* note 158, at 404-05.

233. *Id.* at 405.

234. CONQUEST, *supra* note 1, at 3 ("The huge catastrophes of our era have been inflicted by human beings driven by certain thoughts. . . . The basic characteristic and attraction was and is the archaic idea that utopia can be constructed on earth; the offer of a millenarian solution to all human problems."). My terrorism research moves me to a profound distrust for the undertaking. It does not seem tolerably possible for any one of us to imagine herself an "artist" whose medium is people. Not that I doubt the accuracy of the imaginative characterization; rather, it is the willingness of the mind to entertain the metaphor that moves me to object. CONQUEST, *supra* note 1, at 126, warns against people who admired the ability of the Soviets to enforce their ideas. Further on he reports being troubled by "the persistence to this day of an adolescent revolutionary romanticism, as one of the unfortunate afflictions to which the human mind was and is prone." *Id.* at 294-95.

235. GLOVER, *supra* note 3, at 283.

236. JONATHAN D. SPENCE, *THE SEARCH FOR MODERN CHINA* 563 (1990). The full quote by Zedong includes the following: "Our principle is that the party commands the gun and the gun shall never be allowed to command the party." *Id.*

*admits his crimes to the people humbly, he will be treated leniently and given a way for safe conduct, and his case will not affect his family.*²³⁷

Earlier in this article I said: "What revolutionary leaders in Russia confronted was the task of transforming a structureless mass governed by a despotic and centralized bureaucracy into a paradise of shared abundance."²³⁸ A not entirely dissimilar situation faced China in the first quarter of the twentieth century. However, where the Russians confronted an essentially centralized system, the Chinese faced extreme fragmentation. Many years prior to the rise of revolutionary communism, China's imperial order collapsed. Internal disputes and foreign interventions resulted in a prolonged period of political instability.²³⁹ Among intellectual, educated Chinese, self-scrutiny, stimulated by a serious concern that their country might perish, led to the exploration of different political theories.²⁴⁰ Prior to the Bolshevik Revolution in Russia, Chinese scholars had shown little interest in Marxism,²⁴¹ following the events of 1917, many turned to Russia, rather than France, as a source for revolutionary inspiration.²⁴² Adapting the industrial-

237. *Id.* at 613 (quoting HONG-YUNG LEE, *THE POLITICS OF THE CHINESE CULTURAL REVOLUTION: A CASE STUDY* 292-93 (1978)). During the Cultural Revolution "[c]onfession' to some sort of failing was seen as essential to personal redemption; stubborn silence or righteous insistence on innocence could lead to vicious punishment and sustained group pressure." SPENCE, *supra* note 236, at 613.

238. *Supra* note 137 and accompanying text.

239. SPENCE, *supra* note 236, at 271. Spence tells us that when the last Manchu emperor abdicated in 1912:

[N]ational finances were in disarray, with a depleted treasury in Peking and little money coming in from the provinces. Groups of scholars and bureaucrats had expressed a wide range of dissatisfactions with the defunct [imperial] regime, and this discontent now had to be addressed. The army troops occupying Peking were numerous but hard to control, of doubtful loyalty, and liable to mutiny. . . . Natural disasters had devastated the countryside, causing ruined harvests and starvation. . . . Foreign pressure was intense, the possibility of invasion imminent. . . . [T]here was a strong chance that independent separatist regimes would emerge . . . weakening central authority.

Id. at 275. Also, "[t]he social, economic, and political dimensions of Chinese life were all in flux, and the fragmentation of the country under militarists' rule made coherent planning almost impossible. The persistent tension between central and local power in China was especially keen." *Id.* at 296.

240. *Id.* at 271. One study group, the Marxist Research Society, set up in 1918, eventually attracted many influential students, among them, Mao Zedong. *Id.* at 307.

241. *Id.* at 305. Sun Yat-sen's socialist ideas were rooted in the British socialist constructions associated with Henry George. *Id.*

242. *Id.* Spence quoting Li Dazhao: "[W]e have only to raise our heads to welcome the dawn of the new civilization of the world, and turn our ears to welcome the new Russia that is founded upon freedom and humanism, and to adapt ourselves to the new tide of the world." *Id.* at 306. However, France was important to the Chinese Communist Party. *Id.* at 231.

proletariat model of Marx to an agrarian-peasant based economy proved no more obstructive to the Chinese than it had to the Russians.²⁴³ Initiating a theme that was to continue through the Mao and Pol Pot regimes, the intellectual class was “sent” to the countryside to escape the corruption of urban life and to dignify themselves through honest labor.²⁴⁴ Visits to the Soviet Union cemented associations.²⁴⁵

What followed were decades of stressful cooperation, strife, and finally open warfare between the Chinese Socialists, those led by Sun Yat-sen (later led by Chiang Kai-shek) and the Chinese Communists, of the Long March fame who would eventually be represented by Mao Zedong.²⁴⁶ Simultaneously, these same decades contained external strife represented by the growth of Japanese domination and WWII.²⁴⁷ When, on October 1, 1949, Mao formally

Between 1919 and 1920, over one thousand Chinese students participated in programs that allowed them to work and study in France, mostly in or near Paris. *Id.* There they were introduced to French labor organizations and socialist doctrines. *Id.* Deng Xiaoping, one of the Chinese students in France, became a political activist. *Id.* While in France, he and Zhou Enlai joined the Communist Party. *Id.* at 322.

243. CONQUEST, *supra* note 1, at 90, speaks generally about this transformation: “In the Jacobin tradition the task of revolution was now . . . entrusted not to a nebulous ‘class’ but to a professional revolutionary elite party acting in that class’s name.” SPENCE, *supra* note 236, at 307-08, speaks more specifically to the Chinese formulation.

China . . . was at the mercy of foreign imperialist forces that had exploited all the Chinese people in ways similar to those in which capitalists exploited their workers—by owning the means of production and seizing the workers’ surplus value for themselves. . . . “[T]he whole country has gradually been transformed into part of the world proletariat. . . . [T]he common people [of China] still indirectly suffer from the direct capitalist oppression in a way that is even more bitter than the direct capitalist oppression suffered by the working classes of the various [capitalist] nations. . . . Our China is a rural nation and most of the laboring class is made up of peasants. If they are not liberated, then our whole nation will not be liberated.”

Id. at 308 (*paraphrasing and quoting* Li Dazhou).

244. *Id.* at 308-09. “[A]mbivalence toward cities . . . was a feature of Chinese communism.” *Id.* at 519.

245. *Id.* at 309-10. Spence, speaking of Qu Qiubai’s experiences in the Soviet Union and the meaning of these visits to the Chinese Communist revolutionary movement, says:

[T]hrough knowledge, the Chinese would come to see socialism as a valid critique of the existing order; through feeling, they would understand socialism as an emotion that made possible the replacement of the current order with a new one; through will, they would achieve that transformation by exerting their efforts on the objective world.

Id. at 310.

246. *Id.* at 334-60, 403-74, 484-519. Interestingly, Sun Yat-sen and Chiang benefited from associations with warlords. *Id.* at 334. For Sun Yat-sen the connection was actually with a formidable bandit leader, White Wolf. *Id.* at 296. In Chiang Kai-shek’s case, one warlord was a Shanghai gangster, Du Yue-sheng. *Id.* at 298. Both were linked to the well-known criminal group—Green Gang. *Id.* These connections might have slipped by my attention were it not for the conclusion of this research. See *infra* section 3.

247. *Id.* at 456-72, 474-83.

announced the founding of the People's Republic of China, the human horrors and the terrors of revolutionary violence had already begun.²⁴⁸ Though, for these people, in these times, it was more likely that the struggle with external enemies, the toll of civil strife, and the failure of economic systems created a fabric of generalized, rather than revolutionary specific, violence.²⁴⁹

The newly constructed People's Republic inherited disastrous inflation. In addition to curbing this inflation, the government was confronted with the need to restore war damaged industry, to establish law and order, and to improve agricultural production.²⁵⁰ They had only a small cadre of people and, regardless of anti-imperialistic rhetoric, were, as a practical matter, dependent upon foreign assistance.²⁵¹ Land reform was initiated and coordinated by "work teams;"²⁵² violent confrontations between resistant landlords and enthusiastic peasants were encouraged by revolutionary leaders.²⁵³ Propaganda was used to build support in the cities; citizens were ordered into study groups to learn the vocabulary and policies of the communist government; street-committees were established to produce localized services; anti-vice programs targeting prostitution and opium addiction were facilitated.²⁵⁴

248. The Mao-led Autumn Harvest Uprising in Hunan in 1927 was no great success. *Id.* at 359. In the same year, the Soviet directed "Canton commune" effort cost many lives. *Id.* at 359-60. Chiang Kai-shek conducted a reign of terror in the months following his 1927 coup. *Id.* at 361. The "Red Army," a renegade force that combined the military might under Mao's leadership with the trained military of an ex-soldier of fortune, became a fast-moving guerrilla force. *Id.* at 374. The Long March itself consumed almost 90% of its participants. From the approximate eighty thousand people who began the travail, only eight to nine thousand survived. *Id.* at 409.

249. *Id.* at 444-50, 463-66, 468-69, 496 (describing the Japanese conquest). *Id.* at 488-89, 492-93, 504-08, 512-13 (describing internalized strife). *Id.* at 429-34, 498, 501-04 (describing general conditions).

250. Inflation had reached dramatic proportions. Spence reports that a sack of rice that had sold for 6.7 million yuan in June of 1948 sold for sixty three million yuan in August of that year. *Id.* at 502. He says, "there was little hope of coping with ordinary cash transactions." *Id.* And, by the autumn of that year, "[t]he Chinese republic had become, for all practical purposes, a barter economy." *Id.* at 504. For industrial development, see *id.* at 521-22. For mention of only some of the law and order issues, see *id.* at 508-09. For Mao's eight point program, see *id.* at 510. For agricultural reform efforts, see *id.* at 516-17.

251. *Id.* at 514-15.

252. *Id.* at 516 ("[A]bout 40 percent of the cultivated land was seized from landlords and redistributed, and that about 60 percent of the population benefited in some way."). Work teams constituted from three to thirty people. Veteran cadres were joined by students to form these teams. *Id.* Many team members received only rudimentary training. *Id.* Their task was to identify local landlords and break into the ancient patterns of deference that held these landlords in authority. *Id.*

253. *Id.* at 517 ("[O]ne landlord family out of six had a member killed in these confrontations . . . as many as one million or more people . . . died during this phase of the revolution.").

254. *Id.* at 517-18. Spence quoted Liu Shaoqi to emphasize the early enthusiasm and hopefulness of the revolutionaries. Selfless service, he said, was a goal and an ideal, and "any class background could be transcended by piercing self-examination and prolonged study of

Progress toward organizing the country was underway when China decided to invade Tibet and participate as combatants in the Korean War.²⁵⁵ During the latter, the Chinese suffered massive casualties;²⁵⁶ afterward, western foreign influences were increasingly rejected and spies and reactionaries were hunted. The regime hardened.²⁵⁷

In 1953, the People's Republic adopted the Soviet "Five-Year Plan" model of economic development. The adoption of an integrated economic policy came with basic shifts in political organization. Coordination and purging took place simultaneously.²⁵⁸ China's attempts at radical economic restructuring initially appeared successful.²⁵⁹ However, like the Russians, the Chinese were fueling growth by consuming agricultural wealth.²⁶⁰ By 1957, these policies no longer achieved

Marxism-Leninism." *Id.* at 520.

255. *Id.* at 525 (discussing the invasion of Tibet); *Id.* at 529-30 (discussing the Chinese entry into the Korean War).

256. *Id.* at 531. Spence says the Chinese suffered "staggering losses of close to one million men." *Id.* He also says: "The Chinese Communists probably gained in the short run from participating in the Korean War," because a unified United States sponsored Korea was not in the Communists' best interest. *Id.* at 533. "The longer-range tragedy," he adds, "was that China had lost all hope of the 'new democracy' that had seemed implicit in the rhetoric . . . of 1949." *Id.*

257. *Id.* at 531-32. Spence says that as a result of the Korean War the Chinese drew closer to the Soviet Union while turning away from the perceived evils of Western imperialism. *Id.* By 1950, he reports, almost all foreigners had left the country. *Id.* at 534. In the early 1950s deadly campaigns were directed against domestic counterrevolutionaries. *Id.* Spence reports that during this period approximately thirty thousand people were executed, some of them in public spectacles. *Id.* at 535. A broad based campaign was waged against internal corruption within the party and, "an all-out assault on the bourgeoisie in China, a class war" was initiated. *Id.* at 535-36. "[B]usiness leaders were forced to undergo group criticism sessions and to confess their past economic crimes." *Id.* at 537. The fact of massive denunciations (approximately two hundred thousand) followed by intense investigations and "voluntary" confessions involving up to seventy thousand business men just in Shanghai, help put the effort in perspective. *Id.* at 538.

During 1950 and 1951 tens of thousands of Chinese intellectuals of all ages were given six-to eight-month-long 'courses' at 'revolutionary colleges. . . . [T]hey met with small groups . . . for discussion and self-criticism, and prepared 'autobiographies' in which they analyzed their own past failings and those of their parents. . . . [I]n general the entire process subjected the intellectuals to severe mental stress.

Id. at 564. After a brief defrosting of the situation—the Hundred Flowers period—Mao's government returned to a hard-line approach to intellectual freedom. *Id.* at 572.

258. *Id.* at 541-42.

259. *Id.* at 544 ("[T]he First Five-Year Plan achieved a dramatic increase in industrial production.").

260. *Id.* ("The Chinese . . . forced the peasantry to sell more than a quarter of their total grain production to the state at extremely low prices. This policy left the peasants at subsistence level while it enabled the government to guarantee food supplies in the cities and keep wages down."). Apparently, the permissibility of private plots allowed the Chinese peasants to survive these otherwise famine generating government policies. *Id.* at 550.

satisfactory ends. The Great Leap Forward was instigated in an attempt to spontaneously energize the nation's economy.²⁶¹ Communes were merged; people were organized along military lines; gigantic irrigation projects were undertaken with labor from the cities; the allowance for private plots was ended; and farmers were expected to both grow grain and produce home made steel in makeshift furnaces.²⁶² The pooling of household, child-rearing, and cooking arrangements had significant and long-term effects on family structure; despite the success of several irrigation projects, the grain yield was profoundly disappointing; and the steel furnaces did not work.²⁶³ The result was chaos rather than progress.²⁶⁴ China continued to export grain in order to pay for heavy machinery. Grain production continued to fall. In a replay of horror familiar from Russian history, starvation and famine set in.²⁶⁵

261. *Id.* at 575-77. According to Spence, several factors were at play here. Mao was inspired by Soviet technological development. *Id.* at 575. Mao was uninspired by China's agricultural production figures for 1957. *Id.* "The roots of Mao's radical thinking had always lain in the voluntaristic, heroic workings of the human will and the power of the masses." *Id.* at 576. He was troubled by what he saw as a loss of vitality in the Chinese Revolutionary situation. *Id.* He was worried about the growth of "individualism, departmentalism, absolute egalitarianism or liberalism." *Id.* As a result of these factors, Mao seized on Trotsky's "permanent revolution" idea:

Now we must start a technological revolution so that we may overtake Britain in fifteen or more years. . . . Our revolutions are like battles. After a victory, we must at once put forward a new task. In this way, cadres and the masses will forever be filled with revolutionary fervour.

Id. at 577.

262. *Id.* at 578-80.

263. *Id.* at 580.

264. *Id.* at 581.

265. *Id.* at 583. Spence says that this famine claimed twenty million lives between 1959 and 1962. *Id.* Glover says the death toll ought to be placed between twenty and thirty million. GLOVER, *supra* note 3, at 284. According to Spence, it was the unwillingness of cadre with accurate information to confront high ranking officials, who desired good news, with the bad news of failing production that facilitated the deepening of the famine process. SPENCE, *supra* note 236, at 583. According to Glover, "Mao's policies needed corrective feedback, but most people were too frightened to give it." GLOVER, *supra* note 3, at 287. Glover tells two stories of importance in this regard. First, he describes how at the height of the famine Mao went out to tour the harvest areas. *Id.* at 285-86. So unused was he to being contradicted and so unwilling were officials to upset this pattern that the following scene evolved (as related by Mao's personal physician and political advisor, Dr. Li, who accompanied him on the trip):

The scene along the railroad tracks was incredible. Harvest time was approaching, and the crops were thriving. The fields were crowded with peasants at work. . . . "Good news reporting stations" were . . . competing with nearby brigades and communes to report—red flags waving, gongs and drums sounding—the highest, most extravagant figures.

GLOVER, *supra* note 3, at 285 (quoting LI ZHISUI, *THE PRIVATE LIFE OF CHAIRMAN MAO: THE MEMOIRS OF MAO'S PERSONAL PHYSICIAN 272-73* (1994)). This scene, as Dr. Li later discovered, turned out to be a theatrical production:

In Hubei the peasants were ordered to remove rice plants from far-away fields and transplant them along Mao's route to give the impression of a wildly abundant crop. The rice was planted so closely together that

As if the famine had resulted from the failure of the people to accept communist ideology, the government redoubled its efforts to introduce basic socialist values into Chinese society.²⁶⁶ Economic recovery was accomplished,²⁶⁷ however, the political situation was not as easily stabilized.²⁶⁸ The Cultural Revolution commenced.²⁶⁹

electric fans had to be set up around the fields to circulate the air in order to prevent the plants from rotting.'

GLOVER, *supra* note 3, at 285-86 (citing and quoting LI ZHISUI, THE PRIVATE LIFE OF CHAIRMAN MAO: THE MEMOIRS OF MAO'S PERSONAL PHYSICIAN 277 (1994)). Second, Glover reports that in 1959 the harvest was thirty million tons less than in 1958. GLOVER, *supra* note 3, at 285. Most officials, however, found it prudent to report large increases in order to placate Mao. *Id.* at 287. Peng Dehuai, the Minister of Defense, was not among them. *Id.* He spoke up detailing the danger of starvation. *Id.* He even wrote to Mao to explain the situation. *Id.* Mao dismissed Peng's criticisms. *Id.* Peng, still determined to break through Mao's denial of the truth, accused him of becoming like Stalin in his willingness to sacrifice the people to "impossible production targets." *Id.* As if to demonstrate the correctness of the Stalin analogy, Peng was condemned as an "anti-Party element" and as "a right opportunist." *Id.* He was put under house arrest and assigned to write a self-criticism. During the Cultural Revolution he was tortured and killed. *Id.*

266. SPENCE, *supra* note 236, at 592 ("The collective was to be placed ahead of the individual."). And, quoting Mao, "Any departure from this correct analysis and logical reasoning will inevitably cause our work of socialist construction to lose its direction." *Id.* Solzhenitsyn speaks about similar reasoning in Soviet Russia: "The primitive refusal to compromise is elevated into a theoretical principle and is regarded as the pinnacle of orthodoxy." CONQUEST, *supra* note 1, at 112. According to Conquest, this way of thinking implies that, "political leadership, and political considerations generally, were on a higher and more comprehensive plane than all other elements in society and were empowered to make final decisions in all fields." *Id.* Conquest recites Orwell's proposition that

it is common for revolutionaries to hate the system much more than they pity its victims. . . . [I]deology becomes a sort of mental trap. And when its bearers come to power they are . . . stuck with a program that produces far worse suffering . . . than . . . under the original oppressors.

Id. at 141-42.

267. SPENCE, *supra* note 236, at 595-96.

268. *Id.* at 603. Speaking about the forces that would eventually yield up the Cultural Revolution, Spence points to Mao's view that, again, the Revolution was "losing impetus," this time because of party conservatism and bureaucratic lethargy. *Id.* at 603. Glover states that "Mao believed especially in the energy of the young," GLOVER, *supra* note 3, at 288, and that "Mao encouraged the young to tear up the existing society and start again." *Id.* Explaining the destabilizing factors, Spence points to disaffected urban youths, the political ambitions of several people in the government, SPENCE, *supra* note 236, at 604, Mao's own loss of esteem and influence, and beliefs among influential party leaders that "the Chinese cultural garden was overgrown with 'anti-socialist poisonous weeds.'" *Id.* at 603. "[I]f the proletariat does not occupy the positions in literature and art, the bourgeoisie certainly will." *Id.*

269. SPENCE, *supra* note 236, at 604-06 (describing how events piled up: the 1966 purging of the cultural bureaucracy was followed by later purges of higher echelons of party leadership; the issuing to students of arm bands announcing them as the "Red Guards"—the vanguard of the new revolutionary upheaval"; the mounting of gigantic chanting parades; the closing of schools to facilitate the staging of a revolutionary struggle; the demolishing of old buildings, temples, and art works in the name of revolutionary purification; the comprehensive attack on "old customs, old habits, old culture, and old thinking."). The country was gripped by "euphoria, fear, excitement, and tension . . . violence grew apace. Thousands of intellectuals . . . were beaten to death. . . . Thousands more were imprisoned, often in solitary confinement, for years. Millions were relocated to purify themselves through

Humiliation was its main tool.²⁷⁰ The Cultural Revolution was marked by the creation of an intense climate of fanaticism and fear.²⁷¹ At some point the regular army and the radicals began to clash. Violence escalated.²⁷² Glover calls the Cultural Revolution one of this century's "great man-made catastrophes."²⁷³ He attributes it, and other of Mao's extravagant errors, to his belief in the total reconstructability of human life, to "large-scale thinking and lack of moral restraints."²⁷⁴

4. *Pol Pot's Cambodia: The Lotus Dies; No Moon Cushion*

"The Khmer methods do not require a large personnel, there are no heavy charges to bear because everyone is simply thrown out of town . . . [T]he Khmers have adopted the method which consists in overturning the basket with all the fruit inside; then, choosing only the articles that satisfy them completely, they put them back in the basket."²⁷⁵

labor in the countryside." *Id.* at 606. Spence informs us that the "combination of incessant indoctrination with hard labor" became the norm in Chinese villages during this period. *Id.* at 614. According to Spence, "[t]he extent of this outpouring of violence, and the rage of the young Red Guards against their elders, suggest the real depths of frustration that now lay at the heart of Chinese society." *Id.* at 606.

270. GLOVER, *supra* note 3, at 291. Cruelty, he says, was able to solicit unprecedented mass participation. *Id.* at 292. So intimidating was the general atmosphere that, according to Glover: "People feared stepping out of line even in their thoughts." *Id.* Glover characterizes the Cultural Revolution as an "unprecedentedly intrusive assault on any moral identity other than the permitted one." *Id.* at 296.

271. *Id.* at 284. Glover relates the story of a young Red Guard beating a kneeling, bloodstained woman while reciting the words of Mao: "Mercy to the enemy is cruelty to the people!" *Id.* at 291; *see also* DYER, *supra* note 64, at 141 ("Fear is not just a state of mind; it is a physical thing.").

272. SPENCE, *supra* note 236, at 611. Spence tells us that the numbers killed in these conflicts is unknown, "but there were eyewitness reports of rivers blocked with bodies, and many corpses washed up on the shores of Hong Kong." *Id.* Lynn White credits claims as high as one million people, but doubts the accuracy of claims as high as twenty million people. LYNN T. WHITE, POLICIES OF CHAOS: THE ORGANIZATIONAL CAUSES OF VIOLENCE IN CHINA'S CULTURAL REVOLUTION 7 (1989). Jing Lin believes the death toll should be established at approximately five million. JING LIN, THE RED GUARDS' PATH TO VIOLENCE: POLITICAL, EDUCATIONAL, AND PSYCHOLOGICAL FACTORS 2 (1991). Harry Harding says the events of 1967 took the lives of half a million Chinese. Harry Harding, *The Chinese State in Crisis, 1966-9*, in THE POLITICS OF CHINA: THE ERAS OF MAO AND DENG 148, 244 (Roderick MacFarquhar ed., 2d ed. 1997).

273. GLOVER, *supra* note 3, at 284.

274. *Id.* at 297-98; *see also* CONQUEST, *supra* note 1, at xi ("[H]umanity has been savaged and trampled by rogue ideologies.").

275. GLOVER, *supra* note 3, at 299 (*quoting* FRANCOIS PONCHAUD, CAMBODIA, YEAR ZERO 22 (1978) who, in turn is quoting a Khmer official, *Prachachat*, June 10, 1976).

"We went to Phnom Penh to search for enemies hidden there, and drive the people out. . . . We were told to tell the people to leave for three days, and that then they could return. We were told to shoot people who refused. Our group shot 2 or 3 families."²⁷⁶

"Everyone, including children, worked very hard, usually twelve-or thirteen-hour days, plus about six nights every month on particular tasks and occasional compulsory evening political meetings. . . . [T]he workday in the fields was sometimes extended by two or three hours of night labor. People were raised or demoted in the hierarchy according to whether their work was 'vigorous, medium or weak.' The system's demands on its subjects were so great as to divide and redivide them. . . . Base people suspected of crimes were regularly 'sent up to higher levels'—which meant death. . . . The base people lost faith one hundred percent."²⁷⁷

Mao and the People's Republic of China may not present a terror on the same scale as Stalin. And, in sheer numbers, the Cambodian death toll pales in comparison to the results in these prior two regimes. But, in its genocidal effects, and in the profundity of human sadness, no one has surpassed the terror of Pol Pot's government.²⁷⁸

Without a doubt the United States played a role in the international arena relevant to Chinese politics prior to the inception of the People's Republic of China.²⁷⁹ However, that role is dramatically overshadowed by the direct and unfortunate contributions made by the United States to the situation in Cambodia. The Democratic Kampuchea enterprise, the Pol Pot regime, the Khmer Rouge,²⁸⁰ had two major external enemies: the

276. BEN KIERNAN, *THE POL POT REGIME: RACE, POWER AND GENOCIDE IN CAMBODIA UNDER THE KHMER ROUGE, 1975-79*, 43 (1996) (quoting Chhin Phoeun).

277. *Id.* at 175-77.

278. When I wrote this sentence I had not yet read the book about Rwanda: PHILIP GOUREVITCH, *WE WISH TO INFORM YOU THAT TOMORROW WE WILL BE KILLED WITH OUR FAMILIES: STORIES FROM RWANDA* (1998). It may be that hyperboles about human sadness may always be out of place.

279. SPENCE, *supra* note 236, at 478-80, 484-91.

280. KIERNAN, *supra* note 276, at xi, xiii. DK is an abbreviation for Democratic Kampuchea, the formal name for the regime that governed Cambodia from 1976-1979. Democratic Kampuchea is synonymous with Pol Pot's regime at least insofar as during the existence of Democratic Kampuchea, Pol Pot and his party, the Communist Party of Kampuchea ("CPK"), were in control of the nation. The Khmer Rouge, or Red Khmers, is a broader term. It was once associated with the Khmer People's Revolutionary Party—the first viable communist

imperialistic United States and neighboring Vietnam.²⁸¹ The history of this Cambodian-Vietnamese enmity may lay rooted in French colonialism. It was the French who introduced the Vietnamese into Cambodian culture where they, like the Thai and Chinese, exercised an urbanizing influence on the more insular Cambodian society.²⁸² The history of Cambodian-United States enmity is short and horrific. From the early 1960s until the mid 1970s, United States policies resulted in the political and military destabilization of Cambodia.²⁸³ In this study of terrorism-through-

party to emerge on the Cambodian scene—in contrast to other associations of Khmers; Khmer being a general term for identifying Cambodian ethnicity. Later on the term became associated with Pol Pot's take-over. *Id.* at 13, 19, 25-26.

281. *Id.* at 3.

282. *Id.* at 4-6. Kiernan provides data that suggests Pol Pot's personal experience might have contributed to the animosity. When Pol Pot, then called Saloth Sar, was twenty, he was given a scholarship to study in Paris. *Id.* at 10. He and another Cambodian youth traveled together, first to Saigon, the largest city either had ever seen where according to Saloth Sar's companion they felt like "dark monkeys from the mountains." *Id.* On the other hand, Kiernan makes it clear that among left leaning Cambodian students studying in Paris during this period, nationalistic sentiments ran high enough to experience as offensive Vietnamese possessive claims to Angkor Wat, or suggestions that the visiting Ho Chi Minh was someone who shared their interests. *Id.* at 10-11. Regardless of its relatedness to Cambodian-Vietnamese relations, it is worth noting the influence the French connection played in the education of revolutionaries. While Mao himself did not study in Paris, some of his influential colleagues did. *See supra* note 242. Pol Pot and many of his cadre did receive a French education during which radicalization occurred. KIERNAN, *supra* note 276, at 26. So strong was this influence in Cambodia that Kiernan says, "[o]ver time the membership of the top CPK circle became increasingly restricted to the French-educated Pol Pot group." *Id.*

283. *Id.* at 16-17. Early contributing policies include: United States'—backing of French efforts to reestablish colonial domination of Cambodia and Vietnam; United States' attempts to encircle China; United States' escalations of hostilities in Vietnam that undermined Sihanouk's, Cambodia's head of state, attempts at neutrality. *Id.* at 16. In the early mid 1960s, the following policies were added: the massive military escalation of the United States involvement in Vietnam; troop commitments that rose from twenty thousand to three hundred thousand; and, the United States facilitation of a dramatic increase in Saigon's military force which recruited one hundred sixty thousand soldiers in 1965 as compared to forty five thousand the previous year. *Id.* at 17. The enormous demand for food, rice, promoted by these policies destabilized the agricultural economy upon which Cambodia depended, plunging Sihanouk's government toward bankruptcy. *Id.* The war itself had other consequences: Vietnamese communists intruded into Cambodian territory seeking refuge, while United States forces—mostly in the form of bombing and strafing—pursued them; almost twenty thousand ethnic Cambodians residing in Vietnam began flooding into Cambodia seeking refuge from the hostilities; United States Special Forces teams made "secret reconnaissance and mine-laying incursions into Cambodian territory"—almost two thousand of these casualty rich missions took place by spring of 1970; United States sponsored intelligence operations probed deeply into Cambodian territory; but the most serious were the bombing missions. *Id.* at 17-8. "100,000 tons of bombs were dropped" on Cambodia by United States forces by 1969. *Id.* at 18. During 1970-1973, these intrusive activities escalated: the rice crop continued to bleed into Vietnam; refugees continued to stream into Cambodia; soldiers continued to seek refuge in Cambodia with United States forces in pursuit; the frontier between Cambodia and Vietnam broke down; the eventual United States invasion of Cambodia exacerbated an already disastrous situation; bombing patterns increased so that "540,000 tons were dropped in the last six months" of the bombing

revolution it is not inappropriate to report, in this instance, the independent contributions of United States—inflicted terrorism through invasive bombing.²⁸⁴ United States sources were aware of the devastating affect these actions were having on the people of Cambodia. It is unlikely that informed officials underestimated the fearful carnage,²⁸⁵ what is more evident is their inability, or unwillingness, to acknowledge the political implications of this carnage.²⁸⁶

in 1973. *Id.* at 19. The high-end estimate approximates a death toll of six hundred thousand people from these bombings; ten percent of the Cambodian population. GLOVER, *supra* note 3, at 301. A low-end estimate approximates one hundred fifty thousand dead civilians from United States bombing between 1969 and 1973. KIERNAN, *supra* note 276, at 24. However many people actually died, the results were catastrophic to the Cambodians. *Id.* at 19.

284. KIERNAN, *supra* note 276, at 21. Kiernan quotes a March 1973 UPI report: "Refugees swarming into the capital from target areas report dozens of villages . . . have been destroyed and as much as half their population killed or maimed in the current bombing raids." *Id.* Kiernan quotes another commentator, William Shawcross, as labeling the result "wholesale carnage." *Id.* Kiernan also quotes Chhit Do, a CPK leader who later fled the country, as saying

[t]he ordinary people . . . sometimes literally shit in their pants when the big bombs and shells came. . . . Their minds just froze up and they would wander around mute for three or four days. Terrified and half-crazy, the people were ready to believe what they were told. That was what made it so easy for the Khmer Rouge to win the people over. . . . It was because of their dissatisfaction with the bombing that they kept cooperating with the Khmer Rouge, joining with the Khmer Rouge, sending their children off to go with them.

Id. at 23.

285. *Id.* at 24. Keirnan quotes a report to the United States army in July of 1973 stating: "[T]he civilian population fears United States air attacks far more than they do Communist rocket attacks or scorched-earth tactics." *Id.* Perhaps it is useful to be reminded of the official purpose of these bloody raids. "The decision to bomb was taken by Richard Nixon and Henry Kissinger, and was originally justified on the grounds that they were targeting North Vietnamese bases set up inside Cambodia." GLOVER, *supra* note 3, at 301. Admittedly, the United States did not plan to terrorize or slaughter whole segments of the Cambodian population. On the other hand, the United States was not without intelligence apparatus. See KIERNAN, *supra* note 276, at 24. Kiernan cites a United States Department of Defense Intelligence Information Report detailing the extent of one raid's impact on a civilian village and warning that "the Communists intend to use this incident for propaganda purposes." *Id.* Kiernan cites another United States intelligence source as reporting, "aerial bombardments against the villagers have caused civilian loss on a large scale" and then warning that peasant survivors "were turning to the CPK for support." *Id.* at 20.

286. KIERNAN, *supra* note 276, at 24-25. Kiernan quotes Kissinger as pondering, as late as 1974, whether the Cambodian insurgency—the general Khmer Rouge—was regional and factionalized with a veneer of centralized control or whether real power now lay with the Pol Pot center. *Id.* at 25. The irony, or as Kiernan labels it, the tragedy, is that until 1972 regionalization and factionalization did characterize Cambodian communist forces; United States policies pursued by Kissinger and Nixon "were largely responsible" for the shift of power from this dispersion to Pol Pot. *Id.* For Kiernan, "[t]he popular outrage over the United States bombing, predictably manipulated by the CPK," lay at the heart of Pol Pot's ability to seize control of Cambodia. *Id.*

Regardless of how successfully denial functioned for United States government officials,²⁸⁷ in Cambodia an organization that in 1969 had only four thousand members was able, by 1975, to supercede competing forces and seize control of the Cambodian government.²⁸⁸

The relentless terror inflicted by that government might not be thinkable had it not been realized. Its terroristic strategies, like those of the French, the Russians, and the Chinese, arose from seemingly beneficial seeds. Arendt identified the seeds in France with the extreme wretchedness of the people's condition.²⁸⁹ The Russians thought of their seeds as Marxist, and eventually as Marxist-Leninist, and, of course, they thought of Marxist-Leninism as serving the best interests of the people.²⁹⁰ The Chinese, too, understood themselves as rooted in this soil.²⁹¹ As early as 1976, Democratic Kampuchea proudly announced itself ahead of "other Asian communist states, having 'leaped' from feudalism to a socialist society straight away."²⁹² Unthinkably horrific as the Pol Pot regime's actions might have been, they were born out of the same hope for a better world as these other revolutions.²⁹³

287. GLOVER, *supra* note 3, at 301, reports Roger Morris, a member of Kissinger's staff, as saying:

Though they spoke of terrible human suffering reality was sealed off by their trite, lifeless vernacular: 'capabilities', 'objectives', 'our chips', 'giveaway'. It was a matter too of culture and style. They spoke with the cool, deliberate detachment of men who believe the banishment of feeling renders them wise and, more important, credible to other men. . . . They neither understood the foreign policy they were dealing with, nor were deeply moved by the bloodshed and suffering they administered to their stereotypes.

Id. Kiernan quotes Kissinger as saying long after the events: "We destabilized Cambodia the way the British destabilized Poland in 1939. . . . It was Hanoi—animated by an insatiable drive to dominate Indochina—that organized the Khmer Rouge long before any American bombs fell on Cambodian soil." KEIRNAN, *supra* note 276, at 24.

288. GLOVER, *supra* note 3, at 300-01. "Although it was indigenous, Pol Pot's revolution would not have won power without United States economic and military destabilization of Cambodia . . . [which] peaked in 1969-1973 with the carpet bombing of Cambodia's countryside. . . . This was probably the most important single factor in Pol Pot's rise." KIERNAN, *supra* note 276, at 16.

289. *See supra* note 67.

290. *See supra* notes 160-164 and accompanying text.

291. *See supra* note 241.

292. KIERNAN, *supra* note 276, at 25-26.

293. ARENDT, ON REVOLUTION, *supra* note 17, at 111.

Necessity and violence, violence justified and glorified because it acts in the cause of necessity, necessity no longer either rebelled against in a supreme effort of liberation or accepted in pious resignation, but, on the contrary, faithfully worshipped as the great all-coercing force which . . . in the words of Rousseau, will "force men to be free."

Id. Norman Cohn, in later editions of *The Pursuit of the Millennium*, claimed that Communism and Nazism had been inspired by archaic fantasies.

For me, the process of bringing change, or more accurately, of attempting to bring change-through-terror, to populations in revolutionary contexts is part of the fascination of this study. What I want to know is how and why, in the name of serving the people, so many of the intended beneficiaries are deliberately slaughtered or carelessly subjected to terrifying life threatening treatments.²⁹⁴ Why is it that killing and fear became the strategies of choice for achieving social change? Earlier in the article, observing revolutionary leaders attempting to change societies by requiring people to conduct themselves in accordance with ordained ideas, I said that the problem of dramatic social reconstruction may appear solvable at the level of ideas.²⁹⁵ At the ideation level of abstraction, it may seem that the population needs re-education; it may be

As with the chiliastic movements of centuries long past, modern revolutionaries have . . . claimed to be charged with the unique mission of bringing history to its preordained consummation . . . 'a restlessly dynamic and utterly ruthless group which, obsessed by the apocalyptic phantasy and filled with the conviction of its own infallibility, set itself infinitely above the rest of humanity and recognised no claims save that of its own supposed mission.'

CONQUEST, *supra* note 1, at 75.

Their guilt 'is not mitigated by the fact that they believed their aim to be a good one; they must be judged ultimately by reference to the cause to which they dedicated themselves . . . the lie that betrays him is a lie in the soul; that the causes men dedicate themselves to . . . reveal the kind of person that they really are.'

Id. at 132 (quoting John Sparrow).

294. Arendt says "[a]ll rulership has its original and its most legitimate source in man's wish to emancipate himself from life's necessity, and men achieved such liberation by means of violence, by forcing others to bear the burden of life for them. This was the core of slavery." ARENDT, ON REVOLUTION, *supra* note 17, at 110. It makes some sense for me to quote this statement by Arendt here in the preliminary comments to an investigation into the Pol Pot regime since, in the end, I conclude that what occurred in Cambodia during his government was a particularly terroristic form of enslavement. However, I am not convinced of the inevitable accuracy of this Arendt observation. What I am convinced of is the appropriateness, in this context, of its introduction. Another idea worth pondering during the remainder of the paper is set forth in CONQUEST, *supra* note 1, at 233, where Conquest quotes Douglas North, Nobel Prize winner in economics, as saying, "[t]he price you pay for precision is inability to deal with real-world questions." This idea is appropriately introduced because my (our) desire for accurate responses to the disturbing questions of our times may move us to seek precision when what would be more useful is an increased ability to "deal with real-world questions." *Id.*

295. PIPES, *supra* note 158, at 24-25, claims that these ideas were conceived during the Enlightenment, incubated by the "patriotic" clubs of France in the mid 1700s, quickened by Marx, then infused, by generations of "intelligentsia" acting as professional revolutionaries, into political events in Europe, Asia and elsewhere. See also HEGEL: TEXTS AND COMMENTARY 62 (Walter Kaufmann trans. & ed., Univ. of Notre Dame Press 1977) (1807) [hereinafter HEGEL] ("Regarding historical truths . . . insofar as their purely historical aspect is considered . . . they concern particular existence and the accidental and arbitrary side, the features that are not necessary.").

believed that the strength of the new will emerge in and from a process of purification.²⁹⁶

Revolutionary faith posits that beliefs can be changed when the supportive network of institutions and ideas is radically modified,²⁹⁷ this is an aspiration widely shared by many social reformers.²⁹⁸ No one was more committed to the realization of this idealization than Pol Pot and his cadre.²⁹⁹ The regime initiated the change by emptying, literally emptying, the capital city.³⁰⁰ Other cities were

296. See GLOVER, *supra* note 3, at 306 on the situation in Cambodia:

There was a lot of talk of 'purification,' with political 'enemies' being likened to causes of disease. One report, probably by Pol Pot, said: '[T]here is a sickness inside the Party . . . We cannot locate it precisely. The illness must emerge to be examined . . . we search for the microbes without success. They are buried. As our socialist revolution advances, however, seeping more strongly into every corner of the Party, the army and among the people, we can locate the ugly microbes.'

297. See *supra* notes 156 & 157 and accompanying text.

298. PIPES, *supra* note 158, at 21-25. See *supra* note 158-160 and accompanying text, (stating that the intelligentsia fed on materialistic beliefs that conceive of human beings almost entirely as creatures of changeable environments, and understanding people in this way produces social engineering based strategies). Adherents reason that as environments change, the humans who experience them will also change; perfect environments will create perfect, or close to perfect, human beings; while imperfect, defective environments inevitably create imperfect, defective people. PIPES, *supra* note 158, at 21-25. Hence, to them, human misery is a correctable condition that can be, indeed needs to be, addressed at the level of social systems. *Id.* Create the right social system, populate it, enforce its structures, and people will be extracted from wretchedness. *Id.* Glover tells us about the Cambodians,

As with the social experiments of Stalin and Mao, the case for all this was a consequentialist one. It was thought acceptable to destroy things people valued, such as family, religion and the traditional culture. It was thought justifiable to kill so many and to put such pressure on those left alive. The belief was that these things would further the Revolution, which in turn would produce a state 'overflowing with harmony and happiness.'

GLOVER, *supra* note 3, at 305. Such social experimentation had not previously been performable:

This century has in fact been the first in which the groups taking over countries had the power to use state machinery to impose doctrinally produced errors on the whole of society. . . . [I]t finally became technically possible to control an entire society and eventually to pervade it fully with the regime's propagandas and its terrors.

CONQUEST, *supra* note 1, at 81.

299. Pol Pot and his cadre formed a closed caste of professional revolutionaries very much akin in spirit to the "People's Will," the early Russian organization dedicated to political terror; both groups in the name of the people were capable of ignoring the beliefs or the needs of the people. See *supra* note 166 and accompanying text.

The Party's Four-Year Plan said, 'technology is not the decisive factor; the determining factors of a revolution are politics, revolutionary people, and revolutionary methods.' Pol Pot himself said, 'Formerly to be a pilot required a high school education- twelve to fourteen years. Nowadays, it's clear that political consciousness is the decisive factor.'

GLOVER, *supra* note 3, at 304.

300. Recall earlier in the paper when I said:

Because the overall theme of my research is an investigation into

also evacuated.³⁰¹ These evacuations, while publicized as

the terrorism that grows out of this revolutionary tradition, I hoped to draw connections through the fervent wish for liberation; if I insist on this image, like a bulimic, we would experience liberation through the process of purge. And . . . when we purge, we rid ourselves of more and more of the facts and artifacts of human life. When we finally move . . . to Pol Pot's regime in Cambodia, we will find that purging an entire city of its population and purging, that is exterminating, an entire quarter of a nation's people is both possible and not enough.

Supra text accompanying note 231. The purging began, as a public event, in Cambodia with the policy of evacuating the urban areas. KIERNAN, *supra* note 276, at 33-64. Kiernan describes in detail the communications confusions associated with this policy, "[t]ransmission of the evacuation order took time, and it reached different Zone units in different versions." *Id.* at 33. However, the confusion in military directives only exacerbated the burdens of the confused denizens of Phnom Penh who, for the most part, on short notice were crudely ordered to leave. *Id.* at 38. As one observer reports, people were told: "The inhabitants who put up resistance or refuse to take to the road will be liquidated, as enemies of the people." *Id.* Kiernan not only describes the confusion at the level of military command, he ably gives eye-witness accounts to reveal the accompanying chaos. *Id.* at 39-47. To quote a small sampling,

Ping Ling, an ethnic Chinese engineer, left his . . . home . . . 'with bullets whooshing past from everywhere.' A large group of Khmer Rouge stopped him and his companions and began searching their belongings. Then another group approached and yelled, 'let them move on!' Ping Ling comments: 'Those surrounding us' stared at this second group with defiance in their eyes. . . . It seems there is restrained violence between these two groups. It seems the second group [was] keen on our leaving the city fast.' Later that day, in the city's northern suburbs 'we came across another group of Khmer Rouge this time wearing khaki uniform. . . . We were told by them to return back to the city.' Unsure [of] what to do, Ling and his companions waited, 'trying to catch our breath.' But soon afterwards, 'out of nowhere a loud-speaker blared out at us, ordering everyone to move on, followed by machine gun firing.'

Id. at 42. Another eye-witness describes,

'a lot of confused people on the tops of buildings and in the street, not knowing where to go.' Four or five soldiers were firing shots, ordering them along, calling everyone out into the street. Enormous crowds filled the roadways, swaying en masse under the pressure. At one point, Khmer Rouge fired an M-79 grenade into the crowd. . . . The crowd panicked, and people ran in all directions.

Id. at 44. Yet another observer recounts:

[p]atients driven out of the hospitals were pushed in their hospital beds by relatives, who 'struggled with the beds, like ants with a beetle,' some 'with plasma and drip bumping alongside.' Limbless Lon Nol soldiers [from the prior regime] hobbled and crawled with the crowd. 'I shall never forget one cripple who had neither hands nor feet, writhing along the ground like a severed worm, or a weeping father carrying his ten-year-old daughter wrapped in a sheet tied round his neck like a sling, or the man with his foot dangling at the end of a leg to which it was attached by nothing but skin.'

Id. Kiernan gives us more information about the immediate follow-up to the evacuation. He interviewed at least one hundred people involved. They were able to describe the experience of thirty-six different groups of evacuees: "the thirty-six groups set out from the city and walked west, south and east into the countryside for various lengths of time ranging from several days to six weeks." *Id.* at 48. Kiernan reports that the death toll from this single event, the evacuation of a city of approximately 2 million inhabitants, was nearly twenty thousand. *Id.* at 49.

temporary, were intended as permanent.³⁰² They were part of an eight-point program. The eight points were: 1) evacuate the people from all towns; 2) abolish all markets; 3) abolish the Lon Nol regime's currency and withhold replacement currencies; 4) defrock Buddhist monks and put them to work growing rice; 5) execute the Lon Nol leadership; 6) establish cooperatives in the countryside with mandated communal eating; 7) expel the Vietnamese; and 8) dispatch troops to the Vietnamese borders.³⁰³ Additionally, the plan was to condense the development of the nation's industry and agriculture into a ten to fifteen year period and to use this period to create a genuine socialist society by screening, that is killing, anyone unable to achieve the requisite level of purity.³⁰⁴

In the first year of the regime, China emerged as the "paramount external power in Cambodia."³⁰⁵ Cambodia, previously the refuge for people seeking shelter from the violence of Vietnam, began leaking refugees into surrounding countries.³⁰⁶ Returnees, mostly intellectuals, were treated to twenty-day political education courses designed to introduce them to the regime's beliefs about themselves and the outside world.³⁰⁷ They, however, like so many of their fellow citizens, ended up as indentured agrarian servants, and, most likely, the victims of genocidal terror.³⁰⁸ In accordance with the eight-point program money was abolished.³⁰⁹ The idea was

301. KIERNAN, *supra* note 276, at 39-49.

302. *Id.* at 53, 58. "The evacuation was . . . a sea change in Cambodia's political demography, facilitating both ethnic cleansing and the acquisition of totalitarian power. . . . [W]ithout towns . . . citizens became far more easy to control." *Id.* at 64. Kiernan quotes a CPK publication: "We evacuated the people from the cities which is our class struggle." *Id.*

303. KIERNAN, *supra* note 276, at 55. Wiping out money and markets was designed to wipe out all private property, while defrocking the monks was a step toward wiping out religion. *Id.* at 57. The problem of Vietnam was never solved. In fact, it was Vietnam that eventually facilitated the coup d'etat that toppled Pol Pot from power. *Id.* at 441-55.

304. *Id.* at 56. "The Khmer Rouge's ultimate concern was the purity of the society." GLOVER, *supra* note 3, at 303. As announced in its Four-Year Plan, the objective was, in part, to "[c]ontinue the struggle to abolish, uproot, and disperse the cultural, literary and artistic remnants of the imperialists, colonialists, and all of the other oppressor classes." *Id.* Glover offers us as a telling slogan the refrain, "[d]ry up the people from the enemy." *Id.* at 302.

305. KIERNAN, *supra* note 276, at 134. Pol Pot was inspired by the Chinese Revolution. He is reported by Glover as saying,

Comrade Mao[s] works and the experience of the Chinese revolution played an important role . . . particularly under the guidance of Comrade Mao[s] works, we have found a road conforming with the concrete conditions and social conditions of our country . . . we have creatively and successfully applied Mao[s] thought.

GLOVER, *supra* note 3, at 304. Glover reports that Pol Pot visited China during the Cultural Revolution and following the capture of Phnom Penh. *Id.*

306. KIERNAN, *supra* note 276, at 142 (describing the exodus to Thailand).

307. *Id.* at 147-56.

308. *Id.* at 156.

309. *Id.* at 147.

for everyone to transform himself/herself into a peasant.³¹⁰ Indefinitely indentured to China's economy, Democratic Kampuchea relied on turning its population into an unpaid, underfed, overworked labor force to survive.³¹¹ It resulted in depriving Cambodian peasants of the three most cherished features of their lifestyle: their land, their families, and their religion.³¹² Life in the countryside was marked by extremely demanding daily production targets, barely adequate rations, the establishment of communal eating, repeated deportations and massive population movements, dwindling medical supplies, the ongoing terror of executions, trends toward increasing harshness, and the emergence of the brutality which was to become the hallmark of the regime.³¹³

310. *Id.* at 149 n.238. Kiernan reports Michael Vickery's interpretation: "It was . . . a complete peasant revolution. . . . [N]ationalism, populism and peasantism really won out over communism. . . . [It was] a victorious peasant revolution, perhaps the first real one in modern times." *Id.* at 164. Kiernan further quotes Vickery as claiming that the DK was "pulled along" by "the peasant element." *Id.* Echoing Arendt's explanation of Robespierre's role in the French Revolution, according to Kiernan, Vickery's thesis is that the Center, that is the CPK, Pol Pot's political party, was itself comprised of

middle-class intellectuals with such a romantic, idealized sympathy for the poor that they did not imagine rapid, radical restructuring of society in their favour would lead to such intolerable violence. . . . [T]hey did not foresee, let alone plan, the unsavory developments of 1975-79. They were petty bourgeois radicals overcome by peasantist romanticism.

Id. at 165. Kiernan disagrees with Vickery. He proposes an alternative explanation wherein Pol Pot and his closest associates directed affairs, or rather, misdirected affairs so that in the end, "DK mismanagement had simply been so serious that not even peasants could survive." *Id.* at 165-66. On the other hand, Kiernan does not disclaim that early on the regime enjoyed widespread peasant support. *Id.* at 167. For these supporters, "in 1975-76," Kiernan reports, "nationalism was pervasive, victory sweet, hope millennial." *Id.* at 213. What he goes on to say, however, is that by 1977, "the DK system was so tightly organized and controlled that little spontaneous peasant activity was possible." *Id.* at 212.

311. *Id.* at 163. "Economically, the country had become one, 'gigantic workshop' of indentured agrarian labor." *Id.* at 164. Reflecting Arendt's work on totalitarianism, Kiernan reports that initially, in the process of turning Cambodians into unpaid indentured workers, each individual in the massive labor gangs was assigned and individualized daily production target as the "CPK atomized its citizens to assure maximum social control." *Id.* at 167.

312. *Id.* at 167.

[E]merging kinship structures were a departure from traditional peasant society, which had 'no larger organized kin groups beyond the family or household.' The deliberate social classification resembled a census, a process characteristic of modernity, not of peasant community. Multilayered, carefully calibrated, rigidly institutionalized, the new DK caste system had as little to do with peasant class politics as the new centralized labor management system had to do with peasant farming.

Id. at 186; see also *id.* at 215 ("Along with massacres that threatened peasant life itself, it was the CPK's attack on the family that alienated peasant supporters.").

313. *Id.* at 173-80; conditions in the Southwest Zone are discussed at 168-204. For example,

Two hundred families walked sixty kilometers on a can of rice (250 grams) per person. Some died on the trek. The rest arrived at their destination to be told that there were no trucks to take them on, and they would all have to go back! More died. Back in Bati they found crowds of

Conditions deteriorated.³¹⁴ While in some areas the starvation of 1976 eased, it was replaced by large-scale killings.³¹⁵ In other areas, hunger and starvation remained a fact of life.³¹⁶ The loss of children was often added to unthinkably burdensome work requirements and obligatory communal eating.³¹⁷ The CPK

new people 'from all over Region 33.' There was no food for them, and many more died waiting a week in the rain. . . .

Id. at 179.

We worked incessantly. . . . It all depended on them. There was no rest time. . . . They said they were going to raise the living standards of the poor, so they won. But when they took over they collectivized everything: cattle, buffalo, plates, everything . . . they put it all in one place. You could only eat what you were given. . . . And, anyone suspected of not being happy with them, they killed.

Id. at 185.

[T]he CPK had 'executed more people in 1975 than in 1976.' However, 'death from disease and malnutrition—most likely in combination—was greater in 1976 than in 1975.' A DK official . . . [later] reported that by August 'the whole of western Cambodia, as well as the southwest region, was suffering from famine, and there was widespread starvation in Kampot.' Worse was to come.

Id. at 193. *Id.* at 205-09 (describing conditions in the Eastern Zone). *Id.* at 216-20, 224-26, 232-36 (describing the Northwest Zone). For example,

[I]n 1976 many people in [the] . . . area died of disease, though there was no starvation. . . . However, food ran out before the harvest, and famine struck late in the year. Four hundred of the eleven hundred people in the village died in November and December 1976. . . . The population of one cooperative in Preah Net Preah district fell from 5,017 to only 2,982 in November. . . . One reason for the 1976 starvation was the center's demand for rice for its own staff and for export to China.

Id. at 235. "All the intellectuals working with the Region 5 committee were to be killed, San says. 'Most of us were killed in early 1976.'" *Id.* at 232.

314. *Id.* at 237 ("[L]ife was tougher and tighter than before. We worked day and night. Rations fell."). "By the end of 1977, of the Region 5 chalat workforce of fifteen thousand, fewer than seven thousand remained. Women no longer menstruated." *Id.* at 239. Kiernan reports, reiterating the Arendt totalitarian theme: "'Happy' collective work . . . came to an end in 1977: individual daily harvesting targets now had to be completed in order to receive food. The practices of collective cooking and reduced collective work were only superficially inconsistent. Both gave the authorities greater control over the population." *Id.* at 243.

315. *Id.* at 188. For example,

The new subdistrict chief . . . hated and starved the new people. . . . According to Uch, 70 percent of the population of Koh Touc subdistrict perished. . . . [The] Koh Touc subdistrict became home to one thousand new people in 1975, all of whom perished in Democratic Kampuchea.

Id. at 195-96. And, "in 1977-1978, the rate of killings more than doubled." *Id.* at 204. "[T]he number of killings increased. San reports that the Southwest executed the local cadres, then killed their wives and children; they said this practice 'avoids vengeance.'" *Id.* at 241. Kiernan reports that in the Northwest, the most seemingly benign of the regime's regions, "in 1977, the [death] toll probably exceeded one hundred thousand, as massacres escalated to the highest levels ever." *Id.* at 246.

316. *Id.* at 240 ("By late 1977, a daily can of rice was shared among five people. People dropped like flies."). Kiernan cites another eye-witness who reports, "in 1977 food began to be taken away." This apparently led to "starvation on a large scale" in 1977-78." *Id.* at 243.

317. *Id.* at 189. "[I]n early 1977, children aged three and over were taken from their homes

government, the Center, sought absolute power.³¹⁸ Ethnic cleansing was an important attribute of their program.³¹⁹ The emphasis on purity became an obsession.³²⁰ The Center began splintering; an

to a children's center. . . . Those aged ten and over were sent to worksites." *Id.* at 195.

318. *Id.* at 245. "[F]rom late 1976 we were forbidden to sing," reports an eye-witness, "[due to] the villagers' tendency to make subversive readings of the lyrics of CPK songs." *Id.* at 247. Again, supporting Arendt's thematic description of totalitarianism, Kiernan opines:

Angkar's overweening presence seems to have denied some peasants any experience of personal space or time, to which they could withdraw and consider their verdict on Democratic Kampuchea. They thus drew no distinction between their own private and Democratic Kampuchea's official views. Asked if they had personally liked the CPK, some peasants have replied, "Of course, we had to like them, we had no choice!" . . . A Cham villager describes his experience this way: "They could beat us if they felt like it, even if we obeyed their laws. There were no laws. If they wanted us to walk, we walked; to sit, we sat; to eat, we ate. And still they killed us. It was just that if they wanted to kill us, they would take us off and kill us."

Id. at 250. In CONQUEST, *supra* note 1, at 74, the author refers to totalitarianism as a system of governance in which, "the state recognizes no limits to its authority in any sphere, and in practice extended that authority wherever remotely feasible." Later on he says:

We see the state as a mechanism for enforcing the legal order. . . . This notion of the state is wholly different from that of the totalitarian. . . . For them the state is the possessor of total power over its subjects, and it is the practical embodiment of the ideological fantasies and intentions of the rulers.

Id. at 202.

319. KIERNAN, *supra* note 276, at 251-309. The racism of the Khmer Rouge is an important thesis in Kiernan's book. According to his figures, peoples of various non-Khmer ethnicity made up approximately twenty percent of the Cambodian population at the time the CPK came to power. *Id.* at 251. He estimates that total population figure to be slightly under eight million people in 1976. *Id.* at 210. Inferentially, this would yield an ethnic minority population of approximately one and one-half million people. Subjected to particularly harsh treatment even by DK government standards, Cham-Cambodian Muslims, Chinese, Vietnamese, Thais, Laotians, and various tribal minorities experienced death tolls that frequently exceeded 50%. *Id.* at 294, 307.

320. GLOVER, *supra* note 3, at 306. Glover also compares Cambodian purging to the actions of the French, Russian, and Chinese revolutionary predecessors. While these prior regimes were obsessed with ferreting out and eliminating traitors, in Cambodia, guilt was presumed. The obsession with purity is apparent in the government's comparison of people as "rotten fruit:"

Frequent emphasis was placed on the need for drastic measures to protect the purity of the Revolution from contamination by rotten fruit. On radio and at meetings the slogans echoed the theme: 'What is infected must be cut out,' 'What is rotten must be removed,' and 'It isn't enough to cut down a bad plant, it must be uprooted.'

Id. Tuol Sleng, the most notorious of the Cambodian death camps, was one result of this obsession with purity and purification. *Id.* at 308. Glover says that the obsession with enemies grew, until it became apparent that the struggle against enemies would be a permanent feature of life. *Id.* at 307-308. In Cambodia, he says, this realization was nurtured and applauded. *Id.* at 308. Camps were established to house the constant flow of enemies; these camps were places where the enemies could be tortured, could confess, and could be executed. *Id.* Glover calls Tuol Sleng, "a place of appalling cruelty," and well kept records. *Id.* Kiernan also discusses Tuol Sleng and its function within the *Santebal*, or Special Branch, calling it the "nerve center of the purge apparatus." KIERNAN, *supra* note 276, at 314-16.

attempt was made on Pol Pot's life, thus irritating the already insatiate need for control.³²¹ Arrests increased.³²² Relations with Vietnam and other bordering countries slipped from guarded caution, into open aggression.³²³ "Genocide gathered speed;"³²⁴ in efforts to assert control, whole districts or Zones were evacuated.³²⁵

321. KIERNAN, *supra* note 276, at 319-23. "The Party . . . adopted 'a framework of procedures for implementing our revolutionary authority' . . . entitled . . . The Authority to Smash [people] Inside and Outside the Ranks." *Id.* at 320. "The rate of arrests skyrocketed in late 1976." *Id.* at 335. Pol Pot is quoted as saying: "Don't be afraid to lose one or two people of bad background. . . . Driving out the treacherous forces will be a great victory. . . . Everyone must be verified." *Id.* at 336. Kiernan reports that approximately sixty five hundred prisoners were "smashed" at Tuol Sleng in 1977, about four times the 1976 total. *Id.* at 355-56. By mid-year 1978, more than fifty five hundred had already entered this camp. *Id.* at 355 n.121. "[T]roops in the Phnom Penh area were forbidden to have any contact with the population." *Id.* at 353. At least two attempts were made to poison Pol Pot. *See id.* at 321, 353. Kiernan reports, as part of his description of massive repression, an eye-witness describing the results of a demonstration: "There were killings throughout 1977. . . . They started arresting and executing people, one after another. . . . People were put on trucks and taken away, night and day. . . . There was no prison. People were just killed." *Id.* at 342.

322. *Id.* at 350.

323. *Id.* at 357-66. "Phnom Penh radio charged that entire 'generations of Vietnamese' had 'devised' cruel strategies 'to kill the Cambodian people' and 'exterminate' them. Vietnamese were alternatively called the 'historic enemy' and Cambodia's 'hereditary enemy.' *Id.* at 366. *See also id.* at 366, 373-76, 386-92 (describing further relations with Vietnam); *see id.* at 366-68 (describing relations with Thailand); *see id.* at 368-69 (describing relations with Laos).

324. *Id.* at 353. "[A]s the genocide gathered speed, more and more of the victims, even at the nerve center of the repression, were nonpolitical. . . . Instability persisted even as mistrust spread." *Id.* Kiernan reports that purges in the Eastern Zone during 1978 resulted in the massacre of between one hundred and two hundred fifty thousand people. "Vickery calls [it] 'by far the most violent event of the entire DK period.'" *Id.* at 404-405 n.67.

325. *Id.* at 405-16 (discussing conditions in the Eastern Zone). Color coded scarves were used to identify the deportees, "no one besides the Eastern evacuees wore blue scarves. . . . [I]t was a 'sign' for people to be 'killed off.' After a month or two, easterners realized the deadly significance of the blue scarves and stopped wearing them." *Id.* at 407. "In Sandan district, according to one account, 19,000 out of 20,000 deportees perished." *Id.* at 409. "During his evacuation . . . in 1978, Ngoy Taing Heng claims to have witnessed the murder of more than six thousand people, when Khmer Rouge deliberately blew up three large boats." *Id.* at 411. And, "[o]f the seven thousand people on the train, three thousand were selected." *Id.* Further, "[i]n mid-1978, three thousand Prey Veng people came to our cooperative. . . . Two months later they were all executed. . . . [We were informed that] the Eastern Zone people were 'sick' . . . none could be spared, they would be completely 'cleaned up.'" *Id.* at 412. Kiernan also covers treatment of the Northwest Zone. *Id.* at 416-23. According to one of the cadre, "the 1978 killings, the worst he had known . . . took the lives of ordinary base people for the first time." *Id.* at 419. And, "each evening for a week, these women would take twenty to thirty prisoners out, kill them, and throw their bodies into pits." *Id.* at 418. "Of the ninety thousand people in the whole of Preah Net Preah district at the end of 1976, just over sixty thousand survived two years later." *Id.* at 421. Kiernan covers the treatment of the Southwest Zone. *Id.* at 423-36. One villager reports, "All Vietnamese and Chinese were rounded up and wiped out." *Id.* at 424.

DK raiding parties from the Southwest kidnapped thousands of Khmer Krom from their villages inside Vietnam. . . . [c]lassed as 'depositees' [they] work[ed] twelve hours per day. The rice they produced was taken away . . . the workers subsisted on gruel . . . starvation wiped out a hundred families.

A half million refugees fled the country.³²⁶ Increasingly, the leadership relied on kinship rather than ideological relations.³²⁷ Hanoi invaded.³²⁸ Phnom Penh was again emptied.³²⁹ Retreating DK forces continued to destroy the land³³⁰ and slaughter the population,³³¹ but the time of this regime had come to an end. The new People's Republic of Kampuchea gradually assumed power.³³²

Harold Lasswell once said, "[s]oldiers are the tradesmen of killing, but officers are the managers of violence."³³³ The violence in Cambodia was intense and, in some sense, managed. Yet, for the most part it was neither the violence of war nor the violence of crime management.³³⁴ It seems strikingly similar to the violence associated with warlords.³³⁵

IV: CONCLUSION

A. *Fruits of the Poisonous Tree*

"One learns that what one supposed was not what one was supposed to suppose."³³⁶

"Historical study is only fruitful for the future if it follows a powerful life-giving influence, for example a

Id. at 425-26. "1978 was the worst year for killings of Chams, whom Southwesterners singled out for execution." *Id.* at 428. Kiernan quotes an eye-witness as saying, "[a]nyone they suspected of not being happy with them, they killed." *Id.* at 434.

326. *Id.* at 441-42. Four hundred thousand relocated in Vietnam. One hundred thousand relocated in Thailand. *Id.* at 442.

327. *Id.* at 437. "Nearly all public positions are . . . held by the Pol Pot-Ieng Sary group, their wives, or people unknown to outsiders or using aliases." *Id.* at 443.

328. *Id.* at 450.

329. *Id.* at 451.

330. *Id.* at 453.

331. *Id.* at 454.

332. *Id.* at 455.

333. DYER, *supra* note 64, at 131.

334. See Feldman, *supra* note 31, at 484-85 (concluding at least in the context of terrorism, it is not necessary to choose between the war-crime dyad. Instead, he suggests we reexamine and, perhaps, reformulate the framework we use for addressing international terrorism.).

335. See *Rise of Warlords*, THE CORNER, at <http://www.thecorner.org/hists/china/warlords.htm#THE WARLORDS> (last visited Feb. 15, 2003) (an online history forum) for a general definition of warlord. "A warlord was a commander of a personal army, ruling a territory, and acting more or less independently. . . . [T]he warlords exploited the people." *Id.* In reference to how warlords governed their respective territories: "[F]or the most part they governed with terror. . . . Administration was carried out with violence and force." *Id.* The term 'warlord' is often associated with China. *Id.* See also 19 OXFORD ENGLISH DICTIONARY 913-14 (2d ed. 1989) (referring in one of its definitions to the 1916-1928 period of Chinese history). However, China is not the only referent for the term. The same dictionary begins by quoting an 1856 tract by Emerson "Piracy and war gave place to trade, politics, and letters; the war-lord to the law-lord." *Id.* at 913.

336. HEGEL, *supra* note 295, at 96.

*new system of culture; only, therefore, if it is guided and dominated by a higher force, and does not itself guide and dominate.*³³⁷

*“The sorts of beings we presume ourselves to be define the sorts of orders we may recognize and deem important.”*³³⁸

In this project, I took upon myself an inquiry into the history of terrorism. During the project, I have learned far more about genocide than I wanted to know. I have learned far more about the current horrors occurring in the ordinary lives of citizens throughout the world than I wanted to know. I have learned more about the structure of the modern political world than I wanted to know. I have learned far, far more about the role of governments in the seemingly endless torture and slaughter of men, women and children than I ever wanted to know. And, I have learned to proceed with extreme caution when thinking, let alone speaking, about terrorism. I have reached the following conclusions.

First, for myself, I have little doubt that the Pol Pot regime attempted to enslave the population. I believe Lenin and Stalin also endeavored, in the name of Revolution, to enslave the peoples of the Soviet Union. While I doubt that any of the named individuals would have understood himself as aligned with the awful history of the African slave trade and slave ownership in the Americas, the flavor of those practices infuses their conduct.³³⁹ While nothing

337. STANLEY V. MCDANIEL, *THE PHILOSOPHY OF NIETZSCHE* 224 (1965).

338. David Hall, *From: “Modern China and the Postmodern West,”* in *FROM MODERNISM TO POSTMODERNISM* 698, 703 (Lawrence E. Cahoon ed., 1996).

339. 15 *OXFORD ENGLISH DICTIONARY* 668 (2d ed. 1989) (defining “slavery” as a form of servitude or bondage, as the condition or fact of being entirely subjected to or under the domination of some power). From the same source, “slave-drive” is defined as demanding “hard or servile labor.” *Id.* Also—and this is in part my point—“to demand an excessive amount of work from (a person).” *Id.* In the cases of the Russian, Cambodian, and perhaps the Chinese Revolutions, the amount of work demanded from people was grievous enough to cause the death of significant portions of the population. *See, e.g., supra* note 224 (referring to Stalin’s “army of unpaid laborers”); *supra* notes 259 & 265 and accompanying text referring to the exploitation of the Chinese peasants; *supra* notes 311, 313, & 317 (referring to the ‘work to death’ policies of the Pol Pot regime in Cambodia). Because of the unfortunate history of the United States, my immediate association to slavery is with the concept of the capitalization, in the form of human ownership, of people. This perspective obscured for me the fact that this capitalization could appear in various forms. The willingness to take advantage of people in order to advance a particular social or political theory, when extended to the degrees noted in these revolutionary settings, connotes an attitude of rightful domination, an attitude of justifiable exploitation in which the humanity of the exploited is sufficiently discounted by the exploiter to generate enslavement. I believe, because of my own country’s history, that I am not only sensitive to the presence of this category of treatment, but profoundly saddened by it.

could have been further from my thoughts when I began this research, what began as a study of terrorism seems to be ending with an emphasis on its relationship to slavery.³⁴⁰ I understand why that happened. That is, I understand how the strong-armed imposition of ideology yields reliance on the tools of enslavement.³⁴¹ What I do not yet know well enough to say is whether inspired violence is too closely associated with the compulsion of others to be safely used to liberate rather than to enslave a people.

Second, I said that the violence of the regime in Cambodia seemed similar to the action of warlords. Thus, I find myself raising the whole question of the legitimacy of governance techniques, an issue no easier to address than the initial investigation into the use of the term terrorism. In this context, I join Carr in finding myself unwilling, actually unable, to define "state terrorism" out of the equation. Exclusion serves to simplify our concerns. Nevertheless, whatever apparent mental clarity we achieve by reliance on such a simplistic formulation, is illusory. I have become convinced that those who wish to enjoy an honest and informed perspective on terrorism must consider those who hijack airplanes, bomb buildings and assassinate leaders along with those who, having gained control of entire populations, torture, exploit, enslave and murder to achieve their ends. We cannot have one rule for those excluded from nation-state arenas and another for those who hold positions of power within these entities and hope to develop sound analysis or wholesome policies for containing terroristic violence.³⁴² What I was

340. See ARENDT, ON REVOLUTION, *supra* note 17, at 110 (identifying as the core of slavery the desire of some to liberate themselves by forcing others into service). See also PIPES, *supra* note 158 (stating his belief that the Russian revolutionaries were interested more in gaining domination over the people in order to remake them in their own image than in freeing or liberating the people to remake themselves).

341. Cass R. Sunstein, *Why They Hate Us: The Role of Social Dynamics*, 25 HARV. J. L. & PUB. POL'Y 429, 429 (2002) ("When group polarization is at work, like-minded people, engaged in discussion with one another, move toward extreme positions. . . . [P]eople can move in literally dangerous directions. . . . They produce a cult-like atmosphere.").

342. Nicholas N. Kittrie, *A New Look at Political Offenses and Terrorism*, in INTERNATIONAL TERRORISM IN THE CONTEMPORARY WORLD 354, 371 (Marius H. Livingston et al. eds., 1978).

[A]ll concerned should seek to overcome the current ideological breach by dealing both with nongovernmental and governmental violence and illegality. To bridge the current gap, one will have to dispel the serious concern that while 'sieges of terror' are being condemned and regulated, 'reigns of terror' are left free of international intervention. The outcome must reflect the growing realization that people are entitled to expect all rights enunciated in the Universal Declaration on Human Rights and in similar documents.

Id. See also W. Michael Reisman, *International Legal Responses to Terrorism*, 22 HOUS. J. INT'L L. 3, 39 (1999) ("State-sponsored terrorism is the most noxious and dangerous of its species, yet its authors and architects evade all deterrence and prospect of punishment if the fiction is that states are not involved and only their agents are deemed responsible for the

taught in law school by Harold Lasswell and Myers MacDougal can be understood in relation to terrorism. Any undertaking not steeped in a deep and abiding respect for human dignity is neither promising nor safe. This principle applies to the terroristic undertakings of revolutionaries and governments alike.

Third, for the time being I can do no better than to join Malcolm X in the mandate to know history.³⁴³ I think, had I been taught to study with care the histories of revolutions, I might not have been so inclined to follow models of such dubious integrity. Instead of romanticizing revolutionary leadership for their successful liberation of oppressed peoples, I might have understood to take heed of their failures.

Fourth, this abbreviated survey of revolutionaries *cum* terrorists has left me with an enormous debt to the millions of men, women and children whose lives were sacrificed to ideas.³⁴⁴ It is a debt impossible to settle in ordinary terms. If I have learned nothing else from this study, I have learned the necessity of humility, the dangers of grandiosity, the sanity of proportionality. I have learned that the world of *real politique* seems a vain-glorious search for justification in the face of a starved and tormented people.

I cannot order anyone to cease and desist from the patterns of conduct we witnessed in these pages. I can ask every one of us to reach deeper into a sense of shared existence, shared humanity, whenever some seemingly irrefutable plan of ours involves

terrorism.”).

343. MALCOLM X, *THE END OF WHITE WORLD SUPREMACY: FOUR SPEECHES BY MALCOLM X* 26 (Benjamin Goodman ed., 1971).

[O]f all things that . . . [a] man . . . can study, history is the best qualified to reward all research. You have to have a knowledge of history no matter what you are going to do; anything that you undertake you have to have a knowledge of history in order to be successful at it.

Id.

344. See Henry J. Richardson III, *Excluding Race Strategies From International Legal History: The Self-Executing Treaty Doctrine And The Southern Africa Tripartite Agreement*, 45 VILL. L. REV. 1091, 1132 (2000).

Developing methodological and legal interpretive principles to eliminate the scrubbing of information from international legal history about past racial oppression, oppression done by identifiable decisions and actors to the voiceless, is essential to ‘giving voice to the voiceless’ under international law. But, in an affirmative sense, the stake of the voiceless in the international legal process, growing out of their own group histories, must be identified and made part of both the jurisprudence and the interpretation of international law, and thus part of its history, because of the impact that this law has had on them, and because this impact makes them part of the story of its authority.

Id.

sacrificing the safety and well-being of so many of our fellow citizens.³⁴⁵

Finally, because I am a lawyer and because all this study must lead us somewhere, we must begin to ponder the role of law, the role of the rule of law, in matters terroristic. There is an existing literature suggesting the development of international tribunals as the soundest route;³⁴⁶ some of this literature suggests support for the international court of criminal justice with jurisdiction to handle charges of terrorism.³⁴⁷

While not wishing to criticize the suggestion, and with deep respect to Justice Goldstone, my own studies lead me to conclude that we are not yet developed enough as an international community to imagine this as a successful endeavor.³⁴⁸ Recall how earlier in the paper disparate definitions of terrorism were

345. *See id.* at 1133.

Each people of color has its own jurisprudence, which has been trampled under the supervening law of a conquering or dominating group. . . . This includes their expectations about international or 'outside' law as they would . . . understand for it to impact fairly on them and what it would mean in their lives. *These legal histories must be incorporated into the accepted sources of international law.*

Id. (emphasis added).

346. *See* RICHARD J. GOLDSTONE, FOR HUMANITY: REFLECTIONS OF A WAR CRIMES INVESTIGATOR 120-38 (2000); *see also* Roy S. Lee, *An Assessment Of The ICC Statute*, 25 FORDHAM INT'L L.J. 750 (2002); Philippe Kirsch, *The International Criminal Court*, 46 MCGILL L.J. 255 (2000); *but see* Lee A. Casey, *The Case Against The International Criminal Court*, 25 FORDHAM INT'L L.J. 840 (2002) (discussing why the United States should refuse to endorse an international tribunal).

347. *See* GOLDSTONE, *supra* note 346, at 134-35.

The second half of the twentieth century has witnessed the proliferation of wars and war crimes. Huge areas such as the Great Lakes region of Central Africa have become destabilized, as more than a million people have been killed and many millions more have been forced to flee their homes with accompanying misery and hardship. In Rwanda there are tens of thousands of homes in which the eldest member of the family is a teenager. In Sierra Leone unimaginable atrocities were committed against innocent women, men, and children whose limbs were amputated with machetes. . . . If this trend is not to continue . . . then the international community will have to take positive steps to arrest it. One effective deterrent would be an international criminal justice system, sufficiently empowered to cause would-be war criminals to reconsider their ambitions. . . . An overwhelming number of human rights protagonists worldwide . . . believe that when the Rome Treaty is ratified by enough nations, a workable and worthwhile court will be established.

Id.

348. GOUREVITCH, *supra* note 17, *passim*, provides disturbing details about the failures of the international community to take effective action in the context of Rwanda. Having detailed the failure of the international community to deal effectively with the problems it, in part, contributed to, Gourevitch eventually concludes: "The West might later wring its hands over the criminal irresponsibility of its policies, but the nebulousness known as the international community is ultimately accountable to nobody." *Id.* at 325.

displayed as problematic with regard to investigating the situation.³⁴⁹ These same definitional difficulties make law-making among nations impractical.³⁵⁰ Further, recent events regarding anarchy,³⁵¹ genocide,³⁵² and warfare³⁵³ must be taken as warnings against assuming easy or simple answers to complex international problems. We are not ready yet to assume levels of responsibility adequate to the task at hand. Of course, this does not mean we are excused from action. Incapacity is cause for humility, not for

349. See *supra* notes 19 & 42.

350. See *supra* notes 31 & 33-41.

351. See generally MARK BOWDEN, *BLACK HAWK DOWN: A STORY OF MODERN WAR* (2000). Bowden's book details what is called the Battle of the Black Sea, a mission undertaken by American forces to capture two lieutenants of a Somali warlord. The Americans ended up pinned down overnight in Mogadishu. The survivors were rescued the next day by a multinational force except for one individual who was held hostage but eventually released. That event that left eighteen Americans dead and many others wounded. It also resulted in the death of approximately five hundred Somalians, while injuring more than one thousand. As a result of the battle, an "unprecedented [United Nations] effort to salvage a nation so lost in anarchy and civil war that millions of its people were starving," was aborted. *Id.* at 410. The troops were originally committed to Somalia to end a famine caused not by natural disasters, but by "cynical, feuding warlords deliberately using starvation as a weapon." *Id.* at 426. Once the famine was under control, efforts at stabilization and nation-building were undertaken with laudable intentions. As Bowden reports it, "[t]he battle came at the end of a chain of eminently defensible decisions made by sensible people." *Id.* at 427. Bowden reports that the battle of the Black Sea and its resulting pull out of United Nations forces ended "a brief heady period of post-Cold War innocence, a time when America and its allies felt they could sweep venal dictators and vicious tribal violence from the planet . . . Mogadishu has had a profound cautionary influence on U.S. military policy." *Id.* at 410. Bowden says that "[l]earning what America's power can and can't accomplish is a major challenge," with no easy answers. *Id.* at 427.

352. GOUREVITCH, *supra* note 17, at 95.

Genocide, after all, is an exercise in community building. A vigorous totalitarian order requires that the people be invested in the leader's scheme, and while genocide may be the most perverse and ambitious means to this end, it is also the most comprehensive. . . . The specter of an absolute menace that requires absolute eradication binds leader and people in hermetic utopian embrace, and the individual—always an annoyance to totality—ceases to exist.

Id. Gourevitch's development of the idea that the international community is not up to the task of soundly handling these challenges was alluded to in note 344. Perhaps it is sufficient to add: "[i]f Rwanda's experience could be said to carry any lessons for the world, it was that endangered people who depend on the international community for physical protection stand defenseless." *Id.* at 351.

353. See GOLDSTONE, *supra* note 346, at 336. However, Justice Goldstone is more optimistic about the future of the international community to bring about positive change. "As the world contracts in consequence of modern technology, so the international community is able to exert more pressure on rogue governments to respect human rights. What is required to encourage . . . this . . . trend is the political will of the most powerful nations." *Id.* at 135. "I have no doubt," he says later on, "that the twenty-first century will witness the growth of an international criminal justice system and that the victims of war crimes will no longer be ignored." *Id.* at 138; see also Jack M. Beard, *America's New War On Terror: The Case for Self-Defense Under International Law*, 25 HARV. J.L. & PUB. POL'Y 559, 579-82 (2002) (expressing some optimism as regards the ability of the international community to cope with the threat of terrorism).

neglect. Nevertheless, we cannot expect sound answers to emerge from oversimplified formulas. Perhaps it is my personal inclination as a scholar to study more, to know more. Certainly continuing to investigate the conditions and episodes of terrorism appeals to me. For now, I am satisfied that turning attention to history rewards with knowledge. That is as sound a place to begin as I know of.