

Starvation Genocide: The Concept, the History, the Crime against Civilians and the Punishment

George M.Weisz

School of Humanities, University of New England, NSW, Australia

***Corresponding Author:** *George M.Weisz, School of Humanities, University of New England, NSW, Australia. Email: gmweisz1@aol.com*

No conflict of interest

ABSTRACT

Starvation as a weapon of war could frequently be accounted for in global history. At times, famine was exacerbated by natural calamities, leading to even more significant human suffering and mortality. This technique of war was perpetrated with high efficiency during the last two centuries, none more devastating than during WWII. The concept of Starvation as a weapon became legitimized with impunity, despite International Codes that aimed at prevention of extermination. This was a Crime “without a name”, [1] until Raphael Lemkin in 1943 coined the term Genocide. A long history, few punishments. The Crime, although acknowledged at Nuremberg, might have been politicized. [1, 2]

Keywords: *starvation, Crimes against Humanity, Punishments.*

INTRODUCTION

History recorded numerous periods of Famine until the 20-th Century but presented without the resulting percentage of mortality. The 20-century was considered the “*most a moral and violent century in which people remained barbarians in peace*”. [1, 2]. This was Lemkin’s observation before 1959, stating that “*once considered as a Crime, I coined the term Genocide and was forced to fight for an international Treaty*” [3-5].

There were numerous theoretical interpretations of this Crime, one being the “*technique of destruction of essential foundations of life*”. [1, 5]

There was no reason to fight for food in the 20-th century, as in accord with social science studies on famine, the available food supply was found to be sufficient for the entire global population.

It was indeed stated that “it is the shame of the 20-C that about 70 million people died from starvation” [6-9]. Devereux classified Famine in accord with intensity.*

*The classification was decreed as catastrophic if deaths were over 1 million; as great if over 100.000; as major if over 10.000 and moderate

or minor below 100.000 (Global Hunger Index (GHI): <http://www.consenrnusa.org> [6].

THE HISTORY

The use of starvation in wars afflicting a civilian population with the aim of surrender was not a new phenomenon in the 20th century.

The concept of Genocide and the details of the techniques used were incorporated by Lemkin in the definition of the Crime. These are: the political destruction, as well as social, cultural, religious, economic (lowering standards of living); biological (chronic undernutrition to discourage high birth rate) and physical (extermination, executions, exposure to disease or extreme climate and racial food allocation).

The feeding program is the basis for the Starvation Genocide concept. There are numerous examples of famine-caused deaths consequent on perceived military necessity, without the resulting early mortality or late morbidity. The principle of Starvation Genocide was extracted from Raphael Lemkin’s less mentioned concept within the Code, namely “*vandalism and barbarity*”. [3]

Barbarism or killings are frequently encountered throughout history. Indeed, there were occasions in Antiquity such as the Romans in Carthage

and Romans in the execution of Christians in Judea. In the Medieval times, the Mongols invaded Europe from Asia; there were religious wars against the monastical orders such as Cathars and Huguenots; the Japanese against Christians; the inquisition burning Jews and Moslems in the Iberian Peninsula. None of these were as perfect as those in recent times.

At the start of the 20-th century, the first starvation Genocide occurred between 1904-7 in West-South African German colony, today Namibia. The governor at some stage was Heinrich Goering, (father of Herman). The police Units terrorizing the Bantu were called Schutztruppen (ST, precursor of SS?). The Africans were chained around their necks and were kept in concentration camps. The official publication of the colonists was the "Kampf". They performed medical experiments and sent skulls and preserved organs to Berlin for anthropological study, all perfected some three decades later in the Third Reich. The colonists drove the locals to the edge of the desert, were left there to die by starvation/dehydration and were shot whilst trying to return to protected lands. The Bantu were reduced from 80.000 to 10.000. This was Starvation Genocide against civilians, to be considered a Crime Against Humanity. [10]

During the second decade of the century, the Allied navies severed food supply to the Middle East (today's Lebanon, Israel, Syria) via the Mediterranean line. Simultaneously, the Ottoman Empire imposed its' own food requisition and cutt off the land route to the country from the East. Those combined actions resulted in 200,000 deaths of non-combating civilians; it was a Crime Against Humanity. [5, 10]

During WWI, the British enacted a Naval Blockade against Germany, introduced at the order of the Lord of Admiralty. The blockade was maintained even after the end of the war, as a pressure to sign the terms of the Versailles treaty. This was a military retaliation against civilians, post-war period and should be considered a Crime Against Humanity. [11]

Further on in the century, during the years 1932-1933, Ukrainian farmers' lack of co-operation with Soviet collectivisation resulted in food confiscation. This genocidal event, termed "Holodomor", resulted in close to four million Ukrainian deaths, (only overtaken by the parallel Soviet Famine with 10 million deaths). This was a confiscation of food from non-

combatant civilians and should be considered a Crime Against Humanity [11].

Holland's "Hunger winter" (Hongerwinter) imposed from November 1944 till May 1945, was a revenge for the Dutch resistance, when the German occupying army instituted a food embargo over the western Netherlands. By April 1945, with a mere 400 calories/day/person of food availability, 18,000 hunger deaths were recorded. Some 40 years later, an Amsterdam University study on survivors of the famine found that small size and low weight at birth were related to adult metabolic aberration (glucose and lipid), obesity, cancer, and increased mortality rate [8]. It was a Military retaliation against civilians resulting in a Major Famine and should be considered a Crime Against Humanity [12].

The Channel Islands were occupied by Germany in 1940. The Allied invasion of Normandy in 1944 cut off the Islands' food supply from Europe, aggravating the Islanders' already existing malnutrition. Infants were later found to have been delayed in the onset of puberty, with increased cardiovascular morbidity compared to children evacuated to the United Kingdom just prior the German invasion. This is an indirect effect on non-combating population and should be considered a Crime Against Humanity.

Prior to the invasion of the East in June 1941, Nazi Germany invaded Greece in April, partitioning the country between three occupiers, Italy, Bulgaria, and Germany. The wanton confiscation of food and life resources (animal, agrarian, industrial and mineral) led to devastation with 300.000 fatalities, equivalent to the Great famine classification. The confiscation was organised once the occupation was complete. There was minimal resistance only in the mountains, and the Famine should be considered a Crime against Humanity inflicted upon the civilian population [11].

Famine of 3 million victims, catastrophic in accord with the accepted international classification, was recorded once again in the Ukraine during the Nazi Hunger plan from 1941-44. It was a clear occupation of civilians' farms, namely against a non-combatant population and was a Crime Against Humanity [12, 13].

Starvation: a Crime Against Humanity: Who gave the order and what penalty was decreed?

a. The story of Field Marshal Karl Rudolph Gerd von Rundstedt (1875-1953), a member of

a family with an Aristocratic military tradition, was decorated during the WWI atrocities. Being one of the best military strategists of the German Army, he was summoned during WWII and had leading roles on the invasion of France and later in the Ukraine. His statement at a conference in War Academy in Berlin in 1943 was: *“One of the great mistakes of the 1918 was to spare the civil life of the enemy. We are obliged to destroy at least one third of the inhabitants of occupied countries. The only mean is organised underfeeding which is better than machine guns”* [2, 3, 14].

The Army followed this teaching with deliberate starvation of non-submitting populations. At the trial of the High Command of the German Army at Nuremberg in 1946, Marshal Rundstedt was found old and sick, was only used as a witness. He lived in his country retreat till 1953 [14].

b. The story of Field Marshall Wilhelm, Hans Joseph Ritter von Leeb (1875-1956): From yet another military family, von Leeb was the first commander of the Siege of Leningrad. The siege was held from September 1941 until January 1944 (“842 days and nights”), resulting in 800,000 hunger deaths and classified as a Great Famine. Some 40 years later, studies conducted in Stockholm’s Karolinska Institute on children born to mothers surviving on a daily sustenance of 300–800 calories in Leningrad found a clear relationship between low birth weight and the small size of new-borns, as well as consequent adult metabolic diseases (obesity, lipidaemia and cardiac diseases), leading to shortened longevity [16].

Leeb oversaw the Leningrad siege for just over one year out of three, but nonetheless was considered as a major offender. He was charged with 4 counts, was convicted for one that did not translate into a punitive verdict. He was discharged at the Nuremberg Trials, the Court being unable to establish that inducing Famine was illegal. This was based on a Law valid in the USA since the 1860-65 Civil War, namely the ‘Lieber Code’ [17]. The judges expressed their excuse *“we wish the rules were different”*. He was discharged and lived on his private country estate till 1956, aged 80 [16].

c. The story of Francis (Franz) von Lieber: A German American international lawyer: Born into a military family fighting Napoleon in the early days of the 19 century, Franz Lieber was wounded at Waterloo and subsequently became a pacifist. Being antagonistic to the yet ununified Germany, Lieber was persecuted, and

he left for the freedom of the USA. He was recognised for his legal abilities and was teaching at Columbia University NY when summoned by President Lincoln to establish a Code of War during the Civil War [17].

The result was: General Orders No. 100: Instructions for the Government of Armies of the United States in the Field (Lieber Code) 24 April 1863 [17].

ART. 15: Military necessity admits of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy’s country affords necessary for the subsistence and safety of the army.

ART. 17: War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

Somewhat controversial was ART. 16: Military necessity does not admit of cruelty....., nor of the wanton devastation of a district.

The Lieber Code was widely influential around the world. Shortly after its publication, it was either endorsed in full by other nations or inspired them to publish similar manuals for the conduct of their own armies. The Prussian army translated and endorsed the Lieber Code as a guideline for its soldiers in the Franco-Prussian War of 1870. The Netherlands published a similar manual in 1871, as did France (1877), Switzerland (1878), Serbia (1879), Spain (1882), Portugal (1890), Italy (1896), and the United Kingdom (1884).

THE PUNISHMENT

The trial of the German High Command, Nuremberg 1946, content III of the Indictment, paragraph 59, reads as follows: *“Between September 1939, and May 1945, all of the defendants herein, committed War Crimes and Crimes Against Humanity in that they participated in atrocities and offences, including murder...plunder of public and private property, wanton destruction of cities, towns and villages, devastation not justified by military necessity”* [17, 18].

Why was only part of the Lieber Code accepted, namely Art. 15 and 17 and not Art. 16? Why were subsequent amendments of the old Code adopted by the signatory countries ignored at Nuremberg? The prohibition of starvation was first acknowledged by the United States of

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America, the British Empire and France in 1919, but ignored by 1946. Why was a Civil War Code applied to a World War?

The charge of politicization of the Nuremberg Trial was raised: “*they did it ...we did it*” stated the historian DeWaal. [18]

The British judge might have been influenced by the British Naval blockade during WWI, resulting in about 750,000 German civilians dying of hunger. That blockade was kept in place (and in fact tightened) for seven months after the Armistice [3].

The French judge might have been influenced by the blockades and the resulting starvation in the North African colonies (Algier, Tunis) and by the Vichy Government’s collaboration with the Nazis.

The American Judge might have been influenced by the history of the Natives in 1779, when George Washington *ordered: “Destroy not only men, but the settlements and plantations. All sawn field must be destroyed, and new plantations and harvest must be prevented”* “*What lead cannot do will be done by hunger and winter*”. [18]

The retaliation reached to the *concept of “destruction of sustenance of life”*. Although the events were not clearly delineated between the various types of starvation, (whether military necessity, or Genocide), it reached the status of a Crime Against Humanity [4, 19-21].

By the end of the Nuremberg procedures, the onset of the Cold war with the Soviet Union, led to politicized verdicts, to leniency, reductions of sentences or discharges all together.

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Citation: George M. Weisz, “Starvation Genocide: The Concept, the History, the Crime against Civilians and the Punishment“, 9(4), 2022, pp. 45-48

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