

## Full Issue 7.1

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Volume 7, issue 1 of *Genocide Studies and Prevention* continues the discussion of the state of the field of genocide studies that was initiated in volume 6, issue 3. Due to our (the editors') keen desire to include as many different voices and perspectives as possible, we reached out to old hands in the field, younger but well established scholars, and several scholars who recently completed their graduate studies but have already made an impact on the field.

The sequence of the articles over the two issues began with comprehensive treatments and then moved into articles with more specific focuses, grouped thematically where applicable. Through the entire sequence across these two issues of *GSP*, we hope that readers will gain a solid sense of the history of the field and insight into some of the perdurable issues that have been at the heart of the field since its inception and that they have opportunities to reflect on the host of issues and concerns raised by authors coming from different disciplines (e.g., history, political science, sociology, psychology, philosophy) with vastly different perspectives. When authors addressed similar, if not the same, issues and concerns, we placed them back to back. In certain of these cases, some authors corroborated their colleagues' takes on a situation, while others took an almost completely antithetical position. Be that as it may, this concluding set of articles, just as the first set, provides ample food for thought in regard to where the field has been, where it is today, and where it might need to go to become more robust.

Alex Hinton presents an important discussion of the concept of "critical genocide studies." He argues that the maturity of the field calls for a process of critical analysis of the approaches prevalent in the field such that genocide research becomes self-reflective. Through analyses of many issues in the field he illustrates the value of the approach and, in doing so, advances the critical genocide studies endeavor.

Sheri Rosenberg focuses on advancing the recognition of the concept of "genocide by attrition" as a contemporary method that has been used, for example, most recently in Darfur. She argues that this concept offers a way around legal impediments to intervention against genocide and against the view that only direct mass killing in a short amount of time is true genocide or worthy of intervention. She makes a compelling case that inclusion of genocide by attrition is both legitimate and crucial.

Jacques Semelin also focuses on the issue of intervention. After considering the various issues of inclusion and exclusion raised by the efforts to define genocide in the UN Convention on the Prevention and Punishment of the Crime of Genocide (UNCG) and beyond, Semelin raises the question of whether the all-too-frequent failures to intervene against genocide might be better addressed not by continued debate over the precise meaning of genocide and attempts to stretch it to cover new cases but through the development of a UN convention on crimes against humanity that would take the UNCG as a model but have broader applicability. In this light, he discusses the new International Crimes Against Humanity project. Samuel Totten has addressed this issue in his article in the first part of this special issue but has also raised some serious concerns about such an approach.<sup>1</sup>

Hannibal Travis's article is similarly concerned with intervention and prevention, but it maintains the view that the erosion of the centrality of the concept of genocide will not lead to better intervention and prevention. On the contrary, he argues that an

important part of the problem in applying the term “genocide” to the range of processes it rightly should fit is the tendency of certain scholars to misinterpret the UNCG definition of genocide in an excessively narrow manner. In the course of his compelling argument, he offers new insights into central debates in genocide studies, such as whether destruction must be biological and how “total” intent must be. His article also presents a critical evaluation of the approach advocated by Semelin.

Evgeny Finkel and Scott Straus’s article, Uğur Ümit Üngör’s article, and Ernesto Verdeja’s article cohere as a fascinating set of insights into methodologies used by scholars to undertake their research in the field of genocide studies. Finkel and Straus argue that the methodologies used for the study of genocide are often incommensurate with one another and have failed to be subjected to rigorous tests vis-à-vis their efficacy. They identify numerous problems that inhibit the scientific study of genocide and focus on the failure to research the complexities of apparently uniform genocidal events that are present at the meso and micro levels and the importance of doing so. Üngör also sees as crucial the move away from exclusively macro-level analyses to meso- and micro-level analyses, with the need for greater attention paid to the complex interrelations between the levels that are important features of any genocidal process. Deftly walking the narrow region just this side of relativism, Üngör looks at other methodological issues as well, including the imposition of crude moralism (uncomplicated and reductive notions of “good” and “evil,” for instance) and the impact of crude identity politics on genocide scholarship. Verdeja continues these powerful examinations of research methods to ask, how can one study genocide by studying only genocide? For him, an extreme limitation of the field in explaining why genocides occur—and thus how they can be prevented—is that comparative work is almost always among cases of genocide rather than between cases of genocide and cases in which similar situations of tension and violence did not result in genocide. He calls for situating genocide studies within the broader subject area of political violence to foster this necessary contrastive approach.

Elisa von Joeden-Forgey continues her groundbreaking work in the field with an overarching analysis of the importance of gender in understanding genocide. She demonstrates the centrality of gender relations in perpetrators’ genocidal methods, which ultimately target the life force of the victim group in an effort to destroy it. She illustrates the significant implications of her concept of “life force atrocities” not only for a scholarly study of genocide but also for prevention and intervention and the defeat of denial. As she points out, life force atrocities often begin occurring long before full-blown mass killing and yet reveal perpetrators’ intent to destroy the targeted group; attention to them provides early warning as well as a response to deniers.

Israel Charny, one of the founders of the field, offers both an account of the field’s early emergence and history and an analysis of numerous issues that he considers crucial for examination today. His article focuses on the core issues of intervention and prevention. In this regard, he reintroduces some of his and others’ important work on early warning systems and prevention organizations.

As some of the previous authors, Henry Therriault offers critical analyses of areas of concern in the field, including academic activism and gender violence. Like Totten and Charny, his ultimate focus is on prevention, but unlike Totten and Charny and consistent in some respects with other authors influenced by anti- and postcolonial theory, Therriault argues that genocide is deeply entrenched in the political and social institutions

and practices that have emerged over the past half millennium. He concludes that only through a deep reparative reworking of these institutions and practices can the global order become less genocidal.

In closing, we wish to give special thanks to the exceptional Journals crew at the University of Toronto Press, in particular Sylvia Hunter, Editorial Manager, Sheree Pell, Editorial Coordinator, and Antonia Pop, Production Coordinator. Without their skillful and committed support, patience, and keen editorial work, the large and complex set of articles spanning this and the previous issue would never have reached their final form as an important joint contribution to the study of genocide and broader issues of violence and domination.

*Henry Theriault and Samuel Totten*  
*GSP Co-editors*

## **Note**

1. Samuel Totten, "The State and Future of Genocide Studies and Prevention: An Overview and Analysis of Some Key Issues," *Genocide Studies and Prevention* 6,3 (2011): 211–30, <http://dx.doi.org/10.3138/gsp.6.3.211>.

# Critical Genocide Studies

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*Over the last two decades, the interdisciplinary field of genocide studies has dramatically expanded and matured. No longer in the shadow of Holocaust studies, it is now the primary subject of journals, textbooks, encyclopedias, readers, handbooks, special journal issues, bibliographies, workshops, seminars, conference, Web sites, research centers, government agencies, non-governmental organizations, international organizations, and a unit at the United Nations. If not yet fully theorized, the discipline is characterized by a number of debates and approaches. As the outlines of the field emerge more clearly, the time is right to engage in critical reflections about the state of the field, or what might be called critical genocide studies. The goal is not to be critical in a negative sense but to consider, even as a canon becomes ensconced, what is said and unsaid, who has voice and who is silenced, and how such questions may be linked to issues of power and knowledge. It is, in other words, a call for critical thinking about the field of genocide studies itself, exploring our presuppositions, decentering our biases, and throwing light on blind spots in the hope of further enriching this dynamic field.*

*Key words: genocide, critical theory, mass violence, Lemkin, Holocaust*

Over the last two decades, the interdisciplinary field of genocide studies has dramatically expanded and matured. Genocide studies no longer stands in the shadow of Holocaust studies. It is now the primary subject of journals, textbooks, encyclopedias, readers, handbooks, special journal issues, bibliographies, workshops, seminars, conference, Web sites, research centers, government agencies, non-governmental organizations, international organizations, and a unit in the United Nations. If not yet fully theorized, the discipline is characterized by a number of debates and approaches.

As the outlines of the field emerge more clearly, the time is right to engage in critical reflections about the state of the field, or what might be called critical genocide studies. The goal is not to be critical in a negative sense but to consider, even as a canon becomes ensconced, what is said and unsaid, who has voice and who is silenced, and how such questions may be linked to issues of power and knowledge. It is, in other words, a call for critical thinking about the field of genocide studies itself, exploring our presuppositions, decentering our biases, and throwing light on blind spots in the hope of further enriching this dynamic field.

My use of the term “critical genocide studies” overlaps in many ways with that of A. Dirk Moses,<sup>2</sup> whose important historiography of genocide studies reveals much about the state of the field even if our emphases differ somewhat—mine is more concerned with the decentering associated with Derridian deconstruction and a Foucaultian archeology of knowledge, and his is more concerned with critical theory in the tradition of the Frankfurt School and recent work on empire and world systems theory.<sup>3</sup> A handful of other scholars, such as Anton Weiss-Wendt, Donald Bloxham, Daniel Feierstein, Thomas Cushman, Adam Jones, Mark Levene, Jens Meierhenrich, and Dan Stone, have also published works that are partly or largely in the spirit of a critical genocide studies without

using this name. So it seems that perhaps a threshold has been reached where we can speak of a critical genocide studies. My thoughts in this necessarily brief article will be selective, pointing out some of the domains and directions of a critical genocide studies.

Before beginning, I should note that when people sometimes hear a term such as “deconstruction” or “critical” they dismiss it as “postmodern,” “nihilistic,” or “relativistic.” All of these terms are complex and have their distinct genealogies. My view is that deconstruction is a method of decentering and critique, and such critique, in the sense of critical inquiry, is at the heart of the academic enterprise and should be front and center in the field of genocide studies. Such reflection will only make the field stronger and richer.

My perspective is no doubt linked to my own engagement with genocide studies as I approached it from anthropology, a discipline that has had little voice in the field despite offering important insights into genocide. No doubt this is part of the reason why a critical genocide studies perspective has been a central focus of the Rutgers Center for the Study of Genocide, Conflict Resolution, and Human Rights, even as we have been programming genocide prevention, a topic that is often viewed in opposition to or at least in tension with academic genocide studies, let alone critical genocide studies. My own view is that the study of genocide prevention has much to gain from critical genocide studies (and vice versa), but the perceived opposition of academic genocide studies and applied genocide prevention speaks to the scholar/activist divide that is part of our origin myth.

### **The Origin Myth**

Anthropologists like to examine origin myths, and I am no exception. Ethnicity, we tell our students, is a social category linking a group of people who perceive themselves to share ancestry and identity markers (language, food, dress, religion, and so forth). The sense of ancestry is frequently linked to an origin story, which helps provide a sense of solidarity and belonging as well as a sense of difference from other ethnic groups. Ethnic categories are fluid and multiple; thus a person might identify him- or herself (or be identified) as Chinese, Han, Cantonese, Chinese-American, or American depending on time and place. I will return to this point later.

Many other sorts of groups are also bound by an origin myth, which provides them with a sense of solidarity, belonging, and identity. This includes academic disciplines. In North American anthropology, for example, Franz Boas is venerated as the father of the discipline and is known, among other things, for refining the anthropological concept of culture and method of participant observation and for challenging the notion of biological race. Introductory anthropology students often hear stories about his exploits and efforts to demonstrate that race is a social construction, an endeavor that has continued in North American anthropology into the present.

Within genocide studies, Raphael Lemkin is even more revered as the field’s founding father.<sup>4</sup> Like Boas, he is remembered for his conceptual work (coining and defining the term “genocide” and writing a history of genocide), life history (including his escape from Poland as World War II began and centering on his life-long quest to criminalize the destruction of human groups), and advocacy (working tirelessly for the passage and ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (UNCG), of which he referred to himself as “the founder”). In many respects, he has come to be viewed as the prototypical genocide scholar: academically informed yet politically committed to this pressing social issue, an orientation and a tension that continue to the present. Indeed, the tension between scholarship and

activism is the Janus face of genocide studies, one that continues to inspire and divide scholars, as recent controversies over resolutions and the proposed merger of two academic associations illustrate.<sup>5</sup> One research direction for a critical genocide studies is to examine the origins of this Janus face, which has strong roots in modernity, Enlightenment thought, the anti-slavery movement, humanitarianism, and human rights.

The genocide scholar-activist prototype is evident in *Pioneers of Genocide Studies*,<sup>6</sup> an important volume of autobiographical essays written by many of the “first generation” of scholars who helped forge the field of genocide studies in the late 1970s and early 1980s. It also includes an abbreviated version of Raphael Lemkin’s unpublished autobiography, “Totally Unofficial Man.” Many of the *Pioneers* essays are striking for their resonance with the Lemkin narrative of finding one’s calling and becoming passionately engaged in genocide studies and prevention. While this is no doubt partly the result of the framing questions that were posed to the contributors—the first two questions were concerned with what “led” the author to study genocide and how genocide became “an imperative for you”<sup>7</sup>—it seems likely that they, like many other genocide scholars today, see some of Lemkin’s passion in themselves.

*Pioneers* makes a valuable contribution by chronicling the origins and institutionalization of genocide studies and providing an understanding of some of the varied reasons that scholars entered the field. Many had a direct connection to genocide through the Holocaust or Armenian Genocide; indeed, a few contributors, like Lemkin, escaped from or even survived Nazi occupation.<sup>8</sup> Others came to the field more indirectly through the experience of the 1960s, the civil rights movements, and human rights activism. By the early 1980s, several landmark texts began to appear, including Leo Kuper’s *Genocide: Its Political Uses in the Twentieth Century*.<sup>9</sup> The first conferences on genocide began to be held, and an incipient network of scholars was being formed, one that would lead to the 1995 creation of the Association of Genocide Scholars, now the International Association of Genocide Scholars (IAGS). The essays in *Pioneers* are illustrative of genocide studies in other ways, exemplifying the field’s interdisciplinarity and initial concern with a given set of twentieth-century cases, in particular the Armenian Genocide and the Holocaust with other mentions of cases such as Biafra and the Cambodian Genocide.

### **Genocide Studies and the Holocaust**

*Pioneers* also raises a question: Why did genocide studies begin to emerge in the late 1970s? Why not earlier? Or even in the immediate aftermath of the passage of the UNCG as accusations of genocide began to fly soon thereafter? Raphael Lemkin himself sought to indict the Soviet Union for committing genocide during the break-up of the Baltics by kidnapping Jewish children and “working Jews to death in drainage projects” in Romania.<sup>10</sup>

While Cold War concerns and politics were involved, this question points toward the other key origin of genocide studies: the Holocaust, an event that shadows the discipline, always there even if sometimes in the background or taken for granted. The Lemkin origin story is a perfect example. While Lemkin’s *Axis Rule in Occupied Europe*<sup>11</sup> focuses on the Holocaust and indeed contains many important legal documents, it is his chapter 4, “Genocide,” that gets all the attention in genocide studies. Perhaps the Holocaust would have figured more prominently in this origin story if Lemkin’s attempt to push genocide to the forefront of the charges at the Nuremberg trials had been successful. As it was, he left Nuremberg early and devoted his efforts to getting genocide

codified in international law. The promulgation of the UNCG, not the Holocaust, is frequently viewed as the landmark moment in the genealogy of genocide studies.

This narrative elides the fact that, without the Nazis' attempted annihilation of European Jews and other groups, Lemkin's word might never have made it into the dictionary and the field of genocide studies might not exist, Lemkin might have been a forgotten man, and we might very well be talking about "extermination" and "crimes against humanity" instead of genocide. In other words, no Holocaust (as the Nazi atrocities were later constituted), no Lemkin, no UNCG, no genocide studies. For these and other reasons, the Nazis' attempted destruction of the Jews and other groups clearly stands as a watershed event in the twentieth century, one that helped catalyze the human rights regime and led to the emergence of genocide studies.

The origins of genocide studies are also closely tied to another discipline that emerged from the ruins of the Holocaust: Holocaust studies. Even this field only began to emerge after the 1960s Eichmann and Auschwitz trials, the publication of Arendt's *Eichmann in Jerusalem*, the 1967 Arab-Israeli War, and increasing efforts at memorialization.<sup>12</sup>

As it grew, Holocaust studies came to be concerned with its own set of issues, including profound questions about uniqueness and representation. In contrast to genocide studies, which has a social science emphasis that I will discuss below, Holocaust studies has been more often linked to the humanities. As *Pioneers* illustrates, a number of first-generation genocide scholars split off from Holocaust studies because of their commitment to comparison, which remains a central theme in genocide studies and is referred to as comparative genocide studies.<sup>13</sup> Indeed, the discipline's predominant social science/positivistic orientation is frequently concerned with discerning commonalities and general principles about the phenomenon of genocide, a bias that is in keeping with a normative commitment to prevention. (This theme runs through Holocaust literature to a lesser extent, in part because of the uniqueness issue which orients research toward a single past event.) The field's first introductory text, Jones's *Genocide: A Comprehensive Introduction*,<sup>14</sup> embodies this disciplinary epistemology as the bulk of the chapters focus on case studies and social scientific findings, even as it seeks to de-center some of the field's biases.

### **Disciplinary Orientations, Blind Spots, and Biases**

The different emphases of Holocaust studies provide one vantage through which to think critically about and discover new approaches to genocide studies. Indeed, some of the more interesting contemporary work in genocide studies is being done by scholars, in particular historians, such as Bloxham, Jacques Semelin, Moses, and Stone, who came to genocide studies from an initial engagement with Holocaust studies. Their work clearly fits into the rapidly emerging sub-discipline of critical genocide studies. As genocide studies has matured and the influence of the uniqueness argument has waned within Holocaust studies, genocide studies has, in turn, started to enter into the debates within Holocaust studies. The title of Bloxham's recent book, *The Final Solution: A Genocide*,<sup>15</sup> highlights this point.

More broadly, a critical genocide studies would be concerned with exploring other fields—to name a few, indigenous studies, philosophy, cultural studies, visual and literary arts, semiotics, and critical theory—that have important insights to bring to bear on genocide even as they ask us to rethink the existing assumptions of the field. To be sure, there are some scholars from such disciplines who are active in the field. However, their



voices, as well as the larger insights that may be gleaned from their home disciplines, tend to be more muted than historical and social scientific scholarship in the field.

Yet another fertile direction for research in critical genocide studies comes from scholars working outside of the North American and European regions in which genocide studies has emerged. One illustration of this point is Feierstein's work as well as that of other Latin American scholars who are questioning the boundaries of genocide studies from an alternative regional and Spanish-language perspective.<sup>16</sup> Such scholarship helps genocide studies interrogate its possible ethnocentric assumptions and discover new ways to envision the field.

### **The Anthropology of Genocide**

My own engagement with genocide studies, which began in the early 1990s when I began conducting research on the Cambodian Genocide as a graduate student and attending IAGS meetings, has in a sense followed along these lines in terms of approaching the field from an outside perspective. When I attended my first IAGS meeting in 1995 I was surprised to find only one or two other anthropologists in attendance (Robert Hitchcock and Pamela Ballinger, if I recall correctly). Genocide studies was also barely on the radar in anthropology, despite the important work that had been done on indigenous peoples.<sup>17</sup> Likewise, some of the relevant concerns and insights of anthropology were completely outside the orbit of genocide studies.

The cultural patterning of violence provides one illustration of this point. Because of their long-standing immersion in and in-depth understanding of given societies, anthropologists are ideally positioned to provide an experience-based perspective on how genocides unfold, how they are understood by both elite and lower-level actors, and how people deal with the experience and aftermaths of genocide. Thus, on the one hand, an anthropological perspective complicates easy assumptions about state ideology and agency/motivation. To understand motivation and process, then, one needs to grasp the local understandings that mediate social practices. This can be seen in a variety of domains, ranging from the elite's deliberations to the confines of the torture chamber. The rigid model of state ideology–perpetrator motivation breaks down from this perspective, refocusing our attention on process and context. I have sought to illustrate this point in relationship to the Cambodian Genocide even as a small but growing scholarship on genocide has emerged within anthropology in part because of the genocides in Bosnia and Rwanda.<sup>18</sup>

On the other hand, an anthropological perspective suggests that we need to broaden our concerns about the aftermaths of genocide. Usually, this issue is largely glossed over with the assumption—yet again linked to the Janus face of genocide studies—that prevention is the primary normative goal. This is certainly a critical and admirable aim. However, the fixation on prevention may divert our attention away from another critical issue: how people deal with the experience and aftermaths of genocide.

Perusing through the key references on genocide uncovers little concern with this issue. Aftermaths usually mean a concern with denial and legal redress. (Holocaust studies provides another interesting foil in this regard as the field has been deeply concerned with issues of trauma and memory.) Given their on-the-ground interactions with perpetrators and victims, anthropologists have been able to provide a new way of looking at issues of experience, coping, ritual, and memory. There is even a growing literature within anthropology that seeks to explore the local understandings and social practices that undergird the human rights regime, including transitional justice mechanisms such as

tribunals.<sup>19</sup> All of this is not to say that we should ignore the issue of prevention, but rather that we should instead cast our gaze on a wider range of aftermaths. Moreover, prevention is also at stake here since past genocide, including issues of local experience, coping, and memory, is one of the possible primes for future genocide.<sup>20</sup>

### Definition

An anthropological perspective also raises important questions about the issue of definition, one of the central concerns of genocide studies. First there is the semantic question: What does “genocide” mean in different societies where genocide is taking or has taken place? For the term genocide emerged at a given moment in time and in a particular context. What do we miss when we label mass violence “genocide” without seeking to ask what such violence means in given context? Jones’s introductory text touches on this point, listing different terms.<sup>21</sup> But to truly understand genocide, we need to grapple with local glosses, which may inflect our analysis in new directions and toward previously unrecognized dynamics and meanings. This is all the more critical after the fact, given the correlation between memory and genocide.

A second and related question also emerges: What are the categories that victims and perpetrators use to label and understand one another? This question, with which scholars had been grappling on an academic level since the early 1980s, gained legal salience in the 1990s with the establishment of the International Criminal Tribunals for the Former Yugoslavia (ICTY) and for Rwanda (ICTR) and the ensuing difficulties of fitting terms such as “Hutu” and “Tutsi” into the rigid categories of the UNCG. From an anthropological perspective, the reification of race, ethnicity, religion, and nationality seems both ethnocentric and misleading. To argue that race is immutable, a key trope of debate when the UNCG was being promulgated (and one that was made when notions of biological race still predominated), is to implicitly reassert an essentialized conception of race that has been used by perpetrator regimes and has long since been shown by people like Boas to be a social myth. Race is a social construction and, like ethnicity, religion, and nationality, is clearly, and often highly, mutable. Perhaps one of the more informative illustrations of this point is the not-so-distant assertion that the Irish were a race of savages. Or one can travel to a country like Brazil, where racial categories have very different valences. More disturbingly, the UNCG has created a set of privileged protected groups while leaving others unprotected and analytically invisible.

By starting with contextualized, as opposed to rigid, pre-existing socio-legal categories, a critical genocide studies might help us understand how a wide variety of identities, including non-Western ones, crystallize (i.e., shift from a more fluid state to one that, at a given moment in time, becomes less fluid, or what I have elsewhere called the “crystallization of difference”<sup>22</sup>) in a variety of genocidal situations. From this perspective, the UNCG definition<sup>23</sup> constitutes a historical and social construction that, while having important legal implications, should have been more broadly defined to include the destruction of any sort of group as defined by the protagonists in genocide. Some scholars have usefully proposed something along these lines in terms of definition,<sup>24</sup> but scholarly definitions of genocide tend to be clunky and awkward. There are strengths and weaknesses to a more or less detailed definition.

My own view is that there is also much to be said for definitions which accord with the principle of economy that less is more and that open rather than foreclose analysis. While recognizing that all definitions have weaknesses, we might simply define

genocide as the more or less coordinated attempt to destroy a dehumanized and excluded group of people because of who they are.

Viewing genocide as “more or less coordinated” allows for the inclusion of cases that range from highly planned, state-sponsored genocides to those that are more haphazard and diffusely carried out. In the latter case, the state’s role might have more to do with permissibility than with intent (e.g., not forbidding or doing nothing about acts of genocide that are carried out by armed groups on the ground or allowing victim groups to live under conditions of life that lead to their destruction, as in the case of many Native American genocides). The destruction of a group may be in whole or in part.

Such a definition has significant implications, opening the door to cultural genocide, genocide committed by non-state agents, genocide by neglect, and genocide of political, economic, social, and other groups as constituted in specific historical and cultural contexts. It also allows us to escape the rash of “-cides,” such as “politicide,” which have been proposed to overcome the gaps in the UNCG. We need, in other words, to explore a much wider range of cases, including those in which there was a more haphazard attempt to destroy a group or a group was destroyed over time by more indirect means, including structural ones,<sup>25</sup> or by neglect and indifference. This definition is more in the spirit of Israel Charny’s too-often-dismissed application of the term genocide to almost any targeted civilian group. However, it goes one step further by opening up the possibility that non-civilian groups might be the target of genocide (e.g., the attempted mutual destruction of two highly armed protagonists in the course of war).

In the end, we might view the above definition as a methodological definition, although of course all definitions have methodological implications. By this I am suggesting that genocide scholars deploy a broad definition for the purposes of analysis, one that allows us to consider the widest range of cases. Whatever bottom-line definition of genocide a scholar selects in the end, a methodological definition would contribute to his or her research by providing additional case material, including (for those who adhere to a more narrow definition) information on why genocide does not take place in certain situations, an area of study that Kuper so nicely illustrated but that has never been taken up in a significant way by scholars in the field. A critical genocide studies invites us to take such chances by exploring new areas that have been cordoned off by prevailing assumptions, biases, and gate-keeping maneuvers.

For example, one of the critiques of such a broad definition invokes what might be called the dilution metaphor. If we open the door to a very broad array of cases, the argument goes, we “dilute” the meaning and power of the term. Dilution is an interesting term, conjuring up the image of a pure substance being adulterated by an implicitly contaminating extraneous element (it is, ironically, the sort of metaphor that is often linked to genocide). But who determines what is extraneous? The dilution trope is a gate-keeper notion that asserts case-study primacy and relevance on the basis of embodied metaphor, not critical analysis. There is no *a priori* reason why genocide should encompass a smaller set of cases. Indeed, the field of genocide studies might experience enormous growth and vitality by opening the doors to a much broader range of cases. Recent scholarship in critical genocide studies has moved in this direction, seeking to explore what would happen if genocide were to encompass a much broader range of cases, including the many forgotten genocides.<sup>26</sup>

Even if it stayed in the background, the Holocaust very much put its imprint on the UNCG and many of the subsequent scholarly definitions that emphasize intent,

particularly with regard to the role of the state. And perhaps we have all missed much by focusing so much on the classic definition. Recent research in cognitive science, for example, has shown that categorical understanding is very much tied to metaphor, metonymy, and prototype effects.<sup>27</sup> In other words, people think about phenomena like genocide through metaphor, metonymy, and prototypes. While this potential shift in the way in which we think about definition and genocide could be an article in and of itself, I want here just to note the somewhat obvious point that the Holocaust has long served as the prototype of genocide and Auschwitz as one of its key metonyms. What this means is that in the back of our minds many, if not most, of us have the Holocaust prototype in mind when discoursing about genocide.

The uniqueness debate suggests this bias, but we find it in many contexts, ranging from issues of definition to canonization. The Holocaust is also often the case-study exemplar that implicitly stands in danger of categorical dilution through association with other, less exemplary cases. The uniqueness debate provides another manifestation of this point. The obvious salience of the Holocaust notwithstanding, there are other possible prototypes and exemplars, including the massive destruction of largely forgotten peoples, such as the Taíno of Hispaniola during the conquest and colonization of the New World or the large number of political groups that perished under Stalin or in Maoist China. What if these cases were the starting points of genocide studies? A critical genocide studies asks us to consider what such a rethinking of the concept of genocide might entail.

A related decentering comes from a reconsideration of Lemkin's work. While still heavily influenced by the Holocaust prototype, Lemkin's conception had a broad historical purview and analytical focus on the different ways in which group life is destroyed, which he viewed as potentially encompassing not only physical but also biological, cultural, and political destruction carried out by state and non-state actors. Over the last decade there has been a growing body of work that conceptualizes genocide from an often Lemkinian perspective, with its long historical purview, interest in antiquity and colonialism, and understanding that genocide might unfold over the course of long periods of time (as opposed to the short duration of most of the case studies on which genocide studies tends to focus) and through a variety of mechanisms (again, beyond the usual focus on state-sponsored mass murder), including cultural destruction. Accordingly, scholars have begun to consider what were largely forgotten genocides by increasingly focusing on issues such as colonialism, conquest, settler societies, and modernity.<sup>28</sup> This is the work of a critical genocide studies, but there remains much more to do as such cases tend to be relegated to the margins of the genocide studies canon.

Why have we ignored these cases? The reasons are manifold and complex. The Holocaust prototype is one as it directs our attention to a certain manifestation of the genocidal process, foregrounding state and ideology. Perceived relevance might be another factor as scholars have witnessed a number of cases of genocide take place during their lifetime (even if we have also ignored other contemporary cases, such as the plight of indigenous peoples). There is also more information available about many of these cases, making it easier to research and write about them. As disciplinary structures of knowledge become ensconced, habit and tradition, as well as the interests that sustain them, also become factors in directing our attention to certain cases.

Metanarratives of progress and civilization might also structure our thinking, directing our gaze to genocidal despots (Hitler, Pol Pot, Milošević, al-Bashir) and authoritarian

regimes. The language of the UNCG codifies this language, stating that genocide is “condemned by the civilized world”<sup>29</sup> (Lemkin himself frequently used this register). Such language implies that genocide is only carried out by barbarians and savages, an understanding condensed by symbols such as the shrunken head that was found at the Buchenwald camp and exhibited at Nuremberg. While genocide is brutal and to be condemned, it is also something that is closely intertwined with modernity and even democracy.<sup>30</sup> The discipline’s long-standing neglect of Native Americans, slavery, and indigenous peoples illustrates this point.<sup>31</sup>

A critical genocide studies asks us to consider why scholars have looked away from such issues. One reason may well be a “liberal” tendency<sup>32</sup> among genocide scholars to seek “progress” and, as the UNCG states, “to liberate mankind from such an odious scourge.”<sup>33</sup> We return to the Janus face of the discipline. A critical genocide studies does not demand that we give up this objective but instead that we think critically about its genealogy/framings and our potential conceptual biases and thereby find new ways to approach the problem. For example, how does the image of the “savage”/“barbaric” Other we construct in our analyses also construct, through inversion, an image of us as modern, developed, and civilized? What do we miss by such identifications? One answer is that our gaze might too easily be directed away from the relationship between genocide and modernity and toward explanations that smack of ethnic primordialism, stage theory (an implied progression from a state of savagery to civilization), atavism (the Nazis as a throwback), or biological/psychological reductionism (our “barbaric” or “sadistic” “nature”—think of *Lord of the Flies* and *Psycho*<sup>34</sup>).

## Canonization

Such decenterings ask us to think critically about the canons that have emerged in genocide studies. To date there has been a strong bias toward a genocide studies canon, which is approximated in Figure 1.

With certain exceptions, the bulk of scholarship in the field of genocide studies, especially from the 1980s through the 1990s, has focused on the Twentieth-Century Core, with the Holocaust both in the foreground and in the background in the ways discussed above. Like all canons, there has been fluidity within the canon as the status of some groups has changed (e.g., there is the beginning of a shift in the status of Ottoman Assyrian and Greek Genocides from Forgotten Genocides to the Periphery or perhaps even Second Circle).

The model of the genocide studies canon is, of course, an ideal type, but it gestures toward some of the disciplinary biases that have emerged in the field. For example, while cutting against the grain in many ways and discussing the Periphery or even Forgotten Genocides at times, Jones’s introductory text still gives primacy to the Twentieth-Century Core, likely because this is what people usually teach about.<sup>35</sup> A similar statement could be made about readers and edited volumes in the field.<sup>36</sup> A critical genocide studies asks us all to consider how such biases have shaped our own research and teaching and, though decentering, to re-envision our field of study.

As this discussion suggests, issues of definition and canonization are not value-neutral but are also linked to issues of power and knowledge. Why, we must ask, is it that certain cases of genocide are forgotten? The literature on denial (which has its own Janus face of ensuring historical accuracy about horrible events while potentially diminishing debate) has grappled with this question. But we also need to consider why we

Prototype	Holocaust
The Triad	Holocaust Armenian Genocide Rwanda
Twentieth-Century Core	Holocaust Armenians Cambodia Rwanda Bosnia Darfur (twenty-first century) Indigenous peoples (taken as a whole)
The Second Circle	East Pakistan Kurdish case Guatemala Herero/Nimibian Kosovo Carthage Settler genocides Ukrainian/Soviet
The Periphery	Indonesia Argentina Specific cases of indigenous peoples Genocides of antiquity Assyrian and Greek cases East Timor Burundi Maoist China Democratic Republic of the Congo
Forgotten Genocides	Multitude of more or less invisible/hidden/forgotten cases

**Figure 1:** The genocide studies canon

focus on certain cases and topics and what sorts of inclusions and exclusions ensue. What is left invisible to us and what can we do to cast light on what has formerly been opaque? Given the inevitable politicization of our topic, how might we be influenced by given interests and agendas? Why, we need to ask, are certain cases forgotten, remembered, recognized, or even intentionally hidden or written out of history? For our discipline to flourish, we need to consider a wide range of such questions, to decenter and rethink our taken-for-granted assumptions and biases, to seek out new ways to approach the field, and to engage in critical genocide studies.

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## Notes

1. I would like to thank Nicole Cooley, Samuel Totten, Henry Theriault, Joyce Apstel, Antonia Pop, and Dirk Moses for their comments and suggestions on this article.
2. A. Dirk Moses, "Toward a Theory of Critical Genocide Studies," Online Encyclopedia of Mass Violence, 18 Apr 2008, <http://massviolence.org/Toward-a-Theory-of-Critical-Genocide-Studies> (accessed 5 Jul 2011).
3. See A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocides of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36,4 (2002): 7–36; A. Dirk Moses, "Raphael Lemkin, Culture, and the Concept of Genocide," in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (New York: Oxford UP, 2010), 19–41; A. Dirk Moses and Donald Bloxham, "Genocide and Modernity," in *The Historiography of Genocide*, ed. Dan Stone (Houndmills: Palgrave MacMillan, 2008), 156–93.
4. The focus on Lemkin has increased dramatically over the last decade, in part because of the publication of Samantha Power's best-selling *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002) (Joyce Apstel [Liberal Studies, New York University], in discussion with the author, 25 Feb 2012) and a strand of critical genocide studies that uses Lemkin's historical work to reconsider the field's traditional emphases. See, e.g., Jürgen Zimmerer and Dominik Schaller, eds., *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence* (London: Routledge, 2009).
5. See, e.g., Gal Beckerman, "Top Genocide Scholars Battle over How to Characterize Israel's Actions," *Forward: The Jewish Daily*, 16 Feb 2011, <http://www.forward.com/articles/135484/> (accessed 21 Feb 2011).
6. Samuel Totten and Steven Leonard Jacobs, eds., *Pioneers of Genocide Studies* (New Brunswick, NJ: Transaction, 2002).
7. Samuel Totten and Steven Leonard Jacobs, "Introduction," in Totten and Jacobs, *Pioneers*, xiv. See also A. Dirk Moses, "The Field of Genocide Studies," in *Genocide: Critical Concepts in Historical Studies*, ed. A. Dirk Moses (Abingdon: Routledge, 2010), 1–23.
8. See Henry R. Huttenbach, "Vita Felix, Via Dolorosa: An Academic Journey Towards Genocide," in Totten and Jacobs, *Pioneers*, 47–58; Robert Melson, "My Journey in the Study of Genocide," in Totten and Jacobs, *Pioneers*, 139–51; Ervin Staub, "The Roots and Prevention of Genocide and Other Collective Violence: A Life's Work Shaped by a Child's Experience," in Totten and Jacobs, *Pioneers*, 479–504.
9. Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven: Yale UP, 1982). See also Israel W. Charny, *How Can We Commit the Unthinkable? Genocide, The Human Cancer* (Boulder, CO: Westview, 1982); Irving L. Horowitz, *Taking Lives: Genocide and State Power*, rev. ed. (New Brunswick, NJ: Transaction, 2002); Jack Nusan Porter, *Genocide and Human Rights: A Global Anthology* (Washington, DC: UP of America, 1982).
10. "U.N. Genocide Action Sought on Red Bloc," *The Washington Post*, M3, 18 Jan 1953.
11. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, Division of International Law, 1944).
12. Daniel Levy and Natan Sznajder, *The Holocaust and Memory in the Global Age* (Philadelphia: Temple UP, 2006). See also A. Dirk Moses, "The Holocaust and Genocide," in *The Historiography of the Holocaust*, ed. Dan Stone (Houndmills: Palgrave MacMillan, 2004), 533–55.
13. See Scott Straus, "Second-Generation Comparative Research on Genocide," *World Politics* 59 (2007): 476–501.
14. Adam Jones, *Genocide: A Comprehensive Introduction*, 2nd ed. (New York: Routledge, 2011).
15. Donald Bloxham, *The Final Solution: A Genocide* (New York: Oxford UP, 2009). See also the recent exchange on Bloxham's book: Jürgen Matthäus, Martin Shaw, Omer Bartov, Doris Bergen, and Donald Bloxham, review forum of *The Final Solution*, *Journal of Genocide Research* 13,1–2 (2011): 107–52.
16. See, for example, Marzcia Esparza, Henry R. Huttenbach, and Daniel Feierstein, eds., *State Violence and Genocide in Latin America: The Cold War Years* (New York: Routledge, 2009); Daniel Feierstein, *El Genocidio como Practica Social: Entre el Nazismo y la Experiencia Argentina* (Tlalpan, Mexico: Fondo de Cultura Economica, 2008); and issues of *Revista de Estudios sobre Genocidio*.
17. See Alexander Laban Hinton, ed., *Annihilating Difference: The Anthropology of Genocide* (Berkeley: U of California P, 2002).
18. Alexander Laban Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: U of California P, 2005); Hinton, *Annihilating Difference*.
19. See Alexander Laban Hinton and Kevin Lewis O'Neill, eds., *Genocide: Truth, Memory, and Representation* (Durham: Duke UP, 2009); Alexander Laban Hinton, ed., *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence* (New Brunswick, NJ: Rutgers UP, 2010); Victoria Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (New York: Palgrave Macmillan, 2003).

20. See Samuel Totten and Rafiki Ubaldo, eds., *We Cannot Forget: Interviews with Survivors of the 1994 Genocide in Rwanda* (Piscataway: Rutgers UP, 2011), and other interviews with survivors and memoirs.
21. Jones, *Genocide: A Comprehensive Introduction*, 23–4.
22. See Hinton, *Why Did They Kill?*
23. For the UNCG's definition of "genocide," see *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277, Article II, <http://www.preventgenocide.org/law/convention/text.htm> (accessed 3 Feb 2012) [UNCG].
24. See Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide* (New Haven: Yale UP, 1990); Helen Fein, "Genocide: A Sociological Perspective," *Current Sociology* 38,1 (1990): 1–126.
25. See, for example, Jones, *Genocide: A Comprehensive Introduction*, on structural genocide.
26. See, for example, Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide and Extermination from Sparta to Darfur* (New Haven: Yale UP, 2007); René Lemarchand, ed., *Forgotten Genocides: Oblivion, Denial, and Memory* (Philadelphia: U of Pennsylvania P, 2011).
27. George Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal about the Mind* (Chicago: Chicago UP, 2007).
28. See, for example, Zygmunt Bauman, *Modernity and the Holocaust*, rev. ed. (Ithaca: Cornell UP, 2000); Hinton, *Annihilating Difference*; Kiernan, *Blood and Soil*; Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (New York: Cambridge UP, 2005); Moses, "Toward a Theory of Critical Genocide Studies"; A. Dirk Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (New York: Berghahn, 2004); A. Dirk Moses and Dan Stone, eds., *Colonialism and Genocide* (New York: Routledge, 2007); A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Berghahn, 2008); Mark Levene, *Genocide in the Age of the Nation State*, vol. 1, *The Meaning of Genocide* (New York: I.B. Tauris, 2005); Mark Levene, *Genocide in the Age of the Nation State*, vol. 2, *The Rise of the West and the Coming of Genocide* (New York: I.B. Tauris, 2005). See also the early volumes by Bauman, *Modernity and the Holocaust*; Chalk and Jonassohn, *The History and Sociology of Genocide*; and Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights, 1997).
29. UNCG.
30. Bauman, *Modernity and the Holocaust*; Mann, *The Dark Side of Democracy*.
31. John H. Bodley, *Victims of Progress*, 3rd ed. (Mountain View: Mayfield, 1990); Churchill, *A Little Matter of Genocide*; William L. Patterson and Paul Robeson, eds., *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People* (New York: International Publishers, 1970).
32. Moses, "Toward a Theory of Critical Genocide Studies."
33. UNCG.
34. William Golding, *Lord of the Flies* (New York: Berkeley, 2003); *Psycho*, directed by Alfred Hitchcock (Universal City, CA: Universal Home Video, 2000).
35. In a 15 February 2011 lecture at the Center for the Study of Genocide, Conflict Resolution, and Human Rights on "Studying Genocide, Preventing Genocide," Adam Jones noted the dilemmas inherent in selecting cases and the dangers of canonization. His own efforts at grappling with these problems are illustrated in differences between the first and second editions of his books, with the first edition chapter on "The Armenian Genocide" being recast as the "The Ottoman Destruction of Christian Minorities" in the second. Similarly, he expanded the chapter on first edition chapter on "Stalin's Terror" to "Stalin and Mao" in the second edition. He noted that he self-consciously attempted to weave in a number of cases, ranging from attacks on witches to post-US invasion Iraq to cut against the grain of canonization.
36. But see Chalk and Jonassohn, *The History and Sociology of Genocide*, for an early exception.



# Genocide Is a Process, Not an Event

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*Genocide studies is simultaneously an emerging and accepted category of scholarly inquiry. The field is robust and at a critical turning point as more disciplines engage the subject. This article identifies two areas within the field that suggest the need for further scholarly attention. First, it urges a renewed attention to the processional nature of genocide and the implications that flow from a particularized understanding of it, specifically in relation to prevention. The article explores this relationship by providing a process-oriented examination of the under-theorized concept of "genocide by attrition," seeking engagement and critique of the concept. Second, new disciplines have entered the field of genocide studies, bringing with them new methodologies and insights. While this is a welcome advance, genocide studies must move from multidisciplinary to interdisciplinary research to avoid fragmentation and achieve the diverse objectives of the field.*

*Key words: genocide by attrition, prevention, multidisciplinary research, law of genocide*

Since the early 1990s there has been a renewed interest in the subject of genocide and its prevention. The scholarly attention has been vibrant and dynamic. In fact, there is now a category of scholarly inquiry specifically dedicated to and referred to by many as "genocide studies." It is a diffuse and multidisciplinary field in which vigorous debates over definitions continue in full force. In fact, as of 2001 political scientist Scott Straus noted approximately 21 different definitions of the term "genocide."<sup>2</sup> To some, genocide is a classic example of an essentially contested term. And at least one scholar argues that its contentious status precludes its acceptance as an actual discipline,<sup>3</sup> while for others definitional disputes provide energy to historical and cultural debates.<sup>4</sup> Regardless of one's stance in this debate, one cannot deny that the study of genocide and its prevention is healthy and maturing. More disciplines are weighing in, bringing their own sets of methodologies to the table. For example, micro studies by contemporary political scientists such as Scott Straus and Lee Ann Fujii provide nuanced and complex analyses to complement theories of blind masses, ancient ethnic hatreds, and elite divide-and-conquer strategies. Historians are looking at macro factors across space and time to focus on exogenous and endogenous factors. Critical genocide studies is starting to take root with the work of historian A. Dirk Moses, sociologist Thomas Cushman, and others. These scholars attempt to interrogate some of the fundamental assumptions and biases that exist throughout most scholarship related to genocide studies. When scholars within their own discipline begin to critique their own acquisition of knowledge, it becomes apparent that a field of inquiry has been established. Nonetheless, old debates persist and new challenges have emerged.

Among the categories of inquiry, there has been a thread of scholarship explicitly dedicated to exploring the genocidal process and the implications that flow from deducing a particularized understanding of it.<sup>5</sup> The "genocidal process" is a relatively indeterminate term, and it is the notion of the complex genocidal process that will

be the focus of this article, which urges renewed attention to exploring the social phenomenon of genocide as a process rather than as the outcome of a process. The rigid conception of genocide as a definition (as opposed to a social phenomenon) of “something” against which unfolding events are to be measured is in part due to the very success and standing of the concept in international law. The emphasis on legalism subjects each genocide to a rigid test in order to maintain the integrity of the term and determine criminal culpability. This, however, has caused some authors and policy makers to lose sight of the fact that genocide is a fluid and complex social phenomenon, not a static term. This process perspective is crucial to the detection and standardization of early warning indicators for the prevention of genocide, a goal which many genocide scholars seek to pursue.<sup>6</sup> As Bloxham and Moses argue, “the focus on specific types of outcomes that qualify as genocide is analogous to studying the peaks of mountains from above a cloud-line that only particularly tall mountains penetrate, when a glimpse beneath the cloud-line would illustrate that other mountains fall just short.”<sup>7</sup> Hence, if one focuses on how the process of genocide unfolds and the acts that are often perpetrated on the victim—both indirectly and directly—during the genocidal process, then one might begin to link these preliminary or early acts to the efforts of genocide prevention. Moreover, a process-oriented approach provides lawyers and jurists with a lens through which to interpret the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide (UNCG). This approach aids in the interpretation of the UNCG’s dual goals of prevention and punishment.

Genocide discourse may be unpacked in a variety of ways. One’s approach is naturally influenced by his or her personal, ideological, and academic discipline. For the purpose of this review, we will adhere to the definition of the phenomenon set forth in the 1948 UNCG.<sup>8</sup> While Professor William Schabas seeks, in my view, an overly narrow and restrictive interpretation of the UNCG itself, we agree when he suggests that “[f]or decades the Genocide Convention has been asked to shoulder a burden for which it was never intended, essentially because of the relatively underdeveloped state of international law dealing with accountability for human rights violations.”<sup>9</sup> Today, there is a relatively well-developed body of international law that deals with mass atrocities and is codified in the Rome Statute establishing the International Criminal Court. As a result, mass atrocities that are crying out for individual accountability no longer need to be corralled under the crime of genocide; rather, the individuals who commit these atrocities that fall short of genocide can be brought to justice for crimes against humanity.

Nonetheless, pushing the outer boundaries of the UNCG and arguing for an interpretation of the crime that approximates contemporary instances of its pursuit, rather than static and narrow interpretations that dismiss Raphael Lemkin’s original conception and the modern-day occurrences that do not—and will not—fit the paradigm or politics of the 1940s (the years during which the UNCG was finalized), has merit. After all, as Nigel Eltringham eloquently suggests, the danger with classifications (and concrete definitions) is that we will “set out to prove that our abstract concepts . . . really do correspond to reality, rather than being contingent approximations.”<sup>10</sup> With this in mind, it becomes evident that genocide is a complex social phenomenon that cannot solely be disaggregated into its parts and tucked neatly into a definition. Rather, it must be understood as an unfolding process to be viewed against or within historical, political, and social factors. What follows is a brief analysis of the evolution of concept of

the genocidal process, followed by a summary of a theory of “genocide by attrition” and how the development of this concept, heretofore under-theorized, can be useful for early warning, and hence prevention, of genocide. Finally, this article concludes with a number of suggestions for future directions in genocide studies.

### **Genocide as Process in Genocide Studies**

While many early studies have focused on comparative analysis of specific cases, an increasing number of scholars have taken the broader view of genocide as a complex and dynamic process. These scholars explore the causal contexts of genocide by using structure and agency theories to understand the process. They analyze structures of government, political systems, and relevant socioeconomic, cultural, and historical factors.<sup>11</sup> Some genocide scholars have synthesized and reduced this complex process into the many “stages” of genocide. According to Gregory H. Stanton, genocide “develops in eight stages that are predictable but not inexorable.”<sup>12</sup> The stages are classification, symbolization, dehumanization, organization, polarization, identification, extermination, and denial. Helen Fein, examining the Holocaust, identifies five necessary and usually sequential stages of genocide: “definition (identifying discrimination victims), stripping (of rights, roles, offices, claims), segregation (enforced compulsory wearing of the yellow star), isolation, concentration.”<sup>13</sup> These stages preceded the Final Solution. More recently, Jacques Semelin, in his book *Purify and Destroy*, has investigated the sources of mass killing using the Holocaust, Rwanda, and Bosnia as the primary sources for his explorations. He seeks to create a political sociology of mass murder and, among other things, explores the dynamic process of implementation against the historical and political backgrounds of each situation.<sup>14</sup> Although these stages are broad enough to cover most instances of genocide, it is unlikely there is a single process of genocide. As Leo Kuper notes, “[t]he forms of genocide are too varied, with quite different sequences of action, and great differences in scale, raising different ‘logistic’ problems.”<sup>15</sup> Technological sophistication, geographical concentration of victims, bureaucratic efficiency, and the possibility of reciprocal violence are some of the variables that differentiate one genocide from another and resist the easy accommodation of a linear model of the genocidal process.

Contributing to the body of literature, which seeks to understand a specific genocide’s complex and evolving nature with prevention in mind, this article sets forth a brief conceptualization of the genocidal process that can be marked by the term “genocide by attrition” to bring to the foreground what is often in the background: genocide is a process, a collective cataclysm, that relies more heavily—than currently appreciated—on *indirect methods of destruction* for its success.<sup>16</sup> It is the excessive focus on violent deaths and a preoccupation with the numbers of victims that have obscured alternative means of annihilation and have thereby missed the signals of unfolding tragedies. In fact, many victims of historical genocides died from slower, “indirect,” and less immediately deadly methods than outright murder. For example, approximately 13.7% of all Jewish Holocaust victims died as a result of disease and starvation attributable to their confinement in dire, despondent, and life-threatening ghettos at a time prior to their deportation to forced-labor and extermination camps.<sup>17</sup> This theory is not intended to offer yet another typology of stages. Rather, it presents a list of attributes that are likely to occur at different stages of genocide and follow their own distinct paths of development.

### **Genocide by Attrition: A Process-based View**

As the field continues to grow, new and important ways of looking at and describing genocide are found. The emphasis on strict, narrow legalism in genocide interpretation coupled with the conceptual link between genocide and the paradigmatic case, the Holocaust, have imposed a restrictive reading on the term set out in the UNCG. Justifiably, this perceived rigidity led those witnessing the developing crises and unfolding violence in today's complex international arena to search for a more flexible term that would nevertheless maintain the emotional and conceptual force of the genocide concept.

The term genocide by attrition is relatively new to common parlance. While the term has been used before, it is most notably associated with the crisis unfolding in Darfur, Sudan.<sup>18</sup> Eric Reeves, who has closely monitored the situation in Darfur, has been the most ardent supporter of the view that what has occurred since late 2004 or early 2005, after the more direct killings took place, is genocide by attrition. As Reeves observed in 2005, “[s]ometime in the summer of 2004 (we will never know precisely when), genocidal destruction became more a matter of engineered disease and malnutrition than violent killing, [as] there came a point . . . in which ongoing genocide was no longer primarily a result of slaughter, but a cruel attrition.”<sup>19</sup> Both Nicholas D. Kristof's work as well as that of Michael Petrou and Luiza Savage describes what we are witnessing in Darfur as “genocide in slow motion.”<sup>20</sup> More recently, Gerard Prunier has drawn attention to the constellation of violence by describing death in Darfur as “killing by attrition.”<sup>21</sup> Moreover, countless news media outlets wantonly describe the situation in Darfur as “genocide by attrition” or “genocide in slow motion.”<sup>22</sup>

Although the term is bandied about with some frequency, there has been little attempt to provide it with a theoretical, legal, or conceptual foundation. Most uses of the phrase are loose and descriptive. However, by engaging in a comparative analysis of prior genocides and of the contemporary usage of the term, it becomes evident that genocide by attrition essentially describes a slow process of annihilation that reflects the unfolding phenomenon of the mass killing of a protected group rather than the immediate unleashing of violent death. The methods of genocide by attrition describe state (or non-state) policies and practices which deprive individuals of a specific set of human rights; such policies and practices do not cause the immediate death of an individual but rather lead to the slow and steady death of the individual and the annihilation of the group.<sup>23</sup>

The concept of genocide by attrition set forth in this article is consistent with the UNCG. While grounding the legal definition of genocide in physical annihilation, the UNCG defines acts that constitute genocide not only as acts of immediate physical destruction but also as acts which create conditions that will lead to physical destruction, including the infliction of physical and mental harm, acts to arrest procreation, the transfer of children, and incitement to genocide.<sup>24</sup> Thus, genocide by attrition is not a new definition of genocide or one that intends to stretch the meaning of the crime of genocide as set forth in the UNCG to accommodate emotional, political, or tactical resorts to the term. Moreover, genocide by attrition does not replace the concept of genocide; instead it draws attention to the genocidal process (rather than the outcome of a process) and illuminates the prominent role that indirect methods of annihilation play in the genocidal process.

Practices and policies of genocide by attrition primarily, but not exclusively, include forced displacement, the denial of health and health care, the denial of food, and sexual violence. Empirical evidence from cases of genocide points to this set of attributes and suggests several tentative conclusions about the genocidal process.<sup>25</sup> First, indirect methods of mass killing play a more important role in the genocidal process than previous models have suggested. Second, indirect methods of annihilation might occur at different points in the linear process and/or might reflect a jumping or collapsing of stages. The concept of genocide by attrition ultimately helps correct the view of genocide as a primarily directly murderous event that can simply be tracked back to individual culpability in order to assign moral and legal responsibility.

### **Genocide by Attrition and Prevention**

The failure to apprehend the process of genocide by attrition reflects a general failure to understand the link between the conditions of life that bring about the physical annihilation of the group and the policy decisions that bring about such conditions. This oversight is particularly troubling where early warning of genocide is concerned. Generally, early warning systems seek to collect, analyze, and communicate information about escalating situations that are developing or could develop into genocide.<sup>26</sup> The UNCG requires state parties to prevent and punish the crime it seeks to prohibit. Thus, unlike most other human rights laws and even international criminal laws, there is a direct obligation upon states to prevent genocide. Until February 2007, when the International Court of Justice issued its decision in the case of *Bosnia and Herzegovina v. Serbia*,<sup>27</sup> there was a debate among scholars on whether the prevention clause in the UNCG created a legal rather than a moral obligation upon states. This decision settled the matter. The International Court of Justice held that prevention is a legal obligation and one that is separate from the obligation to punish genocide. Moreover, it found Serbia liable for failing to prevent the genocide in Srebrenica. More than 136 states have undertaken an obligation to prevent genocide, and the prohibition of genocide is *jus cogens*—that is, a norm so fundamental that no state can derogate from it.

The obligation to prevent genocide necessarily implies the need for effective early warning. Of course, there is no human phenomenon that is 100% preventable. All we can do is develop and enhance our techniques of early detection and pay close attention to each situation that appears to be percolating. The paradigm is the same in health care as it is in international relations: each of these fields is concerned with regulating intervention in relation to death risks. Like in the field of health care, the benefits of accurately preventing genocide greatly outweigh the risks associated with robust enthusiasm in early detection. Specifically, focusing on discriminatory forced displacement, discriminatory denial of health and health care, discriminatory denial of food, and targeted sexual violence provides a clear set of attributes of the genocidal process, thus distinguishing them from the noise of regular human rights reporting. While these attributes generally continue throughout the genocidal process, they often occur during the earlier stages. For example, it might not have been as easy to send Jews into death camps during the Holocaust if they had not been previously displaced from their homes, often into ghettos where hundreds of thousands of Jews died from disease and starvation. Likewise, sexual violence is more likely to occur to women or children who are displaced from their homes. Thus, clearly recognizing these attributes of the genocidal process might aid in identifying early warnings in advance or at a relatively early stage of the conflict. Early warning might be doomed to failure if it cannot make

predictions at a relatively early stage. Once a crisis has fully unfolded and the dynamic murderous process is well underway, policy options for the international society are significantly restricted. In particular, once military intervention is the only realistic option on the table, relevant stakeholders are left with a virtual Pandora's Box, where complex legal, moral, and political issues abound.

While most early warning systems identify a build-up of human rights violations as an early warning indicator, broad emphasis on human rights abuses might potentially overwhelm the models with too many variables, creating the opposite problem of the rigid interpretation of genocide. The information overload makes it difficult to identify emerging patterns of genocidal violence from other deteriorating situations. The concept of genocide by attrition proposes a framework that short-circuits both of those problems by narrowing the universe of variables.

### **Conclusion and New Directions in Genocide Studies**

In the evolution of genocide studies, all of the participating disciplines have made significant contributions and provided much-needed insights. Nonetheless, in the existing literature, ranging from philosophy to law, there is a lack of an overarching methodology or theoretical convergence of how to approach the subject. As a result, there is a pronounced murkiness in the field and an inability to move on from old debates (e.g., over definitions) that stymie the field's development and inhibit its potential. Moreover, it does not appear that anyone has addressed the implications of the social sciences developing in one way, while legal developments have gone in a different direction. In addition, while many genocide scholars proclaim interest in prevention, very few pieces related to genocide tie explicitly to this concern.

Genocide by attrition represents a new direction in genocide studies that demonstrates the field's elasticity and its ability to draw from historical episodes to understand, in practical terms, present instances of genocide. Further, genocide by attrition is part of the expanding literature that views both genocide and humanitarian crises as complex processes. While this article points to only one way in which the interpretation of genocide by attrition can aid in genocide's prevention, hopefully further research will engage with the concept (positively or critically) and the many ways this interpretation of the genocidal process may (or may not) aid in early warning.

Finally, many scholars in the field talk about its interdisciplinary nature. However, the field is multidisciplinary, not interdisciplinary. An interdisciplinary approach is necessary to genuinely grasp the essential meaning of genocide. Because genocide envelops the political, the social, and the legal, giving expression to its multifaceted dimensions demands an interdisciplinary rather than multidisciplinary approach. While scholars from politics, law, and social anthropology all engage in genocide studies, they rarely engage with one another. Moreover, when they do, it is not uncommon for conversations to sink into definitional debates and academic pageantry. The field would greatly benefit from more cross-pollination. For example, often there is a divide between legal scholars and political (and other social) scientists. On the one hand, the former are usually interested in establishing clear legal definitions because the fundamental principles of law—and criminal law in particular—require that crimes be defined with precision as a matter of fairness so that the individual is forewarned about the illegality of his or her actions. The political scientists, on the other hand, view definitions and conceptual debates as useful tools for establishing some parameter for the universe of admissible cases and for elucidating links between structures and agency. These in turn are viewed

as crucial to the development of generalizable models that can explain the causal links between a set of variables and the observed phenomenon. By working together, a balance might be struck between fidelity to definitional precision and a greater approximation of the fluid and chaotic reality of the genocidal process. Similar conversations should take place across varying disciplines. It is only then that the field of genocide studies will truly continue to move into a new and productive direction.

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## Notes

1. I wish to thank Professor Kathleen Cavanaugh for her insights on this article and Kelly Bonner, Gaelle Uzan, and Kristy Lin for their excellent research and editing. I also would like to thank the editors of *Genocide Studies and Prevention*, Henry Theriault and Samuel Totten, for inviting me to participate in this endeavor and for their endless patience and editorial inputs. Of course, all errors are my own.
2. Scott Straus, "Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide," *Journal of Genocide Research* 3,3 (2001): 359–68.
3. Christian Gerlach argues that genocide studies is not a discipline but an area dealing with certain phenomenon and therefore not bound to a sound methodological approach. See Christian Gerlach, "Extremely Violent Societies: An Alternative to the Concept of Genocide," *Journal of Genocide Research* 8,4 (2006): 455–71, 463.
4. Dan Stone, "Introduction," *The Historiography of Genocide*, ed. Dan Stone (Basingstoke: Plagrave Macmillan, 2008), 1–7, 1.
5. While some case studies and comparative case studies reveal genocidal patterns, the unfolding nature of genocide is implied by the careful consideration of the socioeconomic, cultural, and historical factors that lead to genocide. For example, in their descriptions of governmental structures, many authors touch upon discriminatory practices that existed prior to the commencement of the genocide. This type of study, however, is not the same as one that seeks to set forth specific typologies or generalizable characteristics.
6. Thomas Cushman, "Is Genocide Preventable? Some Theoretical Considerations," *Journal of Genocide Research* 5,4 (2003): 523–42.
7. Donald Bloxham and A. Dirk Moses, "Editors' Introduction: Changing Themes in the Study of Genocide," *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford UP, 2010), 1–15, 8. Bloxham and Moses continue with the quote to emphasize that the tallest mountains are connected contiguously to the smaller ones, illustrating their concern with the relationship between genocide and broader historical trends, periods, and structures.
8. *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277, <http://www.preventgenocide.org/law/convention/text.htm> (accessed 7 Feb 2012).
9. William Schabas, *Genocide in International Law* (Cambridge: Cambridge UP, 2000), 10.
10. Nigel Eltringham, *Accounting for Genocide* (London: Pluto, 2004), 7.
11. Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale UP, 1982); Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton UP, 2003); Gregory H. Stanton, "The 8 Stages of Genocide," <http://www.genocidewatch.org/genocide/8stagesofgenocide.html> (accessed 13 Jul 2011); Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell UP, 2006).
12. Stanton, "8 Stages of Genocide."
13. Helen Fein, *Accounting for Genocide: National Responses and Jewish Victimization During the Holocaust* (New York: Free Press, 1979), 210.
14. Jacques Semelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia UP, 2007).
15. Kuper, *Genocide*, 101.
16. Developing the concept of genocide by attrition is a project that Professor Everita Silina and I are completing for publication in a forthcoming collection that will be edited by Joyce Apsel and Ernesto Verdeja. In this article, I simply provide a sketch of the argument.

17. Helen Fein, "Genocide by Attrition 1939–1993: The Warsaw Ghetto, Cambodia, and Sudan; Links between Human Rights, Health, and Mass Atrocities," *Health and Human Rights* 2,2 (1997): 10–45.
18. Helen Fein coined the term to describe the link between human rights, health, and mass death which she observed in the cases of the Warsaw Ghetto, Cambodia, and Sudan. See Fein, "Genocide by Attrition." In 1998 Mark Bradbury described the systematic persecutions of Nuba as genocide by attrition. See Mark Bradbury, "Sudan: International Response to War in the Nuba Mountains," *Review of African Political Economy* 25,77 (1998): 463–74, 464. In his 2005 book, Donald Bloxham observed that by 1915 the Ottoman Empire's treatment of the Armenians had crystallized into a policy of generals and "death by attrition." See Donald Bloxham, *The Great Game of Genocide* (New York: Oxford UP, 2005), 69.
19. Eric Reeves, "Two Darfurs': Redefining a Crisis for Political Purposes; Amidst Genocide by Attrition, Expedient Misrepresentations Are Proliferating," *Sudan Tribune*, 20 May 2005, [http://www.sudantribune.com/spip.php?page=imprimable&id\\_article=9675](http://www.sudantribune.com/spip.php?page=imprimable&id_article=9675) (accessed 13 Jul 2011).
20. Nicholas D. Kristof, "Genocide in Slow Motion," *The New York Review of Books*, 9 Feb 2006; Michael Petrou and Luiza Savage, "Genocide in Slow Motion," *Mclean's* 119,49 (2006): 35–41.
21. Gerard Prunier, *Darfur: A 21st Century Genocide* (Ithaca, NY: Cornell UP, 1982), 122.
22. "Whitewashing Darfur," *Europe Intelligence Wire*, 14 Jun 2009; "Genocide Starts with Incitement to Hate," *African News Service*, 8 Apr 2009; "Commentary Calls for Joint Efforts to Fight Against War Criminals in Sudan," *BBC Monitoring International Reports*, 7 Apr 2009; "Politics-Sudan: Aid Agencies Accused, Expelled over Bashir Case," *Interpress Service*, 9 Mar 2009; "Commentary Discusses Power Struggle, Humanitarian Crisis in Zimbabwe," *BBC Monitoring International Reports*, 29 Jan 2009; "Why ICC Prosecutor Went for President Bashir [opinion]," *Africa News Service*, 21 Jul 2008.
23. In a forthcoming paper (see note 15 above), Everita Silina and I use a historical, political, and legal lens to give the term conceptual contours and place it within a sound theoretical framework that will lend it analytical depth and practicality. In particular, the paper explores the concept of genocide by attrition using the Ottoman Empire (May–Aug 1915), the Holocaust (1939–1943), Cambodia (1975–1979), Southern Sudan (1983–1993), Ukraine (1932–1933), Bosnia-Herzegovina (1992–1995), and Darfur, Sudan (2003–present) as primary case studies.
24. *Convention on the Prevention and Punishment of the Crime of Genocide*.
25. Empirical evidence from cases of genocide can be found in Silina and Rosenberg's forthcoming paper (see note 15 above).
26. Lawrence Woocher, "Early Warning for the Prevention of Genocide and Mass Atrocities" (paper presented at the 48th Annual ISA Convention, Chicago, IL, 2007).
27. *Bosnia and Herzegovina v. Serbia and Montenegro: Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide*, Judgment (26 Feb 2007), [www.icj.org](http://www.icj.org) (accessed 24 Feb 2012).



# Around the “G” Word: From Raphael Lemkin’s Definition to Current Memorial and Academic Controversies

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*The term “genocide” has generated passion and misunderstanding since its coining in 1944 by Raphael Lemkin. Applying this term to very heterogeneous historical and current situations brings up many objections and debates. The first problem arising from the word genocide concerns its uses, including its memorial, humanitarian, legal, and political purposes. Scholars are divided about its meaning. However, this article stresses that the global digital academic enterprise, Online Encyclopedia of Mass Violence, represents today a unique effort to gather the most important historical cases of mass human destruction, with respect to their own singularity, while offering a way to compare them according to the same framework of analysis. It builds a strong body of knowledge and follows a rigorous methodology, including a peer-review process. This article also brings some clarifications to three questions: the relationship of genocide studies with international law, the strong tendency in this field to qualify any massacre as genocide, and the legal relevance of the notion of crime against humanity.*

*Key words: genocide, massacre, mass violence, crime against humanity*

In this short article, I restate what has been my general approach regarding the definition of genocide over the past decade. I also try to explain why I have become more flexible about its definition, particularly in light of my experience with the global publication *Online Encyclopedia of Mass Violence (OEMV)* which was founded in 2004.<sup>1</sup> This project was initiated in 2004 by Sciences Po Paris (Center for International Research Studies). It has taken us nearly four years to get the OEMV ready to be put online. Considering the highly sensitive nature of this project and the relative novelty of this field of research, this maturation period has proved valuable. The gradual construction of this Web site is the result of genuine teamwork on the part of computer specialists and researchers, who endeavored to coordinate technical, scientific, and ethical criteria.

There’s no doubt that the term “genocide” has generated passion and misunderstanding since its creation. Indeed, since the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide (UNCG) on 9 December 1948,<sup>2</sup> genocide has come to mean absolute evil: mass atrocities against defenseless civilians. Coined in 1944 by the Polish jurist Raphael Lemkin, the term has gained increasing international acceptance. Thus, one has talked about genocide in almost every major deadly conflict of the second half of the twentieth century from Cambodia to Darfur, including Burundi, Rwanda, Guatemala, Colombia, Iraq, Bosnia, Chechnya, Argentina, and Ethiopia.

The term has also been used retrospectively to qualify the massacre of the inhabitants of Melos by the Greeks (fifth century BCE), the Vendée people in 1793 by the French revolutionary army, the native people in North America, and the Armenians in

1915 as well as the cases of famine in Ukraine, the various deportations of populations by Stalin, and of course, the extermination of European Jews and Roma. It has even been applied to the US nuclear bombings of Hiroshima and Nagasaki. This list is by no means exhaustive.

Applying this "genocide" notion to these very heterogeneous historical situations has generated many objections and passionate debates. These numerous handlings of the concept suggest the need to resort to a word of universal significance to point out a major phenomenon in the twentieth century—that of the mass destruction of civilian populations. Other terms have, in fact, been suggested, such as "politicide" proposed by Barbara Harff and Ted Gurr and "democide" proposed by Rudolph Rummel.<sup>3</sup> But these alternative notions have no legal recognition and thus the word genocide continues to dominate the field.

The first problem arising from the word genocide has to do with its various uses. It has a role in various kinds of political, identity-driven, or humanitarian rhetoric. This is a full-fledged matter of research and its several uses reveal some issues of great significance. I have tried to identify the main ones.

**Issues of memory.** When a population has been killed on a mass scale, the survival community sometimes struggles to have this past suffering recognized as genocide. The most emblematic fight in this field is that of the Armenian community in the face of aggressive denial by the Turkish government and its supporters around the world. But there are numerous other cases as well. Very often, activist or nationalist leaders put moral pressure on historians to recognize their individual cases as genocide. If such scholars are convinced that the case constitutes genocide, they can conduct their research without any obstacles. If they are not convinced, they might have problems getting access to archives or testimonies. Scholars might also be blamed by survivors who absolutely want their suffering to be recognized as genocide. In sum, keeping distance from memory issues and political pressures is a very difficult task in the field of genocide research. This does not mean that scholarly works inspired by memorial issues are necessarily biased and controversial. On the contrary, some such works can constitute some of the best research, especially when they are focused on what are referred to as "forgotten genocides," which have been studied less.<sup>4</sup> At the *OEMV* we require each contributor writing up a case study to distinguish between "memory issues" and "interpretation of facts."

**Urging humanitarian action.** This occurs when non-governmental organizations (NGOs) report that a population is in danger of genocide. In such cases, using the word "genocide" aims to prompt public concern that will lead to an international intervention. This can also lead to an overuse of the word to convince state decision makers of the desperate nature of a crisis and/or to act decisively. That, of course, can be counterproductive. Indeed, if genocide is already underway in a particular country, state decision makers can reply that there is nothing that can be done because it is too late. Thus, instead of spurring action, the use of the word genocide leads to no action at all, to passivity. For this reason US legal expert David Scheffer has recommended the use of the term "mass atrocities" instead of "genocide" in cases when NGOs want to convince the international community to take action. Paradoxically, this expression is less frightening than the "G" word, which is why some academic programs are now titled Genocide and Mass Atrocities Studies. It should be kept in mind that this approach to the concept of

mass atrocity is a practical step to maneuver through the political realities that are obstacles to human rights intervention against mass violence, not a genuine conceptual shift.

**Legal purposes.** When prosecuting instigators and perpetrators, such as Pinochet or Milošević, for the crime of genocide, prosecutors and judges use the wording of the UNCG, by which the International Criminal Court (ICC) abides. But it is not certain that use of the charge of genocide for prosecution is appropriate in all cases. Darfur is a good example of this: for some analysts and organizations it was a real case of genocide but for others (such as the French NGO Médecins Sans Frontières) it was not. However, this position did not prevent those concerned about the mass violence in Darfur from being deeply engaged in trying to help the people of Darfur. ICC President Luis Moreno-Ocampo's decision to prosecute Omar al-Bashir, the president of Sudan, for genocide has surprised those who believe that Khartoum was more responsible for ethnic cleansing, which can be qualified more as a crime of war or crime against humanity (as the legal expert Antonio Cassese argued in his report for the UN), than genocide. In that regard, one can argue that the ICC might contribute to the banalization of the word genocide.

Last but not least, the term can also be used as a moral and psychological weapon against one's enemy. For example, the Serbs of Kosovo claimed to be the victims of a new genocide by the Albanians since the middle of the 1980s, while delegates of the Conference of Durban in 2001 accused Israel of perpetrating a "real" genocide against the Palestinian people. As a result, the word is sometimes used as a symbolic shield to construct the identity of the victim, just as a sword is drawn against an enemy.

Can we hope for some clarifications from the research community? Not really. The range of definitions is very wide, from Israel Charny who thinks that any massacre is genocide (including the nuclear accident at Chernobyl) to Steven Katz who asserts that only one genocide has been perpetrated in history: the one against the Jews. Fortunately, some Holocaust scholars, such as Omer Bartov and Yehuda Bauer, have developed a different point of view and have demonstrated that they are open to comparative analysis with other cases of genocide.

Obviously, there is no consensus among scholars about what does and what does not constitute genocide. This field of research might appear as both confused and highly subject to political and memorial controversies even if researchers are doing their best to produce a high level of scholarly work. Considering that discussion around the G word is endless and above all leads nowhere, some eminent colleagues such as Christian Gerlach now reject the G word, advocating instead alternative expressions, such as "extremely violent society."<sup>5</sup>

On a different but certainly related note, let me underline the fact that our academic and digital initiative, our *OEMV*, represents a unique effort to gather together the most important historical cases of mass human destruction while honoring their singularity, thus offering a way to compare them according to the same framework of analysis. It aims to build a strong body of knowledge beyond these controversies thanks to the fact that we are following a rigorous methodology set out in our guidelines. So far so good; none of the contributions available online have provoked any major objection.

Beyond this, is it possible to bring some clarification to this new field of research? In this regard, I wish to raise three key questions/issues.

1. What is at stake in our relationship with relevant international law (i.e., the UNCG)? We can identify at least two schools of thought among genocide scholars.

First, there is what I call the UN school of genocide scholars. Most scholars come from this school and believe that the UNCG offers the most useable definition precisely because the scholarly community is unable to agree on a common definition of genocide. They also believe that it is legitimate to make use of the legal definition as a research category in social sciences. To some extent, they are right since this was Lemkin's position in his book.<sup>6</sup> He did not intend to dissociate the historical analysis of such bloody events from its legal incrimination. But Lemkin was an international legal expert. Does his position have to be shared by historians and political scientists?

This UN school of genocide scholars has been challenged by a new generation of scholars who want to distance the field from the UN legal definition. Essentially, they ask, To what extent is it legitimate to take an international legal norm, based on a political agreement by the international community in 1948, as an operational basis for our research in history, sociology, anthropology? To do so means that we base our genocide research on an international norm which is by definition political since the text of the UNCG is clearly the outcome of an international agreement reached by the world community of states within the post-war context.

Such a concern is why scholars of the new generation want to rely first and foremost on their discipline (i.e., history, sociology, political science, anthropology) in their genocide research. They certainly take into account the legal definition but they do not want to be bound by it.

There is another basis for using alternatives to the UN definition: the need for an interdisciplinary approach. Genocide as a phenomenon in itself is so complex that it must be examined not only from the standpoint of the historian but also from that of the psychologist, the anthropologist, and so forth. Interdisciplinary analysis is absolutely necessary if we really want to study such monstrous events in-depth. Inspired by Christopher Browning's work, this is the basic argument of my book *Purify and Destroy*.<sup>7</sup>

2. There is a second important difference among scholars regarding the *scope* of the events that they define as genocide. For numerous scholars, especially in North America and the UK, genocide and massacre mean more or less the same thing. A recent example of this is found in Martin Shaw's work.<sup>8</sup> According to Shaw, any kind of killing of an unarmed group might be regarded as genocide, an idea that lead him to support a controversial position when he recently stated that Israel committed genocide in 1948 against the Palestinian people. Bartov strongly disagreed with him in calling this expulsion of Palestinian people a genocide.<sup>9</sup> Ultimately, they both agreed that some form of what is now called ethnic cleansing did occur in 1948. But whereas Bartov was not willing to think of this as genocide, Shaw confidently argued that any policy meant to destroy a group, even if it is not outright murder, should be seen as genocide.

I, too, disagree with Shaw's assertion that any massacre constitutes a form of genocide. This overuse of the G word leads to its abuse.

Being aware of this, some scholars use the expression "genocidal massacre." But this notion is rather confusing in itself. Here, as scholars, we should distance ourselves from the G word to study "massacre" *as such* as an independent object of research. (A new book co-edited by Lyndall Ryan and Philip Dwyer is an important and fruitful contribution in that direction.<sup>10</sup>) Thus, it is legitimate to study the multicausal process, which can lead a country from massacre to genocide without pre-supposing any kind of determinism, the

road to mass killing and genocide being circuitous. I have defended the idea that not every massacre can be considered genocide and genocide is composed of one or more massacres. In other words, we need to study the genocidal process—that is, the process moving from massacre to genocide, as suggested by Leo Kuper back in the early 1980s. Still, it should be understood that my criticism about the overuse of the word genocide does not mean that I reject the term itself. At the end of *Purify and Destroy*, I finally present my own definition of genocide from a social scientific point of view: “[Genocide is] a particular process of civilian destruction that is directed at the total eradication of a group, the criteria by which it is identified being determined by the perpetrator.”<sup>11</sup>

3. The notion of the crime of genocide as defined in the UNCG is not comprehensive enough to be applied to the different historical processes of mass destruction to which scholars try to stretch it to cover. Instead of modifying its contents, why not have another complementary UNCG to focus on the notion of crime against humanity? It will be very helpful in clarifying many debates on legal/social scientific definitions and enriching the legal weapons to prosecute instigators and perpetrators of such crimes. In that regard, the Crimes Against Humanity Initiative, an international initiative currently led by Leilha Sadat (Washington University of St. Louis) and supported by William Schabas and many other international lawyers, is exactly what is needed today. The results of my own work have led me in that direction as well, even if I am not a legal expert.

Let us start again with the 1948 UN definition of genocide. We all know that genocide is defined through the intent to destroy a group as a whole or in part.<sup>12</sup> But the UN text does not specify the political goals of such intent. As a historian and political scientist, it seems important to me to draw a distinction between two processes of mass destruction:

***Destroying to subjugate.*** The goal here is to annihilate a group partly in order to force the rest of the group into total submission. The destruction process is, by definition, *partial* but it is intended to have an *overall* impact on the rest of the group. In legal terms, I understand that this can be described as a crime against humanity.

***Destroying to eradicate.*** Genocide aims not so much to subjugate individuals tied to a given political power but rather to eliminate a community from a more or less extensive territory controlled or coveted by a state. This process involves “cleansing” or “purifying” the area of the presence of another who is deemed undesirable and/or dangerous. For this reason, the concept of *eradication* seems particularly relevant since its etymology conveys the idea of severing roots or extracting from the earth—in short “uprooting”—as would be said of a harmful plant or contagious disease. In legal terms, the UN definition of genocide is closely linked to this particular process of mass destruction.

These two processes often overlap in the same historical situation. In Rwanda, for example, Hutu extremists tried to eradicate the Tutsi minority while suppressing moderate Hutu. In the former Soviet Union under Stalin, these two processes of destruction were also at work. While the general aim of the communist power was to subjugate all Soviet people, Stalin’s policy was to eradicate particular groups or nations perceived as enemies of his regime. If he had ever been brought to trial, Stalin might have been prosecuted for having perpetrated both genocide and crimes against humanity.

If we look at the field of genocide research as a whole, what a mess! I hope that these comments can help bring about some clarifications, but I doubt it. Individual

scholars have their own genocide definitions in mind to apply to their personal historical cases to which they have dedicated their lives. For these reasons, and primarily because they are dedicated to speaking in the name of the dead, scholars are generally not at all flexible or ready to make any concessions. We all know scholars who specialize in a particular sub-field and no longer speak to other specialists within the same sub-field because they strongly disagree in their respective approaches. This is one of the reasons why our OEMV has opted for the more neutral and general term "mass violence."

However, we do not reject the notion of genocide. Our "Scientific Approach" explains,

Nonetheless, the incrimination of genocide remains relevant in view of the UNCG. Undoubtedly, and in spite of its ambiguity, this document represents a fundamental contribution by international lawyers. It bears witness to the emergence of a universal conscience opposing the outrageousness of mass crimes. Indeed, the UNCG appears all the more important since social scientists have been unable to agree on a common definition of genocide. Shedding light on their different approaches is among the main objectives of the OEMV.<sup>13</sup>

With respect to my own definition of genocide, I do not pretend to convince anybody else that it is the definition to which all should adhere. This leads me to be more tolerant of what does and what does not constitute genocide. What is really at stake is understanding why and how a society can slide into mass violence and mass destruction. This is exactly what *Purify and Destroy* is about. But that is another story.

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## Notes

1. *Online Encyclopedia of Mass Violence*, <http://massviolence.org/> (accessed 9 Feb 2012).
2. *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277, <http://www.preventgenocide.org/law/convention/text.htm> (accessed 8 Feb 2012).
3. Barbara Harff and Ted R. Gurr, "Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945," *International Studies Quarterly* 32 (1988), 269–81.
4. René Lemarchand, ed., *Forgotten Genocides: Oblivion, Denial and Memory* (Philadelphia: U of Pennsylvania P, 2011).
5. Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth-Century World* (Cambridge: Cambridge UP, 2010).
6. See Raphael Lemkin, "Genocide," in *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie, 1944), 79–95.
7. Jacques Semelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia UP, 2007). *Purify and Destroy* is available now in six languages (English, German, Italian, Portuguese, Slovene, French). See also Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1992).
8. Martin Shaw, *What is Genocide?* (Cambridge: Polity, 2007).
9. See their controversy in "The Question of Genocide in Palestine, 1948: An Exchange between Martin Shaw and Omer Bartov," *Journal of Genocide Research* 12,3–4 (2010), 243–59.
10. Philip Dwyer and Lyndall Ryan, eds., *Theatres of Violence: Revisiting the Massacre in History* (New York: Berghahn, 2012).
11. Semelin, *Purify and Destroy*, 340.
12. *Convention on the Prevention and Punishment of the Crime of Genocide*, Article II.
13. "Our Scientific Approach," *Online Encyclopedia of Mass Violence*, <http://www.massviolence.org/Our-scientific-approach> (accessed 9 Feb 2012).

# On the Original Understanding of the Crime of Genocide

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*This article is an extended exercise in genocide originalism. Efforts to equate genocidal intent with total racial destruction have grown more common within the UN system over the past decade, including in the cases of Yugoslavia and Sudan. The article surveys evidence that the drafters of the UN Genocide Convention (UNCG) did not define genocidal intent as the intent to destroy an entire race or religion. This evidence shows that the UNCG does not require a deliberate plan or policy of a state to exterminate the members of an entire racial or religious group, or a total genocide. Rather, the UNCG expressly covers partial genocides, genocides in which heads of state do not participate, and genocides motivated by reasons other than racial or religious hatred. This original understanding is manifest in the text of the UNCG, the drafting process, and the course of performance of the UNCG.*

*Key words: Armenian Genocide, originalism, Sudan, Yugoslavia*

Although many genocide scholars adopt sociological or other social scientific definitions of genocide, other leading genocide scholars have propounded a purportedly legal definition that is unduly narrow. Presumably based on the drafting history of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (UNCG), this narrow definition actually rests upon incomplete and selective references to legal sources with misleading implications. This is apparent during discussions of the question of whether partial genocides, such as by “ethnic cleansing,” constitute the crime of genocide.

In this article, I argue that the greatest setback to genocide scholarship, and one largely self-inflicted by some genocide scholars, is the elevation of the requirement of genocidal intent to a standard that is nearly impossible to satisfy because it requires the total destruction of a race. This view has gained ground within the UN system in recent years, as represented by certain findings of the International Court of Justice (ICJ), the International Commission of Inquiry on Darfur (ICID), and the trial chamber of the UN-backed International Criminal Court (ICC). At the root of this misunderstanding is some scholars’ equation of the intent to destroy a group—as required by Article II of the UNCG—with a state’s deliberate plan or policy to exterminate the members of an entire racial group, or a *total genocide*. Contrary to this distortion of the UNCG, its drafters and ratifiers rejected efforts to limit genocide to total destruction, a plan or policy of destruction, or a motive of racial hatred. This explains why the UNCG defines genocidal intent so as to include the “intent to destroy . . . in part” and why the UN and its members consistently condemn ethnic cleansing as genocide.<sup>1</sup>

## **Achievements of Genocide Studies**

Scholars, human rights groups, and journalists have made steady progress over the past seven decades in identifying genocide and other crimes against civilian populations and in persuading prosecutors and UN officials to initiate proceedings. Raphael Lemkin

pioneered this process, which was taken up most effectively by John Barron and René Lemarchand in the 1970s,<sup>2</sup> by Leo Kuper and Israel Charny in the 1980s,<sup>3</sup> and by Richard Hovannisian, Vahakn Dadrian, and Robert Melson with regard to the Armenian genocide in the 1980s and 1990s,<sup>4</sup> with the latter tradition being expanded upon by Thea Halo, Donald Bloxham, and Adam Jones in the 2000s as they documented a general Ottoman Christian genocide.<sup>5</sup> Since the 1990s, Frank Chalk, Kurt Jonassohn, Helen Fein, R.J. Rummel, Iris Chang, Samantha Power, Ben Kiernan, and Samuel Totten have described other genocides, especially in Africa and Asia.<sup>6</sup>

Even without a standing international criminal court, scholars and other writers have consistently shined the light of truth upon attempts to shroud genocide within the fog of war. Although the convictions of high-ranking Nazis for the Holocaust at the International Military Tribunal, Nuremberg, were for “extermination of the Jews” rather than “genocide,” Raphael Lemkin fought as adviser to the tribunal to have destructive acts against Jews, Poles, “Gypsies,” and others indicted as genocide, and the concept was used in the indictment.<sup>7</sup> The British prosecutor at the Nuremberg trial argued that not only Jews but also Belgians, Dutch, French, Norwegians, and Yugoslavs had been victims of genocide.<sup>8</sup> This echoed Lemkin, who wrote that Poles, Slovenes, and Russians were victims of genocide by mass killings under German “colonization.”<sup>9</sup> Lemkin argued in 1953 that the Soviet Union and its allies were guilty of genocide by killings and deportations to Siberia.<sup>10</sup>

After Lemkin’s death in 1959, legal scholars and politicians continued to uncover evidence of genocide in the Soviet Union, China, Nigeria, Pakistan, Vietnam, Cambodia, Iraq, Sudan, and elsewhere.<sup>11</sup> Scholars helped persuade the UN to establish international criminal tribunals backed by the Security Council for Rwanda and Yugoslavia and to support the drafting of the Rome Statute of the ICC in 1998, and other scholars helped persuade the ICC to exercise its jurisdiction over genocide.<sup>12</sup>

### **Was the UNGC Only Intended to Apply to Total Genocides?**

In recent years, scholars and genocide prosecutors have had to contend with an excessively pro-perpetrator interpretation of the UNGC. This interpretation would attempt to remove all doubt that a genocide conviction is appropriate by requiring an extraordinarily high showing of the intent to destroy an entire group and its physical and biological remnants accompanied by racist motives completely unrelated to any political purpose. Taken seriously, this interpretation is virtually impossible to satisfy with evidence. Thus, it may undo much of the progress made since 1945 in defining genocide and banning it.

Typically, a treaty like the UNGC is interpreted to give effect to its text, its drafting history, and the case law applying it.<sup>13</sup> Unfortunately, in the past decade and a half, a form of scholarship has emerged that very selectively takes account of these sources, especially the working papers or *travaux préparatoires*, and ends up constructing a strained and anti-victim meaning of key phrases in the treaty.

One way not to interpret a treaty is to make its provisions so difficult to satisfy that no concrete case qualifies, making the treaty useless and frustrating its drafters’ purposes. Some scholars confine the definition of genocide to a set of very rare and unique events that may never be repeated as long as politicians have enough sense to not write down that they are exterminating races for no good reason. In that sense, the interpretation is very favorable to the perpetrators of genocide who appear as defendants before international criminal tribunals.<sup>14</sup> It is, therefore, also anti-victim in effect. For example,



one scholar argues that a “lone genocidal maniac” should receive psychiatric care rather than criminal punishment, whereas a victim might well disagree.<sup>15</sup>

Some scholars and practitioners in the field of genocide law argue that only total biological and physical genocide, and not partial physical genocide or systematic economic or cultural genocide, are covered by the UNCG.<sup>16</sup> For example, Professor William Schabas (University of Ireland at Galway) suggests that the Holocaust and the Rwandan Genocide represented true, legal genocides,<sup>17</sup> while the Armenian Genocide, Bangladesh, Biafra, Cambodia, Bosnia and Herzegovina, Kosovo, and Darfur did not.<sup>18</sup> He argues that genocide requires a motive to destroy the entire group for reasons of “racist hatred,” and that the presence of mixed racial and political/military motives precludes genocidal intent—that is, the specific intent to destroy the group.<sup>19</sup> Other scholars also equate motive with intent.<sup>20</sup>

Professor Steven Katz (Boston University, formerly Co-Chair of the Academic Committee of the US Holocaust Memorial Museum), adopts a similarly narrow interpretation of the crime of genocide. As a result, Katz opines that there was no genocidal intent in Rwanda.<sup>21</sup> He argues that the Hutu-Tutsi conflict in Rwanda was “not genocidal” but rather a war for “tribal domination.”<sup>22</sup> Katz also argues that even if the Ottoman Empire killed 775,000 Armenians, this would not be genocide because 17–27% of Armenians survived and this did not amount to the “complete physical extirpation of every person of Armenian heritage.”<sup>23</sup> These equations of genocide with total extermination for no reason, rather than ethnic conflict resulting in mass violence, is analogous to the argument that the Srebrenica massacres did not indicate genocidal intent because they were not total; that is, the women and children of the region lived and the Bosnian Serbs might have had good tactical reasons to massacre Muslim men and boys.<sup>24</sup>

Both Katz and Professor Emeritus Guenter Lewy of the University of Massachusetts at Amherst have argued that only Jews were victims of genocide and all Jews were victims of a total genocide in the Holocaust or Hebrew Shoah.<sup>25</sup> Lewy explains that the difference is that the Nazis intended to “annihilate physically every man, woman and child” who was Jewish.<sup>26</sup> Katz similarly identifies the distinction between Jewish genocide and other tragedies on the basis that there was an “intention to kill all Jews without escape.”<sup>27</sup> Lewy argues that killing 40% of the world’s Armenians was not genocide, without noting the rate of Jews surviving the Nazis.<sup>28</sup> He contends that, unlike the Holocaust, the Armenian case lacks evidence of a “state-sponsored plan of annihilation.”<sup>29</sup> Likewise, Katz finds no genocide in Armenia because “several hundred thousand Armenians survived” their deportations.<sup>30</sup> He does not calculate how many Jewish survivors there may have been after 1945.<sup>31</sup>

These total genocide theories differ in some respects. Unlike Katz and Lewy, for example, Schabas does not ignore the fact that the case of the Armenians was among those considered by the drafters of the UNCG as a typical or exemplary case of genocide.<sup>32</sup> Moreover, Schabas does not deny that Rwanda was a genocide; in fact, he was among the first to allege that Tutsi may be victims of genocide in Rwanda.<sup>33</sup> Finally, Schabas acknowledges the existence of case law and other legal materials that have found genocide to have been committed where there were survivors.<sup>34</sup> He simply attempts, as set forth below, to prove that case law wrong.

The total genocide interpretation of the UNCG is flawed whether the text of the UNCG, the UN drafting history, or the case law is considered. The UNCG defines as genocide certain acts with “the intent to destroy, in whole or in part, a national,

ethnic, racial or religious group.”<sup>35</sup> Not one of the acts is restricted to exterminating the group and killing all of its members. In fact, both Lemkin and the UNCG repeatedly emphasize that the victims may survive<sup>36</sup>; thus, they defined genocide to include destructive acts other than killing, such as harming physical and mental health, degrading economic conditions, and interfering with the birth and rearing of children.<sup>37</sup>

The introduction of the words “in part” into Article II of UNCG was achieved by the Norwegian delegation to the drafting committee.<sup>38</sup> The Norwegian delegation argued that “it was not necessary to kill all the members of a group in order to commit genocide.”<sup>39</sup> The Yugoslav delegation agreed, pointing out that “the main characteristic of genocide lay in the intent to attack a group,” in other words not simply the intent to exterminate a group.<sup>40</sup> The Uruguayan delegation proclaimed that partial genocide was *already* covered by the “intent to destroy a group,” because “genocide was committed when a member of a group was attacked.”<sup>41</sup> The US delegation concurred, explaining that genocide is not so much about the extermination of groups as the “denial of the[ir] right to live” and insisting that the UNCG must “afford protection to human groups against the acts of individuals.”<sup>42</sup> The British delegation noted that “if it was desired to ensure that cases of partial destruction should also be punished, the amendment proposed by the Norwegian delegation would” do that.<sup>43</sup> The French delegation voted for the Norwegian proposal because it clarified that genocidal intent would include an intent to kill or inflict mental harm on “an individual as a member of a human group.”<sup>44</sup>

### **Was the UNCG Intended to Apply Only to Racial Genocides?**

Some scholars contend that specific intent means the intent to destroy the group completely, as part of a plan or policy of total destruction, and not to destroy some of it physically and eliminate the remainder of the group by refugee flight.<sup>45</sup> They suggest that the use of the phrase *dolus specialis* in the drafting committee’s report requires a motive of racial hatred on the part of *génocidaires*.<sup>46</sup> Special intent or *dolus specialis* is contrasted with *dolus eventualis* or the conscious disregard of a known risk (recklessness as to the result).<sup>47</sup> The idea is that a series of massacres alone may not be “calculated to destroy the group, in the sense of genuine [Nazi-style] extermination camps.”<sup>48</sup> Scholars use terms such as “racial hatred” and “physical extermination” to describe the intent to destroy thus construed.<sup>49</sup> One even says that to charge a suspect with genocide, prosecutors need to find a “centralized blueprint for racial annihilation.”<sup>50</sup>

The report of the committee on the drafting of the UNCG reveals that genocidal intent was distinguished from the Nazis’ premeditated racist extermination campaign against the Jews, so that genocidal intent may exist in more varied circumstances. Among other evidence, a Soviet amendment specifically emphasizing racism and Hitlerism was rejected, and another Soviet amendment underlining the importance of “racial hatred” also failed.<sup>51</sup> Moreover, language defining genocide as requiring an intent to act “on grounds of national or racial origin” was replaced with a definition including the “intent to destroy [a group] in whole or in part,” and language suggesting that perpetrators must be motivated to act “particularly on grounds of” race, nation, or religion was refused.<sup>52</sup>

The point is, delegates declined to link genocide explicitly to racism or Hitlerism because other forms of intent may suffice for the crime of genocide.<sup>53</sup> The Soviet Union unsuccessfully pressed the view that genocide requires extermination of entire groups “because of their race and nationality.”<sup>54</sup> Most importantly, the other delegates turned

back a proposed Soviet amendment which would have required acts “particularly on grounds of national or racial origin or religious belief” because most delegates believed that “the destruction of a human group on any grounds should be forbidden.”<sup>55</sup> Therefore, a requirement of discriminatory motives was not adopted.

The effect of adopting a highly restrictive construction of the UNCG is the same as if every Soviet amendment had been accepted. But this frustrates the intent of the other delegates, who intended the UNCG to apply to other motives and contexts.

### **Does the UNCG Require *Physical* or *Biological* Destruction?**

The total genocide interpretation of the UNCG equates intent to destroy with physical destruction.<sup>56</sup> Some scholars have argued that genocide was not committed in Darfur because the state did not achieve “the intentional physical destruction of an ethnic group.”<sup>57</sup> Some have also argued that the Cambodian Genocide did not occur because Cambodians are not a protected national group, and religious minorities were singled out for assimilation rather than murder.<sup>58</sup> According to this interpretation, the UN General Assembly, Cambodian war crimes tribunal, and US Congress were simply being “idiosyncratic” or “political” in declaring a Cambodian genocide.<sup>59</sup> A similar argument is made about Kosovo, often while refusing to note that in 1999 several leaders of the key states involved in the drafting of the UNCG condemned genocide in Kosovo.<sup>60</sup>

Furthermore, some scholars condemned the International Criminal Tribunal for the former Yugoslavia (ICTY) for ruling that genocide was committed at Srebrenica as a result of the massacre of up to 8,000 Bosnian Muslim men and boys. Schabas, for example, argues because genocide must be physical, it “distort[s]” the UNCG to find, as the tribunal has, that genocide could be committed by massacring the men and boys of a community in order to make its physical survival in the area difficult or impossible.<sup>61</sup> Another scholar remarks that because the Srebrenica massacre was improvised by the military, it lacked the element of political strategy to exterminate a race required to apply the stigma of genocide.<sup>62</sup>

There is extensive evidence in the text of the treaty and in the *travaux préparatoires*, however, that the drafters intended to prohibit non-physical genocides as well. The text of the UNCG refers to “mental harm” and to the forced removal of children from their parents’ influence not as crimes against humanity but as acts of genocide. The word “physical” is used to qualify only one of the listed acts—the imposition of living conditions calculated to bring about the group’s destruction.<sup>63</sup> The intent to destroy, therefore, need not be physical when the act does not kill.<sup>64</sup>

The drafting history of the UNCG reveals that the Soviet Union proposed another amendment limiting the intent to destroy a group to acts “aimed at the physical destruction” of the group, which was rejected.<sup>65</sup> The Soviet Union argued that because “article II was concerned with biological genocide,” the “idea of ‘physical destruction’ should therefore be specified in the text of the definition” so as to distinguish it from cultural genocide.<sup>66</sup> The other delegates spoke out against this proposal. One delegate remarked that “history gave examples of genocide where there had been no intent of physical destruction of the groups concerned,” which would not constitute genocide under the Soviet amendment, such as when “the older members of a group had been killed and the younger ones converted by diverse means to an ideology different from their own.”<sup>67</sup> The United States agreed, explaining that the intent to destroy need not be shown by the actual destruction of the group as a result of the perpetrators’ acts.<sup>68</sup>

The Soviet amendment was overwhelmingly rejected by a vote of 36 to 11, with four abstentions.<sup>69</sup>

The Soviet Union also proposed that genocide requires a “physical destruction of [a] racial, national (or religious) group committed on racial, national (or religious) grounds” and not merely an intent to destroy a group in whole or in part.<sup>70</sup> This amendment failed as well.<sup>71</sup> Therefore, as one delegate opposing the Soviet proposals explained, genocide may occur under Article II even though “individual members of [the group] continued to live normally without having suffered physical harm.”<sup>72</sup> The mental genocide prong of Article II confirms this interpretation.<sup>73</sup> It applies to all “inhumane . . . treatment” and “persecution” that targets a group and tends toward its *mental* destruction.<sup>74</sup>

When the Soviet Union attempted to make religious genocide a subset of national genocide, a coalition of states including Egypt, Greece, and Yugoslavia successfully organized the opposition to this amendment. They pointed to ethnic and religious cleansing between Hindus and Muslims in India and Pakistan, Jews and Muslims in Palestine, and Serbs and Croats in Yugoslavia and argued that such “genocides” should be prohibited.<sup>75</sup> In none of these historical episodes was the group completely eradicated, so the “genocide” was partial, potentially covered by the “destroy . . . in part” language adopted by the drafters.

Some scholars argue that ethnic cleansing and cultural genocide were excluded from the UNGC when Article III of the original draft was stripped during the deliberations and when a Syrian amendment addressing forced displacement was rejected.<sup>76</sup> A closer examination reveals, however, that these proposals were *not* rejected because the drafters wanted to immunize from prosecution as genocide the selective murder of the leaders or adult men of a group followed by the deportation or forcible assimilation of women or children. Quite the contrary is true. The problem with Article III was not that it prohibited cultural genocide but that it defined it so broadly as to include restrictions on the use of language (think of English-only education laws), the destruction or “dispersion” of documents or objects of cultural or historical value (think of urban development projects), and the “systematic destruction of books” (think of libraries weeding out collections).<sup>77</sup> It was therefore too difficult to establish the limits of cultural genocide when it was defined to include the “use of the language of the group . . . in schools” or “preventing the use of . . . museums, schools, historical monuments, or places of worship.”<sup>78</sup> Schabas remarks that the US and Canada led the opposition to “cultural genocide”; they actually opposed including “ethnic” (or cultural and linguistic) groups in the UNGC at all, but they lost this fight when ethnic groups were included alongside racial groups.<sup>79</sup>

Similarly, the Syrian proposal was extremely overbroad in including any “measures intended to oblige members of a group to abandon their homes” by intimidating them, which might apply to the construction of public works such as highways through formerly residential neighborhoods after use of the power of eminent domain to force residents to leave.<sup>80</sup> All of the leaders of the countries joining the treaty could be prosecuted for becoming complicit in genocide by building highways. The government of India objected that “not even the threat of genocide” was required by the Syrian amendment.<sup>81</sup> The Soviet Union argued that true compulsion to depart from one’s home under a threat of genocide was *already* covered by the draft convention.<sup>82</sup>

The intent of the drafters not to immunize ethnic cleansing as practiced in the Ottoman Empire, or more recently in the former Yugoslavia, was absolutely clear. The

drafters announced their design to prevent and punish ethnic cleansing when they accepted a Swedish amendment to add “ethnicity”<sup>83</sup> to the Soviet categories of national, racial, or religious genocide. They made this amendment expressly in order to clarify that the impact upon the “whole of the traditions of a group, with its cultural and historical heritage, had to be taken into account.”<sup>84</sup> Sweden emphasized that in some cases a group’s language rather than its race would be the target of attacks.<sup>85</sup> Sweden also argued that the law of genocide should protect “a group which was held together by a common origin or common identity.”<sup>86</sup> It was understood that the Swedish amendment would apply to instances such as the post-World War II ethnic cleansing of the Germans in Poland and the Poles in Germany.<sup>87</sup> Sweden argued that such groups “might be defined by the whole of [their] traditions and [their] cultural heritage.”<sup>88</sup> The US and the Soviet Union also agreed that the UNCG should apply to the members of political groups who make up the intellectual or cultural leaders of populations that an occupying army like that of the Nazis was attempting to “subjugate.”<sup>89</sup> A Greek amendment designed to prevent genocide by the forced abduction of children to be raised in new families, as occurred in the Ottoman Empire, also passed.<sup>90</sup>

The drafters made other departures from the model of physical genocide as in the case of the Jews gassed at Auschwitz. They dismissed a proposal to limit mental harm to “mutilations and biological experiments.”<sup>91</sup> The US argued that physical injury not resulting in permanent harm or mutilations should be protected against.<sup>92</sup> The drafters similarly expanded a predicate act of genocide from the impairment of the “physical integrity” of group members to the infliction of serious bodily or mental harm upon them.<sup>93</sup> China explained that outlawing genocide was of cardinal importance to China because the Japanese had committed genocide in China by various methods, such as by dealing opium.<sup>94</sup> Japan has yet to ratify the UNCG.<sup>95</sup>

The text and drafting history clarify that genocide may occur by “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”<sup>96</sup> with the intent to destroy the group in whole or in part, even when total destruction does not result. This prong of Article II actually summarizes a longer list of acts identified by the UN Secretary-General as causing slow death or impairment to a group’s health, such as denial of food, medical care, hygiene, clothing, or housing and compulsion to perform excessive physical work.<sup>97</sup> The Secretary-General suggested that what is now called ethnic cleansing might inflict conditions of life calculated to destroy the group in part when it results in the denial of group members’ livelihoods, confiscation of their homes and means of sheltering their children, mass dismissals from employment, and the refusal of food or other supplies needed for families to survive.<sup>98</sup> Schabas also concedes that the drafters of the UNCG considered the Armenian Genocide, in which mass deportations resulted in deaths from hunger and exposure and were accompanied by direct massacres, as the paradigm of indirect genocide using the forces of nature.<sup>99</sup> But he argues that the UNCG is not applicable to the Armenian Genocide because Armenians suffered only cultural harm in the period since genocide entered customary international law sometime after 1914.<sup>100</sup>

In light of this drafting history, the German Supreme Court has found that genocide was committed in Bosnia and Herzegovina because “cleansing” occurred by “killings, . . . a determined effort to capture others for killing, the forced transportation or exile of the remaining population, and the destruction of homes and places of worship.”<sup>101</sup> The fact that some victims in Bosnia and Herzegovina were deported or exiled

did not preclude a conviction for genocide. Similarly, the US Supreme Court let stand a federal appeals court's ruling which concluded that genocide occurred in Bosnia even prior to Srebrenica.<sup>102</sup> Courts in Austria, Brazil, Cambodia, Equatorial Guinea, Ethiopia, Latvia, Lithuania, Iraq, Spain, and Ukraine have also confirmed that the UNCG was not intended to be applied narrowly so as to be triggered only when a plan or policy to destroy an entire group is decided upon at the heights of state power. They have found defendants culpable for genocide based on localized massacres and forcible displacement of the remaining population.<sup>103</sup> National courts have ruled that massacres affecting as few as 12 members of a group could reflect genocidal intent.<sup>104</sup> Based on this reading, leaders of states party to the UNCG have laid genocide charges at the diplomatic or political level after massacres in which most of the group survived, as in Biafra in 1968, Bangladesh in 1971, Cyprus in 1974, Afghanistan in the 1980s, Iraq in 1984 and 1987–1991, Bosnia in the early 1990s, and Kosovo in the late 1990s.<sup>105</sup> Such charges amount to state practice of genocide.

Other sources of the customary international law of genocide are to similar effect. These sources include General Assembly resolutions, the practice of domestic parliaments, the proclamations of national politicians and diplomats, the reports of UN experts, and the treatises of jurists and international law scholars.<sup>106</sup> The international community has simply refused to restrict the crime of genocide to total unprovoked genocides based on state policy. A number of General Assembly resolutions recognize ethnic cleansing as a form of genocide.<sup>107</sup> Many, perhaps most, of the delegates to the drafting process of the UNCG described ethnic cleansing (including the ethnic cleansing conducted by the Soviet Union) as genocide.<sup>108</sup> The Pakistani delegate called cultural genocide indivisible from physical genocide under Article II.<sup>109</sup> The representatives of several other states agreed that when accompanied by violence, cultural genocide should be prohibited by the UNCG.<sup>110</sup> Numerous treatise writers make similar arguments.<sup>111</sup> Turkey and other countries that have ratified the UNCG have protected cultural and political groups from genocide and have often condemned ethnic cleansing as genocide.<sup>112</sup>

Schabas has argued that the ICC, the ICJ, and the ICID are in agreement with him that ethnic cleansing is irreconcilable with an intent to destroy a group in whole or in part.<sup>113</sup> It is unfortunately true that the ICJ, following Schabas's lead, concluded in 2007 that the drafting history of the UNCG excludes destruction of the group through displacement alone and includes only "biological" and "physical" destruction.<sup>114</sup> However, the ICJ indicated that ethnic cleansing may constitute genocide when it rises to the level of "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" without persuasively analyzing whether this was the case in Bosnia and Herzegovina.<sup>115</sup> The Pre-Trial Chamber I of the ICC initially agreed with the ICJ, but the decision was reversed on appeal to the ICC's appellate body.<sup>116</sup> The Pre-Trial Chamber I rejected a charge of genocide after concluding that the government of Sudan may have "subjected, throughout the Darfur region, thousands of civilians, belonging primarily to the Fur, Masalit and Zaghawa groups, to acts of murder and extermination."<sup>117</sup> The ICID report adopted a similarly pro-defendant construction of the UNCG when it determined that even though the UNCG was originally intended to protect groups against the destruction of a substantial number of their members, the destruction of a substantial number of Fur and Masalit people did not qualify as genocide.<sup>118</sup>

The international criminal tribunals have often agreed with the Appeals Chamber of the ICC that deportation could constitute genocide and disagreed with its Pre-Trial Chamber I and the ICID report on that point. The ICTY has twice ruled that survivors of selective killings might suffer mental genocide because they fear that they might be killed or injured.<sup>119</sup> The ICTY's decision on the indictment against Radovan Karadžić and Ratko Mladić stated "that cruel treatment, torture, rape and deportation could constitute serious bodily or mental harm done to members of a group under a count of genocide."<sup>120</sup> The ICTY has found "that the forcible transfer of individuals could lead to the material destruction of the group, since the group ceases to exist as a group, or at least as the group it was."<sup>121</sup> It has also confirmed three times "that the means of deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, in whole or in part, include subjecting a group of people to a subsistence diet, systematic expulsion from their homes and deprivation of essential medical supplies below a minimum vital standard."<sup>122</sup> Although some defendants accused of genocide by ethnic cleansing in Bosnia and Herzegovina were acquitted, these perpetrators spared from harm most of the civilians under their area of effective control and did not even deport most of them.<sup>123</sup>

The judgment in the trial of the mastermind of the Rwandan Genocide, Théoneste Bagosora, also indicates that the impossible standard of proof advocated by the ICJ was not applied. Although rejecting the prosecution's theory of a military-led conspiracy to commit genocide in Rwanda against all Tutsi, even those who were not suspected of sympathizing with the rebellion, the International Criminal Tribunal for Rwanda (ICTR) in 2008 convicted several military defendants of genocide for carrying out selective massacres of Tutsi in Kigali as well as in other places, including a church, a mosque, and a university.<sup>124</sup> Other ICTR convictions largely inferred genocidal intent without requiring smoking-gun evidence of a state policy of genocide; the judges look for evidence of large-scale atrocities, systematic ethnic targeting, the use of derogatory ethnic language or slurs, and the large scale of the attempted destruction of those who survived.<sup>125</sup>

### **Does the UNCG Only Prohibit a *Plan or Policy* of Genocide?**

In 2005, the ICID concluded that the government of Sudan had not pursued a policy of genocide despite many massacres, mass rapes, deportations, burnings of villages, destruction of foodstuffs, and so forth.<sup>126</sup> The report, according to some scholars, demonstrated that a "state plan or policy" is an "essential element" of the crime of genocide even if it was "unspoken" by the UNCG's drafters.<sup>127</sup> In 2007, for example, Schabas defended the "theoretical construction" of genocide adopted by the ICJ, under which ethnic cleansing does not constitute genocide because it does not reflect a plan or policy of total destruction.<sup>128</sup>

The text of the UNCG clearly does not require a plan or policy of genocide by the state or its rulers.<sup>129</sup> Instead, Article IV of the UNCG makes it clear that private individuals who are not public officials may commit genocide.<sup>130</sup>

During the drafting process, the US and other nations blocked a proposed requirement for government officials to "co-operate" in genocide because these nations intended the UNCG to "afford protection to human groups against the acts of individuals."<sup>131</sup> Likewise, a proposed requirement of "deliberate" acts prompted opposition because "premeditation had a special meaning, distinct from that of intention."<sup>132</sup> The "intent to destroy" requirement represented a liberalization of the Secretary-General's draft, which required a "purpose of destroying."<sup>133</sup> The Secretary-General apparently designed the

purposeful genocide requirement to ensure that the “act must be deliberate,” as opposed to “isolated acts of violence not aimed at the destruction of a group of human beings.”<sup>134</sup> Therefore, the phrase “deliberate acts” became “acts” in the definition of genocidal intent, and the proposed requirement that officials “co-operate” in the killing was dropped.<sup>135</sup>

The delegates’ rejection of a requirement of racist motive or premeditation is important because in common law the notion of intent or specific intent may be inferred from conduct. Courts infer specific intent to kill in domestic US law from the destructive nature of an act, such as shooting another person.<sup>136</sup> The international criminal tribunals, with many judges trained in the civil law tradition, have similarly inferred intent from the act and the surrounding circumstances.<sup>137</sup> Otherwise, only a confession could convict.<sup>138</sup>

In response to a French amendment that would require the participation or “connivance” of constitutional rulers in genocide, the drafters expressed widespread opposition to such a definition. Like scholars endorsing a “plan or policy” element for the crime of genocide, France wanted to “define genocide in terms of its essential and primary character as a governmental crime.”<sup>139</sup> The US delegate, on the other hand, declared that the killing of even one individual with the intent to destroy a group could be genocide.<sup>140</sup> The US desired to preserve state responsibility for genocide in instances “where an act of genocide had been committed by private individuals without any participation by the rulers, if those rulers had not taken appropriate measures to punish the guilty persons.”<sup>141</sup> The UK delegate explained that “acts of genocide committed, encouraged or tolerated by rulers were not the only cases of genocide.”<sup>142</sup> The delegates of Iran and Pakistan likewise objected because under the amendment the massacres of religious groups recently committed in India would not be covered and insisted that such “fascist or terrorist organizations” should be punished regardless of the degree of participation of the state.<sup>143</sup> The Egyptian delegate made similar comments about recent massacres in Palestine.<sup>144</sup> Brazil’s delegate explained that “cultural genocide” could “obviously be committed by private individuals without any responsibility on the part of the State.”<sup>145</sup> Yugoslavia’s delegate mentioned an incident in which war criminals illegally entered Yugoslavia with plans to commit crimes of genocide.<sup>146</sup> The French amendment received only 2 votes in favor, 40 against, and 1 abstention.<sup>147</sup>

One issue that judges have with resort to the legislative history of statutes or treaties is that the process can be somewhat selective, with text, history, and case law providing ample opportunity to reach nearly any conclusion.<sup>148</sup> In this vein, advocates of the most restrictive construction of the UNCG have no trouble disregarding the drafting history of the UNCG when the history indicates a broad meaning. Thus, for example, while acknowledging that the drafting history of the UNCG reflects a clear rejection of a requirement of a genocidal plan or policy, Schabas has argued that it is impossible to imagine genocide without it. He persisted in this view even after several judges of international criminal tribunals disagreed with him.<sup>149</sup> Finally, when some other judges (notably within the ICTY) and the Darfur commission agreed with him, he looked to their rulings as authoritative, despite criticizing rulings by judges over the years as contradicting the drafting history.<sup>150</sup> When both judges and the drafting history repudiated his narrow reading of the UNCG, he appealed to public policy.<sup>151</sup> The gist of this policy argument is that a generous interpretation of the UNCG “demeans the suffering of the victims”; how the survivors of massacres in Rwanda are demeaned by genocide prevention is not explained, and indeed the notion is denied by survivors themselves.<sup>152</sup>



### **Was State Responsibility for Genocide Intended to Be Prospective Only?**

Some scholars have argued that the UNCG is inapplicable to the Armenian Genocide, either because of insufficient deaths or because the only acts that occurred between the 1920s and 1940s, when the customary international law crime of genocide might have come into existence, involved the destruction of cultural, historical, and religious heritage, to which the UNCG does not apply.<sup>153</sup> Schabas, for example, has argued that scholars on the Armenian Genocide “overstate the law” in order to “play well in certain Armenian communities,” implicitly accusing them of twisting the law to earn funds or gain popularity in the Armenian Diaspora.<sup>154</sup> He insisted repeatedly that Turkey has no responsibility for the Armenian Genocide, even though Germany and German officials had to take responsibility for a genocide completed before the UNCG was drafted.<sup>155</sup>

The typical analysis of the retrospective application of the UNCG has several defects. First, it assumes that statutes of limitation on genocide may only be relaxed in the case of an ongoing genocide.<sup>156</sup> Second, it assumes that Germany’s payment of reparations to the State of Israel and individual Jews was strictly voluntary.<sup>157</sup> Third, it assumes that international law will not make any progress in the next century toward redressing instances of mass violence that occurred in the distant past.<sup>158</sup>

Case law arising out of the US casts doubt on these assumptions. First, at least one court has held that statutes of limitation should not apply to crimes against humanity concluded decades ago, such as during the Vietnam War.<sup>159</sup> The court noted that the “principle of non-applicability of statutory limitations” to crimes against humanity, including genocide, is recognized in international treaties including the Rome Statute of the ICC and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.<sup>160</sup> The latter convention reflects customary international law enforceable in the US, according to some scholars.<sup>161</sup> Second, US courts have confirmed that plaintiffs’ attorneys’ threats of litigation compelled Germany to come to the table with various other entities and announce a scheme to compensate survivors of the Nazi era for the actions of Germany’s war industry.<sup>162</sup> Prior to that, the victims of Nazis received compensation,<sup>163</sup> including by such means as the seizure of assets by the Allies and their distribution to Jews and other survivors of Nazi crimes.<sup>164</sup> Even before the UNCG was drafted, the occupying powers in Germany established General Claims Laws to distribute gold, diamonds, and fine art to Jews and other victims.<sup>165</sup> Third, in 2006, the State of California extended the statute of limitations for Armenian Genocide survivors until 2010 to 2016.<sup>166</sup> The law marches on.

### **Do Genocide Scholars Have a Responsibility to Past and Future Victims of Genocide?**

Roger Smith, Erik Markusen, and Robert Jay Lifton have argued that genocide scholars have a professional responsibility not to give too much analytical aid to the defenders of genocidal acts.<sup>167</sup> With Charny, they maintained that genocide denial may be an assault on the cultural identity and national existence of the victim group.<sup>168</sup> The destruction of the remembrance of the act increases the likelihood of a recurrence.<sup>169</sup> Denial leads to a “situation of impunity,” which “fosters the chronic repetition of human rights violations and the total defenselessness of the victims and their next of kin.”<sup>170</sup> As others have argued with respect to torture, lawyers might embolden perpetrators.<sup>171</sup>

The “definitionalist” position that partial, cultural, ethnic, or religious genocide is not a violation of the UNCG, and that the UNCG should not be modified upon its enactment in domestic penal codes to include such non-racial groups, threatens to

exonerate those accused of past genocide and to embolden the perpetrators of future genocides. The position is a popular one in Turkey, Russia, China, Sudan, Yugoslavia, and other places where past or present leaders have been charged with genocide by human rights advocates.<sup>172</sup> As a Turkish diplomat summarized the definitionalist perspective in the *Turkish Daily News*, murders or rapes targeting a group such as the Armenians are genocidal only if “committed on a collective scale with a racist motive leading to the formation of the intent to destroy the group ‘as such’” or if committed “with the intent to destroy, which is motivated by racial hatred.”<sup>173</sup> The author argued that the Armenians were solely a “political group” despite their ethnic and religious differences, and “no anti-Armenian racism existed.”<sup>174</sup> On a related note, Schabas cited a rumor that a Russian official agreed with him that genocide could not have been committed in Darfur for then it might have been committed in Chechnya as well.<sup>175</sup> Furthermore, China resisted the Security Council’s application of the word “genocide” to the atrocities perpetrated in Rwanda in 1994; at least one expert cites “the Tibet factor” because China might have had “Taiwan or Tibet in mind.”<sup>176</sup> The Sudanese government smugly embraced the ICID report’s adoption of the theory of genocide as total destruction in January 2005.<sup>177</sup> Tellingly, British attorneys hired by two organizations supporting the Sudanese government and working in coordination with Sudanese officials urged the ICC to read Schabas’s works and find that “grave crimes have been committed in Darfur by all parties to the conflict” but not genocide.<sup>178</sup> Finally, it is worth noting that several defendants accused of genocide in Yugoslavia offered Schabas’s expert report that did not find genocide to have been committed, a report which the tribunal found to be an improper attempt to usurp the law-finding function of the tribunal’s own judges.<sup>179</sup> Radovan Karadžić expressed hope in his pre-trial brief that Schabas’s work would exonerate him on the grounds of lack of intent.<sup>180</sup>

Part of the problem is that arguments against applying the concept of genocide to partial genocides usually rest on the denial of the magnitude of the events themselves. Thus, writers in the total genocide tradition of scholarship have ignored the true scale of death during episodes of mass violence. Regarding the Armenian Genocide, Schabas basically denied it on grounds of inadequate destruction in the period since genocide entered customary international law, which was sometime between 1914 and 1939.<sup>181</sup> He argued that only property was subject to ongoing destruction even though in reality countless thousands of Armenians must have died prematurely and/or suffered serious mental harm as a result of poverty or ill-health since the 1920s, and he dismissed claims that the continuous destruction of Armenian monuments reflects an ongoing intention to destroy Armenia.<sup>182</sup> In his view, the only recognition appropriate for the Armenian Genocide, like the Cambodian one, would be a political, not a legal, one.<sup>183</sup>

Schabas also characterized the Cambodian Genocide as not meeting a rigorous definition of genocide because “destruction of religious institutions and forced assimilation of populations are acts of cultural, not physical, genocide.”<sup>184</sup> Yet he failed to offer a death toll of Cambodians under the Khmer Rouge or to apply Article II(c) of the UNCG, which refers to “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”<sup>185</sup> Nor did he discuss Articles II(d) or II(e) in this context, which refer to “imposing measures intended to prevent births within the group” and “forcibly transferring children of the group to another group.”<sup>186</sup> The Khmer Rouge forcibly sterilized women and stole children from their parents in order to destroy families and work children to death.<sup>187</sup> Ben Kiernan and

others have shown that the Buddhist, Vietnamese, and Muslim populations of Cambodia were not simply assimilated; they were massacred and tortured.<sup>188</sup> The post-Khmer Rouge government announced that 1,800 Buddhist monks and 41,000 Muslims were killed or died from Khmer Rouge policies in Phnom Penh from 1975 to 1979.<sup>189</sup> None of Schabas's works provided any evidence that the death toll among Tutsi in Kigali was higher than that, even though he refers to Tutsi as victims of a clear genocide.<sup>190</sup>

There are similar flaws with scholarly analyses of genocide charges relating to Bosnia and Herzegovina, Kosovo, and Darfur. Writing on Bosnia/Herzegovina and Kosovo, some scholars fail to acknowledge that scientific studies suggest that estimates of excess deaths vary between 200,000 and 305,000 for Bosnia/Herzegovina and between 12,000 and 18,300 for Kosovo.<sup>191</sup> Scholars have argued, moreover, that only "men of military age" were killed at Srebrenica,<sup>192</sup> whereas evidence showed that younger boys were also killed.<sup>193</sup> With respect to Darfur, scholars have often failed to acknowledge a death toll of 70,000 in 2004, rising to 400,000 in 2006,<sup>194</sup> or have described the events as massacres of the "military-aged men" and displacement of the civilian population,<sup>195</sup> when in fact many children, women, and elderly people have been massacred as well, even according to the deeply flawed ICID report.<sup>196</sup> These omissions of death tolls widely cited by others are central to some total-genocide scholars' argument that deportation is a humane, protective policy.<sup>197</sup>

### **Restoring the Legal Force of the UNCG**

Advocates of a pro-defendant construction of the UNCG argue that it will not result in an "impunity gap" for perpetrators of genocide by selective massacres or the imposition of poor living conditions.<sup>198</sup> The theory is that crimes against humanity will cover these acts.

However, there is no counterpart to Article I of the UNCG which establishes an obligation to prevent and punish all crimes against humanity.<sup>199</sup> Crimes against humanity have been committed in nearly every conflict since World War II, and international criminal tribunals have not been forthcoming in punishing the perpetrators, especially in the Baltic states, the Koreas, Tibet, Southeast Asia, Indonesia, Afghanistan, Chechnya, Lebanon, Israel, Palestine, India, Pakistan, Bangladesh, Sri Lanka, British Kenya, Burundi, the Congo, Nigeria, Rhodesia, Angola, Mozambique, South Africa, Peru, Colombia, and Mexico. Even when a hybrid tribunal has convened, as with the Special Panels and Serious Crimes Unit for East Timor, the result has often made a mockery of justice.<sup>200</sup>

Some scholars have suggested that no one cares and have implied that nothing should be done when a single individual kills or maims many others with the intent to destroy an entire group.<sup>201</sup> It would "trivialize" the UNCG to punish an ethnic or religious massacre by such a person, is the suggestion.<sup>202</sup> When the US was convinced that the events in Rwanda were simply local "acts of genocide" without a total physical genocide, the State Department took the view that the US would not be obligated to punish the perpetrators or prevent the acts.<sup>203</sup>

The narrow definition of genocide popularized by scholars and adopted by the ICJ deprives the UNCG of most of its legal force because few or none of the mass atrocities since 1948 qualify as genocide.<sup>204</sup> With the ICTR's judgment in the Bagosora case, even Rwanda could be doubted to be a total racial genocide.<sup>205</sup> In the case of Darfur, Professor Gérard Prunier observed that the public's "mass-consumption need for brands and labels" means that "a genocide is more serious[,] a great tragedy and more deserving of

our attention than [the deaths] of 250,000 people in non-genocidal massacres.”<sup>206</sup> Rwanda, Yugoslavia, Iraq, and Sudan probably had to be “branded” as anti-minority genocides before anything could be done; indeed, massive crimes against humanity against the dominant ethnic groups in these countries went unpunished by the UN system.<sup>207</sup> The insistence on the original understanding of the UNCG contributed to action on Darfur.

In adopting the total genocide model of the UNCG, the ICJ, ICC Pre-Trial Chamber I, and ICID report created an “almost impossible standard of proof” for establishing genocidal specific intent.<sup>208</sup> As Eric Reeves has argued, it seems that they were attempting to ensure “the irrelevance of the Genocide Convention.”<sup>209</sup> Only the rejection of this model and a return to first principles can ensure the UNCG’s effectiveness.

Likewise, adding a “plan or policy” of genocide as an element of the crime results in nearly impassable barriers to the enforcement of the UNCG. The actual killers during genocides would usually be acquitted on the basis that they were not aware of the total extermination scheme decided by the political or military leadership.<sup>210</sup> The leaders would often then be acquitted for not committing the genocidal acts themselves.<sup>211</sup> It is a perfect recipe for impunity.

The drafters of the UNCG predicted that impunity would result if the definition of genocide were to be made very narrow. During the debate on the French amendment requiring the participation of rulers in genocide, the Venezuelan delegate argued that “fear of punishment would be diminished in the case of non-rulers, while rulers themselves would frequently be able to escape punishment, either by avoiding trial by all possible methods or by shaking off responsibility by making false accusations.”<sup>212</sup> The Soviet Union remarked that a definition based on a state policy would “free the large majority of those who had committed acts of genocide from all responsibility and . . . give rulers an opportunity to avoid punishment by alleging that the crimes of which they had been accused had been committed in circumstances beyond their control.”<sup>213</sup> This is, of course, occurring now with respect to Cambodia, Darfur, Iraq, Rwanda, and Yugoslavia.

## Conclusion

Genocide research is at an ethical and legal turning point. The question it faces is, Will excessively pro-defendant interpretations of the UNCG make it inapplicable to the mass murders of the twenty-first century? And, in so doing, will scholars belittle the full scale of post-World War II genocides in order to classify them as war crimes or “tragedies”?

The drafters of the UNCG have left us a precious legacy. After centuries of crimes by heads of state, the efforts of Lemkin and others created a framework to prevent and punish such atrocities. The UNCG they handed down to us is a flexible and forward-looking instrument, stripped of the limiting references to Nazism and fascism that the Soviet Union would have liked to use to bind judges and prosecutors to the past.

The UNCG is a promise to all the peoples of the world that by common resolve humanity will halt not only racial annihilation by poison gas or mass grave but also other methods of targeting human groups for total or partial destruction. Genocide scholars have the solemn responsibility of transmitting the hope and determination conveyed by this promise to future generations. They must not forget that the UNCG was drafted to predict and pre-empt new forms of genocide.

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## Notes

1. U.N. Doc. No. A/RES/47/121 (18 Dec 1992); U.N. Doc. No. A/RES/48/153 (20 Dec 1993); U.N. Doc. No. A/RES/49/205 (23 Dec 1994); U.N. Doc. No. A/RES/50/192 (22 Dec 1995); U.N. Doc. No. A/RES/51/115 (12 Dec 1996); U.N. Doc. No. E/CN.4/1997/57 (21 Feb 1997); U.N. Doc. No. A/RES/52/135 (27 Feb 1998).
2. John Barron, *Murder of a Gentle Land: The Untold Story of Communist Genocide in Cambodia* (New York: Reader's Digest Press, 1977); René Lemarchand, "Ethnic Genocide," *Society* 12,2 (1975): 50–60.
3. See, e.g., Leo Kuper, *Genocide: Its Political Uses in the Twentieth Century* (London: Penguin, 1981); Israel W. Charny, ed., *Genocide: A Critical Bibliographic Review*, vol. 1, *Genocide: A Critical Bibliographic Review* (New York: Facts on File, 1988); Israel W. Charny, ed., *Genocide: A Critical Bibliographic Review*, vol. 3, *The Widening Circle of Genocide* (New Brunswick, NJ: Transaction, 1994).
4. Richard Hovannisian, *The Armenian Genocide in Perspective* (New Brunswick, NJ: Transaction, 1986); Richard Hovannisian, *The Armenian Genocide: History, Politics, Ethics* (New York: St. Martin's, 1992); Richard Hovannisian, *The Armenian Genocide: Cultural and Ethical Legacies* (New Brunswick, NJ: Transaction, 2007); Vahakn Dadrian, "Genocide as a Problem of National and International Law: The World War I Armenian Case and its Contemporary Legal Ramifications," *Yale Journal of International Law* 14,2 (1989): 221–334; Vahakn Dadrian, *The History of the Armenian Genocide. Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Providence: Berghahn Books, 1995); Vahakn Dadrian, "The Historical and Legal Interconnections between the Armenian Genocide and the Jewish Holocaust: From Impunity to Retributive Justice," *Yale Journal of International Law* 23,2 (1998): 503–59. For more recent scholarship in this area, see Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York: Metropolitan, 2006); Taner Akçam and Vahakn Dadrian, *Judgment at Istanbul: The Armenian Genocide Trials* (New York: Berghahn Books, 2011).
5. Thea Halo, *Not Even My Name* (New York: Macmillan, 2001); Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians* (Oxford: Oxford UP, 2005), 97–8; Adam Jones, *Genocide: A Comprehensive Introduction*, 2nd ed. (London: Routledge, 2010), 150–72.
6. Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale UP, 1990); Helen Fein, "Accounting for Genocide after 1945: Theories and Some Findings," *International Journal on Minority and Group Rights* 1,2 (1993): 79–106; Helen Fein, *Human Rights and Wrongs: Slavery, Terror, Genocide* (Boulder, CO: Paradigm, 2007); Rummel, *Death by Government*; Iris Chang, *The Rape of Nanking* (New York: Basic Books, 1997); Power, "A Problem from Hell"; Kiernan, *Blood and Soil*; Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia Under the Khmer Rouge, 1975–1979* (New Haven, CT: Yale UP, 2002); Samuel Totten, ed., *Genocide: A Critical Bibliographic Review*, vol. 5, *Genocide at the Millennium* (New Brunswick, NJ: Transaction, 2005); Samuel Totten and Robert Hitchcock, eds., *Genocide: A Critical Bibliographic Review*, vol. 8, *Genocide of Indigenous Peoples* (New Brunswick, NJ: Transaction, 2010).
7. Raphael Lemkin, "Genocide," *American Scholar* 15,2 (1946): 227–30.
8. *France v. Goering*, Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 19 IMT 531 (29 Jul 1946), 497; William Schabas, *Genocide in International Law: The "Crime of Crimes"* (Cambridge: Cambridge UP, 2000), 38; Steven L. Jacobs, ed., *Raphael Lemkin's Thoughts on Nazi Genocide: Not Guilty?* (Lewiston: Edwin Mellon, 1992), 171, quoted in Dan Stone, "Raphael Lemkin on the Holocaust," *Journal of Genocide Research* 7,4 (2005): 539–50, 539, 544; William Schabas, "Origins of the Genocide Convention: From Nuremberg to Paris," *Case Western Reserve Journal of International Law* 40,35 (2008): 35–47, 42.
9. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), xi–xii.
10. Associated Press, "U.N. Is Asked to Indict Russia for Crushing Religious Groups," *The Montreal Gazette*, 19 Jan 1953, 9.
11. See generally Edward M. Kennedy, "Biafra, Bengal, and Beyond: International Responsibility and Genocidal Conflict: Remarks [Comments]," *American Society of International Law Proceedings* 66 (1972): 89–90; R.J. Rummel, *Death by Government: Genocide and Mass Murder Since 1900* (New Brunswick, NJ: Transaction, 1994), 79–109, 298–99, 310–128; Samantha Power, "A Problem from

- Hell": *America and the Age of Genocide* (New York: Basic Books, 2002), 171–246; *Dictionary of Genocide: A-L*, ed. Samuel Totten, Paul Robert Bartrop, and Steven L. Jacobs (Santa Barbara, CA: ABC-CLIO, 2008), 13–14, 58–59, 205, 154, 252; Ben Kiernan, *Blood and Soil: Genocide and Extermination in World History from Sparta to Darfur* (New Haven, CT: Yale UP, 2007), 366, 541–65.
12. See S.C. Res. 827 (citing recommendation of Co-Chairmen of Steering Committee of the International Conference on the Former Yugoslavia, 25 May 1993); S.C. Res. 955 (citing Commission of Experts on Rwanda established pursuant to resolution 935 and Report of Professor René Degni-Ségui, the Special Rapporteur for Rwanda of the U.N. Commission on Human Rights, S/1994/1157, annex I and annex II, 8 Nov 1994); S.C. Res. 780, Commission of Experts on War Crimes in former Yugoslavia (6 Oct 1992); S/25274, Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992; 11 Feb 1993); A/47/747, "The Situation in Bosnia and Herzegovina," Report of the Secretary-General (3 Dec 1992), ¶¶ 23–30; S/1994/1405 (Annex), Final Report of the Commission of Experts on Rwanda (9 Dec 1994); M. Cherif Bassiouni, "From Versailles to Rwanda in 75 Years: The Need to Establish a Permanent International Criminal Court," *Harvard Human Rights Journal*, 10 (1997): 11–62, 11; Letter from Holocaust Scholars to the ICC, 15 Sept 2008, <http://www.thecuttingedge-news.com/index.php?article=773> (accessed 15 Dec 2011); "Leading Holocaust Scholars Back ICC Sudanese Genocide Case," *Jerusalem Post*, 15 Sept. 2008.
  13. *Prosecutor v. Akayesu*, ICTR-96-40T, Trial Chamber, Judgment (2 Sept. 1998), ¶¶ 495, 501, 503, 521; *Prosecutor v. Blagojević and Jokić*, IT-02-60-T, Trial Chamber I, Judgment (17 Jan 2005), ¶¶ 657–665; *Prosecutor v. Krstić*, IT-98-33-A, Appeals Chamber, Judgment (19 Apr 2004), ¶ 57 (partial dissenting opinion of Judge Shahabudeen). See also David Nersessian, "The Contours of Genocidal Intent: Troubling Jurisprudence from the International Criminal Tribunals," *Texas International Law Journal* 37,2 (2002): 231–76, 269; William Schabas, review of *The Genocide Convention: The Travaux Préparatoires*, by Hiram Abtahi and Philippa Webb," *American Journal of International Law* 104,2 (2010): 318–19.
  14. According to one scholar, a "very strict" interpretation of the UNCG means that it may virtually never be applied to actual massacres. Schabas, *Genocide in International Law*, 10, 544. According to a practitioner before the International Criminal Tribunal for the Former Yugoslavia, a narrow reading of the UNCG gives the "benefit of the doubt" to the offender. Cécile Tournaye, "Genocidal Intent before the ICTY," *International and Comparative Law Quarterly* 52,2 (2003): 447–57, 447, 454. According to an international criminal defense lawyer, the main issue is to "be creative in interpreting the test" for genocide and "try to narrow the test as much as one can, hoping that it will not fit on the defendant" because "[m]ost defendants deny any loathing for members of the other group or deny any personal involvement in attacking the other group." Mikhail Wladimiroff, "Defending Individuals Accused of Genocide," *Case Western Reserve Journal of International Law* 40,1/2 (2008):271–80, 278–79.
  15. William Schabas, "Genocide, Crimes Against Humanity, and Darfur: The Commission of Inquiry's Findings on Genocide," *Cardozo Law Review* 27,4 (2006): 1703–21, 1703, 1719. For a different perspective vis-à-vis the findings/determination of the Commission of Inquiry on Darfur, see Eric Reeves, *Report of the International Commission of Inquiry on Darfur: A Critical Analysis (Part I and Part II)*, 2 Feb 2005 and 6 Feb 2005, respectively, [www.sudanreeves.org](http://www.sudanreeves.org) (accessed 15 Dec 2011); Samuel Totten, "The UN International Commission of Inquiry on Darfur: New and Disturbing Findings," *Genocide Studies and Prevention* 4,3 (2009): 354–78, <http://dx.doi.org/10.3138/gsp.4.3.354>.
  16. Gündüz Aktan, "The Armenian Problem and International Law," in *The Armenians in the Late Ottoman Period* (Turkish Historical Society, 2001), 263–314, <http://www.mfa.gov.tr/data/DISPOLITIKA/ErmeniIdialari/Document.pdf> (accessed 15 Dec 2011); Steven T. Katz, "The 'Unique' Intentionality of the Holocaust," *Modern Judaism* 1,2 (1981): 161–83, 164, 167–68, 170–71, 173–75; Schabas, review of *Genocide Convention*, 320, 323–25; William Schabas, "Genocide and the International Court of Justice: Finally, a Duty to Prevent the Crime of Crimes," *Genocide Studies and Prevention* 2,2 (2007): 101–22, 114, <http://dx.doi.org/10.3138/gsp.2.2.101>; Tournaye, "Genocidal Intent before the ICTY," 454.
  17. William Schabas, "Problems of International Codification – Were the Atrocities in Cambodia and Kosovo Genocide?," *New England Law Review* 35,2 (2001): 287–302, 296, 301–2; William Schabas, "Was Genocide Committed in Bosnia and Herzegovina? First Judgments of the International Criminal Tribunal for the Former Yugoslavia," *Fordham International Law Journal* 25,1 (2001): 23–53, 45–47; William Schabas, "National Courts Finally Begin to Prosecute Genocide, the 'Crime of Crimes,'" *Journal of International Criminal Justice* 1,1 (2003): 39–63, 39, 41, 45, 55, 58; William Schabas, "The Jelisić Case and the Mens Rea of the Crime of Genocide," *Leiden Journal of International Law* 14,1 (2001): 125–39; William Schabas, "Genocide Law in a Time of Transition: Recent Developments in the Law of Genocide," *Rutgers Law Review* 61,1 (2008): 161–92, 164.
  18. Schabas, *Genocide in International Law*, 102.

19. William Schabas, "State Policy as an Element of International Crimes," *Journal of Criminal Law and Criminology* 98,3 (2008): 953–82, 970–71.
20. Donald Dutton, *The Psychology of Genocide, Massacres, and Extreme Violence: Why "Normal" People Come to Commit Atrocities* (Westport, CT: Praeger Security International, 2007), 17, 31; Daniel Greenfield, "The Crime of Complicity in Genocide: How the International Criminal Tribunals for Rwanda and Yugoslavia Got It Wrong, and Why It Matters," *Journal of Criminal Law and Criminal Justice* 98,3 (2008): 921–52, 934–35; Katz, "The 'Unique' Intentionality of the Holocaust," 175–8; David Marcus, "Famine Crimes in International Law," *American Journal of International Law* 97, 2 (2003): 245–81, 245, 264–65.
21. Steven Katz, *The Holocaust in Historical Context*, vol. 1 (Oxford: Oxford UP, 1994), 24.
22. Liz McMillin, "The Uniqueness of the Holocaust," *Chronicle of Higher Education*, 22 Jun 1994, <http://chronicle.com/article/The-Uniqueness-of-the/90491/> (accessed 21 Feb 2012), quoted in David Stannard, "Uniqueness as Denial: The Politics of Genocide Scholarship," in *Is the Holocaust Unique? Perspectives on Comparative Genocide*, ed. Alan Rosenbloom (Boulder, CO: Westview, 2009). Katz similarly argues that the massacres of up to 200,000 Hutu in Burundi were merely "political" and therefore not genocidal. Cf. Katz, "The 'Unique' Intentionality of the Holocaust," 176.
23. Steven Katz, "Uniqueness: The Historical Dimension," in *Is the Holocaust Unique?*, 69. See also Katz, "The 'Unique' Intentionality of the Holocaust," 174–75.
24. Schabas, "Was Genocide Committed in Bosnia and Herzegovina?" 45–47; William Schabas, "Darfur and the 'Odious Scourge': The Commission of Inquiry's Findings on Genocide," *Leiden Journal of International Law* 18 (2005): 871–85, 881; Schabas, "Darfur and Genocide," 1716; William Schabas, "Genocide and the International Court of Justice," 112–4.
25. Guenter Lewy, *The Nazi Persecution of the Gypsies* (Oxford: Oxford UP, 2000), 225–6.
26. *Ibid.*
27. Katz, "The 'Unique' Intentionality of the Holocaust," 167.
28. Guenter Lewy, "The First Genocide of the 20th Century? (Armenian Massacres, 1915–1916)," *Commentary* 120,5 (2005): 47–52. Lewy argues in particular that the "primary intent of the deportation order was undoubtedly not to eradicate an entire people" because "large Armenian communities of Constantinople, Smyrna, and Aleppo were spared deportation and, apart from tribulations that also afflicted the Muslim populations of these cities, survived the war largely intact." Lewy fails to note that the leaders of the Armenian community in Constantinople were systematically executed starting in April 1915, that Turkish soldiers set a large fire in Smyrna in 1922 to destroy the Armenian quarter, or that these soldiers went about hunting and killing Armenians in Smyrna. Halo, *Not Even My Name*, 121–22; Jones, *Genocide*, 154–66.
29. Guenter Lewy, *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide* (Salt Lake City: U of Utah P, 2005), ix, 43, 53, 57, 62, 90, 150, 235–41, 245, 248, 251–3, 268. See also Guenter Lewy, "Revisiting the Armenian Genocide," *Middle East Quarterly* 12,4 (2005): <http://www.meforum.org/748/revisiting-the-armenian-genocide> (accessed 15 Dec 2011).
30. Katz, "The 'Unique' Intentionality of the Holocaust," 175–6.
31. *Ibid.*
32. Schabas, *Genocide in International Law*, 168.
33. William Schabas, "Justice, Democracy, and Impunity in Post-Genocide Rwanda: Searching for Solutions to Impossible Problems," *Criminal Law Forum* 7,3 (1996): 523–60, 523–4, 551. The charge was even raised but not definitively resolved in 1993 in *Rapport de la commission internationale d'enquête sur les violations des droits de l'homme au Rwanda depuis le 1er octobre 1990* (7–21 janvier 1993), 49–50. Schabas was one of the investigators for this commission.
34. Schabas, "Genocide, Crimes Against Humanity, and Darfur," 1707–8.
35. *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277, Article II, <http://www.preventgenocide.org/law/convention/text.htm> (accessed 13 Feb 2012) [UNCG].
36. See Kuper, *Genocide*, 30–31; Power, *A Problem from Hell*, 54.
37. See Ad Hoc Committee on Genocide, Report of the Committee and Draft Convention, U.N. Doc. No. E/794 (13 Oct 1948), 13–15; Kuper, *Genocide*, 30–1.
38. Norway: Amendment to Article II of the Draft Convention (E/794), U.N. Doc. No. A/C.6/228 (12 Oct 1948).
39. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.73 (13 Oct 1948), 93.
40. *Ibid.*
41. *Ibid.*, 94.
42. *Ibid.*, 91.

43. *Ibid.*, 92.
44. U.N. Doc. No. A/C.6/SR.73 (13 Oct 1948), 93; France: Amendments to the Draft Convention, U.N. Doc. No. A/C.6/224 (8 Oct 1948); Nehemiah Robinson, *The Genocide Convention: A Commentary* (New York: World Jewish Congress, 1960), 62.
45. Lewy, *The Nazi Persecution of the Gypsies*, 226; Schabas, *Genocide in International Law*, 200. See also Schabas, "The Jelisic Case," 133; Schabas, "The Law and Genocide," in Bloxham and Moses, *The Oxford Handbook of Genocide Studies*, 138; Tournaye, "Genocidal Intent before the ICTY," 447, 459.
46. Antonio Cassese, "Flawed International Justice for Sudan," *La Repubblica* (15 Jul 2008), <http://www.mediafire.com/?zyzjnofumlz> (accessed 15 Dec 2011); Alexander De Waal, "Review of Gerard Prunier, Darfur: An Ambiguous Genocide," *Contemporary Conflicts* (1 Sept 2005), [http://conconflicts.ssrc.org/hornofafrica/ambiguous\\_genocide/](http://conconflicts.ssrc.org/hornofafrica/ambiguous_genocide/) (accessed 15 Dec 2011); Schabas, *Genocide in International Law*, 211–7, 248; Schabas, "State Policy as an Element of International Crimes," 970–2. See also Tournaye, "Genocidal Intent before the ICTY," 454, 459.
47. Schabas, *Genocide in International Law*, 303.
48. *Ibid.*, 240, 244.
49. Barry Sautman, "Cultural Genocide in International Context," in *Cultural Genocide and Asian State Peripheries*, ed. Barry Sautman (New York: Macmillan, 2006) 8; Schabas, "Problems of International Codification," 296; William Schabas, "'Ethnic Cleansing' and Genocide: Similarities and Distinctions," *European Yearbook of Minority Issues* 3 (2003/2004): 109–28, 123; William Schabas, "The International Legal Prohibition of Genocide Comes of Age," in Totten, *Genocide at the Millennium*, 169–84, 169, 177; Thomas W. Simon, *The Laws of Genocide: Prescriptions for a Just World* (Westport, CT: Greenwood, 2007), 37, 85–99. See also Gündüz Aktan, "They Are Learning Law (2)," *Turkish Daily News*, 7 Mar 2006, <http://www.eraren.org/index.php?Lisan=en&Page=Makaleler&MakaleNo=174> (accessed 15 Dec 2011); Julian Borger, "Darfur Conflict: Sudan's President Charged with Genocide," *The Guardian*, 15 Jul 2008, 14; Schabas, *Genocide in International Law*, 12.
50. De Waal, "Review of Gerard Prunier."
51. U.N. Doc. No. E/794, 13–5. See also Soviet Union: Amendment to Article II, U.N. Doc. No. A/C.6/215 (9 Oct 1948); U.N. Doc. No. E/AC.25/SR.22 (27 Apr 1948), 3–7. Cf. UNCG, Article II.
52. U.N. Doc. No. E/794, 13–5. See also Union of Soviet Socialist Republics: Amendments to the Draft Convention (E/794) U.N. Doc. No., A/C.6/215; U.N. Doc. No. E/AC.25/SR.22, 3–7.
53. The report of the drafting committee stated that "it was . . . wrong to consider genocide as being an exclusive product of fascism-nazism. In fact, history revealed many previous cases of genocide. As regards the future, it was possible that crimes of genocide would be based on other motives." U.N. Doc. No. E/794, 8.
54. *Ibid.*, 10.
55. U.N. Doc. No. E/794, 13–5. See also U.N. Doc. No. E/CN.4/SR.76 (16 Jun 1948), 13–4.
56. Schabas, "The International Legal Prohibition of Genocide," 169, 176. See also Schabas, "The Law and Genocide," 135; William Schabas, "Convention on the Prevention and Punishment of Genocide," in *Encyclopedia of Genocide and Crimes Against Humanity*, ed. Dinah Shelton (New York: Macmillan, 2005), 204.
57. William Schabas, "Darfur and the 'Odious Scourge': The Commission of Inquiry's Findings on Genocide," in *War Crimes and Human Rights: Essays on the Death Penalty, Justice and Accountability* (London: Cameron May, 2008), 756. See also Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (New York: Random House, 2009), 70–2, 271–3; Mahmood Mamdani, "The Politics of Naming: Genocide, Civil War, Insurgency," *London Review of Books*, 8 Mar 2007, <http://www.lrb.co.uk/v29/n05/mahmood-mamdani/the-politics-of-naming-genocide-civil-war-insurgency> (accessed 15 Dec 2011); Alexander De Waal, "A Critique of the Public Application by the Chief Prosecutor of the ICC for an Arrest Warrant against Sudanese President Omar al Bashir," *Making Sense of Sudan*, Jan 2009, 4–12, <http://africanarguments.org/2009/02/10/the-icc-vs-bashir-debating-genocidal-intent/> (accessed 15 Dec 2011); Alexander De Waal, "The ICC vs. Bashir: Debating Genocidal Intent," *Making Sense of Sudan*, 9 Feb 2010, <http://africanarguments.org/2009/02/10/the-icc-vs-bashir-debating-genocidal-intent/> (accessed 15 Feb 2012); Alexander De Waal, "Moreno Ocampo's Coup de Theatre," *Making Sense of Sudan*, 29 Jul 2008, <http://africanarguments.org/2008/07/29/moreno-ocampo-coup-de-theatre> (accessed 15 Dec 2011). Alexander De Waal and Bridget Conley-Zilkic go so far as to suggest that even if entire groups were physically destroyed as a result of famine conditions in Darfur, this would not be "formal" genocide under "the Holocaust paradigm" of the UNCG. Alexander De Waal and Bridget Conley-Zilkic, "Reflections on How Genocidal Killings Are Brought to an End" (paper presented at a seminar on How Genocides End, US Holocaust Memorial Museum, 22 Dec 2006), [http://howgenocidesend.ssrc.org/de\\_Waal/](http://howgenocidesend.ssrc.org/de_Waal/) (accessed 15 Dec 2011). Alex De Waal, "Appealing



- the Genocide Decision?" *Making Sense of Sudan*, 15 Mar 2009, <http://africanarguments.org/2009/03/15/appealing-the-genocide-decision/> (accessed 15 Feb 2012).
58. Schabas, "Problems of International Codification," 287–92. See also Dutton, *The Psychology of Genocide*, 17, 31.
  59. Schabas, "Problems of International Codification," 287–92. Reviewing the *Genocide in Cambodia, Documents from the Trial of Pol Pot and Ieng Sary*, Schabas found that "the evidence of genocide, at least as presented in this volume, is unconvincing." William Schabas, "Cambodia: Was It Really Genocide?," review of *Genocide in Cambodia: Documents from the Trial of Pol Pot and Ieng Sary*, ed. Howard De Nike, John Quigley, and Kenneth Robinson, *Human Rights Quarterly* 23,2 (2001): 470–7. He contended that killing 90% of the Buddhist monks and the Muslim Cham did not constitute genocide.
  60. Schabas, "Problems of International Codification," 293–95; Edward Herman and David Peterson, *The Politics of Genocide* (New York: Monthly Review Press, 2010), 49–51.
  61. Schabas, "Was Genocide Committed in Bosnia and Herzegovina?" 45–7. Schabas wrote that "The Darfur Commission's finding that the summary execution of military-aged men accompanied by evacuation of men and women to camps does not establish genocidal intent is rather more convincing than the reasoning of the International Criminal Tribunal for the former Yugoslavia Trial Chamber, which seemed to suggest that without adult males, a society is doomed." Schabas, "Genocide, Crimes Against Humanity, and Darfur," 1703, 1715–6. He regarded it as "patronizing" to believe that the women and children of Srebrenica could have had their lives shattered by the massacre of the men and boys of their families. He also seemed to accept the argument of the defendants in the Srebrenica cases that the men and boys of Srebrenica were all "combatants." Schabas, "Darfur and the 'Odious Scourge,'" in *War Crimes and Human Rights*, 738, 752.
  62. Stylianos Malliaris, "Assessing the ICTY Jurisprudence in Defining the Elements of the Crime of Genocide: The Need for a 'Plan,'" *USAK Yearbook of International Politics and Law* 3 (2010): 145–71, 163–5.
  63. UNGC, Article II.
  64. *Prosecutor v. Blagojević et al.*, IT-02-60-T, Trial Chamber, Judgment, 17 Jan 2005, ¶¶ 665–6. Of course, all acts are physical in a certain sense, involving the use of matter, even those defined as cultural genocide in the omitted Article III of the UNGC. Physical, here, basically refers to killing.
  65. U.N. Doc. No. E/CN.4/SR.73 (24 Jun 1948), 13–4; U.N. Doc. A/C.6/SR.73 (13 Oct 1948), 94.
  66. U.N. Doc. No. A/C.6/SR.73, 95.
  67. *Ibid.*, 94.
  68. *Ibid.*
  69. *Ibid.*, 97.
  70. Soviet Union: Amendments to Article II of Draft Convention on Genocide, A/C.6/223 and Corr. 1 (7 Oct 1948).
  71. The delegate from Venezuela explained that Article II as written does not require "physical destruction" but extends to the forced transfer of children to another group where they will lose their original language, customs, and religion. U.N. Doc. No. A/C.6/SR.83 (25 Oct 1948), 195.
  72. *Ibid.*
  73. The delegate from Pakistan made this point. *Ibid.*, 194. A British proposal, which was rejected, would have required "grievous bodily" and not simply "serious . . . mental harm." United Kingdom: Amendments to Articles II and III, U.N. Doc. No. A/C.6/222 (7 Oct 1948), 1.
  74. *Prosecutor v. Akayesu*, ¶¶ 502–4. See also *Prosecutor v. Blagojevic and Jokic*, Case No. IT-02-60-T, Trial Chamber, Judgment, 17 Jan 2005, ¶¶ 607–9; Steven Gorove, "The Problem of 'Mental Harm' in the Genocide Convention," *Washington University Law Quarterly* (1951), 174–80.
  75. U.N. Doc. No. A/C.6/SR.75 (15 Oct 1948), 115–6.
  76. Paola Gaeta, *The UN Genocide Convention: A Commentary* (Oxford: Oxford UP, 2009), 89–102; Sautman, "Cultural Genocide in International Context," 6; Schabas, "Problems of International Codification," 291–2; Schabas, "Genocide Law in a Time of Transition," 171–5; Schabas, "The Law and Genocide," 134–5; Schabas, review of *Genocide Convention*, 319.
  77. U.N. Doc. No. E/794, 18; U.N. Doc. No. E/623 (20 Jul 1948), 538.
  78. U.N. Doc. No. E/794, 17. The delegate from Denmark noted, "He was astonished that the Ad Hoc Committee should have submitted so vague a text as a basis for discussion. . . . [M]any acts which were not criminal could be designated in those terms." The delegate from the Netherlands called the draft "too vague," which might lead to "abuses." See U.N. Doc. No. A/C.6/SR.83 (25 Oct 1948), 198. The representative of the United States said the draft actually dealt with freedom of expression. U.N. Doc. No. A/C.6/SR.83, 198.

79. The US delegate argued at one early stage that only racial, national, and religious groups, and not linguistic or ethnic groups, should be protected from genocide. Communication received from the United States of America, U.N. Doc. No. A/401/Add.2 (18 Oct 1947), 4; see also Comments by Governments on the Draft Convention, prepared by the Secretariat and Communications from Non-governmental Organizations, U.N. Doc. No. E/623 (20 Jul 1948), 537. Canada was concerned that cultural genocide would limit the power of provincial legislatures, perhaps having Quebec in mind with regard to its power to encourage the use of the French language, then (as now) very much in the news. Schabas, *Genocide in International Law*, 184. Canada specifically mentioned its Anglo-Saxon and French populations during the drafting committee's deliberations. U.N. Doc. No. A/C.6/SR.83, 200.
80. Syria: Amendment to Article II, U.N. Doc. No. A/C.6/234 (15 Oct 1948).
81. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.82 (23 Oct 1948), 184.
82. *Ibid.*, 185.
83. Sweden: Amendments to Article II of the Draft Convention, U.N. Doc. No. A/C.6/230 (13 Oct 1948).
84. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.73 (13 Oct 1948), 97.
85. *Ibid.*
86. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.74 (14 Oct 1948), 98.
87. *Ibid.*, 99.
88. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.75 (15 Oct 1948), 115.
89. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.74 (14 Oct 1948), 104.
90. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.88 (23 Oct 1948), 186, 188, 190.
91. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/AC.10/42 (6 Jun 1947), Article II (1)(c).
92. Communication received from the United States of America, U.N. Doc. No. A/401/Add.2, (18 Oct 1947), 4–5.
93. Cf. U.N. Doc. No. E/794, 15 and U.N. Doc. No. A/C.6/223 & Corr. 1, with UNCG, Article II (b).
94. Commission on Human Rights, Third Session, Summary Record of the Seventy-Sixth Meeting, U.N. Doc. No. E/CN.4/SR.76 (16 Jun 1948), 8.
95. This was true in 2009. Allan Cooper, *The Geography of Genocide* (Lanham, MD: UP of America, 2009), 16.
96. UNCG, Article II.
97. Draft Convention on the Crime of Genocide, U.N. Doc. No. E/447 (26 Jun 1947), 25.
98. Draft Convention on the Crime of Genocide, prepared by the Secretary-General, U.N. Doc. No. E/447, 26.
99. Schabas, *Genocide in International Law*, 168.
100. Schabas, "Retroactive Application of the Genocide Convention," *University of St. Thomas Journal of Law and Public Policy* 4,2 (2010): 36–60, 59.
101. *Prosecutor v. Krstić*, ¶ 57 (partially dissenting statement of Judge Shahabudeen, citing Case of Nikolai Jorkić, Higher Regional Court of Düsseldorf, Judgment, 30 Apr 1999 [Oberlandesgericht Düsseldorf, Urteil vom] BGH 3 StR 215/98, BGH St 45,65ff). The Appeals Chamber in the Krstić case ruled that genocide of "the Bosnian Muslim community in Srebrenica" occurred because the killing of one-fifth of the region's males "had severe procreative implications for the . . . community, potentially consigning [it] to extinction" and because "forcible transfer" could also destroy the group. *Prosecutor v. Krstić*, ¶¶ 28, 31.
102. *Kadic v. Karadzic*, United States Court of Appeals for the Second Circuit, Federal Reporter, Third, vol. 70 (1995), 232–51, *certiorari denied*, 518 US 1005 (1996).
103. *Prosecutor v. Jokic*, ¶ III (4)(a)(aa); *Kadic v. Karadzic*, 241–2; S.T.C. No. 237/2005 (26 Sept 2005); S.T.C. No. 227/2007 (22 Oct 2007); John Quigley, *The Genocide Convention: An International Law Analysis* (London: Ashgate, 2006), 27–33, 38–49; William Schabas, "National Courts Finally Begin to Prosecute Genocide, the 'Crime of Crimes,'" in *War Crimes and Human Rights*, p. 710–12; Schabas, *Genocide in International Law*, 390–1; William Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (Cambridge: Cambridge UP, 2009), 422–4, 437–8.
104. Superior Tribunal of Justice, Recurso Especial No. 222,653 (Roraima), 1999/0061733–9, Brazil (22 May 2001); Quigley, *The Genocide Convention*, 48–9.

105. Bruce Oudes, "De Gaulle Steps into the Nigerian War," *The Sun*, 17 Nov 1968, K3; Government of India, Ministry of External Affairs, *Bangla Desh Documents* (1971); 26 U.N. G.A.O.R., 2003rd Plenary Meeting (7 Dec 1971), 14 ¶ 156; 26 U.S.C.O.R., 1608th Meeting (6 Dec 1971), 27 ¶ 262; United Press International [UPI], "Soviets Seek Air Link with Cyprus," *Eugene Register-Guard*, 24 Feb 1964, 2A; UPI, "Cyprus Cease Fire Announced," *Bangor Daily News*, 22 Jul 1974, 1; William Beecher, "10,000 Die from Soviet Chemicals, US Asserts," *Boston Globe*, 23 Mar 1982, 1; Associated Press, "Policy of Famine Pursued in Afghanistan," *Ottawa Citizen*, 26 Feb 1985, A12; George H.W. Bush, Address before the 45th Session of the United Nations General Assembly, New York (1 Oct 1990); "The US and Asia: Building Democracy and Freedom," *US Department of State Dispatch*, 2,46, 18 Nov 1991, [http://findarticles.com/p/articles/mi\\_m1584/is\\_n46\\_v2/ai\\_11715081/](http://findarticles.com/p/articles/mi_m1584/is_n46_v2/ai_11715081/) (accessed 15 Dec 2011); Republic of Turkey, Draft Resolution of the U.N. Commission on Human Rights, E/CN.4/1992/S-2/L.2 (30 Nov 1992); Douglas Bennett, "Statements at Confirmation Hearings," *US Department of State Dispatch* 4,20, 17 May 1993, [http://findarticles.com/p/articles/mi\\_m1584/is\\_n20\\_v4/ai\\_14028484/pg\\_3/?tag=content;coll](http://findarticles.com/p/articles/mi_m1584/is_n20_v4/ai_14028484/pg_3/?tag=content;coll) (accessed 15 Dec 2011); Cambodian Genocide Justice Act, United States Code, 12 (2000), title 22, § 2656 note, 827; Madeleine Albright, "Realism and Idealism in American Foreign Policy Today," *US Department of State Dispatch* 5,26, 27 Jun 1994, [http://findarticles.com/p/articles/mi\\_m1584/is\\_n26\\_v5/ai\\_15612798/](http://findarticles.com/p/articles/mi_m1584/is_n26_v5/ai_15612798/) (accessed 15 Dec 2011); Strobe Talbott, "U.S. Leadership and the Balkan Challenge," *US Department of State Dispatch* 6,47 (20 Nov 1995): 859–61, 859; Madeline Albright, "Testimony before the House Appropriations Subcommittee on Foreign Operations, Washington, DC, 15 Apr 1999," *US Department of State Dispatch*, Apr. 1999, [http://findarticles.com/p/articles/mi\\_m1584/is\\_3\\_10/ai\\_54772685/](http://findarticles.com/p/articles/mi_m1584/is_3_10/ai_54772685/) (accessed 15 Dec 2011); Tony Blair, "My Pledge to the Refugees," BBC News, 14 May 1999, [http://news.bbc.co.uk/2/hi/uk\\_news/politics/343739.stm](http://news.bbc.co.uk/2/hi/uk_news/politics/343739.stm) (accessed 21 Feb 2012); Interview of the President by Russian Television, 20 Jun 1999, <http://clinton2.nara.gov/WH/New/Europe-9906/html/Speeches/990620b.html> (accessed 15 Dec 2011); "Parliament Bureau, Ecevit Defends Bank Operation," *Turkish Daily News/Financial Times Information*, 29 Dec 1999; Al Anfal, Special Verdict Pertaining to Case No 1/C Second/2006, Iraqi High Tribunal, Second Criminal Court/Court of Felonies (24 Jun 2007), 22–4; Al Anfal, Special Verdict Pertaining to Case No 1/C Second/2006, Iraqi High Tribunal, Appellate Chamber (4 Sept 2007), 11–4, 26.
106. *Prosecutor v. Akayesu*, ¶¶ 569–79, 609; *Prosecutor v. Krstić*, ¶ 11; *Prosecutor v. Blagojević*, ¶ 624; *Prosecutor v. Dragoljub Kunarac, Radomir Kovač, and Zoran Vuković*, IT-96–23-A and IT-96–23/1-A, Appeals Chamber, Judgment, 12 Jun 2002), ¶ 98, n. 114; *Prosecutor v. Erdemović*, IT-96–22-A, Appeals Chamber, Judgment, 7 Oct 1997 (separate opinion of Judges McDonald and Vohrah), ¶¶ 40–87.
107. U.N. Doc. No. A/RES/47/121; U.N. Doc. No. A/RES/48/153; U.N. Doc. No. A/RES/49/205; U.N. Doc. No. A/RES/50/192; U.N. Doc. No. A/RES/51/115; "Bosnia and Herzegovina," in Shelton, *Encyclopedia of Genocide and Crimes Against Humanity*, 1076.
108. Schabas, *Genocide in International Law*, 193; see also U.N. Doc. No. A/PV.178, 810–31.
109. U.N. Doc. No. A/C.6/SR.83, 193.
110. *Ibid.*, 196–7, 199, 201–4.
111. Quigley, *The Genocide Convention*, 104; Martin Shaw, *What Is Genocide?* (Cambridge: Polity, 2007), 52–8; Gregory Stanton, "Proving Genocide in Darfur: The Atrocities Documentation Project and Resistance to Its Findings," in *Genocide in Darfur: Investigating the Atrocities in the Sudan*, ed. Samuel Totten and Eric Markusen (London: Routledge, 2006), 186–8; U.N. International Law Commission, *Yearbook of the International Law Commission*, vol. 2, part 2 (United Nations, 1957), 67.
112. Turkish Penal Code, vol. 2, article 76, law no. 5237 (entered into force 1 Jun 2005), [http://www.tuerkeiforum.net/enw/index.php/Translation\\_of\\_selected\\_Articles\\_of\\_the\\_Turkish\\_Penal\\_Code](http://www.tuerkeiforum.net/enw/index.php/Translation_of_selected_Articles_of_the_Turkish_Penal_Code) (accessed 25 May 2011). Turkey has accused Greek Cypriots, Yugoslavian Serbs, and Han Chinese of genocide by selective massacres. Associated Press, "Cypriots, Turkey Trade Threats," *Spokane Daily Chronicle*, 13 Mar 1964, 1; Republic of Turkey, Draft Resolution of the U.N. Commission on Human Rights, E/CN.4/1992/S-2/L.2 (30 Nov 1992); "Turkish Premier Says Shelter to Kurdish Leader Will Be Viewed as 'Hostile Act,'" *TRT TV/BBC Monitoring*, 22 Jan 1999; "Ecevit Defends Bank Operation," *Turkish Daily News/Financial Times Global News Wire*, 29 Dec 1999; "China Demands Turkish Retraction," *BBC News*, 14 Jul 2009, <http://news.bbc.co.uk/2/hi/8149379.stm> (accessed 15 Dec 2011).
113. William Schabas, "International Justice for International Crimes: An Idea Whose Time Has Come," *European Review* 14,4 (2006): 421–39, 433–4; Schabas, "Problems of International Codification," 295.
114. *Bosnia and Herzegovina v. Serbia and Montenegro: Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide*, Judgement (26 Feb 2007), International Court of Justice, <http://www.icj-cij.org/docket/files/91/13685.pdf> (accessed 13 Feb 2012).
115. *Ibid.*, ¶¶ 142–8 (separate opinion of Judge ad hoc Kreča). In the ICJ's judgment, there is no "specific characterization of [the Bosnian Muslim] leadership who were massacred. It is not clear what leadership

is in question—political, military, or intellectual.” As David Scheffer points out, “The key paragraphs (370–76) of the majority’s decision hardly demonstrate the kind of rigorous investigative and analytical exercise required to establish whether a government’s specific intent to commit genocide can be inferred.” See Scheffer, “The World Court’s Fractured Ruling on Genocide,” *Genocide Studies and Prevention* 2,2 (2007): 123–36, <http://dx.doi.org/10.3138/gsp.2.2.123>, 126.

116. The Pre-Trial Chamber found that “a proposal made during the drafting of the 1948 UNCG to include in the definition ‘measures intended to oblige members of a group to abandon their homes in order to escape the threat of subsequent ill-treatment’ was not accepted.” *Prosecutor v. Omar Hassan Ahmad Al Bashir*, ICC-02/05–01/09, 1/95, ICC Pre-Trial Chamber I, Decision on the Prosecution’s Application for a Warrant of Arrest (4 Mar 2009), ¶¶ 143–4 (citing *Bosnia v. Serbia* [2007], ¶ 190, and U.N. Doc. No. A/C6/234 [15 Oct 1948]). The Appeals Chamber rejected the view, sometimes echoed in Schabas’s work, that any reasonable doubt concerning a perpetrator’s intent should be removed by the prosecutor before using the word “genocide” to commence an investigation or trial for the crime. *Prosecutor v. Al Bashir*, ICC-02/05–10/09–0A, Appeals Chamber (3 Feb 2010), <http://www.docstoc.com/docs/24383863/Prosecutor-v-al-Bashir>, (15 Nov 2011).
117. *Prosecutor v. Al Bashir*, 6.
118. Cf. *International Commission of Inquiry on Darfur (ICID)*, Report to the United Nations Secretary-General Pursuant to Security Council Resolution 1564 of 18 September 2004 (25 Jan 2005), ¶ 513, and *Prosecutor v. Al Bashir*, ¶¶ 492–3.
119. *Prosecutor v. Blagojević*, ¶ 646; *Prosecutor v. Krstić*, ¶ 513. The Trial Chamber I of the ICTY has ruled that “The forcible transfer out of the [Srebrenica] enclave of the women, children and elderly, in combination with those killings, or on its own, caused the survivors to suffer serious mental harm.” *Prosecutor v. Blagojević*, ¶ 671. It has also stated that “the forced migration of civilians” constituted a form of genocide as “part of a deliberate campaign by the Serbs to eliminate Muslim control of, and presence in, substantial parts of Bosnia-Herzegovina.” *Prosecutor v. Blagojević*, ¶ 663 (emphasis original). See also *Prosecutor v. Blagojević*, ¶¶ 649–54. The Trial Chamber in Krstić ruled that “inhuman treatment . . . and deportation are among the acts which may cause serious bodily or mental injury.” *Prosecutor v. Krstić*, ¶ 513. William Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda, and Sierra Leone* (Cambridge: Cambridge UP, 2006), 176.
120. *Prosecutor v. Radovan Karadžić and Ratko Mladić*, IT-95–5–R61 and IT-95–18–R61 (review of the Indictments pursuant to Rule 61, 11 Jul 1996), ¶ 93.
121. *Prosecutor v. Blagojević*, ¶ 666.
122. *Prosecutor v. Akayesu*, ¶¶ 506, 523. See also *Prosecutor v. Musema*, ICTR-96–13-A, Trial Chamber, Judgment, 19 Jan 2000, ¶ 157; *Prosecutor v. Rutanga*, ICTR-96–3-T, Trial Chamber, Judgment, 6 Dec 1999, ¶ 54.
123. For example, in *Prosecutor v. Jelišić*, there was no evidence as to the accused’s place in the chain of command, the accused acted arbitrarily and randomly as opposed to singling out Muslim leaders, and only 66 bodies were exhumed out of a camp population of 600 to 700 detainees, even though the prosecutor alleged hundreds of deaths. *Prosecutor v. Jelišić*, IT-95–10-A, Appeals Chamber, Judgment (5 Jul 2001), ¶¶ 64, 90, 93. In any event, the Appeals Chamber concluded that the Trial Chamber could properly have inferred genocidal intent under the circumstances. *Prosecutor v. Jelišić*, ¶ 75. In *Prosecutor v. Sikirica et al.*, ICTY-95–8-T, Trial Chamber, Judgment, 3 Sept 2001, ¶ 73, the accused targeted only a “very small” percentage of the relevant municipality, fewer than three percent. In *Prosecutor v. Stakić*, IT-97–24-T, Trial Chamber, Judgment, 31 Jul 2003, ¶¶ 553–4, fewer than 13% of the people passing through the relevant area were killed, and this figure related to the same municipality in Sikirica in which fewer than 3% of residents were affected by genocidal acts (not just killing), and, moreover, the accused announced that any Muslims who had not killed Serbs could return to their homes after the war. In *Prosecutor v. Brđanin*, ICTY-99–36-T, Trial Chamber, Judgment, 1 Sept 2004, ¶¶ 967, 974 n. 2448, 978, about 95% of the populations of the relevant municipalities survived, and the vast majority of the victim population (nearly 300,000 Bosnian Muslims and Croats) was not deported. These are the cases cited in Schabas, “Genocide and the International Court of Justice,” 112.
124. *Prosecutor v. Bagosora et al.*, ICTR-98–41-T, Trial Chamber I, Judgment, 18 Dec 2008, ¶¶ 2095–110, 2158.
125. *Prosecutor v. Jean Kambanda*, ICTR 97–23-S, Trial Chamber, Judgment (4 Sept 1998), *aff’d*, ICTR 97–23-A, Appeals Chamber, Judgment (19 Oct 2000), ¶ 118; see also *Prosecutor v. Kayishema and Ruzindana*, ICTR-95–1-T, Trial Chamber, Judgment, 21 May 1999, ¶¶ 93, 527; *Prosecutor v. Gacumbitsi*, ICTR-01–64-I, Trial Chamber, Judgment, 20 Jun 2001, ¶¶ 35, 99; *Prosecutor v. Nahima et al.*, ICTR-99–52-T, Trial Chamber, Judgment, 3 Dec 2003), ¶ 115; *Prosecutor v. Semanza*, ICTR-97–20-T, Trial

- Chamber III, Judgment and Sentence, 15 May 2003, ¶¶ 476–7; *Prosecutor v. Muhimana*, ICTR-95-1B-T, Trial Chamber I, Judgment and Sentence, 25 Apr 2005, ¶ 166.
126. Schabas, "Darfur and the 'Odious Scourge,'" *Leiden Journal of International Law*; Schabas, "Genocide, Crimes Against Humanity, and Darfur," 1703–21; William Schabas, "International Justice for International Crimes," 421, 433–4; William Schabas, "Prosecuting Dr. Strangelove, Goldfinger, and the Joker at the International Criminal Court: Closing the Loopholes," *Leiden Journal of International Law* 23,4 (2010): 847–53.
  127. Malliaris, "Assessing the ICTY Jurisprudence," 154–5, 158–9, 164–5; Schabas, "Genocide, Crimes Against Humanity, and Darfur," 1711.
  128. William Schabas, "Genocide and the International Court of Justice," 111, 114; William Schabas, "Whither Genocide? The International Court of Justice Finally Pronounces," *Journal of Genocide Research* 9,2 (2007): 183–92, 190.
  129. Schabas, "Darfur and the 'Odious Scourge,'" in *War Crimes and Human Rights*, p. 816; Schabas, "State Policy as an Element of International Crimes," 970–2.
  130. UNCG, Article IV.
  131. U.N. Doc. No. A/C.6/SR.73, 91–3.
  132. *Ibid.*, 89–90.
  133. U.N. Doc. No. E/447, 20.
  134. *Ibid.*, 23.
  135. U.N. Doc. No. E/794, 13–5. See also Soviet Union: Amendment to Article II; UN Doc. E/AC.25/SR.22, 3–7. Cf. UNCG, Article II.
  136. *Second Decennial Edition of the American Digest*, vol. 12 (St. Paul: West Publishing, 1920), 124.
  137. Caroline Fournet, *The Crime of Destruction and the Law of Genocide: Their Impact on Collective Memory* (London: Ashgate, 2007), 63–4.
  138. *Ibid.* See also *Prosecutor v. Jelisis*, ¶ 47.
  139. U.N. Doc. No. A/C.6/SR.61–140 (21 Oct 1948), 168.
  140. *Ibid.*, 158.
  141. *Ibid.*
  142. *Ibid.*, 160.
  143. *Ibid.*, 153–4.
  144. *Ibid.*, 155.
  145. U.N. Doc. No. A/C.6/SR.61–140 (21 Oct 1948), 166–7.
  146. *Ibid.*, 167.
  147. *Ibid.*, 170.
  148. E.g., Antonin Scalia, *A Matter of Interpretation: Federal Courts and the Law* (Princeton: Princeton UP, 1998), 36.
  149. William Schabas, "Developments in the Law of Genocide," *Yearbook of International Humanitarian Law* 5 (2002): 131–65, 156.
  150. Schabas, "Genocide and the International Court of Justice," 112; Schabas, "Darfur and the 'Odious Scourge,'" *Leiden Journal of International Law*, 875–6.
  151. Schabas, "State Policy as an Element of International Crimes," 972.
  152. Schabas, *Genocide in International Law*, 9. The available evidence suggests that survivors of the Rwandan Genocide are anxious to prevent other genocides and do not claim a privileged position in the history of the world by minimizing other crimes. Lauren Ellison, "Personal Tragedy Leads to Formation of Charity Group," *The Lantern*, 7 Apr 2005, <http://www.thelantern.com/2.1345/personal-tragedy-leads-to-formation-of-charity-group-1.85357> (accessed 15 Dec 2011). Lemkin was not hesitant to recognize other genocides, despite having nearly died in the Holocaust and having lost many numbers of his family. See Jones, *Genocide*, 55.
  153. Aktan, "The Armenian Problem and International Law"; Katz, "The 'Unique' Intentionality of the Holocaust," 174–5; Lewy, *The Armenian Massacres*, 204, 245–9, 260–5; William Schabas, "Retroactive Application," 59; Stanford Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 2 (Cambridge: Cambridge UP, 1977), 316–7.
  154. Schabas, "Retroactive Application," 59.
  155. *Ibid.*, 57–8.
  156. *Ibid.*, 56.
  157. Schabas wrote in 2010, "The payment of reparations by Germany in the aftermath of the war was made out of a sense of responsibility but was in no sense a result of a legal claim against an unwilling defendant." *Ibid.*, 57.
  158. *Ibid.*

159. United States District Court for the Eastern District of New York, *In re Agent Orange Product Liability Litigation*, Federal Supplement, second, vol. 373 (2005), 59–64.
160. *Ibid.*, 63.
161. M. Cherif, Bassiouni, *International Criminal Law: Sources, Subjects, and Contents* (Leiden: Brill, 2008), 173; Theo Van Boven, “Victim’s Right to a Remedy and Reparation: The New United Nations Principles and Guidelines,” in *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity*, ed. Carla Ferstman et al. (Leiden: Martinus Nijhoff, 2009), 33; Jordan Paust, “Opinion,” *In re Agent Orange Product Liability Litigation*, Doc. No. 2005 WL 6041235 (5 Jan 2005), <http://www.westlaw.com> (accessed 15 Dec 2011).
162. United States District Court for the District of New Jersey, *In re Nazi Era Cases Against German Defendants Litigation*, Federal Supplement, Second, vol. 129 (2001), 372.
163. *Ibid.*
164. Nehemiah Robinson, “Material Jewish Claims Against Germany,” *The Canadian Jewish Chronicle* (21 Dec 1951), 16, 26.
165. *Ibid.*, 25.
166. *Movsesian v. Victoria Versicherung*, United States Court of Appeals for the Ninth Circuit, Federal Reporter, Third, vol. 629 (2010), 903–4; *Deirmenjian v. Deutsche Bank*, United States District Court for the Central District of California, Federal Supplement, Second, vol. 526 (2007), 1073–6.
167. Roger Smith, Erik Markusen, and Robert Jay Lifton, “Professional Ethics and the Denial of the Armenian Genocide,” *Holocaust and Genocide Studies* 91 (1995): 1–22.
168. *Ibid.*, 13.
169. *Ibid.*, 14.
170. *La Cantuta v. Peru*, Inter-Am. C.H.R., OEA/ser. C./ No.162 (29 Nov 2006), ¶ 222.
171. Philippe Sands, *Torture Team: Rumsfeld’s Memo and the Betrayal of American Values* (New York: Macmillan, 2009), 23, 31, 49, 71–8, 85, 173–90; Garry Wills, *Bomb Power: The Modern Presidency and the National Security State* (New York: Penguin, 2011).
172. Israel Charny defines “definitionalism” as “a damaging style of intellectual inquiry based on a perverse, fetishistic involvement with definitions to the point where the reality of the subject under discussion is lost.” See Charny, *How Can We Commit the Unthinkable? Genocide: The Human Cancer* (Boulder, CO: Westview, 1982), 59. Stanton objects to definitionalism as incorrectly ignoring the “in whole or in part” clause of the UNCG by assuming that (1) genocide must be “total or whole,” (2) “ethnic cleansing” does not amount to genocide because the group members who are driven out of their homeland may survive, and/or (3) genocidal intent requires an apolitical, ahistorical racist motive. See Gregory Stanton, “The 12 Ways to Deny a Genocide: Genocide Emergency: Darfur, Sudan” (15 Jun 2005), <http://www.genocidewatch.org/aboutgenocide/12waystodenygenocide.html> (accessed 15 Dec 2011).
173. Aktan, “They Are Learning Law (2)”.
174. *Ibid.*
175. William Schabas, “‘Definitional Traps’ and Misleading Titles,” *Genocide Studies and Prevention* 4,2 (2009): 177–83, <http://dx.doi.org/10.3138/gsp.4.2.177>, 177, 181.
176. Samuel S. Kim, “China and the United Nations,” in *China Joins the World: Progress and Prospects*, ed. Elizabeth Economy and Michel Oksenberg (New York: Council on Foreign Relations, 1999), 64–5.
177. “Meanwhile, in Darfur,” *The New York Sun*, 4 Feb 2005.
178. “Pro-Sudan Groups Ask ICC Judges to Reject Genocide Appeal,” *Sudan Tribune*, 27 Jul 2009.
179. *Prosecutor v. Popović et al.*, IT-05–88-I, Trial Chamber II, Decision on the Admissibility of the Expert Report and Proposed Expert Testimony of Professor Schabas, 1 Jul 2008, ¶ 8.
180. *Prosecutor v. Karadžić*, IT-95–5/18-I, Trial Chamber III, Defendant’s Pre-trial Brief, 29 Jun 2009, <http://www.icty.org/case/karadzic/4> (accessed 15 Dec 2011), ¶¶ 84–93.
181. Schabas, “Retroactive Application,” 47–9, 58–9.
182. *Ibid.*, 36, 56–7. Schabas notes that the head of the US delegation to the London Conference defined genocide as including “destruction of racial minorities and subjugated populations by such means and methods as (1) underfeeding; (2) sterilization and castration; (3) depriving them of clothing, shelter, fuel, sanitation, medical care; (4) deporting them for forced labor; (5) working them in inhumane conditions.” *Ibid.*, 43. In 1918, the press widely reported that 30,000 Armenians were starving in the vicinity of Mosul and Tabriz, in the Ottoman Empire and Persia, respectively. See Associated Press, “Armenians Are Starving in Persia,” *Meridian Morning Record (Connecticut)*, 27 Dec 1918, 4; “Millions Armenians Starving in Turkey,” *Los Angeles Times*, 26 Dec 1918, 12. In 1919, the American Food Commissioner for the Near East, Howard Heinz, estimated that 500,000 displaced Armenians were at risk of starvation, the population was eating grass, and typhus was spreading in an epidemic. “Finds Armenians Starving; 500000 Without Food, Says Heinz – Credits Cannibalism Tale,” *The New York Times*,

- 23 May 1919. In 1922, the Associated Press reported that the Armenian population was slowly becoming extinct from typhus and starvation. Associated Press, "Armenians Reported to Be in Dire Want," *Prescott Evening Courier*, 7 Apr 1922, 1. In 1926, *The New York Times* published a letter to the editor stating that hundreds of thousands of deported Armenians were starving in Syria. "Turkish Treaty Issues," *The New York Times*, 25 May 1926.
183. Schabas, "Retroactive Application," 59.
  184. Schabas, "Cambodia: Was It Really Genocide?," 474.
  185. UNGC Article II(c)
  186. UNGC Article II(d) and II(e).
  187. Peter H. Maguire, *Facing Death in Cambodia* (New York: Columbia UP, 2005), 51; Barry Kramer, "Tales of Terror: Cambodian Refugees Tell a Story of Hunger, Regression and Death: Complainers and Their Kin Are Said to Be Executed," *Wall Street Journal*, 22 Nov 1978; Jonathan Sikes, "Deadly Khmer Rouge Hold Key to Peace in Kampuchea," *Toronto Star*, 6 Mar 1988, H5.
  188. Ben Kiernan, *Genocide and Resistance in Southeast Asia: Documentation, Denial and Justice in Cambodia and East Timor* (New Brunswick, NJ: Transaction), 217–8; Kiernan, *Blood and Soil*, 547–9.
  189. Associated Press, "Khmer Rouge Decimated Phnom Penh," *The Madison Courier*, 3 Aug 1983, 2.
  190. Schabas, "Justice, Democracy, and Impunity," 551.
  191. Herman and Peterson, *The Politics of Genocide*, 46–51, 125–8; Alan Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, DC: Brookings Institution Press, 2001), 112–3; Schabas, "Genocide and the International Court of Justice"; Schabas, "Problems of International Codification," 293–5. The 200,000 estimate was available in 1998. Ewa Tabeau and Jakob Bijak, "War-related Deaths in the 1992–1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results," *European Journal of Population* 21,2–3 (2005): 187–215, 193. The 12,000 to 18,300 estimate was available in 2000. See Paul B. Spiegel and Peter Salama, "War and Mortality in Kosovo, 1998–99: An Epidemiological Testimony," *The Lancet* 355,9222 (2000): 2204–9. See also Eric Victor Larson and Bogdan Savych, *Misfortunes of War: Press and Public Reactions to Civilian Deaths in Wartime* (Santa Monica: Rand, 2007), 69. The 305,000 figure was available in 2008. See Jan Zwierchowski and Ewa Tabeau, "The 1992–95 War in Bosnia and Herzegovina: Census-Based Multiple System Estimation of Casualties' Undercount," *The Households in Conflict Network and German Institute for Economic Research* (1 Feb 2010), 20.
  192. Schabas, "Darfur and the 'Odious Scourge,'" *Leiden Journal of International Law*, 881.
  193. *Prosecutor v. Krstić*, ¶ 1, n. 3; Helge Brunborg, Torkild Hovde Lyngstad, and Henrik Urdal, "Accounting for Genocide: How Many Were Killed in Srebrenica?," *European Journal of Population*, 19,3 (2003): 229–48, 245.
  194. De Waal and Conley-Zilkic, "Reflections on How Genocidal Killings Are Brought to an End"; Alex De Waal, "Appealing the Genocide Decision?," *Making Sense of Sudan*, 15 Mar 2009, <http://africanarguments.org/2009/03/15/appealing-the-genocide-decision/> (accessed 15 Feb 2012); Schabas, "Darfur and the 'Odious Scourge,'" *Leiden Journal of International Law*; Schabas, "Genocide, Crimes Against Humanity, and Darfur"; Schabas, "Definitional Traps," 179; William Schabas, "An Unappealing Appeal," *PhD Studies in Human Rights*, 14 Mar 2009, <http://humanrightsdoctorate.blogspot.com/2009/03/unappealing-appeal.html> (accessed 15 Dec 2011). Even more remarkable is one book that cavalierly mocks a non-profit organization's use of the 400,000 figure in efforts to halt the genocide, while failing to mention its scientific basis. Julie Flint and Alexander De Waal, *Darfur: A New History of a Long War* (London: Zed Books, 2008), 186. The estimate of 70,000 deaths was made available by the World Health Organization in 2004. Hannibal Travis, *Genocide in the Middle East: The Ottoman Empire, Iraq, and Sudan* (Durham, NC: Carolina Academic Press, 2010), 462. The estimate of 400,000 to 450,000 deaths was widely published in the press in 2006. See Travis, *Genocide in the Middle East*, 463. It, too, had a scientific basis. John Hagan, Wenona Raymond-Richmond, and Patricia Parket, "The Criminology of Genocide: Death and Rape in Darfur," *Criminology* 43,3 (2005): 525–61; Coalition for International Justice, "New Analysis Claims Darfur Deaths Near 400,000," *Sudan Tribune*, 21 Apr 2005, <http://www.sudantribune.com/New-Analysis-Claims-Darfur-Deaths,9236> (accessed 15 Dec 2011).
  195. Schabas, "Genocide, Crimes Against Humanity, and Darfur," 1703, 1715–6.
  196. ICID report, ¶¶ 242, 248, 253, 272, 273, 274, 278, 287, 343, 344, 365, 368.
  197. William Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge: Cambridge UP, 2001), 167.
  198. Schabas, *Genocide and International Law*, 135.
  199. UNGC, Article 1.

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202. Malliaris, “Assessing the ICTY Jurisprudence,” 131; Schabas, “The Jeliscic Case,” 136.
203. Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia UP, 1995), 274.
204. Schabas, *Genocide in International Law*, 102.
205. *Prosecutor v. Bagosora et al.*, ¶¶ 2095–110.
206. Gérard Prunier, *Darfur: A 21st Century Genocide*, 3rd ed. (Ithaca, NY: Cornell UP, 2008), 156.
207. Carla Del Ponte, *Madame Prosecutor: Confrontations with Humanity’s Worst Criminals* (New York: Other Press, 2009), 179, 183–4, 226–9; “Profile: Croatian President Franjo Tudjman Dies at Age 77,” *National Public Radio*, 11 Dec 1999, <http://www.npr.org> (accessed 15 Dec 2011); Raymond Bonner, “Croatia Branded as Another Balkans Pariah,” *The New York Times*, 3 Mar 1999, <http://www.nytimes.com/1999/03/03/world/croatia-branded-as-another-balkans-pariah.html?pagewanted=2> (accessed 15 Dec 2011).
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209. Eric Reeves, “Darfur and International Justice,” *Dissent* 56,3 (2009): 13–8.
210. Schabas, “The Jeliscic Case,” 133.
211. Schabas, “Genocide and the International Court of Justice,” 112.
212. Ad Hoc Committee on Genocide, Summary Records of Meetings, 21 Sept–10 Dec 1948, U.N. Doc. No. A/C.6/SR.61–140 (20 Oct 1948), 156.
213. *Ibid.*, 157.



# Macro, Meso, and Micro Research on Genocide: Gains, Shortcomings, and Future Areas of Inquiry

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*The article critically reviews the existing literature on genocide and mass violence and divides it according to different levels of analysis: macro, meso, and micro levels. We discuss the main theories and findings at each level of analysis and suggest avenues for further research. We argue that the literature on genocide should pay more attention to meso and micro levels of analysis. We also identify a number of other research problems, including conceptualization, selection bias, case comparability, the role of restraint, the question of change over time, and the need to engage in dialogue with the broader social science scholarship on political violence and intrastate conflict.*

*Key words: genocide, political violence, levels of analysis, social sciences*

As a growing field of inquiry, the comparative study of genocide is more robust than ever; yet major problems and obstacles remain. Begun in the late 1970s and 1980s with seminal works by Leo Kuper, Helen Fein, Israel Charny, and Irving Louis Horowitz,<sup>2</sup> the area of study remained relatively marginal to mainstream social sciences and history until the mid to late 1990s. Thereafter, the onset of cases in Central Africa and Eastern Europe, which drew widespread attention in policy and academic domains, stimulated major new interest from scholars. The net impact is substantial progress on a number of fronts, in particular broader comparative analysis, more sophisticated methods of comparison, and a raft of new and exciting theories, particularly at the macro level.

Yet a number of important problems continue to plague the field of study: conceptual disagreement (which in turn limits consensus on the universe of relevant cases), a tendency toward selection bias (with reliance on “positive” cases—i.e., cases where genocide occurred—rather than a focus on variation in outcomes, thus avoiding comparisons between situations where genocide occurred and those in which it did not), unit heterogeneity (the cases under comparison are quite diverse), an unhealthy academic cloistering (in particular, a lack of dialogue with kin literature on political violence), and a theoretical focus on invariant or slowly changing variables measured at the society and state levels of analysis.<sup>3</sup> Most of these factors, we argue, substantially limit the field’s ability to move forward and successfully address new research questions and agendas. In addition, we argue that meso-level analysis remains underdeveloped in the field of genocide studies and that micro-level analysis would gain from more attention to variation and to greater cross-case comparison.

Consistent with the mandate of this special issue of *Genocide Studies and Prevention*, our main purpose is to critically review the existing literature and suggest avenues for future research. In our case, the exclusive focus is on literature on the causes of genocide (and mass killing) and its dynamics, with a particular emphasis on comparative analysis.<sup>4</sup> There is no easy way to neatly divide and classify this literature, which is

interdisciplinary, diverse, and increasingly deep. Rather than clustering the literature into “generations,” as one of us has done elsewhere,<sup>5</sup> we borrow from the literature on civil war and choose to divide the literature according to different levels of analysis: namely macro, meso, and micro levels. A crucial caveat is in order: any short, critical, and broad-gauged analysis of the existing literature can do justice neither to the complexity and nuance of many authors’ arguments nor to the breadth of research. The review is necessarily incomplete. Even so, we aim to provide a useful guide to the existing literature and to suggest areas of improvement for future work.

### **Macro-Level Research**

In the interest of simplicity, we divide the macro-level literature into six major streams of argumentation about (1) intergroup relations, (2) regime type, (3) hardship and upheaval, (4) ideology, (5) leaders’ strategy, and (6) modernity and development. Some theories cross these boundaries; some theories are multicausal. Yet, in the main, these different theoretical emphases provide a starting point for categorizing the existing macro-level literature on the origins of genocide.

The central claim made by scholars who stress intergroup relations is that the deep origins of genocide are fractious relations between groups in a society. For Kuper, “divided” societies in which populations disliked and distrusted each other are necessary conditions for the occurrence of genocide.<sup>6</sup> For Fein, the idea that dominant groups in particular contexts define subordinate groups “outside the universe of obligation” is central to her explanation.<sup>7</sup> More recently, Daniel Goldhagen has asserted that widespread eliminationist hatred is the root of genocide.<sup>8</sup> Similarly, John Hagan and Wenona Rymond-Richmond stress racism in their recent book on Darfur.<sup>9</sup> There are a number of causal mechanisms in this strand of literature. The main ones concern hatred, antipathy, and distrust on the part of a segment of the population toward another segment of the population. Dehumanization is another commonly stipulated mechanism. For large segments of a population to acquiesce to or support genocide, they must either be indifferent to or want the destruction of other segments.

The central claim made by scholars who stress regime type is that authoritarianism facilitates radicalization and the use of violence. The causal claims are present in two seminal works by Rudolph Rummel and Horowitz.<sup>10</sup> They receive more contemporary empirical support in Barbara Harff’s quantitative research as well as that of Kristine Eck and Lisa Hultman (though Jay Ulfelder and Benjamin Valentino’s quantitative findings as well as those of Matthew Krain do not support a relationship between regime type and large-scale destruction).<sup>11</sup> Although sometimes submerged in scholarship, the regime type literature posits two main mechanisms. On the one hand, the absence of democratic constraints in authoritarian states depresses opposition and thereby facilitates the escalation of extremism. On the other hand, the regular use of repression in an authoritarian system regularizes and normalizes the use of violence by states.

The central claim made by those scholars who stress hardship and upheaval is that certain factors create conditions within populations that in turn trigger violence and scapegoating toward other populations. As Ervin Staub and Peter Uvin have found, the central hypothesized mechanism in the literature is frustration-aggression, whereby deprivation or structural violence create anger and disappointment which are then channeled into aggression toward other populations.<sup>12</sup> A related claim is that instability and upheaval (war, revolution, coups, or regime changes) create uncertainty and dislocation, which too can be directed toward out-groups. Harff argues that national upheaval is a

key facilitating condition that interacts with pre-existing social cleavages which are polarized in crisis.<sup>13</sup>

Ideological arguments are diverse, but at the base the claim is that leader-level goals and ideational frameworks shape the policy choice of genocide. Scholars highlight different ideological content. Eric Weitz emphasizes commitments to utopia based on race and nation; Michael Mann emphasizes commitments to ethnic nationalism and perversions of democratic ideals; Ben Kiernan argues that ideological commitments to racism, agrarianism, expansionism, and the cult of antiquity are consistent themes across time in genocide cases; Jacques Semelin emphasizes commitments to purity in times of crisis.<sup>14</sup> In some contrast to scholars who locate the origins of genocide in social or intergroup relations, scholars who emphasize ideology conceptualize the process leading to genocide as top-down. Some scholars also argue that ideology shapes processes of escalation and how leaders respond to contingency and constraints in times of crisis.<sup>15</sup>

Strategic arguments are similarly diverse, and similarly top-down, but the central claim is that leaders choose genocide for instrumental purposes to solve problems and achieve major goals. Ben Valentino's work is the most explicit, but other political scientists, such as Chip Gagnon, argue that politicians choose nationalism and persecution for instrumental purposes.<sup>16</sup> Manus Midlarsky argues that the choice of genocide is exercised to protect state interests, emerging from *realpolitik*—political and strategic considerations rather than ideological ones—but he argues that the decision is imprudent and disproportionate.<sup>17</sup> A related claim is that genocide and war have a strong causal connection. This claim is made, among others, by Martin Shaw; Valentino, Paul Huth, and Dylan Balch-Lyndsay and Ulfelder and Valentino argue that mass killing most likely emerges in the context of guerrilla civil war.<sup>18</sup>

Finally, a number of scholars link the destruction of civilian populations to underlying processes of modernization, development, and interstate competition. The claims are found in Zygmunt Bauman's seminal work on the Holocaust and more recently in Weitz, Mann, and Mark Levene's comparative research.<sup>19</sup>

While not comprehensive, these six streams of argumentation reflect the diversity, heterogeneity, and sophistication of comparative research on genocide and related forms of mass killing. In the past decade in particular, macro-level research and theorization has expanded significantly. In comparison to research at the meso and micro levels, macro-level research is explicitly *comparative*; it is often cross-national and cross-temporal. While a number of problems continue to limit the coherence of the field (as discussed below and perhaps as would be expected given the interdisciplinary nature of the field and the complexity of the phenomenon), we underline here that much of the dynamism in the literature on the origins of genocide in recent years has occurred at the macro level. This makes sense. Because genocide is usually a top-down process, in which national states are initiators and authorizers of mass violence, theorizing causation at the macro level is a natural fit for genocide studies. At the same time, the dynamism at the macro level should not overshadow important research agendas at the meso and micro levels. As the article argues, theorizing all three levels should be part of a comprehensive agenda for studies of genocide and similar forms of mass violence.

### **Meso-Level Research**

What is the meso level? At the broadest level, the meso level is the space between national- or international-level factors and individual-level ones. More specifically,

meso-level studies typically focus on subnational regions and communities (provinces, towns, and villages) or on specific institutions (such as political parties, civil society organizations, economic sectors, social or political networks, or military units). Compared to macro- and micro-level research, meso-level analysis is the least developed among the three prongs of genocide research, and the field of genocide studies would benefit from greater attention to this level of analysis.

The meso level is crucial for several reasons. First, local-level actors are often critical in how genocide occurs. Local actors transmit and sometimes initiate policies to commit violence, identify and sort victims, and frequently are key perpetrators of actual killing. Coordination between macro-level and meso-level actors is an essential part of the process of genocide. As Bloxham argues, mass murders “are organized, in the sense that the actions of perpetrators are concerted and systematic. An organizational structure usually emerges—however rudimentary or temporary.”<sup>20</sup> Meso-level actors are essential to that process. Second, meso-level actors shape the process of violence, in particular in more decentralized states. In highly centralized and coercive states, meso-level actors might enjoy comparatively little autonomy in substantially changing or altering the trajectory of mass violence. But in other circumstances meso-level actors have greater independence. Their actions in turn can shape, amplify, and inhibit agency and victimization.<sup>21</sup> Third, by looking carefully at the meso level, scholars can develop a richer understanding of the dynamics of violence and generate evidence by which to evaluate competing hypotheses. Fourth, studying meso-level institutions will yield insight into variation into how and why violence unfolds at different levels or in different ways, as the civil war literature has recently demonstrated.<sup>22</sup> Pioneered by Stathis Kalyvas and Elisabeth Wood, a focus on local dynamics has been a central innovation in the literature on violence in civil war.<sup>23</sup> In particular, Kalyvas argues that the national and the local level should be disarticulated and that the dynamics at the local level are often not derivative of the broader or “master” cleavages at the national level.

To be sure, the meso level has not been completely overlooked by scholars, in particular scholars of the Holocaust. Our understanding of the Holocaust has been vastly improved by classic community studies (such as Jan Gross’s *Neighbors*), studies of *Einsatzgruppen* and various Nazi institutions, and recent works, such as Christopher Browning’s *Remembering Survival* and Barbara Engelking and Jacek Leociak’s monumental study of the Warsaw ghetto.<sup>24</sup> Often authored by historians, the principal goals of these studies were to describe what happened in these communities.

But some recent work on Eastern Europe in the 1940s has been undertaken with more explicit explanatory and theoretical objectives. One innovative study focuses on the summer of 1941 when numerous Jews were murdered not by the Nazis but by their non-Jewish neighbors. These pogroms and collective killings were not formally part of the Nazi-initiated genocide. But by studying variation in where the violence occurred, Jeffrey Kopstein and Jason Wittenberg develop a rich argument about how the outburst, or the lack thereof, of anti-Jewish violence is related to pre-existing patterns of politics and modes of intercommunal relations between the Jewish minority and their non-Jewish neighbors. According to their findings,

[in places] where Jews supported ethnic parties that advocated minority cultural autonomy, the local populations perceived the Jews as an obstacle to the creation of a nation-state in which minorities acknowledged the right of the titular majority to impose its culture across a country’s entire territory. These communities became toxic. Where

determined state elites could politically integrate minorities, pogroms were far less likely to occur.<sup>25</sup>

Their findings echo a similar study by Diana Dumitru and Carter Johnson, which focuses on variation in the levels of violence against Jews during World War II.<sup>26</sup>

Subnational variation has been broached in studies of other cases, in particular the 1994 genocide in Rwanda but also violence in Bosnia.<sup>27</sup> In Rwanda, there is observed variation with respect to when violence started in different communities and in the composition of the local actors driving the genocide. Several scholars have designed studies at the subnational level to focus on the variation in patterns of violence, whether at the *commune* (district) or *secteur* (sector) levels.<sup>28</sup> Those studies have yielded insights into how the process of violence unfolded in Rwanda and have also allowed for a more empirically rich assessment of competing hypotheses that would explain the dynamics of genocide in Rwanda.

A major recent meso-level study on the Rwandan Genocide is Timothy Longman's analysis of churches. By carefully examining one institution, Longman's study provides a rich understanding of the social dynamics and the processes by which violence unfolded and was legitimized. Longman argues that not only were mainstream Christian churches complicit in the Rwandan Genocide of 1994 but their actions facilitated and sometimes encouraged the mass violence. He argues that the churches' embrace of ethnic politics and subservience created fertile ground for the execution of genocide. Longman also conducts a comparative study of the dynamics of genocide in two parishes. In one parish, local actors worked with the state before and during the genocide, singling out Tutsi, labeling them as the accomplices of insurgents, and, finally, murdering them. In the other, the dominant local actors and many common villagers resisted the state's murderous policies. Rwanda is a highly centralized state, and at the end of the day the Tutsi of this parish were also slaughtered. But through his comparison, he effectively illustrates the dynamics of violence and shows that there were important attempts to resist the genocide.<sup>29</sup>

Another recent study by Yang Su focuses on rural China during the Cultural Revolution. In that case, as many as three million people labeled "class enemies" were brutally murdered by their neighbors in collective killings and "struggle rallies." This happened even though the central government had not issued any mass killing orders or policies. Drawing on the social movements literature, and viewing collective killing as an extreme form of collective action, Su proposes a community model to explain why and how a community mobilizes to kill its members. Su also points to and seeks to explain subnational variation in victimization rates. Su's community model considers five related processes to be crucial for collective killing to take place. The first concerns collective ethnic categorization, which is shaped by the community's history, tradition, and culture. The second process generates potential victims in the community, and the third process generates potential killers in the community. The fourth process is the demobilization of legal constraints in the community, while the fifth process is the demobilization of moral constraints and the framing of the situation in terms that make killing possible. However, while some processes—such as scapegoating of so-called class enemies, mass mobilization of the population, and fierce competition between party factions and cadres—affected the state as a whole, in the bloodiest provinces of Guangdong and Guangxi these national-level dynamics were superimposed on and interacted with distinctively local factors, such as a unique history of Chinese migration to these areas,

patterns of local clan conflicts and village level politics, and the strategic location of the provinces. The outcome was mass killing and only the combination of national and local factors can explain why in Guangdong and Guangxi the killing rates were substantially higher than in the rest of the country.<sup>30</sup>

Finally, the interplay between national- and local-level factors is a theme in Geoffrey Robinson's recent study of East Timor. Robinson, a historian and member of the UN's political team in East Timor in 1999, does not simply see the conflict in dichotomous terms between the Indonesian government, on one hand, and the East Timorese, on the other. He argues that the violence has roots in conflicts between different groups of East Timorese as well as in the patterns of governance and warfare of the Portuguese colonial administration. The Indonesian political and military elite based in Jakarta, argues Robinson, turned to a strategy of mass murder when challenged but could not carry out massacres and terror without local militia. The latter, in turn, were often driven by local factors, histories, and traditions which in many cases predated and were unrelated to the master cleavage of independence from or integration with Indonesia.<sup>31</sup>

Although the meso-level study of genocide or other forms of mass violence remains underdeveloped vis-à-vis other areas of research, our brief consideration here shows how valuable these studies are. Meso-level research from various corners of the world brings into focus key institutions, patterns of interaction before mass violence starts, and detailed attention to how the dynamics of violence unfold. In some cases, as in Poland and China, meso-level factors substantially explain variation in outcomes. But in all the cases, an explicit focus on meso-level factors generates a fuller, richer picture of the process of violence and allows for grounded theorization into the causal dynamics at hand.

### **Micro-Level Research**

Why do individuals participate in mass violence against civilians? Why do individuals harm others with whom they have no prior individual conflict or who are not engaged in conflict? The question is a perennial and critical concern for scholars of genocide and mass violence. In recent years, the topic has received a systematic review from psychologist James Waller.<sup>32</sup> There also has been a series of studies on Rwanda as well as an ethnographic study on Cambodia under the Khmer Rouge.<sup>33</sup> From a comparative perspective, two main weaknesses of micro-level research are (1) the relative absence—with some exceptions—of systematic comparison across cases and (2) an empirical focus on the Holocaust and Rwanda. There is a paucity of systematic data at the individual level on most other cases. A major question that remains unanswered is whether and how agents of violence in cases of mass killing and genocide differ systematically from agents of violence in atrocities of lower magnitude. More specifically, are there patterns of perpetrator composition or individual-level motivation that are specific to cases of mass killing and genocide? Once again, to answer that question, a greater engagement with the broader literature on political violence is necessary.

There are six main methods that scholars of genocide and mass killing have used to make observations at the individual level: (1) compiling biographies or social composition studies through court documents, newspaper coverage, and/or historical accounts of events<sup>34</sup>; (2) in-depth interviews with selective, non-systematically sampled perpetrators<sup>35</sup>; (3) close observation of particular actors<sup>36</sup>; (4) experimental designs<sup>37</sup>; (5) survey research<sup>38</sup>; and (6) community-based studies that derive observations about individual-level motivations. It is hard to prescribe any one method. Scholars choose their research methods depending on the questions that they are asking and the data available.

Theories of why individuals participate in mass violence abound and can perhaps be productively synthesized into eight main categories of argumentation. There are claims about (1) psychological predisposition, such as sadism, to commit violence<sup>39</sup>; (2) deprivation and frustration and in particular the idea that hardship causes stress that is channeled into violence<sup>40</sup>; (3) identity, in particular the idea that individuals harbor out-group antipathy or in-group solidarity which would lead them to harm others<sup>41</sup>; (4) ideological conviction and commitment<sup>42</sup>; (5) legitimacy—perpetrators commit violence because of their obedience to or vertical relationships with superiors<sup>43</sup>; (6) collective and horizontal peer pressure<sup>44</sup>; (7) fear and insecurity<sup>45</sup>; and (8) selective and material incentives—the idea that individuals commit violence to gain power or property.<sup>46</sup>

Are there any cumulative findings in this theoretically diverse literature? To our minds, there are at least two consistent findings. The first is that the perpetrators of atrocities are “normal”—that is, they often reflect a demographic cross-section of their societies. There is nothing *a priori* that would have predisposed the average perpetrator to commit violence. The agents of violence do not appear, on average, to have any pre-existing, demonstrated psychological abnormality or predisposition to deviance; they do not seem on average to be especially poor; and they have common levels of education. Demographically, they tend to be representative of their societies. The theme is recurrent across some of the most influential micro-level studies, from Waller to Arendt, Browning, and Goldhagen.<sup>47</sup> This is not to say that some professions are not especially represented in certain aspects of genocide, such as a scientific community in conceiving and implementing the Final Solution.<sup>48</sup>

A second finding concerns heterogeneity at the micro level. A number of scholars who study individual-level behavior conclude that there are multiple dynamics of motivation. Some individuals might have multiple reasons to participate in violence. Others might participate at one point in time for one reason but continue at another point in time for another reason—that is, motivation changes over time. Finally, genocides and other instances of mass killing are complex social and political phenomena in which often thousands of perpetrators take part; no single theory is likely to explain each perpetrator’s motivation. Thus, heterogeneity, complexity, and mutability all characterize the findings about perpetrators of mass killing and other forms of extreme violence.<sup>49</sup>

## Future Research

In this section we summarize the main achievements and shortcomings of scholarship at each level of analysis and then suggest new questions and agendas for further research. For a field dominated by macro-level studies, the most fundamental gains have been in understanding which factors lead to genocide; under which conditions leaders turn to mass killings; and how ideologies, emotions, and beliefs contribute to the emergence of genocidal policies. However, despite numerous and quite substantial gains, macro-level scholarship on genocide suffers from several important shortcomings.

First, conceptual disagreements limit the ability to generate cumulative findings. In particular, scholars both maintain different definitions of genocide and use different terms to talk about it. Rummel analyzes “democides,” Harff discusses “politicides” (and genocides), and Mann focuses on “murderous ethnic cleansing.” Valentino examines mass killings of 50,000 victims over the course of five years, while Shaw argues that the actual number of people murdered matters less than the intention “to shatter and break up” the community’s social existence; one should not confuse ends with means and outcomes, he contends.<sup>50</sup> Some scholars, such as Christian Gerlach, question the theoretical

usefulness of the concept of genocide.<sup>51</sup> Achieving scholarly consensus on the concept of genocide or whether genocide should be the unique focus of study (as opposed to another term or a broader category) is probably unlikely. Certainly, debate and disagreement are productive for scholarship. However, as long as there remain core and vigorous disagreements about the main concept that unites a field of study, the ability to make theoretical generalizations about causes will be constrained. At best, scholars working in the field must remain attentive to the conceptual differences that shape it.

Second, macro-level qualitative comparative scholarship on genocide, with some minor and notable exceptions,<sup>52</sup> is characterized by insufficient attention to variation. The main question in the field is, What do X cases of genocide have in common? In contrast, there is comparatively little macro-level research that seeks to build on existing findings and theory to explain why some cases result in genocide while others do not. Many theories suffer from what we call a “frequency mismatch” in the sense that the explanations point to conditions that are much more common than the phenomenon of genocide is. In short, there is a critical need for more attention to negative cases—“dogs that did not bark”—that did not result in genocide, which in fact are the norm. Genocide is a comparatively rare outcome.

A third and related shortcoming is that scholarship pays insufficient attention to temporal factors. A number of studies point to a dynamic of escalation, or “cumulative radicalization,” as central to the process that leads to genocide.<sup>53</sup> Some studies point to the importance of stages of genocide or to the idea that genocides are “final” solutions.<sup>54</sup> These studies strongly imply that the steps taken in the planning and execution of genocide are not automatic; rather, they constitute a process. Thus, there are several critical but underexplored comparative questions: What explains escalation? Why do key decision makers choose to escalate rather than de-escalate? Are there commonalities across cases that seem different in negative cases? These questions imply a strong need for the temporal disaggregation of cases. But, with some notable exceptions,<sup>55</sup> these types of temporal, disaggregated questions are rarely asked in a comparative context. The absence is all the more surprising given that the majority of comparative research is qualitative, small *N* research whose hallmark should be process tracing.

Three final related concerns at the macro level are (1) insufficient attention to issues of restraint, (2) problems of unit heterogeneity, and (3) an unhealthy division from studies of political violence.

With regard to the first issue, much of the existing macro-level literature focuses on those conditions that would prompt leaders and societies to commit genocide.<sup>56</sup> But if the operative question becomes why does genocide occur in some locations and at some times but not in other locations or at other times, an equally important question asks what prompts leaders to avoid or moderate the use of mass violence.<sup>57</sup>

The issue of unit heterogeneity is the idea that the cases being compared are empirically quite different. The Armenian Genocide, Rwanda, and the Holocaust are three of the common cases of comparison in the comparative literature on genocide. Yet in terms of the historical period, region, territory, economy, demographic structure, and even the nature of the violence, these cases differ dramatically. To continue to build theory, tighter comparisons that hold more variables constant will be important.

Finally, the study of genocide should not be cloistered from studies of political violence or violence in civil war. At base, studies of genocide share a great amount of substantive overlap with studies of other forms of violence—riots, assassinations,



massacres, the targeting of civilians in war,<sup>58</sup> counterinsurgency, general strategy—yet there is little intellectual interaction between these obviously related areas of inquiry. Again, a key issue concerns isolating and explaining the specificity of genocide by embedding the analysis in the study of kin phenomena.

We have argued that meso-level research is the least developed branch of genocide scholarship, but meso-level single-country and comparative research is a promising emerging research area. Concentrating on the meso level, where national-level policies and decisions translate into individual actions on the ground, will provide the field with a better understanding of causal chains and mechanisms. In other words, the meso level is an essential link between the macro and micro levels, without which our ability to analyze genocides will be significantly restrained.

Furthermore, meso-level research has the ability to overcome some problems associated with macro-level scholarship. First, meso-level research often explicitly incorporates variation into the research design. In particular, for community-based research, the question is, What explains variation in outcomes across different regions and communities? Second, the analysis of subnational units creates greater possibilities for large *N* statistical analysis, which in genocide studies is often constrained either by unit heterogeneity or by a small number of cases. Third, subnational meso-level comparative analysis holds national-level factors constant, and in so doing meso-level analysis lends itself to identifying factors that independently cause variation.

Yet, there are important limitations to meso-level analysis. First, it cannot explain why, when, and under which conditions genocide takes place. Meso-level research should not treat genocides as only or mainly local and should not underestimate the role of macro-level factors, namely state policies and actions. At the end of the day, genocide most often is top-down.<sup>59</sup> Second, it is still unclear how to differentiate local violence during genocide from instances of local violence that are not genocidal in nature, such as ethnic riots, pogroms, or localized massacres. At the same time, by concentrating on local factors and conditions and by comparing different units, institutions, regions, and communities, future meso-level research can play a key role in bridging macro- and micro-level scholarship and improving our understanding of how, why, and under which conditions a government's vague and often murky orders of extermination are translated into actual killings on the ground.

Micro-level research will likely remain an area of continued attention. Many analysts want to understand and explain how ordinary people commit terrible acts of atrocity. What then are some avenues for future research to strengthen this area of analysis? Studies of genocide perpetrators often do not provide systematic explanations of variation among potential perpetrators. Why do some individuals participate in mass violence while others do not? Micro-level research often does not consider the whole spectrum of potential behavioral strategies and does not explain what accounts for the adoption of each strategy. Furthermore, as noted above, two cases now empirically dominate the literature—the Holocaust and Rwanda (the former much more than the latter)—and there is relatively little systematic comparison across countries and time periods. Finally, we note the relative absence of new insights from the social psychology literature and the relative absence of contemporary experimental design in the study of genocide.<sup>60</sup>

To summarize, we envision further research that applies both qualitative and quantitative methods, is embedded in the broader political violence literature, pays sufficient

attention to and seeks to explain variation in outcomes, concentrates on identifying causal mechanisms and tracing causal chains, and combines different levels of analysis with particular attention to developing meso-level analysis. These changes will continue to help advance research on the origins and dynamics of genocide and mass killing while putting the field in closer methodological and theoretical conversation with related areas of research in the social sciences and history.

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## Notes

1. Scott Straus's research was supported by a generous grant from the Harry Frank Guggenheim Foundation.
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3. The arguments in this article build on, but to go beyond, earlier appraisals by one of the authors. For related claims, see Scott Straus, "Second-Generation Comparative Research on Genocide," *World Politics* 59,3 (2007): 476–501; Scott Straus, "Political Science and Genocide," in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (New York: Oxford UP, 2010), 163–81; Scott Straus, "Destroy Them to Save Us': Theories of Genocide and the Logics of Political Violence," *Terrorism and Political Violence* (forthcoming 2012).
4. Our article does not address other important areas of research in the genocide studies field, from questions of intervention and prevention to questions of criminal responsibility and questions of the aftermath of such atrocities, among other related topics.
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6. Kuper, *Genocide*.
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  21. *Ibid.*, 218.
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38. Examples include McDoom, *The Micro-Politics of Mass Violence*; Straus, *The Order of Genocide*. For a focus on Sierra Leone, see Macartan Humphreys and Jeremy Weinstein, "Who Fights? The Determinants of Participation in Civil War," *American Journal of Political Science* 52,2 (2008): 436–55.
39. For a smart review, see Waller, *Becoming Evil*.
40. Staub's *The Roots of Evil* and Uvin's *Aiding Violence* are classic statements on this mechanism.
41. For illustrative examples, see Goldhagen, *Hitler's Willing Executioners* and Donald Horowitz, *The Deadly Ethnic Riot* (Berkeley: U of California P, 2001).
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43. Browning, *Ordinary Men*, in part based on Milgram's *Obedience to Authority*. See also Herbert Kelman and V. Lee Hamilton, *Crimes of Obedience: Towards a Social Psychology of Authority and Responsibility* (New Haven: Yale UP, 1989).
44. See also Browning's *Ordinary Men* and Straus's *The Order of Genocide*. Fujii's *Killing Neighbors* stresses social networks.
45. Straus, *The Order of Genocide*; McDoom, *The Micro-Politics of Mass Violence*.
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47. In *The Order of Genocide*, Straus also stresses this point with regard to Rwanda.
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56. For an exception, see Mayersen, "On the Timing of Genocide."
57. For an elaboration of this point, see Scott Straus, "Retreating from the Brink: Theorizing Mass Violence and the Dynamics of Restraint," *Perspectives on Politics* (forthcoming Jun 2012).
58. On this point, see Alexander Downes, *Targeting Civilians in War* (Ithaca: Cornell UP, 2008).
59. An example of research that brings the meso level into dialogue with the top-down nature of genocide is Bloxham, "Organized Mass Murder."
60. An exception to the former is Midlarsky, *The Killing Trap*.

# Studying Mass Violence: Pitfalls, Problems, and Promises

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*This article examines some of the main pitfalls, problems, and promises of genocide research. It argues that genocide is a viable academic concept if protected from moral, legal, political, and emotional constraints. It should be approached in a dispassionate, amoral, non-judicial, and apolitical way. The article further discusses a model for understanding genocide that identifies three levels of analysis: the interstate pressures of the global state system and the influence of crises and war; the intrastate context of radical ideology, state power, and the dynamic of the genocidal process; and the micro-level conditions that enable the involvement of individual actors in violence.*

*Key words: genocide, approaches, theoretical model, conceptualization*

“The century of Einstein and Planck was also the century of Hitler.”

—Vassili Grossman, *Life and Fate*

## Introduction

Genocide can be defined as a complex process of systematic persecution and annihilation directed at a particular group of people by a government. In the twentieth century, between 40 and 60 million people fell victim to deliberate genocidal policies.<sup>1</sup> The twenty-first century began not much better, with genocidal episodes in Darfur and the Democratic Republic of Congo. We can speak of genocide when individuals are targeted for persecution and murder on the basis of their presumed or imputed membership in a group, rather than for any reason relating to their individual characteristics or their participation in certain acts. Although it makes little sense to work with *victim minima*, we can state that a genocidal process always involves a society at large and that genocide often destroys a significant—often critical—part of the affected community or communities. Arguably, genocidal processes are particularly malicious and destructive because they target all members of a group, mostly innocent and defenseless people who are persecuted and killed regardless of their behavior. The term “genocide” always denotes a brutal and colossal collective criminality. For this reason, the phenomenon of genocide is distinct from other forms of mass violence, such as war, civil war, or massacre.<sup>2</sup>

The term “genocide” was coined by the Polish-Jewish lawyer Raphael Lemkin (1900–1959). While attending law school at the University of L'viv (Lwów/Lemberg), Lemkin became interested in why international law had been unable to curb collective violence by states. He had studied massacres, and became convinced that governments should not be allowed to harm unarmed civilians. During World War II, Lemkin introduced the new concept of *genocide*, a neologism formed from the Greek *genos* (“people” or “race”) and the Latin *caedere* (“to kill”). Lemkin defined genocide in 1944 as “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.”<sup>3</sup> After

his death in 1959, the term fell into disuse. In the 1970s, however, historians and social scientists rediscovered the concept and published the first academic studies on genocide. Since then, the number of publications on genocide has continued to grow, and today genocide studies is a respectable academic specialty with its own journals and research institutes in North America, Europe, Australia, and South America.<sup>4</sup>

The central question in genocide studies, How can we explain the fact that genocidal violence has occurred in culturally, technologically, and politically different societies?, has three sub-questions. First, what are the causes of a genocidal process? Or, how does the process of systematically destroying a category of people begin? Second, how does a genocidal process develop? There are strong indications that when such a process has been set in motion, it develops its own dynamic; how exactly does that dynamic evolve from the individual to the most collective level? Finally, what are the consequences of genocide? How do perpetrators, victims, and third parties continue to live after genocide? How do they process the traumatic events—or not? Much useful research has examined the evolution of separate genocides, such as the destruction of the Ottoman Armenians in 1915, the Holocaust, and the genocides in Cambodia (1975–1979), Rwanda (1994), and Bosnia (during the civil wars in the former Yugoslavia). We also know a great deal about specific aspects of genocidal processes: research has investigated how a fairly “normal” civil society turns into a persecutory society, the motives of ordinary killers, the power and effect of charismatic leaders, and the gender aspects of violence, among other issues. In this article, I discuss two themes related to genocide studies: the positionality of the scholar and a model for genocide analysis.

### **Pitfalls and Problems**

The study of genocide has never generated consensus among students of the phenomenon. Some colleagues have even rejected the use of the word, citing politicization and lack of complexity as sources of misunderstanding.<sup>5</sup> These are laudable concerns, but I believe we should preserve the concept, provided that we remain vigilant with respect to four perspectives: emotional, moral, legal, and political approaches.

First, let us consider the emotional constraints of genocide studies. All social research operates amidst the tension between involvement and detachment. As a general problem in the academy it has been dealt with at some length, and the study of violence is particularly relevant from the perspective of involvement and detachment.<sup>6</sup> Many people find the topic intrinsically repulsive and react with strong condemnatory emotions. Although a certain amount of passion and involvement can determine a scholar's choice to study this topic, a great deal of detachment is necessary to sift through multitudes of documents and memoirs describing very intimate details of killing. Iris Chang's suicide, reportedly suffering from depression due to research on Japanese war crimes in China, might be an extreme example of excessive involvement.<sup>7</sup> But even a seasoned researcher such as Robert J. Lifton confessed in the introduction to his book *The Nazi Doctors* that during the research process he had “nightmares about Auschwitz, sometimes involving my wife and children.”<sup>8</sup> All in all, intensive research on violence can be straining when one is emotionally involved, and detachment remains important.

To illustrate how emotions interfere in genocide research, let us turn to empathy. Empathy is the capacity to recognize and, to some extent, share other human beings' feelings. It comprises the cognitive and affective process of “the inner experience of sharing in and comprehending the momentary psychological state of another person.”<sup>9</sup>

In other words, emotions can be contagious. Anyone studying genocide cannot help but feel intense anger and hatred toward genocide and its perpetrators. This is a consequence of empathy: the real, existing emotions of the victim group contaminate the scholar. A personal example can elucidate this point. In the summer of 2007, I was featured in the documentary *Land of our Grandparents*, during which time I traveled to Eastern Turkey to trace the life of genocide survivor Vahram Goekjian, whose moving memoir I had read.<sup>10</sup> In the documentary, we encounter a group of Turks partying in a place that was the site of a massacre in 1915 and I make a rancorous comment. Many viewers found this an unnecessary expression of acrimony, even wrath. Even I found my response unduly overweening when I watched the documentary much later, but after some reflection I now understand why I made the comment; as a result of empathy, the emotions of the victim group (Armenians) had deeply affected me. Indeed, Armenian audiences that watched the documentary understood me quite well, but for most viewers I came across as exceedingly emotional. For this reason, genocide studies is an isolating experience; the more one is absorbed into the material, the more one is drawn into these emotions through empathy. This process can lead to a certain loneliness, the feeling of not being understood by most people, and even professional deformations such as the development of an esoteric sense of black humor, which again isolates the genocide scholar further from mainstream society.<sup>11</sup>

A good way to think about involvement and detachment is the axis of tension between sacralization and trivialization. These two opposing forces can best be seen as poles on a continuum, and genocide scholars should maintain vigilance against both. At the one extreme, there is sacralization: victim activists sometimes mystify the phenomenon as an inexplicable horror that we cannot possibly fathom. Their history is sacred, they enjoy moral immunity, and the memory of their genocide has indeed been made into a religion by some. Their visits to sites such as death camps resemble pilgrimages as though they are out to catch some historical aura. This kind of approach is perfectly understandable from their perspective, but it carries some risks too. It places taboos on complex and ambivalent questions and does not help us better understand genocide. At the other end of the continuum there is trivialization. Spurious associations lead to the inflation of the concept and banalize it. For example, genocide has been applied to phenomena as disparate as the spread of AIDS, the 2003 American invasion of Iraq, postcolonial immigration to Britain, and Hurricane Katrina. At its most pernicious, trivialization includes deliberate genocide denial.

A second pitfall is moralization. Most people, but even some scholars, think about genocide in terms of good versus evil. Indeed, many books on genocide include the word “evil” in their main titles, usually coupled with a harrowing picture of skulls on the book cover. But a manicheistic divide between purely evil perpetrators and purely good victims is not at all helpful in explaining processes of mass violence. The myth of pure evil is a form of pre-scientific thought with a strong religious overtone.<sup>12</sup> Popular representations of genocide often stagnate at this level of imagery. For example, a Channel 5 documentary titled *The Most Evil Men and Women in History* contains footage on Nero, Vlad Tepeş the Impaler, King John, Ivan the Terrible, Attila the Hun, Rasputin, Hitler, Pol Pot, and Idi Amin.<sup>13</sup> The accompanying book reads, “There are some evil people in this world, when you think about the killing, torturing, bombing and maiming and this book covers it all.”<sup>14</sup> The example of Vlad Tepeş’s violence against enemies and prisoners of war contains only images of cruelty: “He was a fan of various forms of

torture including disembowelling and rectal and facial impalement. Vlad the Impaler tortured thousands while he ate and drank among the corpses.”<sup>15</sup> But in the same breath, Stalin’s “evil” is then interpreted as a matter of magnitude.<sup>16</sup> Secular political leaders are portrayed as devils incarnate.

The imagery of evil is so powerful that it percolates into scholarship. Professional historians also sometimes find it difficult to avoid the pitfall of moralization. Simon Sebag Montefiore’s *Monsters: History’s Most Evil Men and Women* treats the following persons: Caligula, Richard III, Adolf Eichmann, Joseph Stalin, Pol Pot, Charles Manson, Herman Cortes, Hitler, Al Capone, Lavrenti Beria, Lucrezia Borgia, Nicolae Ceaușescu, Vlad the Impaler, Saddam Hussein, Simon de Montfort, Pablo Escobar, Ivan the Terrible, Genghis Khan, Idi Amin, Attila the Hun, Josef Mengele, Heinrich Himmler, Mao Zedong, Osama bin Laden, Kim Il Sung, Slobodan Milošević, Empress Cixi, and Tomas de Torquemada.<sup>17</sup> By lumping disparate political leaders together into a single pantheon of evil, both books are deeply ahistorical and asociological in their juxtapositions. The media’s depiction of ongoing political violence, which profoundly shapes popular perceptions of violence, is no more sophisticated. Whereas violent individuals such as suicide terrorists, rampage shooters, or dictators are often seen as evil incarnate, when groups such as paramilitary units, political parties, or even entire societies descend into violence, this descent is often attributed to madness or some other collective psychiatric disorder.<sup>18</sup> Moralistic approaches to genocide only serve to strengthen this kind of thought and do not add anything substantial to our understanding of it.

There can be no doubt that genocide is a crime and its perpetrators are criminals. Nevertheless, a third approach that we should try to avoid is the legalistic one. In legal practice, which at the international level is closely concerned with genocide, the objective is not necessarily to find out the causes and mechanisms of genocide but to prosecute and convict people. We should avoid the overuse of terms such as “crime,” “criminal(s),” “punishment,” “blame,” and especially “guilt.” In a lucid essay, the Dutch sociologist Van Benthem van den Bergh discussed the question of guilt as a means of intellectual orientation. He argued that the judicial system assumes that the individual and the society are two different realities, and he further noted that the courts that judge the criminals are not part of the human structures of that same society. An individual (or group of individuals) is accused of an act, and he or she must be judged as guilty or not guilty. Law does not concern itself with the nature of relationships between people or complex long-term processes, and it is purely interested in qualifying a single act and isolating it in a person. (Social science, on the other hand, looks at interpersonal or intergroup *relations* and treats individuals as intersection points of complex relational vectors.) Establishing a perpetrator’s guilt is taken to mean that the cause of violence is a certain amount of evil in that perpetrator (a reification or personification of evil) and that the search for other causes can be terminated.<sup>19</sup> This binary thought process sustains monocausality and leads to often-heard debates such as “was it genocide or not?” All in all, guilt and blame are not helpful points of departure for understanding genocidal processes.

Furthermore, legal responses to genocide are much more a product of politics and compromise than scholarly ones generally are. At the 1945 Nuremberg trials, significant concessions were awarded to the Soviet Union, whose prosecutors and judges such as Andrey Vyshinskiy, Roman Rudenko, Lev Sheinin, and Iona Nikitchenko had been up to their knees in blood during the 1930s. At Nuremberg, Stalin’s juridical accomplices



succeeded in obscuring the true nature of the Soviet massacre of Polish military and civilian elites, in which some were even personally complicit.<sup>20</sup> After the Cold War, as hopes of an international human rights regime rose, some aspects of international law did not change. It was not an absolute, moral yardstick but an outcome of compromises struck between perpetrator elites and third parties. For example, when Radovan Karadžić was arraigned at the International Criminal Tribunal for the former Yugoslavia (ICTY), he claimed that US envoy Richard Holbrooke promised him immunity from prosecution if he withdrew from politics.<sup>21</sup> Holbrooke passed away in 2010 and carried the truth to the grave, and we will probably never know the details. But Carla del Ponte hints at the existence of such deals as well in her unvarnished memoir of her tenure as prosecutor at the ICTY.<sup>22</sup> Legal responses to genocide lack relative autonomy from power and do not offer a useful mode of orientation.

Finally, the fourth, and perhaps most important, danger that looms over genocide research is politics. Lobbyists, identity politics, activism and advocacy groups, and especially states use the concept not in a scholarly way but as a *politischer Kampfbegriff* (political combat concept) as hollow rhetoric. They have a vested interest in misrepresenting the truth and they often operate with legal and moral agendas. Political violence is politically very sensitive. The quintessential example of how lasting the damage is that genocide generates is the Turkish-Armenian conflict. Almost a full century after the event, group relations between these two neighboring ethnic groups are bitterly tense, both at the informal level and the formal, interstate level. Scholarship on the genocide is deeply politicized and only in recent years has steered away from partisanship and reached a modicum of normality.<sup>23</sup> Politicization originates from all directions. Victim group activists demand genocide recognition not only because of the *caedere* aspect of the concept (i.e., the violence itself) but also because of the *genos* dimension of genocide (i.e., the collective nature of the violence). The victims often believe that they have been destroyed *as a nation*. Hence, recognition confirms group identity and acknowledges and reinstates the group's membership in a global family of nations.<sup>24</sup> Critics, opposition groups, and the Left also engage in politicization; decades of fellow traveling with the Soviet Union testifies to this. But even after the collapse of communism, the Left's response to mass violence has not always been prudent. An excellent example is Marko Attila Hoare's devastating analysis of how left-wing European revisionists, by championing the Milošević regime as Europe's last "socialist" government, abandoned its Yugoslav victims and failed to respond appropriately to the violence.<sup>25</sup> The politics of genocide are also embedded in a dense international force field in which genocide is abused as a diplomatic trump card. A clear example of international hypocrisy in denouncing genocide was the treatment of Kurds in the late 1980s and early 1990s in Turkey and Iraq. Whereas the Anfal campaign in Iraq, which cost approximately 150,000 Kurds their lives, was vigorously denounced, a deafening silence reigned regarding the Turkish army's blanket destruction of 3,000 Kurdish villages across the border. The diplomacy of genocide stems mostly from geopolitical interests between allies and enemies.<sup>26</sup>

The main catalyst in the politicization of genocide is the state. For some states, genocide denial is part and parcel of their collective identity process or national security concepts. Robert Hayden pointed out that "genocide has been a tool for building a number of nation states that are now honorable members of the world community."<sup>27</sup> The identity politics and genocide denial of states that enjoy global legitimacy manifest themselves when governments, discontented with scholars searching for "skeletons in

the closet,” deny access to archival collections and libraries or prohibit them from conducting field work. The opposite situation is also possible: governments might try to foster or manipulate research by funding politically useful research by pushing for the establishment of academic chairs at home or abroad or by offering scholarships. Examples include both the Turkish and Armenian governments’ manipulation of research on the Armenian Genocide, Israel’s sacralization and monopolization of Jewish victimhood in the Holocaust, Iran’s willingness to sponsor Holocaust denial, the former Ukrainian government’s official declaration of the 1932–1933 famine as genocide, and the Rwandan government’s exclusion of Hutu from the category of Rwandan genocide victims.<sup>28</sup> This dense political and moral field has affected scholarship in quite fundamental ways. For this reason, Max Weber’s classical distinction between politics as a vocation and science as a vocation should be written in stone for genocide scholars.

Victor Hugo famously said “If a man is killed in Paris, it is a murder; the throats of fifty thousand people are cut in the East, and it is a question.”<sup>29</sup> Although politicization has not (and will never be) surmounted, genocide studies has managed to overcome this kind of orientalism and methodological racism in the study of mass violence. It is to the credit of genocide scholars that orientalist approaches to violence have been subdued. Too often, *génocidaires* outside of Europe have been romanticized as products of ostensibly brutal cultures. Moreover, modern political crimes have been attributed to inherently evil crooks with large moustaches, living in exotic areas such as the Balkans and the Caucasus and possessed by oriental despotism and barbaric tribalism. For example, in accounts of the Armenian Genocide, the perpetrators, from the organizing elites to the rank-and-file executioners, have too often figured as evil faceless killers, undifferentiated and unexplained. The perpetrators appear in the Anatolian killing fields *ex nihilo* and murder people for no apparent reason other than innate (Turkish or Islamic) cruelty and malignance. These kinds of caricatures not only romanticize the perpetrators but play down the experiences of the victims. “The death of one man is a tragedy, the death of a million is a statistic.” This harrowing quote, commonly (and probably wrongfully) attributed to Stalin, was the norm in orientalist views of genocide, in which the victims were not individuals but statistics. After all, they were only replaceable and expendable masses of illiterate peasants, anonymous villagers, or invisible subalterns anyway. Implicitly racist biases such as these continue to be undermined in research on mass violence, in which individual victims and perpetrators are taken seriously. Genocide studies needs to continue to reject essentialist platitudes and treat each and every individual and group as actors in a power struggle.

All in all, genocide research must strive to be dispassionate, amoral, non-judicial, and apolitical. Genocide can be studied, if not objectively and impartially, with due scholarly care.

### Promises

A recent, profound, subtle, and nuanced study of genocidal violence is Jacques Semelin’s *Purify and Destroy: The Political Uses of Massacre and Genocide*.<sup>30</sup> The book is eminently interdisciplinary, covers a broad chronological and geographical perspective, and successfully integrates different theories. The tone is detached and the book has well-planned and effective moments of rest as well as acceleration. Semelin focuses on three cases by asking the following question: What did Germany in the 1930s, Yugoslavia in the late 1980s, and Rwanda in the early 1990s have in common that each came to such horrific violence?

Semelin unfolds his model from the strong core concept of “imaginary,” a noun that comprises the totality of ideas, emotions, and images that a social group or society has about itself. It is the definition of the “us,” the in-group. The social imaginary is a socio-affective process subject to manipulation by political elites. This construct is continuously shaped by politicians and other prominent public figures. Semelin discusses how, in times of crisis, politicians increasingly come to forge this imaginary around three themes: identity, purity, and security. The first theme refers to identity politics, a form of politics that revolves around the self-interest of a self-proclaimed identity group, often on ethnic, religious, or racial grounds. The objective of identity politics is to define and elevate the in-group and to fuel polarization between the in-group and despised others. Second, purity is a crucial theme that reforges the imaginary as society begins to imagine itself as a dirty nest. Catharsis can be achieved only by “cleansing,” which, by the way, is genocidal elites’ favorite verb. Finally, Semelin discusses the multi-dimensional concept of security, which can be understood in territorial, cultural, economic, and emotional terms. When these social dimensions come under pressure, radical elites can construct an imaginary of fear and anxiety. They then determine that only the destruction of an (often internal) enemy can neutralize threats. The primary components in the three themes of identity, purity, security are life versus death and existence versus destruction. In times of political crisis, they can appeal to large segments of the population and serve to justify violence against certain groups.

*Purify and Destroy* is useful for genocide scholars for its analytical structure, which can metaphorically be imagined like a three-pronged Matryoshka doll. This design paradigm can be analyzed at the macro, meso, and micro levels, bearing in mind the relevant connections between the three levels. The macro level refers to interstate structures and the context of geopolitical power relations. The meso level consists of all intrastate developments relevant to the genesis of the political crisis and, later, the genocide. The micro level, then, is about how individuals become involved in the genocidal process either as perpetrators, victims, or third parties. Viewed in its coherence, rather than a pyramid structure, a Matryoshka doll might be a better visualization of a model. These three contextual layers are not simply piled on top of each other, but the largest contexts are conditions for the smallest ones. Without the macro context of interstate crisis, there cannot be an internal radicalization of the political elites; and without that radicalization, the violent measures against the victims would not have been taken and countless individual perpetrators would not have murdered innumerable individual victims in micro situations of killing. If we take this structure as a starting point, there is a lot we know about genocide. In what follows, I shall briefly discuss these three contexts, using recent and forthcoming studies of genocide.

The macro level concerns the international context and structure of geopolitical power relations that could lead to war. It is most often binary international conflicts that escalate into war and (potentially) genocidal situations: Turkey–Greece, Germany–USSR, Cambodia–Vietnam, Serbia–Croatia, Rwanda–Burundi. During war the main condition for genocide is often met. Violence is already widely exercised, first only between standing armies in legally legitimate military hostilities but later also in criminal para-state operations. One binary axis of tension that has been studied in-depth is that between Nazi Germany and the Soviet Union. Ernst Nolte’s 1986 argument that the Nazi genocide was a reaction to Stalinist mass murders (including the Gulag), triggered the *Historikerstreit* but did not substantially confront the problem of interstate

polarization.<sup>31</sup> Conversely, recent research has recognized that their relations, whether rapprochement or antagonism, influenced the course and nature of their violence. Timothy Snyder's mammoth *Bloodlands* makes the argument that the two regimes wittingly (and unwittingly) "enabled" each other's crimes in the Molotov-Ribbentrop pact.<sup>32</sup> On the other hand, antagonism unleashed violence of a different nature, which Michael Geyer and Mark Edele paraphrase as follows: "Seen as a totality, the war in the 'East' started with a rapid-fire escalation of unrestraint on the German side . . . and was countered by a distinct radicalization and barbarization in the context of defense measures by the Soviets, which in turn triggered a radicalization and barbarization process on the side of the aggressor."<sup>33</sup> These sophisticated studies on the interstate context of mass violence can be replicated in other cases.

Apart from the relations between discrete states, the international state system as a changing, unpredictable constellation needs more attention as well. Before the growth of international and transnational organizations, states often championed humanitarian intervention, while under the surface playing a dirty game of manipulative diplomacy. The Cold War only exacerbated this existing, structural problem as the United States and the Soviet Union fought proxy wars and expressed moral indignation at mass violence opportunistically. Forthcoming research on genocide focuses on Western countries' responses to mass violence in postcolonial states as one dimension of Cold War politics.<sup>34</sup> Since the 1990s, studies of the role of the United Nations have exposed the organization's inertia in the face of genocide, for example in Rwanda. They have also demonstrated that this apathy (and states' knowledge of it) can even contribute to the commission of genocide.<sup>35</sup> The politics of the macro level profoundly influence the lower two levels. For example, on 14 July 2008 the International Criminal Court (ICC) in the Hague indicted Sudanese President Omar Al-Bashir on counts of war crimes and crimes against humanity. A year later the ICC issued an arrest warrant for Al-Bashir and indicted him for genocide as well. The Sudanese government retaliated by expelling international aid agencies and intensifying the violence on the ground against Darfuris.<sup>36</sup> In other words, a well-intended and justifiable act by the ICC inadvertently caused more misery for the victims.

Below the macro level of international relations, the second Matryoshka enters into force. Within the structure of war are nestled intrastate developments such as the ideological self-hypnosis of political elites, complex decision-making processes, the necessity and logic of a division of labor, the emergence of paramilitary troops, and any mass mobilization for the segregation and destruction of the victim group. The inception of genocide is a central problem we need to understand better. Popular myths hold that countries descend into "madness" as people pick up clubs and machetes to batter their neighbors in a violent anarchy. Surely genocide is always organized by political leadership, but we need to recognize as well that generally these enormous processes have surprisingly few practical organizers at the top. For example, Aktion Reinhard murdered approximately two million Jews and was set up by Christian Wirth, Odilo Globocnik, Franz Stangl, and Irmfried Eberl. In the Soviet Union, it was Stalin's inner circle that organized the mass murders: Vyacheslav Molotov, Kliment Voroshilov, Lazar Kaganovich, Andrei Zhdanov, and Nikolai Yezhov. Hundreds of thousands of people were murdered within a year across the huge country upon orders from half a dozen men. So too in the Armenian Genocide. A small group around Talaat Pasha organized the genocide; Dr. Bahaeddin Shakir, Dr. Mehmed Nazım, Ali Münif, Şükrü Kaya, and a few

fanatical governors wiped out almost the entire Armenian community of the Ottoman Empire.

The decision-making process consists of the initiation of a genocidal policy and further developments. Two assumptions should be avoided. First, one should not search for *the order, the decree* that authorizes absolute destruction and separates the pre-violent period from murder. Genocide generally develops through radicalizing phases that come as shocks to existing policies. A sophisticated literature exists on this subject in the field of Holocaust history.<sup>37</sup> Second, political elites do not and cannot always foresee the consequences of the decisions they take. Persecution can develop into expulsion and expulsion can escalate into mass killing, and each shift in policy can be an unintended consequence of the previous one. For example, during dekulakization in 1930–1931 the Soviets deported 1.8 million kulaks (better-off peasants) to Siberia. When tension with Japan grew in the 1930s, the kulaks' presence in the Soviet-Japanese borderlands was seen as an internal liability and many were killed after all to subdue an “insurgent rebellion.” In other words, “one repressive policy created the foundation for another.”<sup>38</sup> The genocidal process is to some extent an unintended but directional process (a blind process),<sup>39</sup> and determinism should be avoided.

I will now briefly discuss one important issue relevant to the meso level: regional variation in genocides. Regionalization and de-regionalization are important themes in recent genocide research. Genocide scholars have examined the relationship between central decision-making processes and the implementation of mass murder at the local level. In-depth research on how the genocidal process evolves at the provincial, district, city, or even village level has proven to be a fruitful endeavor. It can teach us a great deal about how local shifts in power dynamics can influence the course and intensity of genocidal processes, some of which, as we know, are more regionally disparate than others. Local political or social elites can anticipate, expedite, intensify, or delay and resist genocidal destruction steered from above. A meso focus can also follow the deterioration and ultimate disintegration of intercommunal relations as a result of external pressures, amidst drastically worsening security conditions for the victims.<sup>40</sup> These insights at the meso level of the Matryoshka doll illustrate how dynamics within the perpetrator group can account for variation during genocide. They also instruct us that even if genocides unfold on twisted paths, the eventual result is still destruction. It is a desideratum of future research to penetrate deeper into and probe further the complexity of genocides.

Tucked away at the heart of the three Matryoshkas lies the smallest but most venomous doll: the countless killings of defenseless victims carried out by perpetrators. The central question at this level is, How do ordinary people become involved in genocide? Or, to quote Alexander Hinton, “Why did they kill?”<sup>41</sup> Comparative research on genocide perpetrators is gradually reflecting common ground and increasing sophistication of this subject.<sup>42</sup> Horizontal pressure (group conformism), vertical pressure (coercion in a command structure), and routinization are major mechanisms that propel massacre. Genocidal behavior such as sexual violence and cruelty are part and parcel of this level only. Moreover, the interdependence of the macro, meso, and micro levels of genocide runs both up and down: just as the macro context of crisis and war is a precondition for micro-level killings, so too the success of political elites' attempt to destroy a victim group is dependent on the mobilization of perpetrators. The *génocidaires* need to believe and act in a way that facilitates the genocide as smoothly as possible. Throughout the killing process, they experience an increase in role distance, a development in

which particular commitments and principles give them the moral integrity to carry out the murders.<sup>43</sup>

One of the cornerstones in the research on rank-and-file perpetrators is undoubtedly Christopher Browning's highly acclaimed *Ordinary Men*. This powerful study is famous for adopting a socio-psychological model of obedience to authority to explain the behavior of German perpetrators. Browning's research is based on a substantial primary source, records that were housed in the Central Office for State Justice Administrations (*Zentrale Stelle der Landesjustizverwaltungen*) in Ludwigsburg, near Stuttgart. He benefited from an extensive collection of records that included later interrogations of the perpetrators who carried out the massacres. Browning writes, "Never before had I encountered the issue of choice so dramatically framed by the course of events and so openly discussed by at least some of the perpetrators. Never before had I seen the monstrous deeds of the Holocaust so starkly juxtaposed with the human faces of the killers."<sup>44</sup> Another example of perpetrator research drawn from the Yugoslav wars is a chapter in Slavenka Drakulić's book, *They Would Not Hurt A Fly*.<sup>45</sup> Drakulić uses ICTY hearings to paint a picture of Goran Jelišić, a Bosnian Serb who was known as an ordinary, quiet young man who enjoyed life and liked fishing but who, in 1992, ran a detention center where he tortured and shot possibly hundreds of people. Indeed, he murdered without mercy, without distinction, and without consequences.

What emerges from these studies of perpetrators is a nuanced and complex discussion of dispositional and situational factors. But this is where the research reaches its boundaries. Browning, Waller, Welzer, Drakulić, and others have studied different genocides but reached remarkably similar conclusions, which has become a solidified commonplace in genocide research: anybody can become a perpetrator under the "right" conditions. The Milgram experiments,<sup>46</sup> which offered a psychological underpinning of this thesis, have been replicated and have apparently yielded uniform results across societies. However, there are grounds to question this established wisdom. Recent research has focused on differences in empathy among human beings.<sup>47</sup> Some people are equipped with lower levels of empathy at birth, and some people are able to "switch off" their empathy with other people (including victims) better than others. Both of these arguments on disposition have consequences for the study of genocide. Based on a more controlled replication of Milgram's experiments, the psychologist Jerry Burger has argued, "Participants who were high in empathic concern expressed a reluctance to continue the procedure earlier than did those who were low on this trait."<sup>48</sup> The societal dehumanization that accompanies the genocidal process, then, cannot but further exacerbate this and render individuals more susceptible to the process of genocide perpetration. Forthcoming research will hopefully flesh out this problem and offer more complex answers.<sup>49</sup>

This Matryoshka model with its three levels of analysis can be seen as a set of complex processes that trigger the initiation and execution of mass political violence. The levels roughly correspond to academic disciplines: whereas political scientists study the macro level, sociologists may be more interested in the intrastate meso level, and the micro level is perhaps an object of study within the domain of psychology. Genocides can best be seen as a complex interplay of developments in this three-tier structure. The model is by no means meant to be an exhaustive evaluation or comprehensive research program but merely a model for possible future research into relevant new directions in genocide research.

## Conclusion: Grapes and Wrath

Comparative research can be a rewarding and meaningful effort, but without models or theories research on genocide quickly reaches its limits. Without a theoretical perspective or a modicum of conceptualization, there is a risk of tracing only superficial similarities rather than delving deeply into parallel biographies, analogous structures, and similar developments. Empirical density cannot substitute for clear reasoning. Digging for and locating relevant evidence is important, but the materials must be sufficiently integrated into a study as a whole. In other words, not only do the grapes have to be picked, but the juice of the grapes must be fermented in order to create wine.

Finally, the consequences of genocide cannot be captured in the happy endings characteristic of Hollywood. (Perhaps this is why Hollywood has never produced a single film on genocide with a fairly realistic plot.) The rule is not rescue and escape into freedom, but denial and impunity. Even worse, the consequences of traumatization and victimization can potentially lead to more violence and (cycles of) revenge. Studies of genocides often (rightfully) draw sharp dividing lines between “perpetrators” and “victims” and lock these immutable roles at that particular segment in history.<sup>50</sup> But humans’ potentially multiple roles in genocidal processes are often overlooked or ignored.<sup>51</sup> Moreover, survivors and victim communities are too often patronized as having drawn universalist humanist lessons from their victimization and are often expected to forgive and “reconcile,” a deeply problematic concept. On the contrary, victimized individuals and groups often feel vindictive (with or without justice) and can call for vengeance as a justified response to victimization. Political elites often capitalize on desires of vengeance among victim groups. Once mobilized, when such a process of collective vengeful desire escalates and crosses the threshold of violence, we are back to square one.

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# On Situating the Study of Genocide within Political Violence<sup>1</sup>

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*This article identifies a particular challenge for comparative genocide studies, namely the underemphasis of investigation into the relationship between genocide and other forms of political violence and the ways in which they are related temporally and spatially. It advocates situating genocide studies within the broader domain of political violence research to explain not only the causes of genocide but general variation in violent outcomes. By systematically comparing genocides to non-genocides, we gain greater insights into the factors that result in large-scale, group-oriented destruction. The article also calls for greater disaggregation of analytical frameworks in comparative research, including the adoption of microanalytical perspectives to explain variation in the onset, dynamics, and abeyance of violence within cases.*

*Key words: comparative genocide, causes of genocide, microanalysis, methodology*

The past twenty years have seen impressive advances in the comparative study of the causes and patterns of genocide. Following World War II, most analyses of genocide focused on the Holocaust. These earlier works presented us with sophisticated understandings of the historical, ideological, and structural origins of anti-Semitism, Nazi policies, and the dynamics of mass violence that resulted in the genocide of Europe's Jewish and Roma and Sinti populations.<sup>2</sup> In the years following 1945, however, there were few comparative studies of genocide, and most of those were largely ignored by social scientists.

Beginning with a number of pioneering works in the 1980s, and continuing through the 1990s with the violence in Rwanda and the former Yugoslavia, scholars turned their attention to the methods of comparative assessment. This "second generation" of comparative work continues to produce important insights into the conditions, onset, and patterns of genocide.<sup>3</sup> Scholars have widened their interests to explore the relationships of imperialism and colonialism with modern genocide as well as the connections linking environmental degradation and resource scarcity to mass killing.<sup>4</sup> Some have called for a reinterpretation of Cold War state terror through the rubric of genocide.<sup>5</sup> And still other analysts are calling for a fundamental reframing of our basic epistemological and ontological assumptions about genocide, drawing on critical theory, post-structuralism, and other areas of political theory with provocative and important results. The interdisciplinary field of genocide studies is growing and becoming more analytically sophisticated.<sup>6</sup>

Nevertheless, the field faces some basic questions and challenges, including definitional disagreements that affect the scope and types of cases chosen; problematic understandings of intentionality; and reductive conceptualizations of ideology and rationality, among other issues.<sup>7</sup> Given space constraints, here I focus on one specific

issue requiring further attention: the relationship between genocide and other kinds of political violence. How is genocide related temporally (in terms of sequencing) and spatially to other kinds of violence? Although we have increasingly rich and sophisticated empirical accounts of specific cases of genocide, our understanding of the theoretical relationships between genocide and violence more generally is still under-developed. This is especially evident in comparative causal theories, which focus largely on the comparison of genocides and thus ignore connections between genocide and variations of extreme violence, such as revolution, civil war, counterinsurgency strategy, and the like.

This article does not provide an overview of the field of comparative genocide studies.<sup>8</sup> Instead, I examine the theoretical challenge of articulating genocide's relationship to political violence and sketch a few ways forward for the field. These comments are motivated by the belief that we should seek not only to understand the historical contingencies of genocide in particular cases but also to develop theoretical knowledge of mass political violence: the conditions under which it is likely to occur, the small-scale processes (or, in Charles Tilly's terms, "mechanisms") of violent escalation and de-escalation at local levels, and the ways in which these processes are shaped by, connect to, reinforce, accelerate, and impede higher-level processes of violence.<sup>9</sup> We should explain, in other words, variability in violent outcomes. With a few exceptions, our comparative theories have yet to develop systematic theoretical accounts for the interactions of these various levels of violence (micro, meso, macro) and consequently the onset and diffusion of genocidal violence; nor do they investigate cases where genocide did not occur.

The points below are primarily aimed at comparative works on the causes of genocide—a topic that continues to receive an enormous amount of attention from scholars. The comments are largely methodological in nature and are thus a few degrees removed from the deeper epistemological and ontological debates currently raging in our field. Nevertheless, these methodological issues require attention if our knowledge of this terrible phenomenon is to deepen.

### **Genocide and Political Violence**

It is by now well established that genocide and war often go hand in hand. Numerous studies have shown that genocides tend to occur during wars, when populations are living under conditions of fear and are de-sensitized to the use of mass violence, when in-group and out-group distinctions are pronounced, when the elite are likely to choose more radical strategies to achieve their aims, and when state resources are already mobilized for the killing of enemies and the repression of internal dissent.<sup>10</sup> Nevertheless, comparative research on the causes of genocide has generally been remarkably uninterested in exploring how genocide is situated in the wider constellation of political violence. Instead, studies have largely focused on cases in which the *outcome* has been genocide. To be clear, I am not arguing that scholars have failed to explore antecedent factors or that they have only studied specific genocidal periods (say Armenia 1915–1923, Cambodia 1975–1979, etc.). Indeed, most of the comparative literature in the field draws on a wide variety of background conditions to explain genocide, from historical and structural factors (state formation, regime types, political culture, histories of exclusion going back decades or more, and the like) to more immediate factors, such as political crises and the strategic choices of the elite. Rather, the problem has been that cases

are chosen for analysis based on the experience of genocide, while other instances with similar prior conditions and different violent outcomes are mostly ignored.

The narrow focus of research on cases of genocide (or selection on the dependent variable) carries some significant methodological problems. By studying only those cases which have resulted in genocide, how do we know whether our proposed factors, causal dynamics, and processes actually explain genocide? It may be that these same factors explain other forms of violence as well and that we are consequently misidentifying the true fundamental and distinct causes of genocide. The problem is that in studying only genocides we likely choose only those cases that confirm our theoretical assumptions at the expense of discovering whether our stipulated causal mechanisms are indeed primary causal factors. Take, for instance, the examination of only highly ideological genocides. Bounded in this way, one's findings are likely to show that radical ideologies are a primary cause of genocide (which itself risks being tautological), while failing to explain how these ideologies may be present in less violent outcomes or not present in other cases sharing many of the empirical features of genocide.<sup>11</sup> If radical ideologies also appear in non-genocidal violence, then we need to re-examine the causal importance of ideology to genocide. And yet without investigating cases with broadly similar prior conditions but different violent outcomes, it is difficult to gauge the importance of ideology (or any other factor).

There are several possible ways forward. First, scholars should broaden the *types of violence* they study and thus situate genocide more thoroughly within the literature of political violence. Rather than ask, "What do all genocides have in common?" (a question, incidentally, made all the more difficult given the lack of consensus in the field on the definition of genocide<sup>12</sup>), we should explore the conditions that lead to extreme forms of political violence—of which genocide is a subset—as well as examine the ways in which genocide and other forms of political violence interact and reinforce one another. To do this, the field needs to engage with advances in other research areas on political violence, such as civil war and non-genocidal state repression. Second, comparative genocide scholars should look to the expanding microanalysis work on violence (such as research on civil wars) as a way of better understanding the dissemination, intensity, and patterns of violence *within* cases. In sum, the comparative study of genocide needs to engage the broader domain of conflict studies.

### **Genocide and Political Violence: Expanding the Research Frame**

I am advocating a change in theoretical perspective to situate genocide within the larger context of political violence instead of focusing solely on the study of genocide. I do not claim that we should abandon single-case or comparative studies of genocide *tout court*, since these methods have developed important theoretical and practical knowledge. Rather, I envision this contextual turn (and broadening) as a complement to the "genocide only" approaches still dominating our field. This alternative contextual approach has, I believe, several benefits: it would draw attention to the broader host of perpetrator repressive and destructive policies (beyond those leading to genocide), show the interactive effects and general processes of perpetrator policy radicalization, and shed light on the different steps in the continuum of repression. In addition, by extending our research to cover instances of non-genocidal mass violence we could explore why genocide does *not* occur in certain cases and why, in other scenarios, violence might remain constant, without degenerating into intentional extermination. Extant comparative literature in genocide studies does not adequately account for either possibility.<sup>13</sup>

Without wider research into cases of political violence we risk producing causal theories that either misrepresent the causes of genocide or over-determine outcomes. In other words, we cannot understand why political violence escalates, remains constant, or declines.

The state repression literature may be helpful here.<sup>14</sup> Scholars across disciplines have explored when and how repressive behavior increases and decreases.<sup>15</sup> The questions that arise from these lines of inquiry are widely varied, but they are meant to encapsulate a broad range of violent behavior beyond genocide alone. For instance, researchers ask, Under what conditions do states move from institutional coercive practices, such as legalized civil and political discrimination or language restrictions, to wider forms of collective suppression, such as total language and religious prohibitions? When do occasional riots turn into sustained attacks and when do they not? Why do targeted forced displacements become large-scale, violent deportations in some cases and not in others? And why do some states settle on forced conversion or the removal of target populations, while others choose extermination? The state repression literature includes a variety of methodological approaches, but it generally shares a commitment to exploring *the emergence, sustainment, decline, and variation of repression and violence in a multiplicity of forms and over time*.<sup>16</sup> In addition, much of the best repression literature is interactive in approach<sup>17</sup>; it investigates how interactions between the state and non-state actors (armed and unarmed) alter the political landscape, in some cases escalating violence and in others lessening the probability of conflict. Contextualizing genocide research within the broader domain of political violence can provide us with theoretical purchase on change and variability in violent outcomes. With some important exceptions, works in our field fail to draw general theoretical insights about radicalization from case-specific historical contingencies.<sup>18</sup> Given that so little comparative genocide research embeds its analytical framework within broader explanatory models of political violence, it is perhaps unsurprising that genocide seems over-determined: the frameworks provide few theoretical resources for understanding the escalation and de-escalation of violence. Anchoring our causal theories within the political violence literature may allow us to theorize more broadly about the dynamics of escalation and de-escalation.

### **Microanalysis of Genocide**

We should also pursue more microanalyses to explain the dissemination and intensity of violence within cases (a point relevant to genocide studies and the study of political violence more generally). Country-level studies are still prevalent in comparative genocide research. Vahakn Dadrian, Leo Kuper, and Richard Hovannisian produced classic works focusing on the role of pre-existing cleavages in society, and Irving L. Horowitz, Rudolph Rummel, and Hannah Arendt drew attention to regime type and state power to explain genocide.<sup>19</sup> More recently, Barbara Harff has analyzed the destabilizing effects of national political crises and Benjamin Valentino has focused on the interests and goals of national elites.<sup>20</sup> Michael Mann has traced the process of elite and follower radicalization against a background of utopic ideologies and the rise of modern mass democracy.<sup>21</sup> Nevertheless, outside of anthropological and historical studies,<sup>22</sup> there is still relatively little work that systematically explains internal differences across space and time. Genocide is understood as an aggregate outcome of country-level factors, while variation within states and regions is ignored. This can lead to an overrepresentation of the role of national elites and macro-level state failure and the employment of

static and reified conceptions like “masses” and “ethnicity” at the expense of understanding sub-national and local dynamics and patterns of violence (and non-violence).

We should complement and deepen these macro-level studies by investigating spatial and temporal variations within case studies (countries or regions, such as the Great Lakes region). Doing so could provide us with a better understanding of why genocidal violence occurs in some places prior to others, and what the micro- or meso-causal processes that affect internal variation might be. Current research on civil war has taken this microanalytical turn and made important findings. The field of genocide studies could draw from these methodological advances to great effect.<sup>23</sup>

A host of questions are open to microanalytic research on genocide, such as: (1) How is *identity* articulated and acted upon in particular circumstances? We know from careful ethnographic research that master ideological narratives articulated by elites (ethnic, political, regional, religious, or other) frequently have complex and rather indirect relations to violence in situ.<sup>24</sup> Skin color, height, or facial features may operate as reductive phenotypal indicators in official discourse, but they might also be interpreted in a variety of ways depending on local attitudes. Accent or linguistic competence may serve as a relevant signifier in other instances, but here, too, perpetrators often interpret identity in myriad ways. More tangential markers, such as clothing, occupation, or neighborhood of residence may function as proxies for primary identity. And of course, when victim groups are displaced and fleeing, interpretations may become looser and more encompassing to ensure that no potential “enemies” escape. (2) What is the role of *geography* in the onset and diffusion of violence? Geography plays an important role in our understanding of the Armenian resistance in Musa Dagh, and, elsewhere, in the abilities of Tutsi and Hutu to evade murder and the Khmer Rouge’s unstable control over various national zones. Yet we still have no sophisticated explanation for the role of geography in genocide as such.<sup>25</sup> Finally, (3) consider *state power* (or capacity), frequently put forth as central to explaining genocide. Rudolph Rummel noted crisply, “Power kills; absolute power kills absolutely.”<sup>26</sup> However, measuring state power at the national level—as Rummel does—provides little insight into when genocide is likely to occur or how it may spread.<sup>27</sup> States may have uneven control over their territory given coercive and intelligence gathering capacities, which may explain why in some places violence is highly targeted, while in others it is wild and all-encompassing. Greater sensitivity to state coercive capacity across space and time, as well as the use of local allies and proxies, could provide us with more nuanced understandings of repression and mass killings.

Of course, some genocide scholars are already moving in this direction with sophisticated ideographic studies on the Ottoman Empire, Cambodia, and Rwanda.<sup>28</sup> However, comparative research has not integrated their methodological perspectives. Studies on the Holocaust are furthest along in this area—unsurprising given the attention it has received for 60 years—but we need more of this type of analysis to enrich our comparative theories. Particularly in the context of war, in which genocide is most likely to occur, violence is multidirectional and includes a host of armed and unarmed actors, with variations in level, organization, and types of violence across space and time.<sup>29</sup> We need a better theoretical understanding of these dynamics.

Micro-level analysis strengthens comparative research in at least three ways. First, as Scott Straus has noted, it increases the number of observations available for study, allowing for more nuanced understandings of violent dynamics than those found in

macro-level studies.<sup>30</sup> Second, it de-centers our general descriptions of violent phenomena. Greater sensitivity to local variation forces scholars to rethink how master narratives may (or may not) connect to local violence and thus problematizes analytical categorizations such as race and ethnicity. Finally, a microanalytical approach challenges the standard beginnings and endpoints of violent phenomena, such as genocide, and instead highlights the continuity and discontinuity of violence before and after event-defining dates, thereby avoiding their arbitrary (and often rather neat) truncation.

Clearly, there are challenges to employing micro-level analyses. Genocide requires elite commitment, complex logistical coordination, and the work of specialized killers; it does not erupt spontaneously and randomly in communities, but is instead rooted in broader political, institutional, and social contexts. Macro comparative frameworks help us assess whether (and how) particular dynamics of violence fit wider patterns and to what extent we can generalize across cases. But the point here is not to replace higher-level analysis with microanalysis. Rather, micro approaches can complement macroanalyses by providing us with more nuanced accounts of the onset and patterns of genocide, consequently forcing us to rethink our broader analytical frameworks. A clearer understanding of local processes and circumstances, and the way in which these interact with meso- and macro-scale phenomena, could help us avoid generalizing causal theories that ignore real and important local differences.<sup>31</sup>

## Conclusion

This article has identified a particular problem for genocide studies, namely the under-emphasis of systematic investigation into the relation between genocide and other forms of political violence, and the ways in which they are related temporally (in terms of sequencing) and spatially. There is not necessarily one way to fill this research need, and the use of state repression literature in political science and sociology introduced here is only one possible way forward. Contemporary microanalytical advances in the civil war literature can also serve as an illustration of how to disaggregate analyses in such a way that more general theoretical insights can continue to be generated. Clearly, the field of genocide studies is both inter- and multidisciplinary, and it would be short-sighted to advocate for a single methodological answer to the problems raised here. Nevertheless, scholars need to engage these problems if we are to advance our understanding of these dimensions of genocide.

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## Notes

1. Special thanks to Christian Davenport, Henry Theriault, and Samuel Totten for their comments on the issues raised in this article.
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  12. Adam Jones lists over twenty scholarly definitions of genocide as well as many more cognate terms used in the field, in *Genocide: An Introduction*, 2nd ed. (New York: Routledge, 2010), 16-20, 26-9.
  13. Formally put, it lacks variation on the dependent variable. On this methodological problem more generally, see David Collier and James Mahoney, "Insights and Pitfalls: Selection Bias in Qualitative Research," *World Politics* 49 (1996): 56-91; Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005). An exception is Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge UP, 2005), 474-501.
  14. State repression can include a wide variety of practices, such as limitations on formal civil and political liberties, language restrictions or suppression, spying, counterterrorism, counterinsurgency, "preventive" detention, targeted or mass killings, and systematic extermination.
  15. Erica Chenoweth and Adria Lawrence, eds., *Rethinking Violence: State and Non-State Actors* (Cambridge, MA: MIT Press, 2010); Charles Tilly, *From Mobilization to Revolution* (New York: Longman, 1978) and Tilly, *Collective Violence*; Mark Lichbach, "Deterrence or Escalation? The Puzzle of Aggregate Studies of Repression and Dissent," *Journal of Conflict Resolution* 31 (1987): 266-97; Steven Poe and Neal Tate, "Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis," *American Political Science Review* 88 (1994): 853-900; Christian Davenport, "State Repression and Political Order" *Annual Review of Political Science* 10 (2007): 1-10.
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# Gender and the Future of Genocide Studies and Prevention

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*This article addresses the implications of recent gender research for the definition of the crime of genocide and our understanding of it as an historical process. It proposes that gendered violence is a central defining component of the crime. Going beyond a discussion of rape and sexual violence, it argues that a gendered understanding of atrocity in general offers important tools for an early warning system that should be incorporated into the research methodology and reporting strategies of the United Nations, the International Criminal Court (ICC), human rights organizations, and government agencies and intelligence services. Briefly examining the cases of Darfur and Srebrenica, the article demonstrates how gender-neutral conceptualizations of the crime fail to recognize and adequately account for the specific sorts of violence that are often the most immediately indicative of the crime of genocide, and how this failure can inadvertently contribute to or perpetuate strategies of genocide denial.*

*Key words: gender, sexual violence, women, early warning, prevention*

Gender-based violence, particularly mass rape, has become a core element of scholarly, legal, and activist approaches to genocide over the past ten years. There are many reasons for this, including the ubiquity of sexual violence during the Bosnian, Rwandan, and Darfur genocides; the activist efforts of international feminists; the existence of women judges on international courts; and key legal findings, particularly the International Criminal Tribunal for Rwanda's (ICTR) *Prosecutor v. Akayesu* decision, which established the myriad ways in which sexual violence can be a tool of genocide. This article will explore some of the less-developed implications of gender-sensitive research for future study of the subject. I will focus principally on how gender research can productively engage our understanding of genocide as a historical process, how it can contribute to our conceptualization of the groups being targeted, how it can shape ideas of perpetrator intent, and, finally, how it can impact the way we define the crime. The upshot of the discussion presented here is that a gendered understanding of atrocity offers important tools for an early warning system, tools that should be incorporated into the research methodology and reporting strategies of the United Nations, the International Criminal Court (ICC), human rights organizations, and other non-governmental organizations (NGOs) as well as government agencies and intelligence services.

The study of gender and genocide began with the study of women, whose particular stories had been largely excluded from scholarship on the Holocaust and genocide up to the 1980s. Since then, the process of inclusion has not been an easy one. Bringing women back into the narrative required scholars to argue for the material relevance of women's experiences.<sup>2</sup> For doing this, they were at first sometimes accused of fomenting unnecessary discord between the sexes—as if the horror of genocide made gendered inquiry somehow irrelevant or even unseemly.<sup>3</sup> Then, as gender research became more accepted by mainstream scholarship, feminist inquiry was occasionally accused of

ignoring altogether the suffering of men and boys as well as the participation of women as perpetrators of genocide. Unfortunately, such criticisms of feminist approaches to conflict studies have tended to place gender analysis within a competitive framework, in which the respective fates of men and women are weighed in accordance with their perceived severity.<sup>4</sup> Just as feminists once argued (rather indisputably) that women's lives were being ignored by male scholars, critics of feminist scholarship began to argue that men's fates were now being ignored in turn.

It has been crucial, of course, to unearth men as gendered subjects too, in order to fully understand the complex ways in which gender informs the genocidal process. Of particular importance has been Adam Jones's work on the ways in which men, especially civilian men of "battle age," are victimized in times of genocide.<sup>5</sup> In "root and branch" genocides they are often the first group to be separated out and massacred, paving the way for the murder of women, children, and elderly men. In more common articulations of genocide, however, they can be the only group slated for outright massacre, while women, children, and elderly men suffer a range of alternative fates involving rape, sexual exploitation, torture, forced maternity, murder, and expulsion.<sup>6</sup> Equally important has been the attempt to bring to light the ways in which women are perpetrators of genocide.<sup>7</sup> This latter subject in particular requires greater empirical and theoretical development. However, despite drawing attention to these very important lines of inquiry, namely the victimization of men and the role of women in perpetrating genocide, critiques of feminist inquiry have had a tendency to reject or ignore the gendered relations of domination permeating all levels of patriarchal society, and informing therefore the context in which male victimization and female perpetration occur. The subtle argument sometimes seems to be that (civilian) men suffer the worst fate because they are so often targeted for direct killing. This position casts men and women as two opposing sides within a single victim group, and overlooks thus a key characteristic of genocidal violence: the targeting, through various means, of relations of affinity within victim groups in order to render these groups vulnerable to eventual elimination as historical agents.

Focusing in particular on the supposedly harsher fate of men can and often does have the effect of once again marginalizing the experiences of women. Moreover, this action tends to lead to definitions of genocide that prioritize the "strictly murderous dimension," usually understood as outright massacre, above all else.<sup>8</sup> This seriously underestimates the severity of rape and other forms of sexual torture during genocide, their life-long effects, and the number of women and girls who die over time as a consequence of sexual violence. One side-effect of the competitive framework model in genocide studies, then, could be the a failure within the genocide prevention community to apprehend genocidal processes in their early stages, before arriving at mass murder; it could also unproductively muddy the waters in cases where women and children have been "allowed" to continue living after suffering severe trauma, intended by the perpetrators of genocide as part of an overarching plan to destroy a group.

Thankfully the study of gender has now become an established and respected sub-field within the genocide studies community, and competitive frameworks are gradually giving way to more sophisticated analyses appreciative of the fact that the power of gender analysis lies not in prioritizing one victim group over another, but in helping us to better understand the crime and better devise protocols for preventing and responding to it. It is therefore a propitious time to begin to draw out the implications of gender

studies for our broader understanding of genocide as a process: its roots, its immediate causes, its shape, its aftermath, and ultimately, its definition.

Although it is often assumed that gender research is limited to the stories of women, or to sexual violence, the gender question in genocide goes well beyond the experiences of women and girls, the perpetration of gender-based crimes (against both men and women), or even the comparative study of the experiences of men and women. Rather, it involves examining the network of gendered relationships that go into creating groups, whether in the objective world or in perpetrator subjectivity, and how ideas about creative power inform annihilative violence. Gender follows the crime from its long-term origins to short-term facilitators, to immediate indicators, to intervention, to justice, and to reconstruction after the fact. The gendered study of genocide therefore involves considering the simultaneous operation of gender within several different layers that contribute to the perpetration of the crime. These layers include the gendered concepts through which perpetrators understand power; the gendered ways in which they define both their own group and the group(s) they are targeting; the gender dynamics that organize the economic, political, social, and familial spheres within perpetrator and victim societies; the gendered strategies pursued in the course of group destruction; the influence of gender on conceptions of self and on experiences of conflict among perpetrators, victims, bystanders, and witnesses; the gendered nature of international representations of and responses to a conflict; the use of gender in propaganda and in denial strategies; the gendered inflection of justice systems; and so forth. With the exception of extensive studies on the Holocaust, most of these topics have yet to be researched in great detail.

The growing number of gender-sensitive studies of genocide has added tremendously to our understanding of the crime and has challenged some of our thinking about its definition.<sup>9</sup> Gender in fact goes to the very heart of the crime of genocide. Because gender studies raise questions about the biological and cultural reproduction of groups, the construction of group identities, and the formation of perpetrator ideologies and perpetrator intent, any study of genocide in one way or another addresses gender, whether explicitly or implicitly. Because gender considerations open up for reflection the horrifying details of the crime scene, they also force us to reconstruct and catalog with excruciating specificity the crimes that were committed against each single member of a community and demand that we think anew about the nature of the crime. When considering all these things, genocide begins to emerge as in fact a highly gendered crime.

### **Bringing the Women (and the Men) Back In**

Most recently, the study of women and genocide has tended to focus on the phenomenon of mass rape. The genocides in Bosnia, Rwanda, and Darfur have forced the international community to change the way mass rape is perceived and understood. In each case mass rape was clearly used as a systematic tool of genocide. After much lobbying by feminists and women's NGOs—such as the authors of the *CUNY Clinic Memorandum* and the participants in the Women in the Law Project (WILP) of the International Human Rights Law Group—ad hoc tribunals began to prosecute rape as a war crime, crime against humanity, and a crime of genocide, establishing important legal precedents that were incorporated into the statute of the ICC. The full and dramatic story of the surfacing of rape as a serious international crime in the past two decades has still to be written, but several shorter studies have sketched its general outline.<sup>10</sup>

The near ubiquity of mass rape during genocide raises important questions about its historical origins, perpetrator intent, and, ultimately, about what constitutes the crime of genocide. As Cynthia Enloe pointed out almost two decades ago, “We cannot completely understand any war—its causes, its paths, its consequences—unless male soldiers’ sexual abuse of women on all sides is taken seriously, described accurately, explained fully, and traced forward and backward in time.”<sup>11</sup> The same could be said of genocide. Focusing on rape in genocide puts gender-based violence front and center in our analysis, pointing in new directions both forward and backward in time. It highlights a common experience of women victims, drawing their reality into our representations. The implications of this for genocide studies have only begun to be explored.

Although we commonly refer to “rape” in the singular, there are many crimes of rape that happen during genocidal processes. There are those rapes that are not part of an overarching plan but are instead the consequence of opportunity and impunity (often referred to as wartime rape); there is systematic mass rape, forced maternity, rape as a means of murder, and sexual torture, gang rape, coerced rapes between family members, sexual mutilation, forced prostitution, sexual slavery, rape in rape camps, women forced to “marry” *génocidaires*, and so forth. We need to be specific in the way we speak of sexual violence during genocide, examining each case and each type for its particular relationship to genocidal intent. The purpose would not be to rank types of rape in terms of degrees of severity, but rather to better understand the words and actions of different groups of perpetrators so that we can begin to interpret rape’s multiple functions during genocidal processes. Complicating our view of sexual violence, and understanding the implications of this for research on the origins and the function of mass rape during genocide, has the potential to yield important insights into its perpetrators.

For example, to the extent that it has been addressed, it is generally assumed in cases of genocide that the rape of women and girls in the targeted victim group is a secondary phenomenon to the ideological hatred of the group: that genocidal ideology came first, followed by the use of rape as one tool among many. In many cases, such as the genocides in Bosnia and Rwanda, mass rape was indeed both systematic and intentional—implemented from the top down for the purposes of destroying the Bosniak and Tutsi communities as such. In other cases, however, such as the Armenian Genocide, new research has suggested that much of the sexual violence attending the genocide was not centrally directed or part of the genocidal plan, but that certain perpetrators may in fact have joined the killing voluntarily, not out of a general hostility to Armenians but primarily because it gave them license to commit rape. According to Henry Theriault, in certain cases “rape was not a tool of genocide; genocide was a tool of rape.”<sup>12</sup> This would mean that a violently masculinized atmosphere of impunity might be a strong recruitment strategy available to *génocidaires*.

If indeed some (and the Armenian case would suggest many) men can be recruited to commit genocide because it provides an extended opportunity to commit rape and other sexual tortures against women and girls, then the history of genocide will also have to be written within the framework of violent masculinity and patterns of violence against women more generally. As Theriault has noted, “If a preexisting structure of gender domination and violence can contribute to genocide, then intervention against gender domination and violence might help prevent or at least mitigate genocide by undercutting the ability of the main perpetrators to execute their plans.”<sup>13</sup> Gender-based violence will not simply be an aspect in the story of genocide itself, but also a key

component in how we understand the emergence of genocidal ideologies and societal vulnerabilities over the *longue durée*. A central question of this research would be whether there is a specific kind of violent masculinity—symbolic or actualized in the physical world—that makes societies more receptive to genocidal ideas.

Even in cases where much of the rape is committed outside the bounds of a direct order from superiors, there are in almost all genocides specific sorts of rape that involve the intentional brutalization—and often, subsequently, the murder en masse—of entire families and communities. These ritualized forms of rape as total destruction raise two important questions. First, in what ways might the historical investigation of specific types of masculinity help explain the co-occurrence of genocidal ideology among the architects of genocide and the genocidal rape rituals of foot-soldiers in instances where there has been no specific training or indoctrination ordering rape? Do some perpetrators interpret genocidal language and policies in terms that encourage the performance of genocidal rape rituals? The second question raised by these genocidal rape rituals concerns what, exactly, the perpetrators are targeting. Rape, when used as a tool of genocide, targets women both as individuals and as members of a specific group.<sup>14</sup> Two threads from peacetime thus weave their way into the tactic of mass rape: group hatred and misogyny. The history of genocide should explore the contribution made by each to genocidal ideology and implementation.<sup>15</sup> But there is yet another apparent target to genocidal rape, and that is life-giving. The elaborate rape rituals and ritual rape spaces that perpetrators create are potent symbolic spaces in which to enact the annihilation of a people. Usually going beyond the rape and gang-rape of individual women, genocidal rapists prey on the social context in which they find their victims, exploiting the symbols and relationships available to them to intentionally exert maximum damage to the woman or girl, to the community, to the group's regenerative capacity, and perhaps even to its invisible spirit. Thus, in genocidal contexts we frequently encounter cases of public rape, particularly in front of family members, as well as instances of rape coerced between family members, rapes involving sexual mutilation and torture, and rapes attended by the murder of a victim's family members. The intention seems to go well beyond compromising the physical and psychological ability of women and girls to carry children. It seems to puncture—to wound—that invisible space inside a woman's body, the source of the group in the first place. Could that be the message transmitted by the perpetrators' use of sharpened sticks to rape and kill Tutsi women during the Rwandan Genocide in 1994?

As some perpetrators seem to know, when female victims are allowed to live, the consequences of sexual violation extend well beyond the genocide. The long-term physical, psychological, and socio-political effects of wartime rape are well-known, though still in need of further study—particularly in terms of remediation.<sup>16</sup> Protocols need to be created to address the specific circumstances of genocidal rape and related atrocities. In many cases women rape victims are rejected by their families and communities, are unable to find work, and remain left to raise children born of war alone and in abject poverty. We also know that in post-genocide societies women face increased vulnerability to rape, sexual exploitation, and domestic violence from their old tormentors, from other perpetrators still walking free, from international peacekeepers, from liberating armies, and from men in their own communities and families. There is even some evidence that the sexual abuse of children increases after genocide.<sup>17</sup> Explanations for this trend range from the wartime brutalization and humiliation of men to the persistent

patriarchal dehumanization of women, and to the culture of impunity that comes with the breakdown of traditional social institutions and mores. Each of these suggests a different shape and chronology to the history of genocide than we might assume, should we fail to take women's stories into consideration.

This is especially true with regard to where we decide to locate the end of the crime in our narratives. Women continue to die long after genocide from suicide, honor killings, HIV, and other illnesses that are the direct result of genocidal atrocities including rape. They are frequently ostracized from their communities and completely alone in the world, raising children born of war, or caring for children orphaned in conflict. Women in post-genocide societies are often very poor, lacking access to jobs, resources, land, and basic services. Although in places like Rwanda post-genocide conditions can offer new opportunities for female political engagement, by and large women survivors of genocide are marginalized from their own communities and from public life. For those women whose children were killed in front of them (often because they were trying to protect their mothers), the genocide never truly ends. Choman Hardi has written, regarding women survivors of the Anfal Genocide of Iraqi Kurds, "For the women in this research, the aftermath of this catastrophe is as much a part of the Anfal story as the facts and figures that make up the grand narrative."<sup>18</sup>

Bringing women back into scholarly representations of genocide favors those definitions of the crime that do not limit the genocidal element to physical killing. Women and girls often die as a consequence of gang rape and sexual mutilation, but they are less frequently slated for direct massacre en masse.<sup>19</sup> Given the apparent ubiquity of mass rape during genocide, even during the Holocaust,<sup>20</sup> it is hard to see how we would carve off this aspect of the crime as inessential to our genocide determinations. And yet this is what often happens, as is the case with Bosnia. Definitions that focus too much on massacre—mass bodies, mass graves, distinct moments of mass murder—erase almost completely the history and experience of women victims and therefore obstruct deeper and more penetrating understandings of the crime.

To include women's experiences in our definition of genocide is to recognize something that the perpetrators of genocide have known for centuries: that one can destroy a group by destroying that group's ability to reproduce. What this means in each instance will differ according to the perpetrators' specific beliefs regarding reproduction and the way in which they define their target group, but it is not unthinkable that future genocides might be committed primarily through the use of sexual violence and related atrocities. Some of the fighting forces in the Democratic Republic of the Congo seem already to be implementing strategies that resemble genocide-by-rape.<sup>21</sup>

The social aspect of genocide thus takes on an added importance when we consider in particular the way that so many women victims have experienced it. Definitions that include concepts like "social death" (Daniel Feierstein), the destruction of "social power" (Martin Shaw), and "the interdiction of the biological and social reproduction of group members" (Helen Fein) incorporate (in my opinion) the ground-level realities of this crime for men and women, boys and girls, individuals, families, and collectivities much more effectively than those definitions that get caught up in the numbers and the identities of those killed.<sup>22</sup> They come closer to capturing what this crime essentially is, and arguably remain, as Martin Shaw has argued, more true to the spirit of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (UNCG) and the work of Raphael Lemkin.<sup>23</sup>

Research on the mass rape of women during conflict, and the attention now being paid to this phenomenon by policymakers and NGOs, has gradually also brought out new evidence regarding the frequency of rape, sexual exploitation, and the sexual torture of men. Treating women as gendered subjects of history has amplified the level of attention paid to men as gendered subjects as well. This has made it possible for researchers and the international community to perceive male civilians as victims in entirely new ways, outside of the image of impregnability favored by militarized masculinist and nationalist narratives.<sup>24</sup> Scant existing research on male victims of wartime (and genocidal) rape and sexual torture suggests that the post-genocide experiences of these men are very similar to those of women victims.<sup>25</sup> Clearly, then, we need to factor the experiences of both men and women survivors of rape into our understanding of the crime and into the protocols we devise to address its long-term effects.

All of this points to a key feature of sexual violence during genocide: that it is intended to desecrate the ways that members of collectivities—male and female—are bound together and thereby to permanently destroy their capacity to rebuild themselves as stable and active collective agents in human history.

### **Reading Genocide from the Bottom Up**

One thing that becomes apparent when we centralize gender-based violence during genocide is just how multifarious (and creative) are the means by which perpetrators engage in the destruction of a group. Culture-specific studies of all those tiny-but-essential details of the crime scene need to be undertaken in order to round out our understanding of genocide. As the discussion thus far has indicated, the rape of women during genocide is attended by multiple other crimes committed against the women themselves and their family members, many of whom are men. Taken together, these make up what I have called “life force atrocities”: that is, ritualized atrocities targeting the life force of an entire group by destroying the physical integrity of its individual members, the emotional and spiritual bonds that exist between family members, and symbols of group cohesion, such as religious and intellectual leaders.<sup>26</sup>

If we understand genocide as the intent to destroy a group specifically by destroying its source of life, the shared pattern of cruelties that we see in practice across genocides would begin to make more sense. Gendered studies of genocide must therefore go beyond gender-based violence—including rape and sex-selective massacre—to truly grasp the extent to which ideas about gender are implicated in the crime. When communities are assaulted by forces with genocidal intent, individual members are usually targeted based on their (perceived) symbolic status within social and biological group reproduction. These perceived statuses are unequivocally gendered: men are assaulted as protectors, fathers, husbands, heads of families, political leaders, religious icons, leading intellectuals, past, present, and future patriarchs. Women are assaulted as mothers, wives, daughters, bearers of future life, protectors of children, providers of food, and so forth. The stereotypical gender roles that determine the exact nature of life force atrocities will vary with respect to the cultures committing the genocide, and perpetrators will draw on their own emotional and social experiences when devising ritual tortures, but by and large we can identify patterns across various different instances of the crime.

By giving us the means to begin to identify some of these gender relational atrocities during genocide, research on gender has also given us powerful tools to read genocide from the bottom up.<sup>27</sup> This may be one of the greatest contributions it has made to genocide prevention efforts. Because gender operates in ways that are often unspoken,



gender research requires that we interpret the nature of the forces and processes we study through myriad means that go well beyond the language of the actors involved. In a genocidal context, such a method involves searching for patterns that may not be immediately evident and certainly are not clearly articulated by perpetrators.

Such a contextualized approach was taken by the US Atrocities Documentation Team (ADT), sent in 2004 to refugee camps in Chad to document the experiences of survivors of the violence in neighboring Darfur, Sudan. The genocide determination that resulted from this research, while not explicitly based on gender criteria, was sophisticated in its understanding of the multiple ways in which gendered strategies, specifically widespread and systematic sexual violence, can be exploited and deployed by perpetrators in committing the crime.<sup>28</sup> Interviewers in the field even updated the code list of crimes printed on the ADT questionnaire to account for things like mosque burning and the disembowelment of pregnant women.<sup>29</sup> The ADT methodology seems to have signified a return to contextualized understandings of the crime, considering the experiences of victims and the ground-level behavior of perpetrators alongside statements by the purported architects and the general political and historical context of the conflict. The latter two elements—statements by leaders and macro-political contexts—have dominated debates about genocide in the past decades, largely because they are assumed to more clearly indicate the presence or absence of what counts as “genocidal intent.” The price of an exclusive focus on large-scale, elite, largely male, and highly reified phenomena is that the substantive experience of the victims—who occupy the space in which genocide occurs and are the bodies on whom the crime is committed—becomes lost in a sea of abstractions. As a consequence of this form of debate the term “genocide” is often treated as little more than a political or legal label, rather than something real in and of itself.<sup>30</sup>

Rituals targeting people specifically in terms of gender and family roles are defining characteristics of violence in Bangladesh (1971), Bosnia (1992–1995), Rwanda (1994), Sudan (the past decade), and the Democratic Republic of Congo (the past decade and a half). In every commonly recognized case of genocide we can find these scenarios in the testimony of survivors. Perpetrators seem to have uncannily similar ideas about what most deeply and terribly destroys a person, a family, a community, and a group. So we need to better understand what lies behind these rituals. And we need to find ways of using these rituals to ask new questions about the crime we are studying. The stories, often told by solitary survivors, are, in all their horror, also gifts. In them, perpetrators overplay their hands; they risk letting us in on their secrets, on the deeply seated and perhaps only vaguely recognized reasons for their terrible actions.

Unfortunately, human rights reports frequently fail to contextualize crimes and instead tend to disaggregate related crimes according to the gender and sometimes the age of the victim. We will be told that X number of men were killed, and X number of women raped, with special mention of the murder and rape of small children and the elderly. It is essential that we find ways to bring the narrative link between atrocities back into our statistical reporting strategies, since this genocidal narrative can help us identify genocidal intent among perpetrators.

### **Gender and Genocide Determinations**

Localized life force atrocities seek to destroy a deep cohesion within family units that, during genocidal processes, stand in for the cohesion of a more extensive group. Recognizing this logic can help us to begin making determinations that start with the facts on

the ground, using the UNCG as a guide to the organization of these facts, without relying on our own abstract interpretations of its wording to make the case. Daniel Feierstein made this point quite elegantly when he wrote, regarding the question of genocide against political groups, that “the crime is not defined by the identity of the victim . . . but by the characteristics of the material action which is carried out.”<sup>31</sup>

A good deal of pertinent information concerning this material action can be unearthed through gender-sensitive research, creating maps of affinity and atrocity to help us understand what perpetrators might have thought they were doing. Even in cases where the objective target of genocide was a political, social, or economic group, we know that *génocidaires* tend to view their victims as organic collectivities and persecute families based on the alleged status of one of its members.<sup>32</sup> In Argentina (i.e., during the Dirty War, which has just recently been analyzed in terms of genocide), for example, Interior Minister General Diaz de Bessone framed the target of state violence in the following way:

Founding a new republic is no easy matter. . . . The armed forces must be sufficiently alert, determined and resourceful to act simultaneously as an efficient fighting force against guerrillas and terrorists; an efficient surgeon that will remove the evil from all social classes and walks of life; and last but not least, parents of the new republic, strong, united, just, free, supportive of others, clean, exemplary. . . . But it is only fair to point out that since no national project was outlined beforehand, little has been achieved so far to accomplish the remaining objectives, which are to defeat not only the guerrillas but subversion “in totum,” so laying strong foundations for the birth of the new republic.<sup>33</sup>

As Feierstein points out, the general is here framing the counterinsurgency as a war on the “forces of evil,” as “a clearly defined ‘surgical operation’ on previously defined sections of the population whose disappearance is meant to have an ‘irreversible’ effect on Argentinean society.”<sup>34</sup> There is a gendered link between this plan to achieve the partial destruction of the Argentinean national group by carving out its “evil” and “subversive” elements and the atrocities committed against “suspect” families and networks.<sup>35</sup> Judging from Diaz de Bessone’s understanding of the conflict, these families were the cosmic and reproductive opponents of the new national family to which the armed forces—“parents of the new republic”—were supposed to give birth. The torture of family members was a way for junta members to perform—in a site-specific, localized way—the broader genocidal intent to excise the generative units of opposition from the nation. It is as if annihilating one family makes room for the birth of the new, national family. The co-occurrence of statements like the one above and a pattern of life force atrocities strongly suggests genocide, even when all the reports have yet to be written; all the individual human lives have yet to be murdered; all the bodies have yet to be buried and, if found, exhumed and identified and counted. Promptly identifying these crucial indicators would be one way of recognizing the potential for genocide within what is thought to be a brutal counterinsurgency.

Interior Minister General Diaz de Bessone’s preoccupations are shared by most perpetrators of genocide. These preoccupations include biopolitics, family dramas, the generative power of violence, and the use of familial terminology to describe political parties. In such cases, the armed forces, the party, the executive branch of the state, or the individual torturer plays the role of the generative unit—the parent—giving birth to

something new and better through the total destruction of other generative units, not simply in physical terms, but affectively and spiritually as well.<sup>36</sup> The precise relationship of these life force atrocities to cases of genocide needs to be investigated in more depth. We should be curious about why the parental theme crops up so much in the language of the architects of genocide. Is it merely a byproduct of their embrace of the rhetoric of extreme nationalism? Or do they see or experience their killing as an act of creation akin to fathering children?

Whatever the case, since there is such a strong correlation between the existence of life force atrocities and the existence of a genocidal logic to violence and persecution, attentiveness to these crimes can help us avoid the pitfalls created by the constraints imposed through the four protected categories in the UNCG, namely, “national, ethnical, racial and religious” groups.<sup>51</sup> Before trying to determine whether the victims conform to these criteria, it might be more useful to determine whether people are being subjected to the types of atrocities that are common during genocides, especially before there are high numbers of dead.

Focusing on the presence of gendered atrocities and identifying those patterns in them that are correlated most directly with genocide would provide another empirical means of identifying situations in which genocidal violence is present, without having to make an airtight argument for the existence of genocide in its comprehensive and totalizing sense. We may even be able to identify potentially genocidal cadres within armed forces, or among the supporters of specific political parties, by documenting who has engaged or is engaging in ritual atrocities that appear to target a group’s life force. If a small group of people, whether part of an armed force or not, commits life force atrocities during occupations, riots, communal violence, or more limited patterns of warfare, these actions tell us something important about how things might progress and offer up new and crucial research agendas involving chains of command. At the very least, we will know better who to watch in order to prevent the generalization of specific atrocities into genocide somewhere down the road.

Identifying potentially genocidal violence in its early stages is important for many reasons. Genocide, unlike conflicts with more limited and strategic goals, is a type of violence that has ever-expanding horizons once it becomes the organizing principle of a conflict. History has shown that perpetrators tend to enlarge their list of targeted victim groups as their power and reach grow. Furthermore, societies and groups that have faced genocide in the past have required particular sorts of interventions after the fact, both to rebuild a social fabric whose core institutions were targeted for destruction and to prevent the re-ignition of genocidal violence, either by the old perpetrators or by descendants of the victims.

### **Gender and Genocide Denial: Darfur and Bosnia**

Apart from the clear benefit of gender analysis to genocide prevention mechanisms, rethinking genocide in gendered terms can help cut through some of the ideological layering that has made genocide determinations so particularly fraught since the 2003 US war in Iraq. The current political debate about the use of the term tends to cluster around a few controversial cases, notably Bosnia and Darfur. These cases are accepted as genocides by the vast majority of genocide scholars, but opposition to the use of the term has come from high places and has been quite visible and vocal. Much of this opposition comes from the left of the political spectrum and is a direct response to what is considered to be a double standard used by the United States and its allies in their

deployment of the term.<sup>37</sup> These works show little concern for the evidence and none for the experiences of the many victims in these regions. Genocide is merely a label here.

More seriously, the political scientist Mahmood Mamdani, in his work on Darfur, has argued against the applicability of the term genocide largely because he believes that those advocating for its applicability to the situation there are not using the term consistently; if they did, he argues, they would also use it with reference to Iraq and Afghanistan. There are many threads to Mamdani's argument, and in making it he offers a serious and enlightening study of the historical dynamics of identity and conflict in Sudan.<sup>38</sup> His book seeks to show that the conflict in Darfur should more properly be considered a counterinsurgency, not unlike the wars being waged by the United States in Iraq and Afghanistan. Mamdani's book, however, is surprising in its failure to take seriously the atrocities suffered by the victims of Janjaweed attacks, even if he does not consider these crimes to amount to genocide. When we begin to look at the nature of the atrocities committed in Darfur the differences between counterinsurgency as such and genocide become clear. What matters so much is not the objective, or even the subjective, definition of the groups of people involved, but rather the excruciating detail with which perpetrators go about destroying everything sacred and meaningful to their victims, particularly family bonds. This takes Darfur beyond any reasonable characterization as counterinsurgency + generalized atrocity. In Darfur, as in Bosnia, the death toll may fall well short of the mass killings that attended key twentieth-century genocides; nevertheless, the focused assault on generative symbols and relations of affection and loyalty—all those deep recesses of the human heart and soul—is evidence of genocide that I find most difficult to refute and which ultimately makes the case for the applicability of genocide in both instances.

Mamdani relies quite a bit in his argument on the report of the UN's Commission of Inquiry (COI), which found the same evidence as the US Atrocities Documentation Team but came to the conclusion that the crimes did not amount to genocide; yet this too is not dispositive. The COI used a very limited definition of genocide, confining it to cases in which the intent is the annihilation of a group in its entirety.<sup>39</sup>

The ADT discovered a systematic pattern of attack that was sustained across hundreds of villages in Darfur, involving encirclement by mounted Janjaweed militias, strafing and bombing from Antonov bombers and helicopters belonging to the army of the Government of Sudan (GoS), murder and disappearances of men and boys, sexual exploitation of women and girls, and the wholesale destruction of property and food and water supplies. Mamdani does not engage with these findings analytically or explain why they do not point to genocide, as argued by the US Department of State legal team. Indeed, he dismisses one of the key findings in both the ADT and the COI investigations that—in concert with all the others—seems to point most directly toward genocide: evidence of systematic mass rape. To critique the inclusion of this charge in the ICC arrest warrant for President Omar al-Bashir, who is charged with conspiracy to commit genocide among other things, Mamdani writes, "To claim that ongoing rape in the [internally displaced person] camps is the result of official government policy is to ignore the simple fact that rape occurred in all camps, those controlled by the government and by the rebels."<sup>40</sup>

Mamdani's statement about rape is misleading. In his efforts to normalize and depoliticize the conflict in Darfur he has ended up undervaluing, indeed entirely neglecting, the stories of women and girl survivors, which are so valuable precisely because

they give us access to the behavior of perpetrators during the moment of attack. Simply because rape occurs in many different contexts and is committed by many different types of men does not mean that mass rape by one particular group, such as Janjaweed militias or GoS soldiers, is not itself part of a genocidal strategy. But, even more important than such an obvious point is the narrative framework in which these atrocities take place. These were frequently not rapes in the generic sense that Mamdani seems to use the term. Survivors of the attacks in Darfur describe a multi-pronged strategy of attack on villages in which rape occurred alongside a host of ritualized atrocities all aimed at destroying the life foundations of a group—the family unit, the connection to land and community, and the future social and biological reproduction of the group. These atrocities included eviscerating pregnant women, raping women and girls in public, mutilating victims of rape and sexual violence, raping women and girls with sharp objects, killing infants (especially infant boys), murdering men, humiliating and torturing village leaders, and cruel performances involving family members, all while screaming racist epithets at the victims.<sup>41</sup>

These types of atrocities are common to all other genocides and place Darfur clearly within the ranks of genocidal violence. These atrocities share a genealogical link with the type of violence that has attended every other known case of genocide in past centuries. When such atrocities all begin to point toward the five elements of the crime enumerated in the UNCG,<sup>52</sup> then a working genocide determination seems entirely reasonable.

The key to understanding how gendered violence and life force atrocities work together in a genocidal strategy is of course to examine how they contribute to the destruction of the group as such. A recent work in criminology, *Darfur and the Crime of Genocide*, makes fruitful use of the ADT interviews to reconstruct the crime scene in several settlements in Darfur, generating data for shifts in the family size of respondents as a consequence of the attacks and creating charts of the age and gender of people killed and missing. On this latter point, the authors discovered that the groups with the greatest number killed (and missing) were composed of young men between the ages of 15 and 29 and girls between the ages of 5 and 14. They note that “about a third of both the young adult males and the preadolescent girls are represented among the dead or missing.”<sup>42</sup> This suggests that young men were not simply being killed as potential combatants, a common defense against genocide charges; the presence of such a high number of young girls alongside the high number of young men seems to point to an attempt to destroy the ability of the group to organize and reproduce itself in the future. When placed along other evidence of atrocity patterns and more macro-level indications of intent, such crime scene statistics are invaluable.

Gender data underscore the importance of empirical evidence in making genocide determinations. Overarching schemas and analytical abstractions cannot replace this evidence in our attempts to understand the genocidal process or make determinations about its existence. Legal, political, and rhetorical arguments can be made to support all sorts of positions in regard to the crime. The debate about its nature goes right back to the debates about the wording of the UNCG. This is why the ADT's atrocity statistics are such an important innovation in the struggle against the crime. They allow us to navigate through the heavy storm of ideology and politics and enter the moment of victimization. By categorizing crimes that together are suggestive of genocide, they offer us an empirical means of determining whether what we see could in fact be—or become—the crime of crimes.

As Mamdani and others emphasize, it is true that in Darfur a great number of women and children have been allowed to survive after experiencing or witnessing rape, murder, and the destruction of their families and communities. The absence of the annihilation of most members in some villages targeted (though many villages were completely destroyed) challenges one of the most common working definitions of genocide: genocide as mass killing. Defining genocide simply as mass killing, however, becomes very difficult when one takes seriously the issue of gender and gender-specific acts of violence. Studies that have considered the experiences of women and girls alongside men and boys have shown that a common pattern in the early stages of genocide is the systematic execution of male members of a community alongside the terrorization, sexual exploitation, torture, and expulsion of women, children, and the very old. When we limit our definitions to killing alone we can end up artificially separating processes that are part of the same phenomenon.

The consequence of this could be that massacres of men and boys are defined as genocide, while the attendant rape, torture, and expulsion of the women and girls who were their mothers, wives, children, girlfriends, colleagues, and so forth are either ignored entirely or described as something other than genocide, such as ethnic cleansing, crimes against humanity, war crimes, or uncategorized atrocities. This approach is clearly inadequate and inaccurate, for it is unlikely that perpetrator intent can be broken up in a similar fashion. Furthermore, the evidence contained within witness testimony shows time and again that perpetrators understand quite well the meaning and function of peoples' family and community relationships and that they appear to intend to use these relationships in gender-determined ways in order to destroy a group. Nevertheless, the survival of women and children—even when they have been forced out of a territory—is often indicated as evidence that the sex-selective massacre of men and boys cannot be construed as genocide, since the community was not slated for physical annihilation in its entirety. This latter approach assumes that genocidal massacres must include victims of both sexes indiscriminately in order to prove intent. It also potentially underestimates the long-term destructive trauma caused by systematic and intentional harm to the expelled women and children as well as the effect that the massacre of men and boys can have on a community's reproductive capacity.

The best example of a case that has raised the two issues above is the 1995 Srebrenica massacres of over 8,000 Bosniak (Bosnian Muslim) men and boys by Bosnian Serb forces under the command of Ratko Mladic. These massacres were determined by the International Criminal Tribunal for the Former Yugoslavia (ICTY) to constitute genocide. Its finding was upheld by the International Court of Justice.<sup>43</sup> As in the case of Darfur, most genocide scholars view the Serb war in Bosnia to have been a genocidal assault on Bosniaks. Even when the status of the war as a whole is in doubt, scholars tend to accept Srebrenica as an instance of genocide. However, because the ICTY has been conservative in its use of the term, and because the nebulous concept of "ethnic cleansing" has confused characterizations of the war in Bosnia as a whole, Serbian attacks on Bosnian populations between 1992 and 1995 have not been determined in a court of law to fit the definition of genocide. This has opened up ample space for confusion, and one rarely sees reference to the "Bosnian Genocide." The conflict in general is instead referred to as ethnic cleansing and civil war. With the exception of the massacres at Srebrenica after 13 July 1995, most of the atrocities committed by Serbs in the

course of the war have been punished as crimes against humanity and war crimes rather than genocide, with public perception following suit.

Paying attention to the experiences of women and the gendered dynamics of the Serb onslaught on the UN safe haven can help us maneuver through this difficult definitional terrain. When we examine from a gendered perspective what went on in Srebrenica from the fall of the enclave on 11 July 1995 to the forced relocation of women, girls, and very young boys two days later (an occurrence that directly preceded the start of the massacres), we can see that there are several threads connecting the massacres at Srebrenica in 1995 to a systematic Bosnian Serb policy that had been pursued since the outbreak of war in 1992. The case of Srebrenica in fact demonstrates how important it is that we consider the testimony of women survivors of violence in making our determinations about what is and what is not genocide, and in thinking about which conflicts are likely to have genocidal outcomes. Their testimonies, because they are often the lone survivors of massacres, offer us evidence that is just as important as final body counts in establishing genocide and genocidal intent. Specifically, their testimonies can establish a systematic pattern of atrocity aimed directly at the institutions, symbols, and relations of reproduction as well as the biological capacity to reproduce.

Two examples of the testimony of women survivors demonstrate the kinds of life force atrocities that were committed in Srebrenica before the massacres. Ramiza Gurdić gave the following testimony to the Dutch law firm Van Diepen/Van der Kroef, which is representing the surviving victims of the Srebrenica massacres in a suit against the Government of the Netherlands and the United Nations for failing to protect civilians in the UN safe haven:

At one time, I saw how a young boy of about ten was killed by Serbs in Dutch uniform. This happened in front of my own eyes. The mother sat on the ground and her young son sat beside her. The young boy was placed on his mother's lap. The young boy was killed. His head was cut off. The body remained on the lap of the mother. The Serbian soldier placed the head of the young boy on his knife and showed it to everyone. . . . The woman was hysterical and began to call out for help. . . . The Serbs forced the mother to drink the blood of her child. Chaos broke out among the refugees.<sup>44</sup>

Another survivor, Munira Šubašić, tells us,

There was a girl, she must have been about nine years old. At a certain moment some Chetniks recommended to her brother that he rape the girl. He did not do it and I also think that he could not have done it for he was still just a child. Then they murdered that young boy.<sup>50</sup>

These are just two of many stories describing specific atrocities witnessed by survivors of Srebrenica. Rarely, however, do such stories work themselves into narratives and analyses of the crime. Certainly, they are not part of dominant images of the Srebrenica massacre. The fact is that during the two days preceding the evacuation of an estimated 23,000 women and children many women and girls as young as nine were raped by Serb forces. They were frequently killed afterwards. Young girls and boys, including infants, were murdered, often by having their throats cut in front of their families. Pregnant women were eviscerated. Boys and men were picked out of crowds of families seemingly at random, dragged off never to return. These atrocities—targeted

as they were at family bonds—need to find their way into scholarly, legal, and public images of Srebrenica.<sup>53</sup>

We need to know details surrounding the separation of women and men before the Srebrenica evacuations and deportations because they demonstrate the extent of relational and familial persecution carried out by the perpetrators. This, in turn, would suggest that Bosnian Serb forces sought to compromise and destroy the most important unit of group cohesion: the family. These are not instances of random and excessive violence perpetrated in a madhouse. The atrocities committed against family members—*in front of one another*—are some of the strongest indicators of genocidal intent. They suggest something much more malicious than an attempt to rid Serbian forces of a military foe. Indeed, they conform to several elements of the crime as articulated in the UNCG. These atrocities only come to light in the testimony of those who survived, the majority of whom are women and girls. The stories and their implications are not considered by legal scholars who argue against the finding of genocide in the case of *Prosecutor v. Krstić* tried by the ICTY.<sup>45</sup>

### Conclusion

The specific types of atrocities committed in Argentine prisons, the Srebrenica enclave, and villages in Darfur could serve to specify exactly which atrocity crimes have a high risk of turning into genocide.<sup>46</sup> The Srebrenica massacres, for example, came on the heels of over three years of violence and ethnic cleansing perpetrated by Bosnian Serb forces against Bosnian Muslims, including several special forces that seem to have operated with orders from Slobodan Milošević in Belgrade.<sup>47</sup> We can trace back from the atrocities committed in Srebrenica on 11 and 12 July 1995 to similar atrocities committed in eastern Bosnian towns from April 1992 through July 1995. The atrocities we see in Srebrenica can also be linked to atrocities in the various Serb-controlled concentration and rape camps that operated in Bosnia between 1992 and 1995. When we draw lines from one atrocity to another across time and space we begin to see the dense tapestry of genocide in Bosnia above and beyond the evidence provided by single cases of massacre, murder, rape, and ethnic cleansing. It therefore becomes difficult to cordon off the Srebrenica massacres as only one case of genocide within a wider war characterized by other things.<sup>48</sup>

Atrocity statistics that are sensitive to the contextual frame in which discrete crimes are committed point to the usefulness of an approach to genocide that understands the crime spatially, not only in terms of the geography of the attacks, but also in terms of the geography of atrocity. Data and maps (similar to Hagan and Raymond-Richmond's for Darfur) could be created for those specific types of atrocity that have a high correlation with the crime of genocide. If, early on in a conflict, we could see a map of the specific types of atrocities reported by witnesses—such as public rape or the evisceration of pregnant women—this would help onlookers determine whether a conflict might be threatening genocide and, if so, which participating group or cadre is of particular concern to the international community. If we could begin to correlate the specific types of atrocity that are highly suggestive of genocide with specific ways of envisioning reproduction, women's sexuality, men's power, and so forth, we may begin to tease out the very specific types of thinking—genealogies of atrocity—that can lead to genocide way down the road.

In our new century most of us will probably be drawn into a terrible position as witnesses to genocide, if only by virtue of the international media. The first and most



fundamental question is, How can we know genocide before it announces itself with mass graves, and how can we aid others to identify genocidal situations in crises and conflicts at an early stage? A great deal of work has been done on this already, but we are still at the beginning of an effort to develop effective early indicators, as is evidenced by the endless debates over definitions that followed the US recognition of genocide in Sudan in 2004. By considering the small, yet momentous, gendered details in the space of genocide—such as the pre-massacre killing spree of 11–13 July in Srebrenica and similar atrocities committed by Serb forces in Eastern Bosnia for three years beforehand—we can refine what it is we are looking for, with ramifications both for the ways that we define genocide and work toward its prevention. To borrow from Jacobo Timerman, the stakes are, as they always have been, nothing short of rescuing civilization as we know it from those who would bring about the disappearance of the universal, human family.<sup>49</sup>

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## Notes

1. I would like to thank the editors of this volume, as well as Benjamin Forgey, for their vital comments and help in the editing of this article.
2. For an overview of the development of gender research within Holocaust and genocide studies, see Lisa Pine, "Gender and the Family," in *Historiography of the Holocaust*, ed. Dan Stone (New York: Palgrave Macmillan, 2004), 364–82; Atina Grossmann, "Women and the Holocaust: Four Recent Titles," *Holocaust and Genocide Studies* 16,1 (Spring 2002): 94–108; Elisa von Joeden-Forgey, "Gender and Genocide," in *Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (London: Oxford, 2010), 61–80; Adam Jones, "Gendering Genocide," in *Genocide: A Comprehensive Introduction*, 2nd ed. (New York: Routledge, 2011), 464–98.
3. For a particularly bellicose example, see Gabriel Schoenfeld, "Auschwitz and the Professors," *Commentary* 105,6 (1998): 42–7. More moderate critiques of gender analysis are discussed in Roger Smith, "Women and Genocide: Notes on an Unwritten History," *Holocaust and Genocide Studies* 8,3 (1994): 215–334.
4. See, for example, Adam Jones, "Does Gender Make the World Go Round? Feminist Critiques of International Relations," *Review of International Studies* 22,4 (1996): 405–29 and Jones, "Gender and Ethnic Conflict in Ex-Yugoslavia," *Ethnic and Racial Studies* 17,1 (1994): 115–34. Although Jones is sensitive to and aware of the multifarious ways in which women are victimized in genocide, his definition of the crime, based on Steven Katz's, depends on the crime of murder and therefore does not incorporate mass rape as a central, determining, element: "[Genocide is] the actualization of the intent, however successfully carried out, to murder in whole or in part, any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator, by whatever means." My emphasis. See Jones, *Genocide*, 18.
5. A comprehensive synopsis of this work can be found in Jones, "Gendering Genocide," 465–9.
6. For a comprehensive discussion of gender patterns in genocides see Helen Fein, "Genocide and Gender: The Uses of Women and Group Destiny," *Journal of Genocide Research* 1,1 (1999): 43–64.
7. The study of women perpetrators is most developed for the Holocaust, where research has been carried out largely by women scholars. Claudia Koonz, *Mothers in the Fatherland: Women, the Family and Nazi Politics* (New York: St. Martin's, 1987); Roger Smith, "Women and Genocide: Notes on an Unwritten History," *Holocaust and Genocide Studies* 8,3 (1994): 215–334; Laura Sjoberg and Caron E. Gentry, "Gendered Perpetrators of Genocide," in *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London: Zed Books, 2007), 141–73; Christina Herkommer, "Women under National Socialism: Women's Scope for Action and the Issue of Gender," in *Ordinary People as Mass Murderers*, ed. Olaf Jensen and Claus-Christian W. Szejnmann (New York: Palgrave MacMillan, 2008), 99–119; Irmtraud Heike, "Female Concentration Camp Guards as Perpetrators: Three Case Studies," in Jensen and Szejnmann, *Ordinary People*, 120–44; Wendy Adele-Marie Sarti, *Women and Nazis: Perpetrators of Genocide and Other Crimes During Hitler's Regime, 1933–1945* (Palo Alto, CA: Academica, 2010).

8. Jones, "Gendering Genocide," 467.
9. Gender-sensitive literature on the Holocaust is cited in the works listed in note 1 (above). Important works that address various genocides include Alexandra Stiglmayer ed., *Mass Rape: The War Against Women in Bosnia-Herzegovina* (Lincoln: U of Nebraska P, 1994); Roger Smith, "Women and Genocide"; Beverly Allen, *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia* (Minneapolis: U of Minnesota P, 1996); Christopher Taylor, *Sacrifice as Terror* (Oxford: Berg, 2001); Claudia Koontz, *The Nazi Conscience* (Cambridge, MA: Harvard UP, 2003); R. Charli Carpenter, "Innocent Women and Children": *Gender, Norms and the Protection of Civilians* (Aldershot: Ashgate, 2006); R. Charli Carpenter ed., *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones* (Bloomfield, CT: Kumarian, 2007); Adam Jones, *Gender Inclusive: Essays on Violence, Men, and Feminist International Relations* (New York: Routledge, 2009); Samuel Totten ed., *Plight and Fate of Women During and Following Genocide* (New Brunswick, NJ: Transaction, 2009); Choman Hardi, *Gendered Experiences of Genocide: Anfal Survivors in Kurdistan-Iraq* (Burlington, VT: Ashgate, 2011).
10. Janet Halley, "Rape at Rome: Feminist Interventions in the Criminalization of Sex-Related Violence in Positive International Criminal Law," *Michigan Journal of International Law* 30 (2008-9): 1-123; Mark Ellis, "Breaking the Silence: Rape as an International Crime," *Case Western Reserve Journal of International Law* 225 (2006): 225-47; Karen Engle, "Feminism and Its (Dis)contents: Criminalizing Wartime Rape in Bosnia and Herzegovina," *The American Journal of International Law* 99A (2005): 778-816; Kelly Dawn Askin, "Prosecuting Wartime Rape and Other Genocide-Related Crimes under International Law: Extraordinary Advances, Enduring Obstacles," *Berkeley Journal of International Law* 21 (2003): 288-349;
11. Cynthia Enloe, *The Morning After: Sexual Politics at the End of the Cold War* (Berkeley: U of California P, 1993), 240.
12. Henry Theriault, "Gender and Genocide: New Perspectives for Armenian Genocide Research," paper presented at the Armenian Genocide Workshop, Strassler Center for Holocaust and Genocide Studies, Clark University, 8-10 Apr 2010.
13. *Ibid.*, 8.
14. For an excellent discussion of sexual exploitation during genocide, see Catherine MacKinnon, "Genocide's Sexuality," in *Are Women Human?* (Cambridge, MA: Harvard UP, 2006), 209-36.
15. One of the few studies to do this to date is Christopher Taylor, *Sacrifice as Terror: The Rwandan Genocide of 1994* (Oxford: Berg, 2001).
16. On the social and economic impact of rape on women after genocide, see for example Samuel Totten, "The Darfur Genocide: The Mass Rape of Black African Girls and Women," in Totten, *Plight and Fate of Women*, 137-68.
17. See for example Human Rights Watch, *Struggling to Survive: Barriers to Justice for Rape Victims in Rwanda* (New York: HRW, 2004), <http://www.hrw.org/sites/default/files/reports/rwanda0904.pdf> (accessed 15 Feb 2012).
18. Choman Hardi, *Gendered Experiences of Genocide: Anfal Survivors in Kurdistan-Iraq* (Burlington, VT: Ashgate, 2011), 7.
19. Fein, "Genocide and Gender."
20. For an overview of the evidence for this, see MacKinnon, "Genocide's Sexuality," 212-9.
21. Elisa von Joeden-Forgey, "Sexual Violence and Genocide in the DRC," *Institute for the Study of Genocide Newsletter* 45 (Winter 2010), <http://www.instituteforthestudyofgenocide.org/newsletters/issg45/ISSG45.pdf> (accessed 22 Jul 2011).
22. Daniel Feierstein, "Political Violence in Argentina and Its Genocidal Characteristics," in *State Violence and Genocide in Latin America*, ed. Marcia Esperanza, Henry R. Huttenbach, and Daniel Feierstein (London: Routledge, 2010), 44-63; Martin Shaw, *What is Genocide?* (Cambridge, UK: Polity Press, 2007); Helen Fein, "Genocide: A Sociological Perspective," *Current Sociology* 38,1 (1990): 1-126.
23. Shaw, "Neglected Foundations," in *What is Genocide?*, 17-36.
24. Along these lines, Dubravka Zarkov, in an essay on male victims of rape in the Yugoslav war, has shown how a masculinist construction of national identity can have the effect of erasing men's sexual exploitation precisely because such exploitation feminizes the victim. Dubravka Zarkov, "The Body of the Other Man: Sexual Violence and the Construction of Masculinity, Sexuality and Ethnicity in Croatian Media," in *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, ed. Caroline O. N. Moser and Fiona C. Clark (London: Zed Books, 2001), 75.
25. For an extensive newspaper treatment of this subject, see Will Storr, "The Rape of Men," *The Observer*, 17 Jul 2011, <http://www.guardian.co.uk/society/2011/jul/17/the-rape-of-men> (accessed 22 Jul 2011). Thanks to Adam Jones for drawing my attention to this.

26. Elisa von Joeden-Forgey, "Devil in the Details: 'Life Force Atrocities' and the Assault on the Family in Times of Conflict," *Genocide Studies and Prevention* 5,1 (Apr 2010): 1–19, <http://dx.doi.org/10.3138/gsp.5.1.1>.
27. I am borrowing the "relational" designation from Jones, "Gender and Genocide," 25.
28. Gregory Stanton, "Proving Genocide in Darfur: The Atrocities Documentation Project and Resistance to Its Findings," in *Genocide in Darfur: Investigating Atrocities in Sudan*, ed. Samuel Totten and Eric Markusen (New York: Routledge, 2006), 181–8. For an analysis of the gendered violence documented by the ADT, see Kelly Dawn Askin, "Prosecuting Gender Crimes Committed in Darfur: Holding Leaders Accountable for Sexual Violence," in Totten and Markusen, *Genocide in Darfur*, 141–62.
29. Jonathan P. Howard, "Survey Methodology and the Darfur Genocide," in Totten and Markusen, *Genocide in Darfur*, 69.
30. As we know, Raphael Lemkin understood genocide in highly contextualized terms. Much of his thinking about the crime was clearly formed by the attention he paid to the (generally assumed) familial composition of the groups being targeted. See for example Raphael Lemkin, "Biological Techniques of Genocide," in *Axis Rule in Occupied Europe: Analysis, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), 86–7. For a discussion of Lemkin's contextual approach, see Martin Shaw, "Neglected Foundations: Genocide as Social Destruction and Its Connections with War," in *What is Genocide?*, 17–36. Shaw rightly credits Helen Fein with continuing Lemkin's tradition of incorporating a wide range of destructive social and biological policies and actions into a definition of genocide.
31. Feierstein, "Political Violence," 154.
32. There is a great deal of work emerging on this topic. See for example Norman Naimark, *Stalin's Genocides* (Princeton: Princeton UP, 2010).
33. Daniel Feierstein, "National Security Doctrine in Latin America: The Genocide Question," in Bloxham and Moses, *Oxford Handbook of Genocide Studies*, 504–5.
34. *Ibid.*, 505.
35. See for example atrocities witnessed by Jacobo Timerman and related in *Prisoner Without a Name, Cell Without a Number*, trans. Toby Talbot (New York: Knopf), 146–58.
36. For a rudimentary treatment of this theme, see Elisa von Joeden-Forgey, "Genocidal Masculinity" in *New Directions in Genocide Research*, ed. Adam Jones (New York: Routledge, 2011).
37. A recent example of this tendency is Edward Herman and Scott Peterson, *The Politics of Genocide* (New York: Monthly Review Press, 2010) and Edward Herman and Phillip Corwin, *The Srebrenica Massacre* (Montreal: Centre for Research on Globalization, 2011). For cogent critiques of these works see Martin Shaw, "Left Wing Genocide Denial," <http://martinshaw.org/> (accessed 22 Jul 2011); George Monbiot, "Left and Libertarian Right Cohabit in the Weird World of the Genocide Belittlers," *The Guardian*, 13 Jun 2011, <http://www.guardian.co.uk/commentisfree/2011/jun/13/left-and-libertarian-right?INTCMP=SRCH>(accessed 22 Jul 2011); and Adam Jones, "On Genocide Deniers: Challenging Herman and Peterson," *Pambazuka News* 490, 15 Jul 2010.
38. Mahmood Mamdani, *Saviors and Survivors: Darfur, Politics and the War on Terror* (New York: Doubleday, 2009), 63.
39. For information on the ADT and the COI see especially Samuel Totten and Eric Markusen, eds., *Genocide in Darfur: Investigating the Atrocities in Darfur, Sudan* (New York: Routledge, 2006) and Samuel Totten, "The UN International Commission of Inquiry on Darfur: New and Disturbing Findings," *Genocide Studies and Prevention* 4,3 (2009): 354–78, <http://dx.doi.org/10.3138/gsp.4.3.354>.
40. Mamdani, *Saviors and Survivors*, 271–2.
41. There are many reports on the specific atrocities committed by the Janjaweed and the Government of Sudan in Darfur. See, for example, Human Rights Watch, "Darfur in Flames: Atrocities in Western Sudan," in *Sudan* 16,5 (New York: HRW, 2004).
42. John Hagen and Wenona Rymond-Richmond, *Darfur and the Crime of Genocide* (New York: Cambridge UP, 2009), 212.
43. *Prosecutor v. Krstić*, Judgment, ICTY-98-33-A (19 Apr 2004), <http://www.hrw.org/sites/default/files/reports/rwanda0904.pdf> (accessed 15 Feb 2012); International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Press Release 2007/8, 26 Feb 2007, <http://www.icj-cij.org/presscom/index.php?pr=1897&pt=1&p1=6&p2=1> (accessed 15 Feb 2012).
44. Ramiza Gurdić, testimony, Van Diepen/Van der Kroef, *Writ of Summons* (4 Jun 2007), The Hague. Full text, with witness testimonies: <http://www.vandiepen.com/en/international/srebrenica/proceedings-the-hague.html> (accessed 2 Jul 2011).

45. See, for example, William Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (Cambridge: Cambridge UP, 2009), 221–34; Katherine Southwick, “Srebrenica as Genocide? The Krstić Decision and the Language of the Unspeakable,” 8 *Yale Hum. Rts. & Dev. L.J.* 188 (2005): 188–227.
46. David Scheffer, “Genocide and Atrocity Crimes,” *Genocide Studies and Prevention* 1,3 (2006): 229–50, <http://dx.doi.org/10.3138/E832-0314-6712-60H3>.
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48. Two recent works by Bosnian scholars argue that the Srebrenica massacre was a culmination of a genocidal policy toward eastern Bosnia pursued by Serb forces since the conflict began in 1992: Daniel Toljaga, “Prelude to the Srebrenica Genocide: Mass Murder and Ethnic Cleansing of Bosniaks in the Srebrenica Region During the First Three Months of the Bosnian War (April–June 1992),” 18 Nov 2010, Bosnian Institute: News & Analysis, [http://www.bosnia.org.uk/news/news\\_body.cfm?newsid=2771](http://www.bosnia.org.uk/news/news_body.cfm?newsid=2771) (accessed 30 Jun 2011); Edina Bećirević, *Na Drini genocide* (Sarajevo: Buybook, 2009).
49. Timerman, *Prisoner*, 149
50. Munira Šubašić, testimony, Van Diepen/Van der Kroef, *Writ of Summons* (4 Jun 2007), The Hague. Full text, with witness testimonies, at: <http://www.vandiepen.com/en/international/srebrenica/proceedings-the-hague.html> (accessed 2 Jul 2011).
51. The wording for the protected groups comes from Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The full text of the convention is available at: <http://www.icrc.org/ihl.nsf/full/357?OpenDocument> (accessed 14 Feb 2012).
52. The five elements are as follows: “(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.” See Convention on the Prevention and Punishment of the Crime of Genocide, 9 Dec. 1948, 78 U.N.T.S. 277, Article II, <http://www.icrc.org/ihl.nsf/full/357?OpenDocument> (accessed 14 Feb 2012).
53. One of the few scholarly studies of the experiences of survivors of Srebrenica—most of whom are women—is Selma Leversdorff, *Surviving the Bosnian Genocide: The Women of Srebrenica Speak* (Bloomington, IN: Indiana UP, 2011). Her work demonstrates how important it is that women’s experiences be taken seriously in efforts to define and understand mass atrocity.

# Requiem for the Prevention of Genocide in Our Time: Working toward an Improbable Possibility but Not Giving Up

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*In response to the question “Can genocide in our world be stopped to a significant extent,” I answer “yes.” I propose an International Peace Army (IPA) sponsored by a world government that operates rationally, based on verified news reports and scientific assessments, to respond to mass murders that are in the beginning stages or threats that are gathering. It is very improbable, however, that genocide in our world will be stopped to a significant extent. Global society is not ready to launch an IPA: humankind is still largely governed by totalitarian magic/faith ideological modes, world government is still too much a theater of power seeking, and human beings are still too immoral—that is, they are not committed resolutely to Life over Death for all people. Nonetheless, we cannot afford to give up. Our developing field of genocide studies needs to emphasize efforts at prevention much more. Even if these turn out to be our flailing end-of-species efforts, for me the effort to stop genocide is what gives greatest meaning to being alive while we are.*

*Key words: genocide prevention, human nature, worldwide campaigns for Life against Death*

## Requiem Overture

As I reach my 80th birthday and mark close to 50 years as a genocide scholar, this is my autobiographical requiem as it were, including a highly personalized review of the unfolding of the early history of genocide studies as I lived it, a journey through much of my own major work over the years, and yet another—thankfully very brief—consideration of the definition of “genocide.” But mainly this article is my emphasis on the efforts we need to make toward the prevention of genocide. I include a list of projects for prevention that I think about from my own vantage point as a psychologist/social scientist/journalist. In the process, I want also to illustrate how each of us as genocide scholars can conceptualize projects for prevention in the respective areas of our own disciplinary expertise.

While, by definition, my overview, such as my remarks on the history of the profession, is not offered as objective truth, but coming from a veteran who was in the heart of it, it should be of interest to colleagues in genocide studies and, better yet, it might be of some inspiration to some younger genocide scholars. From a very early time, in my work I set for myself the two goals to develop my own research on genocide and to contribute to the development of a new multiethnic and multidisciplinary profession of genocide studies.

## *CAN Genocide in Our World Be Stopped to a Significant Extent?*

Yes. I propose an International Peace Army (IPA) sponsored by a world government that operates rationally, based on verified news reports and scientific assessments of

risks to human lives.<sup>1</sup> The IPA would be empowered, like a standing local police force, to respond to reports of the beginning of mass murders or gathering threats of imminent mass murder and would move rapidly and promptly to the scene. I believe such an international mechanism could dramatically reduce the incidence of genocidal killing.

*WILL Genocide in Our World Be Stopped to a Significant Extent?*

*This is improbable.* I do not believe that the global society is ready to launch an IPA. Humankind is still highly politicized, conflictual, and polarized between totalitarian magic/faith ideological governance and cultures versus more democratic, empirically based, expert governance and cultures; world government is still too much of a theater of power seeking, power posturing, and scheming; and human beings are still too stupid (meaning anti-empirical) and still too immoral—that is, they are not committed resolutely to Life over Death for all members of the human species.

Nonetheless, we cannot afford to give up, and even if these turn out to be our flailing end-of-species and end-of-planet efforts, for me the effort to stop genocide—and all human-caused death—is what gives greatest spiritual meaning and even sensual pleasure to being alive while we are.

*My Bird's Eye View on the Status of Prevention in Genocide Studies Today*

A new graduate student in today's growing number of graduate programs in genocide studies around the world learns that there are dozens of methods and tools to attempt to circumscribe and reduce genocide, to reduce the probability of developing genocides, and even to prevent genocide from occurring. He/she also knows that the success of these tools to date is limited, but the search for new and better methods goes on.

We, the early pioneers of genocide studies, knew very little about how to think of preventing genocide, although we very much dreamed about it and actually tried to develop some means for prevention. However, we were caught up in amassing new knowledge and developing concepts for the description or diagnosis of genocide. There was so much to learn. In addition, in our naïve idealism we were sure that simply spreading knowledge about genocide as a recurrent and universal problem would trigger actual solutions. I believe that our generation of pioneers generated broad global awareness of genocide as a universal problem, but this has not translated into any significant reduction in genocide. We were diagnosticians of the cancers of genocide, but we were not able to find a cure.

It is also to the credit of the first half century of genocide studies that the world has begun to intervene against genocide, as in Kosovo, though efforts are typically poorly thought-out and politically colored. Still, the majority of genocidal situations in the world have not been objects of international intervention, and there is no established basic machinery for intervention. Similarly, our field is just beginning to track the challenge of genocide prevention.

**Transitioning Genocide Scholarship from Study and Diagnosis to Treatment Interventions and Prevention**

It is time for genocide scientists to become genocide doctors who are involved in healing, treating, and preventing. There is a long period in clinical research, as in medicine, when we are busy with narrative reports, later with more complex information gathering as we go about developing definitions and naming phenomena, and later still with developing an increasingly scientific assembly of conclusions, facts, and hypotheses for

further empirical research. That period is over for genocide studies, and it is time to move on to treatment, which includes the development of mechanisms for responding to “early warnings” of genocide and attempting to prevent incipient probabilities of genocidal killing.

The blight of genocide is unbearable. R.J. Rummel’s last calculation of genocidal deaths in the twentieth century stood at 260 million human beings<sup>2</sup>! Genocide is humanity’s top public health problem because it is the most common cause of unnatural human death.<sup>3</sup>

### **Requiem First Movement: One Scholar’s Memory of the Early History of Genocide Studies**

Genocide studies begins with the genius and heroism of Raphael Lemkin. Lemkin pioneered the study of the Holocaust and genocide as organized mass murders. Lemkin’s seminal work on the Nazis<sup>4</sup> is very much written from and alongside his knowledge, concern, and comparative study of many *other* cases of genocide in human history, with a special awareness of the Armenian Genocide as the first cataclysmic event of genocide in the twentieth century that was then followed by its magnified counterpart, the Holocaust.<sup>5</sup> Lemkin is clearly the parent of genocide studies, and he literally gives his life to the creation of a first world law against genocide, the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (UNCG).<sup>6</sup> Regrettably, the ratification of the UNCG by many significant countries, including the United States, took many years. As with many legal documents, ratification has been of limited practical value in the face of leaders who and nations that are hell-bent on killing, and for all of its great pioneering significance, the UNCG itself is conceptually flawed by major omissions of several types of genocidal killing, some of which were proposed by Lemkin himself.<sup>7</sup>

Lemkin’s work focused in large part on generating legal machinery against genocide. He made his first efforts to enact legislation much earlier than the Holocaust in the League of Nations in the 1930s.<sup>8</sup> Following World War II, during which he was one of the few exceptions in his family to escape death in the Holocaust, he selflessly devoted the remainder of his life—and in some ways his very health and personal life too as he progressively succumbed to illness accompanied by a great deal of personal loneliness—to the enactment and passage of the UNCG.

Even so, and hardly as a criticism of this great man, there is a sense in which even Lemkin’s sterling effort also conveys how much we did not know what to do about genocide in a real way. Even a cursory reading of the text of the UNCG shows that the initial concepts for any machinery for prosecuting genocide are as vague and unformed as can be because even Lemkin did not know.

Dutch jurist Peter Drost was next to shine a searchlight on the legal dimensions of genocide, and since there are perhaps no other known works during these years I feel duty-bound to at least refer to his work. But I do not know much about the impact of his writing or that his work included any significant action initiative. Drost strongly criticized the prevailing UN definition of genocide and predicted that governments that set out to commit genocide would push their way through the holes in the definition. Drost proposed a redefinition of genocide that to my mind is a wide-ranging sensible one, quite similar in fact to my own definition, for which I have been criticized over and over again in the literature by formalists and what I call “definitionalists” even as I have simultaneously been complimented by some of the same critics for the humanity of my thinking. In brief, I do not agree to any pile of defenseless bodies being excluded

from the definition of genocide. Drost proposes, “Genocide is the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectivity as such.”<sup>9</sup>

The next three early genocide scholars to appear on the scene were Irving Louis Horowitz, Leo Kuper, and me. As for the contributions of each member of our trio to concepts of actual intervention and prevention, I think it is clear that each of us cared very much about reducing genocide but did not achieve very much at all. Still at the diagnosis stage, we were not able to offer much in terms of prevention, despite, for instance, my effort to pioneer the concept of a Genocide Early Warning System. Horowitz’s *Taking Lives: Genocide: State Power and Mass Murder* (1976)<sup>10</sup> focuses on structures of governments that allow and themselves initiate and promote genocidal policies. Horowitz moves us from a time-honored historical methodology of assembling and recounting the facts of what emperors, generals, and governments have done to whomever at whatever times to new ways of describing and interpreting governmental policies and self-interests that make it possible to announce to a people that genocidal killing of such and such targeted victims is legitimate and necessary for one’s own military, political, economic, religious, spiritual, or ideological self-defense. In addition, Horowitz has become a leading and devoted publisher of works on genocide. In both ways, Horowitz has made huge contributions to knowledge about genocide.

Leo Kuper produced his seminal work, *Genocide: Its Political Use in the Twentieth Century*, in 1981.<sup>11</sup> Kuper, who earlier had provided us with an understanding of the process of polarizations of peoples, including racial and ethnic groups,<sup>12</sup> and an insightful picture of how such conflicts inevitably escalate into reciprocal excesses not only of war but of savage mass murder, published the first work describing and analyzing the structures of different kinds of genocide and provided a number of case histories of genocides. Kuper was the beloved doyen of the emerging academic study of genocide in the early 1980s.

Kuper’s next major book focused directly on prevention.<sup>13</sup> The book’s tone of regret and impotence and writing off of the UN as a viable force against genocide responded to the reality that the world had done little about genocide and looked unlikely to do much more in the future. It was balanced by a major focus on the concept of prevention and a very practical proposal for a new organization, International Alert (IA), which was to become a worldwide organization for genocide prevention paralleling the Nobel Prize-winning Amnesty International. To head the new international organization Kuper recruited the fabled head of Amnesty—General Martin Ennals who had led Amnesty from its shaky beginnings to Nobel Prize status.<sup>14</sup> Ennals had earlier invited Horowitz, Kuper, and me to an international meeting of Amnesty in Amsterdam in 1982 to introduce the subject of genocide as a possible future extension of Amnesty’s mandate, but the organization turned down this expansion. Ennals later decided to leave Amnesty and devote himself to building IA, but he passed away in 1991 before the work advanced. Kuper’s efforts to establish an IA branch in Los Angeles likewise failed to advance before his death in 1994.

My own emerging contribution to genocide studies is represented most strongly in my book *How Can We Commit the Unthinkable? Genocide, the Human Cancer*, which was published by Westview Press in 1982.<sup>15</sup> The main thrust of this work was the psychology of the different roles in genocide—victim, bystander, accomplice, and perpetrator. Among other parts of my research for this book, I spent over a year in a sequence



of psychodramatic exercises that I played out every morning, totally immersing myself in fantasies of victim, bystander, accomplice, and victimizer.

Thus, my book was an exciting first thrust into the psychology of our human readiness to commit the unthinkable. It was also a major platform for my early writing, which I had already begun to publish since 1969,<sup>16</sup> about the shocking evidence of psychological normality—meaning non-psychiatric disturbance—of perpetrators. Likewise, it was a platform for a beginning formulation of a new approach to psychological diagnosis that would put doing harm to oneself and/or doing harm to others at the center of every mental health diagnosis, as opposed to the norm—that still prevails to this day—of focusing on the disturbed functioning of oneself with little to no attention to destructiveness toward others. The book also includes my painful struggles to work out a psychology of our experiences of life and death, especially how human beings seek to bring on the deaths of others as if, in magical thinking, by sacrificing them to the fate of death we fear for ourselves, we guarantee our own survival by their deaths.

In its concluding chapter, the book also offered a major new idea, the concept of a Genocide Early Warning System (GEWS). Pronounced with a soft G, the acronym for me personally was a memory tribute to my people's suffering in the Holocaust and also my wish that we transform the memory of the agony of our Jewish people into a contribution to the prevention of future genocides.

My colleague in Israel, where I had moved from my native US in 1973, Chanan Rapaport, then director of a major think tank in Jerusalem, the Szold National Institute for Research in the Behavioral Sciences, and I met weekly over many years to formulate GEWS. The concept was first published by the Szold Institute in 1977, and the first major publication followed in my 1982 book,<sup>17</sup> where it earned the respectful recognition and recommendations of a wide range of leaders and institutions, including the Chancellor of Germany, the Premier of France, an Undersecretary of Human Rights in the US State Department, and the United Nations.

Rapaport and I identified 11 Early Warning Processes (EWPs), to which in more recent years I added a twelfth EWP under the influence of Gregory Stanton's inclusion of this stage in his "Eight Stages of Genocide" and following a great deal of my own research and publications on the subject of the denial of genocide.<sup>18</sup> While all of the EWPs are significant, what Rapaport and I concluded was that one couplet of EWPs was the most frequently recurring in a variety of genocides and in many ways constituted the most powerful force for inciting genocide: the combination of *dehumanization* and *attributing dangerous power (demonization) to the very people whom one is dehumanizing*.

Alas, the idea of GEWS was never implemented and the efforts that Rapaport and I made to implement a worldwide Genocide Early Warning System fell flat. Other major scholars then began to emerge in the newly developing field. Among them was Helen Fein who evolved into a giant figure in genocide studies beginning with her award-winning masterpiece<sup>19</sup> that analyzed the somewhat different fates of Jews in the Holocaust in relation to the different governmental and cultural norms of various countries in Europe and the extent and ways in which these countries cooperated with evil Nazi directives to turn Jews over to them. Instead of blanket mourning for all Holocaust victims in Europe, and beyond a flat historical narrative, Fein developed a comparative study of the fates of the victims in relation to definable parameters of governments and peoples' cultural traditions. Soon afterward Fein followed up with what I believe to this day to be

amazingly valuable blank dramatic scenarios of how genocide emerges in different historical sequences.<sup>20</sup> Along with the continuation of her very creative work in the following years, Fein joined Roger Smith, Robert Melson, and me in founding the International Association of Genocide Scholars (IAGS) in 1994 and became our founding president.

So many wonderfully important scholars followed in the development of genocide studies. Some are strongly identified with the study of their own people's genocides but at the same time they emerge, slowly but surely, as spokesmen and women and supporters of efforts to honor all genocides and work for genocide prevention in general. Outstanding examples include the indefatigable Richard Hovanissian at University of California, Los Angeles, and his major contributions to knowledge of the Armenian Genocide. (In terms of the early history previously given, Hovanissian and Kuper jointly hosted a luncheon to honor Ennals and me at the UCLA Faculty Club in 1988.)

Another major genocide scholar on the center stage was R.J. Rummel, brilliant not only in his amazing compilations of genocide statistics but also in his empirical and theoretical elucidations of the nature of power and the corrective potential of democracy to control destructive power as the single most important issue in social organization.<sup>21</sup> As a psychologist, I think that the parallel truth is that the healthy control and channeling of needs for power is probably the single most important psychodynamic issue in the mental and spiritual health of individuals.

Although I must arbitrarily end my reminiscences of the early history of our field, I cannot but tip a hat to Henry Huttenbach, who first became an inspired writer of a personal newsletter and then founded the first journal in the field, *Journal of Genocide Research*.<sup>22</sup> I also cannot pass over the amazingly productive Samuel Totten whose work I will not discuss here, but I do think that for the fuller history of genocide studies the reader is well referred to two books that are references to keep at hand: Totten and Steven Leonard Jacobs's celebration of *Pioneers of Genocide Studies*<sup>23</sup> and Totten and Paul Bartrop's excellent *Dictionary of Genocide*.<sup>24</sup>

### **Requiem Second Movement: A Psychologist/Genocide Scholar's Views on the Basic Nature of *Homo Genocider***

What do I understand about our human species and our overwhelming readiness to commit genocide?

My requiem statement as a psychologist is that the human being, basically or instinctually, is overwhelmingly available to be cruel and destructive—this immediately alongside all the good facts of a human being's basic desire to live as well as a wonderful readiness to make efforts to protect others' lives.

When I lectured in Israel in 1969 to the Israel Psychological Association and then published a paper in Hebrew in an Israeli journal and another in English in an American journal and when once again in my 1982 book,<sup>25</sup> I wrote that it was a psychiatrically *normal* human being who was our common genocider. I was contributing to an emerging new knowledge base that, it turns out, was shocking to many of us.

Two major opinions that first shocked the professional mental health world into the recognition of the essential psychiatric normality of genociders were those rendered by the psychologist and psychiatrist who examined the prisoners on trial at the Nuremberg Trials of Nazis following the end of World War II. The two had plenty grim things to say about the personalities of the Nazi leaders, but in terms of conventional psychiatric concepts—that prevail to this day, in my opinion, most incorrectly—they were not mentally

ill.<sup>26</sup> Some years later, Christopher Browning told the story most vividly and convincingly in his *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*.<sup>27</sup>

For many years now, we have known the facts that so-called normal and ordinary people rally in large numbers to follow or give orders to kill masses of other people, let alone that many of them enjoy themselves while doing so. Yet I am far from sure that we have really assimilated the depth of the implications of these empirical facts. I often fantasize that, were I able to find the time in my remaining life, I would author a new basic general psychology book that tells the real story that the human being often is *rotten*, in a dozen ways of projecting responsibility onto others, hate, prejudice, bigotry, persecution, conformity and collaboration with evil, suicide, terrorism, torture, and mass killing of others.

Personally and professionally as a psychologist, I believe that each and all of these should be defined as pathological in a new healthier diagnostic system in psychology, but the fact is that in contemporary psychiatry unless the person is also acting weirdly in one of the many ways that dysfunction and craziness are manifested, he/she does *not* earn any psychopathological diagnosis for any of the above behaviors. Believe it or not, even suicide is not a bona fide diagnosis in the current system (depression is but suicide or suicidal behavior are not).

In general, I have proposed in a series of professional publications on mental health<sup>28</sup> that *all* psychiatric and psychological diagnoses should be based, routinely and automatically, on diagnosing two vectors:

1. Is the person harming his/her own life? Beyond a certain extent this is to be defined as psychological disturbance, and basically this is what the present diagnostic system does do.
2. Is the same person harming the life of another person or other persons? How much so? How dangerously? Beyond a certain extent this should also be defined as psychological disturbance, and the present system largely does not do this.

In my proposal, either disturbance and combinations of the two can be the basis for a definition of abnormality. Further, I emphasize that either vector can be easily transformed into the other. One can murder millions while looking and acting super competent and therefore, in current language, as if one were quite mentally healthy, and only later in the process of the madness of power and destruction of life do symptoms of personal disorganization and self-hurting appear, but in my view the disturbance was there from the beginning of hurting others.

I propose that the central basis of all psychological health is respect for and protection of life—one's own and the lives of others as well. And the common denominator of dysfunction and psychopathological disturbance is violating, hurting, and destroying human life—one's own or the lives of others.

Lest there be any confusion, I also emphasize that beyond a certain point of hurting others there can be no resort to a defense of psychological illness and the perpetrator must face criminal charges.

Although my proposal has been referenced often enough in mental health literature and reviewed positively by many—and I do not know of any major critique of the concept in psychological literature—there has not been any move whatsoever toward its recognition or adoption in official systems. In psychology, and in our Western culture at large, the illusion that human beings are basically good, emotionally healthy, and decent goes on and on in the face of hundreds of millions dead from genocide against

unarmed people or in the face of brilliant psychological research such as Stanley Milgram's work on obedience to authority<sup>29</sup>—participants in Milgram's study gave dangerous electric shocks on the order of the experimenter—or Philip Zimbardo's work on how many ordinary, presumably “normal” and apparently decent people turn into vultures if given jailer status and power.<sup>30</sup>

*Choice: The Key to Individual and Collective Policies toward Life over Death and for the Prevention of Genocide*

The model that Rappaport and I created in *How Can We Commit the Unthinkable?* has two parallel components. The first describes basic psychological processes and how the same EWP's we are to use in the early warning system for collective groups are deeply rooted in the inherent construction of the human mind and human experience (e.g., the quite natural need we have to identify threats to our survival and fight back in what we sincerely believe to be self-defense or the needs to experience power, including power over others). The second component presents the EWP's in the societal system that we have identified as likely to culminate in genocide. The EWP's are described as extending and amplifying basic mind processes that are seen in each individual's psychology all though life. Genocidal behavior is not a freak that descends out of the blue. It comes up from the basic primary workings of the human mind and soul.<sup>31</sup>

The overriding key is *choice*—that is, the capacity of the human mind to decide to *stop*, including stopping violence. Every collective—including religious movements, political movements, and nations—must exercise such choices. We are all doing so either knowledgably or inadvertently and unconsciously, but we *are* making choices. While many people and collectives make positive choices, many make negative ones, whether they see their actions as positive or not and whether they intend their actions to escalate to killing or not.

Thus, a basically democratic nation embarks on its independence joyously, seeking the freedom and welfare of its citizens, but in the course of its experiences—say of being attacked by others and needing to invoke self-defense—and in the course of the development of conscious and unconscious interests in becoming superior to other peoples and exploiting or enslaving others, even a largely good nation can produce its share of genocidal My Lais in Vietnam and Deir Yassins in Israel-Palestine in the course of military operations basically devoted to self-defense. Patterns of colonial genocidal crimes can spring without prior malevolent intentions as land and resources are taken from indigenous peoples. Genocidal murders can take place in the course of wars, even just wars, as against Germany (e.g., Dresden) and Japan (certainly the nuclear destruction of Nagasaki and perhaps also Hiroshima). In addition to genocide by “good” guys, the less democratic countries stride more easily and rampantly to genocidal actions against endless numbers of people in the Tibets, Chechnyas, Yugoslavias, Cambodias, and Rwandas.

**Requiem Third Movement: Promoting the Prevention of Genocide in the Emerging Field of Genocide Studies**

*Should the Concept of Genocide be Replaced?*

Alternative words or concepts such as “extremely violent societies,” “atrocious crimes,” “ethnic cleansing,” “democide,” and “crimes against humanity” can each add valuable meanings to our understanding of aspects of a genocidal event and provide us with a fuller language for classifying different types of genocide, but I am against seeking to

replace the vital word *genocide*. First of all, this is the word that has successfully drawn easy consensual use in the languages of people around the world. What they mean by it in common-sense language is that some killing leader/group has murdered masses of defenseless civilians. In my judgment, that is exactly what Lemkin's word construction was really intended to offer—a way of naming and describing mass murders of civilians under *any and all* circumstances.

### *The Energy of the Field Needs to Move from Definitionalism to a Real Concentration on Prevention*

Genocide studies should be defined today explicitly and prominently as a field of study as well as research and action for intervention and prevention. Prevention should be at the center. For all my work in this field, soon to be 50 years,<sup>32</sup> obviously I still don't know very much about preventing genocide. Be that as it may, I believe that we have reached the point at which we can think and plan a great number of prevention projects and initiatives and, through trials, successes, and failures, there will come a future era when human civilization will have developed significant tools to achieve a meaningful degree of prevention.<sup>33</sup> In contrast to the past, the goal of learning and contributing to prevention efforts should now be built into every graduate program in Holocaust and genocide studies.

I have no doubt that the international and national legal systems sit at the forefront of possible genocide prevention. I celebrate the several noteworthy steps that have already been taken, such as the creation of the United Nations tribunals on the genocides in Rwanda and in the former Yugoslavia and the creation of the International Criminal Court (ICC). Yet I worry about the continuing definitionalism<sup>34</sup> in legal circles that builds on the wasteful polemics of many genocide scholars who keep searching for a "pure" definition and proof of "pure" intentional genocide and are willing to skip past millions of dead bodies that are hardly anything but other versions and categories (or types) of genocidal mass murder.

### *One Genocide Scholar's Nominations of Projects for Genocide Prevention*

I wish to propose a series of serious projects, but I also want this list to illustrate a larger point that in every discipline there await many possibilities for creative efforts at genocide prevention. By combining proposals from the many disciplines that are involved in genocide studies, we will have a dazzling array and agenda for future work in our field that moves us beyond the successful first era of basic understanding.

Each of us, and each of our disciplines, must contribute ideas and tools for prevention based on our areas of expertise. As a psychologist and social scientist, as well as a journalist/writer, with deep interests in and a great deal of experience with information systems and public communication, it is to be expected that I propose projects mainly along these lines. Below are some of my ideas for projects toward the goal of genocide prevention.

1. Proposal for an international peace army: an integrated use of military force, public medical and health programs, and informed tools of community organization to organize regions and cultures for life and against death-making, including long-term prejudice and persecution of others.
2. Information systems and early warning systems that alert us to possible developing genocides and direct us to seek possible interventions that might reduce and limit the dangers of mass deaths.

- a. Genocide Early Warning Systems,<sup>35</sup>
  - b. World genocide situation rooms in major Holocaust and genocide museums,<sup>36</sup> and
  - c. *Genocide Prevention Now*,<sup>37</sup> an online magazine that provides information about genocide in our world and about developments in genocide studies and prevention.
3. Worldwide promotional campaigns for life and against seeking death: life protection needs to become a more consensual human value. Using a wide range of information and media tools, with the leadership and participation of a wide range of acknowledged public heroes, including many different religious leaders, I propose a series of campaigns to elevate the value of life. The goals of the campaigns are to promote respect for life and commitments to the right to life of all people, and wholesome life-protecting social and ecological environments. Death-seeking, such as genocidal terrorism or totalitarian murders of citizens, must become a forbidden act in the basic consensus of human minds all over the globe. This could include the formation of a new organization, “Right to Life” (R2L), based first of all in a coalition of victim peoples of past genocides who will be joined by other people of good will to promote the goal of a right to life for all human beings.
  4. Legislation against incitement to violence and genocide: European countries have several criminal laws against *denials of established past genocides*, but Americans oppose them as violations of the cardinal principle of free speech. I suggest that in the US too there can be room for further legislation against incitement to violence, including the blatant celebration or legitimization of past genocides and denials of past genocides which convey manifest calls to renew violence against the same or other peoples.<sup>38</sup>
  5. International licenses for leaders of national governments: a program that awards annual international licenses to leaders of national governments on the basis of their proven histories and current policy assertions of firm commitments against genocidal policies and terrorism. Only nations with qualified licensed leaders will then be eligible for a range of international economic privileges and programs.

Clearly each of the above proposals merits an essay in its own right. For the purposes of the present overview, I will confine myself to some additional comments on worldwide culture campaigns for Life over Death. With respect to the other suggested projects, in a few cases I offer some introductory explanations in the notes and direct the reader to some bibliographic resources.

### *Comments on the Proposal for Worldwide Promotional Campaigns for Life and against Death*

I have previously described a worldwide campaign for the Right to Life of all peoples in my book on the psychology of suicide bombers.<sup>39</sup> I then expanded this proposal to formulate a cardinal principle of R2L or the *Right to Life of Every Human Being* and the hope that such a principle could inspire millions of human beings around the world and become a consensual principle of most of humanity, and I propose the creation of a new worldwide organization: R2L! A Worldwide Union of Genocide Victim Peoples—and All Caring People—On Behalf of a Right to Life of *All Peoples*.<sup>40</sup>

The proposed concept of R2L should be immediately recognized as a companion to the historic proposal of R2P or the Responsibility to Protect, which was put forward

by Gareth Evans, former Foreign Minister of Australia, and Mohamed Sahnoun, Special Advisor to the UN Secretary-General.<sup>41</sup> The International Commission on Intervention and State Sovereignty issued its report in December 2001. It has been adopted by the UN and has been considered by many to be a momentous breakthrough in human thinking and the value system of the international community. On a legal level, it is a breakthrough concept that goes against a belief that countries are not responsible to intervene in the domestic affairs of other nations and instead stipulates that each nation has no less than a responsibility to intervene on behalf of saving human lives when it becomes clear that the government of another nation is failing to do so or is actively involved in mass killing.

I envision R2L as a major international office conducting international cultural campaigns on behalf of the sanctity of life and commitment to protecting human life in projects conveyed in the different languages of our world and through the various cultural forms known and trusted by different peoples, including religious leaders, as well as through activities, folk art, music, and more. I also see such an organization undertaking or supporting a variety of major action projects such as those I sketched above. R2L is the antithesis and antidote to the Culture of Death. Osama bin Laden was quoted as saying “We love death. The U.S. loves life. That is the difference between us two.”<sup>42</sup>

### *The Necessary Authenticity and Scientific Validation of Information and the Battle against Denial and Falsehoods*

A cardinal rule for any R2L project or activity must be the authenticity and scientifically established validity of information, for which purpose it is *not* difficult to establish clear procedures for ruling on the admissibility of information, such as the use of multiple multiethnic and multidisciplinary evaluation committees working in parallel but entirely separately from one another and protected to the utmost from political pressures from any source. In the course of working with information about past genocides, it is inevitable that data will also be presented about the execution of genocidal massacres and even larger genocidal campaigns by some victim peoples.<sup>43</sup> For all that, we legitimately remain strongly identified with our sorrow and anger at our having been victims of genocide. The facts and critiques of the faults and errors of our various peoples must be dealt with responsibly and respectfully.

The endless denialist propaganda in the world cannot be ignored. It is not difficult to establish clear procedures for ruling on the inadmissibility of openly false misinformation and propaganda, and there is no reason that the world community has to continue entertaining intentionally denialist claims by anyone, including governments, as if they deserve a fair hearing as “the other side” of the story, a “competing narrative,” or an alternative view that has to be “researched” further.

### **Requiem Finale: A Call for Integrity and Commitment in Genocide Studies**

I have been too often disappointed by leaders in our field of genocide studies. Naively, but idealistically, I expected a higher level of personal ethics and comportment in our profession, which after all is committed to stopping the scourges of all sorts of claims of superiority and power over others and attacks against other people. I remember vividly Kuper’s amazement and unbearable hurt when he ran into a hunger for power and superiority on the part of individuals and agencies in our young field rather than an inspiration of caring to stop genocidal killing. I think our discipline needs to devote some time to the creation of a professional code of ethics and a review machinery to

help constructively process complaints and angers that arise in the course of our work with one another.

Since life makes no sense to me unless it is for serving life, beginning with my own safety and health and also the safety and health of others, I am happy and devotedly committed to advancing efforts (my own as well as those of others) to work toward genocide prevention. Even though we are not going to make it in our time, or perhaps ever, this is the only way I want to live and die.

**Israel W. Charny** is widely respected and credited as a prime mover in the development of genocide studies. In 1980 he founded the first institute and in 1982 he organized the first international conference. He is a co-founder and past president of the International Association of Genocide Scholars; he edited the first encyclopedia on genocide; and is currently editor of *GPN: Genocide Prevention Now*.

## Notes

1. Israel W. Charny, "An International Peace Army: A Proposal for the Long-Range Future," *Encyclopedia of Genocide*, ed. Israel W. Charny, 2 vols. (Santa Barbara, CA: ABC-Clio Publishers, 1999), 649–54. The *Encyclopedia* was awarded "Outstanding Academic Book of the Year" in 2000 by the American Library Association.
2. R.J. Rummel, "Revaluating World Democide to be 262 Million," E-mail to list selected by Rummel, 11 Dec 2005.
3. The concept of genocide as a public health problem was first articulated by a University of California social psychologist and his colleague: Marc Pilisuk and Lyn Ober, "Torture and Genocide as Public Health Problems," *American Journal Orthopsychiatry* 46,3 (1976): 388–92. Pilisuk termed genocide "Public Health Problem Number One." In recent years, epidemiologist Elihu D. Richter, Hebrew University of Jerusalem Hadassah Medical School, has written forcefully on the same concept. See Elihu D. Richter, "Anti-semitism, Public Health and Genocide: From Racial Hygiene to the Culture of Death," *GPN: Genocide Prevention Now* 6 (winter 2011), <http://www.genocidepreventionnow.org/Home/GPNISSUES/Issue6Spring2011/tabid/109/ctl/DisplayArticle/mid/398/aid/296/Default.aspx> (accessed 14 Feb 2012).
4. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944).
5. See Raphael Lemkin, "Totally Unofficial," undated, the Raphael Lemkin Papers, Box 2: Bio- and Autobiographical Sketches of Lemkin, Manuscript and Archives Division, New York Public Library. See selections from the unpublished papers in Raphael Lemkin, *Raphael Lemkin's Thoughts on Nazi Genocide: Not Guilty?*, ed. Steven L. Jacobs (Lewiston: Edwin Mellen, 1992).
6. Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 U.N.T.S. 277, <http://www.preventgenocide.org/law/convention/text.htm> (accessed 6 Feb 2012).
7. These include genocide of one's own people, politicide, transnational genocidal terrorism, and ecological genocide.
8. Raphael Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offenses Against the Law of Nations" (special report presented at the 5th Conference for the Unification of Penal Law, Madrid, 14–20 Oct 1933). Raphael Lemkin was a lecturer on comparative law at the Institute of Criminology of the Free University of Poland and Deputy Prosecutor of the District Court of Warsaw.
9. Pieter Drost, *The Crime of State*, 2 vols. (Leyden: A.W. Sythoff, 1959).
10. Irving Louis Horowitz, *Taking Lives: Genocide: State Power and Mass Murder* (New Brunswick, NJ: Transaction, 1976).
11. Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (London: Penguin, 1981).
12. Leo Kuper, *The Pity of It All: Polarization of Racial and Ethnic Relations* (London: Duckworth, 1977).
13. Leo Kuper, *The Prevention of Genocide* (New Haven: Yale UP, 1985).
14. See "Martin Ennals," *Encyclopedia of Genocide*, 360; Samuel Totten and Paul Bartrop, "Martin Ennals," in *Dictionary of Genocide*, ed. Samuel Totten and Paul Bartrop, vol. 1 (Westport, CT: Greenwood, 2007), 13.
15. Israel W. Charny in collaboration with Chanan Rapaport, *How Can We Commit the Unthinkable? Genocide, the Human Cancer* (Boulder, CO: Westview, 1982). The book was republished in 1983 with a change to the title: *Genocide, the Human Cancer* (New York: Hearst Books, 1983).
16. Israel W. Charny, "Normal Man as Genocider" (paper presented to Israel Psychological Association in Hebrew, 1969). An updated version is Israel W. Charny, "Normal Man as Genocider," in Charny and Rapaport, *How Can We Commit the Unthinkable?*, 9–28.



17. Israel W. Charny in collaboration with Chanan Rapaport, *Genocide Early Warning System (GEWS)*, pamphlet by the Szold National Institute for Research in the Behavioral Sciences, Jerusalem, 1977. See also the subsequent major publication, Israel W. Charny in collaboration with Chanan Rapaport, "Toward a Genocide Early Warning System," in Charny and Rapaport, *How Can We Commit the Unthinkable?*, 283–331; Charny in collaboration with Rapaport, "Appendix A: The Flow of Normal Life Experience Processes in Individuals, Families, Groups and the Societal System that Can Culminate in Genocidal Destructiveness," in Charny and Rapaport, *How Can We Commit the Unthinkable?*, 344–7.
18. Gregory Stanton, "The 8 Stages of Genocide," <http://www.genocidewatch.org/genocide/8stagesofgenocide.html> (accessed 15 Jan 2012) [Originally presented as a briefing paper at the US State Department in 1996].
19. Helen Fein, *Accounting for Genocide: National Responses and Jewish Victimization during the Holocaust* (New York: Free Press, 1979).
20. Helen Fein, "Scenarios of Genocide: Models of Genocide and Critical Responses," in *Toward the Understanding and Prevention of Genocide*, ed. Israel W. Charny (Boulder, CO: Westview, 1984), 3–31.
21. R.J. Rummel, "Power Kills: Absolute Power Kills Absolutely," *Internet on the Holocaust and Genocide*, 38 (1992); R.J. Rummel, *Power Kills: Democracy as a Method of Nonviolence* (New Brunswick, NJ: Transaction, 1997).
22. The professional and political story of the *Journal of Genocide Research (JGR)* begins with Henry Huttenbach's wonderful contribution to the field in founding the journal, editing it, and producing it for several years. There were serious problems during this period with respect to Huttenbach's failing and refusing to have articles peer reviewed and his editorial management, which did not provide much feedback to authors even with respect to when their accepted article would be published (the waiting could mount up to years). Nonetheless, it was clear that a high-quality journal was being produced for our new field.

There came a point when signals were coming from Huttenbach about his desire to transfer journal management to others. We at the IAGS (Robert Melson was president at the time and I was vice-president) were interested in creating a journal, and we proceeded to enter into serious negotiations with Huttenbach, including through the services of a Washington law firm which labored for some months over successive drafts of an agreement that was being negotiated. What was to unfold was a sorry story that Huttenbach had already entered into an agreement months earlier with those who were preparing to launch the then-named European Network of Genocide Scholars (ENoGS).

The launching of ENoGS itself was also kept secret, and when it was finally announced it proceeded without any consultation, collaboration, or communication with IAGS—the professional organization many of us had nurtured so arduously and devotedly since its inception. *JGR* became ENoGS's journal. Jürgen Zimmerer, who was the founding president of ENoGS, has held that position since its foundation without any election process for membership.

The organization was founded as the "European" Network, but already at the founding meeting Zimmerer proposed to rename it "International" Network or INoGS. At that meeting there followed a very intense discussion by the members present at the time, including former IAGS president Frank Chalk, who made particularly vivid and convincing comments as to why the name should not be changed. The membership voted decisively *against* the name change. Before long, however, and at least in a meeting with Chalk and me representing IAGS, Zimmerer made it clear that the vote of the members would be of no consequence to him, and the organization was formally renamed "International" subsequently without any further clarification by the membership.

While many of us continue to respect and appreciate Huttenbach's major contributions to genocide studies, we are deeply critical of his secretive and manipulative handling of the journal. In the meantime, under its present editorship, which involves INoGS leaders to a considerable extent, the journal publishes excellent articles and reviews, but there is also an aura of allowance of articles that are insulting to many of us genocide scholars with respect to Zionism and Israel for one; with respect to other issues in genocide studies, such as whether a professional association should or should not take value stands and/or adopt resolutions about cases of genocide in the world; and by not accepting for review proposed reviews or letters by some people in the field who are viewed negatively by INoGS.

23. Samuel Totten and Steven Leonard Jacobs, eds., *Pioneers of Genocide Studies* (New Brunswick, NJ: Transaction, 2002).
24. Totten and Bartrop, *Dictionary of Genocide*.
25. Israel W. Charny, "Psychology of Genocide" [in Hebrew], *International Problems* 10 (1971): 41–7; Charny, "Normal Man as Genocider."
26. The psychologist and psychiatrist were Gilbert and Kelley, and each of them produced a significant book: G.M. Gilbert, *The Psychology of Dictatorship: Based on an Examination of the Leaders of Nazi*

*Germany* (New York: Ronald Press, 1950); Douglas M. Kelley, *22 Cells in Nuremberg: A Psychiatrist Examines the Nazi Criminals* (New York: Greenberg, 1947).

27. Christopher Browning, *Ordinary Men: Reserve Battalion 101 and the Final Solution in Poland* (New York: Harper-Collins, 1992).
28. Israel W. Charny, "Genocide and Mass Destruction: Doing Harm to Others as a Missing Dimension in Psychopathology," *Psychiatry* 49,2 (1986): 144–57; Israel W. Charny, "Evil in Human Personality: Disorders of Doing Harm to Others in Family Relationships," in *Handbook of Relational Diagnosis and Dysfunctional Family Patterns*, ed. Florence Kaslow (New York: Wiley, 1996), 477–95; Israel W. Charny, "A Personality Disorder of Excessive Power Strivings," *Israel Journal of Psychiatry* 34,1 (1997): 3–17; Israel W. Charny, *Fascism and Democracy in the Human Mind: A Bridge between Mind and Society* (Lincoln, NE: U of Nebraska P, 2006). *Fascism and Democracy* was awarded "Outstanding Academic Book of the Year" in 2007 by the American Library Association.
29. Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper & Row, 1974). See also the excellent interpretations, experimental follow-ups, and assessments of Milgram's classic work in Thomas Blass, ed., *Obedience to Authority: Current Perspectives on the Milgram Paradigm* (Mahwah, NJ: Erlbaum, 2002).  
 Milgram formally defined his brilliant experimental series as "studies in conformity." They are also studies of human beings' readiness to do evil. However, the world of psychological science was not too welcoming of such conceptualizations, and although it is possible to see Milgram obliquely conveying in his writing that he is scientifically exploring behavior that very much has to do with the kinds of horrors the Nazis did, he does not dare say so explicitly. It is a matter of record that Milgram was not only hailed deservedly by many but was also mercilessly pilloried and denounced, ostensibly for the cruelty and what later came to be considered unethical stress that he imposed on his subjects. However, it has always seemed to me that the more powerful if unconscious meaning of the condemnations directed at Milgram resulted from his revealing our serious potential for evil—in some 66% of us, Milgram's experiments say.
30. Philip G. Zimbardo et al., "The Psychology of Imprisonment, Privation, Power and Pathology," in *Theory and Research in Abnormal Psychology*, ed. David Rosenhan and Perry London, 2nd ed. (New York: Holt, Rinehart & Winston, 1975), 270–87; Philip G. Zimbardo and Alan Funt, *Candid Camera Classics in Social Psychology: Viewer's Guide and Instructor's Manual* (New York: McGraw-Hill, 1992); Philip G. Zimbardo, *The Lucifer Effect: How Good People Turn Evil* (New York: Random House, 2007).  
 Zimbardo's fiancée at the time of the Stanford experiment, Christine Maslach, a significant social psychologist in her own right, describes how she came to visit the site of the experiment and met a young man who charmed her with his graciousness and niceness. Later she discovered that this same young man became a nasty and cruel jailer in the experiment. The case was not isolated. At her insistence, the experiment was halted with the conclusion that too many normal people become dangerously cruel when given power over others. See Philip G. Zimbardo, Christine Maslach, and Craig Haney, "Reflections on the Stanford Prison Experiment: Genesis, Transformations, Consequences," in Blass, *Obedience to Authority: Current Perspectives*, 193–237.
31. For the original chart analyzing basic psychological processes and then applying these defined characteristics of human beings to definitions of early warning processes of genocide, see Charny and Rapaport, *How Can We Commit the Unthinkable?*, 344–7. Readers who are interested in receiving an unpublished expansion of this chart that was prepared in 2004 for a seminar at Hiroshima University are welcome to write to the author at [encygeno@mail.com](mailto:encygeno@mail.com) with a request.
32. I began my studies of genocide in 1963 in Philadelphia when I created a multidisciplinary group we called Group for Research in the Psychology of Aggression and Nonviolence, and I gave my first formal lecture at Gratz College in 1965. The lecture was later published as Israel W. Charny, "Teaching the Violence of the Holocaust: A Challenge to Educating Potential Future Oppressors and Victims for Nonviolence," *Jewish Education* 38 (1968): 15–24.
33. The challenge of getting prevention even on the IAGS agenda was evident in the conflict within IAGS over including "Prevention" in the title of the new journal (*Genocide Studies and Prevention*) launched jointly with the Zoryan Institute in 2006.
34. I first coined the concept of "definitionalism" in my presentation "A Proposal of a New Encompassing Definition of Genocide: Including New Legal Categories of Accomplices to Genocide, and Genocide as a Result of Ecological Destruction and Abuse," to the First Raphael Lemkin Symposium on Genocide, Mar 1991, Yale University Law School. The concept of multiple definitions of genocide is addressed in a chapter calling for a generic definition of genocide. See Israel W. Charny, "Toward a Generic Definition of Genocide," in *Genocide: Conceptual and Historical Dimensions*, ed. George Andreopoulos

- (Philadelphia: U of Pennsylvania P, 1994), 64–94. The concept is further developed in the entry in Israel W. Charny, “Classification of Genocide in Multiple Categories,” in Charny, *Encyclopedia*, 3–9.
35. Ibid.; see also note 17 above.
  36. The proposal for World Genocide Situation Rooms in genocide museums was made and little-noticed in an overwhelmingly noisy and overscheduled session at the International Symposium on the Holocaust convened by the Swedish government in Stockholm in Jan 2004. See Israel W. Charny, “Battling for an Anti-Genocidal World Culture” (paper presented at International Symposium on the Holocaust, 2004).
  37. See *GPN: Genocide Prevention Now* 1 (winter 2010), <http://www.genocidepreventionnow.org/Home/GPNISSUES/Issue1Winter2010.aspx> (accessed 15 Feb 2012). *GPN* is a Web magazine in its third year of publication. The four issues of 2010 are now scheduled to be republished in a hardcover book by Gorgias Press. The idea of such a site that would combine information about genocide in the world, genocide studies, and prevention efforts was also first presented but little-noticed at the International Symposium on the Holocaust convened by the Swedish government in Stockholm in 2004. See Israel W. Charny, “Battling for an Anti-Genocidal World Culture.” Here then is an example of one idea that has since been successfully brought to life, in this case with the kind assistance and support of the Carnegie Corporation of New York. Once again in light of the anthem of this article, I want to encourage genocide scholars to dream and pursue dreams and ideas of innovations that might advance the field to greater power as a force of genocide prevention in our real world.
  38. A sequence of articles about laws against denials of the Holocaust and genocide has recently been published in *GPN: Genocide Prevention Now*. See Michael J. Bazylar, “Holocaust Denial Laws and Other Legislation Criminalizing Promotion of Nazism,” *GPN* 1 (winter 2010), <http://www.genocidepreventionnow.org/Home/GPNISSUES/Issue1Winter2010/tabid/72/ctl/DisplayArticle/mid/525/aid/195/Default.aspx> (accessed 15 Feb 2012); Jacqueline Lechtholz-Zey, “The Laws Banning Holocaust Denial,” *GPN* 3 (summer 2010), <http://www.genocidepreventionnow.org/Home/GPNISSUES/Issue3Summer2010/tabid/70/ctl/DisplayArticle/mid/460/aid/153/Default.aspx> (accessed 15 Feb 2012); Roger W. Smith, “Legislating Against Genocide Denial: Criminalizing Denial or Preventing Free Speech?” *GPN* 6 (spring 2011), <http://www.genocidepreventionnow.org/Home/GPNISSUES/Issue6Spring2011/tabid/109/ctl/DisplayArticle/mid/688/aid/209/Default.aspx> (accessed 15 Feb 2012); Israel W. Charny, “Fire, Fire and Legislating Denials of Holocaust and Genocide: Tolerable Free Speech or Criminal Incitement to Violence?” *GPN* 6 (spring 2011), <http://www.genocidepreventionnow.org/Home/GPNISSUES/Issue6Spring2011/tabid/109/ctl/DisplayArticle/mid/688/aid/218/Default.aspx> (accessed 15 Feb 2012).
  39. Israel W. Charny, *Fighting Suicide Bombing: A Worldwide Campaign for Life* (Westport, CT: Praeger Security International, 2007).
  40. Israel W. Charny, “R 2 L I Proposing a Worldwide Union of Genocide Victim Peoples—and All Caring People—On Behalf of a Right to Life of All People” (paper presented at *The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences*, the International Conference in Yerevan, Armenia, Dec 2010). The proposal of R2L was presented for the first time to the International Conference, *Three Genocides, One Strategy*, in Athens, September 2010). The organizers of the conference, who constitute an ongoing organization that is planning to hold another conference in Stockholm, announced that they had resolved to support the proposed development of R2L. The text of the paper presented in Athens is also available in *GPN*: Israel W. Charny, “The Psychology of Denying Other Victims of a Genocide: A Quest for Exclusivity and Superiority—Disturbingly, Not unlike Similar Motives in Those who Commit Genocide,” *GPN: Genocide Prevention Now* 5 (Winter 2011), <http://www.genocidepreventionnow.org/Home/SPECIALISSUE5ARMENIANGENOCIDECOVICTIMS/tabid/101/ctl/DisplayArticle/mid/607/aid/245/Default.aspx> (accessed 6 Feb 2012).
  41. Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All* (Washington DC: Brookings Institution Press, September 2008); Gareth Evans and Mohamed Sahnoun, “The Responsibility to Protect,” *Foreign Affairs* (Nov/Dec 2002), <http://www.foreignaffairs.com/author/gareth-evans> (accessed 8 Jul 2010).
  42. Quoted in *Search Quotes*, [http://www.searchquotes.com/quotation/We\\_love\\_death.\\_The\\_U.S.\\_loves\\_life.\\_That\\_is\\_the\\_difference\\_between\\_us\\_two./123789/](http://www.searchquotes.com/quotation/We_love_death._The_U.S._loves_life._That_is_the_difference_between_us_two./123789/) (accessed 14 Feb 2012).
  43. To the best of my knowledge, the first scholar to call theoretical attention to the fact that victim peoples too have been genociders is Nicholas Robins who has studied genocide and native peoples and noted that there are also cases in which Indians were the perpetrators. He also makes the important observation that this dimension of human history is often obscured. Nicholas A. Robins, *Genocide and Millennialism in Upper Peru: The Great Rebellion of 1780–1782* (Westport, CT: Praeger, 2002).

# Against the Grain: Critical Reflections on the State and Future of Genocide Scholarship<sup>1</sup>

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*This article critiques certain trends in genocide studies, including scholarly misuse of Lemkin's status and work, retreat from academic activism against genocide, dismissive approaches to victim groups' political agency, relativist tendencies of the "memory politics" concept and its application, growing institutionalization of the field, the obscuring of genocidal violence against women and girls through the concept of "gendercide," the focus on dehumanization as a condition of genocide, and the emphasis on early warning. The article also discusses a new genocide denial strategy. In light of this, genocide early warning is largely irrelevant and, far beyond political indifference accounting for the continued prevalence of genocide, the prevalence results because the current global order and many individual societies have been largely formed through genocide and related mass violence and oppression. The article contends that a global reparation process could help rework the current world away from its genocidal foundations and tendencies.*

*Key words: Lemkin, memory politics, gendercide, dehumanization, genocide prevention, reparations*

This article examines certain current issues and trends in genocide studies. Some are topics that have garnered sustained attention in recent years, while others are issues that are not well-studied but that I consider important for the future of the discipline. While this article recognizes important strides represented by various recent activities in the field as well as the typically well-considered overarching emphases of the field, the received topics are engaged critically in an effort to expose problematic assumptions, gaps, and other points for analysis and open them to new insights and directions. Through an identification of under-discussed issues, this article subjects the field as a whole to similar critique to open new avenues of inquiry or effort.

While the article aims at the specific rather than the abstract, the goal is not a sequence of direct evaluative engagements with particular scholars and works. There are two main reasons for this. First, the purpose of the article is to look at the overall features of the field as well as where it is and where it should go in the near future. However productive commentaries on particular scholars might be as part of that process, too specific a focus will mean, in a short work, losing sight of the general issues at stake. Second, while scholarly history is one of the last places where the obsolete "great man" of history model is still used (note the concept of "pioneers of genocide studies," for example), the evolution of a field of study is driven by a complex of global and particular forces and situational factors that include individual desires and acts but are not exhausted by them. Individual work is a function of these trends as much as or more than it is some kind of core, independent, individual intellectual activity. This is not to say that work in genocide studies is derivative, though it is the case that many recent trends—"gendercide," colonialism and genocide, and so forth—are in essence the result

of (rather belated) applications of long-standing, even institutionalized, scholarly and intellectual movements—gender studies, postcolonial and subaltern studies, and so forth—to the particular subject of genocide. Indeed, while certain individuals might have attached themselves or been attached to particular trends in the field, the reality more typically is that multiple independently working scholars were moving toward similar ideas.

The applications of external theoretical frameworks is not a bad trend at all. Quite the contrary, the incorporation of postcolonial theory, for instance, is quite welcome and has advanced the field. What is more, the interaction between such an approach and the study of genocide is clearly advancing postcolonial theory as well, just as the application of Holocaust studies approaches to other genocides actually reflected back into the former in productive ways—for instance, in the treatment of denial. But a focus on scholars in the field misses the long intellectual traditions outside it that are the foundation of this kind of work in genocide studies.

The topic of the field itself is an interesting issue. A decade ago, scholars referred to the field as “comparative genocide studies” and emphasized the notion that the range of cases of genocide, including the Holocaust, should be understood as part of a broad phenomenon through analysis of the similarities (and differences) among various cases. This might be seen as a response to the now undiscussed but once hotly debated issues of the comparability of the Holocaust and of Holocaust studies versus Holocaust and genocide studies versus genocide studies. In any event, the “comparative” modifier has in recent years been dropped, perhaps in recognition of the broadness of the field, which in one sense subsumes, in addition to comparative analysis, all discrete studies of particular cases of genocide as well as abstract theoretical discussions that do not focus on specific cases.

The mention of the “great man” theory of history suggests a first point of analysis. This is the recent increase in attention to Raphael Lemkin. While a re-examination of his work as the source of multiple interesting ideas that have not been tapped and have even been set aside is useful for the field, as is the publication of writings that have been heretofore the province of a very select set of scholars, the culture that is growing around Lemkin has led to what might be called a “Lemkin fundamentalism,” according to which present moves in scholarship are justified by appeal to Lemkin’s authority (this or that is what he *really* meant by the concept of genocide) rather than by the merits of the positions themselves. While a respectful recognition that what appear to be new ideas were anticipated by Lemkin is certainly a mark of humility and to be lauded—indeed, in particularly gifted scholars’ hands, it marks an attempt to go back in the history of genocide studies to reactivate strands of thought that were truncated in favor of the particular path that has evolved (for instance, the legalistic approach to genocide, the discounting of structural processes,<sup>2</sup> and the nearly exclusive emphasis on killing<sup>3</sup>)—an overemphasis on Lemkin runs the risk of stifling new possibilities that he did not anticipate. This is typically not noticed adequately because the very notion of genocide is viewed as a static universal, fixed across place and for all time, in the manner in which Plato conceived “Virtue,” “Justice,” and the like. Genocide, however, is not a natural object; it is a set of historical events or processes that have been grouped together by a common term, typically based on a set of shared characteristics that have been deemed, relative to the prevailing ethical views of a time and place, of special importance, but sometimes also or instead based on a historical lineage or some other

factor serving to unify particular cases. Lemkin had as his reference data only acts prior to 1944, when he announced coining the term. While he is to be lauded for having deep insights into the nature of the genocidal processes, his insights are limited by his location at a particular point in history. Just as a theorist of the ancient world would have had a different concept of genocide—we cannot say more limited because it could have involved nuances and insights that would not have been available later—from Lemkin, so would Lemkin writing today have a different concept and definition from the one that he developed seven decades ago. Indeed, in direct proportion to the gains in global political, legal, media, and public attention, the concept and practices of genocide have evolved in ways that show perpetrators' awareness of the most likely bases of intervention and prosecution. Some approaches to genocide appear in fact modified to avoid generating the most obvious evidence of genocide. For instance, the extensive use of systematic sexual violence as a tool of ethnic depopulation/repopulation, community destruction, and genocidal dispersion by Serbian forces in Bosnia-Herzegovina, coupled with a lower incidence of direct killing than in similar cases, suggests a witting or unconscious modification of typical approaches to genocide to decrease the likelihood of international intervention. The modification was quite successful, for despite evidence of tens of thousands of rape victims (each often raped dozens if not hundreds of times) over multiple years, it was only after the direct killing of thousands of men and boys in Srebrenica that the international community took decisive action.<sup>4</sup>

If we switch focus from the limitation of theorizing genocide based on Lemkin's approach to exclusive focus on Lemkin historically, we might recognize a related "Lemkin fetishism." A key example is Samantha Power's journalistic use of Lemkin as a hook—that is, a rhetorical, even propagandistic, device—to entice, even manipulate, readers into a particular kind of engagement with her subject matter.<sup>5</sup> While Lemkin certainly deserves credit for coining the term "genocide" and being the founding scholar of genocide studies, exclusive focus on him as the major historical figure in the long process of development of the concept of genocide within the broader notion of human rights authorizes a fetishism of Lemkin that ignores a much fuller history which includes such things as Morgenthau's use of the term "race extermination,"<sup>6</sup> Rousseau's ethical argument against genocide, and even Thucydides's work on the Melos Genocide.<sup>7</sup>

A second issue is the "theory-practice" distinction. While clearly it is possible to engage in theoretical work—such as defining genocide—without regard to its practical implications and just as possible to do concrete work—for instance, in a camp of refugees from a genocide—without attempting to theorize the forces producing the context in which the concrete work is being done, practical implications are implicit in theoretical work and concrete work demands theorization. Thus, the all-too-frequent dismissal of academics by public policy makers, non-governmental organization (NGO) workers, and others ignores the fact that such people are always already operating within theoretical frameworks to which they are typically blind. The choice of how to approach refugee work is often terribly ideologically loaded, while policy practitioners focused exclusively on "political realities" and rejecting any kind of ethical concerns are actually committed to a specific ethical theory themselves—that of privileging practical interests over other considerations. A person's "on the ground" activities are mediated through ideological structures embedded in his or her mind, institutional practices, and structures; geopolitical forces and trends supporting these institutions and the individuals

operating within them; occupational and organizational attitudes, language games, boundaries, blind spots, and so on—that is, mediated through mental structures infinitely distant from “the ground” precisely because they prevent direct interaction with what is happening on the ground on its own terms.

Recent condemnations of activist scholars are at once appropriate and incorrect. It is appropriate to call attention to the politicized nature of genocide scholarship, but it is incorrect to pose a depoliticized, “objective” alternative of pure scholarship. Regarding the first point, there is clearly the potential to tap, exploit, or taint scholarship on genocide for or with particular political agendas. For instance, those pushing for an increase in military spending by the United States might cite the Responsibility to Protect as a moral imperative that requires the expansion of the capacity of the US military for civilian protection operations. What is more, powerful interests are always already fully present in universities and NGOs. In the US, Department of Defense funding for all sorts of programs is rampant, for instance, while the apparent exculpatory influence of powerful US political elites on the representations of the Rwandan and Armenian Genocides in the Albright-Cohen report suggest deep problems with the US Institute of Peace.<sup>8</sup> Perhaps the most significant danger today is the growing militarization of genocide studies. Through such mechanisms as *Mass Atrocity Response Operations: A Military Planning Handbook*,<sup>9</sup> scholars researching mass violence are being pulled into the orbit of the US military. The lessons of the US invasion of Iraq that has been (partially) justified on humanitarian grounds—as has the invasion of Afghanistan, for instance, with the aim to free women and girls from the oppressive yoke of the Taliban—are clear: as human rights and anti-genocide discourse has gained greater and greater public presence and moral legitimacy, it is more and more appropriated as a rhetorical cover for the pursuit of other, less laudable, agendas. Just as with Lemkin, Samantha Power’s work in this regard has been as problematic as it has been effective. Her “*A Problem from Hell*” is, in fact, an extended polemic designed to convince members of the US public that military violence is the one and only correct and effective response to the problem of genocide, based on a highly selective and ideologically tainted understanding of the US military and the United States’ historical relationship to genocide and other human rights abuses at home and around the world.<sup>10</sup> Not a few genocide scholars seem to have accepted this, to the point where the discipline can appear at times hawkish. While it is unreasonable *a priori* to rule out military intervention, it is equally so to ignore many other avenues, particularly avenues of deep prevention. This is considered further at the end of this article. Suffice it here to state that every aspect of the relationship between the field of genocide studies and military institutions and every conceptual element of militarization must be subjected to ongoing critical analysis, and scholars must have the courage to point out the inappropriate militarization of the discipline despite the militarism prevailing in many countries globally, especially the United States. Scholars should be ever mindful of the fact that the tighter the discipline’s connections to military interests, the less of a brake on military abuses of human rights the discipline will be. Even in cases of international peacekeeping forces, abuses are well-known.<sup>11</sup> The militarization of genocide studies is functioning to pull a potential oppositional nexus against militarization and a broader abuse of human rights into the system that abuses human rights, so that it loses its critical edge and ability to position itself as a resistant force to the root causes of genocide, however much it might reject or lament the effects of genocide.

Responsible scholars must continually evaluate the uses and abuses of scholarly research and teaching as well as the powers and interests at play in university and NGO settings in order to clarify continually the ideological dimensions of all scholarship in their chosen field. This is not to say that there is such a thing as “pure scholarship” that can be opposed to the various agendas and interests that, in two ways, have intruded into academia and/or appropriated its activities. First, regardless of a scholar’s intentions, his or her work is always placed within and influenced by a social and political context. At the very least, every discussion of any aspect of genocide has potential political implications, as it can be used to justify a range of actions or inaction. Second, that a scholar is ethically or politically disinterested raises a question about why he or she is conducting research in this field. Those most committed to the notion of “disinterested” scholarship are too often those most interested in their own status within their fields. They do have an agenda, but not a broad political agenda in the service of others; they serve their own career interests in the sense of trying to raise their prominence in relation to other scholars and in the broader community. There is nothing inherently wrong with this and it might spur great scholarly achievements with important social utility, but it is false to claim that such scholars are “disinterested.” What is more, too often in academia the personal agenda undercuts the potential social utility of the scholar’s activities by focusing them exclusively on self-aggrandizement and self-benefit. This calls into question the objectivity of such scholars, who come to prize “original” ideas without regard to their correctness. Academia becomes an industrial engine devoted to generating “new” ideas, the main evaluation of which depends not on the lives they might save but on the extent to which they represent differences from received ideas. Scholars critique other scholars not out of genuine intellectual and social commitment but in order to demonstrate their own superiority—that is, in order to offer ideas that are superior to those critiqued in virtue of the fact that they come later. While new ideas are of course the lifeblood of scholarly research, this is so because they produce new and better understandings. Novelty and criticism for their own sake or as the demonstration of power are only valuable coincidentally, if they are valuable at all.

In the end, it is not a question of whether or not this or that scholar has an agenda—every scholar always already does—but of what that agenda is.<sup>12</sup> In this light, the anti-activism bent is actually based on the principle that individual self-interest is more worthy than other-focused interests. Clearly, “other-focused” interests can include the worst of motivations, such as in Nazism, with an individual serving the promotion of the “Aryan master race,” but just as clearly they can motivate efforts to overcome the oppression of others. There is no choosing *a priori* between “disinterested” scholarship (read: self-interested) or “interested” scholarship: responsible scholars must decide regarding each work of scholarship whether the agenda behind it undercuts its value for scholarly inquiry aimed at a better understanding of an issue—and, perhaps, addressing it, which is not precluded.

Just as some scholars are criticized for “activist” stances, in recent years self-advocacy by former victim groups has drawn as much disapproval. The positive side is the frank discussion of certain forces within a victim community exploiting actual genocide histories and the suffering of victims. But too often scholars claiming objective indifference extend this criticism carelessly to all political agency by post-genocide victim groups, labeling their approach to genocide with the pejorative term “memory politics.” The typical claim is that victim groups’ political agency that challenges the



post-genocide status quo and points out continuing harms by the perpetrator group, and perhaps advocates repair by the perpetrator group—which asserts basic categories of “perpetrator” and “victim,” in fact—is based on misrepresentations or at least selective narratives of the genocide history toward some current political end. Again, this can be the case in some instances, but that abstract possibility is all too often unjustifiably assumed to be actual in all concrete cases.

Regarding this tendency, we might notice a number of things. As has been commented on before in reference to genocide and other kinds of oppression, only weak, dependent, deferential victims are considered true victims. When victims demonstrate their independent wills, especially in ways that conflict with the agendas or desires of the scholars or governmental or non-governmental individuals helping them, that agency is disparaged.<sup>13</sup> But this is a function of power. Victims in an objective sense have little power, precisely because of the degrading of their political, economic, cultural, social, familial, and other structures and strengths through genocide. While the most obvious way in which this plays out is the ability of the perpetrator group and successive generations not only to deny that genocide occurred but to continue to enjoy and extend the benefits accruing to them from it (in the form of land occupation, wealth expropriation, political power and legitimacy, identity superiority, etc.), it also structures the relationship between helpers and victims, which is just as much a power relationship. While some “helpers” are cognizant of this and consciously or naturally operate in ways that do not exploit and even mitigate the power differential, too many are not and do not. It has been argued, in fact, that precisely this kind of power is characteristic of, for instance, non-governmental international development work. What is more, a cursory examination of the relationships of third-party actors to perpetrator and to victim groups reveals a tendency to be much more deferential to the former than to the latter. As a function of power, victim groups’ actions and attitudes are subjected to intense scrutiny, while even perpetrator denials are largely tolerated as expected behaviors, “free speech,” and so forth.

This is evident in recent attention to the claimed tendency of victim groups to become subsequent perpetrators in what has been labeled “cycles of violence.”<sup>14</sup> There is no doubt that some victim groups become perpetrators. But this does not mean that victim groups in general have this tendency. The question to ask is not whether some victim groups become perpetrator groups, but whether the incidence of this among victim groups is higher than it is among non-victim groups. I am aware of no study of this particular issue, one researched for instance for individual crime,<sup>15</sup> but an informal tally of cases of genocide in recent centuries would seem to indicate no special differential one way or another. The reality is that some victim groups commit genocide because some groups commit genocide. It seems a perverse extension of the dominational logic of genocide for victim groups to be subjected to disproportionate scrutiny and pre-emptive disapprobation because they are subjected to genocide. In this way, they seem to have to be punished for the transgressions of the actual perpetrators. It is quite interesting that the most prevalent link between past and future genocide is left under-discussed: the tendency to commit genocide again of past perpetrator groups whose genocidal acts are functions of embedded political, cultural, institutional, military, and other such forces, attitudes, and structures or whose genocidal acts have embedded in their societies militarist, political, and other attitudes and structures influenced by or reflecting genocide, when those groups are not challenged or rehabilitated to expunge the embedded elements. The United States, and the way in which genocide of Native Americans was a

deeply embedded feature of the military, culture, and politics of the nineteenth century is a case in point: there is little mystery as to why the same military committed atrocities in Vietnam (against another indigenous group) or had intentional roles in the genocides in Guatemala, Indonesia, and East Timor. “Serial” genocide perpetrators slip under the radar as much now as genocide did relative to individual murder prior to Lemkin.

The memory politics tendency is to relegate victim group narratives, even when these deserve some criticism for simplifying group identities and genocidal dynamics, to an equivalence with perpetrator group narratives in being inherently flawed and reductive. Of course, no “narrative” of a genocide is free from some kind of reduction—and this is true especially for accounts that emphasize the complex, multifaceted nature of a set of events considered a genocide to emphasize that no “grand narrative” fits them, as such accounts lose sight of any unifying factors and focus exclusively on the fragmentary character of the data—and even the best of yesterday’s scholarship is subject to revision today. But even more important is understanding the context of the production of “narratives” of genocide. When victim group members understand their relationship with the perpetrator group as a tension between two discrete, defined groups, they could well be expressing a kind of reactive prejudice that excludes complicated members of their own group and progressive members of the perpetrator group. But they are more likely—or at least also—capturing the concrete material reality of the relationship, beyond rhetorical complexifications and effectively negligible countercurrents. For the result of genocide is an extreme domination relation between the perpetrator group and the victim group, both in terms of a maximized territorial, financial, political, and military disparity and of identity security, psychological and medical well-being, familial structures, cultural vibrancy or even survival, and so on. These are central to the lives of people in both groups even generations after a genocide. What is more, extensive progressive rhetoric among members of the perpetrator group has no effect against—indeed, can even buttress—the persisting devastating material and psychosocial impacts of a genocide, which not only render the typical victim group politically, economically, militarily, culturally, and socially marginal in the very long term but often worsen over time as the necessary social structures and institutions to support even group maintenance have been either devastatingly degraded or eliminated altogether through genocide and its aftermath. In the absence of substantial sacrifices on the part of the perpetrator group to mitigate these impacts to at least the extent necessary to stop further erosion and support the long-term viability of the victim group, reductive narratives of this relationship and history capture its actual reality in terms of the concrete effects of destruction. The complexities of both groups and countercurrents in each (for instance, prejudicial attitudes against the perpetrator group by victim group members) have negligible effects relative to the overall process of group destruction. While it might be true that what is labeled a cohesive “genocide” can be seen as a temporally and spatially extended multiplicity of acts that might or might not have been organized around intent from the early stages and whose agents might or might not have shared the same goals, intent is usually clear in the acts and even statements of key participants, and the complexities do not prevent the multiplicity of acts from having a relatively uniform and linear effect on the victim group.

A common mathematical notion might help to illustrate this point. A complex of forces might include very many individual forces pushing in all different directions with different magnitudes, but if the multitude of vectors resolve into a vector sum—that is,

a single vector—of sufficient magnitude and pushing in the direction against victim group survival, then it is legitimate to write of a single genocidal process unified in its effects. The vector sum analogy is reductive in that it assumes that there is a clear set of individual vectors with single directions and magnitudes that are quantifiable, while in the case of a genocide component individual agents, acts, and statements are often complex in their motives and implications, so that it would be more accurate to refer to vector sums of vector sums, with perhaps even these components being complex and so forth. But the general model is sufficient to convey that claims that unified narratives of particular genocides are inherently inaccurate apply only to a simplified “straw man” narrative such that a relatively consistent effect is produced by data that tend all in the same direction—that is, a perpetrator group whose identical words and acts flow in exactly the same direction, uniformly against victims, without any countercurrents or complexity.

The shift toward the complex in genocide studies reflects perhaps a postmodern turn, away from Ockham’s razor. Once one dispenses with the correspondence theory of truth—that there are simple facts in the world and, when one has contending accounts of some aspect of the world, which is true can be determined by determining which of the accounts corresponds accurately to the facts of the world—appeal is typically made to Ockham’s razor, which is the view that among competing theories of the same data, all other things being equal, the simplest explanation is the best, that is, “true.” We now seem to be in an era in which it is assumed that a simple explanation is inherently wrong and the truth is always complex, so a more complex explanation is always better than a simple one, even if it is not perfect. But there is nothing about complexity or simplicity that necessarily links either to truth; the truth can be complex or simple, and complex and simple theories can both be false. While this might seem to draw us back into a correspondence theory of truth, that is not the case: proponents of neither simplicity nor complexity can make a positive case for their view, regardless of the (independent) criterion of veracity used. The automatic valuing of “complexity” is perhaps more a reflection of the cultural domination of accumulative (typically capitalist) economics that more is better—in this case, more elements in an explanation—than it is the reflection of genuine epistemic inquiry.

It is also worth pointing out the resonances of the memory politics approach to post-genocide contexts with some of the more subtle and progressive denialist approaches to mass human rights violations including genocides. Consider Chizuko Ueno’s rejection of Yoshiaki Yoshimi’s documentary evidence of Japanese governmental organization of the “comfort women” system on the grounds that there is “no single, objective historical truth”<sup>16</sup> about a given matter and her view that former soldiers’ misrepresentations of the treatment of comfort women are just as valid as any survivor’s own testimony about what she actually experienced. This relativistic approach to competing narratives not only rejects obvious tools of critical analysis, such as the triangulation of multiple historical sources, but it also evidences a kind of vulgar postmodernism that contradicts the actual work of figures such as Derrida, who publically recognized the truth of the Armenian Genocide despite denialist narratives posing an alternative; Foucault, who recognized that brute facts of reality exist; and Lyotard, well-known for his engagement with Holocaust denial. While Ueno’s work might be explained to result from simple naïveté and intellectual inadequacy, a more disturbing resonance is to the work of Norman Itzkowitz, who has consistently denied that the fate of Armenians<sup>17</sup> under the Ottoman Empire was genocide. A decade ago I published a critique of

Itzkowitz's historical method,<sup>18</sup> which Itzkowitz had developed with Vamik Volkan. The method depended on the claim that all groups have "chosen traumas" that condition how they view their own histories and other groups around them. As long as groups focus on these past traumas, they cannot live in the present and rework their relations with other groups in a positive way. Thus, today both Armenians and Turks emphasize their historical traumas in narratives that portray members of the other group negatively as "others"<sup>19</sup> and fuel ethnocentric nationalisms. Both groups should give up attachment to their traumas. Of course, this approach equates denialist falsification, however sincerely believed, with a reasonably accurate historical account and asks the victim group to give up its accurate version of history while the perpetrator group is to give up its falsification, with the result that the falsification actually wins out because the accurate representation of history is set aside or suspended. The central concern in the article was that the framework adopted by Itzkowitz, which is clearly historically relativist in an untenable way, would have popular appeal because it appears—as so much in the repertoire of deniers—to instantiate tried and true methods of critical thinking, in this case suspicion of all historical narratives in light of contemporary politics. Were the model adopted broadly in academia, victim groups would have to accept victimization in terms of giving up pressure toward perpetrator responsibility and even giving up the ability to have the proper characterization of their experiences accepted and disseminated as the truth. To the extent that the current trend of memory politics discourse in genocide studies and elsewhere reflects this kind of methodology, the feared trend discussed in the article a decade ago has materialized.

Itzkowitz's work also anticipates another trend, the muddled use and overuse of the term "trauma." In genocide studies, conflict resolution and peace studies, and related disciplines, "trauma" has come to be used incessantly to mean any subjectively bad feeling with either a past or an external cause. But trauma has a precise clinical meaning. It is an extreme psychological state characterized by such things as fixation on past events, hypervigilance, and many other symptoms induced by the experience of severe violence, related victimization (such as childhood sexual molestation), or loss. In this sense, "trauma" is not a feeling but the normal or expectable psychological register of extreme material harms. To say a genocide perpetrator group, such as "Turks," has a historical trauma deriving from the loss of empire is either nonsensical or changes the meaning of trauma to mean something like "any subjective bad feeling resulting from any historical change," in this case the change being a reduction in status from dramatic imperial domination of subject peoples to a more equal status. Yet, this kind of misapplication of the term is still afforded the psychological seriousness of genuine trauma. Thus, the faux trauma of the Turkish loss of empire (no one is entitled to an empire in the first place) is still seen to give contemporary Turks the status of victims who have been deeply harmed by history and whose psychological well-being is in danger and must be supported by care in reference to history, for instance, by not mentioning a genocide of Armenians. This article is not meant to be a sequence of prescriptions, but if there is one which it will make, it is that genocide scholars begin using "trauma" in a technically careful and precise manner, rather than loosely and vaguely. While not to my knowledge treated as the foundation of contemporary concepts of trauma, Bergson's detailed and precisely technical distinction between "memory image" and "pure memory"—the latter is a return through memory to the brain and physical states experienced at the moment when a memory was formed, while the former is merely a non-affective

recall of the information contained in a given memory—could be very helpful in this regard.<sup>20</sup> For Bergson, there are different forms of memory with very different kinds of functions, impacts, and epistemic statuses, a concept obscured in all too many discussions of “memory politics” and “trauma.”

This criticism of the way “trauma” is often used might appear to be an attempt to regulate the discourse of genocide studies (and related areas). That is not the intent. On the contrary, a growing problem for genocide studies as a meaningful intellectual endeavor, and not a mere academic path, is its increasing institutionalization, that is, its organization into relatively settled, predictable academic methods and entities. Of course the growth in Holocaust, Holocaust and genocide, and genocide studies centers, courses, academic positions, and the like has benefits, not the least of which is to ensure wider and consistent attention to genocide driven by the dissemination of serious academic scholarship on it. But institutionalization also has its negative implications, as a once dynamic, cutting-edge challenge to received ideas and academic structures becomes staid and self-regulated. Academic institutionalization proceeds not simply by entrenching a discipline within university programs, permanent fixed funding, and so on, but also through a transformation of the positioning of the research, teaching, and service done and its originality. Even “original” work, which might be quite creative and occur in great volume, is captured within an institutionalized structure that organizes it in line with academic career trajectories much less than social and political change. Early scholars of genocide were in fact *not* scholars of genocide. They were legal scholars, philosophers, psychologists, historians, political scientists, anthropologists, sociologists, literary critics, art historians, economists, and others who took systematic mass violence as their object. Precisely because they had not cohered into a group with a defined identity through time, they made an effort at cross-fertilization that continually yielded fresh fruit. Typically as outliers in their home disciplines and without an academic identity group besides, they were positioned persistently to challenge disciplinary limitations through genuine attempts to develop theories and analyses of genocide and genocides. Each work of genocide scholarship required a positive effort to reassert the topic of study as legitimate.

After decades, we have passed through a balanced period of semi-outsider/semi-insider status—probably the 1990s and into the early 2000s—and now inhabit a space in which the discipline has a more and more defined identity (disputed to be sure) as well as clear associated academic positions, journals, conferences, and centers. New scholars of genocide do not create their own space but actually fit themselves into already established specializations and career tracks, graduate programs and professorial chairs, and scholarly schools or traditions. Scholarship becomes less a matter of generating new ideas and more a matter of taking sides along pre-given fault lines, in line with previously articulated positions, and mining research outside of genocide studies for useful ideas that can be applied to genocide. Funders, governments, and university administrators and faculty mold scholars through the manner in which they set up the various pathways for genocide scholars into and through academia, even as budding genocide scholars mold themselves (as they are trained to do in home disciplines). Even disciplinary boundaries and methods are imposed on and become generative of genocide studies (for instance, when a scholar decides to take a “public health” or a “philosophical” approach to genocide).<sup>21</sup> While there is nothing wrong with using the tools available in a given discipline to understand genocide—on the contrary, genocide

studies greatly benefits from the wide range of disciplines represented in it—when the disciplinary commitments become primary such that the discipline takes genocide as its object (because it is in vogue or for some other such consideration), the result is an articulation of the disciplinary bounds of an area of study and not insight into genocide. Genocide understood through such a framework becomes a construct. Only when scholarship is object-driven, such that all uses of disciplinary methods are checked against the demands of the object itself, is the object itself captured well through the methods. What is more, confrontation of an object that resists capture by existing disciplinary concepts and through existing methods is an important occasion that can spur advances in the discipline itself, but institutionalization tends to prevent this as comfortable traditions are merely extended and the object flattened into submission. Such a challenge that has yet to occur (but should) in my own field of philosophy, for instance, is a re-evaluation of classic critical thinking methods, evidentiary standards, and truth concepts as well as the development of new ones that can handle the deep epistemological crisis produced by prevalent genocide denial. This is particularly urgent because deniers typically warp the received methods—such as Descartes’s method of critical doubting and Hume’s critique of causal inference—to subvert truth rather than achieve it.

While the security that goes with institutionalization has benefits, in the end it threatens to obscure the point of genocide studies as the discipline becomes merely an academic specialization no different from the study of early modern Indian Ocean commerce, eighteenth-century German literature, or the mating habits of fruit flies. The disparagement of activist scholars (read: those doing scholarly research who do not fit into neat, traditional academic roles) shows just how far the institutionalization process has gone and just how little time might be left for meaningful contributions from the discipline. The pressure toward institutionalization and its eventual undercutting of a true intellectual movement as it becomes an academic discipline is perhaps inevitable, but it can be recognized, resisted, and slowed (a second prescription).

One sign of resilience of the genuine movement is that there are still frequent principled debates about core issues, such as freedom of speech and denial, that have much more than academic implications. But at the same time there appears to be more and more maneuvering within and among organizations, journals, and so forth focused on the development of power bases and the imposition of specific agendas and ideologies (and even some founding figures seem to participate in this). While the discipline is undoubtedly more vital than many others in academia, it increasingly resembles other disciplines as academic power dynamics under rhetorical cover play out as putative academic debates. Another sign of health is the work of figures such as Herb Hirsch and Alex Alvarez, who are questioning whether in the future we need to dramatically rethink our comfortable notions of how group destruction occurs, for instance, by recognizing the genocidal impact of climate change that could displace in importance earlier forms of genocide through military action.<sup>22</sup>

A similar trend, spear-headed by figures such as A. Dirk Moses, is to push the boundary of genocide into the traditional sphere of postcolonial theory, as discussed above. While denials of genocides of indigenous peoples in North and South America, Australia, and elsewhere are nothing new, the new application of post-colonial theory is important in responding to denial through structural analyses that identify features of colonialism and/or imperialism that tend toward genocide. This follows Ward

Churchill's analysis of such factors as disease and starvation as apparently unintended consequences of contact between Europeans and indigenous Americans that lead to the dramatic demographic collapse of the latter. Churchill exposes the intent behind policies that, for instance, created conditions under which disease became rampant among indigenous populations.<sup>23</sup> It is possible to extend Churchill's approach through an additional logical point that does not appear ever to be addressed by those who claim there was no genocide of indigenous Americans. Medieval and early modern European history is filled with disease epidemics with devastating demographic effects. If contact between Europeans and indigenous Americans had not been genocidal but the mere product of the passage of unfamiliar pathogens from one group to the other—without compounding, intended reductions of the resilience of one of the populations in question—then one would expect the pathways of pathogens to have run in both directions somewhat equally. But, where were the matching European epidemics, at least among settlers in the Americas? Why were these not transferred back to European populations through the return of voyagers?<sup>24</sup> The obvious answer is that the trajectory of disease was not a function merely of the random exchange of pathogens, but occurred, as Churchill argues, in a context of direct biological warfare and/or the weakening of indigenous populations through other means, such as imposed starvation, food-source destruction, physical destruction, psychological trauma and family destruction, and so forth.

There have been other interesting recent developments around the issue of denial, for which genocide scholars deserve a significant amount of credit. One example is denial of the Armenian Genocide.<sup>25</sup> Through their efforts as well as those of advocacy organizations, academic denial of the Armenian Genocide is less and less prevalent and tenable. Indeed, in recent years, those who claim that no Armenian Genocide occurred have moved more and more from academic debate to legal suits to gain legitimacy for their views. These include the lawsuit to force the inclusion of denialist sources on the recommended resource list for public school genocide education in Massachusetts and the suit against the University of Minnesota for its Holocaust and Genocide Studies Center identifying sources as “unreliable” that reject the veracity of the Armenian Genocide.<sup>26</sup> This tactic is telling in two ways. First, it is evidence of just how marginal denial has become in academia. Second, it shows that those who claim that no Armenian Genocide occurred have taken the issue out of academia and placed it into the legal sphere. This is interesting in light of how often Armenian groups are criticized for “politicizing” the issue and not leaving history to historians. Of course, there is a specific danger here: the legalistic approach can function to intimidate into retreat those who would stand up against denial. Whether this intimidation succeeds in the long run or not will depend in part on the commitment of genocide scholars. The broader danger is that this tactic will be used again and again in the future against genocide scholars whose scholarship refutes denials of or establishes the truth of other genocides, such as the Nanjing Massacre, the Guatemala Genocide, and many others.

An apparent advance also occurred starting in the early 1990s through the intersection of feminist theory, particularly around violence against women, and genocide studies. Initial work such as Alexandra Stiglmayer's edited volume *Mass Rape: The War against Women in Bosnia-Herzegovina*<sup>27</sup> was groundbreaking on a number of levels. Such work brought together the extensive literature on sexual assault and other violence against women, pornography, and related issues; the literature on militarization and violence against women; and nascent understandings of the roles of rape in genocide.

The recognition that sexual violence against women and girls has been and remains rampant in military conflict as well as one-sided mass violence; that it has deep effects on the direct victims that undermine their ability to function in the future; that the effects on direct victims reverberate throughout their communities, for instance, by creating an impetus to leave the home territory with the result of dispersion and destruction of group identity which affects many more people in ways that the direct murder of a portion of the group probably could not; and so on was an important advance in the conceptualization of genocide and mass violence against women.

Other considerations can be added. First, sexism within victim communities that produces a problematic treatment of rape survivors or tension over rapes can contribute to group dissolution by means other than killing. Thus, because of a double layer of sexism, sexual assault becomes an effective alternative, especially because direct killing is much more likely to trigger outside condemnation and intervention while rape is so tolerated in the day-to-day existence of most societies that even mass rape evokes at best minor responses.<sup>28</sup> Whereas murders become unifying rallying points for communities, condemned cohesively by members, rape often fragments a community along various lines. Second, rape can be inflicted on a victim again and again and again. It is deeply harmful physically and psychologically, but if the rapist(s) choose(s) it preserves the victim for further harm. Once a person is killed, short of corpse mutilation (often done in a sexualized manner), there is no further harm that can be inflicted. The excess of violence that is typical of genocide seems to call for more than direct killing alone can satisfy. This is, presumably, the reason gratuitous torture is so prevalent alongside rape.

By the 2000s, however, the connection between genocide and mass violence against women had been displaced by use of the term “gendercide,” originally coined by Mary Anne Warren as a gender-neutral term denoting sex-selective extermination.<sup>29</sup> Thus, gendercide refers to the Srebrenica massacre of thousands of Bosnian Muslim men and boys as much as it applies, for instance, to the rape of Tutsi women by HIV-infected perpetrators in the Rwanda Genocide. The gender neutrality of the term, as opposed to previous terms such as “femicide,” is seen as important because male segments of populations are sometimes killed outright and in a short period and, in some cases, adult females appear to have survived at a higher rate than adult males from the victim group,<sup>30</sup> which would suggest that in at least some genocides on average men have it somewhat worse than women.

Against the uniform approach typical of earlier scholarship on the Holocaust and, to an extent, other genocides, for scholarly understanding as well as prevention and post-genocide support, there is a value in recognizing that perpetrators often treat and use different methods for different segments of victim populations, and the latter often experience the genocidal process differently. The tool of gendercide allows a more nuanced, precise, and complex analysis of individual genocides and genocide generally. While the approach adds complexity in one dimension, however, it obscures other facts of genocide and is reductive in another. It approaches gender difference in a mechanistic and quantitative sense, focusing on the bare outcomes and not on the deep causal factors of contextual forces and structures. It is true that in some cases men are killed en masse and women more selectively, but that does not mean that the motivation for this is a desire to attack men simply because they are men. The hundreds of thousands of Armenian soldiers killed by the Young Turk regime at the beginning of the



Armenian Genocide and the thousands of Bosnian Muslim men and boys killed at Srebrenica were not killed because the perpetrators acted out of prejudice against men.<sup>31</sup> They were killed because they were *Armenian* or *Bosnian Muslim* men and their group in general was targeted. The gender differentiation was instrumental: in order to weaken the target group for fuller destruction or destructive dispersal, potential military resistance was eliminated. Indeed, these segments of the population were killed due to a sexist hierarchy of *men over women*, in which men, but not women, were considered inherently powerful and capable of military opposition, and socialized to be so. That in these instances sexism was detrimental to some men does not mean that it was not enacted by other, more powerful men—that is, the genocide perpetrators. The neutralist gendercide approach confuses correlations with gender—for instance, in a given case, men are disproportionately killed—with causation by gender—that these men are killed because the perpetrators want to kill men simply because of their maleness.

When women are raped (and often killed afterward), sexually enslaved, or subjected to other gender-specific violence in the context of genocide, it is true that the targeted women are targeted because of their ethnic, religious, national, racial, or some other group identity. It is also true that, for instance, in the former Yugoslavia Serbian forces used rape intentionally as a means to accomplish destruction of a targeted ethnoreligious group. But these factors do not exhaust the causal forces driving the use of rape. For instance, as Matthias Bjørnlund has argued, the massive sexual violence perpetrated against Armenian women and girls during deportations resulted from the removal of usual constraints on men's sexual aggression against women and girls and the effective creation of zones in which they had complete freedom to act on their misogynist attitudes and desires.<sup>32</sup> It should go without saying that this does not mean that men have natural sexual energy that they need to discharge and will do so when given any opportunity or will do so through rape if other avenues for discharge are blocked. Such a naturalistic rationalization of rape and exoneration of men who practice it is not only insulting to men but deeply problematic in that it normalizes rape and shields it from moral evaluation. On the contrary, men rape in such contexts for a variety of reasons that are all socially derived, from the socially constructed view of women as inferior objects to peer pressure or military orders. Underlying all of these reasons is a fundamental but socially constructed hierarchy in which the domination of women is normalized and linked to pleasure. In other words, what produces rape is not the drive for sexual pleasure but rather the fact that violence has become sexual, that organic sexual pleasure for rapists has been replaced by "domination as pleasure," and that sexual gratification comes with domination rather than mutual sexual interaction. This explains why men who rape typically have ready access to sex by other means but choose to rape despite this.<sup>33</sup>

The upshot of this is that, to understand why women are treated as they are in genocide, one must include analysis of overarching or external systems of gender domination, which is a key aspect of the structural context in which genocide always takes place. Genocidal forms and activities are at least to an extent, and certainly in this dimension, culturally determined. Women and girls were raped because they were Chinese (Nanjing Massacre), Bengali (Bangladesh Genocide), and so forth, but also because they were female. Being female is a primary, not an instrumental or indirect, reason for violent treatment. In genocide, men are never victims *as men* but women are typically victims both as part of their identity groups and *as women*. In this regard, it is helpful

to understand that, in a context of inequality, equal treatment of all people in a neutral manner regarding their differences actually reinforces or leaves in place the domination of one group by the other. Treating gender neutrally, that is, discounting the context of universal—if culturally variable in particulars—sexist hierarchy in which all acts of genocide occur, actually functions to obscure the real nature of the treatment of women and girls. While this is presumably not the intention of the advocates of the gendercide model, the approach resonates with the anti-feminist backlash movement that emerged in the 1980s and 1990s in the United States and its demand for equal attention to “men’s victimization.”<sup>34</sup>

There is one important caveat to these critical points. As in the Holocaust, gay and bisexual men and transgendered individuals are frequent targets of deep oppression. Indeed, in the contemporary world, anti-gay/lesbian/bisexual/transgendered (GLBT) prejudice is expressed in a variety of forms, including formally discriminatory and even punitive laws that give official sanctions to the prejudices. This is largely tolerated despite the probability that if the same types of laws targeted people based on race, gender, or religion they would trigger massive global outcries. While anti-GLBT oppression and violence in the context of genocide or otherwise can be seen as oppression along sexuality lines, because of the deep intertwining of gender norms and sexuality<sup>35</sup> when gay or bisexual men or transgendered individuals are targeted it should also be recognized as oppression of a segment of men based on exclusionary norms of gender identity, in the same way that the targeting of lesbian and bisexual women and transgendered individuals should be recognized in part as a function of sexism. Such men are targeted precisely because they violate the gender norms that are one of the foundations of the sexist hierarchy, and they are targeted primarily by men embracing that hierarchy.

The foregoing line of argument suggests an important insight into the relationship of genocide and violence against women. While the recognition of “rape as a tool of genocide” marks an important advance in the understanding of genocide and rape, this shift has not gone far enough. We must also recognize that genocide can be a tool of rape, at least for some perpetrators. It is not just that genocide frees (socially constructed) male sexual aggression or that it systematizes and organizes it instrumentally, but that male sexual aggression can motivate participation in and the destructiveness of genocide. It could even be a general motivating factor for genocide. Was rape central to Serbian aggression because the desire to rape was one of the constitutive causes of that aggression? In any event, it is clear that in case after case the opportunity to rape is a motivating factor for many participants. This is especially true when what could have been relatively restrained military deployments or conquests become hyperviolent destructions, as in Bangladesh. In such cases, the escalatory dynamic might have been driven in part by an increasing desire to rape on the ground and reflected in the attitudes of and condoned by those in power. At the very least, if some genocide perpetrators are motivated to participate by the possibility of raping, then in these contexts genocide is a tool of rape as much as rape is a tool of genocide.<sup>36</sup> The complex ways in which masculinity is constructed through militarism and the high incidence of sexual violence within military violence confirm that young soldiers’ sexualities are in part constructed along lines of “hypermasculinity” and sexist power over women, and the assertion of this masculinity becomes an end in itself.<sup>37</sup>

There is another side to this as well. Despite recent work on female participants in genocide, the vast majority of high-level perpetrators as well as ground-level killers,

rapists, and so forth are male as propaganda and ruling myths are masculinist when gendered. This suggests that masculinity has a role in perpetration, which a neutralist approach to gender elides. When men are targeted as potential military threats, they are treated as male rivals in a dynamic of machismo aimed at establishing the supremacy—that is, super-masculinity—of the dominant group. Even male rape can be seen as a function of patriarchal domination of women, confirming the above analysis. It is typically perpetrated *by men* and functions to “feminize” the victims, that is, to lower their status to that of women and girls. This is not to say that victim men choose to engage in or act as participants in this kind of macho contest; on the contrary, they often operate in ways that accept violence in the hope of sparing their families, which might be masculinist but at the same time is altruistic within the patriarchal framework typical of most societies historically and now. Within the typical gender hierarchy that exists in real terms in most if not all societies (both perpetrator and victim societies), prior to genocide the gender of women and girls *already* makes them fit targets of violence. Domestic violence has long been tolerated and encouraged in most societies and, despite apparent progress in “advanced” countries, it remains common to the point of prevalence in them as much as anywhere else. Rape is too often a rite of passage among various groups, from sports teams and fraternities to gangs and military units. When genocide begins, when the killers look for their targets, race or ethnicity is selected as the key criterion, but grafted onto it almost inevitably is the relish of making women and girls suffer through rape and other violence, enslavement, and more.

It is very important to stress that, even though the vast majority of perpetrators are men, the foregoing points of critique are not meant in any way to suggest that women suffer “more” than men in genocide—how could this be measured?—or to discount sexual violence against men, who need and deserve the same level of care, sympathy, and support as other victims of sexual violence. Rather, it is to point out that men’s suffering in genocide is not a result of an anti-male agenda or prejudice, while women’s suffering typically involves a layering of different causal forces that include male domination and misogyny. There is nothing in recognizing a truly existing gender hierarchy and its implications for genocide that requires or produces an inaccurate discounting of the actual suffering of men. To say that some part of women’s suffering has a different genesis from that of men is not to say that male victims are not victims or suffer less horrifically in genocide. But it does say something about who perpetrators tend to be, why they perpetrate genocide, and why they do so in particular ways.

The recognition of the specific relationship between male domination and genocide is crucial for insight into the causes of the latter. If the analysis of that relationship in this article is correct, then pre-existing structures of gender hierarchy often contribute to the genocidal process. Indeed, rape, domestic violence, and other forms are pre-existing vectors of violence that are widely and extensively tapped in the commission of genocide. This pre-existing vector of violence is a significant enabling factor of genocide. A challenge to the prevailing socialization of men and boys toward gender hierarchy, and more specific challenges to the role of violence against women in popular and pornographic culture, can help prevent genocides.<sup>38</sup>

A long-standing truism of genocide studies is that dehumanization is a necessary precursor. While dehumanization does occur in genocidal processes, the claim that it is an essential or typical causal factor is not necessarily true. Dehumanization is often the endpoint of the process,<sup>39</sup> not its cause or the condition that allows it to occur. While

space constraints preclude a consideration of detailed evidence, it is apparent that in many cases the genocidal process has depended on the recognition of the humanity of the victims. For instance, torture is more pleasurable for the perpetrator the more complex the mind of the victim—that is, the degree to which he or she can register multifaceted pain, dread repetition in the future, and so forth. The pain caused by raping individuals in front of their family members depends significantly on the complex human emotions experienced by the individual and the family. Similarly, forced choices about which child to save is an agony for human parents much more than for other animals. Thus, in many cases, perpetrators' calculations of pain infliction depend on the recognition of the human status of victims, in direct contradiction to dehumanization theory. In place of dehumanization, perpetrators assert their own exceptionality (sometimes superhumanity, as in the case of Nazi ideology), rendering themselves superior to victims in the same measure as dehumanization theory.<sup>40</sup> The ethical dimension of that exceptionality is crucial: less than placing a certain group outside "the universe of obligation" as Helen Fein puts it, perpetrators grant themselves a virulent form of the ethical exceptionality identified by Kant in *The Groundwork for the Metaphysics of Morals* as an ethical trap, an exceptionality that gives them the right to do whatever they want to whomever they wish.<sup>41</sup> This might help explain why genocide perpetrator groups tend to target multiple groups at once and/or over time, as in the case of the Nazis, the Young Turks, the Rwandan *Interahamwe*, the Khmer Rouge, the ultranationalist Serbs, Stalin's Soviet Union, the US, the UK, and so on. What is more, the dehumanization of victims might in part be a function of the inflated sense of superiority that perpetrators feel.

That is not to say that dehumanization theory is entirely wrong. Dehumanization can be an enabling factor for genocide. What is more, dehumanization theory captures a key element of genocide: the power or status differential between perpetrator and victim groups. The power differential is necessary to genocide, either as a beginning condition or sought outcome, but that differential might include any combination of victim and perpetrator group statuses so long as the perpetrators are dominant.

Many genocide scholars are so wedded to dehumanization theory, in my opinion, because of its ethical implications. Dehumanization theory explains genocide without attributing to perpetrators some primitive form of "evil," which is positive, but also without recognizing that human beings are perfectly capable, often for petty reasons, of wittingly and intentionally inflicting serious harm on other human beings, which is a problem. Rampant domestic violence globally shows just how much intentional violence against other human beings—intimate partners or children—is present in our day-to-day lives. It should be no surprise that these violent tendencies can be mobilized easily for other purposes as well. If so many can abuse their own family members, even to the extreme of sexual abuse or murder, how much easier is it to do violence to others, especially strangers? Dehumanization theory is actually a modern form of the Socratic/Platonic view that wrong acts or harms are always done out of ignorance, never intentionally. That is, harm is a mistake, not an intended outcome. This old account of wrongdoing is comforting but naïve and not well-grounded. Indeed, it is advanced through some of Plato's weaker arguments, depending on equivocations, for instance, in the *Meno*. Over-reliance on dehumanization is an impediment to understanding why genocides occur and thus how to prevent them, in addition to allowing perpetrators, particularly mid- and lower-level ones, off the hook ethically to too great an extent. This is not to suggest that ignorance, manipulation, and so forth do not have roles

especially for lower-level perpetrators, but that there is no simple either/or dichotomy regarding perpetrator responsibility for acts of genocide. Perpetrators must be evaluated on a continuum from full agency to coerced participation.

There are other totalizing tendencies among recent theories of genocide, including claims that all genocide is counterinsurgency<sup>42</sup> and that (modern) genocide is a function of the nation-state system.<sup>43</sup> While these and other similar theories are complex, nuanced, and tremendously fruitful as studies of genocide—in part because they bring into focus important elements of at least some genocides which are not always recognized or emphasized—any totalizing theory of genocide by its nature will require Ptolemaic stretches to cover a full range of cases. Genocides vary greatly in context, goals, causes, impacts, type of victim group, and other factors and simply cannot be reduced to a single explanation. For instance, the notion that genocide is colonialism is very important in drawing attention to the great extent of colonial genocide across the globe, especially over the past 520 years, and in highlighting features of genocides that are not typically understood through this framework. But the approach also constrains the analysis of cases that do not fit it perfectly. Colonialism is one kind of domination relation, but there are others and these can also be main or partial factors in genocide. A focus on power relations that could be colonialist, gendered, or national, among others, is the key to recognizing the various forms of genocide and the ways in which the phenomenon occurs in different contexts.

Totalizing theories also tend to reduce genocide to another, putatively more foundational, oppressive force, such as imperialism, capitalism, authoritarianism, nationalism, militarism, racism, or even mental illness. The question is, Why such a reduction? Given the prevalence of genocide across political and economic systems and throughout human history, in a manner similar to sexism, why should it not be seen as an elemental form of oppression? Why is the impetus to group destruction any less primary than the differential treatment of people based on religion or ethnicity? It is true that genocide might be committed as part of a broader process of colonization or slavery, but slavery, for instance, is also a typical element in genocide. Such forms of oppression all have explanatory value and in practice often overlap or interact. Rather than a reduction of some to others or one, it would appear more fruitful to examine the complex ways in which these forces intermingle in different instances of violence and oppression.

There is a danger in reducing genocide to other social forces or oppressions. We might come to believe that if we eliminate the other force or oppression, we will eliminate genocide. But genocide has persisted throughout dramatic historical changes; for instance, simply doing away with nation-states is unlikely to change that. We might see new forms of genocide appropriate to the features of a new historical era, but genocide will likely persist unless it is directly addressed.<sup>44</sup>

At the same time, genocide's intertwining with other forms of oppression and oppressive structures, including colonialism, imperialism, racism, chauvinist nationalism, sexism, slavery, apartheid, religious intolerance, anti-Semitism, and homophobia, has important implications for prevention. Much attention has been given to both intervention and early warning. The problem with intervention, especially military, is that it either comes too late to stop much of the impact or it introduces new power dynamics, oppressions, and human rights violations even as it puts an end to the old ones. Early warning is seen as an alternative, allowing steps way in advance of a potential genocide so that disruptive intervention is not necessary.<sup>45</sup> But this focus on early warning is

problematic in two ways. First, early warning is not particularly difficult to achieve, nor is its failure what has allowed genocide to occur in recent years. The “world community” had plenty of warning about the Rwandan Genocide, while it stood by for years as genocide unfolded in both Bosnia and Sudan. Of course, there are those who would dispute the characterization of both of these latter cases as genocide, but that is not the real reason that they were treated with indifference; even if they are taken as mass human rights violations, based on commonly accepted human rights principles, they clearly should have been stopped in a timely manner.

But these failures were not contingent absences of “political will,” either, which brings us to the second problem. Genocide is not a surface phenomenon inconsonant with the broader social, political, economic, and cultural forces shaping our reality. It is, on the contrary, deeply embedded within them as a constitutive element. The world we inhabit has been shaped by genocide in conjunction with the other oppressive forces and structures listed above. Genocide has become normalized as a frequent violation of our stated standards of behavior that is tolerated if not condoned because it is part of the very historical development of our world.<sup>46</sup> States such as the United States, Turkey, and Australia exist in their present form or at all through genocide. The problem of genocide is deep and foundational, and extirpating it requires a substantial reworking of our present reality. This is the fact that is avoided in discussions of early warning, intervention, and prevention.

Clearly there is resistance to recognizing the true challenge of the implication of so much of our world in the problem. Part of the resistance in genocide studies circles reflects a general wariness of revolutionary transformation. As Robert Melson especially has argued,<sup>47</sup> some genocides have their origins in revolutionary movements. More generally, revolution is an extreme political activity, and the history of extreme political activity that is genocidal counsels that all extreme political activity be engaged in cautiously or avoided. But this fails to distinguish different kinds of radical political transformation and to register that, so long as genocide is part of the current sociopolitical order, centrist politics reinforce the normalization of genocide. Given the foundational centrality of genocide and other oppression to the world today, it would seem that only radical transformation can address the problem: great problems require substantial responses, and early warning systems and advocacy organizations fall well below the threshold.

One mechanism of transformation has already emerged. A decade ago, in most academic, popular, and political circles, the notion of reparation for genocide and other mass human rights violations was typically dismissed as fantastic and extreme. But, since then, a global reparations movement has emerged that connects a range of victim groups, including a number of genocide victim groups, seeking long-term justice.<sup>48</sup> Reparation is often misunderstood as a backward-focused remedy that attempts to return victims to their pre-genocide state. This is of course impossible, and only a small part of the great material, social, and cultural harm done by genocide can ever be addressed after it has occurred, while the human harm is beyond repair. But the true function of group reparations is a reworking of current conditions to restore the viability of a victim group against the past genocidal assault. Accomplishing this requires a significant shift in resources and power, which can advance a broader transformation away from genocide. As the impacts of particular genocides are addressed, the world more broadly will become less a function of genocide and genocide will become less a part of that world.

Space constraints prevent a full discussion of this line of analysis, but the field of genocide studies and its practitioners would seem to be at a crossroads. One path leads toward surface engagements with genocide for the foreseeable future, while the other offers opportunities to change the dynamics that produce genocide.

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## Notes

1. This article is dedicated to the memory of my friend and mentor Robert John Ackermann, 1933–2011.
2. Criticized, for instance, in the literature on colonialism and genocide (such as by A. Dirk Moses) and in many presentations and discussions at the “Conflict, Memory, and Reconciliation: Bridging Past, Present, and Future” symposium held in Kigali, Rwanda, January 10 to 13. The symposium was a program of the School for International Training (USA) in conjunction with the Rwandan National University Center for Conflict Management.
3. On the limitations of the notion of genocide as killing only, see Donna-Lee Frieze, “Cycles of Genocide, Stories of Denial: Atom Egoyan’s *Ararat*,” *Genocide Studies and Prevention* 3,2 (2008): 243–62, <http://dx.doi.org/10.3138/gsp.3.2.243>.
4. See Henry Theriault, “Genocidal Mutation and the Challenge of Definition,” *Metaphilosophy* 41,4 (2010): 481–525, 487–8.
5. Samantha Power, *“A Problem from Hell”: American and the Age of Genocide* (New York: Basic Books, 2002), 17–78.
6. American Ambassador, Constantinople, to Secretary of State, Washington, Telegram 858, Jul 16, 1 pm, in *United States Official Records on the Armenian Genocide, 1915-1917*, compiled by Ara Sarafian (Princeton, NJ: Gomidas Institute, 2004), 55.
7. See, for instance, Henry Theriault, “Plato, Rousseau, and Western Philosophy’s Anti-Genocidal Strain,” in *Metacide: In the Pursuit of Excellence* (New York: Rodopi, 2010), 193–210.
8. See Henry Theriault, “The Albright-Cohen Report: From Realpolitik Fantasy to Realist Ethics,” *Genocide Studies and Prevention* 4,2 (2009): 201–10, <http://dx.doi.org/10.3138/gsp.4.2.201>. For the full report, see Madeleine K. Albright and William S. Cohen, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: Genocide Prevention Task Force, 2008).
9. Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge, MA: Harvard University, 2010).
10. See Colin Tatz, “Genocide Studies: An Australian Perspective,” *Genocide Studies and Prevention* 6,3 (2011): 232–45, <http://dx.doi.org/10.3138/gsp.6.3.232>, 236, and Henry C. Theriault, “The *MARO Handbook*: New Possibilities or the Same Old Militarism?,” *Genocide Studies and Prevention* 6,1 (2011): 7–31, <http://dx.doi.org/10.3138/gsp.6.1.7>, 25–6.
11. See, for instance, Sarah Elizabeth Mendelson, *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans* (Washington, DC: Center for Strategic and International Studies, 2005).
12. This position, though not directly from Stanley Fish, owes its general conceptual outlines to his treatment of institutional culture in “There’s No Such Thing as Free Speech, and It’s a Good Thing Too,” in *Ethical Theory and Social Issues: Historical Texts and Contemporary Readings*, ed. David Theo Goldberg, 2nd ed. (Orlando: Harcourt Brace, 1995), 366–77.
13. This is often betrayed by disparaging remarks about “nationalist” members of victim groups and similar labeling.
14. This was a continuing motif across a number of papers, including some plenary sessions, at the Universitair Centrum Sint-Ignatius Antwerpen’s international workshop, “Preventing Genocide: Root Causes and Coping Strategies” (University of Antwerp, 24–25 Nov 2011).
15. See Hugo Adam Bedau, “Capital Punishment,” in Goldberg, *Ethical Theory*, 505–14, 506.
16. Suzanne O’Brien, “Translator’s Introduction,” in Yoshiaki Yoshimi, *Comfort Women: Sexual Slavery in the Japanese Military During World War II*, trans. Suzanne O’Brien (New York: Columbia UP, 2000), 1–21, 14.
17. The present discussion reflects Itzkowitz’s focus on Armenians. It should be kept in mind that Assyrians and Greeks were also subjected to genocide as part of the same overarching process in the Ottoman Empire.

18. Hank [sic] Theriault, "Universal Social Theory and the Denial of Genocide: Norman Itzkowitz Revisited," *Journal of Genocide Research* 3,2 (Jun 2001): 241–56.
19. The imprecise overuse of this term from Simone de Beauvoir could be the subject of a full article in its own right. See de Beauvoir, *The Second Sex*, trans. H.M. Parshley (New York: Vintage, 1989).
20. Henri Bergson, *Matter and Memory*, trans. Nancy Margaret Paul and W. Scott Palmer (Mineola, NY: Dover, 2004).
21. A "philosophical approach," for instance, is likely to impose a notion of genocide derived from a limited concept of the person. It will probably assume an "atomic individual" view of the person, such that groups are only aggregates of individuals and matter only insofar as they yield identity benefits (a sense of belonging, a social context for personal development, etc.) to individuals. Group harms, such as genocides, are then understood to impose harms which are ultimately reducible to harms to individuals. See, for example, Stephen Winter, "On the Possibilities of Group Injury," in *Genocide's Aftermath: Responsibility and Repair*, ed. Claudia Card and Armen T. Marsoobian (Malden, MA: Blackwell, 2007), 111–31. Rather than trying to understand genocides on their own terms and building a theory of groups and individuals from genocide, this approach imposes a pre-existing belief on genocide and forces genocide as an object of study to conform to the terms of that belief. But those who study genocide almost invariably recognize it as more than a set of individual harms; otherwise, laws against individual murder and other violence would suffice against genocide. Ultimately, the atomic individualist approach conflates the fact that individual consciousness is where group harm is registered and recorded (psychologically) with the actual nature of the harm, which destroys group structures. That harms are only registered consciously in individual beings does not mean that the reality of the harm only affects individuals as individuals and that the group cannot be harmed as a group.
22. Herb Hirsch, "The Genocide Prevention Task Force: Recycling People and Policy," *Genocide Studies and Prevention* 4,2 (2009): 153–4, <http://dx.doi.org/10.3138/gsp.4.2.153>, 154, and Alex Alvarez, "New Perspectives on What Causes Genocide" (paper presented at the International Association of Genocide Scholars, International Institute for Genocide and Human Rights Studies, and Editors of *Genocide Studies and Prevention* jointly organized "Symposium on the Genocide Prevention Task Force Report," Woodrow Wilson International Center for Scholars, Washington, DC, 13 Mar 2009).
23. Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas 1492 to the Present* (San Francisco: City Lights, 1997), especially 137–46.
24. Theriault, "Genocidal Mutation," 505.
25. Again, the focus of denial efforts is on the Armenian case, though this indicates just how successful the omission of the Assyrian and Greek cases has been.
26. See "U.S. Supreme Court Rejects Massachusetts Genocide Denial Lawsuit," *The Armenian Weekly*, 19 Jan 2011, <http://www.armenianweekly.com/2011/01/19/u-s-supreme-court-rejects-massachusetts-genocide-denial-lawsuit/> (accessed 10 Feb 2012), and Scott Jaschik, "Suit Over 'Unreliable' Websites," *Inside Higher Ed*, 1 Dec 2010, <http://www.insidehighered.com/news/2010/12/01/minnesota#Comments> (accessed 10 Feb 2012).
27. Alexandra Stigmayer, ed., *Mass Rape: The War against Women in Bosnia-Herzegovina* (Lincoln, NE: U of Nebraska P, 1994).
28. See the point above about intervention against Bosnian Serb aggression only after the Srebrenica massacre, despite years of mass rape.
29. See Adam Jones, "Gendecide and Genocide," *Journal of Genocide Research* 2,2 (2000): 185–211.
30. Ibid. The general line of argument of the following critique and certain key features are sketched by Warren herself in response to the anticipated misuse of the concept of "gendecide" to obscure rather than elucidate men's mass violence against women and girls, as presented here. See Mary Anne Warren, *Gendecide: The Implications of Sex Selection* (Totowa, NJ: Rowman & Allanheld, 1985), 1–2.
31. This follows Marilyn Frye's analysis of "oppression," in *The Politics of Reality: Essays in Feminist Theory* (Freedom, CA: Crossing Press, 1983), 1–16.
32. Matthias Bjørnlund, "'A Fate Worse than Dying': Sexual Violence during the Armenian Genocide," in *Brutality and Desire: War and Sexuality in Europe's Twentieth Century*, ed. Dagmar Herzog (Basingstoke, UK: Palgrave Macmillan, 2009), 16–58, 24–5.
33. See, for example, Yoshimi, *Comfort Women*, 66–8.
34. An example of this occurred at the 2009 IAGS 8th Biennial Conference, when in a session on violence against women in genocide, audience member Geoff Hill emphasized the importance of male rape and suggested that it is an especially pressing problem because it is so marginal in discussions of sexual violence. This ignored the rates of committal (statistics do matter, as in the case of witch hunting, which did target men too but in smaller percentages, or anorexia-nervosa, which does afflict men as well but in much smaller percentages) and the crucial structural dimension discussed in this article. As Catherine



- A. MacKinnon has written, one of the ways in which the fundamental global problem of sexual assault against women and girls is downplayed and work against it is undermined, which supports the continuation of this violence, is criticism of activists and scholars for their “lack of neutrality in not considering rapes of men to be a comparable emergency” (MacKinnon, “Rape, Genocide, and Women’s Human Rights,” in *Mass Rape*, 183–96, 186). To understand the scale of rape of women and girls, looking at just the perhaps 200,000 comfort women between 1931 and 1945, one can estimate that on the order of 200,000,000 acts of rape were perpetrated against them. This is a staggering number and suggests billions of acts of rape overall during World War II violence. This points to a related issue: each act of rape—and gang rapes include multiple acts—should be recognized fully so that we no longer write of “raped women” (a problematic term for other reasons as well) but of specific acts of rape. A mere count of the number of distinct women who are raped can obscure the true extent of the violence.
35. See Robert John Ackermann, *Heterogeneities: Race, Gender, Class, Nation, and State* (Amherst, MA: U of Massachusetts P, 1995), 53–78.
  36. Henry Therault, “Rape as a Tool of Genocide or Genocide as a Tool of Rape?” (paper presented at the 8th Biennial Conference of the International Association of Genocide Scholars, George Mason University, Arlington, 8 Jun 2009).
  37. See Ruth Seifert, “Rape: A Preliminary Analysis,” in Stiglmeier, *Mass Rape*, 54–72, 59–62.
  38. This point is at the intersection of Elisa von Joeden-Forgey, “The Missing Link: Gender and an Early Warning System” (paper presented at the 8th Biennial Conference of the International Association of Genocide Scholars, George Mason University, Arlington, 8 Jun 2009) and two articles by MacKinnon: Catherine A. MacKinnon, “Turning Rape into Pornography: Postmodern Genocide,” in Stiglmeier, 73–81; and MacKinnon, “Rape, Genocide, and Women’s Human Rights.”
  39. Morgan Blum, “Dehumanization as a Process of Genocide” (undergraduate honors thesis, Clark University, 2002).
  40. Henry Therault, “Rethinking Dehumanization in Genocide,” in *The Armenian Genocide: Cultural and Ethical Legacies*, ed. Richard G. Hovannissian (New Brunswick, NJ: Transaction, 2007), 27–40.
  41. Helen Fein, *Accounting for Genocide: National Responses and Jewish Victimization during the Holocaust* (New York: Free Press, 1979), 9; Immanuel Kant, *The Groundwork for the Metaphysics of Morals*, trans. H.J. Paton (London: Hutchinson, 1948).
  42. A. Dirk Moses, “Moving the Genocide Debate Beyond the History Wars,” *Australian Journal of Politics and History* 54,2 (2008): 248–70.
  43. Mark Levene, *Genocide in the Age of the Nation State*, vol. 1, *The Meaning of Genocide* (London: I.B. Taurus, 2005).
  44. This follows Etienne Balibar’s analysis of “neo-racism” in “Is There a ‘Neo-Racism’?,” in *Race, Nation, Class: Ambiguous Identities*, trans. Chris Turner (London: Verso, 1991), 17–28.
  45. See, for instance, Albright and Cohen, *Preventing Genocide*, 17–53.
  46. This is true despite the case of East Timor, which is one of the few instances of genocide in which at least partial prevention can be claimed. Intervention came in the form of the withdrawal of support for the Suharto regime that had renewed its genocidal assault on East Timor in 1999, an assault originally begun in 1975. This withdrawal did prevent an escalation of violence after a few thousand were killed. At the same time, the shift in US, British, and Australian policies derived from changes in the geopolitical situation and in particular the viability of Suharto as a pro-US, pro-British, and pro-Australian leader. Different from 1975, in 1999 genocide was no longer geopolitically sanctioned. Had it been, it would have been allowed to occur.
  47. Robert Melson, *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (Chicago: U of Chicago P, 1992).
  48. A meaningful step in and reflection on this process was *Whose Debt? Whose Responsibility?*, an international symposium on reparations held at Worcester State University on 10 Dec 2005, featuring papers on South African, African American, Native American, “comfort women,” Armenian, and a number of other reparations issues and co-organized by world-renowned human rights activist Dennis Brutus and me.