What is GENOCIDE?

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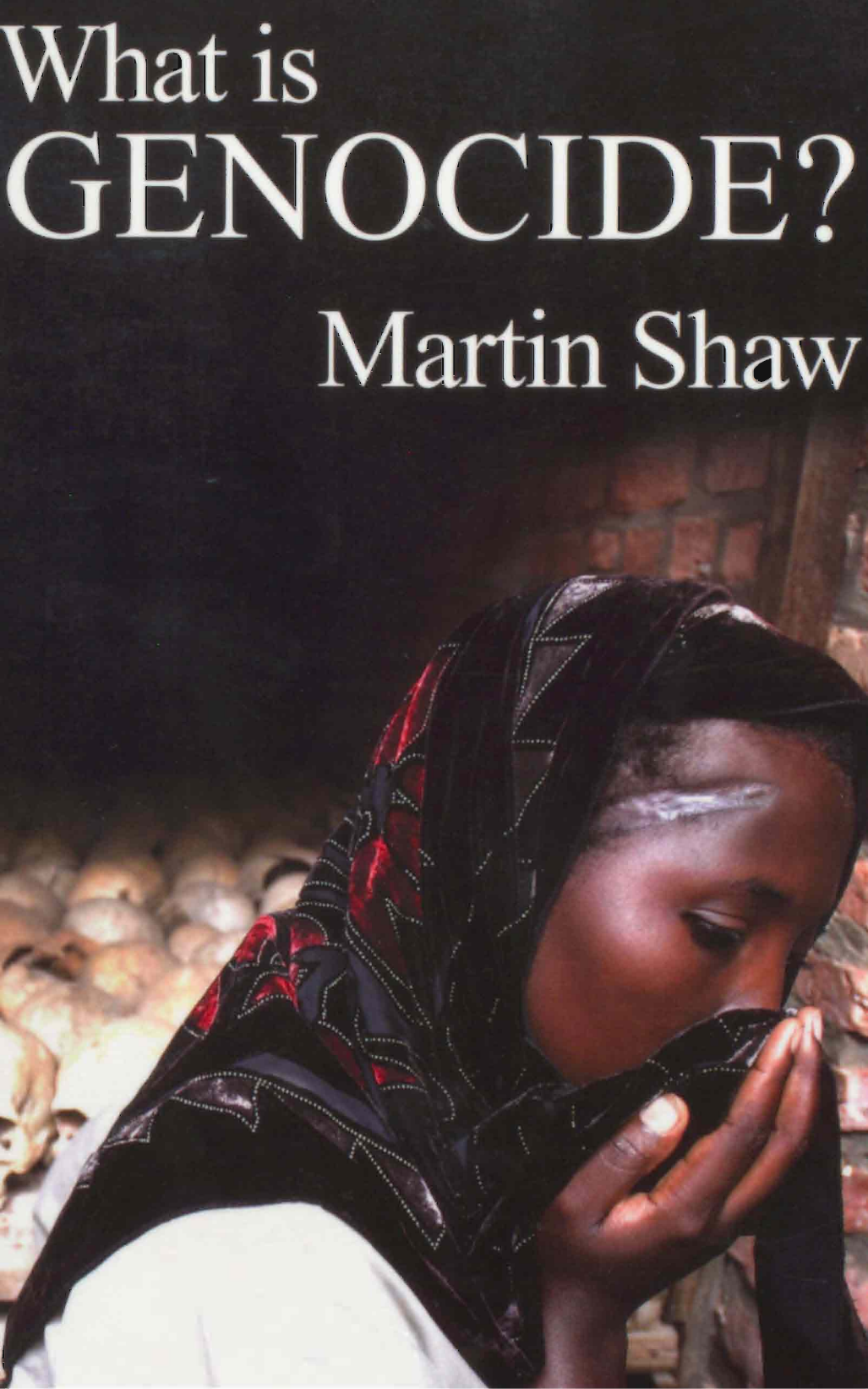

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For Annabel, always and forever

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The Sociological Crime

Social classification and genocide

This book addresses the question: how should we understand the idea of genocide? Genocide has been a central topic of current politics several times in the last two decades, especially over Bosnia and Rwanda. Its history has also been a topic of controversy, in countries such as Germany, Japan and Turkey over murderous violence in the two world wars, and in North America and Australia over earlier violence against indigenous peoples. The spectre of the archetypal genocide, the Nazi Holocaust, stalks twenty-first-century relations between Israelis and Palestinians. In many other places in today's world, allegations of genocide are made and, almost invariably, disputed. Few ideas are as important, but in few cases are the meaning and relevance of a key idea less clearly agreed.

From the point of view of politics, therefore, it is very important that the idea of genocide should be clarified, and one would expect that scholarship would have something to offer. Genocide studies have indeed made important advances in contemporary academia, and should have a considerable amount to contribute to public debate. However, scholarship has mostly been legal and historical – the new international tribunals established for the Yugoslav and Rwandan cases have produced important cases that have been analysed, and historical research has fanned out from the Holocaust to many other episodes. Yet amidst the array of often impressive case and comparative studies, the debate on what genocide means has hardly advanced since the beginning of the 1990s. Many scholars (not just lawyers) even uncritically use the

1948 Genocide Convention as their benchmark, despite some generally admitted inadequacies in its framework. This situation means that, despite many insights, scholarship has inadequate answers to the vexed question of the meaning of genocide. When new challenges arise (for example, over the crisis in Darfur, Sudan, to which I return in my final chapter) the same confused debate takes place over whether attacks on civilians constitute 'genocide', 'ethnic cleansing' or just the excesses of a dirty 'civil war', almost as though similar arguments had not already raged over Bosnia and Rwanda a decade earlier. Academic arguments often seem as unclear as their political counterparts. The social sciences, in which one would expect conceptual clarification to occur, have had relatively little to contribute to the growth of genocide studies.

This book therefore takes an unremittingly – and unapologetically – conceptual look at genocide, although I try hard to show how conceptual arguments are related to historical cases and contemporary disputes. The book argues that genocide studies have lost some of the central insights of their founding thinker, Raphael Lemkin, and that the Genocide Convention (despite some real strengths) started a process of narrowing his core idea that many subsequent academic writers (despite some important advances) have unfortunately continued. The book criticizes some of the 'new' concepts introduced in recent decades – especially 'ethnic cleansing' – and argues that 'genocide' still offers a better overall framework for understanding violence against civilians. Indeed the book highlights how the fact that the victims are generally 'civilians' is, strangely, missing from how genocide is understood, and that introducing this idea helps clarify some of the confusion surrounding the concept. Above all, this book argues that genocide studies are stuck at the preliminary stage of concept formation, defining genocide primarily in terms of the 'intentions' of the 'perpetrators', rather than looking at the *structure of conflict* within which attempts to destroy populations and groups are played out. I aim, therefore, to construct a more sociologically adequate concept of genocide, the foundations for which are laid through the second half of the book. My concept is summarized in 'definitional' form at the beginning of the final chapter, to which impatient readers may turn before, hopefully, returning to the justification in the intervening chapters.

Studying genocide?

In this introductory chapter, before I launch into detailed argument about the origins, development and future of the genocide idea, I aim to

provide fuller justification for the approach outlined above. I am aware that, to many, 'definitional' discussion over horrendous experiences of violence can seem beside the point. Indeed to ask *how* we should study genocide merely seems to beg other questions: should we *study* genocide, and do we *need* concepts? On this subject, normal academic assumptions cannot be taken for granted. The Auschwitz survivor Charlotte Delbo spoke of 'useless knowledge' when she referred to experiences that were 'so dark as to be unforgettable but also so overpowering that the more one encounters their stark realities – even in reading about them, let alone in the flesh or in personal memory – the more likely we are to be disoriented and overwhelmed by them.'[1] Study could help to overcome disorientation – but it might also compound it. Genocide has often been seen as involving murderous tendencies so horrible and irrational as to be both utterly exceptional and virtually inexplicable. It can seem devaluing to discuss them within the explanatory frameworks that scholars adopt. This crime of crimes demands more than a normal commitment to scholarship and truth. Study of the Holocaust and genocide, John Roth argued, 'presupposes values that are not contained in historical study alone. . . . Any debate . . . is worthwhile just to the extent that it never loses sight of the fact that *ethical reasons* are the most important ones for studying these dark chapters in history.'[2] Here scholars must bear witness, show solidarity with victims, and stand unequivocally on one side of the historical process.

And yet there are many different victims, in many different political circumstances. Sometimes one group of victims – or rather people of the same identity, speaking in their name – become perpetrators of new crimes, making new victims. Sometimes powerful governments, adopting a victim group's cause, expose other civilian populations to violence. Shockingly, genocidal regimes themselves appropriate the genocide critique: in Serbia, 'genocide was a favorite rhetorical device for the nationalist policy-makers and hatred-mongers. . . . *genocide* was the most overused word in . . . [Yugoslav and Serbian President] Slobodan Milošević's vocabulary.'[3] Studying genocide, we can move quickly from straightforward good and evil into murky political waters.

Precisely because scholars come to the study of genocide with moral commitments, they are not immune to these problems. Israel Charny has even claimed that 'jingoistic/ideological wars (above and beyond a healthy diversity of ideas and emphases) . . . are going on in Holocaust and genocide studies', with 'a nasty lack of reverence for the victims'.[4] We do not think of scholars as practitioners of denial, and they rarely engage in its most basic form, literal, factual or blatant denying of 'the fact or knowledge of the fact'. However, they are much more open to

interpretative denial, in which 'the raw facts (something happened) are not being denied. Rather, they are given a different meaning from what seems apparent to others.'[5] They may also be involved in rationalization or implicatory denial, in which 'there is no attempt to deny either the facts or their conventional interpretation. What are denied or minimized are the psychological, political or moral implications that conventionally follow.'[6] Thus while we may be clear that in principle *all* victims of genocide should be treated with respect, this does not free us from the complex political questions that often arise in studying what is at first sight the simplest moral issue.

Disciplining the study of genocide

Of course, academic study is about complexity, so the discovery that genocide is no exception seems to offer reassurance for students. Yet the morally overriding nature of victims' claims continues to gnaw away at scholarship. How can we define, describe or explain genocide if we are not contributing to exposing, punishing or preventing it? Since 'genocide studies' examine what is so abnormal, can they form a normal scholarly field? Each writer and discipline engages with these questions in their own way, bringing the strengths, constraints and histories – whether of witness or neglect, commitment or denial – of their standpoints. I shall briefly review some principal approaches before I explain my own starting points and why I believe they can contribute to clarifying genocide.

As I describe in chapter 2, 'genocide' was only invented in the 1940s and, like the international law to which it gave rise, was hardly preeminent in public debate during the Cold War. Only in the last quarter-century, beginning with Leo Kuper's pathbreaking *Genocide* (1981), have the founding texts of genocide studies appeared. Only in the 1990s, with the appalling new stimuli of Yugoslavia and Rwanda, was there a rapid expansion of scholarly work. Then a number of pioneering writers published important works, creating a new debate on genocide's meaning and scope. Yet even then, general and comparative studies remained poor relations of Holocaust research. Setting up a genocide course in 2001, I found my university library had roughly ten books on the Holocaust for every one on other genocides and general questions. The main academic journal was *Holocaust and Genocide Studies* – note the order of words. Holocaust studies had many upsides: the concentration of research meant that many dimensions were carefully explored and a mature historical debate developed through several phases of argument. Issues relevant to other genocides were painstakingly uncovered. Yet another

effect was to unbalance genocide studies, with uneasy comparisons of the Holocaust with other episodes which gave rise to the ideological 'wars' (I discuss the issues raised in chapter 3). Meanwhile new experiences of violence against civilians in Yugoslavia led to the rapid spread of an alternative concept, 'ethnic cleansing'. Although these horrors reminded many of Nazi persecutions, there was a feeling that they fell short and deserved a different label. Genocide's scope remained confused when Rwanda erupted in 1994. At the beginning of the crisis world leaders obfuscated its genocidal character in order to avoid their responsibilities. Afterwards, few continued to deny it *was* genocide: the extreme murderousness of the attacks on Tutsis even made comparisons with Nazism unavoidable. But overall, the scope of the concept was ever more contested. 'Ethnic cleansing' still seemed – to scholars too – an easier concept to apply to many situations, with less complicated baggage. I disagree with this view, yet it highlighted real issues in the understanding of genocide. I explain in chapter 4 how genocide should be rethought to make 'cleansing' terminology redundant.

If there were still big disagreements about genocide's meaning and scope, it is not surprising that general *explanations* were even less clear. As genocide studies emerged as a general interdisciplinary field, their distinguishing feature appeared to be an agreement on the limitations of individual case studies and the need for *comparative* research.[7] Yet the call for comparative history left on one side the aim of systematic, general theoretical explanation that arises from a social-scientific approach. It threatened to brush unresolved conceptual issues under a carpet of empirical advance, yet comparison without theory was a fundamentally limited basis for progress.

Certainly, lines of enquiry developed in disciplines other than history. The most important was, not surprisingly, international law: it was in law that genocide had first been defined (by Lemkin and the Genocide Convention) and it was in the legal field that the most urgent challenges of new episodes were felt. The United Nations' establishment of the International Criminal Tribunals for Former Yugoslavia and Rwanda was a crucial stimulus. These saw the first international prosecutions and convictions for genocide (as well as war crimes and crimes against humanity) since the 1940s. Reviving the law of genocide, the tribunals clarified its scope – for example, defining 'ethnic cleansing' not as a separate crime but as a form of genocide – and made some interesting refinements of other concepts – for example, whether particular target groups had to fit into the ethnic, racial, national and religious categories of 'group' laid down by the Convention (see chapter 7). Yet the courts were adjudicating complex sociological issues that had hardly been

addressed by social scientists themselves. The legal concern with *individual* responsibility of perpetrators meant that legal means were an indirect way of getting at the more fundamental issues involved. The constraints of legal standards of proof meant that law was hardly the most satisfactory discipline in which to come to balanced judgements about historical episodes, let alone creative theoretical interpretations. And yet political, historical and sociological issues were being addressed not only because cases before the courts demanded answers, but also because there was insufficient non-legal work available. So international law found itself on the front line of the world's interrogation of the concepts as well as the realities of genocide, and the disciplines of legal practice and scholarship became surrogate arenas for larger debates. Yet the limitations of legal means were often obvious: for example, the long-running trial of Milošević became bogged down in technicalities and his own use of them to achieve delays, before foundering on his death in custody. Even in an exceptional case where law provided judgement *on* historical scholarship – a British court's dismissal of a libel suit launched by the Holocaust-denying historian David Irving – the judgement clarified only a modest range of issues.[8]

Moreover, law's focus on individual crimes meant that the broad general charge of genocide was the most difficult to bring and convict on. Prosecutors often preferred easier charges whose success rates were higher. This situation led the legal scholar William Schabas to argue for a narrow interpretation of genocide's remit:

> For decades, the Genocide Convention has been asked to bear 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. In cases of mass killing and other atrocities, attention turned inexorably to the Genocide Convention because there was little else to invoke. This . . . has changed in recent years. The law applicable to atrocities that may not meet the strict definition of genocide but that cry out for punishment has been significantly strengthened. Such offences usually fit within the definition of 'crimes against humanity', a broader concept that might be viewed as the second tier of the pyramid.[9]

Although this is too narrow an interpretation of the legal possibilities, 'genocide' probably has a more promising future as a *sociological* and *political* than as a legal concept.

Yet the mainstream social sciences are coming very slowly to the subject. Some of the most creative engagements have come from social anthropologists, but they have had to overcome the historical entanglements of their discipline with lines of thought that led, in the worst

cases, to active participation in the Holocaust. Gretchen E. Schafft has claimed that

> it is not a single branch of European anthropology or only a few anthropologists who were engaged in creating or supporting events that were tied to the Holocaust's horrors. Physical anthropologists, eugenicists, ethnographers, and social anthropologists were equally busy during the first half of the 1940s in 'racial' studies, in Mendelian genetics, in ethnographic studies of prisoners of war, and in sorting people by psychological and physical characteristics. In these and in so many different ways they helped to determine the outcomes of the lives of their subjects.[10]

After the deportation of Polish academics to concentration camps in 1940, the Institut für Deutsche Ostarbeit took over university buildings in Cracow.[11] Anthropological researchers carried out ethnographic research 'in conjunction with the SS, who provided protection for the scientists and ensured the compliance of the subjects. People were taken at gunpoint to collection places where they were measured, interviewed, and sometimes fingerprinted.'[12] The infamous Auschwitz doctor Josef Mengele had qualified in anthropology as well as in medicine, and described his investigations as 'anthropological'.[13] And anthropology's involvement in genocide was not an unfortunate aberration. In the business of racial classification, 'one could move so easily from a study of differences to the conviction that differences could be gradated into a hierarchical value system.'[14] As Alexander Hinton argued, there was something inherent in the discipline's concept of social classification that lent itself: 'Diverse ways of life were compressed into relatively stable categories, a homogenizing tendency that was paralleled by the anthropological typologies of race. If later anthropologists moved towards a more pluralistic conception of cultural diversity . . . the discipline nevertheless continued to employ a concept of culture that was frequently reified.'[15] Thomas Cushman argued that, in Yugoslavia, relativistic arguments put forward by anthropologists masked and elided central historical realities, often mirroring and offering legitimation to perpetrators' accounts.[16]

Sociology and the sociological crime

Sociology's history has not revealed quite the same depths. The early twentieth-century German sociologist Max Weber – although not immune to nationalism – dismissed race as a social category, pointing out that 'the possession of a common biological inheritance by virtue

of which persons are classified as belonging to the same "race", naturally implies no sort of communal social relationship between them.'[17] According to Wolfgang Glatzer's history, 'just about all reputable sociologists emigrated, especially those of Jewish origin', while some 'attempted to struggle through the years of the Third Reich without giving in to the Nazis'; only 'a third group adhered more or less openly to Nazi ideology, defining themselves as Volkish sociologists.'[18] Yet classification was a sociological problem: not for nothing did the journalist William L. Shirer describe the Nazis, whom he observed first-hand, as themselves 'sociologists'.[19] Genocide was a crime of social classification, a *sociological crime*, in which racial pseudo-science perverted the everyday activity of social science. Yet it was not sociologists who invented the terminology for this crime, nor were they particularly open to it. When Lemkin first outlined his idea of genocide in *Axis Rule in Occupied Europe*, it was the *American Journal of Sociology* that printed 'the harshest review'. The reviewer, Melchior Palyi, astonishingly 'blamed Lemkin for his failure to explore the "extenuating circumstances" of Nazi behaviour.'[20]

Mostly the discipline passed over both phenomenon and idea: genocide 'was largely overlooked or suppressed by social scientists until the 1970s.'[21] As Irving Louis Horowitz suggested, 'Many sociologists exhibit a studied embarrassment about these issues, a feeling that intellectual issues posed in such a manner are melodramatic and unfit for scientific discourse.'[22] They might as well join Michael Mann, who confessed his work 'had neglected the extremes of human behaviour': he 'had not thought much about good and evil'.[23] For a long time textbooks neglected genocide, and most continue to ignore or marginalize it even today. Zygmunt Bauman claimed: 'When measured against the work done by historians or theologians, the bulk of academic sociology looks more like a collective exercise in forgetting and eye-closing.'[24] Not surprisingly, he concluded that 'the Holocaust has more to say about the state of sociology than sociology in its present shape is able to add to our knowledge of the Holocaust.'[25] His attack was fundamental:

> The nature and style of sociology has been attuned to the selfsame modern society it theorized and investigated; sociology has been engaged since its birth in a mimetic relationship with its object – or, rather, with the imagery of that object which it constructed and accepted as the frame for its own discourse. And so sociology promoted, as its own criteria of propriety, the same principles of rational action it visualized as constitutive of its object. It also promoted, as binding rules of [its] own discourse, the inadmissibility of ethical problematics in any other form but that of a communally-sustained ideology and thus heterogenous to sociological

(scientific, rational) discourse. *Phrases like 'the sanctity of human life' or 'moral duty' sound as alien in a sociology seminar as they do in the smoke-free, sanitized rooms of a bureaucratic office.*[26]

He concluded that we should embrace 'the task of bringing the sociological, psychological and political lessons of the Holocaust episode to bear on the self-awareness and practice of the institutions and the members of contemporary society.'[27] Recognizing that the Holocaust was not 'an interruption in the normal flow of history, a cancerous growth on the body of civilized society, a momentary madness among sanity',[28] we needed to see the light it cast on the underlying nature of our society and our methods of understanding.

The historian Herbert Hirsch saw some of these limitations as intrinsic to social science: 'It is unfortunate that Holocaust and genocide studies are being pressured into a phase of social science rationality . . . only to become bogged down in the elusive variable and definition, as everyday life becomes almost entirely eliminated from their concern.'[29] Nevertheless Bauman's work proved a starting point for sociological research, informed by the very humane values that Hirsch advocated, without abandoning his discipline's generalizing concerns. Bauman's agenda, 'to open up the findings of the specialists to the general use of social science, to interpret them in a way that shows their relevance to the main themes of sociological inquiry, to feed them back into the mainstream of our discipline',[30] has guided some significant scholars. Mann, especially, showed that sociology can fruitfully reinterpret historical material without excluding 'ethical problematics'.[31] Weber's 'principles of rational action' could be utilized in critical analysis, explaining contextually the development of murderous intentions and violent means and their realization in political conflict. Nevertheless Mann's sociology had, as I explain later, one major problem. It adopted a very narrowed-down meaning of 'genocide' – neither that which Lemkin proposed nor the version that the UN embedded in international law. Mann's focus was not genocide but 'murderous ethnic cleansing', his adaptation of this alternative term.

Revisiting concepts and classification

Of course some say we can have too much 'definitionalism', and that – whatever we call things – the important thing is concrete understanding. Nevertheless, words matter. As Weber put it: 'The apparently gratuitous tediousness involved in the elaborate definition of . . . concepts is an

example of the fact that we often neglect to think out clearly what seems to be "obvious", because it is intuitively familiar.'[32] Lemkin invented 'genocide' because he wanted to describe – and highlight for countervailing action – a general class of violent actions. We do not have to adopt his terminology or definitions; indeed we cannot avoid modifying them. Yet if it was important that Lemkin introduced 'genocide', it is also important we are aware of how we change its meaning. If we use it in new ways, or introduce new terms to describe some of the phenomena it originally designated, we need to explain why. In any case, all serious concepts must be used coherently – with internal coherence of meaning as well as valid reference – and must be capable of explanation. For sociology to make a lasting contribution to genocide studies, it must forge adequate concepts.

The answer to the misuse of classification is not, therefore, to abandon classification. We simply cannot do this: classification is an inescapable part of human cognition and social life. Social scientists' classifications – like those of genocidists – are particular versions of this general human activity. Classification's danger is always, as Nigel Eltringham suggested, that 'we "misplace concreteness" and set out to "prove" that our abstract concepts . . . really do *correspond* to reality, rather than being contingent approximations.'[33] Genocidists go a big step further in trying to *enforce* their social classifications, making reality correspond at the cost of lives. Physical violence backs up the conceptual violence in their representations. But victims, especially resisters, also advance their own categories. They assert *their* understandings of the groups to which they belong, their versions of identity. They assert their status as *victims*, and as *civilians*, refuting genocidists' beliefs that unarmed people can be treated as combatants. And at the same time, resisters impose classifications on those who would classify *them*. They describe their persecutors' actions as *genocide* and classify them as *crimes*; they call those who attack them *perpetrators*, *criminals* and *génocidaires*. Social scientists cannot avoid referring to categories developed by these active participants, whether perpetrators, victims or bystanders. These influence our own classifications: social science is a part of society and mostly develops existing meanings rather than inventing new terms. As 'bystanders' ourselves, but committed against genocide, we need to develop these classifications. We cannot avoid trying to make sense of perpetrators' intentions, but I shall argue that ultimately we should reject their absolutist and euphemistic categories – 'ethnic cleansing' is a case in point – and refine those of resisters and fellow committed bystanders.

In picking its way through the conceptual minefield of genocide studies, this book aims to contribute not just to intellectual clarification

but also to anti-genocidal action. Genocide studies need to recognize the variety of social collectivities and attacks on them. Yet we need also to remember the concept's founding rationale: violent, destructive and murderous actions against civilian groups and populations constitute *a general class* of social actions and conflict, whose commonalities are definitive. We need to remember that classification is the beginning, not the end, of analysis. We need to use the concepts we develop to produce coherent accounts that will aid both historical understanding and action to prevent, halt and punish genocide.

This book adopts a critical theoretical approach to its subject. It is not a history of ideas, but an interrogation of the concepts we use to understand violence, informed by arguments about how these have developed. These are guided, in turn, by how changing contexts – from the Second World War to the post-Cold War – have influenced changes in ideas. This historical approach guides the presentation, especially in the book's first half. In the second half, although the approach remains critical and historical, I adopt a different way of presenting the argument. The book now turns to how we should understand the main terms of genocide debates in the light of sociological theory; how we should develop social theory itself to take account of genocide's challenges; and how we should begin the task of explanation. In conclusion I return to the core of my conceptual clarification and to its relevance for anti-genocidal action.

Part I: Contradictions of Genocide Theory