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Genocide: Rethinking the Concept

By Martin Shaw

An understanding of the term "genocide" that draws afresh on the experience of the last century is needed to ensure greater human security in the next.

A routine feature of public discussion of large-scale, anti-civilian violence is that it is so important to protect the victims that time should not be wasted on arguing about how the violence is described. Indeed, this view is often voiced by aid workers, as well as politicians and officials - amid the assaults perpetrated by the Sudanese government and their janjaweed militia proxies, to take but one example.

In such circumstances, calls to recognise these attacks as "genocide" are often seen as quibbling about language while people die. The hypocrisy of the powerful seems to reinforce this argument: after all, in 2004 the then United States secretary of state Colin Powell did recognise the sustained atrocities in Darfur as "genocide", but promptly evaded the corresponding international duty (under the United Nations genocide convention of 1948) to "prevent" the violence and "punish" the perpetrators.

The right label, then, is not enough. At the same time, using the "wrong" words offers a potent opportunity to perpetrators and bystanders to confuse and defuse effective international responses. For a long time, the preferred terminology for Darfur in UN circles was "humanitarian crisis" - but this implied that humanitarian action (such as providing food, shelter and medicines) would be enough to save the victims of violence. It was not: however necessary such aid was, it couldn't stop them bombing and burning villages or killing and raping civilians, and indeed the Sudanese government has deliberately disrupted humanitarian efforts.

When the centrality of violence is recognised, the Darfur events is often described as a "civil war". There certainly is civil war in Darfur, and the policy of destroying the black "African" peoples of the region has been part of Khartoum's response to armed rebellions.

Yet the idea that this was "only" a civil war, in which civilians unfortunately got in the way, has been the prime notion that the regime (like many genocidaires before it) has used to obfuscate the genocide. And international authorities like the UN's international commission on Darfur also bought into this idea (as the UN did in Rwanda in 1994), because
it enabled the UN to avoid the demanding and controversial task of intervening to fully protect the victims.

A Narrowing Focus

The other term used by politicians, officials and journalists was "ethnic cleansing". Certainly forced migration, for which "cleansing" is a euphemism, was from the start the central policy of Khartoum's destructive campaign.

There were three problem with this usage. First, "ethnic cleansing" implied that there was a crucial difference between what was happening on the ground and genocide: if people were "only" being "cleansed" (forced to leave their homes) rather than "exterminated" as the Jews were by the Nazis, the harm was somehow not quite so grave.

Second, "ethnic cleansing" was not legally defined and alleging its existence carried no clear international obligation to act. Third,
the distinction between it and genocide was in any case spurious, since killing, rape and other violence were used to expel the targeted groups, and these were all means of "destroying" them as peoples - which is how genocide has been understood since it was first defined by Raphael Lemkin in 1944.

These flaws notwithstanding, the idea that "ethnic cleansing" is a lesser form of anti-civilian violence than genocide has been prevalent since the conflict in Bosnia-Herzegovina in the early 1990s. It followed, moreover, the longstanding trend to narrow the definition of genocide itself. Lemkin had originally argued that genocide was comprehensive social destruction, attacking the economic, political and cultural foundations of the life of particular nations and groups as well as, often, their physical existence.

In the adoption of the genocide convention, however, this idea was narrowed to groups' physical and biological destruction, and attacks on social and cultural forms were only seen as genocidal when they led to killing and physical harm. To reinstate a broader understanding, lawyers have had to interpret the convention's terminology creatively, for example seeing a reference to "mental harm" as outlawing expulsions.

Many academic commentators only accentuated the narrowing trend, until for some genocide became simply and solely "mass killing". Often this narrowing is exploited for political reasons - the idea that genocide only occurs when there is an attempt to murder all the members of a group both helps to make the Nazi holocaust "unique" (a useful point for some Zionist advocates) and enables the dismissal of "genocide" to describe other targeted anti-civilian destruction (a favourite argument of all those who wish to defuse international responses).

It is therefore very important to clarify the meaning of genocide for our times. Lemkin was right to see that "social" and "physical" group destruction were not different processes or phenomena, but two sides of the same coin. His broad concept of genocide, rather than the UN definition, is in this sense the essential starting-point.

Raphael Lemkin's Legacy

Yet Lemkin made two serious errors. First, he assumed that genocide was practiced

against straightforwardly defined types of groups (nations, or ethnic groups); later scholars have pointed out both that other types of group (class, political) are targeted, and that in any case the point is not whether the attacked people fit into a particular category (they sometimes don't), but that a perpetrator organisation defines them as a group to be destroyed.

Second, Lemkin rather mechanically presented physical attacks on targeted populations as only one "element" of genocide. We can see that the destruction of societies, groups and populations must involve extensive violence against them, even if this takes many forms, including wounding and rape as well as murder.

Thus genocide studies need theoretical clarification, as well as the comparative historical analysis that currently dominates the field. Indeed a clear general idea of genocide is the necessary basis for evaluating and comparing cases - you can't decide whether Darfur or Bosnia constitutes genocide by comparing it to one other case, even if that is the holocaust.

In addition, thinking about genocide has been hampered by rigid interpretations of other ideas in the convention, such as the idea
that it must be the "intentional" action of perpetrators. This aspect has been understood as meaning that the perpetrators have to have a single, consistent, racist intention to commit extensive mass murder. Yet studies like Michael Mann's "The Dark Side of Democracy: Explaining Ethnic Cleansing" have shown that perpetrators' intentions evolve in response to events: the most extreme policies are never Plan A, or even usually Plan B, but Plan C that is adopted after other policies have failed.

Moreover, understanding genocide only or mainly through the perpetrators' intentions leaves out the conflictual dynamics of genocide. Genocide generally arises out of political and armed conflicts, and of course genocidal attacks on populations inevitably produce new conflict. Attacked groups always resist - not necessarily with arms, because civilian populations cannot always improvise armed resistance - but through individual and collective acts of civilian resistance that do their best to frustrate the enemy.

Relationships between "victim" populations and armed groups are a general feature of genocide. Victims both look to armed bodies, as the Bosnians did to the Bosnian army, the Rwandan Tutsis to the Rwandan Patriotic Front and the "African" peoples of Darfur do to the Darfur rebel organisations, and also sometimes fear the effects that their campaigns have in provoking genocidal attacks. Largely civilian populations also look to international military intervention as a way of evening up the power imbalance between themselves and their usually highly armed enemies.

Sociology, Not Legalism

This suggests that we need to understand genocide not just as one-sided violence, but as uneven conflict. I therefore argue for a "structural" concept - genocide is a distinctive structure of armed conflict that is also linked closely to other types of armed conflict such

as war. This, of course, is a sociological rather than a legal approach to the question. Political discussions of cases like Bosnia and Darfur often get tangled up trying to interpret historical situations in terms of a legal definition (which was itself the result of political compromises in the 1940s). While the legal definition is still very important, because it lays down obligations on states, a broader, more coherent sociological approach to genocide can clarify the public debate and cut through some of the problems that have arisen from an excessive reliance on the law.

Thus the politics of genocide demand that we move away from the obsessive legalism manifested in attempts to legislate how people talk about historical events (e.g. the attempted French law against Armenian genocide denial, the proposed European law on holocaust-denial). Instead what we need is open debate that - learning from evolving historical understanding - focuses on present dangers, galvanising the public to demand action wherever civilians are attacked because political leaders see particular groups as "enemies". The idea of genocide cannot be confined within the bounds of 1948: it must develop to help us meet
the challenges of our times.