



Peace Review

A Journal of Social Justice

ISSN: 1040-2659 (Print) 1469-9982 (Online) Journal homepage: <http://www.tandfonline.com/loi/cper20>

Defining Genocide

Meghna Manaktala

To cite this article: Meghna Manaktala (2012) Defining Genocide, Peace Review, 24:2, 179-186, DOI: [10.1080/10402659.2012.677333](https://doi.org/10.1080/10402659.2012.677333)

To link to this article: <http://dx.doi.org/10.1080/10402659.2012.677333>



Published online: 05 Jun 2012.



Submit your article to this journal [↗](#)



Article views: 1144



View related articles [↗](#)

Defining Genocide

MEGHNA MANAKTALA

Genocide is a term that is fast entering common terminology when pointing fingers at any form of state repression, whether or not the acts referred to actually fit the definition. Genocidal regimes themselves have appropriated the term at times to defend their own genocidal actions, as by Milosevic in Serbia. One reason for this is the continuing lack of definition commonly agreed upon by law and social science. For legal purposes, genocide is defined by the Convention on the Prevention and Punishment of the Crime of Genocide (henceforth referred to as “the Convention”). While this has provided a legal standard for judging the commission and punishment of genocide, many social scientists are unhappy with this definition, some claiming that it is too broad, others that it is too narrow.

The primary argument that has been leveled against the Convention is its lack of enforceability, which is, of course, a serious flaw in a document punishing what has been called the “crime of crimes” by the International Criminal Tribunal of Rwanda in 1998. Some have also held the opinion that it is this problem of enforceability that needs to be addressed rather than getting into the evils of “definitionalism,” by which they imply exclusion and hierarchism of mass killing. This argument represents an inaccurate dilemma, however, as the pursuit of a comprehensive definition is hardly incompatible with that of a suitable enforceability mechanism. In fact, it is nearly impossible to have successful enforceability without a standard, inclusive definition, acceptable to law and social science alike. Besides, to build a conceptual understanding of genocide, social science needs to study cases that fall under a defined boundary “for the purpose of discovering their common elements and analyzing the processes that brought them about,” according to Chalk. Unless this boundary is clearly delineated, genocide can hardly be understood as a concept distinct from state terror. This essay seeks to describe the differences that leading scholars in the field have with the Convention definition of genocide, analyze their contributions in defining genocide, and attempt a structural–conceptual understanding of the same.

Raphael Lemkin was the Polish jurist who, in 1944, coined the word “genocide” by combining the Greek word *genos* for race or tribe, with the

Latin word *cide* for killing on the basis of which the Convention came into being. Lemkin explained his conception of genocide as signifying:

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. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups . . .

Martin Shaw has provided an in-depth analysis of Lemkin's conception of the term. Shaw explains that unlike later theorists, Lemkin viewed genocide as a "general charge" rather than a specific crime, which was made up of a number of crimes with common elements. While mass killing was included in these crimes and could constitute genocide in itself, genocide in general included not only physical but also economic and cultural destruction. Although Lemkin talked only in terms of national groups at this stage as has been criticized by Schabas, Lemkin emphasized that genocide "represented a concentrated and coordinated attack upon all the elements of nationhood." Andreopoulos notes that in providing a legal definition, Lemkin underlined the intentionality as well as liability of a distinct set of actors. The wide applicability of Lemkin's concept lost much of its essence when translated into the Convention, however, even though this concept was the basis for its existence.

Article II of the 1948 Convention states that: "In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group."

Clearly, this definition emphasizes physical destruction rather than taking a more holistic stance that would give equal significance to social and cultural destruction. Both Shaw and Chalk attribute this discrepancy to the necessity of finding tangible foci for legal purposes, but affirm that it is the task of the social scientist to bridge this gap.

Shaw calls attention to the importance of reclaiming the element of social destruction in the definition of genocide by highlighting the fact that in the Holocaust it was attempts at social obliteration that eventually led to mass physical annihilation of the Jews rather than the other way around. He laments that further sociological definitions have also not been able to fully incorporate this multi-dimensional character of Lemkin's original conceptualization of genocide, focusing instead on physical destruction. This is indeed a concern

that most subsequent definitions have failed to address, as will be noted at various points in this essay.

The Convention definition of genocide has been widely criticized by social scientists, most of whom have proffered their own definitions. Leo Kuper stands out as an exception to this trend, arguing that “[i]t provides a workable definitional core for interdisciplinary analysis and application, and it is the legally accepted definition.” While some scholars like Kuper and Fein are amenable to working with the Convention definition, albeit with some defining changes, others including Chalk and Charny reject it outright. Even those that find the legal definition workable have contentious views on the generally debated aspects of this definition, as will be discussed later. Problematic features include the requirement of showing intent and the definitional list of groups, in addition to the aforementioned emphasis on physical destruction.

Most scholarly works on genocide clearly explain how the narrow classification of the victim groups in the Convention was a direct result of political compromise. Pieter Drost was the earliest to criticize this shortcoming, correctly predicting that the exclusion of social and political groups was an obvious loophole that governments would exploit. He proposed a new legal definition as “the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectivity as such.”

Others including Chalk, Jonnasohn, Kuper, and Fein have echoed this concern, and have expanded the groups to include all “human collectivities.” Chalk, for example, deplores the unwillingness of the International Commission of Jurists to classify as genocide the destruction of social groups such as the 15–20 million Soviet civilians exterminated as “class enemies,” the million Khmer murdered in Kampuchea, the Indonesian communists killed in 1965–66, and the Awami League killings in East Pakistan. Legters finds the exclusion even of socioeconomic classes from the Convention definition problematic, since in socialist systems, class becomes the primary form of classification.

While agreeing that the provision of groups in defining genocide needs to change, different scholars have different notions of how to resolve this issue. Fein favors a “set of well-defined criteria for group membership” as in the Convention, suggesting that this definition itself should be broadened. Chalk and Jonnasohn, on the other hand, have sought to give a more accurate sociological conceptualization of groups in defining genocide as follows: “Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator.”

The relevance of this definition lies in its recognition of the importance of an ideological conception of groups as defined by the perpetrator. While

this definition reduces genocide to “mass killing,” thus completely excluding the social aspect of group destruction, its explanation of pertinent groups is significant. Groups that are arbitrarily defined by the perpetrator regime rather than actual, self-identifying groups have indeed often been persecuted by genocidal regimes; this viewpoint provides significant insight into defining groups in genocide.

The emphasis laid by the Convention on proving the intention of the perpetrators has been perhaps the most widely criticized and debated aspect of its definition. Kuper explains that in its original drafting, motive was introduced as an essential element for the commission of genocide; subsequent debates led to the establishment of intent rather than the more limiting motive as the crucial defining characteristic. As he points out, however, the present incorporation of intent cannot be taken to mean the same as the rejected concept of motive in defining genocide, which is what is often used as a defense against the charge. In scholarly debate, this has led to roughly two schools of thought: one that considers intention a defining characteristic of genocide, the other that rejects the concept in its definition.

Walliman and Dobkowski, taking a structural approach, reject the very idea of intentionality in genocide. They believe that a strictly intentionalist approach leads to:

the neglect of those processes of destruction which, although massive, are so systematic and systemic, and that therefore appear so “normal” that most individuals involved at some level of the process of destruction may never see the need to make an ethical decision or even reflect upon the consequences of their action.

For them genocide stems not from intention, but from processes inherent in society. As Andreopoulos observes, while this approach does effectively remind us of the impersonal forces that shape societal and political action, it nevertheless is not convincing to imply that individual actors are therefore relatively helpless in perpetrating or preventing genocide.

Kuper, while not explicitly rejecting intentionality, has appeared to ignore it. He considers the Allied pattern bombing of Hamburg, Dresden, and Tokyo, as well as the atomic bombing of Hiroshima and Nagasaki, as coming under the UN definition of genocide, and not being recognized as such only for political purposes. As Fein and Chalk and Jonassohn have remarked, however, there did not exist any intention to annihilate the groups by the perpetrators in these cases; the mass killing was carried out as an element of warfare.

Israel Charny also rejects the concept of intentionality, but on a moral basis, as he argues that people should not be excluded from getting justice just because they don’t “fit the criteria” for genocide. He contends that such definitionalism leads to “assigning hierarchical value to different kinds of

mass death” and proposes instead that, “Genocide in the generic sense means the mass killing of substantial numbers of human beings, when not in the course of military action against the military forces of an avowed enemy, under conditions of the essential defencelessness of the victim.”

Although he makes an emotionally compelling case, accepting the arguments of Kuper and Charny would mean merging of the concept of threatening the very existence (physical, social, economic, and cultural) of a particular group, with general mass killing and/or crimes against humanity. While being perhaps equally heinous, these are conceptually separate; denying this would imply denying genocide its existence as an independent sociological concept. In the words of Helen Fein, “[t]o equate Hiroshima with Auschwitz belies the distinctive ends and design of each plan and their distinctive effects.”

Chalk accepts the requirement of express intention in defining genocide, but argues that a state’s persistence in following policies that are clearly leading to the destruction of a group is enough to demonstrate intent, even if this intent is not verbalized. Fein, on the other hand, argues with merit that a *prima facie* case for genocide must be constructed by showing a “pattern of purposeful action.” She stresses the distinction between state terror and genocide in order for concepts to be “saved” and insists that the conception of intention is crucial because “there is a difference between a philosophy whose logic is monstrous and one which can be given a monstrous interpretation.” It is thus that she distinguishes between victims of totalitarian states like the Soviet Union and those of the Holocaust, for example. She vehemently argues against a more generic definition such as that of Chalk and Jonassohn, which includes all those targeted by the state, as this would mean losing the particular causes and consequences of the destruction of actual groups in contrast to spreading of mass state terror and intimidation. She instead defines genocide as follows: “Genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim.”

Fein’s logic is undeniable, although she, too, talks only of physical destruction of groups. She clearly and effectively demonstrates that intention is indeed the defining characteristic of genocide, and any attempt to remove it would destroy its conceptual foundation. There is a danger of this concept of intention being taken to an extent that was perhaps not intended. Shaw contends that legal and sociological discourses continue to interpret the Conventional requirement of intent as some kind of absolutist, ideal “grand intention” of the perpetrators instead of as deliberate policies and actions, which he insists cannot be assumed. Shaw explains that, “Genocidists invariably have multiple goals and deviate from their rationalistic pursuit. The ideal-typical concept of ‘rational,’ ‘intentional’ genocide can be no more than a heuristic tool enabling us to grasp the complexity of real cases.”

Both Bauman and Mann have made similar arguments, asserting that genocide or “murderous cleansing” is usually not the original intention of the perpetrators, but develops gradually as an incremental and inevitable result of the policies they embark on. Thus, while the attribute of intention is undoubtedly crucial in defining genocide, care must be taken to include in its understanding the variety of perpetrator motives involved, as well as the incremental evolution of actions through which it comes into being.

Most scholars have constructed their definitions of genocide in relation to and through a critique of the Convention. In contrast, Shaw has attempted to take genocide out of the primary level of Weber’s “subjective-meaningful complex” and give it form as a sociological concept. He argues that while genocide has been variously represented as a kind of action (through a focus on intention) and alternatively as a kind of outcome (“successful” destruction of groups, as explored by Dadrian), genocide actually refers to a phenomenon in its totality including “the idea of genocide and the whole class of actions and forms related to it,” and should be given conceptual structure as such. He contends that the current literature on the subject does not take into account two crucial elements: social relations between the “victims” and the “perpetrators,” and the structural context of conflict in which genocide usually takes place, which is why it is still short of being a well-defined concept.

Shaw describes genocide as a form of warfare by “armed power organizations” against civilian groups who have the capacity to resist or cooperate. He explains that genocide “constructs unarmed civilian populations as the objects, in their own right, of the types of armed violence normally applied only to armed enemies.” Accordingly, he defines genocide as:

a form of violent social conflict or war, between armed power organizations that aim to destroy civilian social groups and those groups and other actors who resist this destruction. . . . Genocidal action is action in which armed power organizations treat civilian social groups as enemies and aim to destroy their real or putative social power, by means of killing, violence and coercion against individuals whom they regard as members of the groups.

In this way, Shaw seeks to give genocide a sociologically recognizable structure as a form of war or social conflict, emphasizing relations between actors rather than defining it in terms of one-sided action. He includes Chalk’s concept of perpetrator defined groups, as well as Fein’s specific intention, while going further in addressing the issue of social destruction in genocide by defining genocidal action in terms of destruction of social power. By thus effectively synthesizing existing conceptualizations of genocide, Shaw provides a sociologically sound, rigorous, and comprehensive new definition.

The problem of defining genocide has seen rich and varied debate. Shaw’s definition in particular has gone far in incorporating salient points from

the definitions of key scholars, in addition to providing his own valuable insight, to produce a generally acceptable definition of genocide. Nevertheless, issues do remain unresolved. There has not been much discussion of the numbers game that comes into being from the Convention's reference to the destruction of a group being "in whole or in part." While some have addressed it briefly, the question of what constitutes destruction "in part" enough to be termed genocide is yet to be resolved.

Another issue lies in the fact that even though Shaw's definition does largely provide a point of consensus, leading scholars may still not accept it. Charny, for one, has refused, as earlier mentioned, to accept a general definition of genocide that does not include all forms of mass killing. His solution has been to provide a definitional matrix that allows no exclusion of cases of mass murder, such as making "intentional genocide" equivalent to the concept of genocide discussed in this essay. Others have also coined different terms for similar purposes. While Harff and Gurr talk about "politicide" for state targeting of political opponents, and Rummel discusses "democide" taking place in the Soviet Union, both supposedly being corollaries to genocide, Mann insists on the term "murderous ethnic cleansing."

While such terms provide an understanding of issues related to genocide, it is of prime importance not to lose focus of how genocide itself should be defined and given structure as a concept. It is easy to sympathize with Charny's emotional plea to not leave out any victim of a heinous crime; the key to creating a sociological concept is, however, to understand how genocide is different from other forms of mass murder, not because those victims are any less important, but simply because, like Fein states, concepts need to be clearly defined.

Fein's definition is satisfactory, except that it omits destruction other than the physical kind. Shaw, on the other hand, has not only adequately defined genocide but also provided the basis for giving it sociological structure. Even so, his definition also cannot be considered the last word until it is actually incorporated in the legal framework, as well as in sociological discourse. In the final reckoning, the actual issue with regards to genocide, as with any other violation of human rights, is that of ensuring that it is prevented, or if not, tackled as soon as possible to bring to justice those responsible for such an appalling crime. Any definition is only as good as the contribution it can potentially make to this prime concern.

RECOMMENDED READINGS

- Andreopoulos, G. J. (ed.). 1994. *Genocide: Conceptual and Historical Dimensions*. Philadelphia: University of Pennsylvania Press.
- Bauman, Z. 1989. *Modernity and the Holocaust*. Ithaca, NY: Cornell University Press.
- Chalk, F. 1994. "Redefining Genocide," in G. J. Andreopoulos (ed.), *Genocide: Conceptual and Historical Dimensions*. Philadelphia: University of Pennsylvania Press.

- Chalk, F. and Johassohn, K. 1990. *The History and Sociology of Genocide: Analyses and Case Studies*. New Haven, CT: Yale University Press.
- Charny, I. W. 1994. "Toward a Generic Definition of Genocide," in George Andreopoulos (ed.), *Genocide: Conceptual and Historical Dimensions*. Philadelphia: University of Pennsylvania Press.
- Dadrian, V. N. 2001. "The Comparative Aspects of the Armenian and Jewish Cases of Genocide: A Sociohistorical Perspective," in A.S. Rosenbaum (ed.), *Is the Holocaust Unique? Perspectives on Comparative Genocide*. Boulder, CO: Westview.
- Fein, H. 1994. "Genocide, Terror, Life Integrity, and War Crimes," in G. J. Andreopoulos (ed.), *Genocide: Conceptual and Historical Dimensions*. Philadelphia: University of Pennsylvania Press.
- Fein, H. 1993. *Genocide: A Sociological Perspective*. London: Sage Publications.
- Gurr, T. R. and Harff, B. 1994. *Ethnic Conflict in World Politics*. Boulder, CO: Westview Press.
- Harff, B. 2003. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955." *American Political Science Review* 97: 57–73.
- Kuper, L. 1994. "Theoretical Issues Relating to Genocide: Uses and Abuses," in G. J. Andreopoulos (ed.), *Genocide: Conceptual and Historical Dimensions*. Philadelphia: University of Pennsylvania Press.
- Kuper, L. 1981. *Genocide: Its Political Use in the Twentieth Century*. New Haven, CT: Yale University Press.
- Lemkin, R. 1944. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. Washington, DC: Carnegie Endowment of International Peace.
- Mann, M. 2005. *The Dark Side of Democracy: Explaining Ethnic Cleansing*. Cambridge: Cambridge University Press.
- Rummel, R. J. 1990. *Lethal Politics: Soviet Genocide and Mass Murder Since 1917*. New Brunswick, NJ: Transaction Publishers.
- Schabas, W. A. 2000. *Genocide in International Law*. Cambridge: Cambridge University Press.
- Shaw, M. 2007. *What is Genocide?* Cambridge: Polity Press.
- Walliman, I. and Dobkowski, M. N. (eds.). 1987. *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*. New York: Greenwood Press.