

How should we define genocide?

By Noor Akbar

A death march was: anybody who couldn't walk stayed back and they shot him. No question. I had two friends who fell back. I told them, don't go to the back. Stay in the front. That's the best way. I was holding them up and carrying them for a long time." Links to the testimonies of individual genocide survivors

Introduction:

History is full of human violence against each other but the mid-twentieth century introduced the academia and human rights activist spheres with a new concept of human destructive behavior called "Genocide". The term has been introduced and came to prominence after the Holocaust of the Jews during World War II. During this century fourteen¹ (Shaw 2007) episodes of genocide have taken place, with the earliest in 1915 and the latest in 1994. This indeed is a high number and that's why genocide has become a point of interest for many academicians, social scientists, human rights activists' and the United Nations as well. Yet less academic consensus has been reached among them about a practical and universally agreed definition of genocide.

The coinage of the term genocide:

The term "genocide" did not exist before 1944. It is a very specific term, referring to violent crimes committed against groups with the intent to destroy the existence of the group. In 1944, a Polish Jewish lawyer named Raphael Lemkin coined the word "genocide" by combining *geno-*, from the Greek word for race or tribe, with *-cide*, from the Latin word for killing². Before codification of this term, in 1933 Lemkin had used two words "barbarity" and "vandalism" to describe these actions³ (Shaw, 2007). In proposing this new term, Lemkin had in mind "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 themselves⁴" (Shaw 2007)

The attempts to destroy groups has been very much a part of human history, such were usually identified, if at all, either as by a description of the action or by subsuming the act under some very general concept, such as massacres, mass

¹ Shaw, Martin. (2007) *What is Genocide?* Revised ed. Polity: Cambridge University

² United States Holocaust Memorial Museum (2009) What is Genocide?. [internet] Available at <http://www.ushmm.org/wlc/article.php?lang=en&ModuleId=10007043> (accessed 28th April 2009)

³ Shaw, Martin. (2007) *What is Genocide?* Revised ed. Polity: Cambridge University

⁴ Ibid

murder, barbarism, or inhumanity. Even the attempts by the international community to develop humanitarian law during the 19th and early 20th Centuries wholly focused on war crimes and crimes against humanity during war.

Defining Genocide:

The term proved to be very slippery as little consensus has been reached among scholars, academicians and human rights activists about its definition. Lemkin defined genocide as the “destruction of a nation or of an ethnic group”. Elaborating it further, he says that “genocide is the synchronized and premeditated extermination of a national, religious or racial group by a variety of actions aimed at undermining the foundations essentials to the survival of the group as a group”⁵ (Chalk, F., K. Jonassohn’s1990). His definition of genocide is broader than just physical destruction of a group and it included attacks on political and social institutions, culture, national feelings, religion and the economic existence of the group. Thus non-lethal acts to undermine the living conditions of the group and ethnocide were also constituent elements of genocide⁶ (Chalk, F., K. Jonassohn’s1990).

Latter on experts from legal and other social disciplines defined it differently. Sociologist Helen Fein insists on recognizing the impact that Genocide has on “the socialization of children in the family” and Chalk & Jonassohn’s formulations merely specify the “group”⁷ (1990 p-34) as opposed to the definitional limitations imposed by legal community i.e. national, ethnical, racial and religious. Herve Savon placed emphasis on the motives and consequences of perpetrators. Thus he categorized genocides of substitution, devastation and elimination. Irving Louis Horowitz defined genocide as “a structural and systematic destruction of innocent people by a state bureaucratic apparatus.”⁸(Chalk, F., K. Jonassohn’s1990) On a social spectrum he placed genocidal society on the far left followed by repressive society, liberal society in the center and permissive society on the far right. As such he concluded that fanaticism is not a sufficient condition for genocide, but national culture is.

But the aim of social scientists in defining Genocide, as related to their fundamental purpose, is to relate the “moral outrage of such crimes and better place them within the larger societal context in which it is felt they belong”⁹. Hence, social science definitions of Genocide aim to be more inclusive, open and preventative in their formulations.

⁵ Chalk, F., K. Jonassohn’s. (1990) *The History and Sociology of Genocide: Analysis and Case Studies*, New Haven

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Ziad (2007) Defining Genocide: A legal and Social Perspective. [Internet] available at <http://www.socyberly.com/Social-Sciences/Defining-Genocide-A-Legal-and-Social-Perspective.42328> (accessed 28th April 2009)

UN convention on Genocide

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), adopted in 1948, states: 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:

- (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

The definition given in the UN convention is vague and criticized by many scholars. There are some shortcomings in this definition. First, as Chalk and Jonassohn¹⁰ (1990) point out there is a widespread application of the term genocide to a variety of unrelated situations. This confusion seems to be a result of the broad physical elements in the Convention's definition. Elements (a) through (e) mix lethal with non-lethal acts, which allows many individuals opposed to particular actions (relating to birth control, cultural assimilation and the prohibition of a particular language or religion, etc.) to invoke the Genocide Convention.

For example, many people point out that China's one-child policy is genocidal because it limits or reduces the population growth of particular segments of China's ethnic groups. However, it is obvious that China's aim is to reduce the growth rate of its enormous population. Second, ethnocide, which is reflected in (c) and (e), is also a part of the definition that many scholars reject. Third, it is generally agreed that Convention's definition includes only four protected groups; political groups, which have been the main victims since World War II, should be included. Similarly it is about the destruction of national, ethnic, racial and religious groups. But, as Martin Shaw¹¹ (Shaw 2007) says it excludes the "annihilation of groups defined by other characteristics such as class or political affiliation".

The Convention, however, is not completely useless. As Leo Kuper¹² (Kuper 1982 p-27) noted in many cases the four protected groups and political groups are closely connected. If the victims consistently belong to a racial, ethnic, national or religious group, even though the perpetrators claim their victims are

¹⁰ Chalk, F., K. Jonassohn's. (1990) *The History and Sociology of Genocide: Analysis and Case Studies*, New Haven

¹¹ Shaw, Martin. (2007) *What is Genocide?* Revised ed. Polity: Cambridge University

¹² Kuper, Leo. (1982) *Genocide: Its Political Use in the Twentieth Century*, Yale University Press

political, the Genocide Convention can be invoked. The problem is that it is more difficult to prove guilt if the political group targeted is not explicitly stated. It is also possible that a political group could be victimized for purely political ends. This argument applies equally to socio-economic and other groups that should be included in the definition.

How should genocide be defined?

The basic principle of this definition is: indiscriminate and systematic destruction of members of a group because they belong to that group. Genocides can be small (for example, where a small number of victims are systematically massacred over a relatively short period of time) or large and full-scale (where a large number of victims are killed over an extended period of time). Full-scale genocides include the Armenian death march, the Jewish Holocaust, the Cambodian Killing Fields, and the massacre of Tutsis in Rwanda. However, the number of victims does not make genocide more or less barbaric than another.

By making the victim group inclusive, conforming to the UN's original idea¹³ (Kuper 1982) and Lemkin's objective to protect all human groups, and limiting physical elements to exclude traces of ethnocide, this definition resolves the problems inherent in the UN definition. In this definition any indiscriminate, systematic killing of one group, whether in time of war or peace, can be labeled as genocide. When one group plans on destroying another, the result will be more than a few victims. As such, there is no need to use qualifying phrase such as genocidal massacre. It is either small or large-scale genocide. How the word "group" should be defined is very important as perpetrators can use this loophole to make a socially acceptable group look like an anti-social one and thus liable for destruction. In this paper, group is defined as pro-social, not anti-social such as gangs, thieves or terrorists. It includes, but is not limited to, national, ethnic, racial, religious, political and socio-economic groups.

Although intent is hard to prove, it is a basic mental element of all crimes which has to be proved. In some instances there is no need to find written intent. The systematic character of destruction of a group inherently consists of criminal acts and intent¹⁴. The phrase "in whole or in part" implies that in the event that the plan to destroy all members of the group fails, the successful destruction of part of the group also constitutes genocide. In that case all members of the group or part of it who suffered are counted as victims of genocide. For example, although Hitler failed to exterminate all Jews under his plan, he still committed genocide. In addition, the plan to destroy in part also constitutes genocide.

¹³ Before compromises were made to reach the final definition, the UN originally described genocide as "the denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings. (Kuper, Leo. (1982) *Genocide: Its Political Use in the Twentieth Century*, Yale University Press P-23)

¹⁴ Gregory H. Stanton (2005) *Genocides, Politicides, and Other Mass Murder Since 1945, With Stages in 2005*. [Internet] available at <http://www.genocidewatch.org/genocidetable2005.htm> (accessed 29th April 2009)

Similarly, while defining genocide, it should also take in to consideration the questions, for example, that “when the Khmer Rouge targeted people because of their Vietnamese origins, they were practicing genocide, but when they killed people because of their education or social class, they were not¹⁵ (Shaw 2007)? What would define "planned"? How planned were the events in Rwanda? What does "entire" mean? In the Balkans, Muslims were exterminated only in areas where it was deemed a necessary part of ethnic cleansing. Was it not genocide because the murder took place only within specific cities and regions? In Srebrenica 8,000 Muslim men and boys were mass murdered. Was it not genocide because the women and girls were spared?

¹⁵ Shaw, Martin. (2007) *What is Genocide?* Revised ed. Polity: Cambridge University

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