



**KEY IDEAS IN
CRIMINOLOGY
SERIES**

GENOCIDAL CRIMES

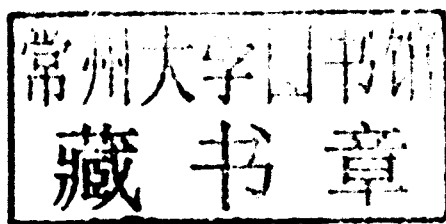
ALEX ALVAREZ

ROUTLEDGE



GENOCIDAL CRIMES

Alex Alvarez



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CONTENTS

ACKNOWLEDGMENTS	x
Introduction	1
1 Defining a crime	6
Definitional difficulties	7
UN Genocide Convention definition	10
Genocidal intent	19
Democide	21
Politicide	24
Classicide	25
Gendercide	25
Precursors and atrocity crimes	26
Conclusions	27
2 States and genocide I: state crime and war	28
The myth of spontaneity	28
State crime	29
States of exception	33
States and violence	35
Genocidal states	41
Revolutionary states	44
Genocidal motives	46
Conclusions	48

3	States and genocide II: legitimacy and ideology	49
	Legitimacy and hegemony	49
	Authority	51
	Ideology and genocide	57
	Defining ideology	58
	Nationalism	62
	Past victimization	64
	Dehumanization	66
	Scapegoating	68
	Absolutist worldview	70
	Utopianism	72
	Conclusions	73
4	Perpetrators I: the organizational context	74
	Military and paramilitary perpetrators	75
	Paramilitary groups	78
	Arkan's Tigers	80
	Interahamwe	82
	Deniability	85
	Force multiplier	87
	Violence without limits	88
	Bureaucracies	92
	Professional socialization and conformity	93
	Routinization	95
	Bureaucratic complexity	96
	State–corporate crime and profit	97
	Conclusions	99

5	Perpetrators II: the individual context	100
	Beyond imagination	100
	Myth of monsters	103
	Resistance to violence	112
	Techniques of neutralization	115
	Authorization, routinization, and dehumanization	119
	Shame	122
	Conclusions	124
 6	 An end to genocide?	 125
	Present and future	125
	Climate change and genocide	127
	Sea level rise	128
	Drought	131
	Milošević and The Hague	134
	International law	136
	The United Nations	137
	International criminal tribunals	138
	The International Criminal Court	139
	Responsibility to protect	142
	 NOTES	 145
	BIBLIOGRAPHY	175
	INDEX	195

INTRODUCTION

CRIMINOLOGY AND GENOCIDE

Reading criminological publications of the past century one has to conclude that criminologists have written very little on war crimes, crimes against humanity and genocide.

Roelof Haveman and Alette Smeulers¹

Rummel (1994) has estimated that approximately 170,000,000 lives were lost to acts of genocide and mass murder between 1900 and 1987. This computes to more than 5,300 victims a day during this time frame. Unfortunately, however, these acts of violence have not translated into academic attention within the discipline of criminology.

George Yacoubian²

Genocide has variously been described as the ultimate crime, the supreme crime, and the crime of all crimes.³ Given these superlatives one would expect that genocide has received a fair amount of attention from criminology, a discipline which has as its primary aim the study of crime and criminals. Unfortunately, this has not been the case. A recent study of American and British criminology and criminal justice journals reveals that between 2000 and 2005 only 3 percent of the total number of articles dealt with economic and political criminality.⁴ Since economic and political crime covers a lot of territory, this means that

articles specifically about genocide represent an even smaller percentage. Given the prevalence of these sorts of crime and the costs associated with them, this is an extremely low level of interest exhibited by criminologists. Historians, politicians, activists, psychologists, sociologists, and political scientists have all written about genocide, yet criminologists have been relatively slow to address themselves to this and similar kinds of international criminal behavior, and it is this lack of criminological attention that this book seeks to remedy, at least in part.

Essentially, this book comprises an attempt to write about genocide in a way that weaves in the criminological literature where appropriate in order to provide a richer and deeper understanding of genocide. Criminology, with its focus on various types of criminality and violence, has much to offer in terms of explaining the origins, dynamics, and facilitators of this particular form of collective violence. In many ways, however, this is not solely a criminological examination of genocide, but also an interdisciplinary one. Criminology itself is a very interdisciplinary discipline (if that isn't too nonsensical a phrase!), and has historically borrowed a great deal of material from the various social sciences. This book is written in that tradition. Throughout this volume, the reader will encounter many ideas, theories, examples, and issues that are derived from sociology, psychology, history, anthropology, political science, as well as criminology and criminal justice. Genocide is a complex and multifaceted type of crime, and no single theory and no single discipline can hope to provide a reasonably comprehensive and coherent understanding of the nature and dynamics of this phenomenon. In many ways, trying to understand genocide is like trying to put together a jigsaw puzzle. Before a lucid picture emerges, many different shaped pieces must be put in place in a way that allows them to fit together. Hopefully, in this book, I've been able to put different pieces together from various disciplines and approaches in a way that makes sense and allows for a reasonably accurate picture to emerge.

Generally speaking, my purpose in writing this book is twofold. First, I am interested in providing the reader with a good overview of the crime of genocide. While it is impossible in a book of this size to cover all of the ins-and-outs of genocide in detail, the reader will nevertheless be presented with a review of many of the major issues and themes that define and shape the crime of genocide. This book, in short, presents a discussion of the central elements of genocide. In many ways, this present volume complements my earlier book on genocide, *Governments*,

Citizens, and Genocide in which I first applied a criminological perspective to the crime of genocide.⁵ While there is a bit of overlap between this book and the earlier one, this current project addresses a number of important issues with regard to genocide that were only briefly touched upon in the previous volume. Other topics that were covered in the earlier volume are simply not covered in this present book. Additionally, the literature on genocide has developed and evolved since 2001, when *Governments, Citizens, and Genocide* was published, and this new book allows me to integrate much of that new material into this current analysis of genocide.

My second rationale in writing this book is to further develop that nascent part of criminology that concerns itself with these types of criminality. I hope that this book will help encourage and advance the field of criminology in the exploration of crimes that occur internationally and/or involve collective political violence. Historically and contemporaneously, criminologists have tended to focus on what can be termed predatory or street crime to the neglect of what has variously been labeled political crime, international crime, transnational crime, state crime, and most recently supranational crime.⁶ While there are many types of criminality contained within these rubrics – terrorism, political corruption, slavery, torture, and human rights abuses to name a prominent few – this book is primarily concerned with the criminology of genocide and only occasionally touches upon some of these other forms of violence and crime. All of these forms of criminality, however, are simply too important to remain marginalized and largely ignored within the mainstream of criminological thought and research. This book is not, however, a discussion of the field of criminology. All too often, the work that has been done in this area by criminologists tends to spend far more time analyzing and discussing the field of criminology instead of the supposed topic under examination. This is not the approach I take. Granted that it is important to discuss what this subtype of criminology should be called, or why criminology has neglected to examine genocide and human rights abuses, or any of the other disciplinary issues created by analysis of these crimes, but these are simply beyond the scope of this present book. My focus is simply on explaining genocide.

To provide a reasonably comprehensive picture of genocide, one must approach it at different levels. My approach in this book, therefore, has been to focus on three distinct yet related levels of analysis: the political, organizational, and individual. First, I examine genocide at the political

level, which entails a discussion of the role of the state in planning and implementing genocidal policies. As will be discussed in detail, genocide is invariably conceived and carried out by official and non-official agents of a government and can best be described as a destructive and deadly form of state policy. Second, many perpetrators of genocide carry out their crimes within organizational structures that dictate the nature of their complicity. Many perpetrators participate, not because of individual inclination or desire, but in their professional roles and as part of their professional responsibilities. Third and last, is the level of individual accommodation. Eventually, all genocides depend upon large numbers of individuals within a society either acceding to or resisting the pressures to participate in genocide, and it is important to acknowledge the ways in which individual human agency is affected by various social and psychological forces. By looking at genocide at these different levels of analysis, a more complete picture of genocide emerges, one which recognizes the importance of the context for dictating criminal behavior. These three themes are reflected in the structure of this book. The specific chapter organization is as follows.

Chapter 1 "Defining a crime" deals largely with issues of definition. To understand genocide, one must first grapple with the difficulties of delineating the phenomenon, and genocide is a fairly tricky subject to define for a number of different reasons that are discussed at length. Part of this discussion involves a review of the origins and development of the concept, as well as some alternative concepts and terms that have been proposed as an antidote to some of the shortcomings inherent to the legal definition of genocide.

Chapter 2 "States and genocide I: state crime and war," on the other hand, seeks to define genocide as a form of state crime. Accordingly, much of the chapter is devoted to illustrating the role of the state in instigating and perpetrating this crime, with particular attention given to illustrating the types of states that are associated with historic examples of genocide and the kinds of circumstances that help create and propel the genocidal impulse.

Chapter 3 "States and genocide II: legitimacy and ideology" continues the discussion on the relationship between states and genocide, but shifts the focus to review two themes that are important for allowing states to mobilize populations in pursuit of genocidal goals. The first is the perceived legitimacy that is generally accorded to the state and the role of various professionals in legitimating genocidal policies. The second is

the role of various belief systems or ideologies in providing the necessary perceptions and justifications needed for populations to engage in genocide. Both of these are reviewed and discussed in detail.

Chapter 4 “Perpetrators I: the organizational context” focuses on the organizations within which many genocidal perpetrators operate. As an example of state crime, genocide is characterized by the fact that participants kill or aid in the policies of destruction within various institutional settings that help shape and guide their behavior. This chapter focuses on a number of different organizations, most notably the military and paramilitary organizations within which most genocidal killers operate. The bureaucratic nature of modern organizations serves to assist in the perpetration of genocide and a number of bureaucratic qualities that aid in this process are also identified and discussed.

Chapter 5 “Perpetrators II: the individual context” comprises a discussion of the various social and psychological perspectives that help shape the choices individuals make in becoming participants in genocide. There is no one single type of perpetrator and so a portion of this chapter is devoted to discussing the motivations that distinguish different kinds of genocidal perpetrators. Particular emphasis is paid to illustrating the ways in which individuals define and perceive their participation.

Chapter 6 “An end to genocide?” presents a discussion on several countervailing trends that may well influence the future perpetration of genocide. First, the possible effects of climate change as a contributor to potential genocides is discussed, with particular emphasis on two aspects of climate change: sea level rise and drought. As a counterpoint to the potentially enabling effects of global warming, I review the increasing prevalence and power of international law as an agent that may well have a deterrent and preventative effect on states contemplating genocidal policies.

1

DEFINING A CRIME

From its inception, then, genocide has been an empirical, moral, legal, and political concept. To one person, "genocide" means evil and demands preventive or punitive action by a government; to another, "genocide" carries a circumscribed juridical meaning, while to still others it designates a specific type of mass violence.

Scott Straus¹

Genocide is the supreme crime!

Kenneth J. Campbell²

Genocide. Few words seem to be able to evoke such an immediate and emotional response as this simple word. Yet, for all of its power and ability to elicit outrage and condemnation, it is a term that is much misunderstood and often misapplied. Defined as a crime under international law since 1948, it has only gained wide currency in recent years and come into fairly common usage. But what exactly is it? Given its ubiquity, defining genocide is surprisingly difficult. We shouldn't be surprised at this, however, since describing any phenomenon as complex, as varied, and as changeable as genocide is ultimately very problematic. Think of it this way. A definition is supposed to describe something in order to provide a clear picture of the object being studied. In many ways it provides a snapshot of a phenomenon that tells people what the thing "looks like." A good definition should clearly illustrate what fits

and, importantly, what does not fit. Yet social phenomena are rarely if ever so clear-cut and easily captured by a few brief sentences. Genocide is no exception to this rule. There are a number of specific reasons why genocide is a difficult concept to define.

DEFINITIONAL DIFFICULTIES

First, genocide is not a unitary phenomenon. Instead, we need to recognize that it encompasses a great many different kinds of behaviors done for various motivations. When most people envision genocide, they tend to think of the gas chambers of the Holocaust or perhaps the mass shootings that preceded them. This is a natural reaction since the Holocaust remains the most well-known example of genocide. But this is an incomplete picture since genocide can also include many other forms of both direct and indirect violence. Genocide has been perpetrated not only with gas, guns, machetes, clubs, and similar kinds of weapons, but also through less direct methods that include disease, malnutrition and starvation, forced sterilization, dislocation and displacement, and rape.³ As the political scientist Martin Shaw points out, "Genocide involves mass killing but it is much more than mass killing."⁴ Similarly, when we examine the motives for genocide we also see a tremendous amount of diversity. Helen Fein, for example, a sociologist and a leading genocide scholar suggests four primary types of motivation.⁵ The first is developmental genocide in which a state intends to remove a population that is seen as being in the way of the colonization and/or economic exploitation of a region. Despotism genocide, on the other hand, refers to situations in which a government relies on genocide in order to remove rivals for political power. Ideological genocide concerns those genocides perpetrated because of a belief system. The last type, retributive genocides are ones committed during one group's struggle for political and/or social power against another group. This variety of both motivation and method of destruction is one reason why it is difficult to capture the meaning of genocide within any single definition.

Second, genocide is often evolutionary. That is, genocides can and often do change as the policies of destruction progress. Genocide is not static; rather, it is a process and, like all processes, it can and does change to fit evolving circumstances. If we examine the Holocaust, for example, we see that it first involved mass shootings with Special Action Groups or *Einsatzgruppen* following along behind the German army as it advanced

eastward through the Soviet Union. These units would round up and then shoot any Jews and Soviet officials they were able to capture.⁶ This method, however, was soon deemed too inefficient and slow, as well as causing too much psychological distress to the perpetrators, so the Nazis moved to the more impersonal and more effective use of gas chambers, which were used to such lethal effect in places such as Auschwitz, Sobibor, and Treblinka.⁷ In fact, all of the Nazi policies toward the Jews from the 1930s onward exhibited a similar process of change as experience and situational dynamics dictated. Similarly, both the Armenian and the Cambodian genocides evolved over time as needs, experiences, and perceptions changed. Sometimes these developments might be drastic and involve a decisive change in methodology and strategy while other times they simply reflect a change of emphasis. Over time, for example, as the Khmer Rouge government sought to eliminate enemies, the focus increasingly turned from external to internal foes. Whereas the first targets came from various minority groups and those perceived to be tainted by the previous government and western ideas, towards the end many of the victims were themselves Khmer Rouge soldiers and administrators.⁸ The old adage that every revolution eats its young certainly applied in this case. Not all genocides, however, exhibit this same level of progression. The Rwandan genocide, for example, followed pretty much the same tactics throughout its short 90-day span. But the Rwandan genocide was remarkably brief and most genocides tend to last a good deal longer and are therefore more likely to evolve. Even with the case of Rwanda, however, the genocide was not perpetrated uniformly. Scott Straus's analysis reveals that at the local level there were important differences in the implementation, speed, and lethality of the violence.⁹ In short, then, the evolutionary and contingent nature of genocide helps make defining this crime difficult.

The third issue that makes defining genocide problematic is that there is a tremendous conceptual and behavioral overlap between the legal definitions of genocide, war crimes, and human rights violations. War crimes, for example, involve violations of the laws and customs of war and govern things such as the treatment of prisoners and civilians, tactics and weapons, medical experimentation, torture, random destruction, murder, and rape.¹⁰ The problem is that genocide typically occurs in the context of a war and is often composed of specific acts that can also be qualified as war crimes. The illegal targeting of civilians, for example, is a clearly recognized category of war crimes and is also one of the

defining characteristics of genocide. So which is it? There are technical legal considerations that help scholars and attorneys determine which is which, but these distinctions are usually not clear to non-experts. Similarly, rape and torture are considered crimes against humanity but are also prohibited as war crimes and genocide.¹¹ Determining under which category or categories a specific act might fall is no easy task and serves to compound the difficulty in defining genocide.

Fourth and last, genocide is a much used and misused term. University cutbacks, African American incarceration rates, the election of George W. Bush, highway deaths, abortion, AIDS, animal cruelty, nuclear war, slavery and the slave trade, have all at one time or another been labeled as genocide and this list is by no means complete.¹² The increase in popular awareness about genocide has meant that the term is often applied to any topic or issue that somebody wants to call attention to, or condemn, or in order to mobilize popular opposition or support. Genocide is a powerful word that has a tremendous ability to elicit a strong and visceral reaction and is therefore an attractive term to use when confronted with a subject that you wish to revile. While understandable, this misuse of the word makes the issue more confusing. Not every outrage or atrocity constitutes genocide, and to suggest otherwise simply muddies the waters.

For all of the reasons listed above, defining genocide remains somewhat difficult. Yet, for all their problems, definitions are important. Definitions provide the conceptual foundations upon which we build our mental picture of the phenomenon being studied. They help us make sense of things and give shape and form to the events under examination. Importantly, they also provide the basis upon which cases are included or excluded for study, which in turn influences the inferences, explanations, comparisons, and insights that are generated. Definitions are also important because they provide the legal basis for identification and prosecution. Criminologically speaking, definitions provide the basis for legal codes and procedures. Definitions, in short, are important tools for helping us better understand the nature and dynamics of genocide, and the logical starting point is the definition formulated by the United Nations.