

**Toward a Socio-historical Theory of Persecution
and an Analytical Concept of Genocide**

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Among the legacies of the Twentieth Century, are questions related to genocide which are crucial for social sciences, philosophy and legal study. This paper will address the history, as well as the analytical and theoretical limits of the social sciences' perspective of genocide. Literary attempts to define this concept have taken a variety of factors into account, yet there remains an absence of analytical and theoretical framework in which to understand genocide as an historically specific phenomenon. My discussion of the literature will propose one way to achieve such a framework.

Contrary to the notion of Holocaust, the term genocide was born only in recent times — while the ashes of the Second World War were still burning. The Latin expression *Holocaustrum* was used in the 12th century referring to a “sacrifice where a victim — offered to God — was entirely consumed by fire” and it was used to refer to the slaughter of Hebrews during Biblical times (Dictio. historique de la langue française, Robert, 1994, p.967). In common sense terms, the word Holocaust is associated with the extermination of the European Jews by the Nazis. It is not trivial to note that the religious echoes attached to the expression of sacrifice have made this expression popular within Jewish theological study. With constancy to its etymological meaning, Leo Kuper used the expression Holocaust to denominate the nuclear bombing of Nagasaki, Hiroshima, and Dresden. The concept of genocide should also be contrasted with the expression “ethnic cleansing” popularised in the 1990s. The young history of the study of genocide is leaving us with questions to which social scientists have very few answers.

I study genocide for two, interrelated reasons. The first one is cognitive. My approach and my interests are primarily socio-historical. My framework is shaped to lead to socio-historical analysis and to critique levels of abstraction that obstruct our understanding of the historical specificity of genocide as a type of mass murder. The second reason is ethical. I am pessimistic that the establishment of the International Criminal Court will be sufficient to prevent the occurrence of new cases of mass murder.¹ The prevention of mass murder and genocide do not go without the prevention of the large scale historical processes that create the necessary conditions for genocide to happen. My cognitive and ethical interests are related by the idea that it is only by understanding how these processes have led to disaster in the past that one will be able to prevent them in the future.

Our difficulties in answering questions related to the theoretical understanding of genocide are connected to the way in which we ask our questions. My focus is driven by the intention to theorise the concept of genocide

¹ Please see Frédérick Guillaume Dufour “The Political History of the Juridical Prevention of Genocide. Or the Case of Multilateralism vs Hegemony” (forthcoming) for additional information on this topic.

with a sufficient level of abstraction to refer to a phenomenon, which has more than one occurrence, and a sufficient level of precision to avoid the reifying vagueness of transhistorical concepts.²

I will try, in Part I, to recast the peculiar development of the theorisation of this concept and explain how this development has conditioned the different cognitive frameworks through which we think about genocide. The political context in which this field has been articulated, and the implications of adopting and reproducing these approaches, will be highlighted. I will, in Part II, also show how alternative theorisations of genocide could lead to more fruitful empirical research and more subtle conceptual definitions. Finally, I will recommend new research avenues related to the project of a reappropriation of this concept by the social sciences.

In addition to the cognitive and ethical purposes presented earlier, the project exposed in this paper has different purposes. It intervenes in different fields and engages a different *problématique*. Even though these purposes will not always be obvious, I find it important to state my principal intentions:

- I will recommend a division of labour between jurists and social scientists with regards to the theorisation of the concept of genocide,
- I will challenge theorisations of the concept of genocide in social science, particularly the attempt to consider genocide as a transhistorical phenomenon, and
- I will propose guidelines in order to conduct a comparative socio-historical study of mass murders.

Part I: Genesis of the Field of Genocide Studies

At this early stage of my research, I assume that the history of the theorisation of genocide constitutes a loosely defined field — the field of genocide studies — about which it is possible to identify the main rules of formation, the principal positions, and the *habitus*. More precisely, I think that this field is still in formation, and is characterised in my view, by a tension between two incompatible *habitus* — the juridical and the scientific. It is only after having definitively divorced with its juridical *habitus*, that this field will be able to solve many problems that constantly re-emerged within it. I borrow the concepts of field and *habitus* from the sociology of Pierre Bourdieu, “[A] field consists of a set of objective, historical relations between positions anchored in certain forms of power (or capital), while *habitus* consists of a set of historical relations

² It will become clear later that my approach does not take for granted the assertion of the Preamble according to which Genocides have always existed. On this issue I disagree with Jonassohn, Charny, and Sartre to name only a few.

‘deposited’ within individual bodies in the form of mental and corporeal schemata of perception, appreciation, and action” (Bourdieu and Wacquant, 1992, p.16). The process of adopting a specific *habitus* is not necessarily intentional. I will also use Foucault’s concept of discursive formation to refer to an implicit set of regularities within the objects of analysis, the statements, the correlations, *problématiques*, and ways of thinking about genocide (Foucault, 1969, p.53, 61). I use these concepts of discursive analysis for heuristic purposes and not necessarily because I endorse the entire framework of their creators.

The field of genocide studies is constituted by pioneer works, key thinkers, instruments of measurement, *problématiques*, *habitus*, and taboos. It has gained a relative autonomy from the study of the Second World War and Jewish history, and it has been predominantly forged by jurists. A sociology of its development must take into account the practices of the latter where they have theorised the concept of genocide within juridical institutions, charters, conventions, and criminal courts. I will refer to these intellectual practices as the juridical *habitus*. They play a crucial role in the formation of the field of genocide studies. The necessity of a rupture with the juridical *habitus* will be highlighted in the next section.

The term genocide first appeared in *Axis Rule in Occupied Europe* (1944), a book written by a Polish jurist and activist, Raphael Lemkin. It was only in 1948 that the United Nations (UN) adopted the Convention on the Prevention and Punishment of Genocide that became international law in 1951. The negotiations that led to its adoption were crucial to the way we now think about genocide. For this reason it is necessary to present briefly their content, debate, and context.³

The Convention on Prevention and Punishment of Genocide was adopted in a highly political context. Out of this context emerged a discursive formation — an intellectual production organised around similar questions, objects of analysis, *problématiques*, and imperatives — concerned with genocide. Embedded in this context was the necessity to find an operational concept for juridical institutions that would deal with criminals of the Second World War. With the end of the war the Allies had to deal with the punishment of Nazi leaders. The value of this notion for social science research was not an issue in this context. The imperative for which it was needed was punishment and justice, more than understanding and explanation. Some might object and claim that they are not mutually exclusive (Andreopoulos, 1994), but for reasons that will be elaborated upon later, I believe that it has, in fact, been the case within genocide studies.

Many years before the adoption of the Convention, Lemkin had claimed in 1933 at the International Conference for Unification of Criminal Law in Madrid, that “the destruction of racial, religious, or *social*

³For an extensive discussion of this context see (Robertson, 1999; Schabas, 2001; Churchill, 1998)

collectivities [should be declared] a crime (of barbarity)” (Kuper, 1981, p.22). He argued in favour of recognition of the notions of crime of vandalism and crime of barbarity in an international conference on criminal rights in Madrid. At this moment the ambiguous notion of social collectivities was included in the definition of what would become the concept of genocide. Following the Allies’ declaration in October 1943, that they intended to punish the perpetrators of atrocities against the Jews, England, France, the Soviet Union, and the United States agreed on a common declaration (of Moscow) to punish these crimes. It is in the spirit of this declaration that in August 1945 the *Charter for the International Military Tribunal of Nuremberg* was established, in which a number of the Nazi leaders were tried, not for crimes of genocide, but for crimes against humanity.

This Charter was an important precursor to the Convention of 1948. Its Article 6 holds our attention because it attempts to create juridical categories of crimes, which should not be tolerated under the cover of war:

Article 6 of the Charter for the International Military Tribunal (August 1945)

Crimes against peace: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

War crimes: namely, violations of the laws or customs of war. Such violations should include, but not limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian population, before or during the war, or persecutions on political, racial or religious grounds of execution of, or in connection with, any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

This Article recognised the juridical categories of crimes against peace, war crimes, and crimes against humanity, but not of genocide. Moreover, it acknowledged the category of deportation to slave labour as a war crime, and the category of persecution on political grounds as a crime against humanity. The notion of genocide did not gain formal recognition until Nuremberg in 1945.⁴ The UN gave it the following definition on December 11, 1946:

⁴ See also (Robertson, 1999, p. 200-210) for a discussion of the political context of the trial.

The definition of Genocide under UN Resolution 96-1

Genocide is a denial of the right to existence of entire human groups, as homicide is the denial of the right of a individual human beings; such denial of the right to existence shocks the conscience of mankind, results in great loss to humanity in the forms of cultural and others contributions represented by these groups, and is contrary to moral law and to the spirit and aims of the United Nations. Many instances of such crimes of genocide have been destroyed, entirely or in part. The punishment of the crime of genocide is a matter of international concern.

The General Assembly, therefore, affirms that genocide is a crime under international law which the civilised world condemns, and for the commission of which principals and accomplices — whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political, or any other grounds — are punishable.

What is crucial for our examination of the formation of the field of genocide studies is that in 1945 and 1946 the category of political grounds was in the embryo of the Convention. This disappeared in 1948. This is significant not only for the construction of the normative order of the post war era, but also for the subsequent research practices of genocide. Between 1946 and 1948, almost every line of the UN Resolution 96-1 was debated. Following Leo Kuper, we can identify five important controversies that are still debatable today, as they imply acute political and economic interests. Emerging superpowers — the US and the USSR — were trying to establish the normative agenda of the second half of the century, and declining colonial powers were trying to prevent its erosion and make sure that it would not be sued for its action within their colonies.

During these negotiations, five arguments were raised against the inclusion of the category ‘political groups’ in the Convention. The first was raised by the Soviet delegation, which considered the category incongruous “with the scientific definition of genocide.” That “would, in practice, distort the perspective the crime should be viewed and impair the efficacy of the Convention,” giving “the notion an extension of meaning contrary to the fundamental conceptions of genocide as recognised by science” (Kuper, 1981, p.25). The other arguments were that its extension to include ‘political group’ did not respect the etymology of the word; it was too loose to be applied by juridical institutions; what was referred to as a political group was too unstable, and it could limit states’ national sovereignty.

Against the arguments of the Russian delegation were those of the French who favoured the inclusion of the term in the categories covered by the Convention. According to the French, there was no necessary conceptual link between crimes of genocide and the racist doctrine of National Socialism. Moreover, they argued that “whereas in the past crimes of genocide had been committed on racial or religious grounds, it was clear that in the future they would be committed mainly on political grounds” (*UN Report of the Ad Hoc Committee on Genocide*, p.3, quoted in Kuper, p.27). The pragmatic perspective according to which there is

simply no absolute concept of genocide challenged the etymological argument. Against the argument of the instability of political group, was offered the answer that if the perpetrators were able to circumscribe a given political group, the UN should be able to do the same.

This set of arguments was won by the Soviet delegation. The category was removed from the draft of the Convention on November 29, 1948. According to Kuper, the US accepted the removal because they were afraid that an agreement would not be reached without this concession (Kuper, 1981, p.29). According to Ward Churchill, this has to do with an issue of domestic politics. The US was looking for a way to get rid of the category of cultural genocide. This category was mobilised by the Black civil rights movement in order to use the term genocide to describe the lynching of 2505 black men and women between 1882 and 1930 in the ten US states most in favour of capital punishment. In the same vein, the US' birth control and involuntary sterilization policy had reach a record of 30% among poor blacks and the Puerto Rican community, and up to 42% in the Native Indian community in 1976 (Churchill, 1998, p.376-377). According to Churchill's thesis, the US delegation would have conceded to the removal of political group in order to remove cultural group.

Behind the arguments raised by the Soviet delegation, was a much more serious reason for their objection. Even if it was not on Stalin's foreign policy agenda, it was the theoretical commitment of Lenin and the USSR that the bourgeoisie — a class or political group — should be overthrown by any means necessary by Communist Parties. Moreover, in 1948 the Soviet's policies were responsible for the deaths of millions in the USSR. Between 1929 and 1933 alone, 14 to 15 million Koulaks died under Stalin's state (du Preez, 1994).

From the perspective of social science, an argument can be made that the social process that led to the *Gulag* was different than the one that led to Auschwitz. But these were not the kinds of arguments that were raised at the time. The rejection of the category of political group from the draft of the Convention was due to the political context. Robertson underlines that the Convention “would cover gypsies and rastafarians, but not homosexuals or members of a political or social organization” (Robertson, 1999, p.212). In this vein, Klaus Barbie and Augusto Pinochet, who respectively slaughtered the French Resistance and the Chilean left-wingers, were not tried for crimes of genocide, but for crimes against humanity.

A second object of controversy was the category of cultural genocide. The Russians, the colonial power of the time, were chiefly in favour of this notion and the US was against it. This category was also removed from the final version of the Convention (Churchill, 1998; Robertson, 1999, p.213). A third debate centred around the quantification of the ambiguous expression “in whole or in part” inscribed in the Convention. The questions of intentionality and of the range of the application of the Convention were also important issues. Should the Convention have the strength of a Universal Enforcement like the Convention Against Piracy on International

Seas, or should it be restricted by states' national sovereignty. Even though a first draft of the Convention stated that it should be effective "wherever they [genocide] may occur," this principle was removed from the final version. In the same vein, the proposition of the establishment of an International Criminal Court — promoted by the French delegation that highlighted the fact that genocides were crimes of governments and, therefore, they should be punished by a supranational institution — was also discarded from the Convention. The last two controversies will not retain our attention in this paper, because they were less central to the definition of the Convention.

The important element to keep in mind is that the process that led to the ratification of the Convention was not taking place in a pristine context of good will, but was largely restrained by political interests and juridical imperatives. The final result of the negotiations led to the adoption of the following Convention, which came into force in 1951:

Article 2 of the UN Convention on Genocide

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, such as:

Killing members of the group;

Causing serious bodily or mental harm to the group;

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Imposing measures to prevent births within the group;

Forcibly transferring children from one group to another group.

Adopting Habitus: From the Juristic Field to Social Science

In this section, I address the issue of the division of labour between jurists and social scientists. The adoption of a juridical *habitus* in the theorisation of genocide has implications that should not be underestimated.

For a number of reasons, the Convention's definition of genocide does not meet with unanimity in social science. Some pioneer scholars — like Leo Kuper — choose to work with it for practical purposes:

I shall follow the definition of genocide given in the Convention. This is not to say that I agree with this definition. On the contrary, I believe a major omission to be in the exclusion of political groups from the list of groups protected. In the contemporary world, political differences are at the very least as significant a basis for massacre and annihilation as racial, national, ethnic or religious groups are generally a consequence of, or intimately related to, political conflict. However, I do not think it helpful to create new definitions of genocide, when there is an internationally recognized definition and a genocide Convention which might become the basis of some effective action, however limited the underlying conception (Kuper, 1981, p.39).

The fact that there is an internationally recognised definition of genocide in international law does not tell us why we should keep this definition in social science and why it would lead to fruitful research. In another article, Kuper gives us three more reasons to keep this definition in social science: 1) “It provides a workable definitional core for interdisciplinary analysis and application,” 2) “it is a legally accepted definition that has been incorporated in a convention ratified by the great majority of the member states of the United Nations,” 3) “it provides some possibilities for preventive action, and it incorporates the original concept of Raphael Lemkin, whose dedication promoted the framing and adoption of the Genocide Convention” (Kuper in Andreopoulos, p.31). These reasons are not more convincing. The first is an empirical hypothesis; it still has to be demonstrated, and for reasons that I will soon expose, I personally doubt that it is a very good definitional core. The second reason tells of why it is a good definition for international criminal law and internationally coercive institutions, not why it is good for social scientists. The first half of the third reason still has to be demonstrated; the second half is an appeal to authority.

Kuper is aware of the political context in which the categories of political, economic, and cultural groups were removed from the Convention. He compensates for this bias by referring to massacres of political groups or economic classes under the expression “related atrocities” and to group or sections of group annihilation under the expression “genocidal massacres” (Kuper, 1981, p.10). A few things can be said with regard to Kuper’s position in the field of genocide studies. First, he contributes to the emergence of new objects of analysis and intellectual production — related atrocities and genocidal massacres. He endorses the heritage led by juridical practices and he adopts their *habitus*. The rules governing his sociological inquiry follow the imperative of building operational categories for a juridical framework. I want to show how this juridical *habitus* in the scientific studies of genocide has contributed to the emergence of, in my view, insoluble problems. One of the problems of juridical bias in the field of genocide studies is the emergence of several *problématiques* that are clearly more juridical and political than sociological. Andreopoulos believes that:

The quest for a comprehensive definition and the quest for an enforceable mechanism are indicative of complementary rather than conflictual processes. [Because] the quest for a comprehensive definition would enable us to “map out” the area within which the concept it to operate; an analytically rigorous definition could then be developed which would avoid conceptual overstretch. Because the concept refers to a social process, a good definition has a critical functional value: to assist in the detection of early signs of an impending crisis and, provided the appropriate mechanisms are in place, devise preventive measures. Thus a good definition can be instrumental in the criterion of an early warning system for the detection of genocide-prone situations (Andreopoulos, 1994, p.3-4).

This might be true. Social scientists who work in the field are, of course, preoccupied by the prevention of genocide. That does not mean that this sharing of interest should lead to a sharing of concepts. Criminologists, lawyers, and police forces often have very different definitions of crime; that does not mean

that they do not share the intent to reduce criminality. The same juridical *habitus* impacts the formulation of critiques of thesis in the field. Andreopoulos, for instance, has criticised the work of Tony Barta in these words:

[Tony Barta] proposes without any further theoretical elaboration the term relations of destruction. Despite the problems associated with the systemic approach, it is a constructive reminder of the role of impersonal forces in shaping group and individual choices. However, this perspective offers no convincing argument for doing away with the intentionality criterion, and no insights whatsoever on the feasibility of preventive measures against genocide. Its main claim that genocide is coextensive with the reproductive needs of a certain system suggest the normalization of the genocidal process and the concomitant impossibility of devising preventive measures against a process that is part of everyday life (Andreopoulos, p.9).

It might be true that Barta could have elaborated on his promising definition of relation of destruction, but it does not mean that the conclusion of Andreopoulos is fair. The question of whether some forms of genocide happen to be the result of complex social process, systemic or other, is empirical. It may be the case that systemic process could be harder to prevent, but this is not the point. This kind of critique, which conflates questions of understanding with the urge to prevent, is a classical output of the sad overlap of the scientific and juridical *habitus*.

Frank Chalk reminds us that by the 1970s, the overlap of the two *habitus* had become apparent, and Hervé Simon “voiced his skepticism about the utility of the UN definition as a tool for sociologists, noting that it really belongs to the language of law and ethics, not to the realm of sociological analysis” (Chalk in Andreopoulos, 1994, p.48-49).

My impression is that one must go beyond Kuper’s heritage. There are implications for social scientists in uncritically adopting concepts that have been forged by jurists in order to punish a group or a behaviour, or to solve a problem by means of institutional regulation. Social scientists have long since theorised the concepts of states or nations outside juridical frameworks, because they thought that the latter were unable to explain or properly understand social processes. Today, if one wants to understand state formation, nationalism, or war, one has to pay more attention to the work of sociologists or political scientists than to that of jurists. The same is true for the study of genocide, as Chalk puts it:

International lawyers and scholars in the social sciences have their own legitimate sets of objectives when laying out the boundaries of a subject. For international lawyers, defining genocide means defining a crime. Like any criminal offense, the definition of genocide must be appropriate for legal prosecution, and it must withstand review by judges and lawyers for the accused. Social scientists have a different set of objectives. When defining genocide, they are outlining the boundaries of a set

of cases, which they want to study for the purpose of discovering their common elements and analyzing the processes that brought them about. (Chalk in Andreopoulos, p.47)

The conclusion of this is that these two fields should work together, but with their own tool boxes. From a different angle, a pragmatist might argue that there is no absolute concept of genocide, or that no concept of genocide will satisfy everybody, and conclude that one should adopt the concept of genocide forged by the tradition from which the concept has acquired meaning — the juridical tradition. Even though I endorse the pragmatic argument that there is no absolute concept of genocide, I want to draw attention to some further implications of the second part of this reasoning.

The tendency to associate the concept of genocide to the juridical practice locks social scientists in an uncomfortable position. They walk a thin line between the realms of politic, punishment, and intellectual objectivation. This means that researchers are exposed to the pressure and influence of political interests which seek the recognition or the rejection of the inclusion of an historical event under the category of genocide. This is an external constraint to research on genocide, but there is also an inherent constraint to the practice of social research in this field. If a researcher concludes that what appeared to be a case of mass murder against a religious or national group — categories covered by the Convention — is the result of a deeper socio-political or socio-economic dynamic, his or her conclusion could be used to defend a perpetrator of mass murder. Considering the complexity of overlapping religious, social, cultural, economic, and political processes leading to the formation of group identities, cases like this have a greater chance of becoming the rule rather than the exception. The quest for a credible explanation might interfere with the researcher's ethical commitments in cases like this, because one's explanation may lead to defending the perpetrator of mass murder. This is a situation that one might find problematic. Other problems must be highlighted with regard to confusion in the division of labour between jurists and social scientists.

The juridical field is organised around important *habitus* and imperatives that shape specific forms of knowledge with specific methods of research and argumentation. It seeks evidence that might lead to the declaration of someone's guilt or innocence. This may sound obvious, but it has implications for social science. As it was shown earlier with the exposition of Andreopoulos' critique of Barta (Andreopoulos, 1994, p.8), it means that the choice between an individualist or a structuralist methodology will have important consequences. For a lawyer, an emphasis on social structure or individual choice could have important consequences with regards to the guilt or innocence of an individual. This problem is made obvious if we

consider the Eichmann case.⁵ Who should be held responsible for the output of the administrative process: the bureaucratic process or the individuals who make it work? A juridical approach will not only focus attention on individuals rather than social structures, it will also pay more attention to the question of intentionality and the explicit motives in the explication of the behaviour of the actors — states or individuals. The field of genocide studies has inherited an emphasis on technical classifications from the juridical *habitus*; an imperative on the measure of sanctions and a lack of perspective on the dynamic of social processes. This *habitus* has also drawn particular attention to directly observable facts: the quantification of victims, the recovery of the statements of intent of the perpetrators, and the testimonies of the victims. This emphasis has consequences for social scientists and the problematisation of their object. A perspective that focusses on individuals marginalises social process *sur la longue durée* (Braudel, 1969), i.e. the formation of states, identity, alliances, perceptions, and classes. The argument here, by contrast, is that these elements are necessary to understand the world we live in, including the occurrence of genocides.

In order to understand the sufficient and historically necessary conditions of mass murder, one has to pay attention to historical macro structures. The implication of this for ethics and law is not to dispense with individual responsibility in cases of genocide. Men and women make their history, and they shall be held responsible for their actions. I would agree with Robertson's view that a "great achievement of international law, at the close of the twentieth century, [is] to lift the veil of sovereign statehood far enough to make individuals responsible for the crimes against humanity committed by the states they formerly commanded" (Robertson, 1999, p.192).⁶

⁵ Adolf Eichmann was a high-ranking administrator of the Nazi Party. Commenting on his trial in Israel, Hannah Arendt was astonished by his lack of ability to think or act morally. As a member of an administrative machine, his work was to follow orders, and he claimed that he was only guilty of having done his work as efficiently as possible in conformity with the orders he had received.

⁶ The modern tradition of political theory has tried to secure legitimacy on two different grounds (Habermas, 1996, 2001). One of which is a philosophical, communitarian doctrine of state sovereignty - which encompass a broad range of approaches which argue that different cultures are rising privilege and specific claim to their conceptions of a good life and legitimate forms of institutions (Taylor 1996, Walzer). The other one is a liberal doctrine of human rights which claims that human beings deserve the attribution and the guarantee of basic rights without regard to race, culture and political boundaries (Dworkin an Rawls). More recently Habermas and McCarthy (1998) have shown that both traditions presupposed some arguments of the other.

The argument which claims that national sovereignty should be the basis of law and morality has been heavily limited by the fact that almost all the perpetrators of genocide have claimed it in order to justify their policies within their political boundaries. Some might argue that the same thing could be said about human rights that have justified military intervention, which were serving specific political agendas (like the US action against Iraq). However, there is an asymmetry between these two arguments. If one adopts state sovereignty as the ultimate ground of morality, there is conceptually nothing that one can oppose to someone like Goering who claims that nobody has the right to intervene in Germany's internal politics. The paradox of this position as been pushed to its limits by the juridical doctrine of Carl Schmidt who was a first plan constitutionalist under the Nazi regime. The argument against grounding legitimacy in a doctrine of human rights is

As I hope I have made clear in this section, my point is not that the work of jurists is irrelevant for social science. The argument here is that if social science's objective is the identification of the historical and social processes that bring about genocide, the juridical approach suggests misleading levels of analysis. Most jurists and social scientists share an interest in the prevention of genocide, but it does not mean that they need to share their methods and concepts. Clearly these considerations do not keep an individual from being accused of genocide, crimes against humanity, or crimes of war. The hypothesis held by more structuralist approaches in social science — that individuals act partly compulsively in response to a social structure — does not inhibit them from acting intentionally.

Political Agendas and the Study of Genocide

Social science is always embedded in the political sphere, but it is necessary to understand how it has taken a particular form of politisation in the study of genocide. The obstruction between the political field and social science contributes to the explanation of the proliferation of intellectual production about genocide. The concept of genocide is born as a juridical category but its final definition, and most subsequent attempts to criticise it, took place within a social and political context (Robertson, 1999; Schabas, 2001; Churchill, 1998).

Struggles to define, represent, and classify the objects, *problématiques*, and borders of the field of genocide studies are embedded in the activity of citizens, political advisors, jurists, and scholars whose interests are never without consequences for the political field and for specific political agendas. Whereas it is not usually an issue to acquiesce on the implication of a country involved in conventional warfare, labelling a group as involved in the perpetration of genocide is more controversial. The recognition of the genocidal character of a conflict or an intervention has potential political, economic, and juridical consequences for the perpetrators and the victims. An example given by Kuper shows how accusations of genocide have deeper implications than related accusations. Forced to argue against the genocidal character of the policy of its government against the Indians of the Amazon River in Brazil, Brazil's permanent representative stated that:

the crime committed against the Brazilian indigenous population cannot be characterized as genocide, since the criminal parties involved never eliminated the Indians as an ethnic or cultural group. Hence there was lacking the special malice or motivation necessary to characterize the occurrence of

different. What it is pointing at is not a conceptual, but a political problem. The problem with grounding legitimacy on human rights is that the process of promoting some rights rather than others, and some humanitarian interventions rather than others, is highly exposed to the political agenda of the hegemonic forces in a specific world order. When one argues that the US intervention in Iraq was related more to their economic agenda (the stabilisation of oil prices on the international market) than to their devotion to democracy, one can hardly be wrong. This provides no cognitive or conceptual argument against human rights doctrine in general. It shows empirical and political problems related to their application in a context where the wheels of multilateralism are lubricated by a hegemonic power.

genocide. The crimes in question were committed for exclusively economic reasons, the perpetrators having acted solely to take possessions of the lands of their victims. (Lewis, 1976:62-63 quote in Kuper p.34)

Here it is clear that even though a perpetrator admits that his country has committed a crime against the native population, he is willing to do whatever he can to ensure that this crime is not referred to as genocide. The argument of the Brazilian government was that because the annihilation of the ethnic group was not the intent of the action, but the consequence of the justifiable deprivation of their means of subsistence by the Brazilian government, the action could not be considered genocidal in character. This argument illustrates a limit of the Convention mentioned earlier. If the perpetrator of a slaughter shows that the annihilation of an ethnic group is the indirect effect of an economic policy of national interest, it will not be possible to accuse the perpetrator of genocide in the context of the Convention of 1948. This problem has been partly resolved with the Rome Statute where a distinction is made between crimes of genocide, crimes against humanity, crimes of war, and crimes of aggression. The slaughter of a political group would escape the category of crimes of genocide, but not of crimes against humanity, whereas, the slaughter of a civilian population would be clearly identified as a crime of war.

Many researchers have argued that the remaining victims of slaughter may also have an important economic and political interest in being recognised as victims of genocide, rather than losers of a war. This argument is valid, but it offers a path of research for cynical scholars that will not be followed in current study. So far, we have identified two fields that have consequences for an attempt to provide an understanding of genocide from the perspective of social science. The following steps of my argument radicalise the transition from the juridical *habitus* towards social science. The first step of this transition is a critical examination of potential victims in the Convention.

Part II: Toward an Analytical Concept of Genocide

The first part of this paper tried to locate the definition of the concept of genocide at the borders of the juridical and political fields. In this section, I will look at this notion in light of contemporary social scientific study.

The Convention of 1948 in the Light of Contemporary Scientific Study

For the purpose of theoretical analysis, it is important to revisit some concepts of the Convention of 1948 — intent, national group, ethnic group, race, and religious group — and to highlight some of their ambiguities. For the purpose of this paper, I will address only two of these concepts: national and ethnical group together, and race. With regard to the concept of intent, I will refer the reader to the work

of John Searle. Intentionality is a necessary introduction to the treatment of concepts in analytical philosophy and cognitive science.

The concept of race is rejected in contemporary biological studies (Blackburn, 2000; Pichot, 2000). The eugenicist research programme has been abandoned for decades and subsequent attempts to preserve a biological treatment of the concept of race are incompatible with contemporary conceptual frameworks in genetics. In the 1940s and 1950s, the concept of race was commonly used in the UN's publications. An example of this is given by a publication of the United Nations Educational, Scientific and Cultural Organization (UNESCO) "Qu'est-ce qu'une race des savants répondent" (UNESCO, 1952). Among the objectives of this brochure was the intent to challenge three eugenicist myths — the idea of a pure race, the idea of superior races, and the belief in the existence of immutable racial distinctions — in the light of developments in biological studies. One shall note, however, that it was not challenging the idea of race itself. Even though research in genetics had shown that different racial groups could be mixed up, there was still an attempt to classify the human species by racial group. Jean-Paul Thomas argues that:

l'introduction des méthodes de l'analyse génétique, biochimique et immunologique nous renseigne beaucoup mieux sur la diversité du patrimoine génétique que ne peuvent les caractères physiques (couleur de peau, morphologie faciale, etc) [...] la race n'a plus de réalité biologique définissable puisque le polymorphisme entre individu de même 'race' peut surpasser le polymorphisme entre individus de 'races différentes' (Thomas in Lecourt, 2000).

With regards to definitions of genocide, these developments have important consequences. If the concept of race does not refer to a biological or genetic reality, its possible uses are considerably limited in social science and texts of law. The only way it can still be understood in social science is as a means to refer to a political category used by perpetrators to define their enemy, or by a group to define the way they perceive their collective identity. Therefore, it shall be considered a category of perception used by political groups for political purposes. The consequence of this gestalt switch is that the perpetuation of an unreflective concept of race in texts of law or social sciences is perpetuating and reifying categories of victims used by perpetrators of mass murders.

With a few differences, the concepts of national and ethnic group can be subjected to the same critique as the concept of race. One of the important differences is that the concept of nation has never been systematised by a research programme with claims similar to those of the eugenicist with regards to the concept of race. Nevertheless, some attempts have been made to naturalise this concept and to refer to nations as unproblematic social entities. Debates in social sciences related to the concept of nation can be circumscribed

around four axis: civil/ethnic, essentialist/constructivist, pre-modernist/modernist, and the category of practice/analysis (Dufour, 2001; also Dufour in McLeod and O'Meara, 2001).⁷

Roger Brubaker (1996) has pushed these debates farther by drawing a conclusion that could have been inferred from the work of many studies of nationalism (Hobsbawm, 1999). He argues that the concept of nation rather than being considered a category of analysis, should be considered a category of practice. By this he means that when one adopts the term nation as an unproblematic concept of social analysis, one reifies a category mobilised by political actors for political purposes. One has no reason to accept this notion as given. What should be the object of social analysis is what people make with this notion within political contexts.

Both the concepts of race and of national or ethnical group are problematic. None of them can be taken for granted and they should be handled and manipulated with care. These concepts have a very peculiar function because they play, not always for bad purposes, a role in the socialisation of individuals and the formation of their identities. An individual who has come to think of themselves as embedded in a national tradition will not give it up from one day to the next. That is because the meaning one attributes to many aspects of life are related to this tradition. Social theory, therefore, cannot simply abandon the concepts because they still give meaning to the life of many individuals. One should be aware, however, of their problematic nature, and avoid playing a role in their systematic reification.

Genocide in Social Science: A Preliminary Review

The lack of satisfaction of some scholars with the Convention's concept of genocide has led them to redefine it, not always in more fruitful ways. Lifton defines genocide as "a response to collective fear or pollution and defilement [which] depends upon an impulse toward purification resembling that given collective expression in primitive culture" (Lifton, 1986, p.481). This seems to obscure rather than clarify the problem. Peter du Preez defines genocide as "the deliberate killings of people primarily because they are categorised as being a certain kind, with certain attributes" (1994, p.4). Here the substitution of 'kind' to the categories of the Convention opens the door to the inclusion of slaughters based on other grounds. The same tendency to exaggerate the concept is found in the work of Dadrian. By genocide, he refers to "the successful attempt by a

⁷The first axis opposes two *idealtypus* concepts of nation. Whereas the French and Americans have developed a civic conception of nation that includes, in theory, all the citizens of a state, the Germans have developed a conception of nation that is grounded on sociological attributes like a common language, religion, culture, and so on. The second axis opposes two ontological positions. Whereas the essentialists argue that the concept of nation refers to a real entity with a transhistorical existence, the constructivists insist on the socially constructed origins of nations. This debate is clearly dominated by the constructivist in contemporary literature in theories of nationalism. However, a third debate opposes those who consider nations as premodern social constructions, to those who believe that their conditions of apparition were specifically modern.

dominant group, vested with formal authority and with preponderant access to the overall resources of power, to reduce by coercion or lethal violence the number of a minority group whose ultimate extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision of genocide” (1974, p.123). Contrary to the definition offered by the Convention, both du Preez and Dadrian provide the framework to refer to slaughter based on political or economic grounds.

Frank Chalk and Kurt Jonassohn have formulated an even more extensive concept of genocide: “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 perpetrators” (1990, p.23). This definition which does not take for granted the controversial notions of national and ethnic groups and race, is based explicitly on the rejection of the definition of the Convention. Jonassohn rejects this definition “for one very simple reason: none of the major victim groups of those genocides that have occurred since its adoption falls within its restrictive specifications” (Jonassohn in Fein, 1992, p.18). This argument corresponds to many academics common sense rejection of the definition of the Convention, but it is a bit circular in that it assumes that we already know what is genocide, and it diminishes the analytical distinction between the concepts of genocide and mass murder. Charny goes much further in this conflation of the two concepts. He argues that “[W]hat is needed, ... is a generic definition of genocide that does not exclude or commit to indifference any case of mass murder of any human beings, or whatever racial, national, ethnic, biological, cultural, religious, and political definitions, or of totally mixed groupings of any and all of the above” (Charny in Fein, 1992, p.74). A mass murder is, therefore, genocide and the reverse is also necessarily true. “I propose that whenever large numbers of unarmed human beings are put to death at the hands of their fellow human beings, we are talking about genocide” continued Charny (op. cit.). This leads him to recommend the following definition: “[G]enocide in the generic sense is 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 defenselessness and helplessness of the victims” (Charny in Andreopoulos, 1994, p.75).

Chalk and Jonassohn have made an important step in underlining the importance of perceptions in the study of genocide. This closer emphasis on perceptions prevents the analysis from reifying the categories used by political actors. What matters is not necessarily the ontological question of the real existence of the Hutu or the Tutsi as a real racial group, but the fact that they perceived themselves as such, or that they are perceived as such by others in a given situation. The identity of the victims and the perpetrators, in short, should never be taken as given.

Helen Fein defines an act of genocide as a “sustained intentional action, perpetrated in order to destroy a collectivity directly or indirectly, through the interdiction of the biological or social reproduction of the

members of a group and which is sustained regardless to the fact that the victims surrenders or doesn't constitute any more threat" (Fein, 1993, p.24). This definition has much merit. Its last section presents a criteria of demarcation with war; it brings attention to the necessity of differentiating genocide from other forms of persecution patterns. Fein however, like many researchers, starts with an almost *a priori* concept of genocide to build her framework from which she infers many cases. As will be seen further on, our theoretical strategy will differ from this. I assume that our point of departure shall not be the concept of genocide, but a social theory of patterns of persecution. To understand why this theoretical strategy might be more appropriate, it is important to present a deeper analysis of the actual state of research on genocide.

It has been deplored by many, including Israel's representative at the UN (UN; December 2, 1998), that the concept of genocide is used in contemporary intellectual production to refer to an increasing number of things that parallel different social phenomena. It is true that researchers have an increased tendency to use it to measure, classify, and order cases of mass slaughters, which they simply do not consider conventional warfare; but it is also true that the Convention's definition allowed a very broad reading of what genocide is. Among contemporary applications of the concept of genocide in scholarly work, du Preez identifies 14 cases of genocide in history, whereas Fein identifies only 12 cases between 1960 and 1979. According to one of Du Preez's classifications, everything that could be considered large-scale violent conflict with no resistance should be referred to as genocide.

Du Preez's Classes of Violent Conflicts (1994)

		<i>Resistance</i>	
		<i>Yes</i>	<i>No</i>
Scale	<i>Small</i>	Skirmish	Massacre
	<i>Large</i>	War	Genocide

Another tendency in the field of genocide studies is the creation of alternative concepts to genocide in order to refer to cases of mass slaughter excluded by the definition of the Convention. The emergence of the concepts of democide, classicide, politicide, genocidal massacres, ecocide, and gendecide can be explained in this context. None of these concepts are unproblematic. The important point is to take account of the multiplication of discourses related to the study of genocide. The following table provides just a general overview of the diversity of conceptual strategy within this field.

Non-Consensual Types of Genocide

	Type	Category	Author
Extended definitions	Politicide	Kulaks, Bourgeoisie	Du Preez
	Classicide	Social Classes	Legters
	Government Democide	Nonviolent civilians	Rummel
	Genocidal Massacres Related Atrocities	Victims of nuclear bombing and political mass murders	Kuper, Charny
	Ideological Massacres		Fein
	Politicides	Political groups/ opposition	Harff and Gurr

With a first wave of intellectual work related to the study of genocide, more and more objects have appeared within the field of genocide studies. With the multiplication of case studies outside of the classics — Armenians and Jews — the field has simultaneously brought about a multiplication of typologies and an increasing number of *problématiques*. The following table illustrates how complex these typologies have become.

Typologies of Genocide, 1975-1990 (Fein 1993)

Types	I	II	III	IV	Other
Examples in ()	Holocaust, Armenian	East Pak 71, Burundi 72	Paraguay, Brazil 70-		
Dadrian 1975	Optimal	Retributive	Utilitarian	Latent	Cultural
Kuper 1981	Against Hostage or scapegoat groups	Following decolonization of a two-tier system of domination	Against indigenous peoples	Genocidal Massacres (Hiroshima, Dresden, Vietnam)	
Fein 1984	Ideological	Retributive	Developmental	Despotic	
Smith 1987	Ideological	Retributive Monopolist	Utilitarian	Institutional	
Chalk/Jonassohn	To implement a belief, ideology or theory	To eliminate a real or potential threat	To acquire economic wealth	To spread terror among real or potential enemies	
Harff/Gurr 88	Xenophobic (Ache Indians, Paraguay, Ibos, Nigeria)		Hegemonial (Soviet nationalities)	Politicides: Retributive, repressive, revolutionary Repressive/ hegemonial	
Harff/Gurr 87	G: 'Genocide, victims defined communally' (includes examples in classes above)		PG: 'Politicides against politically-active communal groups' (Burundi, East Pakistan, E. Timor)	GP: "episodes with mixed and political victims" (Uganda, Equat., Guinea, Kampuchea)	

In many cases, the quantitative criteria (the number of victims) has been retained in order to label distinct social processes under the same term. Rather than building theories on categories of the Convention, these scholars have chosen other precarious ground — a quantitative measure. This strategy has been systematised by Rudolf Rummel who applies the concept of democide to all kinds of slaughters committed by states against non-violent civilians. His work is an excellent illustration of both the strengths and weakness of this kind of quantitative analysis.

Rummel attempts to achieve a “comprehensive effort [...] to determine how much genocide and mass murder have occurred in this century and why” (Rummel, 1992, p.1). His project seeks to solidify the thesis that “democracy is not only a method of governance stressing individual freedom and rights, but also an effective method of nonviolence and conflict resolution” (Rummel, 1992, p.1). His work provides a treasure of quantitative data and ratios of death rates by regions and countries, but all his analysis is conducted under such broad categories that it is of no theoretical value for someone who seeks to understand differences between democides. This kind of work — the sole purpose of which is the ranking of a body count — does not provide any explanation or understanding of the specificity of the social processes that led to a given mass murder. No matter how sincere the comprehensive effort at its origins, it starts from assumptions that are not equipped to provide a comprehensive understanding of genocide.

In contrast to this opinion, Fein underlines the necessity of concepts that allow sharp distinctions between events:

discrimination is necessary, and both scientifically and morally justified. For I regard social science in this area which does not lead to productive insights as not only time wasting but morally unjustified. Without clear and delimited concepts you can not arrive at clear explanations. If we aggregated all cases of mass death - from war, genocide, migrations, and slavery - together, we would probably reach rather banal and very general conclusions (Fein, 1993, p. x-xi).

The argument developed in the present work is more inclined to Fein’s proposition than to the overarching strategy developed by Rummel. A contemporary research programme that seeks relevance in the field of comparative genocides should give up attempts to develop one size fits all models or concepts. As highlighted by Fein, “[C]omparison demands discernment in formulating ideal-types, inferring functions of similar events, and accounting for social structures that make genocide most likely. But accounting for social structures does not negate recognizing the accountability of specific political actors

for specific genocides” (Fein, 1993, p.56). In sum, transhistorical generalisations, without regards to the specificity of social contexts, shall be avoided.

Misleading and Fruitful Theorising Strategies

No matter what one thinks of the proliferation of intellectual production surrounding genocides, it is probably here to stay. Rather than denouncing this proliferation, I think that this should lead one to seriously evaluate intellectual efforts to rethink the concept of genocide. In this vein, Fein proposes four criteria, which a concept of genocide should meet in the social sciences:

- a) it should clearly denote the object and processes under study and discriminate the latter from related processes; b) it should stimulate constructs which can be transformed operationally to indicate real-world observable events; c) the specification of groups covered should be consistent with our sociological knowledge of both the persistence and construction of group identities in society, the variation in class, ethnic/racial, gender, class/political consciousness and the multiplicity and interaction of peoples’ identities and statuses in daily life. Further, d) it should conform to the implicit universalistic norm and a sense of justice, embracing the right of all non-violent groups to co-exist (Fein, 1993, p.24).

Her first criterion is important. A clear conceptual distinction between genocide and other concepts of political and sociological analysis is crucial in order to start our inquiry from a relevant basis. The second criterion highlights the necessity to conceive of an eventual concept of genocide as a pragmatic tool that expresses the specificity of a process that cannot be grasped by other concepts of social science. I would synthesise the third aspect by stating that our concept of genocide should be consistent with a broader theory of the social world. Even though I have personal sympathy for Fein’s last criterion, I would not consider it necessary to the formulation of a concept of genocide. One could establish a clear and fruitful concept of genocide without sharing a commitment to a universalistic conception of justice.

I have, up to this point, underlined two *habitus*, juridical and political, which have provided a theoretical understanding of genocide. But while following a process of theorisation in social science, one should avoid further shaky arguments and fallacious reasoning, therefore, I will try to illustrate some of these less promising avenues.

A first case is the argument of the return to the origins. One should adopt the original formulations of Lemkin or the Convention simply because they were the originals. According to this reasoning, subsequent definitions are pastiches that lose the purity of the original. This form of argument may have force in juridical deliberations where the invocation of the jurisprudence may, in certain cases, constitute a decisive argument. In social sciences, however, our concepts should be much more malleable. There is simply no cognitive reason why we should adopt a myth of the origin or ground our knowledge in traditions, because it is precisely

against this type of argumentative strategy that modern science has built the claim to its cognitive superiority. Unfortunately, in some schools of social theory, the invocation of the original formulation of a concept is a well-known rhetorical procedure. As underlined by Cohen (2001, p. xxvii), it is a recurrent procedure among some Marxists' approaches to argue over the conformity of one's interpretation of concepts — class, added value, exploitation, dialectic, capital — with the original formulation of Marx. Robert Gilpin (in Kehoane (ed.), 1986) has also developed a similar argument with regard to the realist theory of international relations. This type of strategy — analogue to hermeneutic rivalry over the interpretation of sacred texts — should not be considered to be providing conclusive arguments in social sciences. The authenticity or genuineness of a concept's formulation has no cognitive value in itself, nor does the authenticity of an approach tell us anything about its cognitive value. In this regard, the merits and limits of Lemkin's and the Convention's definition should be evaluated according to more convincing cognitive criteria.

Another misleading process is to argue over the essence of the concept. The essentialist argument has an etymological and an ontological variant. Under its etymological formulation, it is claimed that the concept should mirror its etymological meaning. Under its ontological formulation, it is claimed that it should mirror the true nature of what genocide really is. These strategies are fallacious for different reasons. The etymological variant adopts a determinist theory of meaning according to which the meaning of scientific concepts should be derived from their etymology. To this argument one can answer that it just is not the case that social scientists have and should privilege etymology when they are seeking to increase the precision of their concepts. More pragmatic considerations like analytical precision and heuristical value, have long since been more decisive factors.

The ontological variant claims that there is a pure essence of genocide, and that our definitions should reflect it. This fallacy is based on a version of conceptual realism too ambitious for the study of genocide. In some sub-fields of social science, the promoter of a realist epistemology can argue that concepts are not only instruments through which we try to explain the social world, but that they denominate a real entity in that world. For instance, there are debates between essentialist and instrumentalist conceptions of classes and nations. With regards to the concept of genocide, a pragmatist approach will avoid wasting time in meaningless debates over the true nature of genocide. In social science, the purpose of conceptual precision is to provide a clear understanding of what distinguishes one social phenomenon from a wide range of other concepts through which we try to understand the social world.

It is perhaps necessary at this juncture to add precision to the scope of my argument. My rejection of the realist concept of genocide does not imply that I reject empirical facts or that I believe there is no such thing that should be labelled with this concept. With regard to the lived experience of genocide, the piling up of

corpses, annihilation of populations, infrastructures of concentration and extermination, the pounds of hair, teeth, and bones, used machetes, and psychological trauma are all empirical facts to which we can painfully take an objective measure. However, my claim is that these facts can be analysed from different levels of abstraction. Following Fein, my goal is to achieve a relevant heuristical concept of genocide. For this reason, I advocate that it should be a category less abstract than the broad expression of mass slaughters and democide, but that it should be precise enough to tell us something relevant about the earlier empirical facts.

Another precarious strategy takes the category of victims as its starting point, which it defines in a very narrow manner. According to these *idealtypus* classifications, we should distinguish genocide where victims are members of a national ethnic group, a religious group, a race, or a political or economic group. The adoption of these categories has lead researchers in precise, but probably misleading directions. Most *idealtypus* classifications of genocide have been severely questioned by empirical research. For example, it has been assumed that the Cambodian genocide was conducted systematically against a class, whereas the Rwandan killings were against an ethnic group. Empirical research has shown that processes of the social world, unlike butterflies, cannot be easily pinned down in simple categories.

Ben Kiernan (1999), an historian of the Cambodian genocide, has revealed that even though social belonging was a fundamental and principle feature for the selection of victims by the Khmer rouge, other variables were also taken into account and even considered more important on some occasions. The Khmer rouge did not only select its enemy according to their socio-economic position, but also by their membership in ethnic or religious groups. The group most systematically targeted in Cambodia was the urban population. The official pretext was less their social class than the fact that they had been contaminated by Western values and in particular by the individualist norms inherent to capitalist countries. People from rural areas were generally seen as purer, although there were important exceptions. Rural minorities suspected to be members of an ethnic or religious group (mostly Muslims) were killed as systematically as those in urban areas.

Mamdani (1996, 2001) shows that the categories of Tutsi and Hutu had long since referred to class and juridical divisions in the organisation of labour in a serfdom society before their racial group or category solidified. Before the German and Belgian colonisation, a Hutu could “leave the state of hutuness” if he was able to acquire enough cows to become cattle man like the Tutsi. He was, therefore, becoming a Tutsi. The Belgians imposed racial categories in a census in 1926. They adopted a classical divide and rule strategy and consolidated their domination through the mastery of the minority of Tutsi over the majority of Hutu.

Social Relations of Production and Patterns of Persecution: Two Relational Variables

A central thesis of this paper is that the concept of genocide, like the concepts of war, exploitation, oppression, imperialism, and slavery, is a concept which refers to a specific kind of relationship. It is a type of relationship rather than an entity that we shall try to describe. I also take for granted that genocide is a relationship which shall be included in the larger category of patterns of persecution, within which genocide constitutes an extreme and specific category. As a preliminary working definition, I would define genocide as a relationship where means are deployed by at least one entity in order to eliminate at least one other entity.

Our understanding of genocide shall, therefore, be related to a broader theory of types of persecution. This theory should afford theoretical statements regarding what brings about the configuration of a specific type of pattern of persecution in given historical contexts. Different patterns of persecution must be compared throughout history in order to understand how their social meaning varied and evolved in relation to other patterns of persecutions. Therefore, the first relational variable of my analysis will be patterns of persecution in which I will study five sub-categories:

- 1) homogenisation, stigmatisation, and exclusion,
- 2) persecution of the body, rape, and birth control,
- 3) control and privation of means of subsistence,
- 4) pogroms and conquest, and
- 5) mass murders and genocide.

My hypothesis is that the adoption of specific types of patterns of persecution has to be explained with regards to a society's particular configuration of social relations of production. By the latter expression, I will refer to "...[C]oncrete historical forms of the way in which production has been organized" (Cox, 1987, p.1). In this view, the relationship between the political and the economic shall not be seen as unilateral, but dynamic. At this point of my research the approach to the history of relations of production which seems the most appropriate for my purposes is the particular trend of political Marxism developed by Ellen M. Wood. I share some assumptions of this approach. For instance, her articulation of the relations between base and superstructure. Political Marxism

recognizes the specificity of material production and production relations; but it insists that 'base' and 'superstructure,' or the 'levels' of a social formation, cannot be viewed as compartments or 'regionally' separated spheres. [It] does not present the relation between base and superstructure as an opposition, a 'regional' separation, between a basic 'objective' economic structure, on the one hand, and social, juridical, and political forms, on the other, but rather as a continuous structure of social relations and forms with varying degrees of distance from the immediate processes of production and appropriation, beginning with those relations and forms that constitute the system of production itself. The connections

between ‘base’ and ‘superstructure’ can be then traced without great conceptual leaps because they do not represent two essentially different and discontinuous orders of reality (Wood, 2001, p.25).

Among other things, this approach’s emphasis on political factors and history distinguishes it sharply from other Marxist approaches. Before I elaborate my own approach (in the next section), I will conclude this section by contrasting my approach with a few others. What is at stake in this discussion is what, if anything, can provide a meaning to the concept of genocide. Beyond the juridical and essentialist perspectives that we have already seen, other strategies could have been mobilised. One would have been to adopt an inductivist procedure. In that optic, one would have identified a certain number of cases that are considered to be genocide, and abstract categories from these cases in order to identify the common features of all the cases. The limits of inductivism have long since been highlighted in social science, Hume probably being the forerunner of these critics. Inductivism is criticised because it identifies correlations between events without revealing any necessary logical connections. For our purposes, this strategy also faces the limit that it starts by taking what needs to be defined for granted.

I also found some limitations with a comparative study of cases of genocide. The purpose of the comparative method is not necessarily to compare occurrences of similar events, but to question our empirical material in ways that helps us to bring about new ways to establish relationships between variables. I would consider the old saying “it is like comparing apples with oranges” to be an illustration of this kind of *a priori* limitation to research that is anti-empiricist. As Feyerabend (in Jacob, 1980) puts it, a method is good if it can increase the empirical contents of a theory.

Another strategy would have been to adopt an instrumentalist or pragmatic posture. Here the relevant starting point would be to define a concept of genocide that can lead to fruitful research. The limit of this optic is that the attribution of meaning to the concept that we define is arbitrary. I suggest that we cannot start by attributing a meaning to the concept of genocide; this meaning must be inferred from a broader theory of coercion within which the concept of genocide refers to a specific category. My strategy does not solve all problems. It also contains a moment of arbitrary logic. I believe, however, that its strength is that it provides an understanding of genocide within a broader theory of the social world.

Comparing Patterns of Persecution and Social Relations: A Digression of Time and Space

The comparative study of social phenomenon is an old method of analysis. The study of comparative political regimes was a method used by Plato and Aristotle. Recent works have involved methods of comparative sociology to study a variety of social phenomenon: nationalism, authoritarian regimes — whether they are labelled fascist or totalitarian — political movements, techniques of warfare, and concentration camps.

During the Cold War, many attempts were made to compare and attribute common roots to Nazism and Stalinism. Barrington Moore, Friedrich Hayek, and Hannah Arendt have built different comparative theories explaining the rise of these regimes. Many scholars have followed the latter in stressing similarities between them, particularly with regards to the presence of concentration camps, which were, for Arendt, a crucial feature of totalitarian states. Pushing this thesis further, Irving Louis Horowitz argues that genocide can be perpetrated only by totalitarian states, a thesis critiqued by Melson who stresses that the Young Turks' regime responsible for the annihilation of the Armenians could not fit within any typology of the totalitarian state. Moving from the analysis of similarities to the analysis of causal relations, Ernst Nolte has pushed this association to the extent of describing the Gulags as a necessary condition for the apparition of Auschwitz. In large part, theories of totalitarianism have not survived empirical analysis of contemporary historical research (Kershaw, 1997).

Today, theories that were trying to highlight commonalities between the Stalinist and the Nazi State are closely associated to the ideological context of the Cold War. During that era, research emphasising these analogies had the political implication of strengthening the legitimacy of the liberal form of state and the defence of a capitalist model of social relations. Theories of modernisation in sociology and of democratic peace theory in international relations theories, were arguing that the transition to Western institutions and market economies would bring about peace and democracy. Against these claims, the South Cone of the Americas saw a multiplication of military coups and dictatorial regimes — in Chile, Brazil, and Uruguay — in the 1960s, and many African states' transitions to postcolonial regimes have transformed the colour of the elite in power, without transforming the hierarchical structures of power. Both theories of modernisation and of democratic peace were trying to explain the transition to liberal democracy in the West without taking into account the global dynamic of these developments and the specificity of their social and class formation. The development of conditions of prosperity in the Western states was explained with emphasis on internal factors — the overlapping development of culture, institutions, and the state — but external factors — the complex process of accumulation of the global economy, the exporting of warfare — were not seen as relevant in this development. The lesson that one should keep the theoretical limits encountered by these theories in mind is not that comparison is not a good tool for social scientists, but that abstraction should not come at the price of losing the complexity of what we are trying to understand. In this vein, the dimensions of space and time have been largely neglected by some approaches in comparative sociology.

With regards to comparison, the dimension of geographical space can be very misleading. Even though what is compared seems to be geographically localised, one should not lose sight of the necessary conditions that permitted the specific localisation of the event. In other words, some of what needs to be explained is not present in the picture. Extra-geographical elements also need to be compared and explained. Specific social

processes always take place within a broad network of relations that characterise a world order at a specific moment. In order to compare the process of industrialisation of 19th century United States and 20th century Chile, one must look not only within these states, but also at how these states were positioned in a net of social relations which transcends their own activity. With regards to cases of mass death, the position of 15th century Spain, late 19th century Germany, and late 20th century Rwanda in the global political economy of their time is fundamental to understanding the annihilation of the Aztecs, Herero, and Tutsi. The historical dimension is also crucial to contextualising the development of technology, means of production, means of coercion, and the types of social relations in which were embedded specific groups in a given period. Furthermore, one should not presume that the categories through which one conceives and analyses conflicts have always existed or played the same role.

An assumption of comparative methodology is that one should seek similarities, variances, and differences between objects, events, and processes of the social world. Depending on the purposes of the researcher, not all comparisons are as relevant, and therefore, one has to be cautious when choosing what one intends to compare. Most researchers agree that every social event is unique; this is a trivial fact. Empirically, it is true that the same social phenomenon never happens twice in exactly the same conditions.⁸ Yet as soon as someone does not pretend to work from a straightforward inductive methodology — presumed to lead to a complete empirical picture of the world — they have to work with abstractions, concepts, and theories. It is comparisons between the latter that are relevant for social scientists.

⁸ With regard to research in comparative genocide, the question of uniqueness has an unusual political and sometimes theological dimension. Some people raise a moral argument according to which some specific cases of genocide shall not and/or cannot be compared with any other case of mass slaughter. This thesis is more popular among those who study the Holocaust specifically, rather than in the broader field of comparative genocide. When theologians raise this argument it is almost impossible to argue against it because of the incommensurability of the rules of argumentation in religious circles and research communities. In theological communities, dogmas are taken for granted and exclude the realm of the debatable. Any theological system takes for granted a certain number of dogmas and builds coherent systems of norms around them in order to construct a meaningful religious narrative. In scientific inquiry this process is unacceptable. According to Lakatos, there are always hypotheses in research programmes that are not demonstrated. They are heuristical hypothesis or the *noyveau dur* of a theory, and play a specific role in a research programme. They are methodologically taken for granted in order to explore theoretical frameworks. If the predictions derived from a system of theoretical hypotheses are systematically contradicted by empirical material, they have to be reevaluated or rejected. Contrary to dogmas, heuristical hypotheses can be rejected according to intersubjective criteria shared by a research community. It is indisputable that the Holocaust plays a particular role in Jewish history and theology, but if in the realm of theology the uniqueness of the Holocaust can be received as a meaningful fact, in social science if one wants to demonstrate its uniqueness, one has to specify criteria in order for his statements to be received as meaningful. These criteria are not difficult to provide, but they have to be accessible to an intersubjective understanding.

Regarding the question of uniqueness, social scientists do not only face the possibility of a discord with theologians, but also with other social scientists. As underlined by Marrus, “nous aimons croire que notre sujet est d’importance, et plus nous approfondissons l’étude d’un thème particulier, plus nous nous persuadons de son caractère véritablement ‘unique’” (Marrus, 1993, p.26). Tzedan Todorov refers to the extermination of the Indians of the Americas in the 16th century as “the greatest genocide of the history of humanity” (Todorov, 1982, p.13). Guzman refers to the utilisation of concentration camps by the Spaniards to repress the Cuban war of independence as a “Holocaust with gigantic proportion” (quote in Kotek and Rigoulot, 2000, p.57), and Liah Greenfeld in her grandiose study of comparative nationalism makes the following ambiguous assertion:

In the light of our century’s experiences and tendency to think in large numbers, Queen Mary’s regiment does not seem anything so “bloody and terrible” as it evidently appeared to her contemporaries. And yet the burning of 275 Protestants had a much greater impact on the history of humanity than atrocities incomparably greater in magnitude, including the Holocaust, which took the lives of more people than in Mary’s time constituted the population of England (Greenfeld, 1993, p.55).

These examples could be multiplied. Even though I have no *a priori* problem with the statement that one mass murder or genocide was unique, I do not see exactly in what respect the contest among victims is, or should be, of any cognitive interest for social science. Yet, what holds my attention is the relevance of the criteria ascribed by researchers who make a claim to uniqueness. That claim can only be made in reference to at least one specific criterion that is systematically compared in a reasonable number of cases. A relevant claim of uniqueness should be made by comparing cases that common sense considers similar and by highlighting what factors allowed us to claim the specificity of one of the apparently similar cases.

Many things have been said in this section. I have addressed the issue raised by a comparative methodology based on the particular question of the uniqueness of cases of mass death. I have highlighted my intention to compare patterns of persecution. I have argued that both the spatial and historical dimension have to be taken into consideration while we compare the complexities of patterns of persecution. Until now I have also stated that I think genocide shall be a category of a lesser degree of abstraction than mass murder, and mass murder shall be classified as a particular type of pattern of persecution.

As I claim that the concept of genocide shall only receive a specific meaning from its conceptual distinctiveness from other cases of mass murders and patterns of persecution, I must formulate a theory of relation of persecution and coercion. I will address this issue at a very specific level that I find accurate in order to conduct large-scale historical inquiries. In order to answer the question: “how do some patterns of persecution become possible in a social formation?”, I will try to illustrate what in the organisation of work,

production, and accumulation of surplus creates the conditions of possibility of these specific patterns of persecution and limits the possibility of others.

More on the Comparison of Mode of Social Relations

Du Preez has argued that “contrary to what has usually been assumed, the evidence suggests that genocide, far from being a freak occurrence, is a psychologically intelligible and, to that extent ‘normal’ response to a particular kind of social and political crisis” (Du Preez, 1994, p.iii). Even though I broadly agree with this, I would insist on the importance of understanding genocide sociologically rather than psychologically. From its psychological framework, Du Preez asks the question “[W]hy would one category of apparently rational human beings attempt to annihilate all members of another category — men, women, and children — even when the victims can offer little resistance and the act of destruction is very costly?” (Du Preez, 1994, p.1). Translated into a sociological framework, one would rather ask the following question: why would one category of apparently rational human beings attempt to annihilate all members of another category — men, women, and children — rather than exploit their labour power, or extract surplus from them through taxation, slavery, or serfdom? In a nutshell, the latter perspective focuses on the material and ideological context that makes genocide one of the possible outputs of a given set of social relations. Both approaches end up asking the same question: “How is a point reached where a genocide seems to be a possible or even a desirable course of action?” (Du Preez, 1994, p.3). Yet where a psychological perspective will ask this question by focussing on the behaviour of the perpetrators, the sociological perspective will try to inscribe the action of the perpetrator in the social relation they had with their victims. This is why one of our relational variables will be modes of social relations of production.⁹

⁹Because of its Marxist echoes, some researchers stay away from the concept of mode of social relations of production. I believe it is an insightful and indispensable concept in order to grasp the historical complexity and specificity of different social formations. As many others on which I built my theory, I make a pragmatic use of this concept and some classical Marxists would, of course, consider my reformulation unorthodox. Even though this debate is far from central to my argument, I need to clarify that unlike some Marxists, I do not believe that modes of social relations of productions necessarily follow a linear or teleological pattern of development. What is more central to my point, is that I believe that a given social formation with specific modes of social relations of production creates specific patterns of persecution. Some people have tried to describe the historical process of development of modes of social relations of production as the history of successive, incommensurable stages of modes of production. The concept of social formation is used here to highlight the fact that things are never that simple; “it has derive its meaning from the analysis of societies as specific combinations of distinct modes of production or types of relations of production” (Olin Wright, 1997, p.11). Even though one mode of social relations of production can be clearly dominant somewhere sometime, there is absolutely no guarantee that it will be exclusionary. Modes of social relations of production, therefore, never create a single type of expected instrumental rationality in one historical period. The co-existence or the articulation of different modes of social relations of production creates different types of instrumental alternatives in one historical moment. This is particularly the case in times of important historical transitions from one dominant mode to another where many instrumental *habitus* may enter into competition. Different social forces have different interests and different *habitus*.

Hegel has described the relationship of masters and slaves as dialectical because it is a relationship within which co-identity is engendered by the interdependent nature of the relations between two individuals. With regards to its understanding of the specificity of the slave-master relationship, one could argue that a genocidal relationship is at the opposite end. Within genocide there is a definitive rupture of the perception of interdependence on the side of the perpetrators. Rephrased in a materialist approach rather than idealist philosophy, it means that within a whole framework of social relations the specific relations between the perpetrator and the victim are perceived by the former as free from any kind of relation of dependence, and it opens the door to the possibility of non-exploitative, oppressive relations, from which the outcome may be a mass slaughter. This example illustrates the importance of the phenomenological perception that individuals have of the social relations in which they are embedded. The important point here is that patterns of persecution do not evolve outside the rest of a social formation's social relations. This is why an inquiry of the different modes of social relations might provide an interesting angle in understanding genocide as a pattern of persecution.

Eric Olin Wright in *Class Counts* gives an example of this pattern. He insists on the relational character of class formation. In doing so, he focuses on how the organisation of production in a given social context is engendering only certain types of social relations of coercion. From this perspective he argues that “the crucial difference between exploitation and non-exploitative oppression is that in an exploitation relation, the exploiter needs the exploited since the exploiter depends upon the effort of the exploited” (Olin Wright, 1997, p.11). From his perspective, even though it is not a point that he is explicitly trying to make, the specificity of social relations of production delimits a range of possible patterns of persecution rather than others. Regarding our field of investigations, he makes the important claim that:

Genocide is thus always a potential strategy for non-exploitative oppressors. It is not an option in a situation of economic exploitation because exploiters require the labor of the exploited for their material well-being. It is not an accident that culturally we have the abhorrent saying, “the only good Indian is a dead Indian,” but not the saying “the only good slave is a dead slave.” It makes sense to say “the only good worker is an obedient worker and conscientious worker,” but not “the only good worker is a dead worker” (Olin Wright, 1997, p.11).

To lead to relevant results, our two relational variables can be compared only over a vast period of time. Jonassohn and Chalk have argued that “le caractère adéquat de toute terminologie ne peut être évalué qu'en fonction des résultats qu'elle permet de produire au niveau de la recherche” (1990, p.4). I would consider my terminology relevant if it could show empirically that social relations have to be taken into consideration in order to explain the conditioning of patterns of persecution. In their socio-historical periodisation of genocide, Chalk and Jonassohn have opened the path to a similar research programme. They distinguish four

socio-historical processes that may lead to genocide: the elimination of a potential future threat (Assyrians/Hittites; Rome/Cartage), conquest in order to acquire economic wealth, the process of Empire building, and the process of implementation of ideology, theory, or belief. This model introduces historical nuances that are fundamental. Yet, it abstracts the concept of genocide to a more superior level than I will. It tries to explain genocide as a transhistorical phenomenon and then tries to explain variances in its forms. My strategy assumes that because the concept of mass murder is less problematic than the concept of genocide, we should try to understand genocide as a variant of mass murder.

Beside modes of social relations of production and patterns of persecution, a third element will be taken in consideration in my analysis. It is the 'lifeworld' of each given historical period. This expression cuts across many other concepts — the structure of everyday life (Braudel), ideology, and culture — none of which is adequate for our purposes. By analysing a group's lifeworld, I will try to understand their cognitive, moral, religious, and sensitive universes. What types of beliefs were they likely to mobilise in order to rationalise their everyday life? What were the schemes through which a group was decoding the world in which they were embedded? I favour the concept of lifeworld over the concept of structure of everyday life, because the former emphasises the cognitive dimension more than material conditions. I also favour it over the concepts of ideology that I find problematic.¹⁰ I also find this concept problematic to the extent that culture refers to something static. I have adopted a nominalist conception of culture, which means that I believe that it has to be understood as a set of beliefs, symbols and rules, shared more or less consciously by a given number of people. One person is always embedded in an important number of rules and beliefs, which varies in relation to the class and gender divisions of society, but also in terms of much more complex codification of rules of behaviour. In instances where I do refer to what is commonly referred to as culture, I would rather use Bourdieu's concepts of *habitus*, that I find more dynamic.

Among things that are important elements of the lifeworld, I shall pay a particular attention to the religious and sacred universe as theological, cognitive, normative, and esthetic parameters. During the extermination of Natives in the Americas, the successive waves of pogroms against the Jews in the Middle Ages, the extermination of the Jews by the Nazis, and the slaughter of the Tutsi, the Catholic Church played a predominant role. Until the 20th century, the church played a crucial role in the emergence, diffusion, and reproduction of stereotypes and dichotomies that differentiate the Good from the Evil, the just from the unjust, and the allowed from the forbidden.

¹⁰ I think that for this concept to be of any cognitive value, it needs an alternative way to know what is true in general in a given moment of time and history. It leads us into paths that I find more problematic than helpful.

Conclusion

It could be argued that it is hard to see how my framework could eventually lead to a more accurate prevention of genocide. However, even though my approach is probably much more theoretical than many approaches in the field of genocide study, it also addresses very concrete assumptions that one has about genocide. I think that the divorce from the juridical *habitus* that I recommend in the first part of this paper is a necessary first step in order to open a new research agenda in genocide studies. The alternative framework that I propose has its merits and its limits. My aim is to draw very large-scale macro-structural conclusions rather than to contribute to the micro history of the decision-making process that led to the extermination of the European Jews. For my purposes, understanding genocide as a specific pattern of persecution in relation to other patterns of persecution and to social relations of production, it is only by developing a theoretical framework that leads to concrete socio-historical analysis that I will be able to corroborate my hypothesis. Understanding the specificity of genocide as a pattern of persecution is crucial to its prevention. One can not prevent genocide without preventing the patterns of persecution that are closely associated to it and the social relations that increase the possibility of its occurrence.

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