The Peril of Genocide

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“New wars, therefore, are genocidal wars.”[[1]](#footnote-1) In this brief remark, Martin Shaw summarizes the problem explored by this essay: the curious link between tropes describing the ‘newness’ of war and the persistent invocation of genocide.[[2]](#footnote-2) Shaw is far from alone in this regard. Many scholars of armed conflict and new war cite the concept of genocide in order to differentiate contemporary practices of non-state, fluid, identity-based conflict from older, state-centric, bureaucratic wars of ideology.[[3]](#footnote-3) Even vehement critics of ‘new war theory’ frequently draw surprising correlations between war and genocide.[[4]](#footnote-4) These connections suggest that genocide has become an important object of knowledge and contestation in dialogues surrounding armed conflict.

The turn to think about genocide is surprisingly novel. As a largely dead article of international law for nearly three decades, genocide was rarely a subject of conflict analysis or war theory. Only in the 1980s, with the rise of genocide studies, does genocide appear as a subject of distinct academic interest. From there, the reception to thinking about genocide (and war crimes more broadly) as a crucial dimension of conflict only began in the past two decades. This begs the question what does the concern about genocide reveal about the interests or structures that inform the study of armed conflict? The simple answer is that it reflects the strengthening of human rights norms and a broadening of conflict analysis to account for non-combatant casualties. However, this explanation does not account for the diversity of functions genocide plays in different theories of war and conflict. Moreover, with numerous existing vocabularies such as crimes against humanity, war crimes, or unjust wars, the unique focus on genocide requires additional explication? However, the purpose of this paper is not to adjudicate the various claims made about genocide in the study of armed conflict, but rather to examine the function of the discourse on genocide in the dialogue on armed conflict, to see how and what types of truth claims and forms of knowledge the concept genocide makes possible.

The central claim of this paper is that the emergence of genocide as an object of knowledge presupposes two shifts in the study of armed conflict: first, the development of a refrain on the newness of war that emphasizes the rise of largely intractable, identity-based conflict and, second, the effort to broaden war to study a variety of non-state actors including commercial agencies, local militias, and, most importantly, identity-based armed resistance and insurgency.[[5]](#footnote-5) The paper argues that, in this context, the discourse on genocide produces an ethical boundary for differentiating problematic and unproblematic practices of armed conflict. Put differently, the concept of genocide legitimates what forms of war constitute reasonable or licit practices by establishing a set of criteria for determining when war exceeds acceptable limits. Yet, unlike war crimes, the discourse expressly racializes this boundary and, in doing so, recreates imaginaries of global political hierarchy. Indeed, in this discourse, genocide constitutes a limit term that reflects a desire to put ‘new war’ back in the box.[[6]](#footnote-6) In this regard, references to genocide frequently appear in order to mark the call for new models of humanitarian and military governance by establishing a particular threshold for the transformation of conflict into unethical violence. Pronouncements of genocide thus establish the point where ethical imperatives supersede political contestation and the control of armed conflict becomes paramount. Put simply, genocide demarcates the moment when war becomes apolitical.[[7]](#footnote-7)

It is difficult to argue with this position. Genocide, at least as we traditionally conceive of it, ought to constitute an ethical limit to conflict given its horrendous or devastating character.[[8]](#footnote-8) However, this intuition begs the question of how we conceptualize genocide. This subject has not been studied in depth.[[9]](#footnote-9) As such, contemporary invocations of genocide rarely agree upon a standard definition for the term and the brief accounts of historical genocides often used in scholarship are frequently anachronistic. As many genocide scholars now note, there is greater dispersion *within* studies of armed conflict than consensus on what defines genocide, but nonetheless a consistent effort to articulate genocide as conflict based on intractable or static identity categories typically appears in the literature on new war. This recurrence does not reflect engagements with either the extensive literature on genocide studies, historical variables pertinent to particular cases, or the terms of the United Nations Genocide Convention (UNGC). The use of genocide discourse thus rests exclusively on a sense of moral imperative rather than a sophisticated engagement with the complex processes and conditions of possibility for mass violence.[[10]](#footnote-10)

This image renders static the meaning of genocide. Consequently, the analysis of contemporary armed conflict actually tells us next to nothing about the propensity for various causal mechanics, structures, or decisions to promote genocidal politics. Since genocide constitutes little more than a placeholder for ‘the worst,’ new forms of genocide that adapt, evolve, and transform in relation to shifts in international politics, technology, the articulation of identity, political structure, and other assemblages get lost. By making genocide a limit, the definitions of genocide in the armed conflict literature actually undermine our capacity to study violence. In addition, by reifying the concept of genocide, the study of armed conflict depoliticizes a variety of social, ethical, and political relations that bear on the study of why and how identity-based conflict allegedly dominates contemporary warfare. In a sense, understanding genocide as the limit of war, uses the *potential for genocide* as a prism for interpreting conflict. This prism foregrounds the stakes in conflict and changes the construction of threat and danger associated with different forms of warfare. Ultimately, this prism renders conflict provides a static ontology for thinking about the agents, actions, and relations that produce armed conflict.[[11]](#footnote-11) Exploring the mutual constitution of war and genocide as well as the various discursive associations formed by the two terms is key to describing how implicit presuppositions structure the study of armed conflict.

This paper is divided into four sections. The first section surveys the use of genocide discourse in the debates over armed conflict. It shows how the definition of genocide is largely inconsistent across the study of armed conflict, but, paradoxically, that the image of genocide used in this literature tends to think genocide exclusively as identity-based mass murder reminiscent of the Nazi Genocide. The second section compares this contemporary image with the notion of genocide developed by Raphael Lemkin, the Polish jurist who coined the neologism.[[12]](#footnote-12) This section illustrates how recent uses of the concept rest upon significant limits. The third section shows how these constraints both undermine our sensitivity to the transformations within practices of genocide and alter the interpretative frame for studying contemporary armed conflict. Indeed, as co-constituted categories and interrelated phenomena, this connection has significant consequences for how we understand the nature of contemporary war and social death. The final section engages the question of political ethics in the study of armed conflict in relation to these observations.

**Genocide in New War**

The discussion of genocide in the armed conflict and new war literature arguably begins with a series of observations by Mary Kaldor. In her elaboration of new war, Kaldor detects a change in the political affiliations defended by new warriors. In specific, new warriors maintain “allegiance to a label rather than an idea.”[[13]](#footnote-13)[[14]](#footnote-14) In this context, a label means a specific identity-marker or association. Kaldor’s point, in brief, is that unlike the ideological (capitalist vs communist) wars of the past contemporary wars care about ethnoreligious and communal identity. Kaldor also contend that new war relies on novel techniques of local, diffuse mobilization, guerrilla and small arms war, and rapid engagement, which create “an unfavorable environment for all those people [they] cannot control.”[[15]](#footnote-15) These transformations in the practice of war, linked to the newfound importance of identity, generate incentives for mass killing new wars in order to forestall retribution. Kaldor’s argument effectively makes genocide a byproduct of the underlying shifts to identity politics and the amplification of violence-capacity amongst non-state military groups. Highlighting cases like the Rwanda, Bosnia-Herzegovina, Afghanistan and Sudan, Kaldor sees a trend of small-scale violations of the UNGC. These trends represent a shift where “what were considered to be undesirable and illegitimate side-effects of old war have become central to the mode of fighting in new wars.”[[16]](#footnote-16) Her discussion of genocide ends at this point except for one further comment on the relationship of genocide to her cosmopolitan approach to global politics. In particular, Kaldor develops the claim that cosmopolitan politics has long been a bulwark of international law encoded into The Hague Conventions, Nuremberg Trials, and UNGC. According to Kaldor, these conventions offer a legacy that legitimates normative political intervention to minimize harm to civilian non-combatants. Existing international law thus represent a redress to the conditions of new war. As we shall see, this position makes significant assumptions about the continuity of international law over disparate periods and, more specifically, about the differences between genocide and traditional war. More importantly, Kaldor’s discussion marks the beginning of an analytical connection between war and genocide that persists throughout the new war debate.

Martin Shaw, cited at the beginning of this paper, offers the clearest evidence of the further development of the genocide-war connection. Drawing on Kaldor’s thesis, Shaw argues that the study of warfare has neglected the enhanced role civil society and social life plays in making armed conflict. This neglect obscures how social divisions govern both the form of war and the set of identities and relations at stake in conflict. Shaw refers to this as the ‘structure of conflict’ and sees it as an emergent dimension of contemporary conflict.[[17]](#footnote-17) Building on Kaldor’s claims regarding identity and war, Shaw calls for a reassessment of the relationship between war and non-combatants in a decisive critique of ‘risk-transfer war.’ However, he also curiously develops a new theory of genocide at this point. For Shaw, genocide as the mass killing of non-combatants defined by “*war against particular civilian groups as such, because of the social identities ascribed to given civilian populations*.”[[18]](#footnote-18) Shaw uses this definition to catalogue the relationship between technical changes in war and the frequent appearance of (socially constructed) identity-based antagonisms. While Shaw’s work offers a far richer engagement with the topic of genocide, his argument ultimately boils down to the same two observations about new war offered by Kaldor: genocide matters because of the rise of identity-based conflict and non-state warfare. These conditions, Shaw contends, saturate contemporary war and make it more prone to genocide. Furthermore, like Kaldor, Shaw views the explicit targeting of civilian non-combatants as the defining moment when military violence transforms into genocide. Unlike Kaldor, Shaw draws this distinction at the moment when war targets and kills civilian groups defined by social identity. However, even this distinction requires that Shaw accept an *a priori* determination of genocide as loosely organized by identity-based mass murder. Indeed, non-combatant status becomes important in Shaw’s account because of forms of social identity that dictate both combatants and non-combatants become a threat. Thus, while he shifts the social conditions and subjects of genocide, the function of the argument remains more or less intact.

Kaldor and Shaw represent perhaps the most theoretically interesting engagements with the subject of genocide in recent theory of armed conflict, but numerous other scholars make reference to the concept of genocide at critical points in their argument. Stathis Kalyvas, for instance, discusses genocide as one of four types of violence that emerges in civil wars. Like Shaw and Kaldor, Kalyvas defines this violence as one-sided mass murder and places it in the context of extreme antagonism characteristic of civil war. He defines genocide as “premeditated, purposive, and centrally planned; [it] aims toward extermination rather than coercion.”[[19]](#footnote-19) Kalyvas’ also joins a group of thinkers who view genocide as a strategic outcome of civil wars. Either because of identity-based solidarity or elite manipulation, the tendency of civil war to collapse into genocide rests upon an effort to reconstruct states along ethnic lines.[[20]](#footnote-20) In a similar fashion, Herfried Münkler describes genocide as taking place when militaries expand the field of war to include the elimination of a population. Armed conflict, Münkler argues, creates incentives for this practice because it destabilizes existing institutions and redoubles the importance of local affiliations and identity-based connections. For Münkler, genocide constitutes one of several practices of violence, including sexual exploitation, rape, and gendered violence, that he claims occur as a result of the illegitimacy of state authority.[[21]](#footnote-21) The critical development theorist Mark Duffield makes a similar observation by arguing that “within the new wars, *people are social beings rather than juridical subjects*.”[[22]](#footnote-22) Consequently, military action pitches “social and political networks against each other,” and invariably produces “attempts to eliminate entire social networks, that is, genocide.”[[23]](#footnote-23) While Duffield notes that the prospects for genocide are exceedingly rare, this comment suggests that sociality is at risk in wars and, indeed, the very line of contestation of contemporary war in a novel way. In doing so, Duffield demonstrates that his understanding of genocide is defined by identity-based mass killing and, moreover, that the emergence of this tactic is linked to the rise of political identity and the diffusion of violence.

Even critics of these theories frequently rely on a similar invocation of genocide. For instance, Erik Melander, Magnus Öberg and Jonathan Hall in their article “Are ‘New Wars’ More Atrocious?” explicitly rebut the claim that warfare has enhanced non-combatant. In their article, they employ a metric of genocide/politicide defined by the State Failure Project as acts of civilian-based bombing, massacres, and starvation.[[24]](#footnote-24) While the argument demonstrates how contemporary armed conflict has not proportionally increased civilian casualties relative to the period between 1930s-1950s, the notion of genocide endorsed by the article remains effectively the same as that of the theorists they criticize.[[25]](#footnote-25) Other critics challenge the historical observations of new war theory and contest whether or not there has been a rise in genocidal activity.[[26]](#footnote-26) Some opponents of the new war thesis extend this argument by noting the occurrence of identity-based warfare in earlier decades while others point to the importance of ideology and proxy wars as equally ‘genocidal’ forms of conflict. Opponents of new war theory thus adopt the same conception of genocide and merely modify the specific causal mechanisms that causes mass violence or modify quantitative expectations about violence. Indeed, even deconstructive approaches to armed conflict appear comfortable with a normative understanding of genocide. Jacob Mundy, for example, brilliantly interrogates the notion of ‘civil war’ offered by figures like Kaldor, Kalyvas, and Shaw by revealing the elusive, inconsistent, ambiguous, and contestable nature of this concept. Mundy’s argument nonetheless begins by juxtaposing the contestable nature of ‘civil war’ employed in the new wars literature with the, to his mind, well-established definition of genocide. Mundy writes “where there is agreement that wars need to be distinguished from sustained episodes of one-sided violence like genocides or massive use of terrorism by state or non-state actors (hence, effective resistance criteria), loaded concepts such as ‘military action’ or ‘battle deaths’ are rarely explicated.”[[27]](#footnote-27) While Mundy’s claim opens up more interesting problems with respect to the study of armed conflict or civil war, he strangely interrogates one term of the debate while treating the other as stable and clear. Perhaps more than any other example, Mundy’s approach illustrates that while critical contestation occurs over the nature of war, the function of genocide in these debates is as a settled object, a moment when war becomes non-war, war becomes something other than war, an ethical limit that demands an alternative response. Unfortunately, as the next section illustrates, genocide is far from a clear, transparent, or even legally settled subject. Moreover, the relationship between war and genocide is not, as so many theorists of armed conflict presuppose, static and unilateral.[[28]](#footnote-28) This presupposition constantly marks a new discursive development within the study of armed conflict, which affects our insights into both the relationship between war and genocide and the importance (or lack thereof) of identity-based war.[[29]](#footnote-29)

Implicit in this discourse is an apolitical treatment of the concept. Genocide gets articulated as a threshold event beyond which political commitments need to be rearticulated. The plurality of perspectives of war thus merge into a governmentalizing paradigm that centers on preemptive intervention or conflict resolution in order to forestall the emergence of mass murder. Genocide, in this sense, functions as a kind of *point de caption* knitting together disparate perspectives on the evolution of armed conflict by delineating setting aside conflict’s bastard offspring.[[30]](#footnote-30) This poses two questions for critical genocide scholars. First, what costs does the normative image of genocide advanced in the new war debate have for our conceptual insights into the politics of atrocity? Second, what productive effects does centering the new war debate on the object of genocide have if it neither produces successful interventions into genocide nor culminates in a ‘correct perspective’ regarding war? As the next section illustrates, the normative understanding of genocide comes at the cost of a far more complex and plastic vision of genocide offered by figures such as Raphael Lemkin. Such a conception works to destabilize the boundaries between traditional warfare and politics proper. New war theory’s discursive consolidation of genocide also functions by transforming genocide into a kind of vanishing ethical limit for contemporary warfare. This limit legitimates the creation of new forms of biopolitical regulation and governance of war. Indeed, in many respects genocide offers new war theorists an opportunity to reprise the value of juridical power in international politics and establish the significance of norms, duties, and rights as appropriate limits to both conflict and political dialogue. While this effort has merit at first glance, it both reifies considerable inequity in terms of the lives abandoned as unintelligible subjects of genocide and the expansion of ‘lesser violences.’[[31]](#footnote-31)

**Revisiting Genocide**

As the previous section demonstrated, the debate on armed conflict presents genocide broadly as the activity of identity-based mass murder. The image of genocide transforms genocide into an unethical implication of the developments of late warfare. However, the turn to the normative understanding of genocide in the new war debate is also deeply involved with the consolidation, institutionalization, and regulation of political understanding surrounding genocide. This has several consequences. First, it obscures the multiplicity of violent practices other scholars have sought to link to genocide. In doing so, scholarship on armed conflict arbitrarily determines what constitutes war and genocide. Genocide thus appears as an exceptional phenomenon that demands exceptional interventions. Second, the link between identity and genocide enables a new kind of political cartography that charts hot spots and target areas in need of additional governance.[[32]](#footnote-32) Third, the image positions genocide as a kind of ethical boundary that demands an expansion of international governance. Genocide thus grounds a new set of governmental practices designed to regulate the shape of warfare.

The image of genocide used in armed conflict literature is, fortunately, only one image amongst many others. In this section, I turn to the work of Raphael Lemkin, the Polish jurist who invented the concept of genocide, to expose the contestable nature of genocide. Unlike theorists of armed conflict, Lemkin expands on a multiplicity of forms of genocide that target and destroy different types of human (and arguably non-human) communities. Lemkin’s writings influenced the creation of the UNGC and scores of contemporary genocide scholars.[[33]](#footnote-33) In this regard, his work provides a valuable point of comparison to understand the trajectory of genocide as an analytical object. The purpose of this section is not to argue for the truth-value of Lemkin’s account of genocide nor to promote an ‘originary’ conception of genocide, but rather to use Lemkin’s scholarship to expose the limits implicitly placed on the notion of genocide. In particular, Lemkin’s attentiveness to the variety of techniques of genocide and the porous relationship between war and genocide demonstrate the restrictive implications of the image endorsed by Kaldor, Shaw, and others.

 Lemkin invented the term ‘genocide’ to define a phenomenon he initially described as the “destruction of a nation or a people.”[[34]](#footnote-34) Due to his vast knowledge of Nazi legal practices in occupied Europe, Lemkin became a counselor to Allied leaders in the process of reconstruction in the aftermath of the Second World War. From this position, Lemkin was able to encourage the International Military Tribunal to employ the language of genocide as a way of characterizing the violent practices of the Nazi regime.[[35]](#footnote-35) By 1946, calls were made at the newly formed United Nations for an international convention and, in 1948, the UN General Assembly endorsed the UNCG. Lemkin’s work with the UN Secretariat deeply influenced the creation of this document. Nonetheless, the US, Great Britain, France, and the USSR, conscious of their policies of colonial population management and the development of the mandate system, rejected large portions of Lemkin’s vision of the UNGC.[[36]](#footnote-36) Nonetheless, Lemkin successfully convinced the Sixth Committee of the ECOSOC to incorporate numerous acts of genocide, beyond mass killing, into the UNGC. For over a decade, Lemkin wrote several volumes on the history, legality, and politics of genocide. His work thus offers a fertile point to interrogate different constructions of the concept. As historians Dominick Schaller and Jürgen Zimmerer have argued, Lemkin’s extensive writings reveal an developing social scientific methodology, brilliant comparative historical analysis, and rigorous attempt to achieve conceptual clarity.[[37]](#footnote-37) Moreover, Lemkin’s theory of genocide advances a critical account of the constitutive role social relations play in the formation of political violence.[[38]](#footnote-38) Lemkin’s work thus provides an alternative account of genocide critical to understanding the subsequent legal definition of the term.[[39]](#footnote-39)

Lemkin argues that genocide is “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups with the aim of annihilating the groups themselves.”[[40]](#footnote-40) He also argues that genocide includes two phases: “one, the destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor.”[[41]](#footnote-41) Already, Lemkin’s understanding of genocide adds complexity to the relatively simplistic notion of genocide as studied by armed conflict. In particular, genocide is not only the killing of a group based on identity, but a multiphased process that incorporates a colonial dimension. His work further differentiates practices of genocide, the destruction of the foundation of group life, from their outcomes, the annihilation of groups. He also indicates that genocide involves many forms of predation that fall well short of mass killing. Several terms in Lemkin’s analysis are particularly important in this regard. First, Lemkin employs the language of ‘national pattern’ to describe the series of biosocial interactions constitutive of a group. Lemkin clarifies that the ‘national pattern’ includes elements of reproductive life, cultural collaboration, spirituality, and artistic expression.[[42]](#footnote-42) For Lemkin, national patterns are critical to the reproduction of group life and, consequently, practices designed to interfere or disrupt these patterns also constitute forms of genocide. Unsurprisingly, Lemkin describes numerous ‘national minorities’ without invoking a stable identity-based distinction to classify or delimit the subject of genocide. In this short essay alone, Lemkin refers to the destruction Poles (national group), Jews (religious groups), cities, families, and cultural centers as subjects of genocide.[[43]](#footnote-43) The list of ‘oppressed groups’ is thus quite extensive and only loosely connected with dominant registers of identity.

Another important distinction in Lemkin’s work concerns the different ‘techniques of genocide.’[[44]](#footnote-44) These techniques, Lemkin argues, are what enable the two-part process of genocide to take place. While many ‘techniques’ resonate with contemporary images of genocide such as forced displacement or mass killing, Lemkin repeatedly emphasizes how destructive acts associated with social, cultural, economic, aesthetic, moral, and political milieus also constitute forms of genocide. Without these later acts, Lemkin claims, the two-phase process of genocide would never take place. Lemkin’s description of the diversity of techniques of genocide elaborates on how multiple components of a complex ‘national pattern’ become subject to destruction. While the exhaustive list of ’techniques of genocide’ described by Lemkin are quite fascinating for the purposes of this essay, I will briefly explore only ‘moral’ and ‘biological’ techniques in order to differentiate Lemkin’s perspective from subsequent theories of genocide

Lemkin begins his analysis of biological techniques of genocide by describing the Nazi depopulation efforts in occupied Europe. Citing the example of Poland, Lemkin points to the legal ban on marriages between Poles as example of a “measur[e] calculated to decrease the birthrate of the national groups of non-related blood.”[[45]](#footnote-45) Lemkin also describes the forcible separation of men and women, the use of special subsides for German colonists, and the rationing of food to adults of child-bearing age as examples of ‘biological techniques of genocide.’ In these policies, Lemkin discerns a systematic effort to weaken the livelihood of the Polish community and promote German expansion. Aside from the obvious biopolitical character of Lemkin’s observations, the crucial element here is the comparatively innocuous nature of the ‘biological techniques of genocide,’ which differ only minimally from a generic set of tools for population management. Yet, for Lemkin, these acts, well prior to the physical violence of mass killing, constitute a form of genocide by eliminating the livelihood of oppressed groups. By undermining the reproduction of a group’s ‘national pattern,’ policies far short of outright murder constitute dangerous precedents for the control of group life.

Lemkin comes to a similar conclusion when he describes ‘moral techniques of genocide.’ By deploying moral techniques of genocide, Lemkin argues, “the occupant attempts to create an atmosphere of moral debasement within this group. According to this plan, the mental energy of the group should be concentrated upon base instincts and should be diverted from moral and national thinking.”[[46]](#footnote-46) Here, Lemkin explains that moral techniques are aimed at the psychic energies of a national group rather than their corporeal well-being. Genocide occurs by holding a group in a position of anxiety and fear, which impairs the reproduction of group life. Far before mass killing, these ‘moral techniques’ successfully destroy groups without bloodshed. Again turning to Poland, Lemkin provides the telling example of the Generalgouvernement’s promotion of alcohol consumption, gambling, and pornography as insidious ‘moral techniques of genocide.’[[47]](#footnote-47) Indeed, while control over sexual reproduction resonates to some degree with the normative image of genocide, Lemkin’s point here appears somewhat absurd in light of contemporary social practice. Yet, what makes Lemkin’s claims interesting is not their *content* (alcoholism, pornography, etc.), but their *structure* or *form*. In particular, Lemkin notes that ‘moral techniques’ facilitate a particular kind of social exchange in which “the desire for collective feelings and ideals based upon a higher morality,” is traded for a “cheap individual pleasure” in an atmosphere of self-preservation.[[48]](#footnote-48) In this respect, Lemkin’s point is not that pornography or alcohol are obscene, but rather that their introduction into occupied Poland was a mechanism for breaking up the intricate social bonds by providing outlets or reprieve for an oppressed people that further dissolved the group’s ‘national pattern.’

Lemkin’s writings influenced the subsequent dialogue on genocide. The UNGC, for instance, defines acts of genocide beyond mass killing in Article 2 largely as a result of Lemkin’s argumentation before the Ad Hoc and Sixth Committees.[[49]](#footnote-49) While legal enforcement of the UNGC has often found these sub-articles difficult to enact, there have been a variety of efforts at the ICTY, ICTR, and ICC to reintroduce these concepts into genocide prosecution.[[50]](#footnote-50) Moreover, Lemkin continues to exert significant influence on genocide scholarship. From the resurgence of genocide in the writings of Leo Kuper in the early 1980s to the late philosopher Claudia Card’s reconstruction of the concept, Lemkin’s concern for the complex, interactive dimensions of both group life and political violence remains a central concern for genocide scholarship.[[51]](#footnote-51) In this regard, Lemkin’s work marks an alternative to the image of genocide at work in armed conflict and exposes how the association of genocide with mass murder is late, historical development rather than a common sense interpretation of crime. Where new war envisions genocide at the intersection of stable identities and patterns of violence, Lemkin substitutes an open-vision of the ‘national pattern’ as a multidimensional social formation vulnerable to numerous forms of violence and control. In this way, Lemkin’s vision of genocide breaks with cliché categories of identity and its relationship to conflict. It also enables Lemkin to incorporate a number of techniques of destruction that fall outside the purview of the study of armed conflict.[[52]](#footnote-52) In light of Lemkin’s work, the limited description of genocide employed in contemporary conflict analysis excludes a host of social relations, practices, and techniques critical to a more complex understanding of genocide as well as its relationship to war.

For new war theorists and scholars of armed conflict, genocide matters because it involves indiscriminate mass killing of non-combatants based on identity. The criminal dimension of genocide thus depends on the notion of identity-based animus and the quantitative rise of death at a horrifying scale. In contrast, for Lemkin, the destruction of a group signifies “the loss of [a group’s] future contributions to the world. Moreover such destruction offends our feelings of morality and justice in much the same way as does the killing of a human being: the crime in one case as in the other is murder, though on a vastly greater scale.”[[53]](#footnote-53) The shift between these two conceptions is subtle, but important. For Lemkin, the singularity of group life renders the group important on its own terms. The importance of the notion of genocide develops from the effort to preserve this value as something of distinctive political importance. The terrifying feature of genocidal practice is thus that it constitutes “a new strategy aimed at winning the war in times of peace,” by making the death of a “nation” a political objective.[[54]](#footnote-54) Put differently, genocide needs to be prohibited because it reflects an expansion of warfare to the annihilation of something singular, valuable, and distinctive about collective life, a “right to existence.” In contrast, the new war theory treats genocide as an arbitrary, illegal, extermination of people based on group identity while viewing this as merely an outcome of war. Identity functions as a marker or incitement to killing, but remains indistinctive save as an indicator for the rise of this kind of violence. As a result, new war theory’s notion of genocide erases the independent value of group life in favor of assessing what Giorgio Agamben calls the ‘bare life’ of those subjected to genocide as the basis of launching an ethical program to subordinate violence.[[55]](#footnote-55) Consequently, contemporary war’s ability to unmake communities without killing, to hold entire populations in states of permanent fear and anxiety, or to interfere with the promotion of group life fall into an ordinary background against the frightening (and inexplicable) emergence of mass killing. This establishes a distinction capable of justifying the expansion of the governance of armed conflict, as the next section explores, but it does so at the expense of a more complex image of genocide. The forms of genocide envisaged by new war implicitly exclude many episodes of mass violence and social destruction from political scrutiny.

**The Limits of Genocide Studies**

Lemkin’s writings offer an alternative approach to the concept of genocide. This alternative is important for several reasons. First, it shows that the strong associations between genocide and mass murder are a recent historical development. When Lemkin crafted the term genocide, he was largely unaware of the scale of mass murder ongoing in Nazi Europe. For much of the 1940s the concept of genocide was formulated in different ways. Studies of the discourse at the Nuremberg Tribunals, where genocide was included amongst the criminal charges, indicate diffuse uses of the concept genocide to describe different aspects of the Nazi crimes.[[56]](#footnote-56) The strong relationship between genocide and mass murder emerged much later along with the growth of Holocaust consciousness and the rediscovery of genocide as a subject of interest in the 1980s.[[57]](#footnote-57) In contrast, contemporary understandings of genocide offer relatively restricted conceptions of the term even relative to the UNGC, which includes forced transfer of children, fostering conditions inimical to group life, and preventing births as acts of genocide. This series of examples illustrate how the common sense interpretation of genocide as murder developed a reduction of the meaning of genocide to purposeful mass murder based on identity. As this section will demonstrate, this reduction has important consequences for both the study of genocide and armed conflict.

 Second, Lemkin’s writings illustrate the mutual constitution of war or armed conflict and genocide. For instance, in his discussion of the various techniques of genocide, Lemkin argues that each technique constitutes a component of a broader war effort. To his mind, destroying libraries, seizing property, or banning languages comprise forms of control that undermine the existence of a political community. These tactics facilitate colonial occupation by disintegrating the fragile set of habits, norms, and affiliations that produce communal life. Disintegration promoted general disorder, undermined social bonds and enabled the machinery of the Nazi state to target specific communities and resistances for destruction. For Lemkin, these social mechanisms constitute powerful tools for augmenting and directing the Nazi war effort. These changes also transform the broader practice (and objective) of war itself. In this vein, Lemkin argues against reading genocide as either part of a strategic plan to seize resources or as irrational acts of ideological racism since these perspectives render invisible the relationship between war, social engineering, and. In contrast, Lemkin’s work shows how techniques of genocide emerge as a byproduct of the militarization of social life, a process that transforms the population itself into the principle object of war.

For Lemkin, the discovery of the population as object of war has dangerous implications as it marks a transformation in warfare that ripples through armed conflict. War no longer serves the sovereign function of maintaining security or territory, but coincides with the effort to govern life at an abstract level. War and genocide consequently interrelate not only because they share an objective, such as destroying a targeted populace, but at the level of practices, logistics, and imperatives.

In contrast, the sharp analytical line drawn by contemporary scholars of armed conflict presupposes an unproblematic distinction between war, a domain of licit practices between enemy combatants, and genocide, the destruction of non-combatants on the basis of identity, that Lemkin views as untenable. For Lemkin, the emergence of genocide as a contemporary phenomenon reflects a shift in the paradigm of armed conflict, which sets aside the principles of battlefield victory in favor of making war a process of social improvement. While this may resonate with the contemporary understanding of genocide as ‘identity-based,’ Lemkin makes the point in order to show that Nazi practices not only targeted identity, shifting objectives of war, but mutated the practice of war in the process. War increasingly serves not national interest, but the imperatives of optimizing life and thus coincides with mechanisms of political control traditionally used for maintaining obedience and social homogeneity. For Lemkin, the problem is not, as contemporary war theorists put it, that war suddenly targets groups on the basis of their identity. Rather, war and social life coincide at the level of object, function, and practice. It is this possibility, brought home by the terror of the Nazi experience, which prompts Lemkin to call for the creation of a new international law banning genocide. Implicit in this call is Lemkin’s attempt to rescue the principle sovereignty in order to bolster international law and prevent the miasma of genocide from becoming a habitual practice for states.[[58]](#footnote-58) Lemkin believed international collaboration could prevent a nascent phase of statecraft where armed conflict and identity-based conflict would collapse into one another, where all war would always already be race war, where territory and resources are incidental to the management of social life, and practices of genocide and war enter into a zone of indistinction. The horizon of what we now call biopolitical warfare was Lemkin’s concern with respect to the appearance of genocide.[[59]](#footnote-59) In this context, Lemkin feared relying on static distinctions between war and genocide since they constituted a failure to think through the interrelationship of armed conflict and what Claudia Card refers to as social death.[[60]](#footnote-60)

These observations are clearly contestable and historically bound. Lemkin tends to romanticize his image of social life based on the dynamics of homogeneity and civic interaction in Poland, the Soviet Union, and Eastern Europe. Despite these limitations, he imbricates war and genocide. As such, it offers a compelling alternative to the contemporary understanding of genocide offered in the armed conflict literature. The crucial difference between Lemkin and newer theories concerns the status of genocide. For armed conflict, genocide constitutes an outcome of the targeting of groups for military destruction based on their identity. For Lemkin, genocide occurs as a process that produces social relations and is coextensive with practices of war. This distinction has significant implications for the analysis of genocide. According to the current understanding in armed conflict literature, genocide occurs with the mass murder of a population based on identity. This understanding implicitly separates genocide as an outcome from the realm of armed conflict more generally. It establishes a spectrum of lesser crimes (human rights violations, war crimes, and crimes against humanity) that culminate in genocide. Moreover, it can be explained through technical and logistical evolution in warfare coupled to a separate transformation of social life, pressured by globalization and the collapse of old ideological divides, toward local identity. Genocide, consequently, occurs as an indirect result of these changes. What gets lost in this account is any understanding of genocide as a *process* rather than an *outcome*.[[61]](#footnote-61) As a process, genocide coexists with other practices of war and armed conflict and, as a result, is difficult to differentiate in every context. This dilemma, rather than the apathetic stance of great powers, explains the tremendous difficulty in forecasting the development of mass murder. Moreover, by treating armed conflict as separate from social developments, the armed conflict literature ignores that the use of force invariably connects to and produces social relations. The causal mechanisms that allegedly promote genocide are thus inseparable from transformations in armed conflict writ large. Put differently, if genocide has become a more prominent feature of contemporary warfare this is not because of separate transitions in war and social identity, but a product of the imbrication of both systems, a paradigm of militarization of social life where the destruction (or management) of population transforms warmaking into a technique of governance as it simultaneously remakes social identity to foster war. The problem with focusing on identity or war in the abstract is that these connections develop through processes of armed conflict rather than pre-exist it as structural variables. War *becomes* genocide and genocide *subsists* as a possibility of war.[[62]](#footnote-62)

 The current approach to genocide in the armed conflict literature creates series analytical problems for the study of war and genocide. In terms of armed conflict, the literature treats genocide as an exogenous outcome of transitions within war. This stance treats genocide as peripheral to the traditionally legitimate practice of armed conflict and warfare. This makes genocide an aberration or deviation from routine warfare. The problem with this perspective is that it considers the activity war in the abstract; independent of the set of social relations that constitute the purpose and practices of armed conflict. In the abstract, war offers a domain of legitimate armed interactions, which obey particular boundaries. Genocide constitutes a crime because it breaks these boundaries and licenses the international community of suspend existing norms of sovereignty. However, if genocide and war constitute interrelated domains then the set of practices considered legitimate, which demarcate proper conflict, herald to a time prior to the association between war and social life. Rather than an exception this constitutes a norm of contemporary war and mass murder a deviation in the intensity and scale of particular operations of armed conflict rather than an aberration within current practices. Indeed, many of the actions considered a part of contemporary conflict are inseparable from the series of actions that facilitate the emergence of mass murder. Traditionally conceived as a problem of ‘dual-use,’ this potentiality reflects interrelationship of war and genocide as virtual dimensions of political conflict. The actualization of one or the other depends on the slow determination of circumstance and the power of political discourse rather than a predetermination of legitimate and illegitimate practices of war.[[63]](#footnote-63) By ignoring this distinction, armed conflict literature undermines the political dimension of the use of force by ignoring how violence operates as a social force for the management of life in both settings. The attempt to establish (or research on the basis of) a hegemonic meaning constitutes little more than a depoliticization of conflict rather than an interrogation of its conditions of possibility.

At the same time, the armed conflict understanding of genocide significantly reduces the analytical power of the term in two ways. First, the understanding sees genocide as a limit and aberration. As a consequence, the interrelationship of practices of war and genocide (and their indistinction) gets filtered out of scholarly analysis. This makes it more difficult to identify the set of operative mechanisms that promote genocide. Moreover, it hides the fact that, as Manus Midarsky puts it, genocide constitutes “a contingent event” within otherwise recurrent patterns of armed conflict.[[64]](#footnote-64) As such, the capacity for normative and legitimate practices of contemporary armed conflict to produce genocidal practices gets largely set aside by this literature. In contrast, what the understanding does facilitate, as the next section explores, is the legitimation of governance strategies for both preempting genocide and managing armed conflict. Second, the current understanding links genocide to the separate development of non-state warfare and the rise to identity-based affiliations. These exogenous conditions, the theory goes, promote the development of genocide. The problem here is that these conditions are not separable, but reciprocally determined. By this I mean that social life and warfare constitute an ensemble of practice rather than separate domains. As Lemkin’s writings demonstrate, for instance, genocide rests upon a continuity of practices between both realms that interact in making social life an object of war and social management work as mechanism of warfare. This suggests that the production of identity and the making of non-state war constitute not exogenous preconditions of genocide, but rather a production of underlying discursive and political changes that generate genocide. Armed conflict literature also treats these as subject of political augmentation, but misses the paradigmatic transformations toward biopolitical warfare that underlies both of these complementary developments. The set of static conditions, moreover, obscure the processual and emergent dimensions highlighted by Lemkin’s account in which both identity and war implicate one another in an iterative form over time, evolving and transforming war practices into genocidal practices in an unpredictable, non-linear fashion.[[65]](#footnote-65) In this respect, the armed conflict literature may actually make it more difficult to document and trace the transformations of genocide by constructing genocide as a kind of transcendent crime, which develops as the incidental byproduct of globalization and the diffusion of power to non-state forces.

**The Ethical Double Bind**

New war theorists would likely respond to my claim by arguing that the turn to genocide constitutes an attempt to acknowledge and arrest the horrific effects of mass violence on helpless communities. In short, genocide, defined as one-sided mass slaughter, *is* taking place and *ought* to be a serious political problem.[[66]](#footnote-66) Read in this light, the new war thesis represents a moral response to an imminent crisis. Placing genocide into the domain of war and armed conflict marks a new effort to study the emergence of mass murder from political conflict. This argument, while initially compelling, presupposes a settled understanding of genocide, which supports empirical observations regarding the rise in genocide or ‘genocidal violence.’ In this response, theorists sidestep the messier question of how genocide gets conceptualized as an object of political discourse.[[67]](#footnote-67) This amounts to a preference to think genocide in stable terms rather than a complex, contestable political object. In this sense, the urgency of genocide response hinges on a prior determination of the concept that legitimates calls for international political action. However, the urgency of responding to genocide is likewise a product of the discursive fashioning of the concept. In the case of new war, a series of stable predicates concerning identity, political action, and violence, underscored by a static boundary between combatants and non-combatants, transform genocide into an actionable phenomenon, but does so at the cost of excluding a more complex image of genocide. More importantly, the call to prevent genocide based on this image rests on a kind of double bind.[[68]](#footnote-68) On one hand, the ethics of response require that we put all of our resources forward in order to address this grave phenomenon. On the other, genocide response requires such speed that it effectively forecloses any investigation of the political mobilization surrounding the concept even at the cost of greater acquiescence to political control or violence. The campaign against genocide thus prohibits inquiry into the conditions fostering atrocities while calling for more investigation in this area. In other words, the very demand to prevent horrific political violence presupposes a limitation on how this violence is conceptualized, theorized, or protested.

The call to stop genocide is often presented as the paramount moral obligation in contemporary global politics. From the ’Never Again’ refrain to the consistent references to the ethical value of the Responsibility to Protect, genocide stands as an object calling for urgent political mobilization. New war theorists often support this politics of emergency by subscribing to the notion that genocide is a radicalization of war that takes place in the form of one-sided mass killing based on identity. The spontaneous eruption of this violence makes genocide appear disproportionate and indiscriminate while severing events of genocide their historical and political context. As such, these calls support a discursive procedure that begins by finding a specific causative agent, typically a non-state or illegitimate state-based actors, who can be assigned principle responsibility for the outbreak of genocide.[[69]](#footnote-69) The motives of the perpetrators of behavior are explained by recourse to madness, irrationality, hypersensitivity, emasculation, or systematic disorder. By linking the origins of genocide to a form of human behavior that stands beyond the pale of legal, legitimate, or reasonable political activity, genocide necessitates the declaration of a state of exception and the creation of new procedures suited to the management of social crisis.

The figure of the specific causative agent or *genocidaire* responsible for genocide facilitates a set of judgments on the appropriate response to genocide. First, it grounds a determination on the illegitimate nature of political crisis by locating the source of moral misconduct of a reformable agent.[[70]](#footnote-70) The decisions or intentions made by the *genocidaire* establish an allegedly clear division between legitimate episodes of armed conflict and illegitimate periods of genocide by cementing the distinction in subjective enunciation. Second, the *genocidaire* transforms genocide into an ‘actionable’ problem by creating a site for intervention that can isolate or eliminate dangerous elements and thereby attenuate political violence.[[71]](#footnote-71) The figure of an agent responsible for genocide thus facilitates the call for preemptive intervention as a viable technique of genocide response. Third, the causative agent provides a framework for simultaneously normalizing and exoticizing genocide. The acts of *genocidaires* implicitly cross a limit such that their conduct necessitates political exclusion, yet these acts also fall within a zone of legitimate political management that supports the governance of armed conflict. Yet, the *genocidaire*’s specific attributes transform this into a kind of police operation in which the nature of a moral crisis, linked to the abnormal character of the *genocidaire*, requires careful monitoring. In short, by isolating the cause of genocide in a disciplinary subject, a series of police discourses emerge with which to treat the *genocidaire* as the agent of genocide. The moral framework surrounding the notion of genocide as identity-based mass killing is complemented by the figure of the anomalous *genocidaire* recklessly destroying minority groups.

The problem here is that both the concept of genocide and the figure of the *genocidaire* as hinge on an *a priori* determination of the concept of genocide. As the previous section described, genocide is an open and ambiguous concept incorporating different elements, forms of violence, and modes of communal life. Lemkin’s writings exemplify this openness by the way they formulate and combine different elements of the concept. Unfortunately, the restriction of genocide to identity-based mass murder strips these broader genetic conditions from our understanding of the concept. As a result, genocide appears to erupt from nowhere, to represent a total transformation of a social or political system, and supports the search for a causative agent the *genocidaire*, who marks this rupture in the social system. Scholarship then traces the appearance of these figures to particulars institutions, ideologies or, in the case of new war theory, static social and military conditions. The urgency of genocide thus makes sense because of the imminent risk *genocidaires* will continue with mass killing. However, as sociologist Christopher Powell argues, the notion of the *genocidaire* offers a pale description of the events surrounding genocide and, more importantly, a hollow account of the emergence of genocide from broader social conditions or, as Powell describes them, “social figurations.”[[72]](#footnote-72) Instead, Powell recommends evaluating how networks of social relations promote the individuation or emergence of social destruction, the notion underlying Lemkin’s version of genocide. By expanding our account of genocide in this way, Powell contends, a variety of actions constitutive of genocide come into view prior to mass killing. For our immediate purposes, Powell’s argument also exposes how these prior figurations, conditions considered a legitimate or licit components of armed conflict according to many new war theorists, could likewise be treated with the exceptional urgency afforded to mass killing. In this regard, the notion of genocide embraced by new war paradoxically rests on a prior decreasing of the urgency/necessity of political action by treating violence screened out of the concept of genocide as ordinary.

If genocide marks a threshold between the ordinary conduct of war and a zone of the unethical then it also demarcates a problematization, a site for the production of practices of intervention. Unsurprisingly, references to genocide repeatedly serve this function in the dialogue around new war. As I previously described, Kaldor invokes genocide and UNGC as examples of the abiding influence of cosmopolitan political approaches. Martin Shaw similarly discusses the turn to more expansive humanitarian politics in the context of preventing genocide. Figures such as Kalyvas and Duffield likewise make recommendations about the dissemination of violent means largely in connection with a broader concern for international law. Thus, genocide marks the moment in the political discourse on new war for the installation of prescriptions for dampening the intensity of war’s virulence and the expansion of governmental or supra governmental institutions, capable of attenuating conflict. Calls for an expanded version of the Responsibility to Protect, revised humanitarian agenda, or the expansion of a new perspective on politics resonate with these discourses on genocide. My purpose here is not criticize this or that solution to the problem of genocide in war, but rather to point out the implications of reifying genocide as an object of political management. In particular, the transformation of genocide into the point or threshold for the application of international legal and military intervention constitutes a form of apolitical politics by establishing a zone beyond contestation. The process of determining the threshold for when genocide occursm more than just distinguishing which labels of conflict we label as ‘genocide’ also establishes the intelligibility of conflict and violence. The productive dimension of new war discourses on genocide consists in the creation and legitimation of institutional responses that forestall the emergence of genocide, but often incorporate logistics of security, social abandonment, and humanitarian violence that other genocide theorists, such as Lemkin, would likely consider forms of genocidal conduct. The remaking of democratic institutions by outside forces, for instance, certainly constitutes a ‘political technique’ that assails dimensions of a ‘national pattern’ while not necessarily physically harming or injuring an individual. In essence, the normative image of genocide installed by the new war debate works not simply to limit the breadth of our understanding of genocide, but to orient the set of claims made about armed conflict according to a biopolitical logic. The pernicious nature of war acquires a problematic status only at the moment when stable identities and static techniques of violence place at risk the life of a group whose, to use the vocabulary of Giorgio Agamben, ‘bare life’ as subjects of genocide becomes the topic of governmental concern.[[73]](#footnote-73)

The rush to politicize genocide has paradoxically depolitized the event. By succumbing to normative constructs and images, new war theorists contribute to this process. The prevailing discussion of Rwanda, Bosnia, and Darfur in the 90s and early 2000s created an entire genre of thanatography dedicated to the colossal moral failures of Euro-American states to prevent mass murder.[[74]](#footnote-74) As a chief object of concern, new war’s image of genocide fits the set of normative political, emotional, and ethical commitments of the time. Nonetheless, the reification of genocide offered by the discourse of new war theorists has important consequences because of the way it structures the study of armed conflict. First, as I have briefly argued throughout this paper, the creation of an ethical limit on the practice of warfare normalizes other practices as an ordinary part of the domain of armed conflict. A comment by Alan J. Kupermann summarizes the insight best: “Death tolls of 20,000 are not uncommon in civil wars and generally are not considered genocidal….Accordingly, given the early confusion about the nature of the violence in Rwanda, a death toll of 20,000 during the first week did not seem to indicate the occurrence of genocide.”[[75]](#footnote-75) In this way, the newness of new war rewrites the acceptable or ordinary to include forms of mass violence indistinct from conditions of genocide. While earlier genocide scholars would contest these conditions, new war theorists treat them as a routine feature of armed conflict. As a result, the relations between the evolution of warfare and the emergence of genocide are underappreciated. Moreover, this supports new war theory turning to documents, such as the UNCG, as vindications of cosmopolitan approaches to the study of conflict. While the UNGC, to continue the example, contains reference to forcible transfer of children, infliction of mental harm, and the creation of conditions inimical to life, phenomenon new war theorists argue populate contemporary armed conflict, they rarely incorporate these into their explanation of genocide.[[76]](#footnote-76) Furthermore, the presumption that the UNGC constitutes a neutral or cosmopolitan form of law whitewashes the historical debate over the Convention, a debate that saw states insulate their extensive biopolitical practices from scrutiny. In this respect, it is no surprise that new war theory, with the aspiration to govern conflict, hails a renewed internationalism as the primary space for the resolution of genocide. Indeed, this presentation of genocide gives the impression that armed conflict is readily governable and can be bracketed by beliefs and norms while casting *genocidaires* as aggressors who take the conditions of new war to their limit. The diversification of misery and social predation, not to mention war’s increasing cruelty, disappear as subjects of political intervention.[[77]](#footnote-77)

Second, the new war image of genocide supports a broader mobilization of humanitarianism around cliché notions of identity, ethics, and ideology. By doing so new war’s concern for genocide reinforces the legitimacy of circumscribed conceptions of identity and political affiliation as forceful in global politics. To take the example of the discourse of ethnic cleansing, new war theorists regularly point to the ethnicization of conflict as constitutive of war and genocide. Moreover, they acknowledge the socially constructed nature of ethnic identity. Nonetheless, by mobilizing around the prospect of the moral calamity of ethnic cleansing, new war resonates with a political paradigm that inaugurates a paradigm of regulating identity as a site of political intervention. The landscape of armed conflict consequently gets rewritten by holding genocide, as the moment where ethnic violence becomes politically significant in a new way, as the limit point that redefines the dangers of all prior moments of ethnic violence. Genocide discourse thus supersedes many of the other complex observations of new war theorists by tying new war to the promotion of management of identity, hatred, and other elements of political life.

Third, new war’s faith in law with respect to genocide amounts to a perverse belief in the capacity of normative judgments to substitute for political action. If genocide constitutes an unruly form of politics that falls beyond the horizon of universal codes of ethics or humanitarian law then it also constitutes an anomalous action outside the control envisioned by legal regimes. More than a comment on the limits of international law, this belief underscores the turn toward preemptive political action because it positions the norm against genocide as superseding all other political commitments. Internationally legitimate political action can thus supersede the authority of existing political institutions because of the mere possibility of genocide. In this way, genocide discourse operates by fully inscribing bare life under the auspices of governmental (and non-governmental) forms of authority. Indeed, in a sense, genocide offers the perfect site for the extension of preemptive political authority as a kind of permanent ethical catastrophe. Yet, this catastrophe only emerges by crafting the aesthetics of horror around a narrow conception of political violence. As a result, the governance of thanatopolitical practices comes at the cost of licensing forms of social abandonment and deprivation deemed an acceptable part of the evolution of armed conflict.

**References**

Ad Hoc Committee of the Economic and Social Council. “Convention on the Prevention and Punishment of the Crime of Genocide- Second Draft,” May 10, 1948.

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford, Calif: Stanford University Press, 1998. https://catalyst.library.jhu.edu/catalog/bib\_2011010.

Alex Stiller. “Semantics of Extermination: The Use of the New Term of Genocide in the Nuremberg Trials and the Genesis of a Master Narrative.” In *Reassessing the Nuremberg Military Tribunals: Transitional Justice, Trial Narratives, and Historiography*, edited by Kim C. Priemel and Alexa Stiller, 104–33. New York: Berghahn Books, 2012.

Andreopoulos, George J. *Genocide: Conceptual and Historical Dimensions*. Philadelphia: University of Pennsylvania Press, 1994.

Bateson, Gregory. *Steps to an Ecology of Mind: Collected Essays in Anthropology, Psychiatry, Evolution, and Epistemology*. 1 edition. Chicago: University of Chicago Press, 2000.

Bloxham, Donald. *The Final Solution: A Genocide*. Oxford; New York: Oxford University Press, 2009.

Booth, Ken. “New Wars for Old.” *Civil Wars* 4, no. 2 (June 1, 2001): 163–70. doi:10.1080/13698240108402474.

Card, Claudia. *Confronting Evils: Terrorism, Torture, Genocide*. Cambridge New York: Cambridge University Press, 2010. https://catalyst.library.jhu.edu/catalog/bib\_3600363.

———. “Genocide and Social Death.” *Hypatia* 18, no. 1 (January 1, 2003): 63–79.

Chalk, Frank, and Kurt Jonassohn. *The History and Sociology of Genocide: Analyses and Case Studies*. 1st edition. New Haven: Yale University Press, 1990.

Chojnacki, Sven. “Anything New or More of the Same? Wars and Military Interventions in the International System, 1946–2003.” *Global Society* 20, no. 1 (January 1, 2006): 25–46. doi:10.1080/13600820500405442.

Deleuze, Gilles, and Félix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: University of Minnesota Press, 1983.

Duffield, Mark. *Global Governance and the New Wars: The Merging of Development and Security*. Second Edition, New edition edition. Zed Books, 2014.

Fazal, Tanisha M. “Dead Wrong?: Battle Deaths, Military Medicine, and Exaggerated Reports of War’s Demise.” *International Security* 39, no. 1 (2014): 95–125.

Fleming, Colin M. “New or Old Wars? Debating a Clausewitzian Future.” *Journal of Strategic Studies* 32, no. 2 (April 1, 2009): 213–41. doi:10.1080/01402390902743175.

Goldhagen, Daniel Jonah. *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*. 1 edition. New York: PublicAffairs, 2009.

Harff, Barbara, and Ted Robert Gurr. “Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases Since 1945.” *International Studies Quarterly* 32, no. 3 (September 1988): 359–71. doi:10.2307/2600447.

Henderson, Errol, and J. Singer. “New Wars‘ and Rumors of ’New Wars.” *International Interactions* 28, no. 2 (April 1, 2002): 165–90. doi:10.1080/03050620212098.

Juan Masullo, J., and Bajo Jone Lauzurika. “Bringing the ‘New Wars’ Debate Back on Track: Building on Critiques, Identifying Opportunities, and Moving Forward.” *Global Policy*, April 1, 2014, n/a – n/a. doi:10.1111/1758-5899.12130.

Kaldor, Mary. “In Defence of New Wars.” *Stability: International Journal of Security and Development* 2, no. 1 (March 7, 2013): 4. doi:10.5334/sta.at.

———. *New and Old Wars: Organized Violence in a Global Era, Third Edition*. 3 edition. Stanford University Press, 2012.

Kalyvas, Stathis N. *The Logic of Violence in Civil War*. 1 edition. Cambridge ; New York: Cambridge University Press, 2006.

Kiernan, Ben. *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*. New Haven, Conn.; London: Yale University Press, 2009.

Kuper, Leo. *Genocide: Its Political Use in the Twentieth Century*. New Haven: Yale University Press, 1981. https://catalyst.library.jhu.edu/catalog/bib\_433239.

Kuperman, Alan J. *The Limits of Humanitarian Intervention: Genocide in Rwanda*. 1St Edition edition. Washington, D.C: Brookings Institution Press, 2001.

Lemkin, Raphael. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. Washington: Carnegie Endowment for International Peace, 1944.

Levene, Mark. *Genocide in the Age of the Nation State: Volume 1: The Meaning of Genocide*. London ; New York, NY: I. B. Tauris, 2008.

Mamdani, Mahmood. “The Politics of Naming: Genocide, Civil War, Insurgency.” *London Review of Books*, March 8, 2007.

Melander, Erik, Magnus Öberg, and Jonathan Hall. “Are ‘New Wars’ More Atrocious? Battle Severity, Civilians Killed and Forced Migration Before and After the End of the Cold War.” *European Journal of International Relations* 15, no. 3 (September 1, 2009): 505–36. doi:10.1177/1354066109338243.

Midlarsky, Manus I. *The Killing Trap: Genocide in the Twentieth Century*. Cambridge; New York: Cambridge University Press, 2005.

Moses, A.D. “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century’: Genocides of Indigenous Peoples and the Holocaust.” *Patterns of Prejudice* 36, no. 4 (October 1, 2002): 7–36. doi:10.1080/003132202128811538.

Moses, A. Dirk. “Moving the Genocide Debate Beyond the History Wars\*.” *Australian Journal of Politics & History* 54, no. 2 (June 1, 2008): 248–70. doi:10.1111/j.1467-8497.2008.00497.x.

Mundy, Jacob. “Deconstructing Civil Wars Beyond the New Wars Debate.” *Security Dialogue* 42, no. 3 (June 1, 2011): 279–95. doi:10.1177/0967010611405378.

Münkler, Herfried. *The New Wars*. 1 edition. Oxford: Polity, 2004.

Neal, Andrew W. “Cutting Off the King’s Head: Foucault’s Society Must Be Defended and the Problem of Sovereignty.” *Alternatives: Global, Local, Political* 29, no. 4 (August 1, 2004): 373–98.

Newman, Edward. “The ‘New Wars’ Debate: A Historical Perspective Is Needed.” *Security Dialogue* 35, no. 2 (June 1, 2004): 173–89. doi:10.1177/0967010604044975.

Novick, Peter. *The Holocaust in American Life*. Boston: Mariner Books, 2000.

Powell, Christopher. *Barbaric Civilization: A Critical Sociology of Genocide*. Montreal: Mcgill Queens Univ Pr, 2011.

Power, Samantha. *“A Problem from Hell”: America and the Age of Genocide*. New York: Basic Books, 2002. https://catalyst.library.jhu.edu/catalog/bib\_2251695.

Rankin, Melinda. “New and Old Wars: Organized Violence in a Global Era.” *Global Change, Peace & Security* 26, no. 2 (May 4, 2014): 223–25. doi:10.1080/14781158.2014.911727.

Rummel, R. J. *Death by Government*. New Brunswick, N.J.: Transaction Publishers, 1997.

Schabas, William A. *Genocide in International Law*. 2nd edition. Cambridge University Press, 2012.

Schaller, Dominik J., and Jürgen Zimmerer. *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence*. Reprint edition. S.l.: Routledge, 2013.

Shaw, Martin. *The Contemporary Mode of Warfare? Mary Kaldor’s Theory of New Wars*. JSTOR, 2000. http://www.jstor.org/stable/4177336.

———. *What Is Genocide?*. Cambridge Malden, Mass: Polity, 2007. https://catalyst.library.jhu.edu/catalog/bib\_2738792.

Sheri Rosenberg. “Genocide Is a Process, Not an Event.” *Genocide Studies and Prevention* 7, no. 1 (2012): 16–23.

Snyder, Timothy. *Bloodlands: Europe Between Hitler and Stalin*. First Trade Paper Edition edition. New York: Basic Books, 2012.

Valentino, Benjamin A. *Final Solutions: Mass Killing and Genocide in the Twentieth Century*. Ithaca, N.Y.: Cornell University Press, 2004.

Weizman, Eyal. *The Least of All Possible Evils: Humanitarian Violence from Arendt to Gaza*. London: Verso, 2012.

Zizek, Slavoj. *The Ticklish Subject: The Absent Centre of Political Ontology*. Second Edition edition. London; New York: Verso, 2009.

1. Shaw, *The Contemporary Mode of Warfare?*. 179 [↑](#footnote-ref-1)
2. Kaldor, *New and Old Wars*, 124-125. [↑](#footnote-ref-2)
3. For a sample of texts referencing new war in this context see Shaw, *What Is Genocide?*; Booth, “New Wars for Old”; Juan Masullo and Jone Lauzurika, “Bringing the ‘New Wars’ Debate Back on Track”; ibid.; Rankin, “New and Old Wars.” [↑](#footnote-ref-3)
4. For detractors that also discuss the role of genocide and atrocities see Chojnacki, “Anything New or More of the Same?”; Henderson and Singer, “New Wars‘ and Rumors of ’New Wars”; Newman, “The ‘New Wars’ Debate”; Mundy, “Deconstructing Civil Wars Beyond the New Wars Debate”; Melander, Öberg, and Hall, “Are ‘New Wars’ More Atrocious?.” [↑](#footnote-ref-4)
5. Kaldor, *New and Old Wars*; Kaldor, “In Defence of New Wars,” 2 [↑](#footnote-ref-5)
6. Kaldor, *New and Old Wars*, 14; Shaw, *What Is Genocide?*, 137-147; Fleming, “New or Old Wars?”, 237-238. [↑](#footnote-ref-6)
7. It is interesting to contrast new war with other discussions of the apolitical nature of war such as the war on terror or war on drugs. In these arenas, new war theory likewise catalogues a series of new dynamics within warfare. However, unlike the context of genocide, new war theorists routinely criticize actions on the part of state governments to expand warfare against these agencies. In effect, while new war theory politicizes the war on terror, it remains deeply caught up in the depoliticziation of humanitarian war on behalf of those subject to genocide. In this respect, genocide works in a similar fashion to these other zones of political conflict [↑](#footnote-ref-7)
8. Power, *A Problem from Hell*, 3-4. [↑](#footnote-ref-8)
9. Andreopoulos, *Genocide*, 4-12. [↑](#footnote-ref-9)
10. Powell, *Barbaric Civilization*, 90. [↑](#footnote-ref-10)
11. Levene, *Genocide in the Age of the Nation State*, 9. [↑](#footnote-ref-11)
12. Lemkin, *Axis Rule in Occupied Europe*, 79. [↑](#footnote-ref-12)
13. Kaldor, *New and Old Wars*, 103 [↑](#footnote-ref-13)
14. Ibid, 104. [↑](#footnote-ref-14)
15. Ibid, 105 [↑](#footnote-ref-15)
16. Ibid, 106 [↑](#footnote-ref-16)
17. Shaw, *What Is Genocide?*, 124. [↑](#footnote-ref-17)
18. Ibid, 114, his emphasis [↑](#footnote-ref-18)
19. Kalyvas, *The Logic of Violence in Civil War*, 30. [↑](#footnote-ref-19)
20. Ibid, 31.Kalyvas cites Chalk and Jonassohn’s definition of genocide, which is nearly three decades old and written in the context of expanding the definition of genocide to account for Communist mass murder. See Chalk and Jonassohn, *The History and Sociology of Genocide*, 18. [↑](#footnote-ref-20)
21. Münkler, *The New Wars*, 81-84. [↑](#footnote-ref-21)
22. Duffield, *Global Governance and the New Wars*, 191. [↑](#footnote-ref-22)
23. Ibid, 191 [↑](#footnote-ref-23)
24. Melander, Öberg, and Hall, “Are ‘New Wars’ More Atrocious?” 516. [↑](#footnote-ref-24)
25. The limits of this approach in particular will become clear at the end of the article. By defining genocide in such a manner, Melander, Öberg, and Hall depoliticize a host of conditions otherwise treated as constitutive of genocide by other scholars. As a result, the claim wars have become less atrocious is coupled to a refrain that deemphasizes the degree of violence ongoing now. For a similar critique based on the focus on death in the calibration of war see Fazal, “Dead Wrong?” [↑](#footnote-ref-25)
26. See for instance the use of the concept by Henderson and Singer, “New Wars‘ and Rumors of ’New Wars,” 167-168. Newman, “The ‘New Wars’ Debate,” 179-180. [↑](#footnote-ref-26)
27. Mundy, “Deconstructing Civil Wars Beyond the New Wars Debate,” 282. [↑](#footnote-ref-27)
28. This understanding mirrors transformations in the field of genocide studies itself, which often adopts elements of new war theory and the study of armed conflict. See for example Midlarsky, *The Killing Trap*; Valentino, *Final Solutions*. [↑](#footnote-ref-28)
29. Neal, “Cutting Off the King’s Head,” 376-377. [↑](#footnote-ref-29)
30. Zizek, *The Ticklish Subject: The Absent Centre of Political Ontology*, 262-3. [↑](#footnote-ref-30)
31. Weizman, *The Least of All Possible Evils: Humanitarianism from Arendt to Gaza*, 12. [↑](#footnote-ref-31)
32. Mamdani, “The Politics of Naming: Genocide, Civil War, Insurgency,” 8. [↑](#footnote-ref-32)
33. My purpose is not to establish Lemkin as a final voice or authority on genocide merely because he invented the concept. Rather, I invoke Lemkin because his work attests to a more open notion of genocide prior to its consolidation in present day understanding. His writings thus expose a variety of alternative conceptions of genocide. Jay Winter, “Raphael Lemkin: A Prophet Without Honors.” {Citation} [↑](#footnote-ref-33)
34. Lemkin, *Axis Rule*, 79. [↑](#footnote-ref-34)
35. Although not a formal charge at Nuremberg, genocide was used as the term of art to describe the Nazi extermination process. Schabas, *Genocide in International Law*, 12. [↑](#footnote-ref-35)
36. Ibid, 24 [↑](#footnote-ref-36)
37. Schaller and Zimmerer, *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence*, 9-11. [↑](#footnote-ref-37)
38. For more on Lemkin’s understanding of the social see Card, “Genocide and Social Death.” [↑](#footnote-ref-38)
39. I turn to Lemkin’s writings on genocide in *Axis Rule* for two reasons. First, unlike many of his writings on genocide they offer a brief summation of his central insights into the formulation of the concept. Second, in this essay Lemkin advances a normative case for his interpretation of genocide. His claims are thus set up to engage alternative explanations and understandings of mass violence. [↑](#footnote-ref-39)
40. Lemkin, *Axis Rule in Occupied Europe*, 79. [↑](#footnote-ref-40)
41. Ibid, 79. [↑](#footnote-ref-41)
42. Ibid, 79-80 [↑](#footnote-ref-42)
43. Ibid, 79-92. [↑](#footnote-ref-43)
44. Ibid, 81 [↑](#footnote-ref-44)
45. Ibid, 84. [↑](#footnote-ref-45)
46. Ibid, 89-90. The interesting relationship between the psychic life of genocide and Frantz Fanon’s work on the psychic life of the colonial subject is a highly fruitful subject, but one beyond the scope of this essay. [↑](#footnote-ref-46)
47. Ibid, 90 [↑](#footnote-ref-47)
48. Ibid, 90. [↑](#footnote-ref-48)
49. For a summary of Lemkin’s role see Schabas, *Genocide in International Law*, 59-117. [↑](#footnote-ref-49)
50. Ibid*,* 400-491. [↑](#footnote-ref-50)
51. Kuper, *Genocide*; Card, *Confronting Evils*. [↑](#footnote-ref-51)
52. Lemkin, 80. [↑](#footnote-ref-52)
53. Lemkin, *Axis Rule in Occupied Europe*, 92. [↑](#footnote-ref-53)
54. Ibid, 82. [↑](#footnote-ref-54)
55. On the notion of bare life see Agamben, *Homo Sacer*, 7-11. [↑](#footnote-ref-55)
56. Alex Stiller, “Semantics of Extermination: The Use of the New Term of Genocide in the Nuremberg Trials and the Genesis of a Master Narrative.” [↑](#footnote-ref-56)
57. For a history of the rise of Holocaust consciousness see Novick, *The Holocaust in American Life*; for samples of this approach Rummel, *Death by Government*; Harff and Gurr, “Toward Empirical Theory of Genocides and Politicides.” [↑](#footnote-ref-57)
58. It is important to note on this point that Lemkin’s efforts are doubtlessly problematic. He is on record rejecting any association between genocide and segregation, dismissing indigenous genocides, and of, at times, agreeing with integrationist and assimilationist policies of the mandate system. As other scholars that adopt the decolonial approach to genocide studies argue, this reflects a set of privileges characteristic of historical circumstance. [↑](#footnote-ref-58)
59. Michael Dillon and Julian Reid, “Global Liberal OGoernance: Biopolitics, Security and War,” *Millennium: Journal of International Studies* 30 (1), 2001, p. 41-66. [↑](#footnote-ref-59)
60. Card, “Genocide and Social Death,” Orland Patterson, *Slavery and Social Death: A Comparative Study*, Cambridge: Harvard University Press, 1985. [↑](#footnote-ref-60)
61. Sheri Rosenberg, “Genocide Is a Process, Not an Event.” [↑](#footnote-ref-61)
62. Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, 351-423. [↑](#footnote-ref-62)
63. Mamdani, “The Politics of Naming.” [↑](#footnote-ref-63)
64. Midlarsky, *The Killing Trap, 27*. [↑](#footnote-ref-64)
65. Snyder, *Bloodlands*; Bloxham, *The Final Solution*; Levene, *Genocide in the Age of the Nation State*. [↑](#footnote-ref-65)
66. This is a common argument regarding political responses to genocide. For a sample of other works drawing on this framework see Power, '*A Problem from Hell'*; Kiernan, *Blood and Soil*; Goldhagen, *Worse Than War*. [↑](#footnote-ref-66)
67. This elides the ‘contestable’ dimensions of the concept. See Powell, *Barbaric Civilization*; Moses, “Moving the Genocide Debate Beyond the History Wars\*.” [↑](#footnote-ref-67)
68. The double bind refers to a competing set of imperatives given around an statement. The classic example from Bateson involves a mother who simultaneously calls for her son’s affection and then gives implicit gestures of animosity and disgust with the son. Moving beyond the familial context the double bind functions as an implicit sanction on publicly permissible discourse. In this case, the freedom and attentiveness to genocide is underwritten by a set of implicit rules governing what *form* and *content* such reflections should take. The double bind is an artifact of state power that determines the sayable. See Bateson, *Steps to an Ecology of Mind*; Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*. [↑](#footnote-ref-68)
69. Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century,’” 28; Levene, *Genocide in the Age of the Nation State*, 7. [↑](#footnote-ref-69)
70. Levene, *Genocide in the Age of the Nation State*, 8. [↑](#footnote-ref-70)
71. Ibid, 9. [↑](#footnote-ref-71)
72. Powell, *Barbaric Civilization*, 41. [↑](#footnote-ref-72)
73. Agamben, *Homo Sacer*, 9. [↑](#footnote-ref-73)
74. Mamdani, “The Politics of Naming: Genocide, Civil War, Insurgency,” 5-8. [↑](#footnote-ref-74)
75. Kuperman, *The Limits of Humanitarian Intervention*, 27. [↑](#footnote-ref-75)
76. Ad Hoc Committee of the Economic and Social Council, “Convention on the Prevention and Punishment of the Crime of Genocide- Second Draft.” [↑](#footnote-ref-76)
77. By cruelty I mean the increasing tendency for war to wound, injure and maim physically, psychologically, and socially. For more see Fazal, “Dead Wrong?” [↑](#footnote-ref-77)