

How Does Genocide Differ from Mass Killing?

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Events as diverse as the Holocaust, the Chernobyl disaster and the Killing Fields in Cambodia have been deemed genocide. Does such labelling matter given the human suffering involved? This article argues that it does, not only because our understanding of mass killing and genocide is much poorer if the terms cannot be clarified, but also because there is a risk of undermining the moral gravitas that genocide ought to have if the term becomes all-inclusive and banal. This article uses conceptual debates, case studies and several key criteria in its attempt to distinguish instances of genocide from mass killing, arguing in favour of a much more restrictive terminology to encompass four cases in the 20th century.

Introduction

During the years of Nazi occupation Poland lost around 22% of its population. Of the lives lost, three million were non-Jewish and three million were Jewish. Were all of these killings motivated by genocidal intentions? Colin Tatz (2003: 20) argues yes, that these killings constituted genocide, differing only in intent, motive, scale and scope. This article argues to the contrary. While both episodes are clearly abhorrent, they ought not to be considered as the same phenomenon – one was mass

killing and the other was genocide.

Distinguishing between genocide and mass killing may be purely an academic pursuit, yet if genocide is to retain its moral weight, then it is surely valuable to attempt to clarify any distinction. This is not to downplay the effects of mass killing, which as examples below will demonstrate can be just as devastating as instances of genocide. This article begins by unpicking genocide as a concept, in order to provide a contextual basis for the discussions that follow. Although this article disagrees with Tatz's conclusions on genocide in Poland, his own criterion of intent, motive, scale and scope are used as a barometer in assessing whether disputed cases ought to be considered mass killing or genocide. It is concluded that in terms of Tatz's criteria, genocide differs from mass killings primarily in its intent and motivation, but scale and scope are less helpful in distinguishing between the concepts.

Genocide: conceptual origins and disputes

As a concept, mass killing has not been bedevilled by the same level of academic controversy as genocide. Indeed, mass killings by government are widely considered to have occurred for centuries (Rummel 1994). Raphael Lemkin (1944: 79) is believed to be the first to coin the term genocide - a new concept to distinguish the horrors that occurred during World War Two from other forms of mass killing. As the term gained popular usage, it became a morally distinct crime beyond other human rights violations (Campbell 2001: 33).

The catalyst for its increased use was its codification in international law under the Convention on the Prevention and Punishment of the Crime of Genocide (United Nations 1948). Genocide is defined in Article II as 'any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such'. The acts include:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

The Convention obligates states to 'prevent and punish' the crime (as it is occurring in other states), which has obvious implications for state sovereignty (Art 1, United Nations 1948). Mass killings do not invoke the same obligations. Members of the international community cannot act in all instances, so there are pragmatic reasons for differentiating between genocide and mass killings. This was most evident during the Rwandan genocide, in which the international community was slow to recognise the murder of Tutsis by the Hutu Power Movement as genocide, and was then subsequently slow to intervene (Gourevitch 2000).

Despite best intentions, the Genocide Convention is not entirely without problems. It is seen as both 'too restrictive' in that it excludes political and social groups as potential victims; and 'too loose,' as articles (b), (d) and (e) do not require killing for genocide to have been committed. In terms of the latter, the inclusion of non-murderous acts risks stretching the concept to its limits, and presents the potential to abuse the moral weight of the term. The former, more restrictive definition is more compelling: that groups subject to the definition cannot help but be victims, which is in line with the Iranian delegation's position at the framing of the Convention argued (Kuper 1981: 25-26). The intent to destroy members of groups due to involuntary associations such as ethnicity, religion and nationality, distinguishes genocide from other instances of mass killing in which groups may be targeted for political allegiance or social grouping. An individual's involuntary association is integral to their suf-

fering in an act of genocide.

That genocide is a disputed term is clear from the expansion of terminology used to describe mass murder, including terms like ‘politicide’ (Harff & Gurr 1988) and ‘classicide’ (Mann 2005: 17). Rummel (1994) took an alternative course by creating an all-encompassing concept to include mass murder, politicide, and genocide, under the same umbrella of ‘democide’. Significantly there is also widespread disagreement over when genocide has actually occurred. General accord exists on the following cases in the 20th century: the Armenian Genocide, the Holocaust and the Rwandan Genocide. Beyond these “clear-cut” cases, students of genocide could be forgiven for being overwhelmed by the enormity and variety of opinion that exists regarding other instances of mass killing. The International Commission of Inquiry for Burundi considered the massacres in 1972 genocide as have several leading academics in the field (Lemarchand 1974; Horowitz 2002: 41). The Cambodian Killing Fields (Levene, 2005; Sémelin, 2002) and even the Chernobyl disaster (Charny in Tatz 2003: 146) have been labelled genocide. There are contending voices that take a more exclusivist approach to genocide, often citing the uniqueness of the Holocaust as the only case (Katz 1994). These disagreements have arguably left genocide studies in a ‘blind alley’ (Huttenbach in Sémelin 2002: 434).

Tatz’s Criteria

Although a restrictive usage of the term has some merit, these debates demonstrate the difficulties in distinguishing genocide from mass killings. By utilising Tatz’s criteria of intent, motive, scale and scope, this article hopes to introduce greater clarity to the debate.

a) Intent

The Convention states that genocide involves the ‘intent to destroy’ (Art 2, United Nations 1948), and most commentators include some notion

of intent in their definitions (Straus 2001: 364). Philip Gourevitch (2000: 201) believes ‘what distinguishes genocide from murder, and even from acts of political murder that claim as many victims, is the intent’. The intent required to commit genocidal acts offers a promising avenue of differentiation from mass killing. Genocide is directed at specific ethnic, religious or national groups with the intent of destroying that particular group, such as the intent to destroy the Armenians by the Young Turks. Mass killing is not necessarily directed at specific groups, and is often instrumental, serving purposes other than the elimination of a group. For example, the killing and starvation of Biafrans by the Nigerian army stopped once the submission of the Biafran community was assured and secession prevented (Levene 2005: 61). Intent is further distinguished legally, as it is not enough that general intent existed, that certain actions contributed to genocide, the perpetrator must have had specific intent to destroy a group (Kiernan 2007).

Nonetheless, intent is a subjective element in the legal definition which is often difficult to establish (Kuper 1981: 33). As Robinson argues, ‘acts of destruction would not be classified as genocide unless the intent to destroy the group existed or could be proven regardless of the results achieved’ (in Lewy 2007: 662). For example, the Paraguayan government was charged with complicity in genocide against Aché Indians to which the Minister of Defence simply replied, ‘as there is no “intent”, one cannot speak of “genocide”’ (Kuper 1981: 33). Explicit evidence that proves genocidal intent, such as German general Lothar von Trotha’s Vernichtungsbefehl (extermination order) addressed to the Herero people, is extremely rare. The near impossibility of establishing intent may require defining genocide in accordance with “the result first and foremost” (Huttenbach in Lewy 2007: 666). Nevertheless, as will be discussed in Section 3c, distinguishing genocide in terms of scale and scope presents its own difficulties.

If intent to destroy is difficult to establish, Wallimann and Dobkowski go further, questioning whether only the intentional destruction of groups constitutes genocide. They argue that intent ignores structural violence, and does not characterise actions by regimes or states (in Chalk 1989: 155). Similarly, Barta argues that a genocidal society can create genocidal outcomes without the intention of annihilation (in Lewy 2007: 664). Allowing deaths that occur without intent to be labelled as genocide permits hundreds of cases to be included within this rubric, thereby devaluing the concept. Mass killing is different than genocide because the perpetrators possess intent of a different sort; the intent to kill is limited by the achievement (or otherwise) of an objective.

b) Motive

It is surprising, given what some deem its over-inclusive nature, that the Genocide Convention does not concern itself with motive (Kiernan 2007). The motive in mass killings is less clear than genocide, for it is not the elimination of the group as such; group elimination is instrumental, rather than intrinsic, to the motive (Sémelin 2002: 438). For example, the Indonesian army intended to destroy the East Timor independence movement by physical means if necessary (leading to the deaths of 100,000 East Timorese), but its primary motive was to conquer East Timor; not the elimination of East Timorese (Saul 2001). Similarly, the majority-Sinhalese government in Sri Lanka moved to defeat the Liberation Tigers of Tamil Eelam from January-May 2009, and end the civil war that had been fought from 1983 to 2009. The government offensive is said to have killed up to 40,000 mainly Tamil civilians (Buncombe 2010). The UN High Commissioner for Human Rights, Navi Pillay, has reprimanded the Sri Lankan government for failing to investigate reports of widespread killings and other atrocities (Millar 2013). Nonetheless it is suggested that the Sri Lankan government's motive was to crush the separatist rebellion rather than destroy the ethnic Tamils as a group.

In contrast, the motive underlying genocide is the eradication of a group. Underlying genocides are extremist ideologies, from the creation of a pan-Turkic Empire envisioned by the Committee of Union and Progress in Turkey (Levene 2002: 449) to the Hutu Ten Commandments under Hutu Power in Rwanda. In the latter case, Leon Mugesera, member of the Hutu MRND party, proclaimed 'we the people are obliged to take responsibility ourselves and wipe out this scum' (Gourevitch 2000: 97).

While genocide can serve other strategic purposes, such as territorial gain (Barnes 2005: 310; Levene 2000: 334), these motives are secondary to the act of genocide itself. This is demonstrated in Nazi war aims:

The destruction of the Jews was in fact a central war aim of the Nazis, one that they continued to pursue even when it was clear to their leaders that the war against the Allies had been lost. For the Nazis, achieving the elimination from Europe of all Jews was a victory in itself (Campbell 2001: 17).

Some academics contend that the Khmer Rouge's treatment of "Khmer with Vietnamese minds" in Cambodia amounts to genocide (Levene 2005). Although appalling, the mass killings were not synonymous with total extermination, as the Khmer Rouge aimed to reconstruct Cambodian society, oppressing and 're-educating' those spared death (Sémelin 2002: 439). The treatment of the Muslim Cham minority is however more open to question (Schabas 2001: 474). If the primary motive is not the elimination of a group, then mass killings do not constitute genocide. The killing in these cases is instrumental to the motive. In genocide, the killing is intrinsic to the motive. Thus, although intent in itself may not sufficiently distinguish genocide from mass killing, the addition of motive adds clarity.

Scale and Scope

Article 2 of the Convention prohibits acts ‘committed with intent to destroy, in whole or in part’. ‘In part’ was included as a preventative measure to deal with genocidal processes as they were occurring (Shaw 2003: 36). Whilst laudable in purpose ‘in part’ nonetheless reduces the clarity of distinguishing genocide from mass killings. For instance, Lemarchand (1974) labelled the massacres of the educated and semi-educated strata of Hutu society in Burundi as “selective genocide”. The Tutsi government eliminated part of the Hutu group, but this was to quell potential rebellions rather than the elimination of all Hutus, i.e. it was mass killing rather than genocide. At the other end of the spectrum, Katz (1994) believes that the intent to destroy ‘in part’ does not constitute genocide, leading Katz to conclude that the Holocaust has been the only genocide. Although Katz is very restrictive ‘in whole or in part’ does raise questions over scale. Is there a certain threshold in the scale of death for mass killing to become genocide? The prosecutor of the International Criminal Tribunal for the Former Yugoslavia declared that ‘in part’ required a “reasonably significant number, relative to the total of the group as a whole” (in Lewy 2007: 671).

For Kuper (1981: 32), the charge of genocide should be applied only when there are a ‘substantial’ or ‘appreciable’ number of victims. While significant or substantial numbers bring us little closer to distinguishing genocide from mass killing, genocide may nonetheless require redefinition in that the intent to destroy groups must be ‘in whole or substantial part’ (Jones 2006: 22). Genocide may be differentiated from mass killings in terms of scale: if it is successful, in that it tends to eliminate more substantial parts of groups because it specifically targets them. Distinguishing genocide from mass killing in terms of scale appears arbitrary, and does not aid clarification if scale is used in isolation.

Differentiation is no easier in terms of scope. Scope refers to the input

of wider society into genocide, including organisational structures, modern-state apparatus or mass participation from citizens (Bloxham 2008). The post-Holocaust belief that genocide or mass killings of scope would only occur in industrialised and technologically advanced societies was thoroughly discredited by Rwanda. The Rwandan genocide ‘was possible only because the structures of authority - the state, the military, and the political parties - were pulled together for the single purpose of killing’ (Forges 1995). Forges distinguishes the 1993 killings in Burundi from the Rwandan genocide because the Tutsi-dominated military did not control the civilian administration. As the military had been the source of suffering for Hutu, it was never able to elicit the kind of obedience that the genocidaires did in Rwanda. Again scope runs into similar problems as scale, in that mass killings of large scale and scope are not necessarily genocide. For example, the state, military and bureaucracy featured in the Great Purges under Stalin in the Soviet Union, though few if any academics have labelled these deaths genocide.

Whilst important facets in the academic study of mass murder, neither scale nor scope can be used in themselves to differentiate genocide from mass killings. They become useful only in tandem with intent and motive, as clarification that a mass killing may be just that, or an act of genocide.

Conclusion

It is important to distinguish genocide from mass killings because the term (genocide) ought to have a gravitas that has no equal. The conception of genocide alluded to in this article describes events that are barely comprehensible – they are morally distinct crimes above other human rights violations (Campbell 2001). Ubiquitous use of the term “genocide” threatens to dilute its potency, and this article has attempted to demonstrate that however abhorrent mass killing might be, destruction of a group with unalterable characteristics because of those characteristics

is one of mankind's cruellest crimes that deserves special recognition.

This article has utilised Colin Tatz's criteria of intent, motive, scale and scope, to attempt to provide clarity in how the phenomena of mass killing and genocide might differ. Firstly, for an act of mass murder to be deemed genocide, it must be an attack on a group with the intent on its total destruction – there must be a genocidal or in legal terms *dolus specialis*, a special, specific intent. Mass killing does not carry this type of intent, the intent to destroy an entire group. Secondly, in mass killings and genocides the act of murder is often the same, but the motives are entirely different. In genocide, the killing of a targeted group is an end in itself. Mass killings are instead utilised for instrumental reasons, such as quelling a rebellion or ensuring the submission of a disaffected community. Thirdly, both scale and scope are ultimately unsatisfactory categories of distinction in and of themselves. A reliance on statistics or the use of state apparatuses becomes rather an arbitrary and meaningless distinction unless these categories are combined with genocidal intent and motive.

Returning to the example in the introduction, the mass killing of 3 million non-Jewish and 3 million Jewish Poles differed in intent and motive if not precisely scale and scope. The Nazis killed masses of the intelligentsia in order to ensure the submission of the Poles as a disaffected community. In contrast, the murder of three million Jewish Poles was genocide as the Nazis used the full apparatus of the state to kill Jews because they were Jews, killing over 90% of the Jewish Pole population.

There is certainly further opportunity for social scientists to debate the nuances between mass killings and genocide. The competing terminologies outlined above do risk leading genocide studies into a 'blind alley' if distinctions between the terms cannot be resolved in order for future comparative studies to be undertaken. Recent atrocities in places like

Libya and Syria only emphasise the need for clarity before social scientists can make sense of the atrocities committed during conflict.

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