Genocide

Genocide is often referred to as the ultimate crime, seen as the gravest of all violations of human rights, and considered the utmost state abuse of power. It was the Polish jurist Raphael Lemkin who, in 1944, coined the term to literally mean the killing (*cide*, from Latin) of a race or tribe (*genos*, from Greek). Following the Holocaust during the 1939-1945 War, the United Nations (UN), in 1948, instituted the Convention on the Prevention and Punishment of the Crime of Genocide. The Convention defined genocide as "acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group". Although excluding political groups from the definition (Kuper, 1981), the Convention specifically gave authority to states in relation to pursuing those who commit genocide and deemed conspiracy, public incitement, attempts to commit genocide, and complicity in genocide as also punishable. States therefore have an obligation, besides that of not committing genocide, to prevent and punish such violations by others. However, the focus of the definition is on intent rather than numbers of people killed or method of killing. This is especially problematic as states deny that intent was there (Cohen, 2005).

Although the term and the Convention resulted from the genocide of the Jewish people during the 1939-1945 War, the genocide of the Armenian people in Turkey in 1914 is the first instance of mass killing generally recognised as a genocide by the international community (but not Turkey). However, since ratification of the Convention in 1951, more rather than fewer genocides have taken place - with (at the time of writing) on-going events in North Korea since the mid-1990s, Dafur since 2003, and in Libya, Yemen, and Syria all since 2011 being labelled by various human rights organisations as amounting to genocide.

Mass killings may be a crime as old as humanity itself, but considering the sheer scale of the atrocities which have been committed since the beginning of the 20th century, genocide can be identified in its current form as a uniquely *modern* crime. Cassese (1990) argues that genocide becomes a reality only under conditions of late modernity. He theorised that the immense numbers of deaths during a genocide are made possible by the modern state - through its bureaucratic apparatus, its centralized power structures, its monopoly of economic and military resources, and last but not least through new technologies. The modern era has also seen growth of intra-state conflicts with differences within the states being used as a basis for extermination, for example between the Hutu and Tutsi groups in Rwanda in 1994. Modern genocide rests on perceptions that any perceived disloyalty to the state must be dealt with; it is necessary to maintain dominant ideologies, often by persuading people to support the most outrageous policies through demonstrating a palpable threat.

States draw economic and political benefits from killing - genocide is an efficient form of gain. Using Hitler’s policies as an example, there was a material gain from those killed such as the use or sale of their possessions, and their hair, dentures, glasses, gold fillings, and the free labour of those not immediately killed. Ironically, this was the case even though Nazi propaganda claimed that the Jewish people were a barrier to economic prosperity. Genocide does not result from chaos and anarchy - organisation of the death camps was systematic, bureaucratised, and extremely efficient. Genocide is the product of order, authoritarianism, political theorising and indoctrination. Genocide has to be meticulously administered.

 The role of the state in executing genocides is debated by some scholars. For example, Barta (1987) distinguishes between a genocidal *state* and a genocidal *society.* While there was an absence of intent and thus blame, the genocide of aboriginal Australians had been executed through the social relations inherent in the system of colonisation, a phenomenon that could also be seen in the colonisation of the New World in the 15th and 16th centuries. MacKinnon (1993) argues, using the example of rape of Bosnian Muslim women during the 1992-5 Bosnia-Herzegovina war, that the role of gender is at least as important as the role of the state. However, regardless of the questions raised by scholars and although genocide appears to be the antithesis of modernist rationality and post-war sensitivity, the conditions which make genocide possible exist within the structures of the modern state itself.

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