



Introduction

The Problems of Genocide

Genocide is a problem in two ways: not only the terrible fact of mass death, but also how the relatively new idea and law of genocide organizes and distorts our thinking about civilian (that is, noncombatant) destruction. Taking the normative perspective of civilian immunity from military attack that international law and norms ostensibly prioritize, this book argues that their implicit hierarchy, atop which sits genocide as the “crime of crimes,” blinds us to other types of humanly caused civilian death, like bombing cities and the “collateral damage” of missile and drone strikes, blockades, and sanctions.¹ In other words, talk of genocide functions ideologically to detract attention from systematic violence against civilians perpetrated by governments, including Western ones. *The Problems of Genocide* also contends that this violence is the consequence of “permanent security” imperatives: the striving of states, and armed groups seeking to found states, to make themselves invulnerable to threats. Permanent security is the unobtainable goal of absolute safety that necessarily results in civilian casualties by its paranoid tendency to indiscriminate violence. To solve the problem of genocide concealing permanent security, this book proposes replacing the former with the latter: permanent security should be illegal.

Indiscriminate is aerial bombing, which is no trivial matter if protecting noncombatants is a “civilized” norm, as long claimed by Western states. The United States (US) dropped eight times more bomb tonnage in Indochina – over two million tons on Laos alone – in the Vietnam War than during World

¹ In her important genealogical analysis of the category of “civilian,” Helen Kinsella shows that the distinction between combatant and noncombatant is neither natural nor stable, but its endurance as a normative category enables assessment of any state or para-state’s actions. Helen M. Kinsella, *The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian* (Ithaca, NY: Cornell University Press, 2011). See also: Sahr Conway-Lanz, *Collateral Damage: Americans, Noncombatant Immunity, and Atrocity after World War II* (London and New York: Routledge, 2006); Nicola Foote and Nadya Williams, eds., *Civilians and Warfare in World History* (London and New York: Routledge, 2017).

War II, killing two to three million people, mainly civilians.² When Western publics recoiled in horror from the often-televised destructive scenes of this war, air forces moved to more accurate technologies, namely guided missiles. Even then, military strategists and lawyers acknowledge that the “collateral damage” of “surgical strikes” – which drone operators cynically call “bugsplat” – is unavoidable, if regrettable.³ It is no surprise, then, that US forces were responsible for almost half the civilian casualties in Afghanistan in 2019, dropping more ordnance on the country that year than in all previous ones, hoping to bomb the enemy to the negotiation table as they did in Vietnam in the early 1970s.⁴ The weapons may have differed, but the tactics, strategy, and civilian destruction continues as before.

In the spirit of making careful distinctions, commentators insist that such civilian destruction cannot be compared to genocide because the purpose of the latter is to destroy peoples, whereas military action aims only to defeat enemies, even if killing some civilians in the process is inevitable.⁵ To this objection, I respond thus: why privilege the intention of states and their armed forces? I dispute the “doctrine of double effect” that permits the killing of innocents as a side-effect of a moral end, like self defense.⁶ What does it matter to civilians if they are killed by violence inflicted with genocidal or military intent? And what if global policing is intrinsic to national security policy, thereby entailing constant military action – the “infinity,” “forever,” “endless,” or “permanent” wars in which some states are engaged?⁷ Such wars are

² Marilyn B. Young, “Bombing Civilians: From the Twentieth- to the Twenty-First Centuries,” in *Bombing Civilians A Twentieth-Century History*, ed. Yuki Tanaka and Marilyn B. Young (New York: Free Press, 2010), 157; John Tirman, *The Deaths of Others: The Fate of Civilians in America’s Wars* (Oxford: Oxford University Press, 2011).

³ Brian D. Laslie, *The Airforce Way of War: US Tactics and Training after Vietnam* (Lexington: University of Kentucky Press, 2016); Bruce Cronin, *Bugsplat: The Politics of Collateral Damage in Western Armed Conflict* (Oxford: Oxford University Press, 2018), and the forum on this book in the *Journal of Genocide Research* 21, no. 2 (2019): 263–98; Mark Grimsley and Clifford J. Rogers, eds., *Civilians in the Path of War* (Lincoln: University of Nebraska Press, 2002).

⁴ Julian Borger, “US Dropped Record Number of Bombs on Afghanistan Last Year,” *The Guardian*, January 28, 2020. Kaamil Ahmed, “‘Zero Accountability’: US Accused of Failure to Report Civilian Deaths in Africa,” *The Guardian*, April 2, 2020.

⁵ Symptomatic are Israel Charny, “Foreword,” to Eric Markusen and David Kopf, *The Holocaust and Strategic Bombing: Genocide and Total War in the Twentieth Century* (Boulder, CO: Westview Press, 1995), and the reviews of this book by Malham M. Wakin in *Armed Forces and Society* 23, no. 2 (1996): 299–301, Joe Ross in *Air Power History* 43, no. 4 (1996): 60, and David Cesarani in *Studies in Contemporary Jewry* 14 (1998): 271–3.

⁶ Alison McIntyre, “Doing Away with Double Effect,” *Ethics* 111, no. 2 (2001): 219–55. Thanks to Knox Peden for discussion on this point.

⁷ Sam Moyn and Stephen Wertheim, “The Infinity War,” *Washington Post*, December 13, 2019; Danny Sjrursen, “America’s First ‘Endless War’ Was Fought in the Philippines,” *The*

enabled by the use of drones and missiles, which shifts risk from armed personnel to enemy noncombatants, resulting in “repeated ‘small massacres’ of civilians.”⁸

Drone and missile use have increased since late 2001 with the US’s “Global War of Terror” in the Middle East and Asia, in which 801,000 people have died, of whom some 335,000 were civilians.⁹ In its interventions there, the US also applies collateral damage considerations to nonarmed (nonwar) contexts, like Pakistan and Sudan, where the ban on extrajudicial killing should apply. Then, in cases of doubt, the US military presumes people are combatants rather than noncombatants, making them drone-strike targets.¹⁰ In these circumstances, *the continuous killing of civilians becomes the norm rather than confined to occasional wars*: they are casualties of “mowing the grass,” as Israeli security analysts call the “long-term strategy of attrition designed primarily to debilitate the enemy capabilities” in their “protracted intractable conflict” with Hamas. In practice, civilian casualties are routinely and cumulatively caused by this strategy. Some scholars say that “mowing the grass” has effectively become not only the “new Western way of war,” but of modern warfare itself, as the Russian and Syrian bombing of targets in Syria also indicates.¹¹ This book argues that such practices are not so new: they are intrinsic to the global

Nation, December 18, 2019; Mark Danner, *Spiral: Trapped in the Forever War* (New York: Simon and Schuster, 2016); Mary L. Dudziak, *War Time: An Idea, Its History, Its Consequences* (Oxford: Oxford University Press, 2012); and Marilyn B. Young, “Permanent War Positions,” *East Asia Cultures Critique* 13, no. 1 (2005): 177–94.

⁸ Martin Shaw, *War and Genocide* (Cambridge: Polity, 2003), 239.

⁹ Neta C. Crawford and Catherine Lutz, “Human Cost of Post-9/11 Wars,” Costs of War project, Watson Institute of International and Public Affairs, Brown University, November 13, 2019, <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2019/Direct%20War%20Deaths%20COW%20Estimate%20November%2013%202019%20FINAL.pdf>. 21 million Afghanis, Iraqis, Pakistanis, and Syrians have been made refugees by the violence, <https://watson.brown.edu/costsofwar/papers/summary>.

¹⁰ Gabor Rona, “Much More Iceberg Below the Surface on Civilian Casualties,” *Just Security*, May 15, 2018, www.justsecurity.org/56133/letter-editor-iceberg-surface-civilian-casualties/; Ryan Goodman, “Does the US ‘Deliberately Misinterpret’ the Laws of War? A Response to Gabor Rona,” *Just Security*, May 15, 2018, www.justsecurity.org/56217/united-states-deliberately-misinterpret-laws-war-a-response-gabor-rona/; Mary L. Dudziak, “Death and the War Power,” *Yale Journal of Law and the Humanities* 30, no. 1 (2018): 25–61; Rosa Brooks, *How Everything Became War and the Military Became Everything: Tales from the Pentagon* (New York: Simon and Schuster, 2019).

¹¹ Efraim Inbar and Eitan Shamir, “Mowing the Grass in Gaza,” *Jerusalem Post*, July 22, 2014; Daniel Byman, “Mowing the Grass and Taking Out the Trash,” *Foreign Policy*, August 25, 2014; Michael Shkolnik, “‘Mowing the Grass’ and Operation Protective Edge: Israel’s Strategy for Protracted Asymmetric Conflict with Hamas,” *Canadian Foreign Policy Journal* 23, no. 2 (2017): 185–9; Shaw, *War and Genocide*.

settler colonial expansion of Europe and its state model since the late-fifteenth century.¹²

The principle of civilian immunity is the presumption of civilian innocence. Military thinkers and international lawyers have wrestled with the conundrum of observing that twentieth-century warfare was total, whether in enlisting entire populations in the two world wars or internal armed conflict like civil wars. Total warfare, they suggest, means that, say, factory workers and their families contribute to the war effort as much as soldiers on the front: they are not so innocent, and thus legitimate targets. To insist on the tidy distinction between combatants and civilians is outmoded, they conclude.¹³ But, if civilians are not immune, they are presumed guilty by association with enemy combatants – including neutral humanitarian personnel providing medical assistance to designated terrorists, not to mention so-called human shields.¹⁴ Then we verge on the mental world of genocide: entire peoples as enemies whose members are collectively guilty, or at least expendable.¹⁵ Is it to conceal this murderous assumption in military strategy and international law that civilian destruction needs to be genocidal to “shock the conscience of mankind,” to invoke the antiquated language of humanitarian declarations? And, furthermore, is that why such mass violence needs to resemble the Holocaust to be recognizable as genocide?

¹² Markus Gunneflo, *Targeted Killing: A Legal and Political History* (New York: Cambridge University Press, 2016) argues that Israeli targeted killing practices can be traced to Zionist paramilitary operations in the Mandate period and is paradigmatic of current US practices, but as Chapter 6 of this book elaborates such constitutive violence is intrinsic to settler colonialism and the permanent necessity of crushing resistance to the extractive logic of originary (primitive) accumulation in general. State protection cannot be counterposed to settler colonialism as Gunneflo argues (34).

¹³ Alex J. Bellamy, *Massacres and Morality: Mass Atrocities in an Age of Civilian Immunity* (Oxford: Oxford University Press, 2012); Thomas Hippler, *Bombing the People: Giulio Douhet and the Foundations of Air-Power Strategy, 1884–1939* (Cambridge: Cambridge University Press, 2013); Julius Stone review of *International Law, A Treatise*, 2 Vols. *Disputes, War and Neutrality*, by Lassa Oppenheim, 7th ed. by Hersch Lauterpacht (London: Longmans, Green and Co., 1952), in the *Sydney Law Review* 17 (1954): 270–5.

¹⁴ Dustin A. Lewis, Naz K. Modirzadeh, and Gabriella Blum, *Medical Care in Armed Conflict: International Humanitarian Law and State Responses to Terrorism*, Harvard Law School Program on International Law and Armed Conflict, Legal Briefing and Compendium, September 2015, <https://pilac.law.harvard.edu/mcac-report/4-impartial-wartime-medical-care-concerning-terrorists-under-ihl-two-sets-of-key-protections>. Thanks to Boyd van Dijk for sharing this source. On human shields, see Neve Gordon and Nicola Perugini, *Human Shields: A History of People in the Line of Fire* (Berkeley: University of California Press, 2020).

¹⁵ See the nuanced discussion in Charles S. Maier, “Targeting the City: Debates and Silences About the Aerial Bombing of World War II,” *International Review of the Red Cross* 87, no. 859 (2005): 429–44.

These are some of the problems of genocide. But there are others. United Nations (UN)-related investigations adhere so strictly to international law's narrow definition of genocide that cases like Darfur in Sudan, which closely resemble the Armenian Genocide of 1915, are effectively downgraded to the less grave legal category of "crimes against humanity."¹⁶ More recently, in June 2016, the Independent International Commission of Inquiry on Syria issued a report accusing *Daesh* ("Islamic State") of genocide against the Yazidi minority in Iraq and Syria.¹⁷ Pursuant to a UN Human Rights Council mandate to investigate violations of international human rights law in Syria, the Commission had issued other reports critical of all civil war players, but only this one made headlines.¹⁸ The genocide determination captured attention more because of its special status and rarity than to *Daesh's* spectacular atrocities or lawyer Amal Clooney's offer to represent Yazidi survivors.¹⁹

As is so common in international relations, accusing geopolitical rivals of genocide is politically expedient.²⁰ Only when it appeared that the Assad regime might win the civil war with its Russia-supported siege of Aleppo in the second half of 2016 did Western liberal internationalists invoke

¹⁶ "Sudan's Darfur Crimes Not Genocide, Says UN report," *The Guardian*, February 1, 2005. Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of September 18, 2004 (Geneva, January 25, 2005), 2; Kerstin von Linggen, "Crimes against Humanity": *Zur Ideengeschichte der Zivilisierung von Kriegsgewalt, 1864–1945* (Paderborn: Schoeningh, 2018).

¹⁷ "They Came to Destroy": ISIS Crimes against the Yazidis," www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf; "UN Commission of Inquiry on Syria: ISIS Is Committing Genocide against the Yazidis," June 16, 2016, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20113&LangID=E.

¹⁸ Independent International Commission of Inquiry on the Syrian Arab Republic, "About the Commission of Inquiry," www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/AboutCoI.aspx; Matt Brown, "Islamic State Militants Committing Genocide Against Yazidis in Syria, Iraq: UN Investigation," *ABC News*, June 17, 2016, www.abc.net.au/news/2016-06-17/islamic-state-committing-genocide-against-yazidis-un/7518978; Fazil Moradi and Kjell Anderson, "The Islamic State's Êzidi Genocide in Iraq: The Sinjâr Operations," *Genocide Studies and Prevention* 10, no. 2 (2017), <https://doi.org/10.3138/gsi.10.2.02>; Adam Chandler, "How Meaningful Is the ISIS 'Genocide' Designation?" *The Atlantic*, March 19, 2016.

¹⁹ "Amal Clooney 'Will Represent Yazidi Survivor and Isil Genocide Victims,'" *The Telegraph*, June 9, 2016. Updated information is provided by Vaeria Cetorelli et al, "Mortality and Kidnapping Estimates for the Yazidi Population in the Area of Mount Sinjar, Iraq, in August 2014: A Retrospective Household Survey," *PLOS Medicine*, May 9, 2017, <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297>.

²⁰ Another current example is Turkey's highlighting of the genocide of Herero and Nama people by Imperial German forces in 1904–1905 in retaliation for the German Parliament's recognition of the Armenian Genocide in 2016. See the comments from historian Jürgen Zimmerer, in "Historiker wirft Bundestag Doppelmoral vor," *Der Spiegel*, June 3, 2016.

“extermination” and the history of modern genocide. “Aleppo will join the ranks of those events in world history that define modern evil, that stain our conscience decades later,” declared Samantha Power, the US ambassador to the UN, listing the sites synonymous with genocide: “Halabja, Rwanda, Srebrenica, and, now, Aleppo.”²¹ Until then, Western diplomats limited themselves to accusing the Syrian state of the still-less-sensationalist category of “war crimes” although it killed far more civilians than *Daesh*.²²

Excusing allies is equally expedient. There was no rhetorical invocation of genocide, or even of international crimes, by Samantha Power and British diplomats when various agencies reported that the West’s lucrative arms customer, Saudi Arabia, was killing thousands of civilians in its relentless bombing of Yemen, or that its blockade of the country’s main port town condemned 85,000 children to death by starvation.²³ Nor did the Western

²¹ Samantha Power, “Remarks at a UN Security Council Emergency Briefing on Syria,” New York City, December 13, 2016, <https://usun.state.gov/remarks/7607>; Leon Wieseltier, “Aleppo’s Fall is Obama’s Failure,” *Washington Post*, December 15, 2016; Martin Schram, “Genocide in Aleppo a Failure of Obama’s Foreign Policy,” *Australian Financial Review*, December 15, 2016. The journalist Patrick Cockburn called the comparison of Aleppo with Rwanda and Srebrenica a “gross exaggeration”: Cockburn, “Who Supplies the News?” *London Review of Books*, February 2, 2017. Needless to say, the thousands of Syrian and Iraqi civilians killed by United States-led coalition airstrikes against *Daesh* positions and shelling of Mosul are not central parts of the international legal conversation about criminal transgressions despite the efforts of Amnesty International. Jared Maslin, “Civilian Casualties From American Airstrikes in the War Against ISIS Are at an All-Time High,” *Time Magazine*, March 27, 2017, <http://time.com/4713476/isis-syria-iraq-casualties-us-airstrikes>; Amnesty International, *At Any Cost: The Civilian Catastrophe in West Mosul, Iraq*, July 11, 2017, www.amnesty.org/en/latest/campaigns/2017/07/at-any-cost-civilian-catastrophe-in-west-mosul-iraq.

²² David Blair, “Syria War Crimes Investigators Amass Strongest Evidence ‘Since Nuremberg’ Against Bashar al-Assad,” *The Telegraph*, April 12, 2016. On civil society action to prosecute the Syrian state, see Melinda Rankin, “The Future of International Criminal Evidence in New Wars? The Evolution of the Commission for International Justice and Accountability (CIJA),” *Journal of Genocide Research* 20, no. 3 (2018): 392–411.

²³ Harriet Agerholm, “Boris Johnson says ‘we do not think the threshold has been crossed’ by Saudi Arabia’s bombing of Yemen,” *The Independent*, December 4, 2016; Bethan McKernan, “Yemen: Up to 85,000 Young Children Dead From Starvation,” *The Guardian*, November 21, 2018. The British government resisted UN moves to investigate the Saudi bombing: Jeff Farrell, “UK Refuses to Back UN Inquiry into Saudi ‘War Crimes’ Amid Fears it Will Damage Trade,” *The Independent*, September 28, 2017. A UN report issued in August 2018 criticizing all parties to the Yemen civil war, but especially Saudi bombing, did lead to a Pentagon warning that it might reduce aid should the Saudis not limit civilian casualties. See Barbara Star, “US warns Saudi Arabia it may withdraw support over civilian casualties in Yemen,” *CNN*, August 27, 2018, <https://edition.cnn.com/2018/08/27/politics/us-saudi-arabia-warning-yemen/index.html>; and Report of the United Nations High Commissioner for Human Rights containing the findings of the Group of Independent Eminent International and Regional Experts and a summary of

envoys highlight the possibility that Syrian Shia civilians might be victims of *Daesh* genocide, an accusation that might benefit Syria and Iran.²⁴ Such is the genocide concept's stigmatic aura that states are reluctant to name conflicts as genocide if they are disinclined to intervene, if their clients are the perpetrators, if their enemies' clients are the victims, or if it is otherwise diplomatically inconvenient.²⁵

This political problem is founded on a conceptual one: distinguishing genocide from noninternational armed conflict (civil war: rebellion, insurgency, and belligerency) and international armed conflict (interstate war).²⁶ Since its appearance in international law in the late 1940s, genocide has been conceived as a crime committed by one state or para-state's forces against another's civilians or against a hapless ethnic minority within its own borders. According to the UN Convention on the Punishment and Prevention of Genocide (1948), it is the "intent to destroy in whole or in part a national, ethnical, racial, or religious group as such."²⁷ That means political enemies like, say, communists, are not covered by the Convention, leading scholars to engage in contentious conceptual innovation to subsume political violence in the genocide category.²⁸

technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry. A/HRC/39/43 (August 17, 2018), www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23479&LangID=E.

²⁴ Walaa Chanine, "It's Time to Acknowledge Shi'ite Genocide," *Huffington Post*, April 18, 2017, www.huffingtonpost.com/entry/its-time-to-acknowledge-shiite-genocide_us_58f3deb6e4b0156697225082; Ranji Alaaldin, "The Isis Campaign against Iraq's Shia Muslims is not Politics: It's Genocide," *The Guardian*, January 6, 2017.

²⁵ Gareth Evans, "Crimes against Humanity: Overcoming Indifference," *Journal of Genocide Research* 8, no. 3 (2006): 325–39; David Scheffer, "Defuse the Lexicon of Slaughter," *New York Times*, February 23, 2012; Robert Fisk, "It Was Bizarre to Watch Samantha Power at the UN Conveniently Forget to Mention all the Massacres Done in America's Name," *The Independent*, December 15, 2015. Advancing a case for genocide in Yemen is Jeffrey S. Bachman, "A 'Synchronised Attack' on Life: The Saudi-Led Coalition's 'Hidden and Holistic' Genocide in Yemen and the Shared Responsibility of the US and UK," *Third World Quarterly* 40 (2019): 1–19.

²⁶ Robert McLaughlin, *Recognition of Belligerency and the Law of Armed Conflict* (Oxford: Oxford University Press, 2020).

²⁷ Convention on the Punishment and Prevention of Genocide, Adopted by Resolution 260 (III) A of the United Nations General Assembly on December 9, 1948, www.hrweb.org/legal/genocide.html.

²⁸ In Argentina, for example, the stretching of the genocide concept has gone so far as to include the leftist victims of the authoritarian military regime between 1974 and 1983. Based on the work of Argentine sociologist Daniel Feierstein, this approach is really analyzing the modalities of permanent security (discussed below). Instead of understanding the Holocaust in terms of security, as I do in this book, it assimilates the Argentine case to the Holocaust to lend it gravitas. See Daniel Feierstein, "Political Violence in Argentina and Its Genocidal Characteristics," *Journal of Genocide Research* 8, no. 2 (2006): 149–68. For analysis of this interpretation in Latin American schoolbooks, see

Although there are no legal barriers to identifying genocide within civil wars – in fact, genocidal violence is most likely during and immediately after civil wars²⁹ – political discourse commonly distinguishes between them because armed conflict suggests belligerent symmetry whereas genocide is imagined as asymmetrical violence against the civilian members of ethnic groups. Thus, the governments of Nigeria and Pakistan rejected the genocide claim leveled by Biafran and East Pakistan (Bangladesh) secessionist movements in the late 1960s and 1971 respectively, insisting that they were confronting internal rebellions that were no business of the international community. Most members of the UN agreed, despite widespread public support for the independence cause and acceptance that genocidal violence was taking place.³⁰

Ulrike Capdepón, “La representación del Holocausto en libros escolares de historia chilenos, españoles y argentinos: ¿hacia la inscripción de los Derechos Humanos en un marco universal?”, in *La enseñanza del Holocausto en América Latina: Los desafíos para los educadores y leg isladores* (Paris: UNESCO, 2017), 174–83. On genocide of political groups, see Beth Van Schaak, “The Crime of Political Genocide: Repairing the Genocide Convention’s Blind Spot,” *Yale Law Journal* 106, no. 7 (1996): 2259–91; Andrei Gomez-Suarez, “Perpetrator Blocs, Genocidal Mentalities and Geographies: The Destruction of the Union Patriótica in Colombia and Its Lessons for Genocide Studies,” *Journal of Genocide Research* 9, no. 4 (2007): 637–60; Robert Cribb, “Genocide in Indonesia, 1965–1966,” *Journal of Genocide Research* 3, no. 2 (2001): 219–39; Robert Cribb, “Political Genocides in Postcolonial Asia,” in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 445–66; David L. Nersessian, *Genocide and Political Groups* (Oxford: Oxford University Press, 2010); Annie Pohlman, “Incitement to Genocide against a Political Group: The Anti-Communist Killings in Indonesia,” *Journal of Multidisciplinary International Studies* 11, no. 1 (2014): 1–22; Jess Melvin, *The Army and the Indonesian Genocide: Mechanics of Mass Murder* (London and New York: Routledge, 2018).

²⁹ Matthew Krain, “State-Sponsored Mass Murder: The Onset and Severity of Genocides and Politicides,” *Journal of Conflict Resolution* 41, no. 3 (1997): 331–60; Holly Nyseth Brehm, “Re-Examining Risk Factors of Genocide,” *Journal of Genocide Research* 19, no. 1 (2017): 61–87; Angela D. Nichols, “The Origins of Genocide in Civil War,” *Trames* 22, no. 1 (2018): 89–101; Daniel Krcmaric, “Varieties of Civil War and Mass Killing: Reassessing the Relationship between Guerrilla Warfare and Civilian Victimization,” *Journal of Peace Research* 55, no. 1 (2018): 18–31.

³⁰ A. Dirk Moses and Lasse Heerten, eds., *Postcolonial Conflict and the Question of Genocide: The Nigeria-Biafra War, 1967–1970* (Abingdon: Routledge, 2018); A. Dirk Moses, “Civil War or Genocide? Britain and the Secession of East Pakistan in 1971,” in *Civil Wars in South Asia: State, Sovereignty, Development*, ed. Aparna Sundar and Nandini Sundar (New Delhi: Sage India, 2014), 142–64. Political scientists who persist in distinguishing the logics of political and genocidal violence are Gary Uzonyi, “Civil War Victory and the Onset of Genocide and Politicide,” *International Interactions* 41, no. 2 (2015): 365–91, and Gary Uzonyi and Victor Asai, “Discrimination, Genocide, and Politicide,” *Political Research Quarterly* 73, no. 2 (2020): 352–65.

The distinction between genocide and political violence blinds us to civilian destruction in general and the circumstances that produce it.³¹ To ensure that the Hutu killed by Hutu extremists are downgraded in status, the Rwandan government pushed through a UN resolution in 2018 that changed the title of the UN commemoration day from “International Day of Reflection on the 1994 Genocide in Rwanda” to “International Day of Reflection on the 1994 Genocide against the Tutsi in Rwanda.” In doing so, the Rwandan government claims it is combatting negationist and revisionist arguments that suggest a symmetry of civil war violence (a “double genocide”). However understandable this motivation, noteworthy is how this presentation of the conflict tries to copy the common understanding of the Holocaust as a nonpolitical crime driven only by race hatred: Tutsis murdered solely for being Tutsis. By fixating on the genocidal features of the conflict in Rwanda and surrounding countries in 1994, the approach occludes the mass violence against Hutu civilians along with the broader civil war context in which all civilian destruction took place.³²

Alternatively, state violence can be excused as legitimately political – that is, motivated by security concerns – rather than illegitimately ethnic in motivation. That is, by defining genocide in such narrow terms, governments can undertake drastic measures against population groups in the name of security, self-preservation, “military necessity,” and opposing “terrorists.” The Assad regime in Syria has been doing so for years, just as the Sudanese government attacked a section of its population in the Darfur region in 2005.³³

³¹ Sigall Horowitz, “Rwanda’s Kabgayi Trial between International Justice and National Reconciliation,” in *International Practices of Criminal Justice: Social and Legal Perspectives*, ed. Mikkel Jarle Christensen and Ron Levi (Abingdon and New York: Routledge, 2017), 228–50. Carrie Booth Walling’s analysis of UN Security Council (UNSC) humanitarian debates underscores this point. The UNSC was inclined to vote for intervention when conflicts could be depicted as “intentional,” meaning clear victims and perpetrators are identifiable. It was less likely to support intervention when conflicts were “inadvertent” and “complex,” that is, they were “multifaceted, complicated, and tragic situations in which multiple and often fragmenting groups are responsible,” in which case intervention was unlikely to be seen as efficacious. Carrie Booth Walling, *All Necessary Measures: The United Nations and Humanitarian Intervention* (Philadelphia: University of Pennsylvania Press, 2013), 23–6.

³² Scott Straus, “The Limits of a Genocide Lens: Violence against Rwandans in the 1990s,” *Journal of Genocide Research* 21, no. 4 (2019): 504–24; “General Assembly Designates 7 April International Day of Reflection on 1994 Genocide against Tutsi in Rwanda, Amending Title of Annual Observance,” United Nations Meeting Coverage and Press Releases, January 28, 2018, www.un.org/press/en/2018/ga12000.doc.htm. The distorting attempt of victim groups leaders and intellectuals to cast their experiences in Holocaust-like terms is examined in Chapters 11 and 12.

³³ Yassin El-Haj Saleh, “State Extermination, Not a Dictatorial Regime,” *Aljumhuriya*, June 18, 2018, www.aljumhuriya.net/en/content/state-extermiation-not-%E2%80%9C9Cdictatorial-regime%E2%80%9D9D.

The prosecutor of the International Criminal Court (ICC) who issued an indictment against the Sudanese head of state, Omar al-Bashir, for genocide in 2008 denounced his counterinsurgency justification as an “alibi,” effectively buying into the genocide-civil war distinction. On this ubiquitous logic, the government’s policies could not be both genocidal and a counterinsurgency.³⁴ Consequently, in response to the accusation that the Myanmar is committing genocide by driving some 730,000 Rohingya into Bangladesh with wanton violence, its leaders denounce them as “Bengali terrorists” because of the Arakan Rohingya Salvation Army’s attacks on 30 police stations. Based on a government-commissioned report into the violence, issued in January 2020, the state concluded no genocidal intent could be discerned: “The ICOE has not found any evidence suggesting that these killings or acts of displacement were committed pursuant to an intent or plan to destroy the Muslim or any other community in northern Rakhine State.” On the contrary, the Rohingya had provoked the state into an “internal armed conflict.”³⁵ Some Western commentators effectively agreed with the Myanmar state by insisting on the purity of the genocide concept – meaning its approximation to the Holocaust. It was wrong to pin the genocide label on the campaign against the Rohingya, declared the former *New York Times* journalist and foreign policy pundit, Stephen Kinzer: “Not all atrocities are genocide.”³⁶ This was a civil war-like rather than genocidal conjuncture, these commentators imply.

The vexed relationship between the categories of genocide and civil war (or “non-international armed conflict,” as Common Article 3 of the four Geneva Conventions refers to the latter) is an urgent problem given that the majority of post-World War II conflicts have been internal to states, and that civilians are now the majority of victims of armed conflict.³⁷ This conceptual problem

³⁴ International Criminal Court, “ICC Prosecutor Presents Case against Sudanese President, Hassan Ahmad AL BASHIR, for Genocide, Crimes against Humanity and War Crimes in Darfur,” Press Release, July 14, 2008, www.icc-cpi.int/Pages/item.aspx?name=a.

³⁵ “Bangladesh FM: Violence against Rohingya ‘Is Genocide,’” Al Jazeera, September 11, 2017, www.aljazeera.com/news/2017/09/bangladesh-fm-violence-rohingya-genocide-170911023429604.html. Michael Safi, “Myanmar Treatment of Rohingya Looks Like ‘Textbook Ethnic Cleansing,’ says UN,” *The Guardian*, September 12, 2017; Thu Thu Aung and Poppy McPherson, “Myanmar Government-Appointed Panel Finds ‘War Crimes’ but No ‘Genocide’ against Rohingya,” *UK Reuters*, January 20, 2020, <https://uk.reuters.com/article/uk-myanmar-rohingya-idUKKBN1ZJ105>.

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