

THE PROBLEMS OF GENOCIDE

Genocide is not only a problem of mass death but also of how, as a relatively new idea and law, it organizes and distorts thinking about civilian destruction. Taking the normative perspective of civilian immunity from military attack, A. Dirk Moses argues that the implicit hierarchy of international criminal law, 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. Talk of genocide, then, can function ideologically to detract from systematic violence against civilians perpetrated by governments of all types. *The Problems of Genocide* 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.

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THE PROBLEMS OF
GENOCIDE

Permanent Security and the Language
of Transgression

A. DIRK MOSES

University of North Carolina, Chapel Hill



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PREFACE

The Problems of Genocide has been a bit too long in the making. Editing anthologies and the *Journal of Genocide Research* over the years took me off the career-conscious path of rapid book completion, often against the advice of friends and colleagues who warned against distracting collaborative projects. In the end, I feel it was time well spent. The side-tracks led to new scholarly landscapes and expanded my horizons, while the extra time allowed the argument to crystallize. Grant applications require that the “research plan” is stipulated in linear terms and that “outputs” are clearly enumerated. But most academics know that the high road of intellectual creativity and productivity is marked less by prescribed milestones than surprising twists and unexpected turns.

I understand that this “output” will not be to everyone’s liking. The dissonance is intended. The book casts doubt on the belief that adjustments to the international system can solve the problem of genocide. Given the common comparison between the campaigns to abolish slavery in the nineteenth century and to banish the “scourge of genocide” today, I address those who believe in the right of (usually Western) intervention to effect the latter: in other words, many liberal and conservative political scientists, legal scholars, politicians, and activists. To them I say: if we want to promote the norm of “never again” – namely, stopping the killing of lots of people – then we need to think about the problem of genocide beyond prevention activism. My hope is that, upon reaching its end, readers of this book might be open to the proposition that the concept of genocide is part of the problem of civilian destruction rather than its solution.

I have accumulated many debts in this journey. Donald Bloxham suggested I combine my interests in colonial genocide, intellectual history, and international law as we strolled through New York’s Washington Square in early 2005. I appreciated the encouragement and eventually followed the advice. At length, I decided to articulate my misgivings about “genocide” as an idea, a law, and a claim-making praxis via a historical account of its “origins.” Such an account, I determined, could not be another exercise in biographical reconstruction that dominated the field and to which I, alas, had also fallen prey. A non-teleological intellectual history was required that exposed genocide’s

problematic function in obscuring the logic of “permanent security” in what I call the “language of transgression.” Doing so meant reconstructing (a) diachronically: the historically rooted discursive conditions of genocide’s thinkability and (b) synchronically: the political conditions of its breakthrough since the 1940s, when it was invented. I suggested such a critical theory of genocide already in 2008 in an essay in the *Online Encyclopaedia of Mass Violence*, then edited by Jacques Sémelin (www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/toward-theory-critical-genocide-studies.html). The permanent security argument was first expressed in a keynote address for the International Network of Genocide Scholars conference at the University of Sussex in 2010, and appeared in part in an article on “Revisiting a Foundation Assumption of Genocide Studies” in 2011.

I am happy to record my thanks to the many friends and colleagues who shared insights, gave feedback, and/or afforded hospitality in the course of my research: Laura Downs, Regina Grafe, Pieter Judson, Lucy Riall, Federico Romero, Corinna Unger, and Jennifer Welsh at the European University Institute (EUI) in Florence, where I worked from January 2011 to December 2015; Alon Confino at the University of Tel Aviv in 2007 and the University of Virginia in 2010; Paul Betts, Gerhard Wolf, and Gideon Reuveni at the University of Sussex in 2008 and 2013; Martin and Anabel Shaw in Brighton, Vieussan and IBEI in Barcelona, where I trialled an early version of Chapter 8 in 2012; Pavel Kolář at the EUI and University of Konstanz, Germany, with Kornelia Kończal and little Klara in 2020; Martin van Gelderen and Antoinette Saxer at the EUI, San Bavello, and finally at the Lichtenberg-Kolleg in Göttingen that Martin directs and where I completed the manuscript in the European winter of 2019–2020; Nehal Bhuta and Nida Alahmad at the EUI and at Edinburgh University, where Nida organized two events on draft chapters in 2020; Michael Geyer and Tara Zahra at the Forced Migration and Humanitarianism in Global History conference at the University of Chicago in 2013; Bernard Struck at St Andrews in 2013 when Chapter 8 was also presented; Geoff Eley, Gina Morantz-Sanchez, Ron Suny, Fatma Müge Göçek, Julia Hell, George Steinmetz, and Melanie Tanielian in Ann Arbor, where Chapters 1, 8, and part of Chapter 10 was given a going over in 2012 and 2015; Nadera Shalhoub-Kekorkian, Bashir Bashir, Amos Goldberg, and Raef Zreik in Jerusalem, Tel Aviv, Haifa, and Nazareth in 2013; Alison Bashford and Shruti Kapila at the Cambridge Global Intellectual History Seminar in 2015, Lyndsey Stonebridge and Cathie Carmichael (also a long-time editorial chum at the *Journal of Genocide Research*) in Norwich in 2015; Alex Hinton and Nela Navarro at Rutgers-Newark; Levent Yilmaz, Ayhan Aktar, Heghnar Watenpaugh, and Hülya Adak at The Armenian Genocide Concepts and Comparative Perspectives conference in Istanbul in 2015; Andrew Woolford, Adam Muller, and Umut Özsu in Winnipeg in 2016; Azar Dakwar and Maria Mälksoo in the Interrogating our Multiple Crises

lecture series at the Brussels School of International Studies in 2017; Penny Green and Wayne Morrison at Queen Mary, London, in 2017; Eric Weitz, Rajan Menon, and Bruce Cronin at the Human Rights Seminar at City College, New York, which subjected the Introduction to exacting discussion in late 2017; John Torpey at the Ralph Bunche Institute for International Studies, CUNY Graduate Center in 2017; Philippa Hetherington, Alex Drace Francis, and Dejan Djokic, who had me in their Rethinking Modern Europe seminar at the Institute of Historical Research in London in 2017; Vimalin Rujivacharakul, Eve Buckley, and James M. Brophy for the David Warnock invited lecture at the University of Delaware in 2018; Uğur Ümit Üngör at the Genocide after 1948: 70 Years of Genocide Convention conference in Amsterdam in 2018; Susanne Hilman and Lisa Lampert in the Holocaust Living History program at UC San Diego in 2019; Raz Segal at Stockton in 2019; Dieter Gosewinkel and Matthias Kumm at the Wissenschaftszentrum Berlin für Sozialforschung where I was a visiting fellow in late 2019; Robert Gerwarth, William Mulligan, and Mark Jones in Dublin in 2020; Alanna O'Malley in Leiden where Eelco van der Maat gave an expert commentary on the Introduction in 2020; Alex Hinton and Nela Navarro at Rutgers-Newark whose Center for the Study of Genocide and Human Rights hosted me on various occasions; Volker Berghahn and Marion Berghahn, Mark Mazower, and Matthew Connelly who hosted talks over the years at Columbia; Taner Akçam, Thomas Kühne, and Debórah Dwork at the Strassler Center, Clark University, who gave me a forum several times; Stefan-Ludwig Hoffmann, Norma von Ragenfeld-Feldman, Martin Jay, John Connelly, Cathy Gallagher, Carla Hesse, and Tom Laqueur in Berkeley, where I aired early iterations of the argument more than once since graduating from there in 2000.

I am also grateful to friends and colleagues who made invaluable suggestions on draft chapters or oral presentations: Maartje Abbenhuis, Mohammed Abed, Yutaka Arai, Avril Alba, Francesca Antonini, Steven E. Aschheim, David Brophy, Marco Duranti, Carole Fink, Andrew Fitzmaurice, Sheila Fitzpatrick, Max Friedman (who gave repeated and extremely helpful feedback on the Introduction and Chapter 10), Chris Hilliard, Yotam Hotam, Douglas Irvin-Erickson, Claudia Kraft, Gili Kugler, Eric Kurlander, Nathan Kurz, Konrad Kwiet, William Levine, Mark Lewis, Shiru Lim, Kerstin von Lingen, James Loeffler, Stefan Malinowski, Eyal Mayroz, Maria Mälksoo, Elliot Neaman, Sophie Rigney, Weronika Romantik, Andrew Sartori, Ann-Sophie Schoepfel, Daniel Marc Segesser, Alexa Stiller, Damien Short, Glenda Sluga, Adam Storry, Lorenzo Veracini, Florian Wagner, Stephen Wertheim, Natasha Wheatley, Martin Woessner, Gerhard Wolf, the greatly missed Patrick Wolfe, and Greg Zuschlag. Needless to say, there is no suggestion that they agree with my arguments or bear responsibility for any remaining errors. Apologies to anyone I have inadvertently overlooked.

Others accompanied me on the journey and helped in ways they may not realize: Tony Barta in Melbourne; Warren Breckman and Cordula Grewe in Philadelphia and at Penn; Antonio Feros, Ben Nathans, Sophie Rosenfeld, and Beth Wenger also at Penn; Neil Levi and Beth Drenning in Jersey City; Seth Anziska, Jane Burbank, and Fred Cooper in New York; Dirk Rupnow, Greta Anderl, Éva Kovács, Béla Rásky, Dean Vuletic, Berthold Molden, Anais Angelo, and Jakob Lehne in Vienna; Mark Roseman in Bloomington; Geoff Levey, Jisuk Han, Oliver Frankel, Nick and Helen Doumanis, Rawan Arraf and Alaa Arraf in Sydney; Michael Laffan, Vanita Neelakanta, and Shel Garon in New Jersey; Jie-Hyun Lim in Seoul; Azar Dakwar and Mayse Khoury in Leuven; Dan Stone (likewise at the *Journal of Genocide Research*), Damien Short, Christina von Hodenberg and Dan Wilson, Jens Meierhenrich and Shan Lam, Dan Lee and Liz Marcus in London; Saadi Nikro, Yassin El-Haj Saleh, Linh Nguyen Vu, Robin Celikates, and Ayla in Berlin; Omer Bartov, Anne Berg, Vivian Berghahn, Diana Dumitru, Federico Finchelstein, Peter Holquist, Karl Jacoby, Mark Levene, Barbara Keys, Rob Manne, Małgorzata Mazurek, Sam Moyn, Saadi Nikro, Devin Pendas, Nadia Oweidat, Rebecca Sheehan, Richard Steigmann-Gall, Jess Whyte, Ihab Shalbak, Brad Simpson, Keith Watenpugh, and Jürgen Zimmerer; Glenda Pryor, Rob Wheatley, Warren Percy, Jarrod Wheatley, and Luisa Krein in Wentworth Falls; Rolf Moses and Maryla Rutyna in Brisbane and Miami Beach on the Gold Coast; and of course my parents John and Ingrid in Canberra.

Several cafes provided de facto office space for sustained reading and writing. I can't list them all, but Black Market Roasters in Enmore, Sydney; Rojos Roastery in Palmer Square, New Jersey; Ultimo Coffee in Center City, Philadelphia; and the Kaffeehus in Göttingen warrant mention for their cheerful toleration during the final push. Likewise essential then were Frances Tanzer's Unsent Postcards. Finally, thanks go to the editors at Cambridge University Press, Michael Watson and Emily Sharp, who waited patiently for me to deliver the manuscript and indulged me over its unexpected length.

Between 2009 and 2010, this project was supported by the Australian Research Council (ARC) Discovery Project: DP098759 "Genocide: Critical History of an Idea" when I was working at the University of Sydney. Given the subsequent scandalous political inference in the ARC's decision-making processes by conservative federal ministers of education, it is uncertain whether it would be awarded today. The ARC is effectively the only game in town for Australian social scientists and humanities scholars, so its integrity must be guaranteed.

Parts of Chapter 5 appear in *Genocide: Key Themes*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2021). A version of Chapter 8 is published in *Decolonization, Self-Determination, and the Rise of Global Human Rights Politics*, ed. A. Dirk Moses, Marco Duranti, and Roland

Burke (Cambridge: Cambridge University Press, 2020). Chapter 9 draws on “Partitions, Hostages, Transfer: Retributive Violence and National Security,” in *Partitions: A Transnational History of Twentieth-Century Territorial Separatism*, ed. Arie Dubnov and Laura Robson (Stanford: Stanford University Press, 2019).

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