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Labeling “Genocide” in Sudan: A Constructionist Analysis of Darfur

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Labeling is critical for the framing, perception, and political implications of social problems, genocide being a critical but overlooked example. For half a century social-science theory has developed increasingly sophisticated paradigms for understanding the process by which problems are recognized and addressed: social constructionism, labeling theory, politico-linguistics, problem definition, and tipping points. Yet rarely have these theoretical frameworks been applied to genocide studies. When reconsidered in light of Sudan, these general frameworks validate the constructionist argument that the recognized severity of political problems—including government-organized or -sanctioned mass killings—is a function of the socio-linguistic processing and naming of them. Anti-genocide advocates, no less than scholars of genocide, can benefit from the adaptation and application of policy frameworks deriving from constructionist analysis. The article concludes with empirical data tracing the use of the term “genocide” in the print media with respect to Darfur.

Labeling Darfur “Genocide”

Recent events in Sudan have revealed that the longer the Darfur conflict goes on, the more it takes on an awful complexity, for which the notion of genocide may be too dangerously simple.

—Lydia Polgreen, writing in *The New York Times*, 23 July 2006¹

For humanists sympathizing with the plight of innocent victims of African civil strife, the question of whether or not to label the violence “genocide” is irrelevant. Killing is killing, goes this line of thinking, and debating whether the mass killing in question fits a purist’s definition of genocide is a callous exercise in semantics.

In the news article from which this essay’s epigraph is extracted, the journalist focuses on two dying infants, one in Congo and the other in Darfur. The infant boy in Darfur, who has pneumonia, eventually survives, thanks to the rudimentary health services provided through international relief agencies. In Congo, the prognosis for the barely breathing, “stick-thin” baby girl is grim. The inferred reason? The conflict in Darfur has been labeled “genocide,” triggering humanitarian responses; mass violence in the Congo, where the toll in innocent human life has been much greater than in Darfur, has not been similarly registered in the world’s consciousness. As a result, the sufferings of its population have been ignored. Whether the term “genocide” is applied to individual theaters of violence, then, has life-and-death implications for non-combat casualties. As the *Times* article also conveys, however, the determination of genocide for a given conflict is not immutable: a recognition of genocide in Darfur in 2004 may, by 2006, be undermined by fatal fighting within the erstwhile camps of both perpetrators and victims.

The media constitute one avenue for public consciousness of genocidal crises. Diplomacy constitutes another. Both avenues, however, are two-way: both provide contradictory answers to the question, "Is this a genocide?" Five months after US Secretary of State Colin Powell's September 2004 recognition of an ongoing genocide in the Darfur region of Sudan, for example, the UN Security Council determined that conflict there did not in fact rise to the level of genocide. To complicate matters further, the State Department itself has sent mixed messages: in April 2005, Deputy Secretary of State Robert Zoellick, during a trip to the capital of Sudan, held back when asked to reaffirm his own department's finding of genocide.

Political and legal factors played a role in this discrepancy. On the political side, in the wake of the widely condemned US-led invasion and occupation of Iraq, the international community was reluctant to follow the American lead in endorsing a State Department finding that logically led to justifying another intervention. From a legal perspective, a finding of genocide required evidence of actual *intent* by the government of Sudan to destroy, in whole or in part, the inhabitants of western Sudan. In the absence of incriminating documentation (and such is difficult to obtain, even if perpetrators are brazen enough to commit their genocidal aims to paper), intent is a difficult criterion to establish. International lawyers may be comfortable with inferring intent from facts on the ground; diplomats in as highly politically charged a chamber as the United States are less so.

The vagaries of politics influence but do not completely determine the framing of issues and the application of terminology that triggers action. For half a century, social-science theory has developed increasingly sophisticated paradigms for understanding the process by which problems are recognized and addressed. Framing overseas conflicts as genocide has not, however, been a subject of this literature. This article therefore examines the social-scientific dimensions of the competing and contradictory findings with respect to Darfur.

Labeling the violence in Darfur as "genocide"—or not so labeling it—has great relevance for theories that have been well developed in the areas of epistemological theory and American politics (including criminology) but rarely applied to comparative and international politics. In terms of constructionism, labeling theory, agenda setting, and problem definition, application of the term "genocide" has immense social import that redounds on political calculations of intervention. As the contrast in responses to Congo and Darfur illustrates, when these abstractions are distilled, they do have life-and-death consequences for, *inter alia*, infants in Africa.

What Is Genocide?

Before tackling application of the term "genocide" to instances of mass political violence, we need note that there is far from unanimity about its core definition.² Much of the scholarly contribution in this domain has been a pushback against the standard United Nations definition (derived from the work of Rafael Lemkin; see below), which emphasizes only the ethnicity, nationality, race, or religion of a victimized group. In an effort to achieve Cold War consensus, the UN conception of genocide pointedly omitted *political* ideology or affiliation of a targeted group as warranting an international indictment of genocide.

In response, Leo Kuper emphasizes the validity of political affiliation as a category of victimhood.³ He also brings a sensitivity to genocidal crimes that occur under the aegis of colonial rule. Helen Fein, also bristling from definitional restrictiveness, emphasizes that the essence of genocide lies in its targeting of a human collectivity,

regardless of supposed primordial identity.⁴ Roger Smith has long asserted that not only the targeted group but all humankind is a victim when genocide is committed on part of its universal body.⁵

Another pioneer in genocide studies, I.L. Horowitz, shifts the focus to the identity of the perpetrator—in his view, the death-promoting state.⁶ Frank Chalk and Kurt Jonassohn also look to the perpetrator as the definer of the group slated for extermination.⁷

So as to highlight the insufficiency of the single term genocide, other scholars have proposed more specific terminology: *democide*,⁸ *politicide*,⁹ *ethnocide*.¹⁰ Both Ervin Staub and Israel Charny, as befitting their professional disciplines, infuse their etiological treatments of the “ultimate evil” from the perspective of psychology.¹¹

Despite variation in definition, emphasis, and terminology, scholars seem to recognize genocide when variations of it unfold ignominiously on the global scene. Less clear is the extent to which the concept of genocide has penetrated the conceptual and normative frameworks of ordinary citizens in democratic societies. For it is their cognition of genocide that, ultimately, determines their governments’ disposition to take action against it.

The Construction of Constructionism

The notion that naming an object or phenomenon imparts to it a reality it did not previously possess harks back to the early empiricists, most prominently George Berkeley (1685–1753).¹² Berkeley’s subjective idealism created an epistemological foundation which Peter Berger and Thomas Luckmann would extend more broadly to social reality writ large.¹³ Knowledge structures reality, Berger and Luckmann argued, but the ways in which we gain knowledge are themselves a function of social framing. Conceptualizing the Holocaust as it was unfolding, for instance, was made immensely difficult by the absence of a socially recognized precedent. (When confronted with first-hand evidence from concentration camp witness Jan Karski, Supreme Court Justice Felix Frankfurter is reported to have said, “I don’t believe you . . . I do not mean that you are lying. I simply said I cannot believe you.”¹⁴) Since the Shoah, our social knowledge has rendered representations of genocide all too believable.

Concurrent with Berger and Luckmann’s sociological formulation of constructionism, H.S. Becker was advancing a parallel theory within the sub-field of social deviance and criminology. “Deviance,” according to Becker, “is *not* a quality of the act a person commits, but rather a consequence of the application by others of rules and sanctions to an ‘offender.’”¹⁵ A reprehensible act is not a “crime” until society (usually through its legal system) so defines it. By the same logic, repeated homicide—even serial or mass murder—cannot be considered genocidal until society at large (1) has incorporated the concept of genocide (social constructionism) and (2) is able to identify perpetrators as *genocidaires* (a term arising from 1994 Rwanda).

By focusing on the symbols and language of political discourse, Murray Edelman transferred the philosophical and sociological foundations of constructionism to the realm of political science. In his earliest elaboration, Edelman argued that language, handmaiden to the actual needs of citizens, itself forms political reality and behavior: “concepts become meaningful when they are related to people’s affective demands.”¹⁶ Edelman returned to this theme in his work devoted to political language per se: “It is *language* about political events rather than the events themselves that everyone experiences.”¹⁷ With respect to our concern here, relatively few individuals are

witnesses to mass killings; we are informed about them through words and images (which are themselves commented upon). Whether or not the language describing mass killings invokes the term “genocide” influences our responses to the information.

As harbinger to the school of problem definition, Edelman later maintained that, in the realm of politics, conflicts have no independent status apart from the context in which they are embedded and discussed. He also intimates a hierarchy of concern that is also constructed. More specifically, he states that “problems come into discourse and therefore into existence as reinforcements of ideologies, not simply because they are there or because they are important for wellbeing . . . [T]hey create beliefs about the relative importance of events and objects.”¹⁸ If one conflict (Darfur) is mentally assimilated with a recognized genocide (Rwanda), the response goes one way; if no such structured connection is made (Congo), it goes another.

Edelman was well aware of the corrupting possibilities that follow from the power to define. If, as argued here, it is critical in the social arena for public opinion shapers and policy makers to be able to label specific patterns of violence as genocides, it is no less true that other elites wield the power to justify genocide:

One of the most frequent recurring forms of political categorization is the definition of some large group of people as so serious a threat that their physical existence, their most characteristic ways of thought and feeling, or both must be exterminated or ruthlessly repressed.¹⁹

Indeed, labeling theory has not adequately addressed the paradox that not only the marginal and stigmatized are, according to the perpetrators, “deviants”: in some conditions, the labelers themselves, acting on behalf of society, become the morally deviant.²⁰ Nazi and Hutu Power leaders had the power to label Jews and Tutsis, respectively, as “vermin” and “cockroaches.” Those sets of labels produced lethal realities; the labelers were criminals of the highest order.

Problem Definition

With problem definition, constructionism moves from phenomenology and socio-linguistics to agenda setting.²¹ International applications, however, are few and far between.²² In the scholarly literature, linkages to genocide studies are even scarcer; one notable exception is Herbert Hirsch’s outline of a general strategy for getting genocide on the agenda of the US presidency and Congress.²³

Problem definition recognizes that political language helps determine which issues rise to the consciousness and agendas of policy makers.²⁴ Yet there are other factors as well. These other factors have implications for the recognition of genocide, and for subsequent possibilities of intervention.

Politics, particularly in democratic polities, is characterized by a multiplicity of groups competing for government action related to their respective causes. Problem definition strives, in general, to explain what makes a public issue a matter of governmental interest and possible action. (A sub-theme asks what keeps an issue *off* the problem-solving agenda.²⁵) Most problem-definition research to date has focused on domestic agenda setting: homelessness, AIDS, drug abuse, sexual harassment, pollution. Yet the framework can be adapted to asking, How is this one problem in Africa (i.e., Darfur) defined to make it an issue for *intergovernmental* interest and action? Three aspects of problem definition are of particular relevance to our case at hand: problem ownership, crisis, and solution.

Problem Ownership

The term “problem ownership” refers to the identification of a recognized authority or authorities to define an issue. (This is often referred to as the “community of operatives.”) When it comes to international conflict, such as characterizes Sudan, there exists a host of competing non-governmental organizations (NGOs) that not only have separate institutional agendas but rarely have the opportunity to interact directly. In this case, competing NGOs include human-rights organizations (Amnesty International, Doctors Without Borders, the Coalition for International Justice, the International Crisis Group, Human Rights Watch, Physicians for Human Rights); multinational organizations (especially the less-than-expeditious United Nations); diplomatic missions (with the US Agency for International Aid, for instance, not necessarily seeing eye to eye with the State Department); and academics (the Institute for the Study of Genocide, the International Association of Genocide Scholars, the European Network of Genocide Studies). The freedom of such disparate organizations to apply different standards (not to mention definitions) of genocide aggravates the state of problem ownership. When, as here, different governments and human-rights organizations disagree about labeling the crisis in Darfur as genocide, the resultant confusion in problem ownership militates against international action.

Crisis

When does a “problem” (a matter of concern but not necessarily action) get elevated to the status of “crisis” (a concern that calls forth for action)? Echoing Edelman, students of problem definition point to a “rhetoric of calamity” that betokens a qualitative shift from problem to crisis. In the case of Sudan, it is noteworthy that a much longer series of repressive military campaigns in the south, with unmistakable ethnic and religious overtones (an Arab-speaking Muslim government based in Khartoum versus Christian and animist black Africans in the South), and resulting in many more civilian casualties, has not been elevated, in public consciousness and US governmental notice, to a similar level of genocidal concern. In a word, why Darfur and not the Dinka?

The Dinka, along with the Nuba, have long been recognized within the literature of genocide. Ted Gurr identify them as a people “at risk.”²⁶ As early as 1981, Kuper wrote of their being subject to “many episodes of genocidal massacre.”²⁷ The entry for Sudan in Charney’s authoritative *Encyclopedia of Genocide* explicitly acknowledges the genocide in *southern* Sudan. That Darfur has captured the attention of the American and international community in a way that the destruction of the Nuba and Dinka has not speaks to the critically important, and constructed, nature of problem elevation to “crisis” status.²⁸

Solution

Somewhat counterintuitively, problem-definition theory makes a strong case that solutions help define the problem: governments are reluctant to add items to their constantly filled agenda unless there is a plausible solution linked to the problem as defined.

The US State Department’s unilateral finding of “genocide” in Darfur speaks to the risky nature of such a finding. What solution followed from this definition of the problem, a definition that would be tacitly refuted by other governments and by the United Nations itself? In his declaration of findings, Secretary of State Powell

was careful to deny that the finding demanded specific action on the part of his government. Implicitly, his public definition of the Darfur problem undercut the usual premise of an embedded solution.

From a US perspective, possible solutions to the Darfur problem included sanctions against the Khartoum government; the establishment of a no-flight zone; equipping, training, and transporting sufficient numbers of troops supplied by the African Union; and direct intervention. In a post-Iraq invasion context in which the usefulness of international sanctions had already been denigrated, and with the Iraqi insurgency capturing a great portion of the foreign-relations agenda, these otherwise reasonable solutions were off the table. Defining the situation in Darfur as a genocide at a time when solutions to that problem were relatively unlikely undercut the possibility of action. At the same time, it underscored the significance of embedding solutions within problem definition.

Tipping Point

Although not yet included within the canon of scholarship, the perspective of “tipping points,” as elaborated by Malcolm Gladwell, is relevant to this constructionist analysis of genocide in Sudan.²⁹ The notion of the tipping point—the ways in which an idea or product captures the imagination of the public at large—broadens the inquiry into the perception of genocide in Darfur from policy makers and other elites to that of mass publics.

The question here is not only how, when, and why Darfur captured the imagination of the American public as a genocide. That question can be easily, if superficially, dispensed with by invocation of the “CNN effect,” or, less ephemeral, the impact of the cover photo and story of *Time* magazine on 4 October 2004.

More significant is the popular spread of the idea that America must eradicate genocide. That perspective, as Samantha Power illustrates, has been the antithesis of American foreign policy beginning with the Armenian Genocide of 1915.³⁰ As with Jeffrey Sachs’s campaign to eradicate world poverty,³¹ with Darfur genocide prevention has risen to the cusp of a tipping point in public consciousness (and conscience). With contested views as to its actual status as genocide, however, that threshold is not likely to be mounted soon.

Contesting the Label

The decision to label the violence in Darfur as genocide took on political overtones when the US Congress passed a resolution to that effect in July 2004. One month before, during a fact-finding trip to Sudan, the secretary of state had been asked if genocide was occurring in Darfur. His response unwittingly evoked the importance of labeling theory: “What we are seeing is a disaster, a catastrophe, and we can find the right label for it later.” Powell’s tone of voice was dismissive, suggesting that the question was a mere semantic problem. He did, however, add that, “regardless of the words used to describe what is happening in Darfur, we are acting with the utmost sense of urgency.”

That “sense of urgency” became apparent only the following September, however, when Powell endorsed the State Department’s Atrocities Documentation Team (ADT) finding that the violence in Darfur did in fact constitute genocide. Powell’s declaration was historic and unprecedented, in that it was the first time the executive branch of the United States formally acknowledged the existence of a genocide, not retroactively, but while it was ongoing.³²

Subsequent declarations by other governments departing from the ADT and State Department (see Table 1) prompted international debate over what genocide actually *is*. With the contrary finding of the UN’s International Commission of Inquiry on Darfur (COI), that debate took on ever more problematic dimensions.

On 25 January 2005, the COI, in its report to Secretary-General Kofi Annan, “concluded that the Government of the Sudan has not pursued a policy of genocide.” Annan’s follow-up (and lengthy) report to the Security Council (31 January) avoided the word entirely.³³

Certainly, the COI did pointedly speak of “gross violations of human rights perpetrated by Government forces and the militias under their control.” It also admitted the possibility of Sudanese government officials’ “commit[ing] acts with genocidal intent.” However, the killings and displacements of indigenes of Darfur did not—using the language of the relevant UN treaty on genocide—constitute “a specific intent to annihilate, in whole or in part, a group distinguished on racial, ethnic, national or religious grounds.”³⁴ Counter-insurgency, yes; genocide, no.

The COI maintained that, in light of evidence of crimes against humanity and war crimes, its negative finding on genocide did not detract from the “gravity of the crimes perpetrated” in Darfur. A constructionist analysis, on the other hand, points to the likelihood that the “unlabeling” of violence in Darfur will indeed lead to reduced interest in, coverage of, and action regarding the non-genocide.

In terms of international relations, the fact that two other relevant multinational organizations (the European Union and the African Union) also explicitly declined to adopt the genocide label, as did significant UN members (Russia, China, Pakistan), put the United States in the disadvantageous position of outlier labeler. Yet it was not only in the community of nations that such disagreements arose. Among human-rights NGOs, there is a split between those willing to recognize officially that genocide in Darfur is occurring (e.g., Physicians for Human Rights, International Crisis Group) and those not willing to do so (e.g., Amnesty International, Human Rights Watch).³⁵ However justified for tactical reasons, such labeling disharmony within the human-rights community, no less than among the community of nations, tends toward functional paralysis. Such discrepancy also raises important questions about the process of “labeling” mass murder as genocide. Until there is a universally constructed consensus on the applicability of the label *among mass publics* as well as among governments and NGOs, concerted anti-genocidal intervention is unlikely. Even then, as suggested at the beginning of this article, the possibility arises that what passes the “G-test” at one point in time may fail later, as binary conflict on the ground spirals into intramural bloodshed. When distinctions between victim and

Table 1: Characterizations of violence in Darfur

“Genocide”	“Ethnic cleansing”	No (or not quite) genocide
United States	United Nations (prior to 01/05)	United Nations (as of 01/05) European Union African Union Arab League Pakistan Russia China

perpetrator groups blur, it is hard to maintain a consensual finding that the violence still constitutes a genocide.

Elite Print Media Use of “Genocide”

Primed to the importance of the media in constructing mass public understanding of overseas atrocities, Walter Ezell undertook the first quantitative study of newspaper coverage of genocidal conflict in Africa (Burundi and Mozambique) and Iraq (Kurdistan). Based on column-inch counts in five leading newspapers, Ezell concludes that “events involving great human suffering and loss of life tend to be covered in spurts” and that it is critical to resolve ambiguity early, “thus allowing onlookers to decide quickly whether and how to act on the basis of reliable information.”³⁶ He also acknowledges the power of the reporter in changing (and, indeed, nullifying) the intended message of an article’s source.

Inspired by Ezell, and in an effort to gauge the penetration of the genocide label among the newspaper reading public, my research assistant and I tracked the incidence of the word “genocide” in articles relating to Darfur in (1) the *New York Times* and the *Washington Post* between January and August 2004 and (2) those same newspapers, plus the *Boston Globe*, the *Los Angeles Times*, and the *Financial Times*, between September 2004 and March 2005. The results are plotted in Figures 1 and 2. They do not include editorials or op-ed pieces.

We chose January 2004 as the starting point for newspaper tracking to provide a measure of change over time from *before* official US recognition of the crisis as genocide. Because the *New York Times* is the US paper of record, its treatment of a topic is critical; as index of governmental interest in a topic, coverage by *The Washington Post* is also key. Figure 1 thus shows the results from those two elite newspapers on their own.

The *Boston Globe* and the *Los Angeles Times* reflect coverage for more local readerships. Prior to September 2004, their coverage of genocide in Sudan was quite limited in scope. The same can be said for London’s *Financial Times*, which was chosen for tracking to provide a comparative perspective. By March 2005, the controversy over dueling determinations (US vs. UN) regarding the genocidal nature of the conflict in Darfur had largely faded from public discussion and memory.

In the first two months of 2004, coverage of Darfur was negligible, with the government of Sudan taking active steps to ensure that it remained so.³⁷ Some initial uses of the term “genocide” appeared in articles beginning in March. Spikes were evident with Colin Powell’s June visit and Congress’s July declaration. Interestingly, there are significant discrepancies with respect to scope of coverage and incidence of word usage, with the *Washington Post* more focused on the secretary of state’s June visit and the *New York Times* more fluid with the word as a result of the Congressional statement.

A significant spike in newspaper usage of “genocide” coincided with Powell’s own admission in September 2004 that that word does properly characterize violence in Darfur. Compared with more regional newspapers (*Los Angeles Times*, *Boston Globe*), the *Post* and the *Times* maintained a leadership position with respect to keeping the “G-word” in their regular readers’ vocabulary. This is not surprising, given their greater overall commitment to international coverage and the national political dimension that the State Department’s and Congress’s embracing of the issue assumed. More surprising is the limited response that the United Nations’ null finding generated in US newspapers, as compared with the (relatively late)

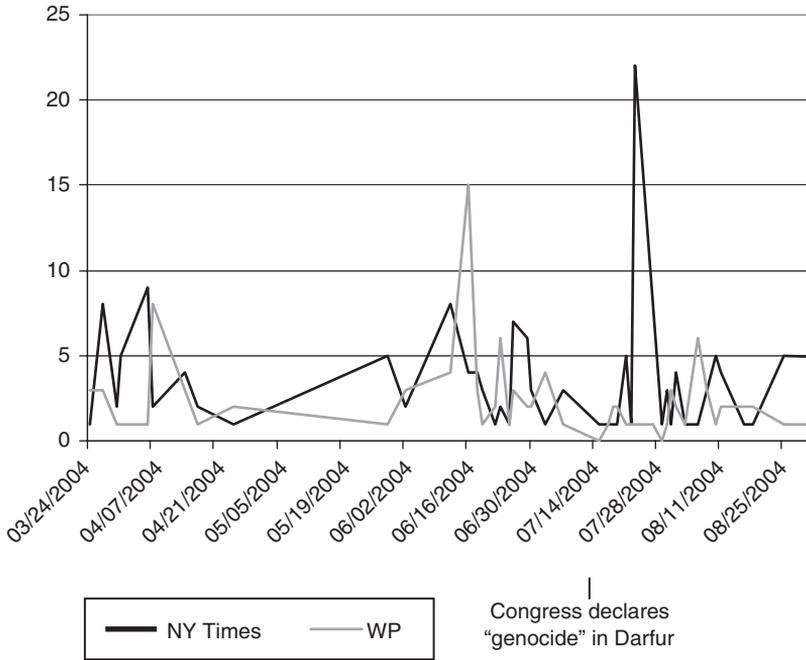


Figure 1: Usage of “genocide” in the *New York Times* and *Washington Post* (4 January–31 August 2004)

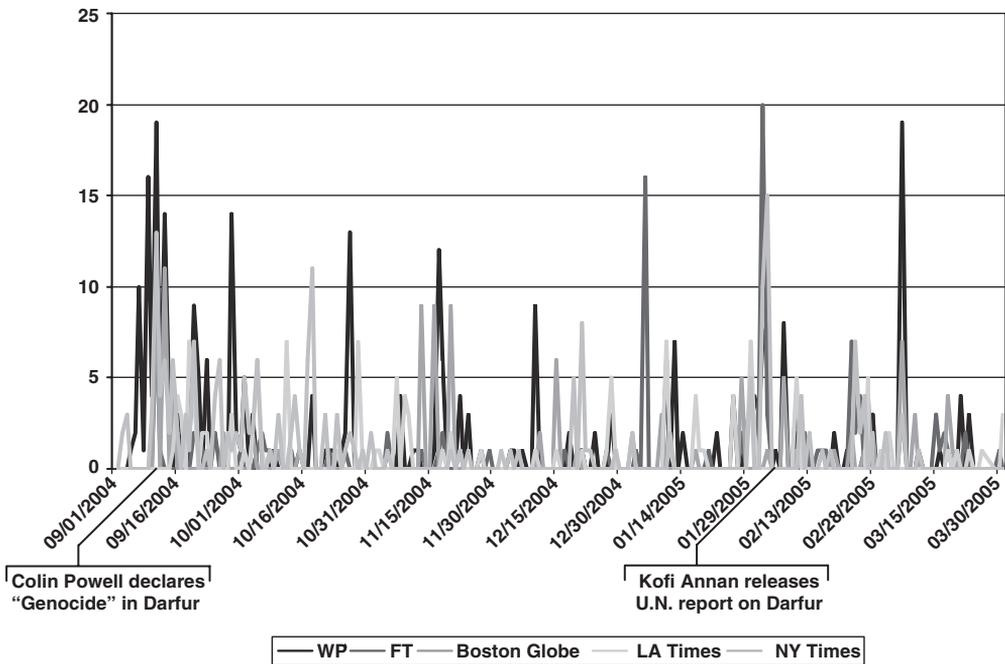


Figure 2: Newspaper usage of “genocide” concerning Darfur (total, September 2004–March 2005)

interest of the one European control paper, the *Financial Times*. (*FT* invocation of the word peaked in the two weeks preceding and two weeks following the release of the UN report.)

This print media use of “genocide” did not necessarily indicate publishers’ or columnists’ official endorsement of the appropriateness of the term; it primarily reflected the domestic and international debate over its application. (*New York Times* columnist Nicholas Kristof’s Pulitzer-winning series of poignant and pointedly “pro-G-word use” essays, for example, do not figure in the tallies presented here.) Nonetheless, the very debate over the use of the term by national and international authorities, as reported by the newspapers, itself preserved the salience of Darfur as an issue within the (admittedly elite print) readership.

In this context, it is useful to recall Edelman’s reflection on the signs and signifiers that permeate political language:

Every instance of language and action resonates with the memory, the fear, or the anticipation of other signifiers, so that there are radiating networks of meaning. . . .³⁸

Whether or not editorialists, columnists, or newscasters deliberately make the case, to readers, listeners, and viewers, “genocide” in Darfur signifies more than tribal or ethnic warfare in Africa. It conjures (or, in Edelman’s terminology, *signifies*) Cambodia, Rwanda, Bosnia, Kosovo, East Timor. Depending on the citizen’s age, the term resonates with these other tragedies, thereby placing Darfur (but not, as we have demonstrated, southern Sudan) in the same moral universe of opprobrium, or, at least, at a commensurate level of importance.

Journalists and editors for at least one of the elite newspapers—the *New York Times*—appear to have been verbally stymied by the COI finding that events in Darfur do not constitute genocide. With the passage of time, articles dealing with Darfur came to invoke the “G-word” less consistently. While continuing to provide factual reports of events in and developments with respect to Sudan, at least until the Polgreen piece writers and editors preferred to avoid the conceptual issue surrounding the genocide label: should the “G-word” be used or not? Following from the previous arguments with respect to labeling theory, political language, and problem definition, avoidance of the signifying label “genocide” in the media leads to a downgrading of attention to, and salience of, Darfur among the public at large, their elected representatives, and policy makers.

Conclusion: Lemkin, Labeling, and Constructionism

Coining of the word “genocide” is attributed to the Polish legal scholar, Holocaust survivor, and United Nations gadfly Rafael Lemkin. Lemkin is remembered for his indefatigability in prodding the United Nations to draft a genocide convention and to have states ratify it. But first he had to get the UN to accept his word for the purpose of international criminalization. In this respect, it is quite relevant that Lemkin was originally trained (at the University of Lvov) as a linguist.

Lemkin spent considerable time and energy weighing the respective connotations of common words that predated his neologism. “Mass murder,” “barbarity,” “atrocious,” “brutality”—while all evocative of highly odious behavior, these terms failed to capture the conceptual singularity of the state-organized attempt to exterminate an entire ethnic, national, or religious group.³⁹ By joining philology to criminal justice, Lemkin paved the way for a rethinking of the juridical role of state responsibility for foreign nationals in international law.

Application of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide has been highly imperfect. That it was ratified by the United States only in 1986 (taking another two years for the inclusion of reservations prior to full passage) indubitably diluted its overall impact on the international community. Still, the very existence of such a convention reinforces public acknowledgement of genocide's special status, not only as a matter of criminal law but as a moral outrage to humanity.

By helping to construct a social, psychological, and linguistic space for a novel consciousness of genocide, Lemkin was also a forerunner and practitioner of labeling theory. Like adherents of constructionism, Lemkin (while himself a jurist) understood that legislation is an insufficient means of modifying social thought and behavior. The framing and solution of political problems, international no less than domestic, require a panoply of tools. Some of these tools are conceptual, others strategic: problem definition and agenda setting are particularly promising tool sets for activists frustrated with pure analysis and "mere" polemics. To the question, "What are the moral, legal, and political implications of an unheralded US finding of contemporaneous genocide?" social science provides multiple answers. The challenge is to act before genocide itself degenerates into a violence so fractious and multifaceted that even the most sympathetic of observers—as represented by the frontline *New York Times* reporter in the epigraph—are paralyzed with frustration.

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Notes

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6. Irving Louis Horowitz, *Taking Lives: Genocide and State Power* (New Brunswick, NJ: Transaction Publishers, 1976).
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8. R.J. Rummel, *Death by Government* (New Brunswick, NJ: Transaction Publishers, 1994).
9. Barbara Harff, "Recognizing Genocides and Politicides," in *Genocide Watch*, ed. Helen Fein, 27–41 (New Haven, CT: Yale University Press, 1992).
10. There is apparently no one proven neological parent for "ethnocide."

11. Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (New York: Cambridge University Press, 1989); Charny, *Encyclopedia of Genocide*.
12. Emanuel Adler, "Constructivism and International Relations," in *Handbook of International Relations*, ed. Walter Carlsnaes, Thomas Risse, and Beth A. Simmons, 95–118 (London: Sage, 2002), identifies Immanuel Kant, Berkeley's slightly younger contemporary, as the philosophical forerunner of the constructivist approach within international relations theory. Exactly when, why, and how the term "constructivism" emerged in contradistinction to "constructionism" remains unclear.
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18. Murray Edelman, *Constructing the Political Spectacle* (Chicago: University of Chicago Press, 1981) 12.
19. Edelman, *Political Language*, 32.
20. After writing these lines, I discovered that Green and Ward make a similar point in their chapter "Genocide" (where they embrace and advance the "universe of obligation" paradigm in Fein, *Genocide*). See also their chapter "Defining the State as Criminal," in Penny Green and Tony Ward, *State Crime: Governments, Violence and Corruption* (London: Pluto Press, 2004).
21. I am deliberately leapfrogging the permutation of constructionism as found in international relations (IR) theory (where it is re-dubbed "constructivism"; see note 13 above). IR constructivism, for all its theoretical excitement, has limited utility with respect to application, especially as it affects elite and public apperception of genocide per se. But see Jeffrey T. Chechel, "The Constructivist Turn in International Relations Theory," *World Politics* 50 (1998): 324–48; Terence Hopf, "The Promise of Constructivism in International Relations Theory," *International Security* 23 (1998): 171–200; and Alexander Wendt, "Anarchy Is What States Make of It: The Social Construction of Power Politics," *International Organization* 46 (1992): 391–425.
22. Noteworthy in this respect—but with a coincidental tie-in to genocide—is John Bendix, "Why Didn't Waldheim's Past Matter More? A Public Agenda Denial in Austria," in *Cultural Strategies of Agenda Denial: Avoidance, Attack, and Redefinition*, ed. Roger W. Cobb and Marc Howard Ross, 183–202 (Lawrence: University Press of Kansas, 1997).
23. Herbert Hirsch, *Anti-Genocide: Building an American Movement to Prevent Genocide* (Westport, CT: Praeger, 2002). In his discussion of one of the strategies (encouraging the public to use empathetic and emotional symbols so as to gain backers), Hirsch recommends a tack—"humaniz[ing] the victims by telling personal stories . . . [i]nstead of talking about genocide"—at variance with the one suggested here (getting the G-label to stick in the public mind). The divergence may lie less in the tactic per se than in the particular constituency being addressed. Hirsch, *Anti-Genocide*, 58 (emphasis added).
24. David A. Rochefort and Roger W. Cobb, eds., *The Politics of Problem Definition: Shaping the Policy Agenda* (Lawrence: University Press of Kansas, 1994); Bryan D. Jones and Frank R. Baumgartner, *The Politics of Attention: How Government Prioritizes Problems* (Chicago: University of Chicago Press, 2005).
25. Roger W. Cobb and Marc Howard Ross, eds., *Cultural Strategies of Agenda Denial: Avoidance, Attack, and Redefinition* (Lawrence: University Press of Kansas, 1997).

26. Ted R. Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflicts* (Washington, DC: United Institute of Peace, 1993).
27. Kuper, *Genocide*, 73; Fein, *Genocide*, 87, cites Kuper.
28. Two individuals in particular have persistently worked to equate “Darfur” with “genocide,” thus upgrading international “problem” to “crisis”: Nicholas Kristof, in his regular column in *The New York Times*, and Eric Reeves of Smith College, in his blog, Sudan—News and Analysis. With respect to our constructionist argument, see, in particular, Reeves’s dispatch of 20 May 2005, “The ‘Two Darfurs’: Redefining a Crisis for Political Purposes.”
29. Malcolm Gladwell, *The Tipping Point: How Little Things Can Make a Big Difference* (New York: Little, Brown, 2000).
30. Power, *A Problem from Hell*.
31. Jeffrey Sachs, *The End of Poverty: Economic Possibilities for Our Time* (New York: Penguin, 2005).
32. The ADT was an ad-hoc group of observers and fact finders independent of the State Department itself. In drawing its conclusions, the ADT would have been influenced by separate empirical research projects into Crisis Early Warning and State Failure conducted on behalf of the US government’s foreign-policy community. See John L. Davies and Ted R. Gurr, *Preventive Measures: Building Risk Assessment and Crisis Early Warning Systems* (Lanham, MD: Rowman and Littlefield, 1998), and related collaborations between Barbara Harff and Ted R. Gurr, “Early Warning Systems: From Surveillance to Risk Assessment to Action,” in *Emergency Relief Operations*, ed. Robert Cahill, 3–31 (New York: Fordham University Press, 2003); “Systematic Early Warning of Humanitarian Emergencies,” *Journal of Peace Research* 35 (1998): 551–79.
33. *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*, UN Doc. No. S/2005/57 (25 January 2005), http://www.un.org/News/dh/sudan/com_inq_darfur.pdf (accessed 17 October 2006); UN Security Council, *Report of the Secretary-General on the Sudan*, S/2005/57 (New York, 2005).
34. *Convention on Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277.
35. Helen Fein, “The Role of Human Rights and Other Non-governmental Organizations in Recognizing Genocide in Darfur” (paper presented at the International Association of Genocide Scholars, Florida Atlantic University, Boca Raton, FL, 6 June 2005).
36. Walter K. Ezell, “Newspaper Responses to Reports of Atrocities: Burundi, Mozambique, Iraq,” in *Genocide Watch*, ed. Helen Fein, 87–112 (New Haven, CT: Yale University Press, 1992), 89, 90.
37. Kenneth Bacon, “Hiding Death in Darfur: Why the Press Was So Late,” *Columbia Journalism Review*, September/October 2004, 9–10.
38. Edelman, *Constructing the Political Spectacle*, 10.
39. Power, *A Problem from Hell*, 42–5.

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