

10-2017

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### **Recommended Citation**

Meiches, Benjamin (2017) "Speaking of Genocide: Double Binds and Political Discourse," *Genocide Studies and Prevention: An International Journal*: Vol. 11: Iss. 2: 36-52.

DOI:

<http://doi.org/10.5038/1911-9933.11.2.1391>

Available at: <https://scholarcommons.usf.edu/gsp/vol11/iss2/6>

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### Acknowledgements

I would like to thank Chad Shomura for his comments on an early version of this article, both anonymous reviewers for their comments, and the editorial staff of Genocide Studies and Prevention.

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## Speaking of Genocide: Double Binds and Political Discourse

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### Introduction

It is difficult to define genocide. Scholars from Raphael Lemkin to the present have encountered this problem. One recent response to this predicament is an attempt to think of genocide as an “essentially contested concept.”<sup>1</sup> This approach focuses on different definitions of the concept genocide while recognizing the impossibility of ultimately defining the term. At the same time, many genocide scholars have responded to this problem by calling for a stable, rigid, and coherent definition of the concept.<sup>2</sup> These two tendencies exist in obvious tension. What makes this tension remarkable is the fact that many scholars consider genocide a contestable concept and simultaneously articulate a demand for clear, rigid, or coherent definitions of the term. Thus, scholars increasingly subject genocide to seemingly contradictory demands as both contestable concept and analytical term.<sup>3</sup>

The purpose of this article is to explore the implications of this tension for the study of genocide. In particular, the article contends that the act of defining genocide constitutes a form of epistemological practice, which operates in a historical socio-linguistic system. By unpacking how the concept of genocide functions in this context, the article illustrates how competing communicative demands are placed on the concept of genocide and demonstrates how these demands exert formative influence on the scholarly practices.<sup>4</sup> Specifically, the article argues that contemporary references to the contestable or ambiguous nature of genocide give way to an intellectual tendency or habit that I refer to as footnoting. Footnoting consists of two parts: first, a reference to the open, ambiguous or contestable meaning of genocide, and, second, an immediate

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<sup>1</sup> The literature on this point is immense. For a sample of articles see: Ernesto Verdeja, “The Political Science of Genocide: outlines of an emerging research agenda,” *Perspectives on Politics* 10, no. 02 (2012), 307–321; Ann Curthoys and John Docker, “Defining Genocide,” in *The Historiography of Genocide*, ed. Dan Stone (New York: Palgrave Macmillan, 2008), 9–41; A. Dirk Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century’: Genocides of Indigenous Peoples and the Holocaust,” *Patterns of Prejudice* 36, no. 4 (2002), 7–36; David Moshman, “Conceptual Constraints on Thinking about Genocide,” *Journal of Genocide Research* 3, no. 3 (2001), 431–450; Scott Straus, “Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide,” *Journal of Genocide Research* 3, no. 3 (2001), 349–375; Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven: Yale University Press, 1981).

<sup>2</sup> William A. Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (Cambridge, UK: Cambridge University Press, 2012); Guenter Lewy, “Can There Be Genocide without the Intent to Commit Genocide?,” *Journal of Genocide Research* 9, no. 4 (2007), 661–674.

<sup>3</sup> Scott Straus, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa*, (Ithaca: Cornell University Press, 2015); Henry C. Theriault, “Genocidal Mutation and the Challenge of Definition,” *Metaphilosophy* 41, no. 4 (2010), 481–524; Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide*, trans. Cynthia Schoch (New York: Columbia University Press, 2009); Kai Ambos, “What Does ‘Intent to Destroy’ in Genocide Mean?,” *International Review of the Red Cross* 91, no. 876 (2009), 833–858; Belachew Gebrewold, “Defining Genocide as Epistemological Violence,” *Peace Review* 20, no. 1 (2008), 92–99; Martin Shaw, *What is Genocide?* (Cambridge, UK: Polity, 2007); Manus I. Midlarsky, *The Killing Trap: Genocide in the Twentieth Century* (Cambridge, UK: Cambridge University Press, 2005); Barbara Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955,” *The American Political Science Review* 97, no. 1 (2003), 57–73; Henry R. Huttenbach, “From the Editor: Towards a Conceptual Definition of Genocide,” *Journal of Genocide Research* 4, no. 2 (2002), 167–175; Guglielmo Verdirame, “The Genocide Definition in the Jurisprudence of the Ad Hoc Tribunals,” *International & Comparative Law Quarterly* 49, no. 3 (2000), 578–598; Israel W. Charney, “Toward a Generic Definition of Genocide,” in *Genocide Conceptual and Historical Dimensions*, ed. George J. Andreopoulos (Philadelphia: University of Pennsylvania Press, 1994), 64–94; Henry R. Huttenbach, “Locating the Holocaust on the Genocide Spectrum: Towards a Methodology of Definition and Categorization,” *Holocaust and Genocide Studies* 3, no. 3 (1988), 289–303.

<sup>4</sup> Anton Weiss-Wendt, “Problems in Comparative Genocide Scholarship,” in *The Historiography of Genocide*, ed. Dan Stone (New York: Palgrave Macmillan, 2008), 42–70; A. Dirk Moses, “Raphael Lemkin, Culture, and the Concept of Genocide,” in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 19–41; Curthoys and Docker, *Defining Genocide*; Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944).

disavowal or dismissal of this ambiguity for the purposes of genocide research. In footnoting, genocide scholars recognize the semantic inconsistencies of the term, but nevertheless insist on categorical, coherent, or rigid definitions of genocide. Footnoting thus combines the two tendencies present in genocide studies, but forms as a byproduct of a larger communicative field that speaks, writes, and investigates genocide. In other words, footnoting reflects and reproduces tensions in the set of social imperatives caught up with using the language of genocide. As such, scholars who footnote explicitly embrace the ambiguous status of genocide, but also subordinate this ambiguity to the demands for restrictive, hierarchical, or closed definitions of the term.<sup>5</sup> These restrictions constrain theoretical and empirical experimentation and incorporate unconscious assumptions into the study of genocide that transform proposals for redress and programs of inquiry.

The goal of this article is thus not to offer another summary of the fact that genocide is a contestable language, a point already well established by existing literature.<sup>6</sup> Rather, the aim of this piece is to show how the very emphasis on the contestable nature of genocide (and the obsession with the definition of genocide more generally) ignores the fact that the content of a definition is only one dimension of political discourse. Consequently, calls to acknowledge the contestable nature of genocide may inadvertently reproduce other problematic imperatives that constrain the openness of the term and implicitly police practices of knowledge production.<sup>7</sup> By examining the act of defining genocide as part of a socio-linguistic system, the article moves beyond rhetorical studies of genocide discourse in particular institutions such as presidency and legal systems<sup>8</sup> as well as philosophical debates over the normative meaning of genocide.<sup>9</sup> Instead, the article demonstrates how paradoxically the emphasis on the ambiguity of genocide recreates political imperatives that restrict the concept of genocide. As a result, this article maintains that the effort to recognize the contestability of genocide may have less value than some of its proponents claim. Moreover, the article illustrates how the forms of closure associated with contestable definitions of genocide operate on the form rather than the content of genocide research. Put differently, footnoting primarily impacts the set of rules, expectations and norms for how genocide is addressed rather than the elements that compose a specific definition of genocide. While less explicit, these restrictions have significant implications for genocide research that range from homogenizing the definition of genocide to producing a largely ineffective model of intellectual labor with respect to genocide.

The remainder of this article is divided into three sections. The first traces the development of the contestable concepts approach through a brief history of the definition of genocide and shows how the practice of footnoting emerges in this context. The section then turns to the work of three contemporary genocide scholars to describe how the practice of footnoting operates in relationship to an explicit recognition of the contestable nature of genocide. The second section examines

<sup>5</sup> Alexander Laban Hinton, "Critical Genocide Studies," *Genocide Studies and Prevention* 7, no. 1 (2012), 4–15; A. Dirk Moses, "Toward a Theory of Critical Genocide Studies," *Toward-a-Theory-of-Critical-Genocide-Studies*, April 18, 2008, accessed December 6, 2016, <http://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/toward-theory-critical-genocide-studies>.

<sup>6</sup> Anton Weiss-Wendt provides a brilliant summary of the problems with different definitions of genocide, but focuses exclusively on what they include or exclude. Weiss-Wendt, *Problems in Comparative Genocide Scholarship*.

<sup>7</sup> Work in critical genocide studies, such as Christopher Powell's relational concept of genocide, offer a step in this direction because they think broadly about forms of figuration, which affords the concept of genocide different possibilities. Christopher Powell, "What Do Genocides Kill? A Relational Conception of Genocide," *Journal of Genocide Research* 9, no. 4 (2007), 527–547.

<sup>8</sup> Paul Boghossian, "The Concept of Genocide," *Journal of Genocide Research* 12, no. 1–2 (2010), 69–80; Luke Glanville, "Is 'Genocide' Still a Powerful Word?," *Journal of Genocide Research* 11, no. 4 (2009), 467–486; Eran Ben-Porath, "Rhetoric of Atrocities: The Place of Horrific Human Rights Abuses in Presidential Persuasion Efforts," *Presidential Studies Quarterly* 37, no. 2 (2007), 181–202.

<sup>9</sup> Jeff Benvenuto, "What Does Genocide Produce? The Semantic Field, Cultural Genocide, and Ethnocide in Indigenous Rights Discourse," *Genocide Studies and Prevention* 9, no. 2 (2015), 26–40; Antonio Ferrara, "Beyond Genocide and Ethnic Cleansing: Demographic Survey as a New Way to Understand Mass Violence," *Journal of Genocide Research* 17, no. 1 (2015), 1–20; Mathias Thaler, "Political Imagination and the Crime of Crimes: Coming to Terms with 'Genocide' and 'Genocide Blindness'," *Contemporary Political Theory* 13, no. 4 (2012), 358–379; Mohammed Abed, "Clarifying the Concept of Genocide," *Metaphilosophy* 37, no. 3–4, (2006), 308–330.

how the concept of genocide functions as part of a complex socio-linguistic system. Building on the work of Gilles Deleuze and Felix Guattari, the article reveals how concepts thrive through a cycle of variation, reference, and intervention. This slow process of reiteration generates complex patterns, expectations, and habits with respect to the definition and use of concepts.<sup>10</sup> Drawing on the work of Gregory Bateson, this section illustrates how these communicative practices support the emergence of what Bateson calls “double binds,” or traps within apparently open political discourse. The section shows how the practice of footnoting develops as a byproduct of a double bind that unintentionally surfaces from the complex demands placed on the discourse of genocide. The final section concludes by assessing the implications of this double bind for genocide research. It argues that the double bind undermines the value of the contestable concepts approach by hiding a new set of restrictions on genocide research. More importantly, it demonstrates that genocide research may overstate the importance of redefining the concept rather than exploring the historical variation of how genocide is spoken about in political writings, dialogues and debates.

### Definition, Contestation, Footnoting

The concept of genocide has been evolving since its creation. As has been well documented, Raphael Lemkin developed the term after previously proposing the vocabulary of “crimes of barbarity” and “crimes of vandalism” as supplements to the Minority Treaties.<sup>11</sup> Lemkin’s first definition of genocide appears in *Axis Rule in Occupied Europe* where he initially describes genocide as “the destruction of a nation or of an ethnic group.”<sup>12</sup> However, Lemkin also clarified that genocide:

is intended to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal, security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.<sup>13</sup>

Lemkin further complicated the definition by describing multiple techniques of genocide, such as economic, cultural, political, biological and physical destruction, as well as several phases of genocide.<sup>14</sup> This short section of *Axis Rule* continues to support numerous contemporary interpretations of genocide.<sup>15</sup> Studies of the early use of the concept genocide reveal different receptions of Lemkin’s term.<sup>16</sup> The debates about the creation of the UNCG include multiple drafts of the Convention from Secretariat, Ad Hoc, and Sixth Legal committee, which articulate distinct definitions of genocide.<sup>17</sup> These meetings reflect the fact that the exact meaning, scope, and efficacy of genocide were open to explicit debate.

The rise of genocide studies occurs partly in response to the UNCG’s ultimate definition of genocide. Subsequent scholarly approaches have ranged from strictly interpreting genocide as

<sup>10</sup> Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987), 80.

<sup>11</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), 91.

<sup>12</sup> *Ibid.*, 79.

<sup>13</sup> *Ibid.*, 79.

<sup>14</sup> *Ibid.*, 82-86.

<sup>15</sup> Steven Leonard Jacobs, *Lemkin on Genocide* (Lanham: Lexington Books, 2014); Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, ed. Donna-Lee Frieze (New Haven: Yale University Press, 2013).

<sup>16</sup> Alexa Stiller, “Semantics of Extermination: The Use of the New Term of Genocide in the Nuremberg Trials and the Genesis of a Master Narrative” in *Reassessing the Nuremberg Military Tribunals: Transitional Justice, Trial Narratives, and Historiography*, ed. Kim C. Priemel and Alexa Stiller (New York: Berghahn Books, 2012), 104-133; John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008); Samantha Power, “A Problem from Hell”: *America and the Age of Genocide* (New York: Basic Books, 2002).

<sup>17</sup> See Schabas, *Genocide in International Law*; John B. Quigley, *The Genocide Convention: An International Law Analysis* (Aldershot: Ashgate Publishing Company, 2006); Kuper, *Genocide*.

mass murder on the basis of ethno-racial identity, to producing parallel concepts such as genocidal violence or genocidal massacre, to using altogether new concepts like democide, politicide,<sup>18</sup> or ethnocide.<sup>19</sup> Many scholars also began to use genocide to explore forms of mass violence not included in the UNGC. For example, Irving Louis Horowitz, Barbara Harff and Ted Gurr, Frank Chalk and Kurt Jonassohn placed genocide in relation to bureaucratic state violence.<sup>20</sup> In contrast, figures like Tony Barta and Henry Huttenbach linked genocide to colonial violence.<sup>21</sup> In this early phase of genocide studies, the concept was pulled in several directions in order to expand the UNGC's definition.

The muddle of competing definitions of genocide coupled with the Clinton administration's avoidance of the term in Rwanda altered the practice of defining genocide. On the one hand, scholars began to return to the UNGC's original terminology in order to strengthen the possibility of international action. On the other, scholars began to explicitly recognize the essentially contestable and polemical nature of the concept. William Schabas' *Genocide in international law* offers perhaps the best example of the first approach with its extensive exegesis of the various draft proposals for the UNGC, ratification documents, and subsequent judicial uses of the concept.<sup>22</sup> Schabas, however, remains committed to the letter of the law and assumes a relative constancy of terms (and more broadly legal institutions) that makes it difficult to evaluate the role of slight semantic and discursive shifts in the use of the language of genocide over time.

In contrast, a number of scholars including Ernesto Verdeja, Scott Straus, Dirk Moses, David Moshman, and Christopher Powell highlight the essentially contested nature of genocide.<sup>23</sup> The contestable concepts approach acknowledges the definitional inconsistencies of genocide, emphasizes the negative impacts of restrictive definitions, and marks the ideological divisions at work in different notions of genocide. Moreover, for some scholars, the value of the contestable concepts approach was its ability to support more comprehensive academic research rather than legal prosecution while others thinkers sought to expand the notion of genocide to include previously excluded, discounted, or invisible genocides. Thus, from the onset, the contestable concepts paradigm was intended to fulfill multiple functions.

The tendency to footnote contestability surfaces in this context. Increasingly scholars acknowledge the ambiguity of the concept genocide, but nonetheless make claims regarding common sense or consensus definitions of the term. This practice makes reference to the openness of the concept, but also insists on a more restrictive definition of the term. The appeal to "collective" or "fundamental" meanings of the term is thus a method of moving from ambiguity to specificity. In this way, footnoting offers a shortcut through the thickets of contestation that enables unproblematic research.

To provide a better picture of how footnoting functions, I briefly describe the recent work of Scott Straus, Manus Midlarsky, and Martin Shaw. I outline each author's theoretical argument with respect to genocide and highlight the practice of footnoting. The habit varies in each case. Midlarsky and Straus, for example, make stronger appeals for limited definitions of genocide. Shaw, in contrast, places considerable emphasis on the openness of the definition. Footnoting nonetheless occurs in each case. It is important to note that each of these scholars offers valuable contributions to the study of mass violence and my use of their work is not intended to malign their insights, but to illustrate a broad discursive habit in the study of genocide and to assess the

<sup>18</sup> Harff and Gurr, *Toward Empirical Theory of Genocides and Politicides*; Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven: Yale University Press, 1990).

<sup>19</sup> Sémelin, *Purify and Destroy*; Adam Jones, *Genocide: A Comprehensive Introduction*, 2nd ed. (New York: Routledge, 2010); R. J. Rummel, *Death by Government* (New Brunswick: Transaction Publishers, 1997); Kuper, *Genocide*.

<sup>20</sup> Chalk and Jonassohn, *The History and Sociology of Genocide*; Harff and Gurr, *Toward Empirical Theory of Genocides and Politicides*.

<sup>21</sup> Tony Barta, "After the Holocaust: Consciousness of Genocide in Australia," *Australian Journal of Politics & History* 31, no. 1 (1985), 154–161; Huttenbach, *Locating the Holocaust*; Charney, *Toward a Generic Definition of Genocide*.

<sup>22</sup> Schabas, *Genocide in International Law*.

<sup>23</sup> Verdeja, *The Political Science of Genocide*; Christopher Powell, *Barbaric Civilization: A Critical Sociology of Genocide* (Montreal: McGill-Queens University Press, 2011); Moses, *Conceptual Blockages*; Moshman, *Conceptual Constraints*; Straus, *Contested Meanings*.

consequences of that habit for how we think about genocide. In this respect, I address each scholar solely through the prism of his theoretical discussion of genocide.

In his recent work, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa*, Scott Straus excavates what he calls “the logic of genocide.”<sup>24</sup> Straus asserts that “a book about genocide requires a *clear operationalization* of the term,” but he continues, “the meaning of genocide remains *contested*, the essential differences between genocide and other forms of political violence remain *unclear*, and the terms remain embedded in a legal framework.”<sup>25</sup> However, Straus defines genocide as “a form of large-scale, group-selective violence, or what [he] term[s] ‘mass categorical violence.’”<sup>26</sup> Straus defends this definition on several fronts. First, he describes genocide as involving a different logic than mass violence. This logic eliminates rather than simply undermines targeted populations. Second, Straus contends that genocide includes selective rather than indiscriminate violence. This distinction differentiates mass violence from the purposive character of genocide. Third, Straus stresses that genocide occurs on a massive scale. Massacres or isolated acts of violence may involve horrific violence, but they do not involve the systemic destruction of a group throughout a given territory. According to Straus, scale, purposiveness, and destructive logic distinguish genocide from mass violence and enable an analysis of the material capacities and ideological forces that promote genocide.

Straus briefly explores Lemkin’s work in order to clarify his position. Straus notes the complexity of Lemkin’s writings but also states that “none of these definitions is completely satisfactory to most scholars who devote themselves to the study of genocide, and many have sought to redefine the concept or to develop cognate concepts. The main points of disagreement are the nature of groups and the nature of violence.”<sup>27</sup> Straus is referring to ongoing discussions over what groups (cultural, gender, etc.) or forms of violence constitute genocide. Straus continues: “[t]hese debates matter, but regardless of one’s conclusions, it is still possible to distill a *core meaning of genocide*, and it is *intentional group destruction*. Etymologically, that is the *central idea- the killing of groups*. Lemkin’s core formulations are simply that, such as the ‘destruction of a nation or of an ethnic group.’”<sup>28</sup> Setting aside small differences, such as the possibility that “intentional group destruction” is not perfectly synonymous with “the killing of groups,” Straus’ invocation of Lemkin grounds his decision to describe genocide in terms of scale, purposiveness, and destructive logic by linking these features of genocide to a shared understanding of the concept that has been part of the term since its creation. Straus’ use of Lemkin’s work allows him to both engage with the contestable nature of genocide and still reference a “core meaning” of genocide. In particular, Lemkin establishes an etymological legacy that connects different definitions of genocide across disparate social contexts. These connections enable Straus to move from the vexing, multidimensional nature of genocide to a narrower, consolidated research agenda. In this way, Straus engages in all three parts of the footnoting habit: explicitly citing definitional ambiguity; gesturing toward a core meaning or sense of the term; and setting aside contestation in favor of clear research.

Manus Midlarsky’s *The Killing Trap: Genocide in the Twentieth Century* relies on a similar argumentative structure. Midlarsky starts from the observation that genocide requires two conditions, which he terms *threat*, the danger allegedly posed by a minority group to a state, and *vulnerability*, the exposure of a minority to mass violence.<sup>29</sup> In Midlarsky’s reading, genocides take place when a vulnerable minority group is linked to an exaggerated threat typically following economic or territorial loss in a war. States develop genocidal behavior out of the imprudent impulses of realpolitik gone awry when they cannot objectively assess security threats.<sup>30</sup> Midlarsky contends that this approach makes genocide “a contingent event,” but one that recurs in consistent

<sup>24</sup> Straus, *Making and Unmaking Nations*, 18.

<sup>25</sup> *Ibid.*, 17, my emphasis.

<sup>26</sup> *Ibid.*, 17.

<sup>27</sup> *Ibid.*, 19.

<sup>28</sup> *Ibid.*, 20.

<sup>29</sup> Midlarsky, *The Killing Trap*, 4.

<sup>30</sup> *Ibid.*, 92-97.

patterns.<sup>31</sup> The virtue of Midlarsky's theory is that it provides a plausible explanation for why genocides develop in some contexts rather than others. It supports empirical observations about the specific set of variables likely to promote genocidal conduct. In this respect, Midlarsky's work constitutes an important contribution to a growing literature on the undersides of security politics and the dangers of realism.<sup>32</sup>

The salience of Midlarsky's argument depends on how he defines genocide. Unlike Straus, Midlarsky does not develop his understanding of genocide directly from Lemkin. Rather, he defines genocide by assigning it particular features. First, Midlarsky calls genocide a "matter of state policy."<sup>33</sup> Second, he identifies the victims as "non-combatants of a particular ethnoreligious identity."<sup>34</sup> Midlarsky combines these features to describe genocide as "the state-sponsored systematic mass murder of innocent and helpless men, women, and children denoted by a particular ethnoreligious identity."<sup>35</sup> While Midlarsky acknowledges alternative definitions of genocide, he believes that his "has the advantage of including only those cases that are *almost universally acknowledged* to be genocides—the Holocaust, for example—in contrast to partial efforts at mass murder that have other intentions."<sup>36</sup>

Here, the appeal to near-universal recognition implicitly endorses a consensus model of political discourse. Genocide means state-based mass murders because that is what the majority of people who employ the term mean by it. The consensus model tacitly admits that the meaning of genocide is subject to change (and therefore contestable) since a shift in the consensus would alter the meaning of the term. However, despite numerous disputes in genocide studies, Midlarsky treats this consensus as already achieved. Perhaps unsurprisingly, his argument determines that only the Armenian, Rwandan, and Nazi campaigns constitute instances of genocide.<sup>37</sup> Ultimately, Midlarsky footnotes genocide by acknowledging the open-character of genocide as a concept while appealing to a cogent, general definition of the term for the purposes of scholarship.

Martin Shaw's work offers another example of footnoting. Shaw places greater emphasis on Lemkin's original writings in order to illustrate how genocide develops as a complex social phenomenon. For Shaw, "one of the reasons why much research fails to historicize genocide is because it has reified a particular historical pattern as a timeless norm."<sup>38</sup> Wary of the centrality of the Holocaust to genocide scholarship, Shaw argues against identifying genocide with intentional mass murder. This strategy overemphasizes "specific national conditions, rather than of the changing general patterns of international relations over time."<sup>39</sup> Moreover, Shaw remains sensitive to the historical transformation of the concept: "genocide is not a 'thing' which exists outside human discourse, so there is no absolutely right or wrong definition of the phenomenon."<sup>40</sup> At first glance, Shaw appears to break with Straus and Midlarsky, but he continues "nevertheless, we *must* be able to provide *clear and coherent rationales* for the definitions we adopt."<sup>41</sup> Here, Shaw repeats the gesture of acknowledging the contestability of genocide, but simultaneously defends a

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<sup>31</sup> *Ibid.*, 6.

<sup>32</sup> Frank W. Wayman and Atsushi Tago, "Explaining the Onset of Mass Killing, 1949-87," *Journal of Peace Research* 47, no. 1 (2009), 3-13; Michael Colaresi and Sabine C. Carey, "To Kill or to Protect Security Forces, Domestic Institutions, and Genocide," *Journal of Conflict Resolution* 52, no. 1 (2008), 39-67; Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the 20th Century*, (Ithaca: Cornell University Press, 2005); Marie L. Besançon, "Relative Resources: Inequality in Ethnic Wars, Revolutions, and Genocides," *Journal of Peace Research* 42, no. 4 (2005), 393-415; Ervin Staub, "Genocide and Mass Killing: Origins, Prevention, Healing and Reconciliation," *Political Psychology* 21, no. 2 (2000), 367-382.

<sup>33</sup> Midlarsky, *The Killing Trap*, 22.

<sup>34</sup> *Ibid.*, 22.

<sup>35</sup> *Ibid.*, 10.

<sup>36</sup> *Ibid.*, 23, my emphasis.

<sup>37</sup> *Ibid.*, 27-30.

<sup>38</sup> Martin Shaw, *Genocide and International Relations: Changing Patterns in the Transitions of the Late Modern World*, (Cambridge, UK: Cambridge University Press, 2013), 4.

<sup>39</sup> *Ibid.*, 4.

<sup>40</sup> *Ibid.*, 5

<sup>41</sup> *Ibid.*, 5, my emphasis.

standard of cogency and coherence to determine the merits of competing definitions of the term. In doing so, Shaw endorses the same model of knowledge production held by Straus and Midlarsky that endows the researcher with the capacity to craft definitions of genocide irrespective of political context. In doing so, Shaw reiterates the practice of footnoting.

Shaw's earlier work, *What is Genocide?*, also illustrates this point. In this text, Shaw defines genocide as "a form of violent social conflict or war, between armed power organizations that aim to destroy civilian social groups and those groups and other actors who resist the destruction."<sup>42</sup> This definition, according to Shaw, links genocide to armed power organizations that destroy non-combatant groups and shifts genocide away from particular identities and toward a social construction of mass violence characterized by the civilian/non-civilian distinction. Shaw positions this definition of genocide as a complement to Lemkin's account. As he puts it, Lemkin did not offer "a fully plausible account of the relations of socially destructive ends and violent or murderous means...[Lemkin] failed to clarify that, while genocide involved much more than killing, violence and its threat lay behind all genocidal policies [...] the deficiency of Lemkin's listing approach meant that this relationship between violence and social destruction remained to be fully grasped."<sup>43</sup> Despite acknowledging the openness of genocide, Shaw resorts to a specific definition based on an authoritative reading of Lemkin. This interpretation includes valuable new dimensions of genocide such as social relations and the structure of conflict. Yet, it replicates the same structure as Midlarsky and Straus by footnoting the ambiguity of the concept.

These three scholars point to the contestability of genocide, but nonetheless ground their definition of the concept in connection with a normative call for cogent research. This habit presumes that resolving the ambiguity of the concept will have a productive effect for the politics of genocide. This assumption tends to ignore that a definition of genocide amounts to little more than a single performative invocation of the term, which operates within a larger, complex socio-linguistic system.

### Concepts, Systems, Double Binds

The invocation of the ambiguous, contestable, or open nature of genocide represents an important development in genocide discourse. However, simply acknowledging the contestable nature of genocide begs the question how do contestations actually take place? Put differently, what forces, social conditions, or beliefs encourage different interpretations of or challenges to the language of genocide? Certainly, at different historical moments, such as the formation of the United Nations or the international pressure for Indigenous Rights, conflicts over genocide occurred between well-established political interests, but what about more subtle, everyday variations in the uses of the term? Indeed, it seems quite easy to acknowledge the contestability of genocide while calling for a narrow version of the concept as the cases of Straus, Midlarsky and Shaw demonstrate. Addressing these questions requires examining how concepts form and function in a larger communicative assemblage and evaluating whether this assemblage introduces limits on genocide discourse and contestation.

From the perspective of a communicative system, the concept of genocide is little more than a series of phonetic or grammatical elements placed in a connection or series with one another. The synthesis of these elements produces significance in a social context that makes them meaningful and, therefore, actionable. However, concepts do not form in a vacuum, but in relation to events, historical associations, and other ideas.<sup>44</sup> In the case of genocide, Lemkin's campaign for the term has been relatively well documented, but this process of etymological genesis constitutes only one dimension of the creation of a concept. In order for a concept to become a feature of political discourse it has to compress impressions, complex associations of sense, experience, and thought, into communicable semantic content that remains sensible across discrete historical moments.<sup>45</sup>

<sup>42</sup> Shaw, *What Is Genocide?*, 154.

<sup>43</sup> *Ibid.*, 23.

<sup>44</sup> Gilles Deleuze and Felix Guattari, *What Is Philosophy?*, trans. Hugh Tomlinson and Graham Burchell (New York: Columbia University Press, 1996), 18-23.

<sup>45</sup> Manuel De Landa, *A Thousand Years of Nonlinear History* (New York: Zone Books, 1997); Brian Massumi, *A User's Guide*

To do so, concepts undergo a constant process of variation as their different linguistic, sonic, grammatical, aesthetic, and ideational parts are reiterated and altered over time. The sociologist Gabriel Tarde explains:

when, for instance, in a group, the need is felt of expressing a new idea by a new word, the first individual who finds an expressive image fitted to meet that need has only to pronounce it, when immediately it is echoed from one neighbor to another, till soon it trembles on every lip in the group in question...a special need felt by the human beings of the group in question has found satisfaction in this imitative repetition, which enables them, as a concession to their indolence (the analogue of physical inertia) to escape the trouble of inventing for themselves.<sup>46</sup>

In Tarde's reading, concepts are itinerant and iterative.<sup>47</sup> The content of a concept, its formal attributes, definitional features or representational elements, and the expression of a concept, the actual occurrence of a concept in sonorous, inscriptive, or performative forms, are inseparable and open to continual variation.<sup>48</sup> This reiterative character of concepts suggests that both their formal features, such as the terms racial, ethnical, and national in the UNCG, and their expressive or performative dimensions, such as the presumption genocide commands rhetorical force as a term of art, develop slowly in a nonlinear fashion. It also suggests that trying to define an essence to a concept like genocide is impossible because the concept's meaning is perpetually differing and deferred.<sup>49</sup> If a concept develops through recurrent invocation then the concept's meaning cannot be contained by a series of propositions, but is a byproduct of reiterative cycles of use linked to specific historical periods that articulate the concept in relation to determinate problems.

In other words, concepts are a species of pragmatics that function as both reference and intervention.<sup>50</sup> The concept genocide readily exemplifies this duality. Since Lemkin, the term functions both as a reference to a contested series of identities, violences, and histories and, at the same time, serves as a means of political intervention and legal action. In this capacity, concepts occasionally possess a peculiar power to transform political relations. For example, the concept of war references a range of violent actions. However, a statement declaring war, mobilizing the concept in a pattern of speech, suddenly modifies the relations of a community. Soldiers march, bullets fire, lives perish. The concept acts as a quasi-cause of this process by actualizing a latent potential in the community.<sup>51</sup> Deleuze and Guattari call this process an "incorporeal transformation" to describe how words transform political assemblages.<sup>52</sup> This capacity of concepts disappears if they are treated solely as a representational instrument that scales with worldly phenomena. This understanding strips concepts of agency by failing to register how they affect observations, interventions, and behaviors.<sup>53</sup> In the context of genocide, for instance, the invention of the concept radically transformed Raphael Lemkin's life. Suddenly an obsession with a word drew Lemkin into an exhaustive, alienating, and ultimately self-destructive pursuit of the UNCG.<sup>54</sup> More critically, contemporary uses of genocide have perhaps overemphasized the transformative efficacy of the term out of a sense of moral urgency associated with its use. This creates reverberations throughout the discourse on genocide and changes the practice of definition.

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*to Capitalism and Schizophrenia: Deviations from Deleuze and Guattari*, (Cambridge, MA: MIT Press, 1992); Nathan Salmon, *Reference and Essence* (Princeton: Princeton University Press, 1981); William Labov, *Sociolinguistic Patterns* (Philadelphia: University of Pennsylvania Press, 1972), 260-325.

<sup>46</sup> Gabriel de Tarde, *The Laws of Imitation* (New York: BiblioBazaar, 2009), 32.

<sup>47</sup> Deleuze and Guattari, *What Is Philosophy?*, 111.

<sup>48</sup> Deleuze and Guattari, *A Thousand Plateaus*, 43-50.

<sup>49</sup> Jacques Derrida, *Margins of Philosophy*, trans. Alan Bass (Chicago: University of Chicago Press, 1982), 12.

<sup>50</sup> Deleuze and Guattari, *A Thousand Plateaus*, 89-91.

<sup>51</sup> De Landa, *A Thousand Years of Nonlinear History*, 235.

<sup>52</sup> Deleuze and Guattari, *A Thousand Plateaus*, 80.

<sup>53</sup> Massumi, *A User's Guide to Capitalism and Schizophrenia*, 23.

<sup>54</sup> See Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention*.

Thinking about concepts as part of a system does not mean they freely float through social space. There are, of course, structures, orders, and constraints that delimit what concepts can do. As the linguistic K. David Harrison contends “languages are highly complex, self-organizing systems in constant flux... We all participate in constant change, but no individual speaker controls the speed, trajectory, or character of the change. A process of emerging complexity-not yet well understood-gives a language its constantly changing and characteristic shape.”<sup>55</sup> As a component of a communicative system, concepts become subject to various techniques of governance and control. These techniques include the development of proper references, regulations on speech and conduct, specific qualifications, and acceptable modes of utterances amongst other mechanisms. No single socio-linguistic system exclusively governs the meaning or use of concepts since, to paraphrase an insight from linguistics and psychoanalysis, “there is no metalanguage.”<sup>56</sup> The development of a common meaning is thus a byproduct of practices of force that directs particular, contestable uses of a concept.

In the context of genocide, the production of a homogeneous use or meaning of the concept requires an extensive effort to bolster, regulate, and normalize habits of speech, practices of reference, and the legitimacy of invocation. These efforts have historically focused explicitly on legal interdiction, but they also involve implicit social sanctions that support the forcefulness of specific patterns of intervention and reference.<sup>57</sup> My purpose here is not to exhaustively describe nor condemn these practices but simply to point out that the homogenization of a concept is a political effect.<sup>58</sup> Force, whether through prohibition, violence, ban, or other mechanisms, offers one method of regulating concepts, but it is particularly ineffective since it produces subterranean meanings, doublespeak, and other forms of resistance.<sup>59</sup> The emergence of the contestable concepts paradigm does a good job highlighting the limitations of unilateral definitions of genocide. At the same time, due to the open nature of communicative systems, subtler mechanisms of linguistic control may develop from less visible habits and tendencies of conceptual regulation that nonetheless govern our sense of how, when, and why concepts may be used.

Gregory Bateson identifies one of these mechanisms, which he calls a “double bind.”<sup>60</sup> Double binds occur in complex communicative systems when the system generates statements or demands that necessarily conflict with one another. Responding to one demand thus makes it impossible to fulfill the second and vice versa.<sup>61</sup> This constitutes the first bind. The second bind builds on the first, but at another logical level. Where the first bind involves conflicting messages the second bind develops because of an imperative that forbids recognition of the conflictual nature of the demands. The two dimensions of the bind thus do not formally contradict one another, but preclude any successful communicative response. The double bind thereby produces an unbearable situation where both response and non-response constitute a form of communicative failure with potential repercussions. In Bateson’s classic example, a mother’s loving verbal response to her child may be conflicted by her general lack of attention or apparent irritation.<sup>62</sup> Similarly, a statement such as “you must choose” implies a choice at one level, but also implicitly forecloses choice (the opportunity not to choose). At another level, this statement might also be the subject of yet another

<sup>55</sup> K. David Harrison, *When Languages Die: The Extinction of the World’s Languages and the Erosion of Human Knowledge* (Oxford: Oxford University Press, 2007), 207; For more on linguistic control see Robert Phillipson, *Linguistic Imperialism*, (Oxford: Oxford University Press, 1992).

<sup>56</sup> Jacques Lacan, *The Seminar of Jacques Lacan: Crucial Problems for Psychoanalysis, 1964-1965*, trans. Cormac Gallagher, 2015, accessed December 6, 2016, <http://www.lacaninireland.com/web/wp-content/uploads/2010/06/THE-SEMINAR-OF-JACQUES-LACAN-Updated-4-Feb-20112.pdf>, 26.

<sup>57</sup> Examples of state control over the definition of genocide vary from Israel’s clarification that genocide refers exclusively to the Nazi extermination of European Jews to American reservations.

<sup>58</sup> Tarde, *The Laws of Imitation*, 114.

<sup>59</sup> See James Scott, *Domination and the Arts of Resistance: Hidden Transcripts*, reprint ed. (New Haven: Yale University Press, 1992).

<sup>60</sup> Gregory Bateson, *Steps to an Ecology of Mind: Collected Essays in Anthropology, Psychiatry, Evolution, and Epistemology*, (Chicago: University of Chicago Press, 2000), 209-238.

<sup>61</sup> *Ibid.*, 210-211.

<sup>62</sup> *Ibid.*, 217-221.

social demand such as the expectation that we always exercise our personal freedom in making decisions. Because everyone always makes their own decisions, acknowledging the conflicting demands, and therefore the compromised nature of a decision, violates implicit social rules. In this way, a double bind emerges from a series of injunctions without visible conflict. Due to this structure, double binds exert a high degree of control over the statements made in a specific communicative context.<sup>63</sup>

While Bateson developed the double bind as an account of schizophrenia, the notion has more appeal as a model to explain control in socio-linguistic systems. In particular, an explicit call for conceptual openness or intellectual freedom may be subtended by expectations of caution, limitation or closure. With respect to concepts, the double bind creates a dilemma between recognizing the ambiguous dimensions of language and the necessity of clear vocabulary. Genocide studies frequently marks this tension with respect to the concept. However, a second bind concerns the moral or ethical substance of these terms. In this case, the discourse of genocide involves an often-unarticulated expectation that the vocabulary of genocide operate as a language of moral imperative. These imperatives foreclose the possibility of vagueness or uncertainty with respect to the concept and undermine recognition of the conflicts at work in genocide studies. The double bind thus appears as an unintended byproduct of conflicting demands circulating in a communicative system, which all participants in the system encounter.<sup>64</sup> In this respect, the double bind constitutes a form of collective enunciation, which fosters isomorphic statements from different scholars (or activists) with separate agendas in response to similar communicative pressures. In this way, double binds exert formative power on the habits of entire political and epistemic communities. In the context of genocide, this double bind accounts for how individual scholars turn to a similar set of enunciative practices without explicit guidance, rules, or limits on how they communicate about their subject.

The practice of footnoting both reflects and reproduces a double bind in genocide discourse. The practice starts by acknowledging the open or contestable character of the concept genocide, but links this to the dilemma of formulating an adequate research agenda based on clear terms. The notion of the contestable concept consequently generates a tension between a demand for conceptual openness and a demand for analytical clarity. However, this tension confronts another injunction, at a different level, with respect to moral strictures surrounding the use of the term genocide. Put differently, at one level, genocide scholars grapple with the openness and precision of language, and, at another, the need to respond to essential, yet indeterminate moral imperatives to condemn, stop or prevent genocide. The tension between these two sets of conflicting demands develops from broader communicative expectations placed on genocide: it must serve as both analytical referent and a tool of socio-legal intervention. The practice of footnoting is both a symptom and an augmentation of this double bind.

This observation begs the question: what prompted the development of this double bind within genocide scholarship? In part, the structure of the discursive field surrounding genocide provides the answer to this question. The numerous variations amongst genocide concepts forge a multiplicity. This multiplicity is marked by consistencies, such as the concern for events of social destruction, and inconsistencies, like the focus on killing versus cultural destruction.<sup>65</sup> Using the term genocide brings this multiplicity to bear on statements with significant consequences. Any invocation of the term is in proximity to other relations, meanings, and associations. This is evident in the numerous causal associations between genocide and state failure, leadership, totalitarianism, biopolitics, human rights violations, biological racism, and so on.<sup>66</sup> This multiplicity also makes

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<sup>63</sup> Ibid., 280-282.

<sup>64</sup> Ibid., 214-216.

<sup>65</sup> On consistency and concepts see Deleuze and Guattari, *What Is Philosophy?*; For cultural genocide Lawrence Davidson, *Cultural Genocide* (New Brunswick: Rutgers University Press, 2012); On mass killings see Valentino, *Final Solutions*.

<sup>66</sup> For state authority as cause of genocide see Rummel, *Death by Government*; on state collapse see Colaresi and Carey, *To Kill or to Protect: Security Forces, Domestic Institutions, and Genocide*; on bureaucratic racism see Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca: Cornell University Press, 2001); on the framework of human rights Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, 1973).

reference to genocide inherently fragile. At the same time, the discourses surrounding genocide consistently mark the relationship between the concept and absolute moral imperatives. Put differently, there is an implicit presupposition that the concept of genocide ought to do something politically in response to moral demands. From Lemkin onward, genocide must operate as *analytical object*, *moral predicament* and *actionable problem*. The concept thus wrestles with a tension between a real dispersion in discourse, a scholarly effort to use an abstract concept descriptively and, at another level, foster moral injunction and political intervention. A double bind consequently governs the use of the concept by making each invocation inherently problematic, but nonetheless compel scholars to endorse the term while making different uses of the word subject to social sanction.

Footnoting reflects a kind of exhaustion with the condition of the double bind. On one hand, the practice redoubles the demand for analytical clarity irrespective of the contestability of a scholar's given definition. On the other hand, footnoting links the clarity of research to the moral force of the concept and, in effect, moralizes the process of formulating the concept genocide. Unfortunately, this practice also reproduces the conditions of the double bind because each individual scholar's definition simply recreates the ambiguity of term since no definition of genocide ultimately satisfies either the demand for moral clarity or analytical precision. Moreover, the creation of additional definitions deepens the instability of the concept, the implicit sense of failing to respond to moral standards, and the contestability of different practices of definition. Footnoting thus amplifies demands for additional procedures for defining genocide while recreating and deepening the ambiguity that defines the concept. In other words, the double bind reifies the process of forming the definition as a site of discursive control without actually dictating the exact standards or content of genocide studies.<sup>67</sup> It acts as a filter on political discourse, treating specific conceptual articulations as legitimate and others as peripheral.

Footnoting undermines the force of contestability by directing a demand at the *formative process and need for definitional clarity* rather than the *specific content of the concept*. By this I mean, footnoting controls the concept not by dictating what events constitute genocide, but by reinforcing a set of subtle norms, dispositions, and expectations with respect to how genocide scholarship is conducted. It ultimately leverages normative force over the habits of an epistemic community rather than over the term itself. In this way, footnoting undermines the value of acknowledging that genocide is a contestable concept because it invisibly supports the development of new normative tropes within genocide studies. These approaches do not explicitly endorse rigid definitions of the term, but nonetheless adopt highly isomorphic practices of definition. In this way, the heterogeneous definitions allegedly opened by recognizing the contestable nature of genocide may never appear.

To formalize the point: genocide studies functions as if *there is no proper content to the study of genocide, but that there is a correct form*. By this I mean, the particular attributes or definitional features of genocide remain in dispute, but the process of forming these definitions, how we engage, respond to, invoke or express them develops a new set of rules. These expressive limitations circumscribe the definitional content of genocide by isolating the epistemic community that establishes legitimate interpretations of genocide. Consequently, contestation occurs within a very narrow set of historical, political or social experiences. These experiences produce invisible parameters for how we study, think, or conceptualize episodes of genocide. In this sense, footnoting constitutes an evolution from the errors of a previous generation of scholars that redefined genocide against the UNCG, but resorted to their own strict terminology. Nonetheless, the practice of footnoting slowly establishes a consistent link between the act of defining genocide and transparent meaning or methodology. What emerges is thus heterogeneity of content, more events and forms of violence are considered a part of genocide, but a homogeneous set of rules for *how* we formulate statements about genocide.

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<sup>67</sup> The debate between Steven Katz and Ward Churchill over the proper application of 'genocide' illustrates this desire. See Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas 1492 to the Present* (San Francisco: City Lights Publishers, 2001); Steven T. Katz, *The Holocaust in Historical Context: the Holocaust and Mass Death Before the Modern Age* (Oxford: Oxford University Press, 1994).

The homogeneity of form has significant implications within the larger domain of genocide politics. It indirectly constrains how genocide can be thought about, simplifies comparative analysis, and renders discursive limitations more invisible. It affects a less perceptible dimension of discourse by altering how relations are formed between elements of genocide research rather than the content of the terms themselves. For instance, in my previous examples, Midlarsky's work condenses the history of genocide to three dominant episodes and describes the mechanisms of crude realism and paranoid statecraft that underlie these events.<sup>68</sup> The capacity to distinguish these cases, for Midlarsky, hinges on a definition that insulates 'state-based mass killing' from contestation. Midlarsky's invocation of these examples is not properly contestable because he has only offered his own albeit authoritative terms for the field.<sup>69</sup> In this way, his approach insulates the definition from critique. Similarly, Straus' emphasis on the role of founding narratives and their constraining effect on political leadership develops from his own definition of genocide.<sup>70</sup> The definition crystallizes the level or set of actors incorporated into Straus' analysis. The creation of postcolonial founding narratives in connection to, for instance, larger processes of decolonization, local political traditions, the self-determination movement or structural changes in international relations that do not easily suit his frame of analysis. His definition establishes parameters of study that highlight key agents and structures in the study of political violence. However, Straus only arrives at his definition by asserting the demand for a scholarly formalism in order to insulate his definition as a starting point for further study. Form thus safeguards the set of relations Straus wishes to observe and the subsequent mechanisms of his study.<sup>71</sup> These examples illustrate how the double bind secures specific epistemological and political observations by linking normative expectations to the development of individual research agendas. This process of 'collective enunciation' produces new limits that will continue to shape genocide scholarship.

### Conclusion

The emergence of the practice of footnoting has several implications for genocide studies. First, restrictive conceptions of genocide influence the production of knowledge. For example, consider the debate over cultural genocide.<sup>72</sup> Studies that equate genocide with mass killing generate results linked exclusively to contexts of mass death irrespective of the social or cultural effects of state policies.<sup>73</sup> Many potential facets of destruction associated with genocide including linguistic death, physical displacement, coercive educational settings, drop out of this conception of genocide and, hence, the set of events under scrutiny.<sup>74</sup> This affects not only the results of the study by limiting them to specific historical episodes, but also has a greater effect on the constitution of genocide as an object of knowledge. By removing many complex social dynamics connected to mass violence, restrictive conceptions of genocide exclude the broader set of agents and structures from analysis. These restrictions obscure legacies, such as colonialism, or long-term dynamics, such as bureaucratic violence, which evade the temporal, spatial, and ontological boundaries traditionally associated with political decision-making.<sup>75</sup>

On the flip side, adopting a definition of genocide like social death, as the late philosopher Claudia Card proposed, also limits genocide research.<sup>76</sup> In this case, the vision of the social operates perfunctorily to deny particular groups access to the status as genocidable subjects. Card's work specifies, for instance, that corporations and other functional arrangements do not meet her criteria

<sup>68</sup> Midlarsky, *The Killing Trap*, 23.

<sup>69</sup> *Ibid.*, 24.

<sup>70</sup> Straus, *Making and Unmaking Nations*.

<sup>71</sup> For an analysis of how social context shapes interpretations of mass violence see Mahmood Mamdani, "The Politics of Naming: Genocide, Civil War, Insurgency," *London Review of Books*, March 8, 2007.

<sup>72</sup> See Davidson, *Cultural Genocide*.

<sup>73</sup> See Valentino, *Final Solutions*.

<sup>74</sup> Harrison, *When Languages Die*; Barta, *After the Holocaust*.

<sup>75</sup> Mark Levene, *Genocide in the Age of the Nation State: Volume 1: The Meaning of Genocide* (London: I. B. Tauris, 2008).

<sup>76</sup> Claudia Card, "Genocide and Social Death," *Hyapatia* 18, no. 1 (2003), 63–79.

for status as a social entity.<sup>77</sup> The concern for social death thus hides a determination about how institutions become socially meaningful. Unsurprisingly, the original debates over the UNCG included objections to categories such as religious genocide due to their voluntary nature, an argument that has an eerie similarity to Card's position.<sup>78</sup> These criteria, in turn, inform the set of examples she discusses and, crucially, the ethical parallels she draws between genocide, torture, and other forms of radical evil.<sup>79</sup>

These examples demonstrate how implicit presuppositions govern the use of the concept of genocide and frame broader research agendas. Moreover, the effort to footnote the ambiguity of genocide is consistently linked to calls for a more robust, clear or useable concept for the purposes of research. In this regard, footnoting separates knowledge from the *a priori* conditions, expectations or presuppositions that affect the creation of knowledge. The call for an unproblematic paradigm for genocide research derives from an exclusive, often normative sense of how the term functions and what it means. Unfortunately, the history of genocide is littered with express efforts to disregard, disavow, or willfully ignore claims of marginalized groups in colonial, racial, religious, gendered, and other contexts. However, if genocide, as a political concept, circulates in an open system then there is no way to determine the term's meaning in advance. Yet, the practice of footnoting, in a sense, exploits this openness to depoliticize the possibilities of contestation. It does so by generating new imperatives that predetermine the set of acceptable approaches or formulations for genocide research. Whether or not this is the most productive for long-term inquiry into mass violence remains an open question.<sup>80</sup>

The second implication concerns conceptual mechanics. Many genocide scholars presume that crafting a definition of genocide translates directly into a meaningful proposition. This assumption is shared by larger institutional entities that work to end genocide such as Human Rights Watch or the Responsibility to Protect. A definition of genocide presumably distinguishes the set of cases where genocide occurs and is worthy of intervention. In short, the definition determines how to spend money, time, and energy. By making this determination, genocide rhetoric can presumably incite powerful states or global constituencies to intervene in reaction to the vulnerability of a particular group. In this way, genocide research helps to highlight cases of mass violence that do not receive scrutiny and redirect attention to these causes.

The problem here is that genocide research has focused too much on *why* we should embrace genocide discourse and not examined *how* genocide actually functions in political discourse. To date, genocide discourse has not been examined in relation to the actually existing technologies, networks, and social systems that produce and popularize the concept of genocide. The debate over the virtue of different meanings of genocide tends to craft simplistic models to explain the actual discursive effects of the concept in socio-linguistic systems. The focus on better definitions for the purpose of research consequently overstates the impact of perfecting or clarifying the meaning of the term. If, however, concepts thrive in complex socio-linguistic systems then the model actually has the issue backwards. Major advances to scholarly definitions may have minimal or profound political influences, but this depends entirely on the concept's functioning in a particular assemblage or social context. This suggests that the study of genocide should proceed from concrete statements, rhetorical ensembles, and social organizations in order to examine how the formation of semantic propositions produces political change. This would begin with a rejection of the model of politics that assumes that simply speaking about genocide constitutes moral or viable political action in favor of assessing larger discursive practices that make moral claims about genocide research sensible.

Third, variation is a key part of conceptual life. As the above analysis indicates, concepts thrive by changing in response to new events, circumstances, and conditions. In short, concepts develop

<sup>77</sup> Claudia Card, *Confronting Evil: Terrorism, Torture, Genocide* (Cambridge: Cambridge University Press, 2010), 246-252.

<sup>78</sup> Kuper, *Genocide*, 26, 189.

<sup>79</sup> To be clear, I am not suggesting that either of these cases is wrong. I find Card's work illuminating in many respects and the forms of knowledge gathered about genocide using death rates and indexes valuable. My point is to show how divergent analyses of genocide reproduce a similar structure.

<sup>80</sup> For an overview of these lines of inquiry see Alexander Laban Hinton, Thomas La Pointe, and Douglas Irvin-Erickson, eds., *Hidden Genocides: Power, Knowledge, Memory* (New Brunswick: Rutgers University Press, 2013).

in relation to the social and affective attachments that they form to contemporary life. In a world increasingly driven by a micropolitics flush with sentiment, short-term emotional response, and widely distributed images of suffering, genocide may end up as a buzzword for describing mass death and reacting accordingly.<sup>81</sup> As a homogeneous symbol bereft of an experimental dimension, genocide becomes a lost vocabulary tied to the distant memory of historical events or a term potentially interchangeable with terrorism, cruelty, and crimes against humanity in an endless chain of semiotic equivalence. My point is not that the homogeneity of genocide discourse reduces some unique meaning harbored in the concept, but rather that the actual functioning of genocide discourse, the real connections it forms in concrete assemblages of speech, writing, and action, has consequences for the politics of responding to mass violence. Scholars often assume the terms they use have a ready-made meaning, which they alone access and dictate. We adopt a juridical relationship with our concepts, telling others what they mean, sorting the variety of legitimate cases, and presuming our dictates matter to future use of the concept. Unfortunately, according to this analysis, the concept of genocide exceeds scholarly intentions or legal dictates. It does so not on account of the slippery character of the signifier, but because the concept genocide functions on the basis of a process of collective enunciation whose reiterative reproduction occurs through discursive and non-discursive networks. It is consequently impossible to predetermine the virtue or vices of these invocations.

Stuck in a debate over legitimate cases and meanings, caught in a double bind, footnoting operates as if there was a unilateral relationship between intellectual statement and political intervention, between genocide studies and subsequent responses to mass violence. While this article does not precisely outline the communicative systems surrounding genocide, the model of knowledge production presumes far too much about both our capacity to control language and language's impact on politics. The emergence of genocide within a socio-linguistic system and the growing invocation of this term amongst a plurality of communities require a reassessment of the history of the concept of genocide. Such a history would need to attend to genocide as a discursive object that exploded into contemporary politics barely seventy years ago and continues to transform our sense of international law, global ethics, and academic scholarship.

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<sup>81</sup> The relationship between technics, technology, politics and language is vast and evolving. Nonetheless, genocide scholarship has not sufficiently engaged this new assemblage of collective enunciation. For an overview see Bernard Stiegler, *States of Shock: Stupidity and Knowledge in the 21<sup>st</sup> Century*, trans Daniel Ross (Cambridge, UK: Polity, 2015); Mark B. N. Hansen, "Living (with) Technical Time From Media Surrogacy to Distributed Cognition," *Theory, Culture & Society* 26, no. 2–3 (2009), 294–315; Nigel Thrift, "Remembering the Technological Unconscious by Foregrounding Knowledges of Position," *Environmental and Planning D: Society and Space* 22 (2004), 175–190.

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