Genocide as social death: A comparative conceptual analysis

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Abstract

This article explains the concept of genocide by means of the concept of social death. Its central findings are that genocide is an extreme form of social death; the intentional causing of social death is the central evil of genocide; social death is what distinguishes genocide from mass killings; the physical killing of the members of the target groups is not essential for genocide; there are more sophisticated forms of genocide by which the members of the target groups are not killed physically, but instead "only" particular ties, relationships and social structures, which are of vital importance for the survival of the target groups as such, are destroyed. This article also explains what kind of groups are targets of genocide, the claim that genocide is an ethically laden concept, and some implications of this fact. On this basis, it provides a comparative analysis of some phenomena closely connected with genocide: crimes against humanity, totalitarianism, terrorism and ethnic cleansing. It reflects also upon the genocidal effects of military mass rapes. *What is genocide?* is a crucial question. Consequently, sharpening our minds for the recognition of genocide, including by providing an adequate definition that is appropriately tested, is a vital task. Providing such a definition is the main aim of this article.

KEYWORDS: genocide, targets of genocide, social death, ethnic cleansing, mass rapes, Claudia Card

Introduction

In this paper, I deal with the concept of genocide. My main aim is to contribute to a better or clearer understanding of this important concept. I will attempt to do so by means of the concept of social death, following (in this respect) a substantial part the ideas elaborated by Claudia Card (2010).

The explicit understanding and definition of genocide are essential in order to determine whether a particular phenomenon is a genocide or not, and for a better understanding of its relationship to some other related phenomena belonging to other concepts: war crimes, crimes against humanity, ethnic cleansing, terrorism, totalitarianism, mass killings, mass (and systematic) sexual violence, etc. For that reason, I will attempt to discern the concept of genocide from those concepts.

In the major part of the paper, I deal with a conceptual analysis and conceptual distinctions. Those distinctions significantly enrich and enlighten our discussion. They enable us to perceive the salient aspects of our topic that would otherwise remain hidden. Any debate without knowledge about those distinctions and taking them into account is inherently inferior.

The main method I use in the paper is therefore a (comparative) analysis of the concept of genocide. I use relevant (contemporary) literature on genocide, and I test findings and hypotheses in the light of concrete historical and contemporary phenomena. Of course, I take into account also the legal texts that deal with the concept of genocide and other relevant concepts.

My own general and basic view, which provides the background of all my consideration in this paper, can be best described with the term *solidary personalism*. Solidary personalism can be perhaps best understood in comparison to nihilism and instrumentalism, which form its antipode (cf. Žalec 2011a). Nihilism is a condition of an individual, a group, a society, culture in which all experiential and intellectual horizons are completely levelled. A nihilistic subject cannot honestly experience one thing or being as more valuable than any other. As nihilism is practically impossible, it is usually transformed into some kind of instrumentalism. Instrumentalism is the attitude that does not regard a particular person as a goal, but (at best) just as a means. To the contrary, for a personalist, every person is always a goal. The main aim of a personalist is the flourishing of every person. Nihilism and instrumentalism are the fundamental problems (of our age). They seriously hinder or even halt the cultivation of dialogue, solidarity, tolerance etc. All mentioned goods and their relatives are essential moments of personalist attitudes, ethics, relationships and existence. The fundamental (ethical) task (of our age) consists in (finding ways for) the sufficient and adequate diminishing or limitation of the scope of the instrumentalist reason and practice.

The most appropriate attitude towards (cultural) identities might be called (using epistemological terms) "critical realism" (cf. Žalec 2011b: 112). Neither the attitude that takes identities as untouchable or overestimates their importance or superiority – nor the stance that diminishes their importance or even considers them as something that should be destroyed or eliminated because they are only used for some bad aims, to instrumentalise people's attachments, affections, emotions for certain goals (political, economic, etc.) – are proper. Neither the subordination of some individual concrete persons to some (collective) identity nor the "nihilistic" attitude to identity are acceptable. Collective or moral identities[1] are necessary for the flourishing of persons; they have their irreplaceable value that should be respected yet they should also develop and transform themselves. Their good and acceptable elements should be accepted, and some other parts should be discarded or modified.

One of the most central and basic background premises in this article is that genocide (and other related phenomena with which I deal, e.g. crimes against humanity, mass murders, mass sexual violence, war crimes, totalitarianism) represents

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[1] For further elucidation of the concept of moral identity see Strahovnik 2011, pp. 69–72.

a violation of the ethics of solidary personalism. Hence, the negative/positive factors of solidary personalism are *eo ipso* positive/negative factors of genocide and of other abovementioned crimes. A similar thesis may be asserted *mutatis mutandis* regarding the correlations between nihilism and instrumentalism on one hand, and genocide and its cognates on the other. Consecutively, we may say that factors of solidary personalism/ nihilism/instrumentalism may be considered as important factors and signs or indicators of genocide (or its cognate phenomena). Unfortunately, this article would be far too long if we also dealt with the factors of genocides.[2]

There are two further topics that are very important for increasing knowledge about genocides. The first is the sources of information about genocides.[3] The second is (the elimination of) the (common) prejudices[4] about the factors, agents or elements of genocide(s). Neither of those two themes will be discussed in this article. The reason is the same as in the case of the factors of genocide.

Definitions of genocide

UN Convention definition

First introduced by Raphael Lemkin in the 20th century, the term *genocide* is not very old. The international legal definition of genocide is given in the second and third articles of the (UN) Convention on the Prevention and Punishment of the Crime of Genocide from 1948.[5] The second article describes the psychical and the physical element of genocide. Both elements must be present for a crime to be described as genocide. The psychical element is the intention to destroy (completely or partially) a national, ethnical, racial or religious group as such. The physical element comprises five types of actions: a) killing of the members of the group (of a certain nation); b) causing severe physical or psychical damage to the members of the group; c) intentional exposure of the group to such life conditions that lead to its complete or partial destruction; d) establishing of measures with the intention to prevent new births in the group; e) forcibly transferring of children from one group to another. The destruction of groups, which is the aim of genocide, therefore does not mean only killing, but also the destruction of the life conditions or factors of the group on economic, political, territorial, cultural and other levels or areas.

The third article of the convention enumerates five types of criminal actions: a) genocide, b) a plan for the execution of genocide; c) direct and public promotion of the execution of genocide; d) an attempt of genocide; e) participation in genocide.[6]

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[2] For the factors of genocide see for instance Heidenrich 2001, pp. 73-85, Jones 2011, ch. 16. I dealt with them in Žalec 2011c, p. 302 and the following.

[3] The sources of the information of genocide are considered in Heidenrich 2001, pp. 74–9. Cf. also Žalec 2011c, pp. 306-7.

[4] About prejudices and mistaken conjectures regarding genocide see Heidenrich 2001, pp. 80–5, also Žalec 2011c, pp. 304–5.

[5] The Convention is available on http://preventgenocide.org/law/convention/

[6] http://www.preventgenocide.org/ba/pravnadefinicijagenocida.htm

It is also important to take into account the following words written by Claudia Card:

> So worded, the definition does not require that the intent succeed in destroying a group, even in part. Yet intolerable harm can be done if any of the enumerated acts is carried out. Any committed with the requisite intent is sufficient to ground a charge of genocide. The definition does not say explicitly that these are the only acts that might ground the charge. But neither does it provide a general principled way to identify other acts that might do so (Card 2010: 6368–77).

However, the definition of genocide from the UN Convention is deficient and insufficient. We can agree with the following citation from the journal *Zaveza:*

> As it can be seen from the definition formulated by the Convention of the UN, genocide means destruction of certain national, ethnical, racial or religious groups of people. Some think that political, economic and cultural groups are excluded since the Convention does not speak directly about them (compare the 2nd article). Anyway it is worrying that political, economic and cultural genocides are not taxatively enumerated, because there are not enough other international legal mechanisms which would protect from different regimes and repression those who think differently. Partly this gap was filled with the European convention about human rights[7] from 4th of November 1950 which is limited mostly to the European countries and therefore without real impact on the World situation.[8]

The need for a broader definition of genocide

I also agree with Leo Kuper (1981; see also Jones 2011: 16–7) that the definition of genocide in the Convention of the UN is not fully adequate, and that its greatest deficiency is that political groups are not on the list of those groups that are protected, since political differences are one of the most important reasons for genocides (besides racial, national, ethnical or religious).[9] Genocides against racial, national, ethnical and religious groups are (at least in many cases) the results of political conflicts or they are at least closely connected with them. Nevertheless, Kuper thinks that it is inappropriate to change the meaning of the term that is internationally adopted and used. However, because such a definition of the term does not enable properly discussing the problem, Kuper has decided to use the term *liquidating or exterminating actions* against particular groups. I consider

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[7] Available at: http://www.media-forum.si/slo/pravo/pravni-viri/evropska-konvencija.pdf

[8] http://www.zaveza.si/index.php/revija-zaveza/92-zaveza-t-04

[9] Furthermore, Chirot and McCauley (2010) wrote that the biggest genocides of the 20th century were ideological, not ethnical. I agree with this, yet we should acknowledge that things are very complex and that they are changing and that we should bear in mind also some other important facts as the following: 'After the Cold War, ethnicity and religion came to be more important causes of conflict than ideology. Additionally, most post-Cold War conflicts were intrastate affairs involving some issues of autonomy for certain regions or groups. In a period of changing conceptions of national identity, many people involved in violent conflict began to identify with something closer to their daily experience than the nation, such as clan, ethnicity, or region, leading to a breakdown of centralized authority. Collective violence was characterized by factionalization and diffusion of power. Conflicts of this period did not in general lend themselves to mediation by existing formal and government mechanisms, including international law or precedent (based as it was in the state system)' (Lorey & Beezley 2002: xii).

this term to be inappropriate because it is too loose. Therefore, I will use the word *genocide* in the present text as referring also to the destruction[10] of political groups and classes. At the same time, I would like to add that we should consider the reason that the definition in the Convention of the UN is so deficient. Perhaps simply because it is true that political and class differences are so basic and allow the perpetrators of genocide to avoid the charge of genocide by claiming that they did not carry out genocide, but rather murdered people on the basis of political and class affiliation and not on the basis of those which are enumerated in the definition of genocide in the Convention of the UN.

Lemkin's definition

In his book *Axis Rule in Occupied Europe* (1944), Lemkin defined the term *genocide* as denoting: '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' (Lemkin 1944: 79; quoted by Card 2010, loc. 6397–403).

We can agree with Card that there is a certain – not unimportant – difference between Lemkin's definition of genocide and the one we find in the UN convention:

> Unlike the convention, Lemkin does not understand genocide as consisting in any of a set of enumerable acts, *each* of which might have the intent to destroy a group "in whole or in part." Rather, Lemkin understands genocide as an overarching *plan*, and it is to the plan, rather to the specific kinds of action taken to implement it, that the requisite intent attaches. If the plan and its implementation are collective, so is the relevant intent… Activities that further such a plan take their genocidal character from that of the plan to which they contribute (Card 2010: 6403–13).

Forms of genocide

There are several forms of genocide. In the literature, many terms can be found (cf. Jones 2011: 26–9): classicide, democide, ecocide, eliticide, ethnocide, femicide/feminicide, fratricide, gendercide, judeocide, linguicide, memoricide, omnicide, politicide, poorcide and urbicide.

Therefore, for instance, the mass killings in Slovenia in spring 1945 were classicide – the term used by Mann (2005: 26) – or politicide[11] – the term used by Harff and Gurr (cf. Harff 2003).[12] Politicide is an intentional action in order to destroy a particular

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[10] For completion of the survey of the accounts regarding the question 'What is destroyed in genocide?' see Jones 2011: 29–33.

[11] Socialist Yugoslavia signed the Convention and ratified it. Its Legal Code defined genocide as a punishable and imprescriptible crime against humanity. Furthermore, in the Legal Code of the Republic of Slovenia genocide is included and penalty prescribed for it.

[12] Alas also in the modern Slovene liberal democratic state a large group of people (more than 25,000) was "condemned" to some form of social death. This is a group of the so-called erased citizens who were erased from the civil registry of the Republic of Slovenia in February 1992. In July 2012, the Great Chamber of the European Court of Human Rights delivered its decision finding Slovenia in violation of the European Convention on Human Rights. Cf. Sebastian Kohn, Victory for Slovenia's erased citizens at the European Court of Human Rights, available at: http://www.statelessness.eu/blog/victory-slovenias-erased-citizens-european-court-human-rights and http://en.wikipedia.org/wiki/The_Erased. For a more detail consideration of the case of the erased see Beznec (2007) and Kogovšek Šalomon (2012).

political social group. Barbara Harff and Ted Gurr think that revolutionary one-party states are the most frequent perpetrators of politicide (cf. Jones 2011: 28).

When researching genocides, it is very important to take into account structural aggression or violence, i.e. destructive relationships that are part of economic or social systems (cf. Jones 2011: 47). An example of such structural violence is "poorcide" (this term was first used by Udayakumar (1995) to describe the genocide of poor people through structural poverty) which is carried out through neoliberal globalisation. Regardless, researching genocide should include the understanding of structural violence as a genocide mechanism. A large part of structural violence is a part of societal *background*. And this is exactly what we will do in the following part of the article. We will focus our attention on the conditions of the vitality of groups. The destruction of those conditions is the aim of genocide.

Genocide as social death

A very important contribution to the understanding and defining of the concept of genocide has been given by the philosopher Claudia Card. The central role in her definition of genocide is played by the concept of social death: 'Social death is not necessarily genocide. But genocide is social death' (Card 2010: 5559–61).

In this article, I will follow the understanding of the term social death as found in Card's book. Let us read the following quotation in order to better understand the way she uses the term *social death* and its implied opposite *social vitality*:

> Social vitality is interpersonal. An individual can experience social death without others experiencing it, too. But for an individual to have social vitality, others must have it. I borrow the concept of social death from Orlando Patterson's work on slavery (Patterson 1982: 5–9). Patterson argues that slavery, as historically a substitute for slaughter of the conquered in war, simply substituted one kind of death for another, social death for mass homicide. Slaves in the Americas who descended from kidnapped Africans were born socially dead, cut off from intergenerational social connections in both directions, past and future. They were, as he put it, natally alienated. In genocides, survivors experience social death, to a degree and for a time. Some later become revitalised in new ways; others do not. Descendants of genocide survivors, like descendants of slaves who were kidnapped, may be "natally alienated" no longer able to pass along and build upon the traditions, cultural developments (including languages), and projects of earlier generations (Card 2010: 6090–100).

Social death can have several different origins (slavery, illness, banishment, self-chosen isolation, etc.). It is not always something bad, but in the case of genocides we are dealing with social death, which is evil. As Card put it:

> Genocide is an extreme of social death. The intentional production of social death in a people or community is the central evil of genocide. That is not only when genocide is mainly cultural but even when it is homicidal on a

massive scale. Social death distinguishes the evil of genocide, morally, from the evil of other mass murders. Even genocidal murder can be understood as an extreme means to the primary goal of social death. Social vitality exists through relationships, contemporary and intergenerational, that create contexts and identities that give meaning and shape to our lives (Card 2010: 5567–72).

These relationships may be of more private nature (with relatives, co-workers, etc.) or less personal and mediated by social institutions (educational, religious, political etc.) (Card 2010: 5570–4). Loss of social vitality is a deep loss. Not all mass murders or killings have as its aim such a loss. Card cites as an example the 1995 Oklahoma City bombing by Timothy McVeigh: 'It was an atrocity, but not a genocide' (2010: 5574–7). And of course not all mass murders that have as their goal the loss of social vitality of individual victims are successful in really carrying out their aim. Here is Card's example, which confirms this thesis:

> The Czechoslovakian Jews of Terezin from the "family camp" at Auschwitz who walked into the gas chambers singing the Czech national anthem and the *Hatikva* clung to their social as well as spiritual vitality to the very end … Nevertheless, the Nazi genocide robbed them of descendants who might have shared it (Card 2010: 5577–85).

Taking into account the centrality of social death for genocide, we realise that killing of the members of a target group is not essential for genocide. There are (more sophisticated) forms of genocide that do not physically kill the members of a target groups, but "only" destroy certain ties, relationships and social structures which are of vital importance for the survival of target groups:

> Forcibly sterilizing the women or the men of a target group, or forcibly separating children from their parents for re-education to assimilate them in another group, can be genocidal in both aim and effect (Card 2010: 5584–90).

What kinds of groups are targets of genocide?

Genos in genocide is today widely understood as people (Card 2010: 5773–6), but what kind of people? In order to answer this question, Card uses the conceptual distinctions between aggregate, structural group and social group. These distinctions are based on the work of Iris Marion Young.[13] People are not just an aggregate, nor just a structural group. A structural group is 'a serial[14] collectivity united by the relationships of members to externals, which gives them common interests' (Card 2010: 5774–80).

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[13] Cf. Card 2010, Part I, Ch. 1, subchapter 3, 4 and Part II, Ch. 9 (especially subchapter 3).

[14] The term *series* for a kind of social group was first used by Jean-Paul Sartre (1976). His example is people listening to the radio. Young used the term *serial collectivity.* Her example is women (see Young 1997). Serial collectivities are unified by externalities. In the case of women, such externalities are – according to Young (1997) – the sexual division of labor and enforced institutionalised heterosexuality (Cf. Card 2010: 1929–32).

Thus, as Cards noticed, the occupants of the Twin Towers on 9/11, for instance, were not a people. Rather

> a people is a *social group* in Young's sense, that is, a collectivity united by internal relationships and traditions, such as a common language and practices. Relationships that constitute a people include connections in kinship and citizenship as well as cultural and social relationships created by such things as a common literature, cuisine, humor, and by sharing in the creation and maintenance of laws and traditions. These practices and relationships create the social vitality that gives meanings to the lives of members of peoples (Card 2010: 5782–7).

Therefore, one might conclude that social groups are the proper targets of genocides. However, the matter is not so simple. Today, it is the Holocaust that is taken by the majority as the main paradigm of genocide. However, what kind of group did the Jews, as the target group of the Holocaust, constitute? Certainly not a social group, but rather a biological group:

> [T]he target of the Nazi genocide was not defined consistently as either a social group (united by internal relationships) or a structural group (united by relationships to externals) but was something of a hybrid in that it included both people who self-identified as Jewish and people who did not although they bore a variety of relationships to people who did. The apparatus of the Holocaust targeted more than Jewish people when it defined "Jewish" at least partly in terms of biological ancestry, rather than cultural heritage. A biological group is not a people (Card 2010: 5792–7).

We may further illuminate the nature of genocide if we compare different groups and events: the terror over gays and the extermination of gay communities in the Third Reich, the massacre in Columbine High School in 1999, and the destruction of the Ku Klux Klan. Card argues that we are dealing with genocide in the first case, and not in the third. What are her reasons for such a claim?

In the first case, the Nazis forced gays to wear discriminatory pink triangles, and they put them in the concentration camps. Thus, they detached gays from their communities and relationships that gave meanings to and shaped their lives. That was enough to cause the social death of gays. Of course, those gay communities were not solid, stable, multigenerational and multi-layered in other respects (as, for instance, in the case of the Jewish communities), but still they performed the function of shaping and giving meaning to lives of gays, the function of social vitality, so we may speak about a sort of genocide in the case of gays' destiny in the Third Reich.

Regarding the second example, Card does not give a definitive and explicit answer, but rather an answer by formulating a necessary condition of genocide. The correct answer to this question 'depends on the nature, extent, and depth of the social vitality created by the ties uniting those who spent so much time in that high school. What contribution did that vitality make to the meanings of their lives?' (Card 2010: 5892–34).

Genocide is an ethically laden (and therefore in a sense relative) concept

What about the Ku Klux Klan? Why is the destruction of Ku Klux Klan communities not genocide? They create the identities of people; they shape people's lives and give meaning to them: the lives of some people wither (in a sense) after the destruction of those communities. The justification for the negative answer in the case of the Ku Klux Klan can be put succinctly: 'Forcibly imposed social death of a group is not genocidal if the group itself is an evil' (Card 2010: 5856–8).

Whether we are dealing with genocide or not in the case of social death of a particular group, it depends on whether the group in question is evil in itself, whether its basic principles, code, ethics as such promote evil:

> The judgment that a group is an evil must be understood as the judgment that what basically defines the group is evil, that evil practices are so essential to it that they could not be eliminated without eliminating the group (Card 2010: 5856–1).

Still another aspect of the evil of genocide, from the perspective of the prosperity of civilisation and humanity:

> A presupposition of the evil of genocide might be that ethnic, racial, national, religious, and relevantly similar groups need to be protected in order to secure the potential for development of the goods of civilization of humanity. There is no such need to protect evil organizations such as Murder, Inc.

A similar thought is found in Lemkin's *Axis Rule* (Op. cit., 5906–11). Card concludes:

> In sum, if social death is central to genocide, the concept of genocide does capture something that was not already captured by existing war crimes and crimes against humanity. Relationships internal to a group – cultural, political, educational, familial, linguistic, religious – that turn what might otherwise be an aggregate into a community are destroyed or seriously degraded. The harm members suffer is a loss of context and identity that give meaning and shape to their lives and would have given meaning to their deaths. That loss is not captured by previously existing war crimes or crimes against humanity. There is, further, a loss to humanity in the destruction of human potential (Card 2010: 5923–1).

It follows from the above that the concept of genocide is ethically laden. In the last instance, ethics decides what genocide is and what it is not. Now we can understand why people refuse to accept the use of the term genocide to denote their activities even when they themselves describe the activities as extermination. Genocide is already by definition something bad, evil, while extermination is not. Extermination can be even something morally good in the case of extermination of something bad.

There are two losses that are specific for genocide (comprehended as essentially

involving social death): 1) the loss of the context or community which gives meaning and form to the lives of the people who are victims or targets of genocide; 2) the loss of humanity because of the loss of (particular) human potential.

Whether a particular activity is interpreted as genocide or not depends on the moral evaluation of community that is the target of the activity: whether the community in the case is itself evil, whether it can be converted, whether it has in itself the potential for good or evil, whether it should be protected or destroyed in order to cultivate or protect creation, production and development of the goods of humanity and civilisation. Yet what people see as good or bad (in these regards) is (or may be) relative, their judgment and estimation differ. Therefore, it should not be surprising that the views and judgments on whether particular activities and processes are genocides also differ.

Thus for instance the extermination of class enemies for communists was not a genocide, many of the Christians of the Middle Ages would not have said that the extermination of pagans or heretics was immoral (and thus was not a genocide), and for the Nazis the extermination of the Jews was not a genocide. Thus, also in the cases of the extermination in the Old Testament according to many Jews and Christians are not genocide because that extermination was commanded by God. What God commands cannot be morally wrong. Moreover, what God commands is morally good and obligatory; not obeying God's command is wrong. Keeping those people alive would mean disobeying God's command and would be therefore morally wrong. Of course, somebody can stubbornly insist on ethically neutral definition of genocide, but this is not in accordance neither with our intuition (genocide is wrong by definition) nor by the legal definition of genocide which defines it as a crime.

Let me at the end of this chapter summarise my view, based on Card's reflections, concerning the relationship between the concepts of social death, genocide and evil. Such a summary is needed in order to avoid some possible misunderstandings or misinterpretations.

In short, I think that an activity directed to a social group aiming at social death of the members of this group is evil and (hence) genocidal if the group in the case is not evil in itself (in Card's sense of the word) and/or if the protection of the group is necessary for the prosperity of humanity. Furthermore, I think that if the group in the case is evil in itself then social death carried out against it is not evil and (hence) not genocidal. However, from all that it does not follow that if a group is not necessary for the prosperity of humanity then social death against it is not genocidal. Only the "fact" that a group is not necessary for the prosperity of humanity is not a sufficient reason for claiming that social death against it is not genocide. Moreover, I think that the fact that a group is evil in itself is not only sufficient but also a necessary condition for claiming that an activity directed against it, aiming at the social death of this group, is not genocidal. Neither legal definitions nor moral intuitions – both suggesting that genocide is necessary morally wrong – force us to accept some other (additional) necessary conditions for social death being genocidal. It follows that any activity directed at the social death of a group is genocidal if the group in the case is not evil in itself. This last proposition implies that no group that should be protected for the sake of the prosperity of humanity is evil in itself.

I have established that the concept of genocide is ethically laden concept. This in itself does not mean that what genocide is and what it is not is relative, since it does not imply that which is ethical and that which is not ethical are relative. However, it is a fact that very often the same activity (aiming at social death of the members of a group) is ethically differently perceived: some people find it moral and others find it immoral. From our definition of genocide, it follows that some people think that this activity is genocide and some other that it is not. Thus, I am only claiming that what genocide is and what it is not is relative in this epistemological sense. I am not claiming that what is moral and what is not moral is relative in some objective sense and hence that what genocide is and what it is not is relative from some objective point of view. In fact, I think that it is not but this question is not of my concern in this paper.

Genocide and some concepts related to it

Crimes against humanity, terrorism, auto-genocide

By certain measures, the extensions of the concepts of crime against humanity and genocide overlap. However, there is a difference: the aim of crimes against humanity is not to destroy (totally or in part) a particular group, as it is put in the Geneva Convention from 1948, but rather to perform extensive and systematic offences against the target group. Genocides differ from war crimes in that they are not limited only to war time; they can take place also before and after a war, therefore also in times of "peace" (Cf. Bassiouni 2003: 536).

There is no universally accepted definition of terrorism, but there is some wide consensus about its characteristics. Terrorism has social and political aims. The goal of unpredictable terroristic violence is to undermine the norms of behaviour, laws and ways of fighting, to frighten, destabilise, dehumanise, humiliate, demoralise etc. There are always three parts involved in terroristic attacks: attackers, victims of the attacks, and the third party for which the attacks are meant in order to frighten, destabilise etc. it (cf. Schmemann 2003).

In the case of genocides, there is no such third party. Quite to the contrary, in fact: public knowledge about genocides is not desired; perpetrators of genocides want to keep their deeds secret. Perhaps the best example demonstrating this thesis is Cambodia under the Khmer Rouge. First, they banished all the strangers and closed the country, almost hermetically.[15] Then the genocide could start, and indeed it did start, taking dimensions and forms which are almost beyond imaginable.

The events in Cambodia provide an interesting case for the conceptual analysis of genocide. Some experts think that we should not denote them as genocide

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[15] Cambodia, Rwanda, Turkey (genocides of Armenians), mass killings immediately after the World War II in Yugoslavia, Darfur etc. provide the evidence for the thesis that too low or inadequate support provided by the international community is an important positive factor of genocide (cf. Heidenrich 2001; Žalec 2011c; 304). This is also the reason that the authorities that perform genocide usually try to close the country as much as possible – though they are never totally successful and there is always some information which overcome the barriers (cf. Heidenrich, op. cit.).

taking into account the fact that the Khmer were killing other Khmer. The perpetrator was not somebody else who tries to destroy other nation, ethnical or religious group or community, i.e. the definition of genocide according to international law. However, such a position contradicts to common reason and also to our understanding of genocide. The Khmer Rouge were performing not only massive killings among their own people but also the destruction of the foundations of Cambodian culture: family, religion (Theravada Buddhism), and village. They caused not only physical death of around one fifth of the Cambodian population but also the social death of many others who survived. Primo Levi (2003) used the word *auto-genocide* in the case of Cambodia, which I find highly appropriate.

Totalitarianism

Totalitarianism and genocide are closely connected because totalitarian regimes as a rule carry out genocides. This fact suggests a conjecture that the connection between the two phenomena is not coincidental. In this chapter, I will present the explanation why totalitarianisms are genocidal.

There is a little agreement among theorists about the answer to the question what totalitarianism really is (cf. Maier 2004; Martinjak 2010).[16] Nevertheless, we generally may say that the term denotes social systems in which the rulers control all areas of life in society and where no sphere of society is autonomous. The Soviet Union (especially under Stalin) and Nazi Germany are usually taken as examples of a totalitarian regime. Cambodia under the Khmer Rouge is another good example.

As said above, totalitarian regimes as a rule perform genocide, and our three examples provide much engaging evidence for this thesis. Therefore, we may reasonably conjecture that the relation between totalitarian societies and genocides is not just accidental, but how can this be explained?

A convincing explanation can be provided by using the theory of Franz Neumann (cf. Neumann 1964), which I apply in the explanation that follows. To understand every societal phenomenon, we must take into account three factors or elements: economic, social and psychological; they must be considered in their mutual interaction and interdependence and always regarding their concrete historical situation. If we take the examples of Stalin's Soviet Union or Hitler's Germany, we must be aware that in both cases there was a great need to integrate citizens to smooth over tensions and conflicts in society and to create some identity that would strengthen the dictatorship. In both cases, we may say that there were no economic interests that could integrate a sufficient part of population (and enable the other two goals) nor were there any such social relations. Nazis used the ideology of folk community, and Bolsheviks that of a classless society. They were actually both delusions, yet they both worked. In order to explain their efficacy, we must deal with the psychological explanation in which the emotion of fear plays the crucial role. Fear was directed to some more or less imaginary enemy, and concrete people were then denoted as concrete examples of that enemy. In Nazi Germany, the enemy was

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[16] About the basic and general characteristics of totalitarian thinking see Juhant 2002: 42–3.

called "Jews" and in the Soviet Union (and in communist countries in general) "a class enemy". The Nazi movement activated fear of certain groups in society and directed it to destructive actions that were legitimised by the identification with the *Führer*. Similar things happened in Stalin's Soviet Union. The consequence was genocide or classicide. Therefore, we have the following elements that lead to genocides in totalitarian systems: the need for integration of citizens, smoothing away the tensions and conflicts in society and creating of some identity that could strengthen the dictatorship; the lack of sufficient economic or social factors for achieving of those goals; the presence of fear from social enemy (which is intentionally and systematically created and cultivated by the rulers); the identification with the leader that legitimises the crime of genocide.

The paradox of these totalitarian systems is that while they were not able to survive without enemy (which performed the integrating and other two functions), they simultaneously attempted to eliminate this enemy by any means necessary. However, this is not the only paradox connected with genocide. Let us turn to another one known from the more recent history.

Genocide, ethnic cleansing, and systematic mass rapes: Sperm as a biological weapon

Ethnic cleansing is the use of force, terrorisation or intimidation in order to chase away the adherents of some ethnical, religious or other group from a particular territory. Its aim is (by means of killing, destruction, threats and humiliation) to render return or restitution impossible. Thus, for instance, in the time between April and August 1992, Serbs banished more than 700,000 Muslims from 70 percent of Bosnian territory. However, such massive migrations and deportations are not new phenomena: Greeks were banished from Turkey and Turks from Greece, Serbs from Croatia between 1941 and 1945, Germans from Czechoslovakia, Palestinians from the occupied areas, etc. (Cf. Cohen 2003: 123).

Ethnic cleansing is a wide concept that does not refer only to one but to more criminal acts or procedures (ibid.: 124). In January 1993, the UN Commission of Experts handed over to the UN Security Council a report in which ethnic cleansing is defined as: 'rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area' (Cf. Card 2010: 6338–41).

It is known that in former Yugoslavia ethnic cleansing was carried out by means of killings, torture, arbitrary arrests and imprisonments, extrajudicial killings, rapes and sexual aggression, imprisoning of the civil population, intentional military attacks on civilians and civil areas, non-human destruction of property. The final report of the Commission from May 1994 also adds the following crimes: mass killings, maltreatment of civil and war prisoners, use of people as a shield, destruction of cultural heritage, robbery of private property, attacks on hospitals, medical personnel and places marked by a red cross or red crescent (Cf. Cohen 2003: 124).

James W. Nickel (2001) distinguishes between genocidal and non-genocidal forms of ethnic cleansing. However, what is the criterion of ethnic cleansing being genocidal? According to Nickel a policy is not genocidal if it does not aim at mass killings.

(Cf. Card 2010: 6334–6) But this criterion is not sufficient. As Card wrote:

> a policy is genocidal if it aims at destroying (or foreseeably destroys) an ethnic, national, religious, or other appropriately defined group. If that can be done without mass killing, then ethnic cleansing by means of expulsion can, in principle, also be genocidal (Card 2010: 6336–8).

Further, I agree also with the following sentences:

> Removal of an ethnic group from a territory need not be genocidal if there is a decent chance that those expelled will survive to become re-established as basically the same group at other locations (ibid.: 6341–4).

In this article, I will not enter into a thorough discussion regarding in which concrete cases there really was such a "decent chance". I would note, however, that in the case of Muslims from Bosnia I think that there was no such decent chance.

Let us now turn our attention to mass rapes as a means of genocide. In the last war in Bosnia, many Muslim women were victims of rapes committed by Serbs. Those rapes were massive and systematic. They took at least three forms: 1) Serbs came, they publicly raped Muslim women and killed them; 2) Serbs came, they publicly raped Muslim victims and left. The next day they came back and offered Muslims the opportunity to safely leave the territory; 3) rapes took place in special rape camps where Muslim women were regularly and systematically raped, for a longer period of time, by many different men. They were raped with the intention of making them pregnant. The victims were raped even after they conceived, to the time when the abortion was no longer possible. Then the victims were released, often accompanied with the words: 'Go and give birth to a Serbian child.'

Some authors (cf. Card 2010: 6363–6) think that all three forms of military rapes are genocidal. I am interested particularly in the third kind of rapes. The "paradox" by this kind of rape consists in the fact that the increasing of the members of a group was used as a means to contribute to the realisation of genocide over this group. The following question arises: Are those rapes genocidal and what are the reasons for an affirmative answer? I say in advance that I think that the correct answer on this question is 'Yes'. However, what are the reasons?

As first, I think that we should recall some of the characteristics of genocide that we have mentioned above. The first is that mass killings are not necessary for genocide to take place. It is enough that one destroys or attacks the life conditions or foundations of the group. These foundations can be of political, social, economic, biological, physical, religious or moral nature (cf. Card 2010: 6421–4). Second, an action or a procedure is genocidal if it aims to destroy some group or if it foreseeably destroys it. Thirdly, (according to Lemkin's definition) in the case of genocide there is a plan to annihilate the target group. Let us now consider our question according to these characteristics of genocide.

Due to the work done by some Italian journalists, providing the data from the meeting of the Serb army officers in a Belgrade suburb in 1991, we know that the Serb army officers devised a plan to banish Muslims from Bosnia, i.e. how to carry out an

ethnic cleansing. After the analysis, they established 'that the morale, will, and bellicose nature of their groups can be undermined only if we aim our action at the point where the religious and social structure is most fragile' (quotation from the minutes of the meeting, quoted by Card 2010: 6287–91).

They realised that they could achieve that most effectively by directing their damaging action to Muslim women (especially adolescent ones) and children.

> Decisive intervention on these social figures would spread confusion among the communities, thus causing first of all fear and then panic, leading to a probable [Muslim] retreat from the territories involved in war activity (another quotation from the minutes of that meeting, quoted by Card 2010: 6290–4).

Clearly there was a plan for achieving ethnic cleansing. Part of this plan was intentional pregnancies caused by rapes in rape camps. However, as we see above, ethnic cleansing as such is not yet genocide. At this point, the concept of foreseeable consequences becomes relevant. It was quite clear that the group of Bosnian Muslims could not survive outside of Bosnia; therefore, the rapes were also genocidal. The immediate aim was ethnic cleansing. However, it was clearly foreseeable that the group of Bosnian Muslims could not survive such ethnic cleansing. Therefore, it was foreseeable that achieving ethnic cleansing *de facto* means achieving genocide.

There is another interesting (novel) element in this horrific story: sperm used as a biological weapon. As Card (2010) explained, this weapon has important advantages compared to some other biological weapons (bacteria, viruses). For instance, it does not contaminate the territory as viruses or bacteria do.

Conclusion

At the end, let me summarise what we have done in this essay. We have explained the concept of genocide by means of the concept of social death; its opposite is social vitality. Genocide is an extreme form of social death; intentional causing of social death is the central evil of genocide. Social death is what distinguishes genocide from mass killings. The physical killing of the members of the target groups is not essential for genocide. There are more sophisticated forms of genocide by which members of the target groups are not killed physically, but there are rather destroyed "only" particular ties, relationships and social structures that are of vital importance for the survival of the target group as such. We have also explained what kind of groups are targets of genocide, as well as the claim that genocide is an ethically laden concept, and some implications of this fact. On this basis, we have provided a comparative analysis of some phenomena closely connected with genocide: crimes against humanity, totalitarianism, terrorism and ethnic cleansing. We have also reflected upon the genocidal effects of military mass rapes.

What is genocide? is an important question, and we need an adequate definition to help us to recognise it. It has many different manifestations, many various faces; it takes many different forms; it is directed to many different groups, and it uses different excuses, different masks and guises. It is rarely openly admitted by its perpetrators as

genocide. Such varieties of genocide and their similarity to some other phenomena (which are not genocide, however) are also the reason that an integral and comparative approach to genocide is needed in order to obtain the correct definition of it and to test it sufficiently. I consider the outline of such an integral approach to be the main achievement of this essay. Another important aspect of the recognition of genocide is caught in the question of whether the agents of genocide themselves recognise (or are able to recognise) genocide in their own actions. This is much more difficult, because genocide is a negatively ethically laden concept. The importance of a correct definition of genocide for legal purposes is obvious.

The roots of genocide are vast and deep in society. They are difficult to recognise because they mask themselves with some honourable values, with the directing of people's attention to outer enemy, etc. Consequently, it is very important to sharpen our minds for the recognition of genocide, also by providing an adequate definition of it, which is to be appropriately tested. The latter is the main aim of this article.[17]

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Povzetek

Članek pojasnjuje pojem genocida s pomočjo pojma družbene smrti. Njegove osrednje ugotovitve so naslednje: Genocid je skrajna oblika družbene smrti. Namerno povzročanje družbene smrti je osrednje zlo genocida. Družbena smrt je tisto, kar razlikuje genocid od množičnih pobojev. Fizično ubijanje članov tarčnih skupin ni bistveno za genocid. Obstajajo bolj prefinjene oblike genocida, s katerimi se članov tarčnih skupin ne ubija fizično, ampak se uničujejo "samo" določene vezi, odnosi in družbene strukture, ki so življenjskega pomena za preživetje tarčnih skupin kot takih. Članek pojasnjuje tudi, kakšne vrste skupin so tarčne skupine genocida, trditev, da je genocid etično obložen pojem, in nekatere implikacije tega dejstva. Na tej osnovi podaja primerjalno analizo

nekaterih pojavov, ki so tesno povezani z genocidom: zločin proti človeštvu, totalitarizem, terorizem in etnično čiščenje. Reflektira tudi genocidne učinke vojaških množičnih posilstev. *Kaj je genocid* je pomembno vprašanje. Zato je pomembno, da izostrimo naš um za prepoznavanje genocida, tudi tako, da podamo primerno definicijo, ki je ustrezno preverjena. Zadnje je glavni namen tega članka.

KLJUČNE BESEDE: genocid, tarče genocida, družbena smrt, etnično čiščenje, množična posilstva, Claudia Card

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