Never Again! Genocide and the International Community

Michael Freeman
Department of Government
University of Essex
E-mail: freeman@essex.ac.uk

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Abstract
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The term "genocide" refers to the worst of crimes. Yet, although it involves complex social processes with enormous impacts on individuals and societies, it has been rather neglected by social scientists. This is due in part to the fact that the international legal definition of "genocide" is unclear and unsatisfactory, and also in part to the methodological problems of comparing large-scale events. The article proposes a methodological solution to these problems —involving the use of Weber's ideal type— and offers a critical review of the leading explanatory theories of genocide. It concludes that these theories offer considerable insight into the causation of genocide, although none is wholly convincing. A brief analysis of the crisis in Darfur is made to clarify some of the remaining problems in this field.

Resumen
¡Nunca Más! El genocidio y la Comunidad Internacional

El término "genocidio" alude al peor de los crímenes. Aunque este concepto implica complejos procesos sociales que tienen un gran impacto sobre los individuos y las sociedades, ha sido descuidado por los científicos sociales. Esto es debido en parte al hecho de que la definición internacional de "genocidio" es confusa e insatisfactoria, y también en parte a problemas metodológicos en la comparación de grandes sucesos. El artículo propone una solución metodológica a esos problemas —utilizando los tipos ideales de Weber— y ofrece una revisión crítica de las principales teorías explicativas del genocidio. El artículo concluye con la idea de que esas teorías ofrecen una considerable comprensión de las causas del genocidio, aunque ninguna resulta totalmente convincente. Se realiza un breve análisis de la crisis en Darfur con la intención de clarificar algunos de los problemas remanentes en este campo.

Key words
Genocide, international community, social sciences, Darfur

Palabras clave
Genocidio, comunidad internacional, ciencias socials, Darfur

Índice

1) NEVER AGAIN

There have been some fifty genocides since the end of the Second World War, according to the leading genocide scholar, Barbara Harff. Genocides have caused more civilian deaths in this period than all civil and international wars combined. This represents a massive failure on the part of the international community, which committed itself, by the UN Convention for the Prevention and Punishment of Genocide, adopted in 1948, to eliminate what it called “this odious scourge on mankind”. However, the international community has not only failed to prevent genocide, but it has also collaborated with it. After the genocide committed by the Khmer Rouge government in Cambodia in the 1970s, the Khmer Rouge delegate was permitted to keep his seat at the UN as the representative of the Cambodian people. The UN did not merely fail to intervene to prevent the genocide of 1994 in Rwanda; it worked hard to make sure that there was no effective intervention. As I write (June 2006) a genocidal event has taken place in Darfur, Sudan, and although a peace agreement between the government and rebel forces has been concluded, this has happened too late to save hundreds of thousands of lives and the destruction of the way of life of many more.

Genocide is the worst of evils. The genocide of European Jews by Nazi Germany has cast a shadow over the world since the end of the Second World War. The expression “Never Again!” has often been uttered in relation to the Holocaust, and has also been applied to other gross human rights violations, such as those perpetrated by the military regime in Argentina. Yet “Never Again!” seems to have become an empty slogan, as genocide happens again and again and again. The international community seems to have little power to fulfil its promise to prevent genocide. This presents a major challenge to social scientists, who seek to explain the difference between the stated intentions of social actors and the actual outcomes of their actions.

2) WHAT IS GENOCIDE?

In political science certain terms acquire strong positive or negative evaluative connotations, and this typically leads to distortions in their uses. Familiar examples are “democracy” and “fascism” that have positive and negative connotations respectively. “Democracy” acquired such a strong positive connotation in the twentieth century (which it had not had before) that the Communist regimes of Eastern Europe claimed to be democracies. Even General Franco claimed that his regime in Spain was a form of democracy. It has also been common to call anyone a “Fascist” if they were perceived to be even slightly authoritarian. The term “genocide” has suffered a similar fate. There have been many absurd uses of the term. For example, a conservative, British journalist, described the budgetary proposals of the Labour Party in the 1992 General Election as “fiscal genocide”, by which he meant that the proposed tax rates were higher than he thought desirable. More seriously, many events that involve serious human rights violations —especially if they have an ethnic dimension— are commonly called “genocide” by politicians and the media. Even genocide scholars disagree on the definition of genocide and on whether particular events are or are not examples of genocide. Although the US Government has described the events in Darfur as “genocide”, and although most genocide scholars agree with this judgement, a minority dissents from this. If social scientists are to explain the occurrence of genocide, they must obviously develop a clear and generally acceptable conception of what genocide is.

Fortunately, rather unusually in the history of social theory, we know exactly when, how and why the concept of “genocide” was introduced into our political vocabulary. In 1944 Raphael Lemkin, a Polish-Jewish international lawyer, working in the US State Department, wrote a book on Nazi German war crimes, entitled *Axis Rule in Occupied Europe*. In cataloguing these crimes, Lemkin encountered a conceptual problem. He held that war was a social process conducted between *states*. The laws of war regulated the conduct of states. Nazi Germany, however, was

waging war against *peoples*. This was, for Lemkin, evidently a crime, but one that was outside the imagination of those who had formulated the laws of war. It was therefore a "crime without a name" (as Winston Churchill had called it earlier). Lemkin therefore coined the name "genocide" for this crime. He formed the word deliberately by analogy with "homicide". As homicide was the killing of an individual human being, so genocide was the killing of a people. However, there was an important difference between homicide and genocide. There is only one general way of committing homicide: that is, by physically ending an individual's life. There were two general ways of committing genocide: by physically killing all the individuals members of a people or, since Lemkin assumed that "peoples" were constituted by their culture, by destroying their culture. This distinction derived from Lemkin's "positive nationalism", that is, his belief that the world consisted of nations, that nations were defined by their distinctive cultures, and that these cultures were not only necessary to the well-being, and indeed the very survival, of peoples, but were a treasure-house of all humanity. Thus, genocide was a crime not only against the immediate victims, but a crime against humanity. This conceptualization of genocide is important, because it is distinctive. It has not generally been followed by later writers on genocide. Usually, contrary to Lemkin's view, mass killing is considered necessary, and sometimes sufficient, to call an event genocide. For Lemkin, it was neither necessary nor sufficient. For him the essence of the crime was the destruction of nations. Later writers on genocide have not shared Lemin's "positive nationalism", and have consequently emphasised the element of mass killing, and emphasized less the element of cultural destruction. One unfortunate consequence of this change of emphasis is that `genocide" has almost become a synonym for "massacre", and has lost the distinctive meaning that Lemkin gave it, and that it needs if it is to be a useful concept for social and political analysis.

Lemkin was seeking to define a *crime*. His perspective was therefore primarily legal. His conceptualization was, however, based on certain more theoretical ideas. Genocide was, firstly, a violation of the laws of war, because it

involved attacks on peoples and not only on states. It was, secondly, a violation of just-war theory, the philosophical basis of the international laws of war, which forbade deliberate attacks on non-combatants. Thirdly, it involved massive violations of human rights. This is worth noting, because the United Nations was later to make a distinction between genocide and human rights, and place them in different conventions. Fourthly, genocide was a violation of the rights of peoples. This is the most distinctive, and the most controversial, element in Lemkin's conceptualization, because the idea that *peoples*, and not only *individuals*, have rights has become a strong, but also strongly contested idea in the field of human rights.

Lemkin's conception of "genocide", therefore, though designed to fill a gap in international criminal law, was based on a definite political theory, which has come be called "liberal nationalism". It defended the human rights of individuals (and was thus liberal) but also placed a high positive value on national cultures. Liberal nationalism has enjoyed a revival in political theory in recent years, but its relation to human rights remains problematic, as the relations between its two elements —liberalism and nationalism— are problematic.

3) THE UN CONVENTION (1948)

As the result of some remarkable lobbying by Lemkin, the UN adopted a Convention for the Prevention and Punishment of Genocide on 9 December 1948, the day before it adopted the Universal Declaration of Human Rights. During the drafting process Lemkin´s original conceptualization was altered in some important ways. The ideology that dominated the UN in this period favoured the assimilation of national and ethnic minorities into the dominant culture for the sake of defending the concepts of the nation-state and common citizenship —an ideology that owed much to that of the French Revolution. Governmental representatives were concerned that the "cultural" element in Lemkin's conception would taint their efforts to incorporate minority cultures into a common citizenship. This rejection of Lemkin's cultural

nationalism would later return to challenge the UN and its member states, as the "identity politics" of ethnonationalism became the most important source of international disorder, especially after the end of the Cold War.

The other issue that proved to be contentious in the UN drafting process was what has come to be called "political genocide": that is, the deliberate destruction of political groups. This lay outside Lemkin's conception, but was favoured by some UN delegates, particularly those from the Western democracies. It was opposed, for rather obvious reasons, by the USSR and its allies. It was eventually excluded from the UN definition of genocide. This decision has been frequently criticized by later genocide scholars, who have usually reinstated it in their own definitions. Thus, the definition of genocide in international law differs from that most commonly found in the social sciences. Some scholars have coined the term "politicide" to leave the legal definition in place, while including "political genocide" in the agenda of social science. The pioneering genocide scholar, Leo Kuper, pointed out that many conflicts in the world were both ethnic and political, and that it often made no sense to distinguish the two elements. The distinction between "ethnic" and "political" genocide was therefore untenable. The events in Darfur might support this argument.

The UN —and therefore the international legal— definition of genocide requires at least one of a list of aggressive acts committed against at least one of a short list of target groups —national, ethnic, racial or religious— with the intent to destroy, in whole or in part, a group of this kind as such. The key elements of this crime are: the intent to destroy; "in whole or in part"; and the group "as such". The element of intent is often ignored in contemporary debates about events, such as those in Darfur, that may be genocidal, but the provision that the intent must be to destroy the group "in whole or in part" raises the problem of interpreting the term "in part". Even a small attack on one of the target groups might have the intention to destroy it "in part" (say an attack on a village), and so the definition is seriously

unclear. The combination of the emotional power of the word “genocide” and the uncertainty of the definition gives rise to much confused talk about genocide, and distracts both scholars and politicians from the terrible realities to which it refers.

There is a possible solution to this problem that genocide scholars have so far not adopted. The problem lies with the concept of a “definition”. Criminal lawyers need relatively precise definitions of crimes, because the rule of law requires that citizens know the difference between criminal and non-criminal acts. Social scientists often say that they cannot study something until they have defined it, for otherwise they would not clearly know what they were studying. However, definitions require us to draw lines around things. When the “things” are complex social entities, definitions are bound to have uncertain edges. There is an alternative in Max Weber’s concept of the “ideal type”. An ideal type is not a definition, but the specification of a set of elements that constitute a conceptual ideal example of a thing. All real things will resemble the ideal type in some respects, but not in others. Thus, one could specify the ideal type of “capitalism”. All actual examples of capitalism would resemble the ideal type sufficiently to be types of capitalism, but each would differ from the ideal, and from each other, in ways that could be specified rather precisely. Thus, American capitalism and Japanese capitalism are both forms of capitalism, but differ in respects that can be specified.

The ideal type of genocide can be derived from Lemkin’s original conception, and consists of the deliberate destruction of a “people” by a state. Disputed cases may lack the requisite intention, or target a group that is not a people and/or be carried out by non-state actors. The action must resemble the ideal type in some significant way to be considered a genocidal event. Nevertheless, this method relieves us of the difficulty of deciding whether events, such as those that have taken place recently in Darfur, were or were not genocides. We can compare “genocides” (that is, events that conform closely with the ideal type) with “quasi-genocides” (those that conform less closely, but still closely enough to seem comparable) without

worrying about the question as to whether the event is inside or outside our verbal definition.

4) EXPLAINING GENOCIDE

It is tempting to classify genocides into those that are internal, in which a state seeks to destroy a group within its own jurisdiction, and those that are external, for example those committed in campaigns of imperial conquest. The so-called "auto-genocide" of Cambodia (Democratic Kampuchea) would be an example of an internal genocide. The genocides of the Aztecs in Mexico, the Pequot in New England and the Tasmanians in Australia might be examples of external genocides. Our standard conception of the state as the protector of its people suggests that internal genocides are more surprising than, and therefore require different explanations from, external genocides.

The distinction is, however, more problematic than it first appears to be. Leo Kuper made it in his pioneering book, *Genocide: Its Political Use in the Twentieth Century*. He stated at the beginning of the book that he would confine himself to "domestic" (that is, internal) genocides. Yet the main case that he considers —the Nazi genocide of the Jews— was in fact mainly an "external" genocide, since the large majority of the Jews killed by the Nazis did not live in Germany and were not German. It was, in fact, mainly an "imperialistic" genocide. This is more than a minor error by Kuper, because the Holocaust is usually considered to be the "paradigmatic" genocide (that is, it is very close to the ideal type), and, if that was external, Kuper made a strategic error in according priority to "internal" genocides.

There is, however, a more fundamental reason to problematise the distinction between internal and external genocides. This is that genocidal events sometimes occur precisely because the boundaries between what is internal and what is external are in dispute. For example, from the perspective of the US Government the "Indian wars" were mainly internal (although it was somewhat

ambivalent about this). From the perspective of the indigenous groups it was an external war of aggression. The danger of Kuper's distinction is that, by designating a genocide as "internal", the scholar may be incorporating the ideology of the perpetrator as to the way the event should be described. The distinction between external and internal genocides may sometimes be useful, but we must be open to the possibility that the distinction itself is being called into question.

There are four main explanatory theories of genocide. One is weak, and has not proved to be fruitful. Two are similar, although they have been developed by very different methods. The fourth differs from the previous two in that they are "structural" and the fourth is "strategic". The fourth has different policy implications from the others. These four theories do not exhaust all the theories that have been proposed, but they are those that have had some influence and seem worth considering at this stage of the development of genocide studies.

The first explanatory theory is the plural-society approach favoured by Kuper. Leo Kuper was a South African sociologist, who had studied ethnic conflict in Africa before taking an interest in genocide. He saw genocide, therefore, as an extreme form of ethnic conflict. To explain this extreme form, he drew on plural-society theory, which had some influence at that time. The plural-society theory had its origin in the work of J. S. Furnivall, who was interested in the way in which colonial powers maintained their rule by importing labour from one colony into another, thereby creating an ethnic division of labour in the importing society. This was the classic "divide-and-rule" policy, with the added factor that the division was artificially created by the rulers to maintain their rule. When the colonial power was forced to leave, a "plural society" was left behind. With the colonial power gone, the post-colonial plural society was very prone to ethnic conflict, since the different ethnic groups had different class interests. Kuper defined a plural society as one with at least two radically different cultural groups. Cultural groups were "radically" different if it was difficult to move from one to the other, for example by marriage. Plural

societies were prone to conflict for the kind of reason class-based societies were prone to conflict in Marxist theory. For potential conflict to be actualized, Kuper argued, there had to be a dominant genocidal ideology that marked out one group for victimization. Since many plural societies are not genocidal, the genocidal ideology rather than the concept of plural society carried the explanatory burden. The explanatory power of this theory is quite weak, however, since neither the plural society nor the genocidal ideology, nor the two combined, are nearly sufficient for genocide. Plural societies are rarely genocidal, and genocidal ideologies can exist in a society with little effect. The plural-society theory itself was subjected to strong criticisms, and lost its initial influence. It is worth noting that both Bosnia and Rwanda had relatively high marriage rates between members of different ethnic groups, and thus might not qualify for the status of plural societies according to Kuper's conception. This turned out to be a dead end in the progress of the theory of genocide.

The second theory is the state-crisis theory proposed by Robert Melson. Melson built his theory on only two cases —the Holocaust and the Turkish genocide of the Armenians in 1915— and sought to explain both of these by using the structuralist, state-crisis theory that had been developed by Theda Skocpol to explain social revolutions. Skocpol sought to explain the occurrence, progress and outcomes of three social revolutions: the French Revolution of 1789, the Russian Revolution of 1917 and the Chinese Revolution, which she controversially dated from 1911. Her argument was that cultural factors could not explain these revolutions since they took place at different times and in culturally very different contexts. Yet they had striking similarities. The explanation for these similarities must therefore be, she argued, that the pre-revolutionary regimes must have had similar structures that generated the revolutions. The structural theory that she proposed was a modified version of Marxism. Influenced by the work of Barrington Moore Jr. (especially his book, *The Social Origins of Dictatorship and Democracy*), Skocpol argued that Marxism was deficient in not taking the state seriously as a partial autonomous actor. What

enabled indeed required, the state to be partially autonomous from the class structure, and not merely a reflection of it, as Marx suggested, was that it had two faces: one face looked into society, and there it saw the class structure. The other face looked outwards, and there it saw other, rival states. Because the state had to compete successfully with other states to survive, it had to take action to ensure the supply of adequate resources to the state, and this might bring the state into conflict with the dominant economic class. Precisely when such a conflict occurred, social revolution was likely because the oppressed subordinate class would seize the opportunity created by the division between the economic and political fractions of the ruling elite to press its interests. A social revolution occurred when the subordinate class rose up against the dominant class, while at the same time alienated political elites challenged the state for its failure to advance the cause of the state against its foreign rivals. Skocpol maintained that this structural cause of social revolutions explained the French, Russian and Chinese cases, and could do so without appealing to culture or ideology as causally important. Melson used this theory to explain the genocide of the Armenians and the Holocaust. Both genocides followed crises of the state: that of the Ottoman Empire and Weimar Germany. Both saw the rise to power of revolutionary challengers —the Young Turks and the Nazis— with a mission to reconstruct society to make it a more effective actor in international politics. Both were prepared to challenge the dominant economic class to do so. Both sought the support of subordinate classes. Both developed ideologies of the new order that excluded certain groups —Armenians and Jews. (This use of revolutionary ideology makes Melson's theory at this point more like Kuper's than Skocpol's, but ideology plays a larger role in Skocpol's explanation than she herself acknowledged).

Melson's theory offers a more plausible explanation of his two cases than the plural society did. It does, however, suffer from a number of weaknesses. Firstly, it is based on only two cases, and only seeks similarities in the cases based on an available theory. The theory is not tested against a significant number of cases, and

no attempt is made to find "falsifying" cases, as required by the methodology of Karl Popper. Secondly, the concept of state crisis is quite vague, and is treated as an objective fact —which is easy to do in retrospect when we know that a revolution or a genocide happened— but what is a "crisis" is at least partly a matter of subjective interpretation. Thirdly, state crises seem neither necessary nor sufficient for genocides. The genocide carried out by Indonesia in East Timor cannot be explained by a crisis of the Indonesian state in the Skocpolian manner. In addition, many states pass through crises without coming close to committing genocide. Melson goes beyond mere descriptive comparison of his two cases to offer a plausible theoretical explanation, but as a general, comparative theory of genocide it has serious shortcomings.

The third recent theory of genocide with some substance is that of Barbara Harff. It resembles that of Melson in that it proposes that genocide occurs in times of upheaval. Methodologically, however, it is quite different, as it is based on a quantitative analysis of all genocides identified since 1955. Harff chose the date 1955 to eliminate the after-effects of the Second World War. She identified six "risk factors" of genocide: 1) the level of upheaval; 2) previous history of genocide in the society; 3) an exclusionary ideology; 4) a dominant ethnic group; 5) marginality in the world system; 6) autocratic government. The more risk factors are presents in society, the greater the probability of genocide. If all six risk factors are present, the probability is about 90 per cent. State failure alone is associated with a 2.8 per cent probability of genocide, so the state-crisis theory alone is shown to be rather weak. The fourth of Harff's risk factors is interesting in relation to plural-society theory. Harff's study calls into question several earlier suggestions, including that of Kuper, that the greater the ethnic diversity in society, the greater the level of inter-ethnic violence. Harff found no empirical support for this hypothesis —which is good news for multiculturalists— but did find that, if one ethnic group in a multi-ethnic society dominated elite positions, the probability of genocide was increased. This is relevant to the last theory that we shall consider. However, before we proceed to that, a word of caution about Harff's

methodology is needed. Her attempt to combine a concern about genocide with a rigorous method of investigation is very admirable, but such quantitative methods have limits, and can easily be misinterpreted (Landman, 2006). Small changes in the method used can produce significant changes in results. Given the uncertainty about the definition of genocide, quantitative results may have a misleading precision. Further, each of the risk factors could be interpreted differently by different investigators. There is therefore a need to conduct further studies to test the reliability of Harff's results. This is not to diminish her achievement, but to be clear about its limits. A surprising omission from Harff's list of risk factors is the probability of external intervention. Much theory suggests that this is significant, and quantitative investigations should attempt to measure its causal weight.

The final theory is that of Benjamin Valentino. Valentino argues that genocide is the product of neither social structures nor mass psychology, but, rather, of elite strategies. If elites decide that genocide is the best strategy to achieve their goals, they can implement their decision, because societies comply with such decisions with little resistance. Valentino argues that this is good news for the prevention of genocide, because it is easier to influence elite strategies than to alter social structures or mass psychology. Valentino's method is not quantitative, and so it is hard to be sure what independent weight elite strategies have in the causation of genocide. Elite decisions to choose genocide as a strategy themselves have causes, and it is likely that Harff has identified those causes quite well. Some of them —such as the history of genocide in a society— cannot be changed, although they can act as warning signs. Others —such as level of upheaval, global marginality and autocracy— can in principle be changed, but only with great difficulty. The theories of Harff and Valentino are not mutually incompatible, since Harff may identify factors that make Valentino's elite strategies more likely to be chosen. Once they are chosen, Valentino may be right that they are likely to be implemented. In a recent, so far uncompleted, major study, Mark Levene has argued that genocidal elites often have extensive popular support for their actions. Levene's detailed historical research

indicates that popular discontents and attitudes are more important in the causation of genocide than Valentino had acknowledged.

5) DARFUR

Recent events in Darfur, Sudan, can be used to test some of these ideas and theories. It illustrates firstly the persistent problem of definition. Most observers, including genocide scholars, consider that the government of Sudan, and its *janjaweed* militia, have committed genocide in Darfur, although a minority dissents from this judgement. My proposal to use Weber's method of the ideal type sets this disagreement aside, since it is clear that the actions of the Sudanese government and of the *janjaweed* resembled genocide sufficiently to suggest that explanations of genocide would help to explain the behaviour of these actors. It has also been suggested that in Darfur, as in the Rwandan genocide of 1994, rebellion has contributed to the causation of the genocide, although those who suggest this are emphatic that it does not provide an excuse for genocide. This hypothesis has been strongly rejected by other scholars on the basis of detailed analysis of the facts, but it is of theoretical interest. Ted Gurr, with whom Harff has previously collaborated in the study of genocide, has proposed that state violence is likely to increase as violent challenges to the state increase. It is surprising, therefore, that Harff did not include this variable in her recent study of genocide.

Darfur also raises the question of international intervention. The former US Secretary of State, Colin Powell, declared the situation in Darfur to be one of genocide, but, although the US has provided humanitarian assistance to the people of the region, its policy has hardly taken the idea of genocide seriously. A military force of the African Union has been present, but observers generally agree that both its mandate and its resources are too weak for it to be effective as a genocide prevention force. The UN discusses Darfur, and meanwhile thousands of Darfuris die while thousands of others remain at risk. A peace agreement has been concluded

between the government of Sudan and most (though not all) the rebel groups, but it remains to be seen whether this does or does not resolve the crisis. Here we can see the limits of all the theories of genocide that we have been considering. Neither the genocide nor the rebellions in Darfur were uncaused, and there is agreement that they are rooted in the nature of the Sudanese regime and the historical social and economic neglect of Darfur, as well some complex ethnic and economic relationships within Darfur. If these are not addressed, the relations between Darfur and the central government of Sudan will remain tense, and the potential for conflict, if not more genocide, will remain high.

6) CONCLUSION

The concept of "genocide" arose out of a very specific concern: the waging of war against *peoples* rather than *states*. The United Nations promulgated the international law of genocide, but, unfortunately, did so in a way that was both unclear and, in the opinion of many lawyers and social scientists, inadequate. There is consequently a diversity of definitions of genocide among serious scholars. Because the term has become very influential, it has been used in many different ways, some of them trivial, by politicians, journalists and the general public. The concept, therefore, is in a state of crisis.

Nevertheless, terrible realities of a genocidal kind continue to occur, despite the repeated vows of the international community to prevent genocide. Even though scholars, unsurprisingly, disagree on definitions, theories and methods in the study of genocide, progress has been made in understanding this phenomenon. There is a consensus that the conditions that make genocide likely are the combination of a deep societal crisis, the coming to power of a radical elite, the availability of an ideology hostile to vulnerable minority groups, and the unwillingness of powerful external actors to intervene. If a principal task of the social sciences is to explain the gap between our professed ideals and the realities of our actual social practices,

genocide should be one of the most thoroughly studied social phenomena. In fact, it is one of the *least* studied. This is a scandal of the community of social scientists. Genocide not only reveals many of the most important interactions among social agents, but also challenges many fashionable theories and methodologies of the social sciences. The admirable, if flawed, pioneering work of the scholars I have reviewed should be supplemented and strengthened by further studies of this vital issue of the early twenty-first century.

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