



Forms of genocidal destruction: a response to commentators

John Hagan and Joshua Kaiser

Introduction

The focus of the 1948 Genocide Convention on the destruction of groups, in part, encourages consideration of extermination through mass killing *and* elimination through forced migration and displacement. Yet genocide scholars and the public have given much more attention to extermination than elimination. We seek to remedy this imbalance by giving further attention to the intentional Sudanese state-led attacks on food and water that massively dislodged Black Africans with racially targeted assaults on their homes and villages in Darfur from February 2003 to August 2004. This forced displacement is an important aspect of continuing genocide in Darfur. Much of the response to our paper is concerned with the definition of genocide and with the wisdom of applying this definition of Genocide in Darfur.

Michael Mann and processes of genocide

Numbers are often the starting point in allegations of genocide and Michael Mann worries that our range of 200,000 to 400,000 killed and missing may err on the high side. We published a frequently cited estimate in *Science* of 170,000 to 255,000 deaths that we argued was a 'floor' below which no reasonable estimate could go. Degomme and Guha-Sapir (2010) recently estimated a Darfur death toll of 300,000. Mann is correct that few of the deaths in the latter estimate are the direct result of violence, which is unsurprising because the latter estimate relies almost entirely on surveys of malnutrition and disease in the camps. Yet we maintain that these deaths indirectly caused by violent attacks and subsequent conditions of displacement must also be enumerated

Hagan (Department of Sociology and Law, Northwestern University and Co-Director of Centre on Law and Globalization, American Bar Foundation in Chicago) and Kaiser (Department of Sociology and Law, Northwestern University) (Corresponding author email: j-hagan@northwestern.edu)

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to fully consider the processes that Mann's (2005) own important emphasis on phases of genocide includes.

The inclusion of violent deaths omitted from Degomme and Guha-Sapir's (2010) calculations would push the death toll closer to 400,000. It is also noteworthy that their estimate and others omit the first ten months that included the first sustained waves of attacks on Darfur villages from June through September of 2003 (see Degomme and Guha-Sapir 2010: Table 1). Necessary data are scarce for this initial period when Sudan prevented humanitarian access. This is a crucial phase of the genocide that Mann's important process perspective highlights. Mann may still be strategically correct that citing the range of estimates we do is politically and legally 'unwise', but our goal is to establish a social scientifically defensible confidence interval for Darfur that is relevant to theoretical approaches like his own. It is interesting that the death toll interval for Darfur is much narrower than the current estimates for Iraq, and this increases our confidence in the Darfur estimates.

Mann poses a number of interesting questions about concepts and indicators. He questions whether instances of reported speech referring to 'slaves' and 'servants' during attacks are dehumanizing or racial. We think that in the Darfur context they are both, but the more basic point is well made that these forms of reported speech could be recategorized and reanalysed in a variety of ways that could provide further understanding. The conceptualizations that Mann suggests in terms of ferocity and inferiority are promising.

Mann also questions whether the epithets are cause or effect of the killings. The narrative accounts in the interviews suggest that they are actually antecedent, simultaneous, *and* subsequent to the violence. Regardless, we regard the epithets as indicative of intent, and in this sense probative, but this issue of sequence deserves further study. Mann questions the force of the epithets we analyse, while we regard the robustness of the empirical relationship we find between the epithets and the violence and displacement as strong evidence of impact. In contrast, the measures of rebel presence have little effect, and there are relatively few indications of the counter-insurgency rationale that Mann reasonably asks about.

Mann identifies a parallel – which we now wish we had better developed – between the focus on the phases of genocide he posits in his work and three main bursts of escalating violence in our account. We identify these bursts of violence with a mixture of narration in the earlier period and the ADS interview data in the later periods. Mann wonders if the racialized division we highlight grew more fixed and intense over time. We can't answer this question for the general population, but Figure 8.1 in our book (Hagan and Raymond-Richmond 2009: 207) is consistent with this prediction, showing a growing and then sustained frequency over time in reports of hearing the racial epithets. The reports spike upwards during the first wave of attacks and persist at high levels until the end of the survey interviews. Figure II in

the current article also shows a twin peak pattern that cumulates before finally declining somewhat.

Mann is especially curious about the last wave of Darfur violence in 2004. He wonders whether the rationale was to finish off the Darfurians before turning to the bigger challenge posed in Southern Sudan. Our thinking is related but somewhat different. Southern Sudan was then and remains the greater challenge to the governing regime. In 2003–2004, the USA was intensely focused on the peace agreement that it was just securing in Southern Sudan and was less concerned about Darfur. The government of Sudan likely wanted and needed to display its capacity to unleash massively disproportionate violence as a deterrent against rebellion more generally, and it could do so in Darfur with less fear of outside intervention. We speculate that Sudan made Darfur an example, in significant part because it could.

In the end, Mann questions whether the charge of genocide will stick. He may be right and time will tell. Our point is more immediately that there is much social scientific evidence of a probabilistic nature that Sudanese state-led and racially targeted genocidal destruction occurred along lines of both extermination and elimination. The ongoing displacement of African groups is evidence of the destruction of their former communal lives in Darfur, and this late stage of genocidal destruction is an important yet neglected part of the kind of sequential process emphasized in Mann's approach.

Martin Shaw and the elements of genocide

Martin Shaw is correct in pointing out that the 1948 Genocide does not *explicitly* identify forced migration as an element of genocide. Nor does it so identify rape. Yet rape and forced migration are increasingly identified as elements that can be included within this Genocide definition in so far as they are committed with the intention of creating conditions that make life unsustainable, that is, as conditions created with the intention of destroying a group in whole or in part. The two to four million person scale of the state-led displacement makes clear the intention to destroy the livelihoods and lives of the targeted groups. Neglecting the displacements and rapes, which occur along with the deaths, obscures rather than clarifies the meaning of genocide.

Shaw and Allen (see below) are concerned that we draw selectively on de Waal's work linking famine and genocide. We do actually refer to the complexity of the positions that de Waal has taken over the duration of his long involvement with Darfur. We emphasize that 'It is important to note that de Waal does not conclude that the ICC should charge President Al-Bashir with genocide; he instead argues that an effective response to Darfur's crisis will be complicated, comprehensive, and long' (2005: xix). We draw on one part of de Waal's important and extensive work, and readers are now usefully directed to other parts as well.

Although Shaw graciously suggests that our ‘emphasis on livelihood is an important contribution’ (Shaw 2011: 60), he also sees our focus on racial dehumanization as evidence of genocidal intent resulting in a blockage. He argues that ‘A prime reason for this blockage is that social science is tied to a legal approach, failing to distinguish between the “intent” necessary for a legal conviction, and the relation of subjective orientation to the structures of social relations which is the crux of any serious sociology’ (2011: 59). Yet this sociological structural imperative is exactly why we explicitly examine the relationships in our data between the active involvement of the Sudanese government forces, operating under the chain of command responsibility of the President of Sudan, alongside the Janjaweed in the attacks, when the racial epithets were heard, which led to displacements. These links are furthermore demonstrated net of the measured presence of rebel forces, which casts serious doubt on the causal force that Shaw sees in counter-insurgency arguments. To our knowledge, we are the only researchers who have yet brought quantitative analysis to bear on these issues. Still, we in the end agree with Shaw that ‘we need more complex, difficult and searching explanations’ (Shaw 2011: 61).

Tim Allen and ‘a step too far?’

Tim Allen is concerned that our use of the term genocide takes us ‘a step too far’. Some of this concern derives from Allen’s reading of Mahmood Mamdani (e.g., 2009) and Alex de Waal’s work (e.g., 2007), and some from his own important research in Uganda (e.g., Allen 2006). We have already acknowledged the complexity and utility of a wider reading of de Waal’s work, although we find his early anthropological work from the 1980s on famine and genocide most relevant to our own concerns in this paper. Mamdani’s work is historical and polemical, and in these ways very different from our own or de Waal’s.

Readers concerned about historical issues will want to see Martin Daly’s blog (2010) and also Nicholas Kristof’s (2009) review of Mamdani’s book in the *London Review of Books*. These reviews raise serious questions about historical aspects of Mamdani’s research. Allen’s concern is as follows:

There are political motivations behind the willingness of the USA to act against the Sudan government, but not against the governments of Rwanda or Uganda. Surely there is need to address that. It is the political context in which Hagan and Kaiser have made their case, and it was the political context in which the data they use in their analysis were collected. Yet they do not address these issues and, as I have mentioned, they do not even cite Mamdani. Perhaps they take the view that his position is too extreme and that local level nuance and detail is not really Mamdani’s strong point. Also, unlike Alex de Waal, he is not a long term scholar of Sudan. (Allen 2011: 31)

We have quoted this passage from Allen because he raises the precise concerns that led us not to cite Mamdani. Mamdani's position that the USA and the International Criminal Court, who are hardly on the same policy page, are engaged in a 'new colonialism' in Sudan and Iraq and elsewhere is tendentious. As noted above, Mamdani's account of Sudan and Darfur is questioned by historians. For these reasons, we thought it not useful to cite Mamdani.

Allen goes on to pose the question, 'can a genocide of this kind [in Darfur] be said to have ended until the government involved no longer has the capacity to do it again?' (Allen 2011: 33) We think the answer to this question in terms of both sociology and policy is certainly yes. Allen goes on to quote de Waal as saying 'prosecution is by definition too late for the specific crime in question' (Allen 2011: 33). Our point in emphasizing the continuing displacement of several million Darfurians is to make the point that destruction of black African communal life in this region is ongoing and remains a priority, and indeed a responsibility, for international protection. It is the demonstrated scale of the killing, raping, and displacement that makes the combination of extermination and elimination in Darfur an ongoing genocide. Allen's concern is that 'to be useful, the bar for genocide needs to be kept high' (2011: 35). The level of killing, raping, and displacement, and the demonstration that it is Sudanese government led and racially targeted, combining extermination and elimination, meets this high standard. Allen's concern is that identifying and charging this genocide imperils political negotiation. He fears that charges 'actually make things worse' (2011: 35). Our view is that failing to recognize genocide limits our sociological understanding and that negotiating with serial state killers is continuing in this case despite and perhaps because of the charges. Tim Allen is certainly correct that genocide and crimes against humanity occur more widely than they are prosecuted. That is not a good reason to deny prosecution of the genocide happening in Darfur.

De Gaetano and Sudan's IDP camps

De Gaetano's useful contribution speaks to the intent of the Sudanese governments' displacement of Darfurians. He explains that the UK Asylum and Immigration Tribunal [AIT] has reversed positions on the risk of serious harm or ill-treatment confronted by Darfurians in Sudan's internal displacement camps. In 2009, the AIT finally concluded that this risk was so real and serious that non-Arab Darfuris who sought refugee status in the UK could not be deported. While this does not constitute a decision about genocidal intent, it is a decision that confirms the intentional role of the Sudanese government in causing real and serious harm to non-Arab Darfurians through the process of displacement. Our argument is that the Sudanese government forces joined with the Janjaweed in killing, raping and displacing Black

Africans with the intention of deliberately inflicting on their groups conditions of life calculated to bring about their destruction. The AIT's decision is at least consistent with this claim and represents progress in acknowledging what is happening in Darfur.

Claire Moon and the criminology of Darfur

We wanted with our work to both document and explain the Darfur genocide and to encourage sociological criminologists to engage the 'crime of crimes' more broadly as a neglected topic of sociological and criminological study. The field of criminology is preoccupied with street crime (Hagan 2010). The most distinctive challenge to this preoccupation is Edwin Sutherland's (1949) classic work on white-collar crime in the middle of the last century. Criminologists have taken a long time to come to the study of genocide.

Claire Moon's critique of our work is a welcome call to think critically about the sociology of criminology. In doing so, Moon calls our work a 'thin' and 'static' 'empirical scientism'. By this she seems to mainly mean that we apply quantitative as well as qualitative methods and 'put criminology at the service of an interventionist humanitarianism' (Moon 2011: 51). We think she has falsely seen our approach as excessively quantitative, not to mention militaristic. Our book and our article involve extensive efforts to interweave qualitative and quantitative methods – the Atrocities Documentation Survey is a mixture of closed ended survey questions and open ended narratives of victims' accounts – and we do not advocate military intervention in the name of humanitarianism.

Moon would rather see a negotiated peace between the parties to the violence in Darfur. So would we. Her claim that efforts on behalf of legal accountability prevent political negotiation is undemonstrated. Indeed, political negotiations have continued throughout the efforts to charge and bring to trial the President of Sudan, Omar Al-Bashir. While Al-Bashir has repeatedly proven to be an unreliable party in negotiations, he none the less has political rivals in and outside the government who may prove more reliable, and he himself may even reach agreements while under warrant and even because of charges against him. Documenting and explaining mass atrocity in Darfur, which is our first priority and may assist in the legal process, can also be a part of the negotiation process.

Moon is on firmer ground in calling attention to the response of the Sudanese government in restricting humanitarian aid in response to charges of genocide and other crimes. Some aid groups, as we note in our paper, have rightly pointed to the evidence of these restrictions and interference by the Sudanese government in response to the charges. Yet the humanitarian assistance as well as the negotiations continue. As we reported, a recent replication

(24 Hours in Darfur 2010) of the Atrocities Documentation Survey sampling in the refugee camps across the border in Chad reveals that more than 90 per cent of respondents support prosecution of perpetrators of the Darfur genocide at the International Criminal Court. The use of sociological theory and methods can contribute to the explanation, legal investigation, and prosecution of this genocide. The victims of the Darfur genocide ask and deserve no less.

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