

The Crime of Crimes: Genocide as Criminology's Blind Spot

Natalie Mamo

Department of Sociology, MacEwan University

Abstract

Genocide is a topic that is almost universally ignored by criminology. While it is frequently referred to as “the crime of crimes,” there is virtually no criminological coverage of genocide. The following analysis is a review of existing criminological literature in genocide studies, situating mainstream criminology’s ignorance of genocide in a socio-historical context to determine the reason(s) for this disregard. This analysis proposes that the mainstream criminological ignorance of genocide is a calculated and intentional act. Such willful blindness avoids and deflects from disciplinary accountability because of criminology’s historical complacency in genocide. Most of the existing mainstream criminological literature on genocide is criticized because of its hyperfocus on definitional arguments, the redemptive nature of such academic coverage, and the quantification of such atrocities. Thus, an argument for a critical criminological approach to genocide studies is desperately needed for criminology to interpret genocidal acts adequately.

Introduction

Dubbed by many as “the crime of crimes,” genocide is considered by most to be a great atrocity. It is covered in depth by the academic disciplines of history, international law, psychology, social psychology, political science, philosophy, and even the broader field of sociology. Why, then, does the discipline of criminology refuse to generate any significant research on this “crime of crimes”? The following analysis adopts a critical perspective of the discipline and identifies criminology’s preoccupation with the maintenance of hegemonic power structures as a central reason for this ignorance. The complacency of criminology as a discipline in the perpetration of previous genocides also dissuades criminology from examining this topic in depth to maintain its self-interest in avoiding accountability. In short, the lack of criminological attention on genocide is an intentional and calculated lack of response to “the crime of crimes.”

Legal Definitions of Genocide

Genocide According to International Criminal Law

To contextualize the need for a critical approach, the mainstream, problematic overreliance on legal definitions must be explained. Even the definition of genocide is a topic of contention. The generally accepted legal definition of “genocide” arose from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) following the atrocities committed during World War II (United Nations, 2019). The definition of genocide that arose from Article II of the Genocide Convention is as follows:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life

calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group (United Nations, 2019, p. 4).

Placing a single, set definition on an act as vast and devastating as genocide can be problematic because what is and is not genocide can be highly restrictive if legal definitions are relied too heavily upon. This over-reliance on state-defined crime is a significant barrier that mainstream criminology is limited by and will be discussed in further detail below (Pruitt, 2014). The reduction of such atrocity to a simplified legal definition is partly why it must be considered critically

The Issue of Exclusion

Since there is a frequent debate between the various institutions and parties that participate in codifying a legal definition of genocide, certain groups can be systematically excluded from or included in the legal definition. This is because the legal definition of genocide was drafted and approved by a convention of rival superpowers competing for the advancement of their own self-interests (Brannigan, 2013). This leads to certain parties that have participated in genocidal behaviour being protected from prosecution for political or ideological reasons. Brannigan elaborates further, “the convention was negotiated by those with blood on their hands to exclude such atrocities. Nationality, ethnicity, race, and religion were specifically protected areas, but mass extermination on the basis of political affiliation, social class, or gender did not enjoy protection” (Brannigan, 2013, p. 51). For example, although the Soviet Union under Joseph Stalin systematically starved 2 million Ukrainian farmers, the UN diplomats involved with the Genocide Convention negotiated legal protection of the USSR from prosecution, preventing the Soviet Union from being held accountable for their genocidal actions (Brannigan, 2013). This is also evident in the case of the Katyn Forest incident, in which approximately 22,000 Polish nationals were systematically executed by Stalin’s secret police (Rafter, 2008). In a more contemporary setting, it is exhibited by the general immunity from international accountability the United States enjoys. Brannigan (2013) further explains state immunity to crimes on an international level. “In

respect of the international anarchic order, the exclusion of the crimes of powerful states from the sphere of international justice is one of its features... This is not the exception; it is the rule (pp. 47-48). This process by which a criminal definition is legitimized or delegitimized is often impacted by socio-political factors and can lead to particular harms not being considered as “crimes”, which can lead to the rationalization and justification of mass violence by the state or ruling party (Rothe, 2009).

Genocide as Defined by Hegemonic Power Structures

The very process by which genocide is defined serves and reinforces the interests of the existing international hegemonic power structure. Ultimately, the Genocide Convention’s definition of genocide reflects political debate and compromise (United Nations, 2019). This causes a situation in which genocide is defined by the institutions already in power, and the classification of mass atrocity is influenced by political relations between such parties. Thus, the process by which genocide is defined becomes an agent of institutional control because the political interests of the relevant states and parties corrupt and constrain the codified definition. The overuse of a strict legal definition is also problematic because it fails to change or evolve in the face of shifting circumstances and environments. Since genocide is a process, a definition that does not adapt to an evolving situation is nonsensical. The UN’s legal definition of genocide also leaves out the systematic destruction of culture and language, or “cultural genocide”, even if the intent to destroy the group in part or whole is the same (United Nations, 2019). Woolford and Hounslow (2018) explain how the creator of the term “genocide”, Raphael Lemkin, intended for systematic cultural destruction to be considered simply another method of committing genocide, not a separate typology.

Implications of Legally Defined Genocide

Ultimately, genocide is typically defined in a legal context and thus is limited to the narrow and specific legally codified definition. The sheer moral weight of such a crime can also reinforce the unquestioned use of legal terminology when referring to genocide, which further engrains this static and rigid terminology that this specific atrocity holds (Woolford, 2006). Woolford (2006) also explains a more critical premise against the

use of set terms to define crimes of such a scale. “The definition of ‘genocide’, therefore, presupposes a normative theory which distinguishes justified killing from murder. Thus, the term ‘genocide’ implies a normative engagement and thereby precludes any notion of objectivity that strives for the logical positivist criteria of ‘value-free’ research” (p. 90). In other words, the act of creating a specific criminalized definition for genocide that separates it from other actions taken by states to eradicate specific groups implies that there could possibly be a situation in which mass murder could be justified morally. The argument of what defines or is constituted as genocide can then be used to enforce normative ideas and perceptions of what is and is not justifiable murder, even on such a large scale. Additionally, when genocide is mentioned in a sociological context, it is usually preoccupied with not the causes and consequences of “the crime of crimes”, but simply the definition and classification of genocide. This leads to a circular, redundant discussion about what genocide is and how to define it. This discourse is mainly unproductive and typically does not produce any meaningful analysis of the topic in a criminological sense besides reinforcing what groups and actions are included and excluded from a definition of genocide.

The Issues of Retroactive Study

The methodology typically used by criminologists who participate in genocide research is also potentially problematic. Genocide is typically treated very similarly to political and military conflicts in the sense that most research done on genocide is fundamentally retroactive and retrospective in scope. Since genocide is often characterized by most as the number of people killed instead of the process by which it occurs, it is seldom recognized by researchers in the early stages. Because of this, research on genocide is usually not conducted until the “incident” has resulted in the loss or destruction of possibly up to millions of human lives before it is focused on significantly by any discipline at all. According to Hillyard & Tombs (2007), “This creates a unique problem for genocide scholars to address—the issue of reasoning back from the conflict to the factors believed to have influenced the conflict. In that way, the transition to group action is often overlooked” (p. 5). In other words, the backward analysis that criminologists usually apply to genocide

typically leads to a disregard for the multiple evolving factors that can contribute to the process in which genocide is carried out. This retrospective lens can also lead to a less contextual view of genocide, as Woolford and Hounslow (2018) explain. “Criminology too frequently tends to treat its research objects as singular events separated from the ebb and flow of time” (p. 216). This tendency for criminology to view a crime as a single isolated event instead of a social process that changes and evolves over time is troubling, especially when genocide is considered. Temporal separation also leads to a decrease in the severity of response following an atrocity. As Christy (2004) explains, significant lengths of time that pass after an atrocity has been committed typically result in less severe punishments and weaker responses, as is evident following the genocides committed by the Nazis in World War II. The relationship between criminology and the perpetuation of genocidal ideals and actions will be discussed later in this analysis.

The Quantification of Atrocity

Another frequent issue that criminology reinforces when trying to classify genocide definitively is the quantification of crime and atrocity. This “qualitative rationale” (Woolford, 2006, p. 89) causes an unsurpassable conundrum when a largely qualitative discipline like criminology attempts to define socially influenced events using numbers. When casualties become the primary measure of tragedy, it can also separate us from the human consequences of such atrocities (Woolford, 2006). This mainstream, quantitatively focused analysis of genocidal behaviour also tends to distract from the harms that result from genocide that do not necessarily lead to death, including but not limited to forced expulsion, forced labour, sexual violence, cultural destruction, mass theft, and torture. While the broader discipline of sociology occasionally focuses on the harmful effects of genocide, the number of deaths is typically used to justify academic interest (Woolford, 2006). For criminology in particular, this tendency to hyper-focus on the quantification of crime is also apparent at the domestic level, manifesting in an over-reliance on official crime statistics and numbers. Even locally, the use of numbers as a primary measure tends to dehumanize and distract from the consequences of various harms and crimes. This dehumanization using

numbers is exceptionally apparent in the minimal criminological literature on genocide that does exist. When numbers in the thousands or even millions are used, there is a fundamental disconnect between the genocidal act and the true consequences experienced by victims, as well as the humanity of those targeted. When large numbers such as those common in genocides are used, it is very challenging to comprehend the true human significance of the crime and its consequences (Woolford, 2006). Using numbers as a justification for criminological interest in genocide simultaneously leads to disinterest because of the extreme difficulty when attempting to comprehend an atrocity so large in scale. When criminology's disinclination for supranational issues is combined with an over-analysis of the quantification of crime, it is functionally impossible for criminology to tackle genocide in a way that produces meaningful insight" (Moon, 2011). Therefore, the justification that the high casualty numbers usually associated with genocide are what warrants criminological analysis leads to a disengagement from the causes and human consequences of "the crime of crimes". This moral indifference and self-sabotage by criminology as a discipline causes an appalling lack of interest in genocide.

Mainstream Criminology and the Ignorance of Genocide

The Lack of Criminological Literature on Genocide

The lack of any significant criminological perspective on genocide is evident in the academic sphere. Although quantifying criminology can be problematic, looking at the prevalence of criminological publications mentioning genocide may help illuminate how glaring this problem is. While genocide has been quite an interdisciplinary topic and is covered in depth by the spheres of history, anthropology, international law, political science, philosophy, and social psychology, criminology ignores genocide as a topic almost universally. Mainstream criminology barely even mentions genocide at all, according to a study conducted by George Yacoubian (2000) in which a sample of academic literature published and presented between 1990 and 1998 was reviewed. The project analyzed presentations made at annual meetings for the American Society of Criminology (ASC) and the

Academy of Criminal Justice Sciences (ACJS), as well as academic papers published in 13 well-regarded periodicals dedicated to Criminology. Of the 12,275 total ACS presentations examined, only 12 (<0.001%) mentioned genocide. Out of the 7,079 ACJS presentations, only 6 (<0.001%) were determined to include coverage of genocide. Similarly, only 1 out of the 3,138 (<0.001%) published articles studied considered genocide. Out of the 22,472 total presentations and publications examined, only 19 contributed to the criminological analysis of genocide (Yacoubian, 2000, pp. 10-12). According to the sample used by this study, the rate at which genocide appears as a topic in mainstream criminology is approximately 1 in 1,182. The study's conclusion cites potential reasons for the disciplinary neglect of this topic as funding problems, localism, other research limitations, and lack of education (Yacoubian, 2000, pp. 13). However, this explanation does not explain how these supposed restrictions specifically influence criminology or why its scope is so narrow. The disciplines that do focus on genocide are typically those that are more adept at supranational studies, such as history and international law. Contrarily, criminology is highly localized and almost entirely "state-fixated", dramatically hindering its scope and breadth of analysis (Moon, 2011, p. 50). This shows that the refusal of criminology to cover genocide originates from the structure of the discipline as an institution.

Criminology's Complacency in the Commission of Genocide

There are multiple theories about the limitations of criminology when it comes to genocide, but a critical analysis of criminology as a discipline makes it clear that this is a willful ignorance, not simply a lack of ability or resources. Woolford (2006) explains this in the following passage.

Some suggest that criminologists are ideally suited to research genocide because we are familiar with the study of horrible crimes. That is, we have stood before murderers, rapists, and other feared groups, objectively gathered our empirical data, and generated concepts to help explain their harmful behaviours. This argument alludes to the criminologist's supposed ability to maintain neutrality when

confronting deviant activities that often cause a great deal of public turmoil (p. 88).

This assumption that criminology is simply an objective outside observer in the process of genocide is problematic because it suggests that criminology has no impact on the various institutions and processes in our societies. If this were true, genocide would be a widely covered criminological topic. If genocide is simply just murder on a larger scale, criminology would not hesitate to study it in detail. This paradox that assumes disciplinary neutrality also disregards the strongly interdisciplinary nature of genocide as a topic. As Woolford (2006) states,

An attempt to perform 'value-free' research in the face of genocide would threaten to diminish solidarity with those who suffer its effects. As demonstrated in several previous studies of genocide and war crimes, the modernist ideal of scientific neutrality is an important component of the conduct of genocide, as it allows the perpetrator to separate himself or herself from the consequences of his or her actions. Clearly, then, it is problematic for criminology to model the very acts it identifies as serious social problems (pp. 89-90).

That is to say, the act of remaining morally indifferent to a topic being studied is the same tendency that can perpetuate genocidal actions. Criminology simply cannot produce a meaningful analysis of something it refuses to engage with on a moral level. In this sense, disciplines can be complicit in the very acts they study. The study of genocide by criminology becomes risky because it threatens the public perception and morality of criminology as a discipline (Moon, 2011).

There are plenty of examples of criminology reinforcing genocidal actions and ideals. This reinforcement occurs because research disciplines tend to "reify, support, and indeed enhance that very phenomenon which is at the centre of their activity" (Hillyard & Tombs, 2007, p. 22). While not well acknowledged in the discipline, the field of criminology itself was complicit in multiple genocides during World War II. As Rafter (2016) explains, "the Nazis used biological theories of crime to justify the killing of tens of thousands of people— millions, in fact, if we consider that the Nazis justified the

extermination of not only lawbreakers but also Jews and Gypsies, by attributing to them inherent criminality" (p. 1). This was not simply an unintentional corruption of the field because of prevailing hateful perceptions but was a calculated and sophisticated method of creating and excluding a social other in order to justify the genocidal actions of the state (Woolford, 2006, 90). This relationship between criminology and the state is partly due to the reliance on state funding to continue research, analysis, and education (Slimani, 2022). Since criminology heavily relies on the state for the means required to conduct itself, it simply makes sense that the governing party's interests dictate which areas of criminology are funded (Woolford, 2006). Because most genocides are committed or endorsed by the state or party in power, the consideration and analysis of genocide would threaten the dominant power structures at play. In this way, mainstream criminology reinforces existing power structures and has been complicit in mass violence and genocide.

The Case for a Critical Approach

Redemptive Narratives in Mainstream Criminology

The type of criminological focus that should be utilized with respect to genocide is not simply a mainstream focus on genocide as a crime. Much of the criminological analysis that does currently exist on genocide is redemptive in nature (Woolford, 2006). The discipline of mainstream criminology ultimately attempts to redeem itself for its role in reinforcing the genocidal behaviour of states by only ever focusing on genocide superficially, if it even focuses on genocide at all. Woolford (2016) explains that when the discipline considers genocide, mainstream criminology aims to display its moral and scholarly value, no matter how superficial that interest is (Woolford, 2016). Therefore, mainstream criminological analysis of genocide and mass violence does not and would not address the "blind spots" in criminology as a discipline because the intent has never been to understand genocide from a criminological perspective on a fundamental level (Woolford, 2016). This is a surface-level consideration of genocide that typically attempts to apply existing criminological theories and terminology to genocide in a sort of "copy and paste" way without adding any critical analysis of how criminology is limited in scope and has been complicit in state-perpetrated mass

violence. A mainstream incorporation of criminology into genocide scholarship would leave the baseline assumptions about the discipline unchallenged (Woolford, 2016).

The Case for a Critical Approach

Ultimately then, a non-redemptive and critical analysis of how criminology interacts with genocide is needed in order to develop a meaningful discourse within the criminological sphere. The inclusion of a mainstream criminological analysis in the study of genocide is nothing more than a way for criminology to distract from and “redeem” its role in genocide and mass state violence. Put bluntly, a non-critical analysis of genocide by criminology is and will always be nothing more than academic virtue signalling. However, if criminology recognizes and takes responsibility for its perpetuation of genocidal behaviour and state violence, it can perhaps surpass this redemptive narrative. Furthermore, a critical criminology of genocide would avoid the circular and semantic arguments of defining and classifying genocide. Since critical criminologists do not accept legal definitions of crime unquestioningly, they are far less susceptible to falling into the endless debate on the definition of genocide (Reiman & Leighton, 2013). Instead, the tendency for criminologists to take on a harm and human rights-based approach would offer analysis that is not constrained by state definitions of genocide and the power structures they reinforce (Pruitt, 2014). The breadth and depth of analysis on genocide as a crime would be substantially expanded if a critical approach is utilized.

Conclusion

In summation, the lack of consideration of genocide by the discipline of criminology is an intentional ignorance, not an innocent and honest lack of ability or means. The limited scope of criminology itself is a tool of the states or parties in power. It has historically perpetuated genocidal behaviours, and the refusal to commit to research on genocide as a discipline is a form of self-preservation in the face of complacency in the commission of these atrocities. The abysmally low amount of criminological research on genocide proves that a mainstream approach to this topic is insufficient and unproductive. Instead, only a critical analysis of criminology as a discipline concerning genocide can

yield productive research and discussion of “the crime of all crimes”.

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