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John Hagan and Wenona Rymond-Richmond

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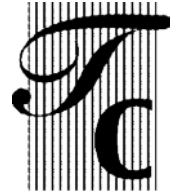
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## **Criminology confronts genocide: whose side are you on?**

JOHN HAGAN AND WENONA RYMOND-RICHMOND

*Northwestern University and American Bar Foundation and  
University of Massachusetts-Amherst, USA*

For all the failures, there is something inspiring about how hundreds of thousands of university students around America have marched, fasted, and donated money on behalf of people of a different race and religion who live halfway around the world, in a land they have never heard of five years ago, and who rarely appear on their television screens.

Nicholas Kristof (2009)

It took criminology a long time to address some of its most important topics, for example, white-collar crime. It took criminology even longer to confront its more deadly neglected topics, namely genocide, war crimes, and crimes against humanity.

Yet as we begin to study genocide it rapidly becomes apparent that our discipline brings a rich array of theories and methods to this crucial task. The four reviews of our book are further evidence of the proper place of criminology as, in the apt words of Hadar Aviram, an 'expert discipline' regarding mass atrocity. Such disciplines already include international relations scholars, historians, lawyers, political scientists, and anthropologists. We join with Bruce Hoffman in wishing there was more conversation across these disciplinary divides. Criminologists will first have to engage more fully and embrace the topic of genocide as also being among its own subject areas to develop.

As criminologists venture forth into the territories of mass atrocity, they incur the inevitable scholarly risks of traveling to new (to us) intellectual locations. If you know Ross Matsueda, you will know that he is a courageous scholar who regularly ventures beyond the comfort zone of conventional criminology. In this case, he usefully brings us into the work of the Africanist, Mahmood Mamdani (2009), and his provocative new book, *Saviors and Survivors: Darfur, Politics, and the War on Terror*.

Mamdani is an intellectual provocateur. In his new book, he has taken on nearly the entire human rights community in addition to the United States government. He prominently includes a critique of our work on Darfur. This is all wrapped together in a comprehensive conspiracy theory targeted at the Save Darfur advocacy movement, which Mamdani depicts as a huge and dangerous new form of colonial imperialism. Like Matsueda, we have found it productive to consider Mamdani's thesis, even though his theory turns out to be wildly inaccurate and tragically misguided.

Matsueda's own review of our book is comprehensive and generous to the point of great modesty in underplaying how much we draw on his collective action perspective (Matsueda, 2006) in developing our critical collective framing theory of genocide. His summary and critique of our book is unique and insightful. Mamdani is another matter altogether. Mamdani suggests our analysis, and the Save Darfur movement in general, is of a piece with the Bush administration's war on terror, demonizing Arab-dominated governments and underestimating the complexity of the issues of race and ethnicity. We nonetheless recommend a close reading of Mamdani's book by undergraduate and graduate students as well as professional criminologists.

This reading will help both students and scholars to understand how important the topic of genocide is, and how much criminology in its own right can contribute to its improved understanding. Indeed, we argue in the Epilogue to our book that criminology is crucially positioned to contribute understanding and direction to what the United Nation's has mandated as the 'Responsibility to Protect' groups that are threatened with mass atrocities. However, Mamdani wants students and scholars to go in an entirely different direction from the UN or human rights groups active on the Darfur issue.

Mamdani reprises his provocative conspiracy theory in the final paragraph of his book. Here he charges that

The Save Darfur lobby in the United States has turned the tragedy of the people of Darfur into a knife with which to slice Africa by demonizing one group of Africans, African Arabs ... At stake is also the independence of Africa ... More than anything else, 'the responsibility to protect' is a right to punish but without being held accountable – a clarion call for the recolonization of 'failed' states in Africa. In its present form, the call for justice is really a slogan that masks a big power agenda to recolonize Africa.

Mamdani (2009: 300)

This is an unabashedly massive (and more importantly false) conspiracy theory that links condemnation of the Darfur conflict as genocide to the Bush administration's war on terror in Iraq and beyond. We are prominently attacked in this critique because our Darfur mortality estimates have been cited in full-page advocacy advertisements by Save Darfur and Aegis Trust in the USA and Great Britain. There may be significant links between the Darfur genocide and the US invasion and occupation of Iraq, but these links are not of the misdirected form Mamdani charges.

Nicholas Kristof (2009) has pilloried the factual, logical, and policy failures of this conspiracy theory, but Mamdani has elsewhere gained praise, including a favorable review in the *New York Times* (French, 2009), and it is important to document how this Africanist scholar has misled his readers. The very foundation of Mamdani's book is egregiously wrong on the most basic and fundamental facts about Darfur.

The book builds its conspiratorial framework on a false chronology that is used to 'demonstrate' that the Bush administration designed a State Department survey in Chad (that we analyze in our book) to confirm a preconceived administration judgment that genocide has occurred in Darfur. Mamdani's false chronology quotes George Bush as saying, *one year before he did so*, that 'the violence in Darfur region is clearly genocide', and he then charges that the administration funded the Chad survey to confirm its prejudgment. Mamdani could not be more clear, or mistaken, in saying 'soon *after* [emphasis by Mamdani] President Bush declared that the violence in Darfur constituted genocide, the U.S. Department of State financed an NGO (non-governmental organization) alliance named Coalition for International Justice (CJI) to conduct an alternate study of mortality in Darfur' (2009: 26). Mamdani simply reordered the timing of events to support his conspiracy theory.

Mamdani also misrepresents an early World Health Organization (WHO) study which provided an estimate that only 70,000 died in the Darfur conflict. He claims 'the estimates did *not* [Mamdani's emphasis] exclude deaths from violence' (Mamdani, 2009: 27). Yet when this estimate was announced by David Nabarro of the WHO on CNN (2004), he explained that 'these projections have not sought to detail deaths due to violent incidents within Darfur communities'. A British House of Commons committee (2004/5: 11) further confirmed that 'the only violent incidents which the WHO's estimate includes are those which took place in the camps for Internally Displaced Persons (IDPs) ... Cited without clear explanation of their limitations, the WHO's estimate is extremely misleading.' Mamdani's claims about the WHO mortality estimate are factually wrong on the crucial point of the calculation of deaths by *violence* in Darfur.

Mamdani goes on to cite as criticism of the State Department Chad survey, and our own use of it, a Government Accounting Office (GAO) chastisement that 'to safeguard the U.S. government's credibility as a source of reliable death estimates, GAO recommends ensuring greater transparency regarding the data and methods used for such estimates' (2009: 30). Yet while the GAO actually did say this, it did so in the context of critiquing a second and different State Department funded review of Darfur surveys that flip-flopped in contradicting the State Department's own earlier Chad survey. If this was a government conspiracy, it was a bungled and internally contradictory effort.

It is little wonder then that Nicholas Kristof (2009) in *The New York Review of Books* concludes that 'it makes no sense for Mamdani to argue that the Save Darfur movement is some kind of conspiracy by the great

powers to recolonize Africa'. He further observes that this is 'a tendentious book replete with factual mistakes, almost completely dependent on secondary sources, and all papered over with a tone of utter certainty'.

We have made these points as our starting place here because we believe so strongly that it is important for criminologists to take on the topic of genocide. As Matsueda notes in the opening sentence of his review, historically oriented scholars such as the Africanist Mamdani, have dominated the study of genocide, and while their descriptive contributions can be essential, the task of explanation and theory testing remains significantly underdeveloped. We believe Mamdani has been spared much criticism for largely the same reason that criminologists, as Aviram notes in her review, have neglected the study of genocide more generally: a fear of missing nuances of historical and contextual detail. Apparently, historians are also highly fallible and their nuances can also be highly misleading. Scholarship is always a risky enterprise, and we should not steer away from genocide simply for fear of crossing into terrain in which others may also have expertise.

Mamdani's misleading conspiracy theory aside, Matsueda, Aviram, Hoffman, and Savelsberg raise important questions about our approach to race and ethnicity. Race is a complex social construction and there is good reason to ask whether its role in our analysis is essential, or alternatively whether we might assign race too much importance when a discussion of ethnicity instead might better suffice. Matsueda and Hoffman point to the complexity of racial conflicts and Aviram suggests the nuance and legal advantage of a focus on ethnicity, while Savelsberg reminds us that the way we apply a concept such as race in the social and legal analysis of genocide can have profound implications for the collective memory of groups involved in the conflict.

We think our perspective reflects a complex appreciation of the roles of identity, race, and ethnicity in relation to the genocide in Darfur. Some important scholars, such as De Waal and Mamdani, are critical of the way we apply the terms 'African' and 'Arab' in relation to the Darfur conflict. They argue that these categorizations are historically contingent in their meanings and that their current application could be deleteriously misunderstood, 'setting in motion the complete dismemberment of Darfurian society' (De Waal, 2007: 3). While we respect the scholarship underlying such concerns, and we appreciate the historical scope and detail involved in the arguments, we also think it is wrong to neglect the contemporary reality of the social construction of racial categories in Darfur and the consequential part they have played in the motivation of the genocidal attacks.

We also think it is important to consider the contrasting implications of applying the concepts of ethnicity and race in Darfur. The concept of ethnicity tends to be more pluralistic than the binary construction of race, while ethnicity also incorporates more self-imposed as contrasted with other-imposed designations than race. The concept of ethnicity therefore can be more complex and subjective in its understanding, while conceptions of race can be more rigidly and narrowly socially constructed. However, we

argue that it is precisely the simplification, rigidity, and narrowness involved in deadly applications of social constructions of race during mass atrocity that can be especially important in explaining the resulting genocide, and we argue this can be especially well demonstrated using the Chad survey of Darfur's refugees – a historic survey of genocide as it happened in 'real time' in Africa.

The lesson of the Holocaust, repeated recently in Rwanda, is that groups which can appear similar and share many social characteristics, nonetheless, can be socially constructed as racially distinct. This was believed of the Jewish and Aryan 'races' in Germany and of the Hutus and Tutsis in Rwanda. This kind of social construction characteristically gives rise to verbalized racial distinctions, often expressed in simplistically crude and vicious epithets and slurs. The significance in international criminal law of such verbalizations as evidence of genocidal intent is recognized in the Rwandan Akayesu (United Nations, 1998) and Bosnian Jelisi (United Nations, 1999) cases. The explanatory importance of racial verbalizations is especially salient in Darfur.

As all four of our reviewers recognize, the racial epithets we analyze in Darfur are dehumanizing. We make this point in our book, and we make it even more clearly in our articles in the *American Sociological Review* (Hagan and Rymond-Richmond, 2008) and the *American Journal of Public Health* (Hagan et al., 2009). Our point in giving this emphasis to racial dehumanization is that it is when potential victims are seen as less than human that ordinary people can be motivated to commit a mass atrocity. It is in this sense that the denial of humanity makes the genocidal killing and raping possible.

The extreme nature of the denial of humanity crucially helps establish the furious, frenzied emotions that unleash horrifying atrocities, often by otherwise peaceful people. We make this point with the unique survey record that the Chad survey provides of the racial epithets, and by further using a hierarchical and linear modeling technique which demonstrates the strength of the impact of the epithets at the level of villages when the government of Sudan as well as the Arab Janjaweed militia perpetrate their attacks together. Our larger macro-micro-macro theory is summarized in our book and is especially well reprised by Matsueda.

Aviram wishes that we would have said more about the role of Sykes and Matza's techniques of neutralization: 'with dehumanization providing an extreme example of victim denial and race or ethnicity an equally extreme example of an appeal to higher loyalties'. We have followed Matsueda's development of the framing concept in collective action theory to make similar points, and Matsueda is well recognized as the leading contemporary exponent of Sutherland's symbolic interactionist approach that Sykes and Matza advanced. We note the neutralization argument in introducing our theoretical approach in Chapter five (p. 120). Still, Aviram is correct about the broader importance of Sykes and Matza's work (1957), and since writing the book we have become increasingly impressed with the role of neutralization

emphasized in the writings on genocide by Alvarez (1997) and Zaffaroni (2009). Stan Cohen's (2001) landmark book, *States of Denial*, is especially relevant in this regard.

Thus our focus is on denial of victims and not on demonization of the perpetrators. We go to some length in our book and articles to explain the ideological and instrumental manipulation of the Arab Janjaweed militias in Darfur. We explain that these perpetrators of the genocide, who are by tradition mostly nomadic herders, have been left largely landless by the Sudanese government and are further motivated by the encroaching desertification of Darfur. Lacking land and access to water for grazing their herds, the increasingly impoverished Arab groups have been maneuvered and manipulated by the Sudanese government into genocidal attacks. The Sudanese have used local Arab groups to increase their hold over Darfur by killing, raping, and displacing black African farmers and villagers who were making increasing demands on the government for self-control, including through scattered insurgent actions.

The government responded with a wholesale collective punishment of black African civilians. As we show in our book, an explanatory theory based on the threat of insurgent rebellion fails to explain the comprehensive destruction of black African groups in Darfur. Our multivariate analyses include measurement of rebel presence and related provocations, which do occur, but do not explain the sweeping patterns of genocidal victimization. The Sudanese government resorted to mass genocide to accomplish its political desire to retain control over Darfur, as Alex de Waal (2007) puts it, 'on the cheap'. The Darfur conflict is complex, but this complexity cannot, in our analysis, explain or excuse the genocidal policies of the Sudanese government.

Hoffman acknowledges this last point when he remarks that our book 'necessarily simplifies both the local complexity of conflict and identity in the region'. Yet in an effort to avoid oversimplification, we also attempted to let the refugees in the Chad survey speak for themselves about local relationships and identity issues. The refugees reported prior interactions with Arab groups and the Arab-dominated government as including interludes and instances of neighborliness and integration as well as discrimination and marginalization. However, there was nearly invariant agreement from the refugee victims, even from individuals who reported examples of prior peaceful exchange with Arab neighbors, that during the period of the attacks there was an unmistakable hardening of racial demarcations between Arab groups and the black African villagers.

During the period of genocidal victimization, the overwhelming pattern is that the refugees from Darfur identify Arab-group attackers as invading their villages and racially targeting them with explicit epithets in the process of mass murder, rape, robbery, and displacement. As noted above, the point is that prior relationships changed during this period, and to assume or imply otherwise is to miss the causal process that was unfolding. It is important not to confuse the complexity of the history of the region with the clarity of the genocidal moment.



There is, finally, the important point that Matsueda raises about the politics of international criminal prosecutions. We share Matsueda's suspicion that the focus of these prosecutions on African nations and the neglect of the crimes of economically developed nations of the global North, including the USA in its war on terror, are an indulgence and concession to power (see Hagan et al., 2008). This deference to power is a legacy that is even longer standing and more sweeping than references to the Nuremberg International Military Tribunal as being simply 'victor's justice'. Still, no less important an African figure than Bishop Desmond Tutu (2009) has noted that the reluctance of international courts to take on the war crimes of the more powerful nations is no excuse for leaving Africans to suffer at the hands of their own murderous politicians and generals. The human costs are too great and long lasting.

Mamdani's message is that we should legally intervene less and negotiate more with the African political and military powers that be. Although it is surely correct that more research is needed, and that political negotiation is important, there is little evidence in Sudan that withholding law and legal accountability influences political negotiations one way or another. The killing, raping, and displacement persist. Nearly all black Africans in Darfur have experienced displacement from their farms and villages. As in the Balkans and Rwanda before, so also in Darfur now, legal accountability is overdue.

We have been favorably cited in an editorial in the *Washington Post* (2005) as well as critically challenged (but with a rare subsequent correction) in an op-ed in the *New York Times* (Dealey, 2007) for mixing advocacy activism with our peer-reviewed social science (Hagan and Palloni, 2006). We insist that there is a place for activism in what we do as criminologists. Howard Becker (1967) long ago asked us to consider seriously the question of 'Whose Side Are We On?' He recognized that we have an obligation as social scientists to maintain our efforts at objectivity, but he encouraged acknowledging our own political positions as a means of doing so while also fulfilling our responsibilities as citizens. There is a place for an activist criminology alongside similar disciplinary commitments to action anthropology and public sociology. This includes the use of terms such as 'genocide' that are intended to highlight elemental processes of a deeply political as well as destructive nature.

Raphael Lempkin (see Power, 2002) coined the term 'genocide' to capture the deeply rooted nature of attempts to exterminate groups in a fundamental, even genetic, sense. More abstract terms, such as 'crimes against public health' and 'crimes against humanity', also have their place. But these terms can often have an abstract quality and a quieting or even silencing effect that the term 'genocide' intentionally seeks to overcome.

Criminologists have a scholarly and moral responsibility to build the 'new criminology of genocide' that Matsueda envisions and to 'mobilize criminology' in the way Hoffman describes. Savelsberg rightly laments that criminologists too often envision 'the state as a bulwark against crime, but



not as a perpetrator'. Savelsberg's own forthcoming book on *Crime and Human Rights* catalogues the range of this atrocity in deeply disturbing terms, and he attributes responsibility to the USA as well as to other nations. Kristof (2009) more specifically signals the growing state capacity for atrocity in northern and central Africa when he warns that 'If you believe that Sudan is so wretched that it can't get worse, just wait.' Criminology should not wait to confront genocide in the full depth and breadth of all its scholarly, legal, and moral dimensions.

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