

Discussion

The Problems of Genocide Need to be Taken Seriously

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The problems of genocide are, unfortunately, all pervasive. Whether in the fraught debate about the Chinese government's treatment of its Uyghur population since 2011, the Myanmar military's expulsion of Rohingya people in 2017, the civil war in Ethiopia, the full-scale Russian invasion of Ukraine since 2022, and now the Israeli campaign in Gaza, claims of genocide are made by and on behalf of victim civilian populations. The accused governments and their supporters, which include quite a few academics, vehemently reject these charges. The state faced an existential insurgent threat, they claim, and had no choice but to proceed with harsh measures. Legitimate security interests—self-defense—license them.

In the case of Gaza, the Israeli side argues that Hamas committed an act of genocide against Israelis on October 7, 2023, and that its military response is justified and in no way genocidal.¹ This line of reasoning continued well into 2024 as the civilian casualty rate rose to likely 20 times that of the civilians (Israelis and others) killed on October 7, not to mention the virtually total destruction of civilian infrastructure in Gaza. Advocates for Palestinians insist that Israeli forces are committing genocide, because of the level of destruction, and because of many

seemingly genocidal statements made by Israeli leaders. Even so, why this pre-occupation with proving genocide on both sides, which mirrors the Ukraine-Russia case in which both sides also accuse the other of genocide? After all, the arrest warrants issued by the International Criminal Court are for war crimes and crimes against humanity, not for genocide.

The answer is that genocide is widely believed to be the “crime of crimes” or, as the Holocaust historian Norman G. W. Goda put it, the “queen of crimes.”² Observing this informal hierarchy in international criminal law and public opinion, I asked myself several years ago how and why this hierarchy evolved. In studying the Nigeria-Biafra civil war (1967–1970) and the secession of East Pakistan from Pakistan to establish Bangladesh (1971), I found that genocide was alleged at the time but was rejected on the grounds that they were civil wars, not genocide. Millions of civilians perished during armed conflict, which in the Nigeria case included a blockade. But contemporaries held that these circumstances did not resemble the Holocaust. Above all, the victims could not be analogized with Jews: agentless actors subject to a killing campaign targeting them simply for being different. A similar debate raged at the same time about the US war in Vietnam.³ I began to see that the genocide concept was a problem because it excluded such cases in which countless non-combatants perished as supposed incidental byproducts of armed conflict. We are conducting the same debate today in relation to the aforementioned conflicts.

I also saw other, related, problems, such as how the de facto hierarchy of international criminal law means that crimes against humanity and war crimes do not “shock the conscience of mankind,” to use the term of art to refer to the upper threshold of humanitarian emergency. The distortion consists in a misleading distinction that forms the basis of the overlapping fields of Holocaust and Genocide Studies: between political and non-political civilian destruction. The former is driven by rational and pragmatic goals like military victory, the latter by irrational hatred of another’s identity, killing them solely because of who they are, not for anything they (or members of their group) have done. For

reasons I explain in *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge, 2021), the latter form of mass destruction was modelled on the Holocaust, which became the archetype of genocide.⁴

One of the problems of genocide addressed in my book that we see today is that actors seeking genocide recognition feel compelled to frame their case according to the Holocaust archetype because of the popular understanding of genocide, both as the “crime of crimes” modelled on the Holocaust, and as a non-political hate crime. That means they depict victims as innocent and agentless, and the perpetrators as driven primarily by racial or national antipathy. “It’s not a war, it’s genocide,” one hears in relation to Israel’s campaign in Gaza. In response, perpetrator states insist they are driven by legitimate security concerns, as mentioned at the outset of this essay. My argument is that both parties are laboring under a conceptual mistake. States are indeed driven by security concerns when engaging in civilian destruction, but they are illegitimate because they are striving for permanent security.⁵ No state has a right to permanent security. One of the many problems of genocide is the construction of a hierarchy of criminality, and confusion about the naming and categorization of mass civilian destruction. War crimes and crimes against humanity should be shocking enough without having to resort to calling them genocide.

These were some of the problems of genocide I observed, so I resolved to write a book about them and chose the most literal title. Historicizing the concept of genocide was not how I began writing on the subject when I published my first article on genocide in Australian history in 2000.⁶ I was then interested in the genocide concept for its problem-solving capacity, because I saw it could be useful for Indigenous critiques of settler colonialism.⁷ By about 2010, however, I saw the limitations of the genocide concept as I repeatedly ran into a brick wall of uniqueness arguments from Holocaust scholars (Yehuda Bauer and Steven T. Katz), and from Australian nationalists who pointed to the Holocaust as a way to exculpate Australian settler crimes. If the British treatment of First Nations peoples differed from the Nazi treatment of Jews,

they reasoned, genocide could not have taken place in Australia: the Holocaust was genocide's archetype. These were paradigmatic cases of what in two essays I called "Conceptual Blockages" and "Anxieties in Holocaust and Genocide Studies."⁸

The subtitle of the book communicates the two building blocks of the argument: *Permanent Security and the Language of Transgression*. The former term is not my invention. The Nazi commander of *Einsatzgruppe D*, *SS-Führer* Otto Ohlendorf, adopted it from common German usage at the time as the rationale for his troops' mass murder of Jews. Believing himself innocent of criminal intentions at his trial in 1947, he did not cite superior orders to escape the hangman's noose: he justified them in the name of "necessity." When asked about murdering Jewish children, he maintained that they would grow up to resist the occupation when they understood that Germans had murdered their parents. Realizing that he was advancing an unconventional argument, Ohlendorf explained that the Germans sought more than military security: their aim was *permanent security*, which entailed a radically different temporal structure. They were concerned not only with eliminating immediate threats but also future threats. Governed by a logic of prevention (future threats) as well as pre-emption (imminent threats), they strove to close the gap between perceived insecurity and permanent security. With my research in colonial violence in mind, I saw him repeating justifications about killing Indigenous children: "nits make lice." I believe that Ohlendorf expressed a truth about state and para-state thinking and behavior that rarely speaks its name.

The analytical point is not to adopt Ohlendorf's point of view, of course, but to turn the concept back onto him and his ilk: to expose the terrible implications of what he was saying about the Nazi project—and about the potential of other state projects. If the regime was deeply irrational when viewed from the outside, its extermination policies made perfect sense to its followers as applications of permanent security. Ohlendorf's prosecutors wrestled with the disjunction between subjective and objective perspectives. Understandably, they discounted the former, which Ohlendorf's

defense counsel called “putative self-defense” (or “putative necessity”) as untenable. To accept it would be to allow abrogation of the laws of war because of outlandish threat perceptions, they said rightly.⁹ In doing so, they set a standard of rationality in assessing threat perceptions: just because a party thinks it is threatened does not make it reasonable or lawful for it to seek to eliminate the threat in a manner that incurs non-combatant casualties. Just because people within a population might pose a threat in the future does not entitle a state to deport or destroy that population.

Permanent security differs from conventional security by its dangerously utopian aspiration for *absolute safety*, requiring destruction or total domination of “threatening” populations. It entails a logic of pre-emption that is constitutively paranoid because it worries about future, imagined threats. It seeks to anticipate them by targeting people who could be potentially dangerous. One of the problems of genocide is that its iconic status detracts attention from the unrealizable quest for permanent security that I observe really drives mass violence against civilians. Chapter six of *The Problems of Genocide* demonstrates how this logic plays out in world history.

In one mode, it can lead to policies of permanent policing observable in colonial rule: never-ending low intensity warfare against an occupied population that accumulates fatalities over time. In another mode, it leads to “final solutions”: intense moments of elimination of a population group deemed threatening so that never again can it produce insurgents. Consider Myanmar, whose military violently expelled the Rohingya population from Rakhine state in 2017 because a tiny number of Rohingya participated in a separatist insurgency. Or Xinjiang province of China where the authorities have incarcerated almost the entire Uyghur population to confront a potential secession. In both cases, the state feared separatist tendencies manifested in relatively minor incidents: its response was not focused solely on current threats but largely on imagined or anticipated ones.

Some scholars are uneasy about integrating the Holocaust into this schema. The Holocaust is unique or unprecedented, they say. They misunderstand how my discussion of Nazi Germany fits

into the broader argument about imperial expansion and permanent security. I do not argue that German colonial genocide in Africa led to the Holocaust, nor that the Nazis sought to exploit Jews like “natives,” although Jews were exploited for their labor, as the work of Wolf Gruner shows.¹⁰ Quite the opposite. I am in fact developing a notion from Saul Friedländer, who in his epic work, *Nazi Germany and the Jews*, coined the term “redemptive antisemitism” to explain Nazi genocidal ambitions. In extending this notion to Nazi “redemptive imperialism,” I show how the Nazis explicitly adapted the destructive lessons of past empires—ancient and modern—to radicalize and “perfect” them on an unprecedented historical scale. It was not the *continuity* of German imperial traditions that led to the Holocaust, but the *rupture* of Germany’s forced decolonization after World War I that prompted Hitler to imagine a compensatory continental, even global, imperial project. He wanted to ensure that never again could the German people be starved into submission or deprived of natural resources and *Lebensraum*.

We know that this redemptive project targeted Jews preemptively as a security threat in a posited thousand-year empire. Needless to say, this belief was delusional. Again, Friedländer’s arguments are important to recall. He observed in his book that the Nazis regarded Jews “as an *active threat*, for all of Aryan humanity in the long run, and in the immediate future for a Reich embroiled in a world war,” meaning that “the Jews had to be exterminated before they could harm ‘Fortress Europe’ from within or join forces with the enemy coalition they had themselves set against the Reich.”¹¹ For Friedländer, the concept of paranoia played an important role, and he drew on Richard Hofstadter’s famous essay on “The Paranoid Style in American Politics” to argue that “In the landscape of modernity, paranoid political thought was acquiring a permanence of sorts.”¹²

This paranoia is indeed impossible to overlook in Nazi statements, and they point to permanent security aspirations. The SS leader Heinrich Himmler expressed it in his notorious Posen speech in October 1943 when he declared: “if today . . . we still had the

Jews in every city as secret saboteurs, agitators, and demagogues. If the Jews were still ensconced in the body of the German nation, we probably would have reached the 1916–17 stage by now.” He was referring to the collapse of the German home front during World War I, which he attributed to supposed Jewish influence. In May 1944, Hitler told senior officers that “By removing the Jews, I have removed from Germany the possibility of the construction of any kind of revolutionary cell or nucleus.”

The antisemitic narrative that Jews led the Bolshevik movement and threatened bourgeois Europe was widespread in interwar Europe—even Winston Churchill believed it. One does not need to attribute reality to such paranoid fantasies to see that they are a causal factor in perpetrator intentions. I discuss them, as have many other historians before me (Alon Confino, *A World Without Jews*; Jeffrey Herf’s *The Jewish Enemy*), and build on their work.¹³ The outcome of the Nazis’ racialization and securitization of European Jewry was of course, tragically, the Holocaust. Here was the most grievous case of illiberal permanent security in world history. Antisemitism, then, was entangled with imperial expansion rather than being in tension with it. Subtle, relational thinking can see that the Nazi project and the Holocaust entail both the histories of antisemitism and imperial expansion, and that they comingled fatally in this case.

Reading widely in world history reveals the operation of permanent security elsewhere. Soon after the Nuremberg Trials, American forces killed millions of Korean, Vietnamese, and Cambodian civilians in bombing campaigns, far from US shores, although they posed no direct threat to Americans. They justified this style of warfare against Indochinese people as part of a global anti-communist crusade that had fantastical qualities, like the so-called “domino theory.” Delusional and paranoid thinking was not confined to the Nazis. Looking back now, we can see that ridding the world of communism was a redemptive project of permanent security—as was international communism itself. Their proponents accepted massive human suffering to make the world permanently secure for humanity through capitalism or communism respectively.

Millions of victims of state and paramilitary violence did not pose an objective military or security threat. States target all members of a group—innocent non-combatants—because *some* of them may become security threats. Security paranoia lies at the heart of murderous attacks on civilians. There are of course distinct qualities to the paranoia of “redemptive antisemitism.” The Holocaust is not “just another case of genocide,” but the apogee of illiberal permanent security in world history.

So, again, why is genocide a problem? Because it occludes the operation of permanent security, like the war in Vietnam, which was not a genocide but killed millions of innocents. By proclaiming genocide as the “crime of crimes,” such forms of permanent security are trivialized. Who today talks about the millions killed by the US bombing of North Korea in the early 1950s or recalls the 40 million Chinese dead in the Great Leap Forward a few years later? How and why this blindness occurred is what I set out to explain in *The Problems of Genocide*.

Conventional accounts begin with the proposition that the Polish-Jewish jurist Raphael Lemkin coined the term “genocide” in 1944 to provide the word for Winston Churchill’s famous phrase “a crime without a name.” In fact, the British prime minister was referring to the German treatment of Soviet civilians: to its murderous mode of warfare that attacked civilians as well as combatants. Indeed, criminalizing such warfare was Lemkin’s starting point. He wrote in *Axis Rule in Occupied Europe*, published in late 1944 but completed a year earlier, that genocide was “the antithesis of the Rousseau-Portalis Doctrine, which may be regarded as implicit in the Hague Regulations. This doctrine holds that war is directed against sovereigns and armies, not against subjects and civilians. In its modern application in civilized society, the doctrine means that war is conducted against states and armed forces and not against populations.”¹⁴

However, he quickly narrowed this frame to fixate on the ethnic, racial, and national groups covered by the minority treaties that the victors of World War I forced upon new states like Poland. Why?

One reason lies in Lemkin's ontology of humanity as comprising peoples and nations. He was a Jewish nationalist, as James Loeffler has shown.¹⁵ The other reason lies in the contingencies of wartime politics. Lemkin was shocked by the invisibility of the Holocaust in the United States where he was living in the early 1940s, observing that President Roosevelt viewed the Nazi project as primarily anti-Christian. News about Nazi treatment of Jews under their occupation appeared in small columns at the back of newspapers. Lemkin also noted the rift between the World Jewish Congress (WJC) and the occupied governments-in-exile (especially those of Poland and Czechoslovakia) because of the former's proposal to represent their Jewish citizens in international declarations and at future war crimes trials.

To harness their joint agency and have Jewish victims become visible alongside Christian victims, he proposed "genocide" as an extremely broad but nationally delimited bridging concept that would include persecution (suffered by Christian) and extermination (suffered by Jews). Not yet envisaging an independent genocide convention, he proposed genocide as an augmentation of the Hague Conventions that should include "every action infringing upon the life, liberty, health, corporal integrity, economic existence, and the honor of the inhabitants when committed because they belong to a national, religious, or racial group; and in the second, every policy aiming at the destruction or the aggrandizement of one such group to the prejudice or detriment of another."¹⁶ This notion was designed to appeal to representatives of "small nations" and the WJC, with whom Lemkin maintained contact. And it did. Understanding this history means we can conclude that "genocide" was not discovered but invented and then pushed through the General Assembly of the UN by a coalition of states after their disappointment with the restrictive definition of crimes against humanity at the Nuremberg Trials.

However, this extraordinarily broad definition of genocide raises questions about its coherence. After all, destruction and aggrandizement are distinct in the sense that the latter presupposes

survival, even if in “crippled” form, a term Lemkin also used. Not for nothing did one contributor to the UN debate about a genocide convention complain that closing libraries (as an example of cultural genocide) has nothing to do with mass executions. In the end, the majority of states in this debate agreed. Lemkin’s definition did not make its way into international law after the war.

The consequence of this and other restrictions is that the 1948 UN Genocide Convention omitted much of the German conduct in World War II, which led to 20 million Soviet casualties. This is no accident. The states negotiating the convention in 1947 and 1948 wanted to reserve the right to conduct warfare in this manner. To that end, they raised the threshold of “shocking” crimes by modeling genocide on the Holocaust to ensure that it would not apply to their colonial empires, domestic race politics, domestic suppression of political opposition, or to the population expulsions then underway in South Asia, the Middle East, and Europe. States could thus continue to justify their destruction of groups perceived as threatening by arguing that they did not resemble the Holocaust, and that they were acting on security (i.e., political) rather than racial (non-political) grounds. Naturally, this benefited the new state of Israel, but there is no evidence to suggest that Lemkin or Israeli diplomats steered or drove this process. This was a global moment of nation-state foundation, and states were not going to let the so-called “human rights revolution” compromise their sovereign rights.

To be sure, the UN Charter and the Geneva Conventions of 1949 were meant to reign in state ambitions for permanent security. But events since then have shown that such ambitions continue—with deadly consequences. We can ask ourselves hard questions about the states in which we live. Genocide may be rare or, rather, exceedingly difficult to prove in international courts, but the warfare against entire populations in the name of absolute safety, which Lemkin originally identified as the problem that his definition of genocide was intended to solve, seems all too common.

NOTES

1. Gid'on Lev et al., "War Is Always Hell': Moral Philosophers on the Ethics of Israel's Actions in Gaza," *Haaretz*, November 27, 2023.

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3. A. Dirk Moses and Lasse Heerten, eds., *Postcolonial Conflict and the Question of Genocide: The Nigeria-Biafra War, 1967–1970* (Abingdon: Routledge, 2018); A. Dirk Moses, "Civil War or Genocide? Britain and the Secession of East Pakistan in 1971," in *Civil Wars in South Asia: State, Sovereignty, Development*, eds., Aparna Sundar and Nandini Sundar (New Delhi: Sage India, 2014), 142–164.

4. A. Dirk Moses, *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge: Cambridge University Press, 2021).

5. I examined the Israeli campaign in terms of the problems of genocide in "More Than Genocide," *Boston Review*, November 15, 2024, <https://www.bostonreview.net/articles/more-than-genocide/>

6. A. Dirk Moses, "An Antipodean Genocide? The Origins of the Genocidal Moment in the Colonization of Australia," *Journal of Genocide Research* 2, no. 1 (2000): 89–107.

7. Relevant publications are A. Dirk Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Aboriginal Children in Australian History* (New York: Berghahn Books, 2004); A. Dirk Moses and Dan Stone, *Colonialism and Genocide* (Abingdon: Routledge, 2007); and A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Berghahn Books, 2008).

8. A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the Racial Century: Genocide of Indigenous Peoples and the Holocaust," *Patterns of Prejudice*, 36:4 (2002), 7–36; A. Dirk Moses, "Anxieties in Holocaust and Genocide Studies," in *Probing the Ethics of Holocaust Culture*, eds., Claudio Fogu, Wulf Kansteiner, and Todd Presner (Cambridge: Harvard University Press, 2016), 332–354, 474–483.

9. Trials of the War Criminals before the Nuremberg Military Tribunals, Vol. 4, "The Einsatzgruppen Case." October 1946–April 1949 (Washington: US Government Printing Office, 1949). United States of America vs. Otto Ohlendorf, et al. (Case No. 9), 346–355, 463–466.

10. Wolf Gruner, *Jewish Forced Labor Under the Nazis: Economic Needs and Racial Aims, 1938–1944* (Cambridge: Cambridge University Press, 2006).
11. Saul Friedländer, *Nazi Germany and the Jews: The Years of Extermination* (New York: Harper Collins, 2007), 557. Emphasis in original.
12. *Ibid.*, 84.
13. Alon Confino, *A World Without Jews: The Nazi Imagination from Persecution to Genocide* (New Haven: Yale University Press, 2014); Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust* (Cambridge: Cambridge University Press, 2006).
14. Rafael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation—Analysis of Government—Proposals for Redress* (Washington: Carnegie Endowment for International Peace, 1944), 80.
15. James Loeffler, “Becoming Cleopatra: The Forgotten Jewish Politics of Raphael Lemkin,” *Journal of Genocide Research* 19, no. 3 (2017): 340–360.
16. Lemkin, *Axis Rule in Occupied Europe*, 92–93.

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