

Restructuring Genocide, in Whole or in Part

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Abstract

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This bibliographic research contends with the idea that broadening the use of the term ‘genocide’ cheapens its meaning. It examines the theoretical development of genocide as a structurally embedded force in society, paying attention to how researchers and theorists increasingly draw more upon Raphael Lemkin’s and Indigenous scholarships, with an emphasis on settler colonialism and necropolitics. It highlights literature that embody the critical origins of genocide as a concept in both theory and law, with the goal of demonstrating that genocide means more than intending to physically destroy en masse. The following review can allow readers to determine whether genocide must be passionately safeguarded and gatekept lest it loses its meaning, or whether those very safeguarding and gatekeeping are what causes genocide to conceptually and theoretically lose meaning to begin with.

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Introduction

As a growing field of study, genocide studies encompass a broad range of debates and topics about genocide: what constitutes it, how is it quantifiable and/or qualifiable if at all, the material and societal conditions that cause genocide, and so on. Early understandings of genocide were heavily drawn upon elements of the Holocaust, which has limited the recognition and understanding of other genocides by filtering them through those specific elements (Fein, 1993, Moshman, 2001). For example, the lack of death camps in the systematic extermination of indigenous peoples in Australia by Europeans has led many Australians to deny that this event constituted genocide (Fein, 1993, p. 15, 79-81; Moshman, 2001, p. 436). This has also led to the exclusion of other forms of group destruction such as the European colonization of the Americas, which involved deliberate mass killings and the elimination of hundreds of cultures, but are often not recognized as genocide due to the absence of death camps (Moshman, 2001, p. 436).

Discussions of genocide reached a new peak following Israel's military response to the Hamas attacks. Most notably are discussions about the case brought forth by South Africa against Israel to the International Court of Justice for committing genocide in Gaza. Numerous arguments circulate in public discourse attempting to justify why Israel's actions in Gaza do not qualify as genocide, such as quantitative analyses of the death rate compared to different genocides, the absence of a high death toll despite Israel having the capacity to inflict one, and military context of hunting down Hamas militants (see Bitterman, 2024; "Charging Israel", 2024). Adjacent arguments can be found in mainstream media. Benny Morris, Israeli figure in the New Historian movement, said in a *Head to Head* interview: "If there was genocidal intent by the Israeli government with the Israeli military machine to commit genocide in Gaza, there would not be 30,000 or 20,000 Gazans dead, there would be hundreds of thousands of Gazans dead. *That is*

called genocide, and that's not what's happening in Gaza" (Al Jazeera English, 2024, 9:01-9:20). Given that Morris has "defended ethnic cleansing and genocide as integral to the formation of (some) nation states and march of human progress" (Moses, 2008, p. 5), and his past characterizations of Palestinians as a "fifth column" and "a wild animal . . . that has to be locked up in one way or another" (Shavit, 2004), his tone in the interview can be understood as that of an open threat. One might also recognize his sentiment in the following rhetorical device deployed in denialist discourse: it did not happen, and they deserved it (see discussions by Wallimann and Dobkowski, 1987; Fein, 1993; Hintjens & van Oijen, 2020).

Similarly, an article from *The Economist* argues the following:

South Africa's claim that Israel is committing genocide against the Palestinians, heard by the ICJ this week, cheapens the term. It risks weakening the taboo and body of law aimed at preventing it . . . With its case, South Africa is making a mockery of the court. Genocide requires that Israel is killing people in Gaza simply for being Palestinian ("Charging Israel", 2024).

While the article decries Israel for violating international humanitarian law and pushing Gaza towards a famine, it holds the word 'genocide' to a very high moral standard, lest it loses its condemnatory force and weight. This sentiment is shared by many, and it is informed by a common colloquial understanding of genocide. Since many scholars have already put forth frameworks that view genocide as a temporal continuum rather than a collection of actions (see Campbell, 2009 & 2011; Rosenberg, 2012), while others emphasize systemic and structural elements that facilitate genocide (see Wolfe, 2006), arguments surrounding the ongoing conflict in Gaza are a reminder that debates within genocide studies have not fully gained public awareness yet. For instance, while genocide is generally understood to have a beginning and an end, denial is often categorized as the final stage of genocide because the final step in the destruction of a group is not only memory of

its destructions but ultimately memory of anything pertaining to its existence, including the destruction (Stanton, 2023). Yet by that logic many genocides—including the Holocaust—are technically not over. In a similar vein, any arguments that rely of death tolls theoretically fail because one can conceive of an attempt to destroy a group, in whole or in part, without physically murdering members of said group, as evidenced by the Uyghur genocide (Jones, 2022; Xia, 2023).

Moreover, people are tempted to interchange ‘genocide’ with ‘extermination’—and so initially was Lemkin himself. Indeed, during the drafting of the 1948 United Nations Genocide Convention (UNGC) the word ‘extermination’ was initially used in place of the word “genocide.” The Egyptian delegate, Judge Riad Bey, argued that the word “genocide” should be removed and replaced with “extermination” because he believed that the word “extermination” was a better fit for international law because it was a more concrete term. Lemkin, however, argued that genocide was a more accurate and comprehensive term because it encompassed the destruction of a group’s culture as well as its physical existence (Irvin-Erickson, 2017, p. 157). This is not a mere semantic difference, as one could argue that there could be an intent to *destroy* a group *in part* without necessarily exterminating it (Lemkin, 1944, p. 79).

This paper explores theoretical debates and developments of theories on genocide in an attempt to situate where genocide discourse currently stands, and it delves into the articles that investigate and put forth broader understandings of genocide. By doing so, it will demonstrate how we can incorporate view genocide as a structural phenomenon not in order to cheapen or dilute the concept, but to recognize how entrenched and omnipresent it is. Perhaps the gatekeeping of a high moral standard for genocide—lest we lose its moral significance—that cheapens and dilutes its meaning.

Conceptual Origins of Genocide

Polish-Jewish lawyer and jurist Raphael Lemkin provided the international community with a framework to understand and ultimately outlaw a crime against human groups, and he did so by coining the term ‘genocide’ in his 1944 book *Axis Rule in Occupied Europe*, (Akhavan, 2012, p. 6-7; Jones, 2023, p. 13). However, the concept of genocide as Lemkin originally envisioned it—a broad, holistic, and sociological process encompassing both physical and cultural destruction—underwent a significant and highly politicized evolution (Rashed & Short, 2012, p. 1143). By the time his concept was translated into international law via the 1948 United Nations Genocide Convention (UNGC), geopolitical compromises had stripped Lemkin’s vision of its most expansive elements, leaving behind a narrowed legal definition that continues to shape and constrain global justice today (Rashed & Short, 2012, p. 1143; Heiskanen, 2021, p. 2).

When he was younger, he read the *Quo Vadis*, a novel about the Roman Emperor Nero’s slaughter of Christians (Woolford, 2023, p. 423; Akhavan, 2012, p. 91), which made him begin voraciously studying other historical instances of mass extermination, including the destruction of Carthage, the slaughter of the Huguenots in France, the persecution of Catholics in Japan, and the conquests of Genghis Khan (Moses, 2008, p. 8; Woolford, 2023, p. 424). This intellectual preoccupation crystallized into a lifelong legal crusade in 1921, while Lemkin was a university student in Lvov (Jones, 2023, p. 15). He learned of the assassination of Talaat Pasha—one of the political actors behind the Armenian genocide—by Soghomon Tehlirian, an Armenian genocide survivor, and he was baffled by the era’s hypocritical legal paradigms, that it was a crime for Tehlirian to kill one man, yet it was not a crime for Talaat Pasha to have orchestrated the murder of a million people (Jones, 2022, p. 29, 34; Jones, 2023, p. 15). Realizing that the doctrine of state sovereignty effectively shielded governments from international interference when they

slaughtered people inside their jurisdiction, Lemkin shifted his studies to international law, determined to close this loophole (Jones, 2022, p. 34; Odello & Łubiński, 2020, p. 3).

In 1933, Lemkin made his first formal attempt to criminalize group destruction by submitting a proposal to the League of Nations, in which he advocated for the creation of two new international crimes: barbarity and vandalism: Barbarity was defined as “oppressive and destructive actions directed against individuals as members of a national, religious, or racial group”; vandalism was defined as “malicious destruction of works of art and culture because they represent the specific creations of the genius of such groups” (Akhavan, 2012, p. 92). Lemkin argued that the cultural heritage of any particular group formed the wealth of all humanity, and their destruction shocked the conscience of the world (Moses, 2008, p. 82). His proposals were rejected by his colleagues, but these twin concepts laid the structural foundation for his later conceptualization of genocide (Akhavan, 2012, p. 92; Short, 2010).

Scope, Scale, and the Mechanisms of Genocide

When Nazi Germany invaded Poland in 1939, Lemkin fled through Sweden and eventually found refuge in the United States, carrying with him a trove of German occupation laws and decrees in which he meticulously analyzed the administrative architecture of Nazi imperialism (Akhavan, 2012, p. 93; Jones, 2022, p. 35). In doing so, he synthesized his earlier concepts of barbarity and vandalism into one concept (Rashed & Short, 2012, p. 1143). Combining “the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing)” (Lemkin, 1944, p. 79), he introduced ‘genocide’ to the world in 1944 (Akhavan, 2012, p. 7; Jones, 2022, p. 35).

For Lemkin (1944), the scope and scale of genocide were vastly broader than the mere physical mass murder of individuals. In *Axis Rule*, he warned against reducing the crime solely to physical slaughter: “Generally speaking, genocide does not necessarily mean the immediate

destruction of a nation, except when accomplished by mass killings of all members of a nation . . . [it is a] coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves” (p. 79). Furthermore, “[t]he objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups” (p. 79). Crucially, Lemkin (1944) emphasized “that genocide is directed against the national group as an entity, and the actions involved are directed against individuals not in their individual capacity, but specifically as members of the national group” (p. 79). His formulation recognized that genocide was a sociological and political process that unfolded over time, rather than a spontaneous event, since it was a structural assault on the “essential foundations” of a group’s existence (Rashed & Short, 2012, p. 1143; Powell, 2007, p. 534; Short, 2016, p. 21). Genocide thus comprises multiple intersecting vectors of attack on life, with physical extermination often being the final—rather than the only—phase of a broader continuum of violence (Jones, 2023, p. 40; Short, 2010, p. 835). For instance, “biological genocide involves acts that impede the growth of the group” such as “forced sterilisation, compulsory abortion, . . . [and] attacks that contribute to a decline in maternal health and increase infant and child mortality [because they affect] the long-term vitality of the group” (Bachman, 2019, p. 303-4); while economic genocide involves destroying the foundations of a group’s economic existence, thereby creating a daily struggle for basic physical survival (Bachman, 2019). Through this comprehensive framework, Lemkin illustrated that a group could be effectively annihilated through a multifaceted campaign of subjugation, even if every individual member was not immediately killed (Jones, 2004, p. 81; Short, 2010, p. 838).

Structural Embeddedness: Culture and Colonialism

Central to Lemkin's theory was a respect for human cultural plurality. Drawing on functionalist anthropology, Lemkin argued that a "social group exists by virtue of its common culture [and that] [c]ulture integrated society and enabled the fulfillment of individual basic needs," so "if the culture of a group is violently undermined, the group itself disintegrates" (Moses, 2008, p. 12). Lemkin believed that "the world represents only so much culture and intellectual vigor as are created by its component national groups" (Moses, 2008, p. 82; Powell, 2011). Consequently, the destruction of a nation's culture was an irreparable loss to the 'human cosmos' and global civilization (Powell, 2011; Moses, 2008, p. 97; Short, 2010). For Lemkin, physical genocide and cultural genocide were not distinct crimes, but rather intertwined, interdependent techniques deployed to achieve the exact same end: the structural death of the group (Short, 2010; Powell, 2007; Whitt & Clarke, 2019, p. 65). Furthermore, Lemkin explicitly understood genocide as a colonial phenomenon (Rashed & Short, 2012, p. 1143). He postulated genocide as intrinsically consisting of two phases: "One, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made on the oppressed population which is allowed to remain, or upon the territory alone, after the removal of the population and colonization of the area by the oppressor's own nationals" (Lemkin, 1944, p. 79).

While *Axis Rule* focused on the Nazi occupation of Europe, Lemkin viewed Nazi territorial expansion as an imperial settler colonial project seeking to achieve biological and cultural superiority by replacing native European populations with German settlers (Woolford, 2023; Zimmerer, 2024). In his unpublished manuscripts for a planned world history of genocide, he extensively documented the genocidal nature of European colonialism globally, like the Spanish

conquest of the Incas and Aztecs, the German atrocities against the Herero in Southwest Africa, and the British annihilation of the Aboriginal Tasmanians (Moses, 2008, p. 85, 90; Powell, 2011; Schaller, 2011). The techniques of cultural desecration, economic deprivation, biological interference, and physical massacre were deployed systematically to destroy indigenous lifeways and appropriate their lands (Rashed & Short, 2012, p. 1143; Moses, 2008, p. 94).

Translation into International Law and the Narrowing of the Concept

Following the end of World War II, Lemkin's initial efforts to enshrine his concept into international law were directed at the International Military Tribunal (IMT) at Nuremberg (Jones, 2023, p. 13; Simon & Kahn, 2023). While American prosecutor Robert Jackson included the term 'genocide' in the indictment to describe the systematic extermination of Jews, Poles, and Roma, the IMT ultimately focused its judgment on 'crimes against humanity' and omitted the word genocide entirely, devastating Lemkin (Simon & Kahn, 2023; Akhavan, 2012, p. 97). The Nuremberg framework restricted crimes against humanity to acts committed in the context of war, effectively leaving states immune from international prosecution for genocidal atrocities committed against their own citizens during peacetime (Bloxham & Moses, 2010; Simon & Kahn, 2023).

Determined to overcome this limitation, Lemkin turned towards the newly formed United Nations (Simon & Kahn, 2023). In 1946, the UN General Assembly adopted Resolution 96(I), which affirmed that genocide was a crime under international law that "shocks the conscience of mankind" and "results in great losses to humanity in the form of cultural and other contributions" (Odello & Łubiński, 2020; Rosenbaum, 2009). Crucially, the resolution acknowledged that genocide can be "committed on religious, racial, political or any other grounds" (Greenawalt, 1999, p. 2272). This victory prompted the drafting of a formal UN convention. In 1947, the UN

Secretariat produced a draft convention that reflected his holistic vision (Irvin-Erikson, 2017, p. 158), and “divided genocide into three categories: physical, biological, and cultural genocide” (Jones, 2023, p. 40). Physical and biological genocide included massacres, creating conditions leading to death, and restricting births (Jones, 2023, p. 41). Cultural genocide included acts such as banning national languages, exiling cultural representatives, and systematically destroying books, religious works, and historical monuments (Jones, 2004; Woolford, 2019, p. 149). Additionally, the draft explicitly protected “political groups” alongside racial, national, and religious ones (Greenawalt, 1999, p. 2273; Woolford, 2019, p. 145).

However, as the draft went through several revisions throughout 1948, Lemkin’s original conception was systematically dismantled by the geopolitical interests of the world’s major powers (Rashed & Short, 2012, p. 1143; Heiskanen, 2021, p. 2). The translation of genocide into binding international law required compromises that severely truncated the scope of the crime. First, the protection of political groups was excised from the draft. The Soviet Union, backed by its allies, vehemently opposed their inclusion (Feierstein, 2014, p. 15-16; Jones, 2022, p. 187), arguing that political groups lacked a fixed identity often associated with racial or national groups, but their true motivation was to shield Joseph Stalin’s regime from international legal scrutiny (Irvin-Erikson, 2017, p. 181; Odello & Łubiński, 2020, p. 9). Indeed, its inclusion would have easily criminalized the Soviet mass deportations, the Gulag system, and the state-engineered Holodomor, which Lemkin himself considered a clear-cut case of Soviet genocide (Chakhmakhchyan & Meyroyan, 2025, p. 109; Irvin-Erikson, 2017, p. 188). Fearing the Soviet bloc would veto the entire convention, Lemkin lobbied to sacrifice the inclusion of political groups to save the UNGC (Odello & Łubiński, 2020, p. 9; Irvin-Erikson, 2017, p. 180). Second, the concept of ‘cultural genocide’ was completely stripped from the final text (Heiskanen, 2021, p. 2;

Jones, 2023, p. 40). This opposition was spearheaded by Western colonial and settler colonial powers, including the United States, Canada, France, the United Kingdom, and New Zealand (Heiskanen, 2021, p. 2; Bachman, 2022; Wakeham, 2022, p. 344).

These nations feared that criminalizing cultural destruction would expose their own historical and ongoing colonial policies to international prosecution (Heiskanen, 2021, p. 2; Wakeham, 2022, p. 344). For instance, Canada and the United States objected to the inclusion of cultural genocide, arguing that suppressing a minority language, closing libraries, or operating assimilative Indigenous boarding schools could not be compared to the “unspeakable crimes which had been perpetrated at the Nazi crematoria” (Jones, 2023, p. 75). These settler colonial states successfully argued that cultural assimilation was a matter of minority rights, not an international crime, by leveraging the Holocaust as the ultimate benchmark of genocide.

Fighting desperately to retain the cultural provisions, Lemkin argued to the delegates that “a racial, national, or religious group cannot continue to exist unless it preserves its spirit and moral unity [...]. If the diversity of cultures were destroyed, it would be as disastrous for civilization as the physical destruction of nations” (Woolford, 2023, p. 426). However, once he recognized that colonial powers would tank the convention if cultural genocide remained, Lemkin backed down (Jones, 2023, p. 40). In his autobiography, he lamented this loss: “I defended it successfully through two drafts. It meant the destruction of the cultural pattern of a group... the shrines of the soul of a nation. But there was not enough support for this idea in the Committee... So with a heavy heart I decided not to press for it” (Short, 2010, p. 839). On December 9, 1948, the UN General Assembly unanimously adopted the UNGC (Jones, 2023, p. 19), in which Article II established the international legal definition of genocide as: “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.”

Consequences and Aftermath of the Legal Definition

By excluding cultural destruction (with the exception of the forcible transfer of children, which was left alone) and political groups, the UNGC reduced genocide almost entirely to physical and biological destruction (Jones, 2022, p. 187; Bloxham & Moses, 2010; Rashed & Short, 2012). It fundamentally altered Lemkin’s broad, systemic vision of genocide as “a synchronized attack on different aspects of life of the captive peoples” (Lemkin, 1944, p. xi), restricting it to a highly specific, legally narrow framework focused primarily on mass murder (Heiskanen, 2021, p. 2; Rashed & Short, 2012). Moreover, the legal demand for an explicit ‘intent to destroy’ (*dolus specialis*) has profoundly shaped how genocide is prosecuted and understood (Greenawalt, 1999; Mohan, 2025). In international law, the mainstream interpretation views genocide as a crime of specific intent, requiring proof that an individual perpetrator deliberately and consciously sought the physical destruction of the protected group (Greenawalt, 1999; Mohan, 2025). Mohan (2025) argues that this individualistic, cognitive approach is fundamentally flawed because it isolates the behavioral acts of individual perpetrators from the broader structural realities of genocide. By focusing strictly on the subjective mental state of individual perpetrators, the legal framework often fails to capture the structurally embedded nature of genocide (which had been identified and formulated by Lemkin), allowing states to disguise genocidal campaigns as military necessity or counterinsurgency (Mohan, 2025).

Summary

Raphael Lemkin's vision of genocide went beyond the horrific imagery of gas chambers and execution squads. For him, genocide was a multifaceted, structural, and inherently colonial process aimed at the total disintegration of a group's social, political, economic, and cultural foundations (Rashed & Short, 2012; Jones, 2023, p. 16). He recognized that the vitality of the 'human cosmos' relied on the diversity of its component nations, making the structural annihilation of a group's culture as devastating to humanity as the physical extermination of its people (Moses, 2008, p. 97; Powell, 2007, p. 534). The translation of Lemkin's holistic theory into the UNGC represented a leap forward for international humanitarian law, stripping sovereign states of the absolute right to annihilate their own populations (Jones, 2022). Yet, driven by the self-preservation instincts of totalitarian regimes and settler colonial empires, the legal definition of genocide was narrowed to prioritize physical and biological destruction while deliberately excising protections for political groups and cultural heritage (O'Brien, 2020). Today, as scholars increasingly interrogate the genocidal impacts of settler colonialism, structural violence, and cultural erasure, there is a 'return to Lemkin' movement in genocide studies, reclaiming his original, expansive vision to better understand and prevent the myriad ways human societies are violently targeted (Rashed & Short, 2012, p. 1143; Jones, 2022, p. 69).

Literature Overview

Over the decades after the UNGC was established, genocide studies have grown substantially as an interdisciplinary field, grappling with the tension between the restrictive parameters of international law and the complex historical realities of mass violence (Feierstein, 2011; Marcus, 2012; Moshman, 2001). Brannigan (2013) explains that contemporary legal orders of analysis deals with the "constitutive problem," which is the need for international law to reach

thresholds of accusation for genocide. He remarks that tribunals are often hampered by procedural deficiencies, the immense costs of prosecution, the difficulty of retroactively applying laws, and the complex challenge of proving the *dolus specialis* required to legally classify an atrocity as genocide rather than a war crime (p. 25, 54, 113). Brannigan (2013) also notes how psychogenetic and sociogenetic orders of analysis have informed the criminology of genocide, with the former drawing upon studies on authority and obedience like the Milgram experiment, and the latter drawing upon frameworks—like that of Norbert Elias—that examine the historical development of state monopolies on power, hierarchical bureaucracies, national cultures, and structural conditions which create populations that are highly vulnerable to top-down political manipulation.

As it stands now, the field of genocide studies can be broadly divided into scholars who emphasize the agency and intentionality of individual actors or coherent states, and those who conceive of genocide as a structural, systemic process (Powell, 2007 & 2011; Rosenberg, 2012; Mohan, 2025). This section provides a brief overview on such perspectives of genocide, contrasting individualistic understandings which emphasize legalistic, strict, cognitive, and behavioral frameworks, with systemic understandings that prioritize structural, degree/continuum-based, knowledge-based, and biopolitical approaches. By analyzing this epistemological divide, this section demonstrates how the study of genocide has evolved from a narrow focus on discrete, intentional events of mass murder to a broader comprehension of continuous, systemic processes of group obliteration.

Individualistic Understandings of Genocide

Individualistic definitions of genocide are rooted in the pursuit of analytical precision, legal accountability, and moral exceptionalism. They tend to view genocide as a discrete, time-bound

event characterized by the explicit intention of specific individual actors to commit mass murder against a clearly defined group.

Legalistic Approach

Many narrower perspectives on genocide are deeply entrenched in the paradigms of international criminal law. Modern international criminal law, rooted in the post-World War II Nuremberg trials, operates on the principle of individual criminal responsibility (Kim, 2016). Consequently, the legal perspective treats genocide not as a macro-level sociological phenomenon, but as a discrete crime committed by natural persons whose individual culpability must be proven (Kim, 2016, p. 15). This individualistic interpretation demands a rigorous demonstration of *mens rea*, specifically *dolus specialis* or “special intent” (Antononych, 2019, p. 20; Chakhmakhchyan & Meyroyan, 2025, p. 116). Under the “purpose-based” approach championed in narrow legal interpretations, it is not enough that an individual’s actions contributed to the destruction of a group because there must have consciously desired, purposed, and sought the destruction of that protected group (Kim, 2016, p. 15-16; Marcus, 2012, p. 10). The International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) have largely maintained this conservative, purpose-based approach to *dolus specialis*, holding that there must be “a *psychological nexus* between the physical result and the mental state of the perpetrator” (Kim, 2016, p. 17).

This sets an exceptionally high evidentiary bar. It forces courts to infer an individual’s internal mental state from circumstantial evidence, severely limiting the applicability of the genocide label (Kim, 2016). Mohan (2025) points out that “the gap between the enormity of genocidal intent and the capacity of individuals renders any determination regarding the intentions of individual perpetrators highly speculative” (p. 556). Because it is extremely difficult to prove

that low-level foot soldiers or bureaucrats personally harbored the overarching desire to annihilate an entire ethnic group, the strict individualistic approach risks allowing culpable perpetrators to escape principal liability by claiming they were merely following orders or lacking the specific animus (Kim, 2016; Marcus, 2012). As Mohan (2025) argues, this individualistic approach is fundamentally flawed because it attempts to squeeze the collective, systemic reality of group destruction into the narrow framework of individual criminal minds (p. 555-56).

Strict and Prototype-Based Approaches

Narrower understandings of genocide are often ‘prototype-based,’ relying heavily on the Holocaust as the paradigmatic standard against which all other mass atrocities are measured (Moshman, 2001). Because the UNGC was drafted in the immediate shadow of World War II, the industrial, state-sponsored extermination of European Jewry became the archetype of genocide (Zimmerer, 2024, p. 181). Scholars adhering to strict definitions, most notably Steven T. Katz, argue for the phenomenological uniqueness of the Holocaust; he defines genocide exclusively as the actualized intent to physically murder a group “in its totality” (Zimmerer, 2024, p. 129; Campbell, 2009, p. 153; Rensick, 2006, p. 4; Rosenfeld, 1999, p. 37). By insisting on total physical annihilation as the core criterion, this strict approach marginalizes other historical instances of mass violence, such as the destruction of Indigenous populations, where death resulted from a combination of violence, disease, forced assimilation, and structural neglect (Campbell, 2009; Rensick, 2006). Yehuda Bauer similarly maintains a strict hierarchy, arguing that while other events may be termed genocide, the Holocaust represents the extreme, farthest point on the continuum of mass brutalization because of its goal of total biological eradication (Wallimann & Dobkowski, 1987, p. 83).

Critics of this narrow, prototype-based conception argue that it creates an exclusionary hierarchy of victimhood (Gerbrandt, 2023; Moshman, 2001). By establishing “the Holocaust as the threshold of trauma in Western modernity,” strict definitions risk creating a “conceptual black hole” that renders invisible the experiences of colonized and Indigenous peoples, effectively excluding them from ultimate moral and legal recognition (Short, 2016, p. 23; Moshman, 2001, p. 438). Furthermore, the UNGC’s deliberate limitation of protected groups to “national, ethnical, racial or religious” categories inherently limits the concept. This restrictive categorization deliberately excludes political, social, and economic groups—a concession made during the treaty’s drafting to appease imperial states—thereby forcing scholars into rigid constraints that ignore the reality of mass political killings or “politicides” (Feierstein, 2014, p. 16; Fein, 1993, p. 84; Simon & Kahn, 2023, p. 13).

Cognitive and Behavioral Approaches

Individualistic conceptualizations also manifest in cognitive and behavioral approaches within social psychology and criminology, which seek to understand the mechanics of genocide at the level of the individual perpetrator. Early psychological theories posited that genocide was the result of psychopathology, but as the field matured, focus shifted to how ‘ordinary men’ commit extraordinary evil, famously encapsulated by Christopher Browning’s study of Reserve Police Battalion 101 (Behrens, 2012; Jones, 2023; Simon & Kahn, 2023).

Behavioral approaches emphasize “situationism” over “dispositionalism.” Psychological experimental studies, such as the Asch conformity experiments, the Milgram obedience experiments, and the Zimbardo Stanford prison experiment, attempted to demonstrate that situational pressures, deference to authority, and peer conformity can lead ordinary individuals to participate in mass killing (Odello & Łubiński, 2020; Anderton, 2015). These approaches explain

how perpetrators learn to compartmentalize their actions, separating their normal moral frameworks from their roles as executioners (Fein, 1993).

Cognitive frameworks highlight the mechanisms of moral disengagement and dehumanization, which lower moral restraint and allow perpetrators to view victims as subhuman (e.g., animals, insects, diseases) or completely outside the “universe of obligation,” thereby validating genocidal actions (Fein, 1993, p. 27, 43). Furthermore, perpetrators utilize “techniques of neutralization” to rationalize their actions, deny responsibility, or blame the victims, which helps them renegotiate their identities after committing atrocities (Hintjens & van Oijen, 2020, p. 147). Additionally, behavioral economics focus on the rational calculations of genocidal actors. Concepts like “loss aversion” explain why political leaders, facing existential threats or the loss of power, might cognitively magnify those losses and take radical, extreme risks—including mass extermination—to secure their dominance (Anderton, 2015, p. 28). Meanwhile, “psychic numbing” explains the apathy of bystanders who become cognitively overwhelmed by the statistics of mass death, leading to inaction (Anderton, 2015, p. 28). These cognitive and behavioral remain individualistic in their scope because they focus on individual human mechanisms, that is, micro-level execution, individual minds, and immediate situational pressures rather than macro-level sociological structures, broad cultural eradication, or the systemic conditions that make such individual choices possible (Odello & Łubiński, 2020).

Systemic Understandings of Genocide

In response to the limitations of the UNGC, the Holocaust-centric paradigm, and strict intentionalism, the field of Critical Genocide Studies has advocated for broader, systemic understandings of genocide. These approaches recognize genocide not merely as an event of

physical murder carried out by malicious individuals, but as a complex, multifaceted process of social, cultural, and political eradication.

Knowledge-Based Approach

To address the paralyzing strictures of the legalistic *dolus specialis* requirement, legal scholars have proposed a ‘knowledge-based’ approach to genocidal intent. Greenawalt (1999) proposes the knowledge-based approach, arguing that “culpability for genocide should extend to those who may personally lack a specific genocidal purpose, but who commit genocidal acts while understanding the destructive consequences of their actions for the survival of the relevant victim group” (p. 2265). This broader understanding of intent aligns better with the reality of state bureaucracies and systematic campaigns. In the context of a massive genocidal machine, mid-level commanders or low-level executors may not personally harbor a passionate ideological desire to annihilate a group; they may simply be following orders, seeking career advancement, or conforming to peer pressure (Greenawalt, 1999; Kim, 2016). Under a strict purpose-based approach, these individuals might escape principal liability. The knowledge-based approach bridges this gap “by unhinging the question of genocidal liability from the perpetrator’s personal motive,” focusing instead on their cognitive awareness of the collective outcome (Greenawalt, 1999, p. 2288; Kim, 2016, p. 27, 36). By shifting the focus from individual passion to cognitive awareness of systemic destruction, the knowledge-based approach broadens the net of accountability (Marcus, 2012, p. 13-14). However, some scholars push this even further toward a purely systemic understanding. Mohan (2025) proposes a “structural interpretation” of intent, arguing that genocide “should be understood as a collective process in which the *structural context* exhibits an ‘intent to destroy’,” rather than relying “on the internal mental states of individual perpetrators” (p. 551, 557). Similarly, Vest (2007) advocates for a “structure-based

concept of genocidal intent,” arguing that “the mental element of intentional destruction refers to a bigger context—the collective action” (p. 790). Thus, intent is not a psychological state residing in the mind of an individual, but a feature of the systemic apparatus deployed against a group.

Structural Approaches

One important move towards a broad, systemic understanding of genocide is the transition from viewing it as a discrete, time-bound event to analyzing it as a continuous, structural process (Rosenberg, 2012). Structural approaches argue that genocide is not merely an anomaly or a sudden rupture, but is often deeply embedded in the social, political, and economic structures of a state (Bloxham & Moses, 2010; Whitt & Clarke, 2019). This perspective is particularly prominent in critical genocide studies and settler-colonial theory. Traditional individualistic views often separate colonialism from genocide, attributing Indigenous population decline to unintended diseases or the inevitable march of progress (Gerbrandt, 2023). However, scholars have increasingly emphasized settler colonialism’s structural presence over its temporal past (Wolfe, 2006; Moses, 2008; Woolford & Benevuto, 2015; Woolford, 2019).

In settler colonial contexts, the primary motive is access to territory; Indigenous peoples are targeted because their very existence obstructs the settlers’ territorial project (Whitt & Clarke, 2019). This eliminatory logic manifests systemically through a variety of strategies: frontier homicide, forced assimilation, geographic segregation, child abduction (such as the Indian Residential School systems in North America), and biological absorption (Woolford et al., 2014; Moses, 2008). Tony Barta expands on this by introducing the concept of “relations of genocide,” arguing that the fundamental structures of settler-colonial societies—such as Australia and the Americas—are inherently genocidal, regardless of the explicit, conscious intentions of individual settlers or state bureaucrats (Fein, 1993, p. 16; Feierstein, 2014, p. 101). As Tony Barta puts it:

“My conception of a genocidal society-as distinct from a genocidal state-is one in which the whole bureaucratic apparatus might officially be directed to protect innocent people but in which a whole race is nevertheless subject to remorseless pressures of destruction inherent in the very nature of the society” (Wallimann & Dobkowski, 1987, p. 240).

Additionally, the concepts of slow violence and genocide by attrition have become more prominent among some genocide scholars. Genocide is not always accomplished through rapid massacres; it often involves protracted, indirect methods of destruction, such as forced displacement, denial of healthcare and food, and the destruction of ecological foundations, i.e., ecocide (Chakhmakhchyan & Meyroyan, 2025; Rosenberg, 2012). These attritional processes compound over generations.

Degree and Continuum-Based Approaches

To deconstruct the division between what is and is not ‘genocide,’ several scholars have increasingly utilized continuum-based or degree-based models to understand genocidal violence (Bloxham & Moses, 2010). Utilizing pure sociology, Campbell (2011) constructs a continuum of genocide ranging from ‘protogenocide’ to ‘hypergenocide’ (p. 602-3). Hypergenocides (like the Holocaust) occur at the extreme end, characterized by high levels of organization, intense mass killing, extreme unilateralism, and indiscriminate targeting based purely on ethnicity, whereas protogenocides have lower values on these dimensions as they might be smaller in scale, less organized, and contain reciprocal elements of violence, such as frontier clashes between settlers and Indigenous groups (Campbell, 2011). By treating genocide as a matter of degree, Campbell (2009) argues we can mathematically and sociologically explain the social geometry (inequality, cultural distance, immobility) that produces different severities of group destruction (p. 160, 167).

Similarly, Ward Churchill proposes a legal taxonomy of degrees of genocide, analogous to degrees of homicide in domestic law, e.g., first-degree for premeditated intent, down to third or fourth-degree for reckless disregard or depraved indifference leading to group destruction (Fein, 1993; Moshman, 2001). Anthropologist Nancy Scheper-Hughes introduces the concept of a “genocidal continuum,” which links everyday normalized practices of social exclusion, dehumanization, and structural violence to the extreme eruptions of mass murder (Bloxham & Moses, 2010, p. 153). This continuum approach reveals how proto-genocidal mindsets are embedded in the institutions of supposedly peaceful societies, demonstrating that genocide is not a radical break from normal social life, but a terrifying escalation of underlying structural inequalities (Bloxham & Moses, 2010; Jones, 2023).

Biopolitical and Relational Approaches

Expanding on the structural dynamics of genocide, biopolitical and necropolitical frameworks provide profound sociological and philosophical depth to systemic understandings of mass violence. Drawing on Michel Foucault, biopolitics refers to the modern state’s authority to manage populations, optimize life, and categorically distinguish between those who deserve to live and those marked for elimination, i.e., “the right to make live and let die” (Powell, 2011, p. 107). Genocide, in this paradigm, is not a regression to ancient barbarism but a modern technology of population management and social engineering, where the state seeks to purify its social body by exterminating those deemed biological, political, or social threats (Bloxham & Moses, 2010; Meiches, 2020; Powell, 2011). A. Dirk Moses expands on this with the concept of “permanent security,” arguing that the paranoid and hubristic quest by states to permanently secure themselves against perceived internal or external threats is the primary driver of both genocidal violence and other civilian atrocities (Jacob & Todzi, 2023, p. 25-26).

Mbembe (2019) radicalizes this framework with the concept of ‘necropolitics,’ moving beyond biopower to describe systems where “[t]he ultimate expression of sovereignty largely resides in the power and capacity to dictate who is able to live and who must die” (p. 66). Necropolitics encompasses “the creation of *death-worlds*, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of *living dead*” (Mbembe, 2003, p. 40). Slavery, the plantation, and the colony serve as primary historical topographies of this systemic necropower, illustrating how systemic violence operates far beyond discrete events of mass murder (Mbembe, 2003 & 2019).

Through a relational concept of genocide, Powell (2007) defines a *genos* as a “figuration”—a dynamic, self-reproducing “network of practical social relations” (p. 538). Genocide, in this broad view, is the “violent erasure of a collective identity” (Woolford et al., 2014, p. 70). It is achieved by systemically dismantling the social networks, cultural institutions, kinship systems, and shared environments that bind a group together. As Powell (2007) argues, this systemic framework overcomes the limitations of individualistic frameworks, recognizing that what genocide kills is not just a collection of individual bodies, but the generative social relations between them (p. 538).

This seamlessly connects to the concept of ‘social death,’ championed by philosopher Claudia Card, who argues that the unique, distinguishing evil of genocide lies not merely in physical murder, but in the destruction of a group’s ‘social vitality’, that is, the shared systems of meaning, intergenerational relationships, and natal bonds that make human life meaningful; social death theory thus captures the devastation of cultural genocide, forced displacement, and the removal of children (Bloxham & Moses, 2010, p. 223; Short, 2016, p. 34; Meiches, 2020, p. 53). It illustrates how an Indigenous group, whose culture and spirituality are inextricably bound to a

specific geographical landscape, can be rendered, as Mohammed Abed says, “socially dead even if nonlethal coercive means are used to expel its members from their ancestral lands” (Short, 2016, p. 72). Meiches (2020) push this further with the concept of ‘destructive plasticity,’ demonstrating that the destruction of symbolic and social life leaves indelible, epigenetic, and neurological scars on the survivors, permanently altering their biological reality and foreclosing future modes of existence. This approach fundamentally dissolves the strict individualistic boundary between biological life and social life, illustrating how systemic, cultural violence materially destroys the “form-of-life” of a targeted group (p. 57, 61).

Summary

Narrow individualistic approaches—anchored in the strict *dolus specialis* of the UNGC, the Holocaust prototype, and cognitive/behavioral analyses of individual perpetrators—provide necessary precision for international jurisprudence and psychological study (Marcus, 2012; Moshman, 2001). However, as scholars in critical genocide studies point out, this strict definitional practice creates severe conceptual blockages. By demanding proof of an individual’s specific intent to biologically annihilate a group, narrow frameworks risk ignoring the slow, structural, and cultural violence that decimates colonized and marginalized groups globally, effectively treating immediate biological death as the only metric of harm (Meiches, 2020; Whitt & Clarke, 2019). Conversely, systemic approaches—embracing settler-colonial theory, knowledge-based and structural intent, continuums of violence, relational sociology, and concepts of social death and biopolitics—capture the complex, multifaceted nature of group destruction. They recognize that genocide is an ongoing process of structural violence and cultural erasure, intimately tied to imperial expansion, state-building, global capitalism, and biopolitical management (Whitt & Clarke, 2019).

While strict legalists warn that expanding the definition risks concept creep and diluting the moral urgency of the term, critical genocide scholars argue that failing to recognize the systemic and cultural dimensions of genocide perpetuates an epistemology of ignorance that shields states from accountability (Gerbrandt, 2023). Moving forward, the field increasingly advocates for a synthesis: maintaining the rigor of legal accountability for individual perpetrators while deploying broad, structural lenses to comprehend, address, and prevent the deep-rooted, systemic relations of genocide that continue to threaten human collectivities today (Rosenberg, 2012; Mohan, 2025).

Conceptual Framework

This section will serve to lay the theoretical groundwork for genocide as a systemically and structurally embedded social force in society. Drawing upon works that analyze notions of methodological individualism and psychologism, it highlights mechanisms of other systemic social forces that reinforce and divert attention away from their structural presence, such as isolating structurally entrenched elements as temporally bracketable events, individuating systemic issues, and relying on law to obfuscate the cause of disparate outcomes.

Systemic Social Analysis

In contemporary sociological discourse, our understanding of structural domination has shifted by theorists who challenge the reduction of systemic forces to mere individual prejudices. Social forces like racism, sexism, and global capitalism are not merely a collection of isolated, interpersonal actions, but ingrained structural figurations that dictate the organization of human life. Methodological individualism and psychologism are two phenomena that obfuscate the structural realities of systemic social forces and reduce them to isolated temporally bound actions.

Methodological individualism is “the claim that social phenomena must be explained by showing how they result from individual actions, which in turn must be explained through reference to the intentional states that motivate the individual actors” (Heath, 2024). In so doing, it “seeks to disaggregate all larger institutional and historical entities into the practices and relations of the individuals or groups who compose or inhabit them” (Cohen, 1992, p. 77). Psychologism—in the context of social sciences—presupposes a standard neutral social norm from which acts of discrimination and marginalization are pathological and irrational deviations (Bonilla-Silva, 2022).

In his book *Racism Without Racists*, Bonilla-Silva (2022) goes over the framework of colorblind racism, which is the notion that race is no longer a relevant factor in society and that everyone has an equal opportunity to succeed, thus creating the impression that racism is a thing of the past or that it is only a problem in certain parts of the country (p. 1-2, 66). This narrow view of racism is reinforced by the fact that many of the practices that reproduce racial inequality in the post-civil rights era are subtle, covert, and seemingly non-racial (p. 39). Such forms of racism are often invisible even to the perpetrators, which makes them more insidious (p. 76). He remarks how methodological individualism and psychologism have informed studies of racism; to counter this tendency, he attempts to “conceptualize racism as a sociopolitical concept that refers exclusively to racial ideology that glues a particular racial order” (p. 213). In illuminating the systemic dimensions of racism, he explains: “[R]acism is the product of racial domination projects (e.g., colonialism, slavery, labor migration). Once these racial projects emerged in human history, racism became *embedded* in societies, that is, it became *systemic* racism” (p. 20). Whereas the logic of methodological individualism and psychologism would have us believe that racism is the result of “bad individuals” or “a few rotten apples,” racism in fact “became the *apple tree* (or central to the tree) rather than the rotten apples as all actors in society became participants” (p. 20).

Settler Colonialism as Structural Genocide

Woolford and Benvenuto (2015) go over several factors that contribute to the perception of settler colonialism as an isolated period in the past rather than an ongoing structure. Firstly, many settler colonial nations like Canada have cultivated a national narrative that emphasizes peaceful settlement and coexistence with Indigenous peoples (p. 374-75). This myth obscures the violence, dispossession, and ongoing elimination inherent in settler colonialism. It downplays events like massacres, forced removals, and cultural suppression, making it easier to view the destructive aspects of settler colonialism as belonging to a bygone era. Secondly, the narrow focus on physical violence during colonization overlooks the more subtle and ongoing forms of elimination employed in settler colonialism, such as cultural assimilation, legal and political disenfranchisement, and imposing conditions that lead to social and biological death. By prioritizing spectacular violence, the enduring and structural nature of settler colonialism becomes obscured (p. 378). Thirdly, many settler colonial states emphasize reconciliation efforts, which can inadvertently reinforce the perception of settler colonialism as a past event (p. 375, 382). It often focuses on symbolic gestures and legal settlements without addressing the underlying structures of power and inequality. This can create the illusion that the injustices of settler colonialism have been resolved, allowing settler societies to avoid confronting their ongoing complicity in dispossession and elimination. These three elements are components of what Tuck and Yang (2012) term a “settler move to innocence” (p. 10). The continuous and spatially dispersed nature of settler colonialism makes it difficult to define clear temporal and spatial boundaries (Woolford & Benvenuto, 2015, p. 375). Unlike events with a defined beginning and end, settler colonialism persists through various policies, practices, and ideologies that evolve over time and adapt to changing circumstances. As a result, the lack of clear boundaries makes it easier to

compartmentalize settler colonialism as a historical period rather than an ongoing process (Wolfe, 2006; Woolford & Benvenuto, 2015).

Eliminatory Logic of Settler Colonialism

Wolfe (2006) argues that the premise of settler colonialism is characterized by a “logic of elimination” (p. 387). Unlike franchise or exploitation colonialism which relies on the extraction of surplus value from the labor of colonized peoples, settler colonialism primarily a territorial project; “settler colonizers come to stay,” and their primary objective is to replace the original inhabitants on their land rather than to mix Indigenous labor with it (Wolfe, 2006, p. 388; Whitt & Clarke, 2019, p. 47). Because the ultimate goal is the acquisition of territory, Indigenous peoples inherently “get in the way of settler colonization” simply by staying at home (Wolfe, 2006, p. 388). This logic of elimination possesses both negative and positive dimensions: “Negatively, it strives for the absolute dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base” (p. 388). Therefore, “[t]he logic of elimination not only refers to the summary liquidation of Indigenous people, though it includes that” (p. 388). Elimination manifests through a wide array of strategies designed to erase Indigenous ‘grouphood,’ including “officially encouraged miscegenation, the breaking-down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, resocialization in total institutions such as missions or boarding schools, and a whole range of cognate biocultural assimilations” (Wolfe, 2006, p. 388).

To facilitate this elimination, settler colonialism employs specific racial grammar. Wolfe (2006) demonstrates this by contrasting the racialization of Black Americans and Indigenous peoples in the United States. Black enslavement produced an inclusive taxonomy—the ‘one-drop rule’—which categorized anyone with any African ancestry as Black, thereby endlessly expanding

the enslaved labor force to augment settler wealth (Tuck & Yang, 2012). In stark contrast, Native American ancestry was racialized restrictively through blood quantum regulations (Wolfe, 2006; Tuck & Yang, 2012). Because Indigenous peoples obstructed “access to land, their increase [in population] was counterproductive”; thus, “non-Indian ancestry compromised their indigeneity,” which produces a framework of “statistical extermination” that “straightforwardly furthered the logic of elimination” by defining Indians out of existence (Wolfe, 2006, p. 388). Because these eliminatory strategies are continuously deployed and adapted over time, Wolfe (2006) states that “invasion is a structure not an event” (p. 388). Settler colonialism does not end when the frontier closes; rather, the “logic that initially informed frontier killing transmutes into different modalities, discourses, and institutional formations as it undergirds the historical development and complexification of settler society” (Wolfe, 2006, p. 402). The settler colonial project is incredibly resilient, adjusting to changing regimes and circumstances while never relinquishing its hold on Indigenous land or its drive to eliminate Indigenous autonomy (Wolfe, 2006).

Overlap and Divergence of Settler Colonialism and Genocide

When analyzing the intersection of this structure with genocide, Wolfe (2006) proposes the concept of ‘structural genocide.’ He claims to specifically avoid using hyphenated terms like ‘cultural genocide’ or ‘ethnocide’ because they devalued Indigenous attrition and confused definition with degree (p. 402). By invoking ‘structural genocide,’ he seeks to avoid creating a hierarchy of victims “while retaining settler colonialism’s structural induration” (p. 403). This term, he argues, allows scholars “to appreciate some of the concrete empirical relationships between spatial removal, mass killings and biocultural assimilation” without relegating non-lethal forms of elimination to a lesser, ‘unreal’ status (p. 403).

Structural genocide as theorized by Wolfe (2006) is not to be interpreted as quite another variant of genocide. Indeed, despite the intimate relationship between the two, he explicitly argues that although settler colonialism and genocide overwhelmingly overlap, they are not the same. As he asserts: “settler colonialism is inherently eliminatory but not invariably genocidal” (p. 387). His reasoning is twofold. First, he states that “there can be genocide in the absence of settler colonialism” (p. 387) and cites the Holocaust as a genocide internal to Europe, as well as mass killings in Rwanda and Cambodia, which were not driven by an exogenous population seeking to permanently replace natives on a land base. Because these genocides lack the defining territorial and replacement motives of settler colonialism, they prove that genocide operates as a distinct phenomenon that can be triggered by different socio-political mechanisms (Wolfe, 2006). Second, settler colonialism can achieve its goals without resorting to complete genocide. While the logic of elimination always demands the removal of the Native as an obstruction to land acquisition, the methods of elimination change depending on historical contingencies. For instance, when spatial removal is no longer an option—such as when the western frontier closed in the United States and Australia—settler societies often pivot to assimilation (Wolfe, 2006). Assimilation is a highly effective mode of elimination because it destroys Indigenous social cohesion without requiring the outright mass killings that would be a violent “affront to the rule of law that is ideologically central to the cohesion of settler society” (p. 402).

Furthermore, Wolfe (2006) understands the motivations of settler colonialism as fundamentally territorial rather than inherently racial or exterminatory. To illustrate this, he points to the example of the Cherokee, who were targeted for removal not because of perceived “savagery,” but because of their successful adoption of Euro-American agriculture and constitutional governance; their farms and written constitution signified permanence, which posed

a direct threat to the land hunger of Georgian settlers (Wolfe, 2006, p. 396). Because the primary motive was access to territory rather than the absolute physical annihilation of the Cherokee race, Wolfe (2006) argues that the Trail of Tears highlighted a territorial logic that operates distinctly from the pure exterminatory intent seen in events like the Holocaust. Thus, while settler colonialism often utilizes genocidal violence to secure land, its ultimate aim is territorial replacement, rendering it not invariably genocidal (Wolfe, 2006).

Critique of conceptually constraining genocide

Wolfe's attempt to separate the logic of elimination from inherent genocidal intent has faced critique from Indigenous scholars and genocide theorists. The primary critique is that the logic of elimination is in fact, by its very nature and execution, inherently genocidal. As Wildcat (2015) marks:

Wolfe is correct to argue that elimination is distinct from forms of genocide that use mass murder to bring about the destruction of a group, but I find it more useful to think of elimination as a variant of genocide. Regardless of how elimination is enacted, the acts of violence, coercion, hegemony and duress needed to ensure settler ascendancy are inherently destructive to Indigenous collectivities (p. 394).

By seeking to undercut, modify, or destroy Indigenous societies in order for a settler society to be built on their territories, settler colonialism perpetually enacts group destruction (Wildcat, 2015). This critique aligns closely with the foundational theories of Raphael Lemkin. As we observed earlier in this paper, Lemkin (1944) did not view genocide solely as time-intensive mass murder; rather, he defined it as “a coordinated plan of different actions aiming at the destruction of the essential foundations of the life of national groups” (p. 79). Also seen above was the fact that Lemkin “viewed physical genocide and cultural genocide, not as two distinct phenomena, but rather as one process that could be accomplished through a variety of methods and means” (Short,

2016, p. 160). For him, genocide was intrinsically colonial; it involved destroying “the national pattern of the oppressed group” and imposing “the national pattern of the oppressor” (Rashed & Short, 2012, p. 1143).

Claudia Card and Mohammed Abed further this critique by emphasizing that “social death” is the tenet of genocide (Short, 2016, p. 25; Whitt & Clarke, 2019, p. 66). Indigenous nationhood is profoundly relational and tethered to the land, so when settler colonialism forcibly alienates Indigenous peoples from their territories, it dissolves their networks of practical social relations, cultural heritage, and political cohesion, rendering them socially dead; the contest for land is inherently a contest for life because land is life for Indigenous peoples (Short, 2016; Whitt & Clarke, 2019). Therefore, any structural logic that systematically orchestrates the social, political, and cultural death of a people in order to steal their territory cannot logically be separated from genocide. As Short (2016) argues, when the relationship between Indigenous peoples and their lands “is *forcibly* interrupted and breaks down we can only conclude that genocide is occurring” (p. 36). Wolfe’s attempt to bifurcate settler colonialism and genocide underestimates the totalizing devastation of social death, artificially divorcing the theft of Indigenous existence from the definition of genocide.

The ultimate irony of Wolfe’s theoretical framework is that by trying to protect the concept of genocide from dilution, he inadvertently reproduces the exact hierarchical categorization of violence he hoped to dismantle. Wolfe (2006) was highly critical of hyphenated terms like ‘cultural genocide.’ He argued that separating cultural genocide from biological or physical genocide constituted an “elementary category error” that allowed biological destruction to emerge as “the real thing” while cultural destruction was dismissed as merely metaphorical or less severe (p. 398). He rightfully pointed out the sophistry in trying to separate culture from biology, noting that

imposing assimilationist procedures inevitably impacts a people's physical capacity to stay alive. For instance, the abduction of Aboriginal children in Australia to prevent births within the group resulted in demographic and physical destruction that cannot be cleanly separated from "culture" (p. 401). To avoid this trap, Wolfe (2006) proposed the term "structural genocide" to recognize the induration of settler colonial violence without creating a hierarchy of victims (p. 403).

However, by simultaneously insisting that "[s]ettler colonialism is inherently eliminatory but not invariably genocidal" (Wolfe, 2006, p. 387), Wolfe contradicts his own premise. To claim that some forms of elimination are not genocidal requires the establishment of a threshold—one that inevitably privileges mass physical killing as the standard for "true" genocide. If policies of assimilation, spatial removal, and the deliberate destruction of Indigenous "grouphood" are classified merely as non-genocidal "elimination," Wolfe is implicitly agreeing that these acts fall short of a more lethal, 'real' benchmark of genocide (Wildcat, 2015, p. 394; Short, 2016, p. 36).

By cordoning off the logic of elimination as a distinct phenomenon that only *sometimes* converges with genocide, Wolfe creates the exact hierarchy he explicitly warned against. He inadvertently validates the Eurocentric, legalistic paradigms of genocide that prioritize immediate, spectacular mass murder—the Holocaust prototype—over the slow, attritional, and structural violence that characterizes settler colonialism (Wakeham, 2022, p. 338, 341, 351). As scholars have noted, trying to separate elimination from genocide allows settler states to avoid responsibility for cultural and social destruction by pointing to the lack of industrialized death camps (Kingston, 2015; Short, 2016). In his attempt to preserve the analytical specificity of the settler colonial framework, Wolfe delineates genocide in a way that allows variants of Indigenous group destruction to be seen as something other than the real thing (Wildcat, 2015; Short, 2016).

Necropolitics as a Framework

Building upon the biopolitical approach to a structural analysis of genocide elucidated earlier allows us to better understand how its mechanisms assign differential value to life and death. Mbembe (2019) puts forth the concept of necropolitics a framework of governance that manages who is worthy of life or death. It is a framework that shifts our understanding of democracy by revealing its inherent contradictions and hidden logic of violence, and that challenges the traditional view of democracy as peaceful and pacified, governed by reason and the rule of law (p. 15-16). Instead, he posits that democracy has always coexisted with brutal systems of power, such as slavery and colonialism, which function as its “nocturnal body” (p. 22, 27). These systems externalize the violence inherent in democratic societies, allowing them to maintain a façade of peace and civility while perpetuating profound inequalities and injustices (p. 27). Necropolitics is exercised through necropower, i.e., “the ways in which, in our contemporary world, weapons are deployed in the interest of maximally destroying persons and creating deathworlds, that is, new and unique forms of social existence in which vast populations are subjected to living conditions that confer upon them the status of the living dead” (p. 92).

Several key arguments support this reshaped understanding. Firstly, modern democracy’s origins are violent not necessarily as a result of a noble struggle for a higher good, but because it emerged alongside—and were intertwined with—the brutal systems of slavery and colonialism (p. 17, 20). The “pro-slavery democracy” of the United States exemplifies this paradox, where the principles of equality coexisted with the institution of slavery (p. 17, 23). Democracy’s foundation is not inherently peaceful but is instead built upon a foundation of violence and exclusion. Secondly, necropolitics—the power to dictate life and death—reveals how democratic societies control and manage populations through various forms of violence and death (p. 66). This

encompasses not just overt acts of physical violence but also the systemic devaluing of certain lives, making them expendable (p. 38). Colonial wars and the “War on Terror” are presented as prime examples of this necropolitical power, which is often justified through the state of exception and the creation of an “enemy” (p. 25, 33-34). Thirdly, the violence of democracies has been systematically hidden or downplayed. This “hidden violence” is found not just in overt acts of war or state repression, but also within culture and institutions (Mbembe, 2019, p. 16).

Mbembe (2019) presents the Israeli occupation of Palestine as an example of how necropolitics operates in contemporary contexts (p. 80-81), with the use of spatial control, surveillance, and the creation of “death worlds” are used to maintain dominance. He argues that contemporary wars are characterized by the blurring of lines between combatants and civilians, leading to widespread destruction, and suffering (p. 83-84). This emphasizes the continued relevance of necropolitics to the contemporary political landscape, indicating that the violent underpinnings of democratic societies are not a thing of the past (p. 78).

In essence, necropolitics cross-examines democracy by revealing its inherent capacity for violence and domination, challenging idealized notions of peace, reason, and the rule of law. It exposes the ways in which democratic societies can perpetuate and even exacerbate inequalities and injustices through the manipulation of life and death. In the following section, I show how occlusive strategies of genocide to conceal its structural pervasiveness are rendered intelligible through a necropolitical lens.

Theoretical Application

Necropolitics allow us to see how the construction of conceptual constraints and Holocaust prototypes serve as occlusive strategies of genocide. One of these is the focus on intent, which can

be difficult to prove and to legally prosecute cases where the perpetrators' motivations are complex or where the violence is a result of structural factors rather than individual malice (Campbell, 2009 & 2011). This frames genocide as nothing more than a series of isolated actions in a given timeframe. As Heiskanen (2021) puts it: "By casting genocidal violence as the exception rather than the norm, the Holocaust-centric definition of genocide has been complicit in suppressing the long history of racial and colonial violence upon which the international order is founded" (p. 3). In fact, Mbembe (2003) himself argues that focusing on intent in analyzing genocide often overlooks "contemporary forms of subjugation of life to the power of death" (p. 39).

Mbembe (2003) describes the sovereign right to kill as a core element of necropolitics. This "right" is maintained and reinforced by limiting what is considered genocide (Mbembe, 2003, p. 11, 17; Woolford, 2023, p. 431). Conceptual constraints create a hierarchy of victims, effectively ranking human life based on the perceived legitimacy of the violence inflicted upon them (Mbembe, 2003, p. 11, 17; Jones, 2022, p. 70; Woolford, 2023, p. 431). The Holocaust, with identifiable features like death camps, often serves as the primary model for conceptualizing genocide (Moshman, 2001, p. 432; Woolford, 2023, p. 429). This prototype-based understanding leads to the exclusion of other forms of violence that do not fit the model (Woolford, 2023). For example, the lack of death camps in the context of Australian settler colonialism is often used to deny the genocidal nature of the systematic extermination of Indigenous peoples, the "massive loss of life in Indigenous North America" is often attributed to natural causes, obscuring the role of colonial violence (Woolford & Benvenuto, 2015, p. 376). As Woolford (2006) points out, the "moral weight of genocide" often leads scholars to uncritically accept legal classifications of genocide which rely on sites of concentrated violence (p. 95). This reliance on legal frameworks reinforces the power of the state and its ability to define and punish genocide while simultaneously

limiting the scope of what is considered genocide. State-centric understandings of violence thus create the justification to preserve bare life because they neglect the social death that occurs when groups are systematically deprived of their culture, language, and ways of life, even in the absence of mass killing (Meiches, 2020).

Isolating genocide to state agency has led to the tendency to emphasize and prioritize the biological death of individuals as the defining feature of genocide, which obscures how genocide often involves a broader attack on a group's social, cultural, and political existence (Fein, 1993; Meiches, 2020). For example, practices such as the forced transfer of children, the destruction of cultural heritage sites, and the elimination of language can all be factors in the destruction of a group, even if they do not involve mass killing (Akhavan, 2012; Mbembe, 2019; Meiches, 2020). By focusing solely on biological death, we risk overlooking these other forms of destruction and failing to recognize the full scope of genocidal violence (Meiches, 2020, p. 56). Thus, necropolitics helps us understand how certain populations are rendered disposable and subject to violence (Campbell, 2009, p. 66; Meiches, 2020, p. 52). Within a necropolitical framework, genocide is not restricted to mass killing; it is a process of eliminating "forms-of-life," or the specific ways in which people live and make meaning in the world (Meiches, 2020, p. 52, 60).

Corollary to the focus on biological death is the tendency to qualify certain forms of genocide, such as "cultural genocide" as opposed to "real" genocide, which creates a hierarchy of violence that downplays the destructiveness of cultural elimination (Woolford & Benvenuto, 2015 p. 378). This reinforces the perception that physical violence is the defining feature of genocide, while cultural assimilation and erasure are seen as less severe or even benevolent. This distinction obscures the profound and lasting impact of cultural genocide on Indigenous peoples. Additionally, the focus on the Holocaust as the paradigmatic case has also led to the marginalization of colonial

genocide, which often involved slower and more insidious forms of violence that did not necessarily result in immediate mass death (Short, 2010, p. 835; Heiskanen, 2021, p. 3). As Woolford (2023) notes, this exclusion reflects a broader tendency to sanitize the history of Western powers and their role in perpetrating violence against colonized populations.

The exclusion of cultural genocide from the UNGC was driven by settler colonial nations to avoid scrutiny of their own actions, such as Indigenous boarding schools in Canada which—despite their devastating impact on Indigenous communities—are often discussed in terms of “cultural genocide,” a term that carries less weight than genocide (Woolford & Benvenuto, 2015, p. 377). Limiting understandings of genocide helps to legitimize ongoing settler colonialism (Moshman, 2001, p. 436; Woolford, 2023, p. 430). By excluding cultural genocide from conceptual and legal frameworks, policies and actions that undermine the survival of Indigenous peoples and their cultures can continue without being labeled as genocide (Woolford, 2023, p. 431). Necropolitics reveals how conceptual constraints on genocide function to shield those in power from accountability. It exposes the ways in which the right to kill is asserted and maintained, and how this right is selectively applied to legitimize colonial violence and devalue the lives of certain populations.

These processes, often unfolding over extended periods, are perceived as less egregious than the concentrated violence of the Holocaust, making it easier to dismiss them as something other than genocide (Woolford, 2023, p. 427; Wolfe, 2006, p. 387). We see this with the term ‘ethnocide’ as a means to exclude cultural genocide from the dominant understanding of genocide and as an implicit suggestion that it is its own category and thus does not merit as much consideration or attention (Short, 2010; Heiskanen, 2021). As a sidenote, this goes against Lemkin’s original coining of ethnocide, as he saw it as just another potential term to describe

genocide (Lemkin, 1944, p. 79; Heiskanen, 2021, p. 3). The exclusion of cultural genocide serves a necropolitical function by obscuring the ways in which power can be exercised to eradicate groups without resorting to physical extermination, since the destruction of culture can be just as effective in eliminating a group's identity and existence, and can pave the way for more overt forms of violence (Heiskanen, 2021; Woolford, 2023, p. 425, 429).

As we can see, law is used as a necropolitical tool to restrict not only what counts as genocide, but also whose victims are worthy of recognition and commemoration, as well as those who are deemed expendable or bare life. Indeed, genocide maintains structures of power that legitimize and perpetuate death-making in the service of sovereign entities. By limiting understandings of genocide to specific prototypes and legal definitions, certain forms of violence, especially those enacted by colonial powers, are obscured and legitimized; this process ultimately allows those in power to continue inflicting death and destruction with minimal accountability (Woolford, 2023, p. 423, 429). Woolford (2023) demonstrates how criminological thought has been used in the perpetration and judgment of genocide, with little scholarship in the field published until the late 20th century. This scholarship has primarily focused on canonical cases, especially the Holocaust. For the most part, this scholarship does not question aspects of genocide law such as the UNGC, conducts research “at a distance from the communities in which genocide” takes place applies concepts developed to explain street crimes to the context of genocide, and treats genocide as an event, rather than a process (Woolford, 2023, p. 429).

Conclusion

Narrowing the definition of genocide, particularly by focusing solely on mass killing, can obscure the multifaceted ways in which power operates to eliminate certain groups or “forms-of-

life” (Meiches, 2020, p. 59). This restricted understanding aligns with the concept of necropolitics, where the power to dictate who lives and who dies becomes the defining feature of sovereignty (Mbembe, 2003 & 2019). By emphasizing biological death as the primary marker of genocide, we risk overlooking other destructive processes that contribute to the elimination of groups, such as cultural destruction, displacement, and the creation of death-worlds. These forms of violence, while not always resulting in immediate mass killing, can lead to the social and cultural death of entire communities, effectively achieving the goal of elimination without resorting to overt mass murder (Campbell, 2009 & 2011; Short, 2010). The concept of social death challenges this narrow focus by highlighting the destruction of social and cultural life as constitutive of genocide. This broader understanding recognizes the diverse ways in which power can be exercised to eliminate groups, extending beyond physical extermination to encompass the destruction of their ways of life, identities, and futures (Mbembe, 2003 & 2019; Meiches, 2020). By acknowledging the materiality of social death, we can better understand how seemingly less violent forms of elimination can have devastating and lasting impacts on targeted groups.

In brief, genocide is the most developed form of necropolitics and the ultimate expression of necropower.

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