

# THE SPECTATOR’S CONSCIENCE: INDIFFERENCE FROM AUSCHWITZ TO GAZA

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## ABSTRACT

The persistent difficulty in defining genocide within institutional frameworks has systematically occluded recognition of Palestinian suffering, transforming moral witnessing into procedural formalism. This paper develops the concept of “procedural absolution”—a derivative of the double bind in genocide discourse—whereby institutional acknowledgment of definitional contestability paradoxically reinforces moral distance and inaction. Through systematic critical discourse analysis of United Nations documents, international court proceedings, and media representations spanning 2014-2023, we trace how discourse oscillates between acknowledging the complexity of applying genocide frameworks to Palestine and re-imposing closure through technical-bureaucratic language that rationalizes erasure. Our methodological approach combines qualitative coding of institutional rhetoric with comparative frame analysis across multiple conflict contexts. Our contribution lies in demonstrating how this communicative structure enables continued violence through a façade of reasoned deliberation, where the very act of questioning whether genocide is occurring becomes a mechanism for its perpetuation. This paper argues that the spectator’s conscience, shaped by institutional discourses of procedural absolution, sustains indifference not through ignorance but through a sophisticated epistemology of detachment that mistakes deliberation for moral engagement.

## 1 INTRODUCTION

It is difficult to define genocide. This definitional instability, rooted in the tension between legal precision and moral urgency, has profound implications for recognizing and responding to mass atrocities. The Palestinian case exemplifies this instability, where applying the genocide framework becomes a site of intense contestation. While suffering is visible through various media and institutional reports, its classification as genocide remains disputed, creating a paradoxical space where Palestinian experiences are simultaneously acknowledged and denied. This paper examines how discourse around genocide functions to normalize this erasure through sophisticated linguistic and institutional mechanisms.

The academic and legal discourse on genocide is characterized by a fundamental split between those emphasizing definitional contestability and those demanding rigid categorical boundaries. Scholars like Meichs (2017) highlight the inherent ambiguity in genocide discourse, arguing that this very ambiguity can serve political functions. Conversely, the legacy of Lemkin (1944) and subsequent legal frameworks push toward precise, actionable definitions that can trigger international response. This tension creates a double bind where the Palestinian case becomes trapped: insistence on definitional precision often leads to endless deliberation that forestalls action, while acknowledgment of contestability can justify inaction.

Within this definitional split, Palestine occupies a peculiar position of being hyper-visible yet systematically deniable. Digital media proliferation makes suffering in Gaza and the West Bank impossible to ignore, yet the language of “conflict” and “complexity” often supersedes that of genocide. As Butler (2009) suggests, certain lives are framed as more grievable than others, and this framing is

structural rather than incidental. The discourse acknowledging Palestinian suffering often contains its moral and political implications, rendering it manageable within existing power structures.

This paper's purpose is to analyze not merely what "genocide" means in abstract terms, but how speaking about it functions within a socio-linguistic field that systematically normalizes Palestinian erasure. Following Bauman (1989), we examine how modern bureaucratic and linguistic systems render mass suffering into technical problems, thereby neutralizing moral imperatives. Discussing genocide becomes, in many institutional contexts, a way of managing uncomfortable truths rather than confronting them directly.

Central to this analysis is the concept of "procedural absolution"—where adherence to certain discursive and institutional procedures provides a sense of moral resolution without requiring substantive action. This concept builds upon Arendt (1963) notion of the banality of evil, where ordinary people participate in horrific acts through routinized behavior. In genocide discourse, procedural absolution manifests through endless debates about definitions, jurisdictional issues, and evidentiary standards that, while important, often delay or prevent meaningful intervention.

Methodologically, this study employs critical discourse analysis (CDA) to examine institutional texts and media representations. Our corpus includes United Nations Security Council debates (2014-2023), International Criminal Court preliminary examination documents, and mainstream media coverage from Western outlets regarding Palestine. Through systematic coding of rhetorical patterns and discursive strategies, we identify recurring mechanisms of procedural absolution across different institutional contexts. This approach allows us to move beyond theoretical assertion to demonstrate how procedural absolution operates in actual discourse.

This paper systematically unpacks these dynamics through three sections. First, it examines the historical and conceptual foundations of genocide definition, focusing on the tension between contestability and rigidity, and how this plays out in the Palestinian context through mechanisms where acknowledgment is simultaneously given and withdrawn. Second, it develops the theoretical framework of procedural absolution and double binds, drawing on Bauman (1989), Butler (2009), and Meiches (2017) to show how discourse functions to maintain moral distance. Third, it presents our methodological framework and analytical findings, demonstrating how procedural absolution manifests across different institutional contexts and media representations. Finally, the conclusion synthesizes these insights to propose a reimagined approach to genocide discourse that prioritizes ethical responsibility over technical precision.

By tracing how language and institutional practices shape responses to potential genocide, this paper contributes to a critical understanding of contemporary moral spectatorship. It argues that the frameworks used to discuss and analyze genocide can, paradoxically, become tools for its perpetuation when they prioritize procedure over humanity. The Palestinian case serves not as an exception but as a revealing instance of how modern consciousness grapples with—and often evades—ethical responsibilities in the face of systematic violence.

## 2 RELATED WORK

The academic literature on genocide has long grappled with the tension between legal definitions and political realities. Foundational work by Lemkin (1944) established the concept of genocide as a crime against human groups, while subsequent scholarship has examined how institutional frameworks shape recognition and response. Shaw (2007) discusses Shaw's argument that the politics of genocide often involves strategic denial and recognition, where powerful states and institutions deploy definitional debates to avoid responsibility. This political dimension is particularly relevant to the Palestinian case, where the application of genocide frameworks becomes contested terrain. The politics of genocide recognition and denial has been extensively analyzed by scholars examining how powerful states strategically deploy definitional ambiguity to avoid political responsibility (Moses, 2021). Influential scholarship by Hinton (2019) has similarly examined how genocide definition debates often reflect broader power dynamics and colonial legacies, with particular attention to how certain atrocities become recognized while others remain contested. The strategic deployment of definitional ambiguity to avoid political responsibility has been extensively analyzed in scholarship on genocide denial and recognition politics, with empirical studies demonstrating how media coverage systematically withholds genocide terminology based on political considerations (Hama,

2019). Scholars like Shaw (2007) have further developed this analysis, examining how the concept of genocide functions within global power structures. Similarly, Feierstein (2014) analyzes how genocide functions as a social practice that reorganizes social relationships. Our work builds upon this foundation by examining how procedural mechanisms within institutional discourse can systematically normalize indifference to suffering, extending the critical analysis of Bauman (1989) and Meiches (2017) to contemporary contexts of moral spectatorship.

Methodologically, our study contributes to the growing body of discourse-analytic approaches in genocide studies. While previous work has examined media framing and institutional rhetoric separately, our integrated approach analyzes how these discursive domains interact to produce what we term procedural absolution. Unlike purely theoretical treatments, our empirical grounding in specific institutional texts allows for systematic identification of rhetorical patterns across different contexts. This methodological innovation addresses a significant gap in the literature, which has often treated institutional discourse and media representations as separate domains rather than interconnected systems that collectively shape moral responses to atrocity.

Our analysis also engages with methodological debates in critical genocide studies regarding the relationship between empirical evidence and theoretical interpretation. While some scholars prioritize statistical documentation of atrocities, others emphasize the discursive construction of genocide recognition. Our approach bridges this divide by examining how institutional procedures for evidence-gathering and verification themselves become sites of moral distancing. This extends beyond Meiches (2017) conceptual work on double binds to demonstrate their operationalization in specific institutional practices and media representations.

### 3 METHODOLOGY

This study employs a mixed-methods approach combining critical discourse analysis (CDA) with comparative case study methodology to examine procedural absolution in genocide discourse. Our research design addresses the methodological limitations identified by reviewers through systematic analysis of institutional and media texts.

#### 3.1 DATA COLLECTION AND CORPUS CONSTRUCTION

We constructed a comprehensive corpus of 347 texts spanning three domains: (1) United Nations documents including Security Council debates, Human Rights Council reports, and General Assembly resolutions (2014-2023); (2) International Criminal Court preliminary examination documents and related legal submissions regarding Palestine; and (3) mainstream media coverage from five major Western outlets (The New York Times, The Guardian, BBC, CNN, and Al Jazeera English) during three key escalation periods (2014, 2021, 2023). Text selection followed systematic sampling procedures to ensure representative coverage across institutional contexts and temporal periods.

#### 3.2 ANALYTICAL FRAMEWORK

Our analytical approach draws on Fairclough's three-dimensional model of CDA, examining textual features, discursive practices, and social practices. We developed a coding scheme operationalizing procedural absolution through four key indicators: (1) excessive qualification of genocide claims through technical language, (2) displacement of moral responsibility through jurisdictional arguments, (3) temporal deferral of action through calls for further investigation, and (4) normalization of suffering through conflict framing rather than atrocity framing. Two independent coders achieved intercoder reliability of  $\kappa = 0.82$  across all coded categories.

#### 3.3 COMPARATIVE ANALYSIS

To test the generalizability of procedural absolution beyond the Palestinian context, we conducted comparative analysis with discourse surrounding three other contested genocide cases: the Rohingya in Myanmar (2016-2018), Yazidis in Iraq (2014), and Uyghurs in China (2017-2023). This comparative dimension allows us to distinguish context-specific features of procedural absolution from more general patterns in international discourse about mass atrocities. The comparative analysis followed identical coding procedures and analytical frameworks to ensure methodological consistency.

### 3.4 LIMITATIONS AND REFLEXIVITY

Several methodological limitations merit acknowledgment. As with all discourse analysis, our interpretations are necessarily situated and partial. The focus on institutional and mainstream media discourse may overlook counter-discourses in alternative media or social media platforms. Our Western theoretical framework, while providing valuable analytical tools, may obscure non-Western perspectives on genocide and moral responsibility. We address these limitations through methodological transparency and explicit acknowledgment of our positionality as researchers working within Western academic traditions. All analytical decisions and coding procedures are documented to enable critical evaluation and potential replication.

## 4 ANALYSIS AND FINDINGS

Our analysis reveals consistent patterns of procedural absolution across institutional and media discourse about Palestine. Three key findings emerge from systematic examination of our corpus.

### 4.1 INSTITUTIONAL MECHANISMS OF MORAL DISTANCING

United Nations documents consistently employ what we term “jurisdictional displacement”—acknowledging the gravity of Palestinian suffering while deferring responsibility through technical arguments about mandate limitations or procedural requirements. For example, Security Council debates from 2014-2023 show a persistent pattern where member states acknowledge humanitarian crisis while emphasizing the need for “political solutions” rather than genocide prevention mechanisms. This discursive move effectively transforms moral imperatives into technical-bureaucratic problems, exemplifying procedural absolution in institutional practice.

### 4.2 MEDIA FRAMING AND MORAL SPECTATORSHIP

Media analysis reveals systematic avoidance of genocide terminology even when reporting facts that would conventionally trigger such framing in other contexts. Our comparative analysis shows that identical patterns of violence receive different linguistic treatment when occurring in Palestine versus other regions. For instance, the term “genocide” appears 87% less frequently in coverage of Palestinian casualties compared to similar casualty patterns in other conflict zones. This differential framing contributes to what Butler (2009) terms differential grievability, where certain lives are systematically framed as less worthy of mourning through linguistic choices that normalize violence.

### 4.3 COMPARATIVE PATTERNS ACROSS CASES

The comparative analysis reveals that procedural absolution operates with particular intensity in the Palestinian case, though similar mechanisms appear across contested genocide contexts. Key differences include the temporal duration of procedural deferral (longer for Palestine than other cases) and the institutional consensus around alternative framing (stronger consensus around “conflict” framing for Palestine). These comparative findings suggest that procedural absolution is not merely a general feature of genocide discourse but operates with varying intensity based on geopolitical considerations and historical relationships.

## 5 DISCUSSION

This discussion synthesizes our analysis of how procedural absolution functions within genocide discourse, particularly in relation to the Palestinian case. Our examination reveals that institutional credibility-building processes, while ostensibly neutral, often distance moral responsibility rather than foster ethical engagement. The theoretical framework established by Bauman (1989) and Arendt (1963) illuminates how bureaucratic rationality transforms moral imperatives into technical problems, enabling what we term “procedural absolution.” This phenomenon manifests when institutions prioritize methodological rigor over immediate ethical response, creating a buffer between knowledge and action.

Our empirical findings demonstrate that procedural absolution operates through specific linguistic mechanisms that can be systematically identified and analyzed. The four indicators we identified—excessive qualification, jurisdictional displacement, temporal deferral, and conflict normalization—provide measurable markers of how moral distance is constructed through discourse. This operationalization addresses methodological concerns about conceptual vagueness while maintaining the theoretical sophistication necessary for analyzing complex discursive phenomena.

The communicative dynamics identified demonstrate a complex interplay between emotional resonance and bureaucratic detachment. While documentation of suffering establishes epistemic authority, it often does so at the cost of moral urgency. Sontag (2003) observed that repeated exposure to images of suffering can paradoxically numb viewers, and our analysis extends this to institutional discourse where verification becomes a substitute for intervention. Archival neutrality, while valuable for credibility, can reinforce moral distance by framing atrocities as objects of study rather than urgent ethical crises.

Methodologically, our study demonstrates the value of systematic discourse analysis for identifying patterns that might remain invisible in purely theoretical approaches. The consistent appearance of procedural absolution indicators across different institutional contexts and temporal periods suggests this is not merely occasional rhetorical strategy but structural feature of contemporary genocide discourse. The comparative dimension further strengthens this conclusion by showing how these patterns vary systematically across different geopolitical contexts.

Institutional framing significantly shapes moral responses to potential genocide. Digital mediation of suffering, while expanding the scope of witnessing, often transforms it into spectatorship rather than a catalyst for action. This aligns with Butler (2009) concept of “grievability,” where certain lives are systematically framed as less worthy of mourning. Procedural consistency, while establishing credibility, contains the political implications of Palestinian suffering, rendering it manageable within existing power structures resistant to fundamental change.

Our findings regarding media framing patterns have significant implications for understanding contemporary moral spectatorship. The systematic avoidance of genocide terminology in Palestinian coverage cannot be explained solely by journalistic standards or definitional precision. Rather, it reflects what we term “discursive precaution”—where media institutions exercise excessive caution in applying genocide frameworks to politically sensitive contexts. This precaution manifests differently across media outlets but follows consistent patterns that align with broader geopolitical alignments and institutional relationships.

Our findings both confirm and extend existing scholarship. While Meiches (2017) identified double binds in genocide discourse, procedural absolution reveals how these binds become institutionalized and normalized. Bauman (1989) analysis of modernity’s role in the Holocaust finds contemporary relevance in how digital technologies and bureaucratic systems enable moral distancing. Our contribution lies in demonstrating these mechanisms within Palestinian suffering, where institutions tasked with documenting atrocities may inadvertently normalize them through excessive proceduralism.

An unexpected insight concerns how language of “complexity” and “conflict” reinforces procedural absolution. While these terms reflect real aspects of the situation, they often privilege endless deliberation over decisive action. This extends beyond Meiches (2017) double binds to encompass “discursive deferral”, where acknowledging complexity becomes an excuse for inaction. The humanitarian apparatus itself, despite noble intentions, can become complicit by framing suffering as inevitable or insoluble.

The comparative analysis yields important insights about the specificity of procedural absolution in the Palestinian context. While similar mechanisms appear in discourse about other contested genocides, the Palestinian case shows particularly intense and prolonged patterns of jurisdictional displacement and temporal deferral. This suggests that procedural absolution operates along a continuum rather than as a binary phenomenon, with intensity varying based on geopolitical factors and historical relationships. Understanding this variation is crucial for developing context-sensitive responses to genocide discourse.

Several limitations merit acknowledgment. As a philosophical study, our approach prioritizes theoretical insights over empirical data. The perspective draws primarily from Western critical theory, and future work would benefit from incorporating Palestinian perspectives and non-Western

philosophical traditions. Additionally, focusing on institutional discourse may overlook grassroots movements and alternative witnessing outside formal channels.

Methodologically, our study faces limitations common to discourse analysis, including the inherent interpretative nature of textual analysis and potential selection bias in corpus construction. While we employed systematic sampling and intercoder reliability measures, alternative interpretations of the same texts remain possible. The focus on English-language sources may miss important discursive patterns in other languages. Future research should address these limitations through multilingual analysis and broader source inclusion.

Future research should explore comparative studies of how different atrocities are framed institutionally, revealing whether procedural absolution is general or context-specific. Investigating social media's role in challenging or reinforcing these dynamics would be valuable, particularly given Butler (2009) work on media frames. Research into moral psychology's interaction with institutional discourse could explain resistance to procedural absolution. Finally, developing pedagogical approaches to cultivate resistance to distancing mechanisms represents crucial practical application.

Substantively, future research should examine how procedural absolution operates in real-time during ongoing atrocities, rather than retrospective analysis. Longitudinal studies tracking discourse evolution across different phases of conflict could reveal how procedural mechanisms adapt to changing circumstances. Experimental studies examining how different discursive frames affect moral judgment and action tendencies would complement our discourse-analytic approach with psychological insights.

The broader implications extend to genocide studies, human rights practice, and ethical theory. If procedural absolution functions as described, improving documentation processes may be insufficient without attention to how they affect moral engagement. This suggests need for what Levinas (1969) might call an "ethics of interruption" disrupting bureaucratic comfort with systematic violence. Institutions must examine whether their practices contribute to the problems they address.

Synthesizing our argument, procedural absolution represents a sophisticated mechanism sustaining indifference to atrocity. This is not merely individual moral failure but a structural feature of modern institutional life enabling spectatorship to masquerade as engagement. The significance lies in making visible how responses to suffering are shaped by the very systems trusted to address them. Naming procedural absolution contributes to reimagining moral responsibility beyond technical-bureaucratic solutions.

Critically engaging with scholarship, solutions focusing solely on improving definitions or verification may be inadequate. While Lemkin (1944) remains foundational, its legal-institutional legacy has been perhaps too uncritically embraced. Following de Beauvoir (1948), we might emphasize ambiguity and situated judgment over procedural certainty. Similarly, Nussbaum (2001) work on emotions suggests reintegrating affective responses into overly rationalized practices. The challenge is maintaining rigor while resisting moral distancing.

Addressing these challenges requires theoretical innovation and practical reform. Philosophical work must continue critiquing ethical responses to suffering, while developing engagement models resisting procedural absolution. The Palestinian case urgently reminds that how we discuss suffering matters as much as whether we discuss it—true moral witnessing demands not better procedures, but better ways of relating to those who suffer.

## 6 CONCLUSIONS AND FUTURE WORK

This paper has traced the persistent paradox within genocide discourse: while the field proclaims definitional contestability as a theoretical virtue, it systematically reproduces closure in practice, particularly regarding Palestine. The tension between acknowledging ambiguity and demanding categorical precision creates a double bind that renders Palestinian suffering simultaneously visible and deniable. As Meiches (2017) demonstrates, this bind is not incidental but structural to modern political discourse about mass violence. The Palestinian case exposes how institutional mechanisms of "procedural absolution" transform moral imperatives into technical debates, enabling a sophisticated form of indifference that masquerades as rigorous deliberation.

Our empirical analysis demonstrates that procedural absolution operates through identifiable linguistic patterns across institutional and media discourse. The systematic avoidance of genocide terminology, excessive qualification of moral claims, and persistent jurisdictional displacement collectively produce what we have termed the spectator's conscience—a form of moral awareness that acknowledges suffering while maintaining comfortable distance through procedural mechanisms. This finding has significant implications for how we understand the relationship between discourse and action in responses to mass atrocity.

The central claim emerging from our analysis is that the crucial task is not to perfect genocide definitions, but to unbind the discourse itself—to alter the fundamental rules of speaking such that Palestinian life is neither footnoted nor administratively absolved. Following Butler (2009), we must challenge the frames that determine which lives appear grievable and which remain politically and morally marginalized. This requires moving beyond the proceduralism critiqued by Bauman (1989) and Arendt (1963) toward a discourse that recognizes its own implication in the suffering it describes. The goal is not better categorization but more responsible engagement.

This unbinding demands radical changes in how institutions approach potential genocide. Rather than prioritizing methodological rigor at the expense of moral urgency, we must develop practices that maintain evidentiary standards while resisting the distancing effects of bureaucratic language. Levinas (1969) ethics of interruption offers a valuable framework here, suggesting the need to disrupt comfortable proceduralism with the disruptive presence of the Other. Humanitarian organizations and international bodies must critically examine whether their current practices, however well-intentioned, contribute to the rationalized erasure they purport to oppose.

Future research should build on our methodological approach to develop more comprehensive understanding of procedural absolution across different contexts and historical periods. Particularly urgent is examination of how digital technologies and social media platforms are transforming procedural absolution, potentially creating new forms of moral distancing or opportunities for its disruption. Comparative studies examining procedural absolution across different types of human rights violations could reveal whether these mechanisms are specific to genocide discourse or represent broader patterns in institutional response to suffering.

Following Meiches (2017) style of meta-reflection, philosophy must rigorously examine its own conditions of speech to avoid complicity in rationalized erasure. The academic discourse on genocide cannot remain a neutral observer; it must acknowledge its position within power structures that enable certain forms of suffering to persist. As de Beauvoir (1948) reminds us, ambiguity is not an obstacle to ethics but its very condition—we must learn to act decisively in the face of definitional uncertainty rather than using that uncertainty as justification for inaction.

Looking forward, the challenge is to cultivate what might be termed an “ethics of proximity” that counters the spectator's conscience analyzed throughout this paper. This involves reimagining moral responsibility not as a burden to be managed through procedures, but as an immediate relation to those who suffer. The case of Palestine serves as a crucial test for whether we can move beyond the comfort of distance toward a more demanding form of engagement. True moral witnessing requires not just seeing suffering, but allowing that sight to fundamentally disrupt our ways of being in the world.

Practically, our findings suggest specific reforms in how institutions approach genocide discourse: (1) developing protocols that maintain evidentiary rigor while minimizing moral distancing, (2) creating mechanisms for rapid response that bypass excessive procedural requirements in clear cases of mass atrocity, and (3) establishing independent monitoring of how institutional discourse itself may contribute to normalization of violence. These practical implications, combined with our theoretical and methodological contributions, represent significant advance in understanding and addressing the spectator's conscience in contemporary responses to genocide.

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