



Can Genocides be Prevented in this 21st Century?

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CAN GENOCIDES BE PREVENTED IN THIS 21ST CENTURY?

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A Thesis in the Field of Anthropology & Archaeology
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Abstract

This thesis analyzes the dynamics of the formation and dismantling of a genocidal mentality in a population. It explores the effectiveness of current institutions in implementing timely interventions to prevent loss of lives in genocidal episodes. While global awareness has significantly improved since World War II the mechanisms for preventing the onset of genocide still leave much to be desired. Such lapses result in many deaths that might have been avoided. The basic argument is that there are no institutions that can guarantee that these mass murders will not occur but that there are ways to reduce the likelihood or duration and severity of these events.

Dedication

In memory of my wife Barbara Ann Ballard Gaubeca.

Acknowledgments

I would like to express my gratitude to my thesis director Professor Theodore MacDonald for his tireless patience in helping me write this paper. I would also like to thank Richard Joseph Martin for his guidance through a difficult thesis proposal process. And finally, I am grateful to all my professors who opened my eyes to the horror that is genocide.

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Chapter I:
THE KILLING OF A TRIBE

One of the more startling events of World War II occurred on the night of July 22-23, 1944, near the city of Lublin, Poland. On some 667 acres of open, flat fields, surrounded by electrified barbed-wire fencing, 19 watchtowers and readily visible from the bordering city, lay the 22 barracks of the Prisoner of War Camp of the Waffen-SS Lublin, commonly referred to as Majdanek. With unexpected speed the soldiers of the Soviet Army advanced and seized the camp, its infrastructure intact, as the hasty retreat of the surprised German forces did not allow the Nazis time to demolish it. They succeeded in setting the large crematorium on fire but had to leave the gas chambers still standing. The Soviets had stumbled on the second largest Nazi death camp. It is estimated 500,000 prisoners were taken there and 360,00 killed (144,000 in gas chambers or being shot and the rest by the cold and unhealthy conditions of the camp). On November 3, 1943, 18,000 Jews were machine-gunned down in a single day, a record for Nazi atrocities.¹

And so, the modern world was once again exposed to genocide.

¹ Jennifer Rosenberg, "The Majdanek concentration and death camp," *Thoughtco*, (2018): 2/3.

Throughout history the Jewish people have been persecuted and killed and many of their towns destroyed. But never before had an army set up a structure spanning much of Europe to systematically identify, separate and exterminate a population not because of what they had done, not for being members of a hostile enemy, but simply because of who they were, regardless of how innocent they may actually have been. World War II is relevant to any study of genocide as the Holocaust, one of the largest mass atrocities in human history, was the trigger for defining the nature of this type of killing and for establishing the first institutions to attempt to prevent its reoccurrence.

The Role of the Common Citizen

On January 27, 1945, the advancing Soviet army stumbled upon the largest of all Nazi death camps. Located in southern Poland this complex was known as Auschwitz, to which some 1.3 million persons had been deported and where 1.1 million died. The Soviets freed 7,650 sick and starving prisoners who had remained (that is, those who had not been forced on a final death march). The conditions in the camps were dismal: there was no food, water or fuel. Their health was so poor that many of the emaciated prisoners could not keep the offered food down and starved to death.²

Eva Mozes Kor was 10 years old when she spotted the soldiers. She was one of a group of hundreds of children who had been left behind.... She remembered how the soldiers gave her “hugs, cookies and chocolate.... We were not only starved for food but we were starved for human kindness.”

That human kindness characterized the liberation. The shocked soldiers helped set up hospitals on site, and *townspeople volunteered to help* [italics added]. For months, Polish Red Cross workers labored to save the dying and treat the living, working without adequate food or supplies and helping prisoners get in touch with their loved ones.³

² Erin Blakemore, “The shocking liberation of Auschwitz: Soviets ‘knew nothing’ as they approached,” *History* (2020): 2/4, <https://history.com/news/Auschwitz-liberation-Soviets-holocaust>.

³ Ibid, 3/4.

What is key for this thesis in the above passage is that the "townspeople volunteered to help." This implies that the horror had been a Nazi endeavor and the citizens of the surrounding towns had been intimidated against interfering. Or is this largely a myth? What was the actual extent of empathy by the German citizens when they learned about the atrocities the Nazis committed against the Jews? One would expect that many people were appalled, but there are authors who contend that a major proportion of them felt otherwise.

In his book *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*, Daniel Jonah Goldhagen reconsiders the attitude of the German people to the plight of the Jews, offering evidence that explains why when Hitler proposed the Final Solution a significant proportion of Germans were willing to carry it out or at least not interfere.

The German bystanders may not have physically harmed or mistreated any Jews or non-Aryan races during the Holocaust, but at the time, turning a blind eye to the evident persecution that Jews were subjected to was harm enough. The Germans knew just how poorly the Jews were treated; they knew of the horrible ghettos, concentration camps, and extermination camps that Jews were sent to. They witnessed the horrific murders of many, listened to the blood-curdling screams of those who were shot, and watched thousands of Jews being taken out of their own homes, and what did they do? Nothing. The Germans could have stood up for the Jews and offered them a helping hand. They could have objected to the antisemitism that flooded Germany, but rather they allowed this behavior to go on until it escalated into one of the largest genocides in all of history. Did the Germans not care about the well being of the Jews, or did they fear what would happen to themselves if they stood up for the Jews? No matter the reason, the lack of action from the German bystanders contributed greatly to the Holocaust.⁴

Goldhagen concludes that "ordinary" Germans followed an antisemitism that led to the belief that Jews ought to die, and so did not resist the Jewish massacres.

⁴ Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*, (New York, Knopf, 1996): 619.

Even more damning is a book that describes how these “ordinary” Germans murdered Nazi death camp prisoners as they moved through their villages during the “death marches.” “The violence shows how even with their nation in ruins, the Allies advancing on all fronts and the war hopeless, ordinary people were so indoctrinated with Nazi hate they were prepared to kill defenseless people in cold blood.... Blatman, of The Hebrew University in Jerusalem, commented ‘A decade of indoctrination, a genocidal mentality that had systematically dehumanized the Jews and the Slavs, led to the collective hunt....’”⁵

This thesis will analyze the dynamics of the formation and dismantling of a genocidal mentality in a population. It will explore the recent United Nation’s efforts to reduce the risk of genocide by controlling hate speeches and incitements to violence and analyze their effectiveness in implementing timely interventions to prevent loss of lives in genocidal episodes. Their record is dismal and the reason is clear: genocides are usually events that occur within nations but the United Nations is an organization better designed to maintain peace between nations than within nations. They can intervene when they formally declare a genocide is in effect, but they can rarely get the Security Council to agree to such a designation. More on this later and in Chapter 6.

The Research Problem

The question is whether the progress of states on a path to genocide can be halted and reversed. Game theory models predict that it can be if certain parameters are appropriately manipulated and sufficient iterations of the model are allowed to enable the

⁵ Daniel Blatman, *The Death Marches: The Final Phase of Nazi Genocide*, (Harvard University Press, 2011).

desired outcomes. This thesis examines the long-term issue of controlling public attitudes towards violence. While this may seem like the “soft” approach, as opposed to seeking effective military interventions, it goes to the heart of the problem. Ethnocentrism is pervasive amongst mankind. This is a world view that interprets all events according to the individual’s particular culture and while it may be critical for that individual’s self-identity, taken to the extreme it can lead to prejudice and dehumanization of persons not part of one’s culture. It sets the stage for allowing violence against subgroups not considered to be even human, and for supporting those engaged in, if not actively participating in, acts of genocide.

Three Key Concepts: Contact Theory, Ethnocentrism, and Genocide

CONTACT THEORY

In his 1954 book *The Nature of Prejudice* Gordon Allport proposed the “contact hypothesis” as a prescription for reducing intergroup prejudice.⁶ Its basic idea is very simple: “If separation and unfamiliarity breed stereotypes and intergroup prejudice (negative attitudes, hostility), then these effects should be reversible by promoting contact and increased familiarity between members of different groups or social categories.... (C)ontact under cooperative interactive conditions provides opportunity for positive experiences with outgroup members that disconfirm or undermine previous

⁶ Gordon Willard Allport, Kenneth Clark, and Thomas Pettigrew, *The Nature of Prejudice* (1954).

negative attitudes and ultimately change attitudes toward and beliefs about the group as a whole.”⁷

Allport believed that the positive effects of contact occur only in situations where four conditions hold: 1) equal group status within the situation, 2) common goals, 3) intergroup cooperation, and 4) the support of authorities, law or custom. Later studies revealed that these four “key” conditions were facilitating but not actually required as assumed earlier. Emphasis has shifted to four interrelated processes that mediate attitude changes: 1) learning about the outgroup, 2) changing behavior, 3) generating affective ties, and 4) intergroup reappraisal. Contact leading to new learning should reduce prejudice as negative views of the outgroup are corrected. Contact is a form of behavior modification as the new situations generate new expectations that potentially can lead to attitude changes, especially with repetition. Further, continued contact usually reduces the initial encounter anxiety, making subsequent encounters more comfortable, the outgroup more likeable. The new perspectives obtained through contact can deprovincialize the ingroup’s view of outgroups in general. Finally, contact may provide the opportunity for friendship, effectively reducing prejudice and easing generalization to other outgroups.

Two final results, important to this thesis, need to be emphasized. First, contact can successfully improve ethnic attitudes even if it is indirect. One extension is a generalized improved attitude towards an outgroup if it is known that a member of one’s ingroup has a close relationship with a member of that outgroup. Another extension is the

⁷ Marilyn B. Brewer, “Ethnocentrism and Prejudice: A Search for Universals,” in *Social Psychology of Prejudice: Historical and Contemporary Issues* (Christian Crandall and Mark Schaller, editors), (Lawrence, Kansas, Lewinian Press, 2004): 84.

parasocial contact in which exposure to information about an outgroup is disseminated through mass media – say, a TV sitcom with a typical outgroup representative as a lead actor – with a similar reduction in prejudice that a direct contact would have had. Second, contact can be effective even in an environment of serious conflict, although protracted and perceived as irreconcilable. The argument is “that positive contact experiences are such exceptional and noticeable in conflict areas, that they help to improve attitudes even under these societal condition.”⁸

ETHNOCENTRISM

“Ethnocentrism” was first coined in William Graham Sumner’s 1906 work *Folkways: The Sociological Importance of Usages*. It is “the view of things in which one’s own group is the center of everything, and all others are scaled and rated with reference to it... Each group nourishes its own pride and vanity, boasts itself superior, exalts its own divinities, and looks with contempt on outsiders. Each group thinks its own folkways the only right ones... (E)thnocentrism leads a people to exaggerate and intensify everything in their own folkways which is peculiar and which differentiates them from others.”⁹ It leads individuals to characterize people as belonging to an in-group (“us”) or an out-group (“them”), with “us” being virtuous, superior, peace-loving, cooperative, loyal, and “them” being immoral, inferior, treacherous, untrustworthy. Research in a lab setting has shown how powerful mere social categorization can be:

⁸ Gunnar Lemmer and Ulrich Wagner, “Can We Really Reduce Ethnic Prejudice Outside the Lab? A Meta-Analysis of Direct and Indirect Contact Interventions,” *European Journal of Social Psychology* 45 (2) (2015): 1-34.

⁹ William Graham Sumner, "Folkways: The Sociological Importance of Usages." In *Manners, Customs, Mores, and Morals*, (New York, NY, Ginn & Co., 1906)

“merely classifying individuals into arbitrary distinct social categories was sufficient to produce ingroup-outgroup discrimination and bias, even in the absence of any interactions with fellow group members or any history of competition or conflict between the groups.”¹⁰ This brings to mind the observation, later elaborated, that the Hutu/Tutsi identification card distinction was sufficient to lead ethnic entrepreneurs to trigger the bloodshed of the Rwanda genocide.

We are all ethnocentric – it helps us maintain our cultural identity. It permeates our decisions on where to live, whom to marry, to have as friends, to vote for, and even on our patriotism and willingness to die for our ethnic group. On the negative side, ethnocentrism can lead us to reject cultural diversity by becoming intolerant of outgroups, preferring our ingroup over them. In the extreme it may lead to negative stereotypes and prejudices that can potentially incite violence towards ethnic outsiders, setting the stage for genocide.

Anthropologist Ernest Becker suggests that primitive men bound themselves to their tribes to avoid the unbearable dread of their personal demise. “The felt power of immersion in the tribe transcended the mortal and feeble self and generated a sense of immortality.... Man finds it unpleasant to entertain the notion that accidents or chance determines human affairs. We need to invent a ‘cause’.... Hence, for early man, when evil befell people, it must have been caused by dead spirits.... The dead were, in effect, the first ‘out-group’ and different from the living. Eventually the out-group became other tribes, and their function became to strengthen the in-group tribes’ sense of power and

¹⁰ Marilyn Brewer, “*Ethnocentrism and Prejudice*,” 79-94.

immortality.”¹¹ Thus the in-group-out-group thinking has a profound source in the mind, it serves as a defense against the terror of death.

The selection of a target out-group begins in an environment where basic human needs are frustrated and destructive ways of fulfillment develop. “These basic human needs include security, positive identity, effectiveness and control over essentials, connections to others and autonomy, and an understanding of the world and one’s place in it. The frustration of these needs both interferes with the satisfaction of other needs and begins a search for a scapegoat, in the form of a target group that can be blamed for the dissatisfaction.... In practice, a target group is identified that is clearly and symbolically made different from the perpetrators, by definition a stigmatized ‘out-group.’ With ethnic, political, or religious differences, the target minority is often clearly visible or made so through official identification (e.g., badges, tattoos, identity cards, or the yellow Star of David for the Jews in Germany).... Even relatively transitory or ephemeral characteristics can be identified.... As we saw in Cambodia, the target group was designated as ‘educated people’ (defined as anyone above grade 7 in school or those who wore glasses) who had ‘benefited’ from a bourgeois existence. In the Ukraine, it was those peasants who owned ‘prosperous’ farms....”¹²

GENOCIDE

The Polish jurist Raphael Lemkin coined the term “genocide” in his 1944 book *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals*

¹¹ Donald Dutton, *The Psychology of Genocide, Massacres, and Extreme Violence*, (Westport, CT, Praeger Security International, 2007): 25.

¹² Ibid, 99-100.

for Redress.¹³ The word *genos* means “tribe” in ancient Greek; *cide* is the “death of” suffix. “The Convention of the UN on genocide, accepted in December 1948, describes genocide in its second article as: ‘acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group’.”¹⁴ Considerable debate still exists as to what groups of people comprise a “tribe,” although it is clear that at the time Lemkin was referring to the Jewish people, not yet a nation. Lemkin was more concerned with the destruction of political, economic and cultural institutions by genocide than with the nature of groups that should be protected. In the Rwandan case, there is no doubt that the attempted destruction of the Tutsis was genocide, but the distinction of the Tutsis from the majority Hutu population was more a class difference than an ethnic difference. They both had the same culture, language, religion, and mostly the same genomic characteristics as they were widely intermarried. But because in general the Tutsis raised cattle while the Hutus tilled the soil, “... the Belgian colonizers established a system of identity cards, and determined what Rwandan law calls ‘ethnic origin’ based on the number of cattle owned by a family.”¹⁵ It was astonishing how subjective this determination of victims was: “In Rwanda, Tutsis were betrayed by their identity cards, for in many cases, there was no other way to tell.”¹⁶

It would seem that if the United Nations was determined to put a stop to this war crime the world should never see a recurrence. But nothing has been more disappointing.

¹³ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, (Washington: Carnegie Endowment for International Peace, Division of International Law, 1944).

¹⁴ Philip Verwimp, “Foreign Intervention in Rwanda on the Eve of Genocide (1990-1993): A Game Theoretic Model,” *Yale Center for International and Area Studies*, (New Haven, CT, 1998): 6.

¹⁵ William A. Schabas, “Groups Protected by the Genocide Convention: Conflicting Interpretations from the International Criminal Tribunal for Rwanda,” 6 *ILSA J. Int’l & Comp. L.* 375 (1999-2000): 379.

¹⁶ *Ibid*, 383.

The 20th century has witnessed the development of the most heinous forms of genocide (besides the Holocaust of WWII) which has continued (e.g., Bosnia and Rwanda in the 1990s) even into the new millennium (Myanmar in 2017). The United Nations has been largely ineffective in preventing or halting the progress of these internal events. They are too enmeshed in politics to gain a swift consensus on intervention or they lack the military resources and/or the willpower to get involved in courses of action which potentially threaten the autonomy of states suspected of committing war crimes. People die while the United Nations stalls.

The Six Chapters of the Thesis

The purpose of the first chapter was to illustrate the nature of genocide and how it finally became defined as an atrocity during the Holocaust of World War II, historically preceded as it was by similar events throughout the centuries. The research question, whether the process of genocide can realistically be stopped/reversed, is presented as well as emphasizing a focus on the attitudes of the general population towards genocide as a solution to ethnopolitical conflict. Finally, three concepts critical to this thesis, namely contact theory, ethnocentrism and genocide, are analyzed with some depth.

The second chapter focuses on the culpability of bystanders. Unfortunately, genocides are characterized by a large proportion of the knowledgeable population not wanting to get involved, trying to feign innocence as bystanders. The problem is that by their inaction bystanders become the enablers of atrocity engineers. Active resistance by the general population can make it difficult, if not impossible, for the ruling elites to adopt such murderous strategies. Thus, blame can attach to “uninvolved” bystanders.

There is also a discussion on the stages and factors involving the transformation of ordinary peaceful citizens into aggressive advocates of genocide.

The third chapter develops an evolutionary game theoretic model of the propagation of genocidal attitudes throughout a population. Although seemingly complex the model does arrive at a simple and important result: the extent of acceptance of such attitudes can be reversed with changes in the incentives (the payoffs of the game). Genocidal acceptance by the population is not inevitable.

The fourth chapter looks primarily at Stanton's ten developmental stages leading to genocide and considers the feasibility of actions designed to halt and reverse the progress at each stage. This is the important chapter when it comes to answering the research question. The existence of well-developed legal, political and social institutions within a nation appears to be critical to the success or failure of many of the countermeasures.

The fifth chapter explores in depth contact theory, the only realistically viable means of reducing prejudice. The link between prejudice and ethnic conflict is examined. The chapter then turn its attention to the U.N. sponsored religious organization conventions that are designing programs to reduce prejudice among groups within their communities.

And finally, chapter six evaluates the effectiveness of current existing institutions in addressing genocidal outbreaks throughout the world. Emphasis is on the United Nations and why it has been so ineffective in controlling these atrocities. The chapter closes with the sobering conclusion that it is not likely that all future genocides can be prevented, as intervention mechanisms and international willpower remain deficient, but

that their length and severity might be significantly reduced by the increasing concerted efforts of the international community to expose and censure such behavior.

Chapter II:

THE CULPABILITY OF BYSTANDERS

One arrives at the culpability of bystanders because their inaction, while not directly contributing to a negative outcome, is nonetheless enabling. This is the basic assumption and concern of the thesis. Many would be tempted to simplify the world by asserting that bystanders cannot be held morally accountable, or in any way responsible, for a harm they did not directly commit – thus limiting ascribed responsibility only to commissions, things done. However, in this social world we can also be blamed for what was not done, for harmful omissions. If bystanders are to be considered enabling aggressors, there is a need to further explore the liability of bystanders, particularly in cases where inaction leads to severe consequences. The puzzle is why moral condemnation and legal liability is less for conduct involving omissions although the outcomes may be just as severe as that of conduct involving commissions.

Designing an Evolutionary Game Theoretic Model of Genocide

In the following Chapter 3 my interest is on intra-group behavior – namely, using evolutionary game theory to understand the emergence of a preference for genocide within an in-group population. This current chapter sets the groundwork by defining the actors and discussing their behaviors relevant to the game. The population consists of elite atrocity engineers and two types of citizens, some who are genocide-supporting (aggressive) while others are genocide-resisting (peaceable). “For purposes of

understanding genocide risk and prevention, group dynamics within the in-group between aggressive and peaceful people-types is potentially just as important as, and at times may be even more important than, group dynamics between the in-group and the out-group.... [The focus is] on the ‘drama’ of whether the in-group will tend to become acceptant of genocide against the out-group or whether it will tend to resist such atrocity.”¹⁷

Four types are examined in the in-group: the peaceful, two types of aggressive (those involved in acts of commission and those involved in acts of omission), and the elite architects of the atrocity against the out-group. The peaceful must be actively peaceful – that is, they must be involved in persuading others to respect and protect members of the out-group and actively protesting those advocating genocide. Those who are bystanders are involved in acts of omission and are classified as aggressive because they enable genocide to occur by their inaction (in contrast to the proactiveness of the peaceful). Finally, there are those who actively and intentionally commit genocide, the aggressive types involved in acts of commission and the elite who construct and oversee the bureaucracies and incentives that effectuate the genocide.

Beginning with the elite genocide architects, suffice it to say there are many persons in the world with dangerous ideas about how the world should be governed and how they should have a visible role in it. Fortunately, very few of them make it into positions where they can implement their ideas. “...[O]rganizational crime is more likely to occur when there are blockages of legitimate opportunities to achieve organizational goals and illegitimate opportunities are available... their leaders see benefits to illegal

¹⁷ Charles H. Anderton, "The Social Evolution of Genocide across Time and Geographic Space: Perspectives from Evolutionary Game Theory," *The Economics of Peace and Security Journal* Vol.10, No.2 (2015): 7.

means to achieve the end goals....”¹⁸ Often it is totalitarian governments, or those who aspire towards it, that can best create a culture in which evil acts become legitimate means to attain organizational goals. “When the ruling elites decide that their continuation in power transcends all other economic and social values, at that point does the possibility, if not the necessity, for genocide increase qualitatively. For this reason, genocide is a unique strategy for totalitarian regimes.”¹⁹

The elite atrocity engineers find it to their political advantage to artificially manipulate the social environment to isolate and destroy people from an out-group. This may be to eliminate a perceived threat, spread terror, gain wealth, or implement an ideology. To succeed, however, they need the dominant support of the citizens of the in-group. They attempt to gain such support by manipulating the citizens’ perception of themselves and of the people the genocidal architects have targeted for extermination. Creating fictional others that support their ideology is a way of gaining support and having the genocidal orientation assimilated by common citizens, claiming they should think they way “other people” do. Such a “phantom community allows perpetrators to define their violence as legitimate. In violent communities, phantom others permeate the social setting while allowing violent individuals to refer to them as guides for violent behavior.”²⁰

Those who actively participate in the genocide tend to be persons from the military or have a prison record, but it is believed that initially non-violent citizens can be

¹⁸ William R. Pruitt, “How Criminology can Engage in the Theorizing on Genocide?” *International Journal of Criminal Justice Sciences*, Vol.9, Issue 1, (2014): 4-5.

¹⁹ Verwimp, “Foreign Intervention in Rwanda,” 8.

²⁰ Mark A. Winton, “Violentization Theory and Genocide,” *Homicide Studies* 15(4), (2011): 366.

converted. In Rwanda a major source of perpetrators were young unemployed males seeking thrills. They responded eagerly to the incentives offered as most had little hope of obtaining a job or the land needed to establish their own households. Winton describes a proposal by Lonnie Athens of a four-stage violentization theory which outlines how ordinary people are transformed into violent criminals capable of committing genocide. The first stage is “brutalization” where one is taught violent behavior – in genocide “actors may be physically assaulted, threatened, observe others being threatened or assaulted, and coached on how to carry out violent behavior.”²¹ The brutality serves to demean the victims as well as facilitate the recruitment of ordinary people whom perpetrators have indoctrinated and intimidated. In this stage much still depends upon the peoples’ resistance to their tactics. The second stage is “defiance” where one is given a belief system supportive of violence – in genocide violence is justified “as a means to control and dominate a threatening group.”²² The third stage is “violent dominance engagements” where one engages in violent acts – in genocide the perpetrators reward the actors for behaving violently (or punish them for failing to do so). The fourth stage is “virulency” where one defines oneself as violent and dangerous – in genocide the purpose is “to gain control of others, obtain respect, instill fear, and make others feel powerless, shamed, and humiliated.”²³ Finally, Winton adds a fifth stage of “extreme virulency,” where one engages in extreme behavior such as torture, mutilation and sexual slavery.

²¹ Ibid, 365.

²² Ibid.

²³ Ibid, 366.

A Normative Shift Theory

The above description of Lonnie Athens' four-stage violentization theory does not explain too well the transitions between stages ordinary people undergo. A better approach might be to look at personal versus social norms and ask which wins out while the individual is under the stress of episodes of social violence. "Many Rwandans say that they killed because authorities told them to kill.... that the 'moral authority' of the state swayed them to commit crimes that would otherwise have been unthinkable. In this sense, the norms had been transformed... a new set of rules prevailed, one that directed citizens to be violent."²⁴

One is less personally responsible if everyone, or at least a large surrounding crowd, is doing it. "The usual moral principles that prohibit violence and protect people are replaced by 'higher' values protecting purity, goodness, and well-being of the in-group, and creating a better society by destroying the victims.... A progressive restructuring of group norms occurs in line with the ideological shift.... Acts of violence are viewed differently.... By making an action 'normal' we judge it differently, as more morally acceptable. Personal responsibility for the action is diffused by the normative shift."²⁵

It is not changes in personality, aggressiveness or moral standards but rather a restructuring of the moral value of killing, now free of self-censuring restraints. Killing

²⁴ Donald Dutton, *The Psychology of Genocide, Massacres, and Extreme Violence*, (Westport, CT, Praeger Security International, 2007): 107.

²⁵ Ibid, 108.

the victims has now become normal and acceptable. Ordinary people undergo a psychological transition from norm regulated behavior to aggressive and violent behavior. If they are soldiers “the stress of combat, the fear of violence, and orders to kill all combine to increase the likelihood of such transitory actions. Again, individual differences in stimulation seeking and conscience may operate to keep some soldiers from killing (My Lai), but for most, the situation overwhelms the individual psychological functions and extreme violence ensues.”²⁶

How Omissions Differ from Commissions

Returning to the issue of bystander culpability, the attempt to explain the distinction between behaviors that are commissions and behaviors that are omissions often begin with a discussion of the legal liabilities of someone who fails to respond to an urgent need for which assistance can be easily rendered. Under Anglo-American law there must be a legal duty to act before any criminal liability can attach. This means that if a child is drowning at a public swimming pool a bystander is not required to attempt to save the child’s life even though the effort would be trivial (say, throwing out a line). The exception under this law is if one has a legally recognizable relationship to the child which mandates a duty to that child (a parent or relative upon whom the child depends). This duty has been extended to contractual relationships (lifeguards) as well as informal commitments (designated watchers). But European law goes further. They require easily rendered assistance if the bystander has the ability and realizes the opportunity to do so and will sanction those who fail to respond. While both legal perspectives may recognize

²⁶ Ibid, 122.

some degree of duty, they differ in the appropriateness of legislating that duty (i.e., enforcing this expectation is less widely acceptable in Anglo-American law).²⁷ Legal custom based on rulings of precedent cases, coupled with the difficulty of establishing the extent of any duty owed, seems to account for this persistent difference.

One reason why an omission is regarded as less serious than a commission involves their effect on the status quo. Acts of omission tend to uphold the status quo while acts of commission tend to overturn the status quo, and consequently evoke a more intense reciprocal response.²⁸ The reaction is intense when people are actually killed, but what of allowing the march of genocide to continue on unimpeded? “We have good reasons for the distinction between omissions and commissions: omissions may result from ignorance, commissions usually do not; commissions usually involve more malicious motives and intentions than the corresponding omission; and commissions usually involve more effort, itself a sign of stronger intentions. In addition, when people know that harmful omissions are socially acceptable, they look out for themselves....”²⁹ In violent societies genocide can become socially acceptable. Thus, the perception of how others may judge one’s inaction can influence the decision whether to act or not.

The “omission effect” is a widespread belief that omissions are a lesser wrong than commissions. One explanation “derives from differences in physical causality. Omissions do not leave immediate mechanical effects, whereas actions are clearly caused. Theorists generally regard causality as a necessary condition for blame....

²⁷ John Kleinig, “Criminal liability for failures to act,” *Law and Contemporary Problems*, (1986): 180.

²⁸ James C. Cox, Marcoš Servátka and Radovan Vadovič, “Status quo effects in Fairness Games: Reciprocal responses to acts of commission vs. acts of omission,” *Experimental Economics* 20(1) (2017): 1.

²⁹ Mark Spranca, Elisa Minsk and Jonathan Baron, “Omission and Commission in Judgment and Choice,” *Journal of Experimental Social Psychology* 27, (1991): 76-7.

Another set of ideas surrounds anticipated regret.... It is easier to imagine counterfactual outcomes for actions than for omissions: consequently, emotions are amplified for actions. Reduced regret for omissions could explain why people tend to choose violating omissions rather than violating actions.... [Yet another is] anticipated blame.... if third parties judge omissions less harshly, then actors can choose omissions to incur less blame.”³⁰

This later explanation involves the influence of higher order beliefs on the actor’s choice, in particular on the strength of evidence for a violation (its transparency). “When strong evidence implicates the accused, others should be more likely to condemn than when the evidence is weak...Furthermore, ... other third parties will be more likely to condemn not only because of the evidence but because they know that other third parties know the evidence (and so on through infinite recursions). In game theoretic terms, public evidence provides common knowledge...”³¹ Here, the high order beliefs magnify the condemnation. Generally, though, omissions provide less evidence of intentions: it may be intended if the actor chooses not to act, but if the actor is unaware of the situation, it may be unintended. If third parties cannot be certain of intentions, which is critical for blaming, they will back off.

It is the opacity of the evidence that raises doubt, lessens the condemnation and, consequently, makes omissions the better choice. Suppose a witness knows an omission was intentional but because of some ambiguity suspects that others may be unaware. Since the witness does not wish to be the only condemner (perhaps fearing costly

³⁰ Peter DeScioli, Rebecca Bruening and Robert Kurzban, “The Omission Effect in Moral Cognition toward a Functional Explanation,” *Evolution and Human Behavior* 32, (2011): 205.

³¹ Ibid.

retaliation), s/he will not publicly accuse the transgressor. Although some of the others may be aware and suspect the omission was intentional, they may be reacting in a similar fashion as the first witness believing others are unaware. The upshot is that nothing is said, and because of the doubt and lack of supporting responses, punishment is withheld (or at least attenuated). Acts of commission are more likely to show clear intention – thus, omissions would dominate behavior.³²

The Causality of Omissions

It is not correct to say that only conduct that involves commission is causal. Returning to the case of the drowning child one might be tempted to say that if the bystander were not there at the pool the child would have drowned anyway – thus the bystander’s inaction did not “cause” the death. However, the bystander was there, and had it not been for the bystander’s failure to act, the child would have been rescued. Thus, the bystander’s omission was the cause of death.³³ This is an application of the *sine qua non* test of causality often used in law. If it is the case that but for the conduct of the bystander, the harm would not have occurred, then causality can be inferred.

There are two elements in criminal law that determine guilt: *actus reus*, the act of committing a crime, and *mens rea*, the state of mind. “The party responsible for the death of a human being can be convicted of criminally negligent homicide if the death was caused (beyond reasonable doubt) by a form of gross negligence. For example, gross negligence includes the failure to stop and render aid in a hit-and-run accident, which is

³² Moshe Hoffman, Erez Yoeli and Carlos David Navarrete, “Game theory and morality,” In *The Evolution of Morality, Evolutionary Psychology*, (2016): 300.

³³ Kleinig, “*Failures to act*,” 177.

an act of omission. A murder conviction, however, requires that the person had (beyond a reasonable doubt) an intention to kill, which (in the vast majority of known murder cases) is inferred from acts of commission.”³⁴ In tort law, great effort is made in ordinary negligence cases to establish the expectation of a reasonable duty of care by the tortfeasor (if capable of conforming to this duty expectation the *mens rea* requirement is met). It is the violation of this duty of care, an act of omission, that triggers the award of compensatory damages to make the plaintiff whole again. The converse is often examined to establish liability in cases of harmful omissions: was the transgression a violation of a reasonable duty? If so, the conduct is blameworthy; if no duty exists, it is not.

Returning to genocide (involving the deaths of millions of people), one would like to assume that most people hold all human life to be inviolate and would not consider it acceptable to intentionally attempt to destroy any defined group of people. Yet while this may be a common attitude, even during episodes of genocidal violence, it is often found that the large majority of people are bystanders who prefer not to get involved. In Rwanda, “genocide was marked by a level of bystander inaction that may be a common feature of mass killing but is nevertheless remarkable and painful for anybody who recognizes that we all have responsibility to protect vulnerable people from harm. The world did almost nothing to stop the event of 1994 from taking place.”³⁵ Unfortunately, this omission is what enables the perpetrators to do their horrific deeds.

³⁴ Cox et al, “*Status quo effects*,” 1.

³⁵ Craig McGarty, “Twenty years after genocide: the role of psychology in the reconciliation and reconstruction process in Rwanda,” *Journal of Social and Political Psychology*, Vol. 2(1), (2014): 380.

“For most people who wish to prevent genocide, the key variable in genocide is the lack of political will on the part of those who have the power to stop genocide. To be sure, all genocide could be prevented if, for instance, the United States declared that its policy would be to intervene with military force in any case where the “experts” say there is an impending genocide.”³⁶ Everyone knew of the impending genocide in Rwanda, yet it proceeded with machetes and crystal radio sets. The United Nations, with modern communications, intellectual experts, sophisticated weaponry, and advanced political negotiation techniques did nothing (some accuse it of actually facilitating the process). In her 2002 book *A Problem from Hell*, Samantha Powers, former U.S. ambassador to the U.N., attacks U.S. lack of political will when the U.S. could have stopped, or at least reduced, the killings in many genocides. The Mogadishu, Somalia, incident, further elaborated later, made it politically untenable to advocate sending troops to Rwanda despite the fact that the Rwandan situation was completely unrelated to the Somalia problem.³⁷

On an individual level, perhaps it is too harsh to condemn the Hutu bystanders for their inaction. The cost of resistance against roving bands of murderous young males on joyrides was extremely high. It would be inappropriate to call it a voluntary omission if there had been no opportunity nor ability to assist an attacked Tutsi. Further, in Rwanda, “many of the victims in 1994 were Hutus (sometimes called moderate or democratic Hutus) who were killed simply because they were not willing to kill their fellow Rwandans.”³⁸ For dissenting bystanders to become proactive depends on their collective

³⁶ Thomas Cushman, “Is genocide preventable? Some theoretical considerations,” *Journal of Genocide Research*, 5(4), (2003): 526.

³⁷ Samantha Powers, *A Problem from Hell: America and the Age of Genocide*, (Basic Books, 2002).

³⁸ Craig McGarty, “Twenty years after genocide,” 381.

strength. “If condemners band together ... the costs of condemnation can be defrayed. Perpetrators can effectively retaliate against only a limited number of people so condemners can minimize their individual costs by teaming up against perpetrators. This implies that the cost of condemnation varies with the number of condemners. At the extremes, lone accusers face maximum costs, whereas accusers with unanimous support incur minimum costs.”³⁹

The analysis of commissions/omissions need not be confined to individuals or groups of individuals – it may be extended to organizations apart from their members. Organizations are simply a structure of power positions, occupied by replaceable individuals. “Having power over individuals means the organization can order them to commit deviant acts; it remains the individual’s choice whether or not to participate.”⁴⁰ Thus, both the individual and the organization can be criminally charged. While the trials at Nuremberg did come to a finding of criminality of Nazi organizations attempts to use membership in such organizations to establish individual guilt became an unresolved debate ultimately diminishing the importance of the organizational charges. The courts did not wish to take on the additional legal burden of determining whether the defendant members were aware or not of their organization’s criminal behavior.⁴¹ While individuals may be fined or jailed, organizational punishments are generally limited to fines or injunction/specific performance court orders (disregarding cases of capital punishments or forced dissolutions).

³⁹ DeScioli et al, “*Omission effects*,” 205.

⁴⁰ Pruitt, “*Criminology*,” 4.

⁴¹ Telford Taylor, *The Anatomy of the Nuremberg Trials*, (New York, N.Y., Skyhorse Publishing, 2013): 284-5.

Organizational crime is significant because a government is also an organization and has the express duty to protect its citizens. While many criticize the court for holding Serbia not liable for acts of commission in genocide (in *Bosnia v. Serbia*, 2007), due to that court's reluctance to extend individual intent to the level of state goals, the court did hold that Serbia violated its obligation to prevent genocide – that the state was guilty by omission. “[F]or a violation of the obligation to prevent genocide, it was ‘enough that the State was aware, or should normally have been aware, of the serious danger that acts of genocide would be committed.’”⁴² The question of the appropriate state punishment remains indeterminant as does any contemplated difference had it been a crime of commission instead.

War crime trials tend to limit the guilt to a few prominent individuals, implicitly exonerating the wider population. The collective guilt is only part of a re-education through the trials and tends to be of short duration. For example, “The discussion of German guilt began with the liberation of the concentration camps and ended in the Spring Summer of 1947, with the announcements of the Truman doctrine and the Marshall Plan, which changed Germany's role in the international system. The Germans were now separated from the crimes of the Third Reich, as they were now viewed as a trustworthy ally.... this was pure political pragmatism.”⁴³

⁴² J. Craig Barker, editor, “Application of the Convention on the prevention and punishment of the crime of genocide (Bosnia and Herzegovina v. Serbia and Montenegro),” *Decisions of International Tribunals, International and Comparative Law Quarterly*, Vol. 56, (2007): 705.

⁴³ Donald Bloxham, “Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory,” book review by Wendy Toon in *Reviews in History*, (2001): 3, <https://reviews.history.ac.uk>.

International Criminal Courts

The new millennium has seen a revival in international trials to prosecute leaders accused of war crimes. Following the International Military Tribunals in Nuremberg (to prosecute German leaders) and in Tokyo (to prosecute Japanese leaders) it was felt that there was a need for a permanent international criminal court to address the atrocities that were still occurring throughout the world. Thus, the International Criminal Court (ICC) was formally established, entering into force in July 2002 and issuing its first judgment in 2012. Again, it would seem that the persistence of crime leaves doubt as to the deterrent effect of legal punishments. Because of political restraints and limited resources ... the ICC can only focus on a small number of elites from few countries at a time. It is currently criticized for being solely focused on African conflicts – involved in an unjustifiable neo-colonialist interference with African states. Such accusations lose credibility, however, when it is pointed out that these African governments have voluntarily requested their help.⁴⁴ The ICC is an organization primarily designed to complement and bolster the domestic legal process within these countries by offering an international venue for their prosecution of war criminals. Perhaps its greatest value lies in placing suspect human rights violators in the spotlight on the world stage. Chapter 6 will explore the limitations and criticisms of the ICC in greater detail.

⁴⁴ Phil Clerk, "The limits and pitfalls of the International Criminal Court in Africa," *E-International Relations*, (2011): 1/3. <https://www.e-ir.info/2011/04/28/the-limits-and-pitfalls-of-the-Interantional-Criminal-Court-in-Africa>.

Chapter III:

THE PROPAGATION OF GENOCIDAL ATTITUDES WITHIN A POPULATION

This chapter develops a game theoretic model to describe how an aggressive attitude favoring, or at least not opposing, genocide disperses throughout a population.

Constructing the Coordination Game

The game is whether the in-group will tend to accept genocide against the out-group or whether it will tend to resist such atrocity. Two types of actors will be specified: those advocating peacefulness (P) and those accepting an aggressive strategy (A). The latter aggressive group (A) will consist of actors who would potentially engage in acts of genocidal commission and those who are bystanders, who by their omission to act would enable the genocide to occur. The bystanders' inaction would prevent classifying them as equivalent to the active peaceful group (P) as their maintaining the status quo suggests agreement with the prevailing aggressive strategy. While the model is highly stylized valuable insights can be obtained from its analysis. A simple 2 x 2 coordination game with multiple equilibria is used to set the game stage:

X \ Y		
	Aggression (A)	Peacefulness (P)
Aggression (A)	(a,a)	(b,c)
Peacefulness (P)	(c,b)	(d,d)

Here a , b , c , and d are the payoffs. Within the parentheses the left-hand payoff goes to player X and the right-hand payoff goes to player Y in each of the four pairwise strategies. In the case where the payoffs to aggressive types are low relative to the corresponding payoffs to peaceful types, $a < c$ and $b < d$. As depicted by the lines within the matrix, player X will move to the peacefulness row for the larger c and d payoffs; likewise, player Y will move to the peacefulness column for the larger c and d payoffs. This is the case where the village's history, culture, religion, etc. imply that aggressiveness is unrewarded relative to peacefulness in pairwise social encounters (Peacefulness dominates at the Nash (d,d) payoff equilibrium). In the case where $a > c$ and $b > d$, the aggressive trait is rewarded relative to peacefulness in pairwise encounters. In this case compliance with the atrocity entrepreneurs would lead to survival, career advancement, and material rewards while noncompliance would at least lack such benefits (Aggression dominates at the Nash (a,a) payoff equilibrium).⁴⁵ These are equilibria because once there neither player has any incentive to move to a different strategy.

The way to change outcomes is to manipulate the payoffs. They are important not only because of their direct incentive effect but because they can change the dynamics of the game over time. If a village is controlled by genocide architects (most likely dictators), they will attempt to metamorphose it into one with an aggressive dominance (or at least one that does not resist aggression against an out-group) by increasing payoffs a and b and decreasing payoffs c and d . Increasing a and b could manifest itself by jobs

⁴⁵ Anderton, "Social evolution of genocide," 8-9.

and promotions in the atrocity leaders' organization (perhaps even allowing supporters to plunder and loot the property of the victims); while decreasing c and d might involve threats to self-preservation or family preservation or dire penalties (including incarceration and execution) for those refusing to support aggression towards the out-group.

If a village is controlled by peaceful types (most likely democratically oriented), town leaders will attempt to preserve its peaceful nature. Payoffs c and d may involve installing better streetlights and monitoring cameras to spot dangerous intruders, setting up safe places for the victimized minorities, staging rallies for peace and protests against aggression to internalize peaceful norms and publicly condemn aggression (reducing a and b), inviting journalists and other media professionals into the village. This last point is significant as higher order opinions can be important. It is possible that indigenous tribes with their bows and arrows can prevailed over armies with their machine guns simply because of the presence of international reporters and the press standing ready to reveal the unfair conflict to the world.

From a Static One-Shot Model to a Dynamic Iterative Model

The above described model is a static one-shot game in which a pair of players will move to their best outcome at (a,a) or (d,d) , depending on the relative sizes of the payoffs. Of more interest is a repeating game in which many different pairs of players interact to affect the overall proportion of the population that adopts a particular strategy. It is this repeating, iterative version of the game that makes it a dynamic process, changing the fraction " x " of the community members who support, or at least enable by their inaction, the genocidal program of their leaders. Or alternatively, " $1-x$ " would be the

proportion of peaceful members in the community, as “x” varies from 0, everyone peaceful, to 1, everyone aggressive. The dynamic change in “x” over time “dx/dt” is given by a replicator equation which updates the proportion of “x” according to its difference from a current overall average – if its expected fitness exceeds the current average, “x” increases; if its expected fitness is below that average, “x” decreases. Because the payoffs go into the calculation of the replicator equation the payoffs drive the changes in population proportions.

The replicator equation is a simple specification, yet it leads to useful insights. For example, while expanded later on when the dynamic equation is more fully developed, it becomes apparent that the computations of the point known as the “knife’s edge” depends on the relative magnitudes of the payoffs. Increasing payoffs a and b will move this critical point closer (shortening the distance) to the dominant peaceful outcome, which means the proportion of aggressive types in the population will now more likely lie on the path driving it to genocide.

The following coordination game creates multiple equilibria. Assume that the payoff values are $a = 50$, $b = 40$, $c = 0$, and $d = 60$, described in the following matrix:

X \ Y	Aggression (A)	Peacefulness (P)
Aggression (A)	(50,50)	(40,0)
Peacefulness (P)	(0,40)	(60,60)

Note that the payoff values are dimensionless, serving only to establish their relative magnitudes (e.g., $a=50 > c=0$ and $d=60 > b=40$), their differing importance in the game. Inspection reveals two Nash equilibria – both when the same strategies (AA or PP) are adopted by each player, although one has a higher payoff (60,60) than the other (50,50).

The derivation of the replicator equation is elaborated in the appendix, to which the reader is referred as in what follows the replicator equation and its properties relevant to a particular payoff matrix are not fully derived but only simply stated. The equation's formula is $R(x) = dx/dt = x(1-x)[x(a-c) + (1-x)(b-d)]$, which using the payoff values in the above coordination game ($a=50, b=40, c=0, d=60$) generates the following replicator equation:

$R(x) = dx/dt = x(1-x)(70x - 20)$. Here, $R(x) = dx/dt = 0$ at $x^* = 0$, $x^* = 1$, and $x^* = 2/7$, the three roots of this equation. The slope equation $dR(x)/dx = -210x^2 + 180x - 20$ yields $dR(0)/dx = -20 < 0$; $dR(1)/dx = -50 < 0$; and $dR(2/7)/dx = 14.3 > 0$. That is, the slope of the replicator equation is negative at the roots $x^* = 0$ and $x^* = 1$, where they are dynamically stable ESSs, but positive at the root $x^* = 2/7$, where it is not.

Referring to the phase diagram below, the slopes are depicted as tangential lines through the roots $x^* = 0$, $x^* = 2/7$, and $x^* = 1$; and the arrows show the directions the replicator equation is moving in the ranges between those roots. In the example, the root at $x^* = 1$ would correspond to Strategy A being adopted by everyone, the genocidal preference with (50,50) payoff; while the root at $x^* = 0$ would correspond to everyone adopting Strategy P, the peaceful preference with (60,60) payoff. If the initial population proportion were $x < 2/7$ it would eventually converge to the ESS at $x^* = 0$. If x were significantly less than the critical $2/7$, the atrocity engineers would have a difficult time

attempting to change the villages' dominant peaceful attitude. While introducing inciters would probably not work, at best they could attempt to increase the payoffs a and b and/or decrease the payoffs c and d to shift the critical root to a lower proportion enabling them to more easily exceed it. For purposes of prevention the phase diagram reveals the importance of the timing of interventions. The greater the time lag in implementing

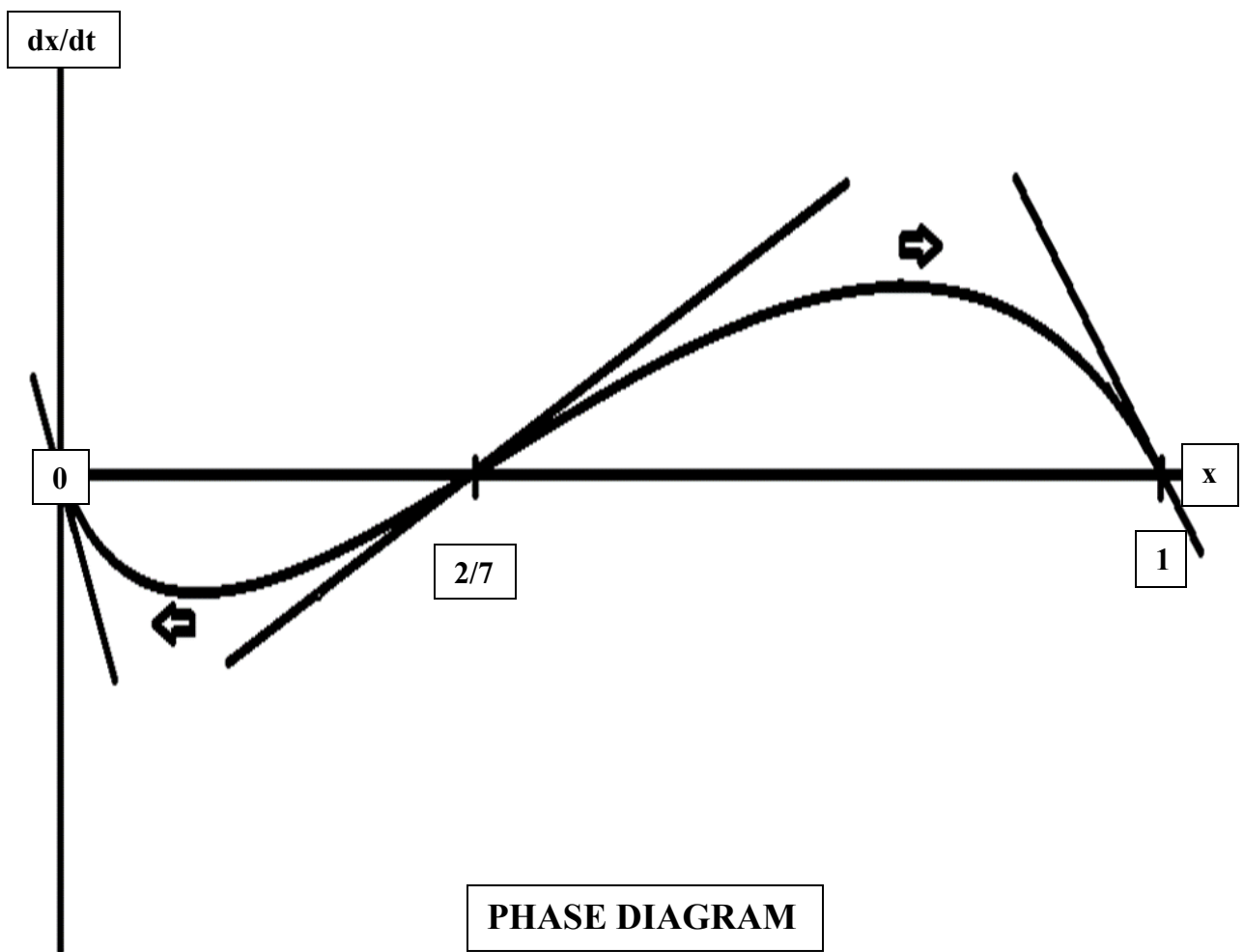


Figure 1. Phase Diagram Based on the Original Payoff Matrix.

peacefulness policies, the less effective those policies will be. It is usually the case that hostilities have been brewing for decades between the in- and the out-group and the initial population proportion $x > 2/7$, which would eventually converge to the ESS at $x^* = 1$. This is the situation the atrocity engineers are hoping to create.

The root $x^* = 2/7$ is likened to a “knife edge” because an infinitesimal deviation will send the x value away from it (if it is on the right, towards $x^* = 1$; if on the left, towards $x^* = 0$). Some authors call “for a ‘theory of tipping points’ which would explain when the balance between conformity and non-conformity favors one side over the other. This tipping point can be equated to the need for some catalyst that will set off the building tensions in genocidal states. Many episodes of genocide began following a triggering catalyst that set off the powder keg of hatred. The Armenian genocide began following the Allied landing on Gallipoli, Turkey; the Rwanda genocide began following the assassination of President Habyarimana; the Herero genocide began after the Herero uprising that killed several hundred Germans.”⁴⁶ Using the numbers in the diagram, these catalysts pushed x rightward past $2/7$ and on towards $x^* = 1$.

The diagram’s knife edge can apply to both prevention as well as aggravation as in the case where villages “hang on a ‘knife’s edge’ where they are about to tip into a social evolution that will support aggression. On such a knife’s edge, relatively small policy efforts can potentially make a substantial difference for peace, whereas delayed policies will risk becoming increasingly unlikely to alter the aggressive dynamic.”⁴⁷

⁴⁶ Pruitt, “*Criminology*,” 5.

⁴⁷ Anderton, “Social evolution of genocide,” 10.

The Effect of Payoff Changes on the Phase Diagram

The following coordination matrix creates a new phase diagram (dashed line in figure below). Assume that the payoff values are now $a = 40$, $b = 30$, $c = 10$, and $d = 60$ as described in the following matrix:

X \ Y	Aggression (A)	Peacefulness (P)
Aggression (A)	(40,40)	(30,10)
Peacefulness (P)	(10,30)	(60,60)

Here, for example, the Aggression payoff a has declined from 50 to 40 in value from the previous matrix. As this is the payoff provided by the atrocity engineers to incite the population to adopt an aggressive attitude its reduction should, at minimum, reduce the force of any trajectory headed to full acceptance of genocide. Most significant, if the proportion of the population is between the “knife edge” roots of the two phase diagrams then the trajectory will reverse itself – a major outcome of this model. The new cost-benefit analysis undertaken by the population in this instance can set it on a path to the opposite pole.

Using these new payoff values the replicator equation becomes:

$\mathbf{R(x) = dx/dt = x(1 - x)(60x - 30)}$ and $R(x) = dx/dt = 0$ at $x^* = 0$, $x^* = 1$, and $x^* = 1/2$, the three roots of the equation. If the population proportion is between $2/7$ and $1/2$ on the solid line phase diagram of the previous payoffs it will be headed to the unanimous

genocidal preference at root $x^* = 1$. However, if a change in the payoffs creates the dashed line phase diagram of the new matrix, a proportion x between $2/7$ and $1/2$ will drop down to that dashed line headed to the peaceable preference at root $x^* = 0$, in effect reversing direction (dx/dt becomes negative).

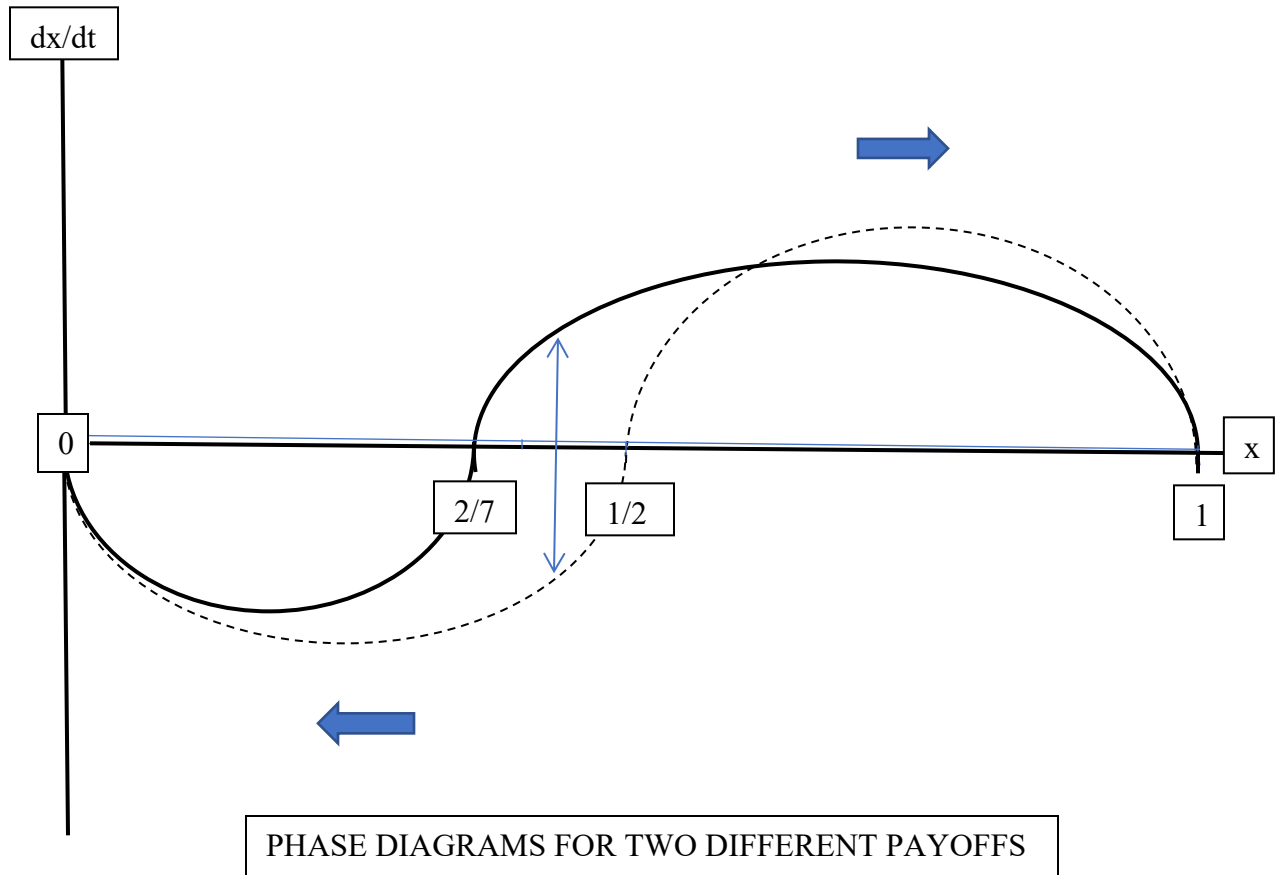


Figure 2. A Change in Payoffs Changes the Phase Diagram

The $2/7$ - $1/2$ gap may broaden significantly if payoff **a**'s decline is more precipitous (e.g., collapse of the genocidal government) with the “knife edge” root closing in on the $x^* = 1$ pole and creating a dominating dashed trajectory back to the peacefulness state. The converse of this analysis can be made for instances where the

payoff matrix begins on the dashed trajectory and payoff **a** increases (e.g., government increases hostilities between otherwise peacefully coexisting Hutus and Tutsis), this time extending the solid line genocide trajectory.

Anderton offers as an example a potential genocide in Côte d'Ivoire (2011) that did not occur. The risk of atrocities developed over a disputed presidential election between incumbent Gbagbo and challenger Ouattara, in which Gbagbo claimed victory but the U.N. and ECOWAS (Economic Community of West African States) insisted Ouattara was the winner. Repressive violence against civilians (several hundred to 3000 deaths estimated) erupted as Gbagbo attempted to maintain power – however, the atrocities were met with significant counter-efforts. ECOWAS suspended the government's access to banking services undercutting Gbagbo's ability to pay his civil servants and soldiers, significantly reducing the size of his supporters: in the game theoretic framework this was a reduction in payoffs **a** and **b**. By April 2011 it was over with the collapse of Gbagbo's organization and his arrest.⁴⁸

Conversely, in the Rwanda genocide authorities offered incentives [payoff **a**] for participation in victimizing the Tutsi. "They delivered food, drinks, and other intoxicants, parts of military uniforms, and small payments in cash to hungry, jobless young men. They encouraged cultivators to pillage farm animals, crops, and such building materials as doors, windows, and roofs. Even more important in this land-hungry society, they promised cultivators the fields left vacant by Tutsi victims. To entrepreneurs and members of the local elite, they granted houses, vehicles, control of a small business, or such rare goods as television sets or computers.... Many Hutu initially refused to attack

⁴⁸ Anderton, "Social evolution of genocide," 14-15.

Tutsi and joined with them in fighting off assailants. Only when military and civilian authorities resorted to public criticism and harassment, fines, destruction of property, injury, and threat of death [payoff **b**] did these Hutu give up their opposition to the genocide.”⁴⁹

Spatial Neighbors Instead of Random Dyads

One criticism of the coordination game has been its spaceless nature. A random encounter of two individuals from the village, likely not the same persons in each iteration, occurs without any consideration of their surrounding geography. More realistically individuals would be in fixed locations in a village interacting with neighbors, persons close by whose attitudes may be more persistent than that of a random flow of villagers. Further, the evolution or suppression of aggression by third-party intervention is sensitive to population density and the character of surrounding neighbors. A localized spatial distribution of peacekeepers is critical in assessing the number of peacekeepers needed and the timing of interventions to be most effective.⁵⁰

In such a spatial model the interactions between the peaceful and aggressive individuals are analyzed on a two-dimensional geographical grid. Known as a Moore neighborhood each person interacts with eight others who surround him or her in their immediate geography – thus the outcomes are not the same as the random pairwise encounters of the previous model. It illustrates the impact of contact between persons – particularly important with respect to prejudice. “According to the contact hypothesis,

⁴⁹ Dutton, “The Psychology of Genocide,” 106-107.

⁵⁰ Anderton, “Social evolution of genocide,” 13.

prejudice against members of one group by members of another will be reduced with increased social contact between members of the groups.”⁵¹ Prejudice is believed to be largely caused by a lack of familiarity with members of an out-group. This is an attempt to model the effects of contact theory.

The spatial model is heavily dependent upon simulations. Only through rounds of iterations can the changing geographic patterns of preferences be observed, enabling the detection of dominance formation or breakup. While the spatial model has only been described here in general, the work of some researchers has yielded interesting results. For example, it was found that the level of initial geographic segregation matters. Highly segregated neighborhoods (all A type on one side of the grid and all P type on the other side) take a larger number of iterations before they break up into a mosaic pattern, that is, integration is slow.⁵² Another is that with high population densities, “‘walker’ peacekeeping interventions in a Moore village can lead to a ‘big bang’ of peace...”⁵³ This is the case where small, well-located groups of peacekeepers can quickly diffuse the social evolution of aggression, returning the village to peacefulness.

⁵¹ Grim, et al, “Modeling prejudice reduction,” 96.

⁵² Ibid, 103.

⁵³ Anderton, “Social evolution of genocide,” 15.

Chapter IV:

STOPPING AND REVERSING THE STAGES OF GENOCIDE

Genocide is a process that follows several stages over a prolonged period. Some scholars believe that it can be prevented if the international community can stay abreast of the events occurring throughout the world to provide an early alert of the trouble spots. Their arguments rest on clear and straightforward remedies for stopping and reversing the progress in its stages of development. Short-circuiting this process in early stages will prevent latter, and more insidious, stages from taking hold. What must be considered is whether the recommended actions to reverse stages are sufficiently realistic given the lack of sophistication of the legal institutions in many countries which are at risk. Also, whether international and national communities have the will or the ability to affect the progress of many of these stages needs to be considered.

Daniel Feierstein enumerates six stages while Gregory Stanton enumerates ten stages; they both essentially cover the same ground, from institutionalized stigmatization to post-genocidal denial. Gregory Stanton identifies ten stages that he considers nonlinear, predictable and stoppable if preventive measures are taken. They are 1) Classification, 2) Symbolization, 3) Discrimination, 4) Dehumanization, 5) Organization, 6) Polarization, 7) Preparation, 8) Persecution, 9) Extermination, and 10) Denial.⁵⁴ The primary case studied is Myanmar (former Burma) as it has been experiencing recent

⁵⁴ Gibson, Carolyn, "The Stages of Genocide and How to Prevent Them," *The Borgen Project*, (2018). <http://genocidewatch.net/genocide-2/8-stages-of-genocide>.

incidents (within the last five years) that exhibit all the stages, although other illustrative cases of recent genocides will also be cited. The objective is to identify those stages that are characterized by the observed events and thereby evaluate the severity of genocidal risk in that country. I suspect that many of Stanton's suggestions to reverse the stages are largely unworkable given the most likely scenarios within Myanmar and many other affected countries. While his arguments may be plausible in sophisticated and advanced democracies with well-developed institutions to protect their citizens most of the hot spots in the world today are small Third World countries with underdeveloped and undemocratic institutions that have a poor social justice record.

The Ten Stages and Their Preventive Recommendations

Stage 1: Classification

Given the prevalence of ethnocentricity human beings tend to distinguish people into 'us and them' by their ethnicity, nationality, race, or religion. In Myanmar it is primarily by religion. The Rakhine state (on the northern coast bordering Bangladesh) has a population of around 2.1 million Rakhine Buddhists and over a million Rohingya Muslims. There has been a longstanding presence of Muslims in Myanmar, particularly as migrants to the Arakan region, a frontier between the Muslims and the Buddhists. It was home to the independent Mrauk U Arakanese kingdom (1430-1785), founded by King Naraméikhlá with his Muslim soldiers from Bengal. Thus, Muslim influence in Arakan dates from 1430. It is not the case that all Muslims are recent interloping immigrants from Bengal as the Burmese and Buddhists contend. The Arakanese kingdom's decline began with the Burmese occupation in 1784 and continued with the

British rule from 1826 to 1948 and the Burmese military dictatorship from 1962 to 2010. During World War II, ethnic conflict resulted in massacres of both communities (1942-43) as the Rohingya fought with the British and the Rakhine with the Japanese. Today the two communities are highly polarized with “the majority, ‘indigenous’ Rakhine Buddhist ‘us’, and the minority ‘interloper’ Muslim Rohingya ‘them’...”⁵⁵ The Burmese military dictatorship has gone to great lengths to heighten the antagonism between them, characterizing the Rohingya as invading foreigners who are intent on overrunning the country and eroding the centrality of Buddhism.

Stanton suggests that the preventive measure is to develop universalistic institutions that actively promote tolerance (search for common ground), such as a common language, fair trade commerce or peaceful religious leadership (unfortunately, the Buddhists and Muslims in Myanmar tend to be highly antagonistic). It would seem unlikely that any kind of institutional change would succeed in blurring the distinctions in the short run, that these are deep-seated animosities that have historical roots and will take a long time to mend. However, recent events in Myanmar offer some hope of a reconciliation. The catalyst is an awareness of a common enemy.

The Tatmadaw, armed forces of the Burmese military dictatorship, has a history of repeated coup d'états (e.g., 1962, 1988, 2021) to wrest control of the country away from civilian governments they deem unstable and a threat to the safety of the country and, in particular, to the personal wealth and control of the military. The coup d'états are followed by brutal suppressions of protestors. However, the 2021 coup is different in that

⁵⁵ Macmanus, T., P. Green, and Alicia De la Cour Venning, “Countdown to annihilation: Genocide in Myanmar.” *International State Crime Initiative*, 2015: 27-29.

it follows a short-lived experiment with democracy under the civilian leadership of Aung San Suu Kyi. “In the past, the Tatmadaw would use violence against ethnic armed groups or against the Rohingya but not against the Buddhist Bamar ethnic majority, but that is happening now on a large scale”⁵⁶ To date the crackdown on dissent has led to the death of 1,180 unarmed protestors. However, having tasted democracy, the movement against the dictatorship has become increasingly militarized as people continue to resist by refusing to go back to work and by engaging in armed conflict with the military.⁵⁷ The Buddhist Bamar ethnic majority (in-group) now has the same enemy as the Muslim Rohingya ethnic minority (out-group).

With a common cause in resisting the military junta the Bamar majority now seeks amends with the long-persecuted Rohingya minority for failure to stand with them in the past. Activists are now trying to “ensure that beyond fighting against a common enemy and achieving justice for the military’s abuses, the people of Myanmar genuinely keep ethnic inclusion at the core of the resistance movement and seek to build a new society based on equal rights.”⁵⁸ They advocate abolishing a 1982 law that denies citizenship to the Rohingya, pledge to support the safe return from Bangladesh for those who fled there, and seek accountability for the military’s crimes against the Rohingya and other minorities. Human rights activist Thet Swe Win has put a petition online that calls for recognizing the military violence against the Rohingya as a genocide – he wishes to ensure that “the Bamar public are sincere and committed in their calls for solidarity and

⁵⁶ Edith M. Lederer, “UN envoy: Myanmar is now in conflict, could be a failed state,” *Associated Press*, October 22, 2001.

⁵⁷ Ibid

⁵⁸ Emily Fishbein, “Myanmar’s ethnic Bamar majority seeks amends with Rohingya after they, too, face military violence,” *The Globe and Mail*, Toronto, ON Canada, September 29, 2021.

ethnic inclusion, and do not use ethnic minorities for short-term political gain.... [But he admits] the transformation in public mindsets that he has seen since the coup has given him hope that levels of ethnic unity, equality and social cohesion, which once seemed unimaginable, are now possible.”⁵⁹

Of course, actualization of these aspirations will depend upon the unseating of a ruthless and powerful military junta and the flexibility of the in-group Bamar majority to adopt an empathetic attitude towards a much maligned, out-group minority. While this is an interesting development in Myanmar it still remains only a possibility and it is not likely to repeat itself in other countries where governments tend to maintain better control over the insurgencies of their ethnic majorities.

Stage 2: Symbolization

Names and symbols defined by specific terms, color or dress are assigned to classified people. Symbolization is human activity that does not lead to genocide if dehumanization is not involved (contrast orange robes identifying Buddhist monks with Yellow Stars used by the Nazi to identify Jews).

Stanton suggests that political institutions can ban group marking and hate symbols (Nazi swastikas), but these bans must be supported by popular culture enforcement. There is the danger that if the dominant group has been indoctrinated into hating the victimized group, they may seize their identifying symbols to target them (e.g., blue scarves marking Cambodians for slaughter under the Khmer Rouge).

⁵⁹ Ibid

Stage 3: Discrimination

In this stage a dominant group uses legal and political power to deny the rights of other groups. The powerless group may be deprived of citizenship, civil rights or voting rights. Combating discrimination requires full political empowerment and citizenship rights for all groups of people so that it can be outlawed when it occurs. Individuals should have the right to sue other individuals and institutions if their rights are violated. When rights are absent, as is happening, violence can be expected, and unfortunately, is occurring.

In 1982 the Burmese government passed laws that disenfranchised Rohingya Muslims – they lost many civil rights – by regarding them all as illegal immigrants without citizenship. The problem is that to be prevented discrimination must be outlawed and the remedies for violations enforced – not something expected in countries with poor records of social justice.

Stage 4: Dehumanization

In this stage a group of people denies the humanity of another group. That is, one group is regarded as less than human – or even alien – to the society. Dehumanization paves the way to genocide by overcoming the normal revulsion to murder: after all they are not human like us.

Given the almost complete segmentation of the Rakhine and Rohingya communities in Sittwe and Mrauk U, the Rakhine there are now exposed only to the unadulterated anti-Muslim propaganda of the State, Buddhist leaders and Rakhine nationalists. Where once they lived experience of shared community resources, friendships, working partnerships and multicultural education all combined to counter stigmatization, those positive social controls no longer exist. The Rakhine encountered ... voiced virulent racism in their own media and

interviews, stereotyping Muslims as rude, dishonest, ‘like animals’ and having links in terrorism.⁶⁰

Prejudice (defined as hostility towards other groups based upon faulty and inflexible generalizations) is now prevalent. As one Rakhine man stated, “The conflict is mainly because of the Muslims, they have been brainwashed by those Muslim religious leaders, they always follow their instructions and in Muslim communities they even rape their own daughters... they are just very arrogant... they are very scary... they are like animals, they are like dogs....” A Rakhine woman said, “I asked a Muslim man, ‘what do you do in the mosque?’ And he replied, ‘our religious teachers told us that we had to kill Rakhine people.’”⁶¹ By not intervening in any way the government encourages violent intolerance and religious hatred in this environment of high ethnic tensions.

Stanton’s proposed solution is to have local and international leaders condemn the use of hate speech and make it culturally unacceptable. Radio stations broadcasting hate speeches should be jammed/shut down and hate propaganda should be banned. Hate crimes should be promptly punished. Is this possible in an environment such as that described above? While probably not easily done, at minimum the international community should let the world know what is going on and attempt to shame a government that allows it.

Stage 5: Organization

Genocide requires organization and is typically orchestrated by the state. States often use militias (to deny state responsibility), but organization may be informal or

⁶⁰ Macmanus et al, “*Countdown to annihilation*,” 29-32

⁶¹ Ibid, 33.

decentralized. In Myanmar the army is the source of genocidal militias launched against the Rohingya Muslims.

Stanton suggests that this stage can be averted by outlawing membership in genocidal militias (assuming they are not sponsored by the state), banning genocidal leaders from international travel and freezing their foreign assets, and imposing arms embargos on countries involved in genocide. Most of these are actions that can be imposed from abroad, not requiring state cooperation, and hence likely to be successful in Third World countries.

Stage 6: Polarization

Extremists may further divide groups by forbidding intermarriage and social interaction. Hate groups may broadcast polarizing propaganda, using the mass media to indoctrinate people to target the victimized group. Extremists may go so far as to arrest and kill moderates from their own group (as they are the most capable of stopping genocide) as well as leaders of the targeted group. To prevent their self-defense targeted groups are disarmed.

In Myanmar villages are segregated, severely limiting all social interactions. Marriage laws are directed to limiting the size of Muslim families and preventing intermarriage with Buddhists.

Prevention would require means of protecting moderate leaders, assisting human rights groups, seizing extremist assets and denying them visas for international travel. International sanctions should be used to oppose those involved in coups d'état and disarmed targeted groups should be re-armed to defend themselves. Again, many of these

actions might be successful in Third-World countries as they can be imposed from outside the country.

Stage 7: Preparation

At this stage plans are made for genocidal killing where leaders propose this as a solution to the problem of the targeted group. Leaders disguise genocide as self-defense and may refer to it as “counter-terrorism,” “ethnic cleansing” or “purification.” They arm and train militias and indoctrinate the population to fear the victim group.

In Myanmar the Rohingya Muslims are portrayed as interlopers, intent upon overrunning the country. Actions the government takes against them are viewed as self-defense (if we do not kill them, they will kill us), even if it may entail genocide.

This stage can be halted by imposing arms embargos and commissions to enforce them – including the prosecution of incitement and conspiracy to commit genocide, both of which are crimes under Article Three of the Genocide Convention. Here convention bylaws serve as the legal basis for action in international courts.

Stage 8: Persecution

In this stage targeted groups are identified and separated from the general population. Victims may be segregated into ghettos or deported to concentration camps. They are deliberately deprived of resources such as food and water, and their human rights are systematically abused. Genocidal massacres commence.

In 2017 an insurgent Muslim group carried out an attack on military outposts killing twelve soldiers. The Burmese government response was grossly disproportionate,

killing ten thousand Rohingya and burning their villages and mosques, so that only genocidal intent, rather than mere retaliation, could be inferred.

A Genocide Emergency should be declared at this stage, whereby an armed international intervention should be attempted. Humanitarian assistance should be provided.

Stage 9: Extermination

At this stage mass extermination begins and quickly becomes genocide and only rapid and overwhelming military intervention can stop it. Whether regional or multilateral forces are used, they must be authorized by the U.N. Security Council, which can become politically paralyzed if a consensus among the big five vetoing nations cannot be reached. “Because genocide is almost always carried out by a country’s own military and police forces, the usual national forces of law and order cannot stop it. International intervention is usually required. But because the world lacks an international rapid response force, and because the United Nations has so far been either paralyzed or unwilling act, genocide has gone unchecked.”⁶² Given that lack or poor quality of the legal institutions in these Third World countries many of the proposed suggestions for reversing the stages are apparently more aspirational than pragmatic.

With the commencement of the 2017 genocide, safe camps were established in Bangladesh to accommodate the refugees fleeing Myanmar. While only rapid

⁶² Gibson, “*Stages of genocide*,” section on Stanton’s autobiography.

intervention can stop genocide at this advanced stage refugee escape corridors and guarded safe areas should be established to accommodate those fleeing the atrocities.

Stage 10: Denial

The denial stage lasts throughout and follows genocide as perpetrators attempt to destroy any evidence that indicates a genocide occurred in their country.

In Myanmar, state counselor Aung San Suu Kyi (the de facto head of state and Nobel Laureate) led a legal team to the International Court of Justice in the Netherlands (2019-20) after Gambia filed suit in the world court alleging that Myanmar committed genocidal acts intending to eliminate the Rohingya Muslim minority through mass murder and destruction of communities. Despite overwhelming evidence supporting the allegations she implausibly denied that ethnic cleansing had been attempted. Regardless, the court ordered them to cease all acts of genocide against the Rohingya and to stop destroying evidence.

Denial can be combatted through highly publicized punishment of perpetrators and a campaign of education in schools and the media.

In fairness it should be emphasized that Stanton is attempting to cover all countries in the world with his genocide risk scheme. Consequently, highly industrialized advanced democracies with sophisticated institutions designed to protect their citizens are included (with their discrimination and hate crime laws and enforcing courts). However, most of the relevant countries today (those in Stage 9) are small, underdeveloped, not democratic and have histories of human rights violations. The need for intervention by outside forces will be required and that will raise accusations of violating of the sovereignty of small nations when large nations unilaterally decide to intrude.

Interventions for humanitarian reasons, however, must become the norm if the killing is to be reduced, if not altogether stopped.

Re-Arming Genocide Victims

David B. Kopel, et al, assert: “The historical record shows that, almost without exception, genocide is preceded by a very careful government program that disarms the future victims. Genocide is almost never attempted against an armed population.”⁶³ Stanton refers to the re-arming of genocide victims as a preventive measure in stage 6 (polarization) and Kopel et al suggest it be done if stage 7 (preparation) is reached. It goes almost without saying that “the fundamental human right of self-defense against genocide should be applied to cases where genocide has reached the extermination stage, and also to cases where genocide preparation has begun.”⁶⁴ Kopel et al believe there is no remedy better than that of re-arming otherwise defenseless victims. While Samantha Power does not go so far as to advocate it, Amnesty International opposes it on the grounds that it would increase the complexity of the situation by empowering victims to retaliate. While defense is the prevention of an imminent attack, retaliation is taking revenge after the fact. The only thing that is very simple and clear is the outcome when victims are left defenseless. Amnesty International prefers prosecutions in International Criminal Courts – however the threat of such prosecution is not likely to dissuade a genocidal state nor is it likely to be sufficiently timely to save a victim’s life.

⁶³ David B. Kopel, Paul Gallant and Joann D. Eisen, “Is Resisting Genocide a Human Right,” 81 *Notre Dame Law Review* 1275 (2006): 1321.

⁶⁴ *Ibid*, 1344.

Jus Cogens

An international law that has the status of *jus cogens* overrides all other laws to which it conflicts. The U.N. Genocide Convention is *jus cogens*, imposing an affirmative duty to prevent genocide. Case in point was *Bosnia v. Yugoslavia*, where the U.N. Security Council imposed an embargo making it illegal for Bosnia to acquire arms to defend itself from Yugoslav aggression. Because “the prevention of genocide is *jus cogens*. ...the Security Council arms embargo became void once it made U.N. member states ‘accessories to genocide’.... Accordingly, Bosnia acted in accordance with international law when Bosnia subverted the U.N. arms embargo, by importing arms from Arab countries.”⁶⁵ The overriding status of *jus cogens* means that antigencide arms smugglers will be protected under international law and that those who would enforce such arm embargos will become complicit in genocide. The smugglers’ affirmative defense is based on the inherent right to self-defense.

One last proposal on arming victims might be disconcerting but it is dismayingly persuasive. While not normally genocide, if rape is promoted widely by the militias as a means of preventing normal reproduction in the civilian population, then rape is regarded an instrument of genocide (such would be the case in Dafur, Sudan). This means young women are universally entitled to defend themselves in these situations.

A teenage girl with a gun might not be the ideal soldier. But she is certainly not the ideal rape victim. It is not particularly difficult to learn how to use a firearm to shoot a would-be rapist from a distance of fifteen or twenty-five feet away. With an AK-47 type rifle, which is plentiful in some areas of the Third World, self-defense would be quite easy. Would every one of the Janjaweed Arab bullies who enjoy raping African girls be brave enough to dare trying to rape a girl who was carrying a rifle or a handgun?

When the attacker faces a risk of being killed by his intended victim, the attacker faces a much more complicated situation. He must balance his potential pleasure

⁶⁵ Ibid, 1332.

of murder and rape against his potential risk of death or injury. Sometimes, the attacker may decide that even a fairly small risk of death outweighs the momentary pleasures of murder and rape.⁶⁶

⁶⁶ Ibid, 1318-19.

Chapter V:

PREJUDICE AND THE SOCIAL CONTACT THEORY

The question is whether, as game theory predicts (Chapter 3) and corrective remedies suggest (Chapter 4), states on a path to genocide can be halted and reversed. As discussed earlier, such outcomes are also possible through the intervention of religious-based organizations trained in prevention and pacification. While it may seem that religion is an unlikely force in stopping genocide, as many accounts blame religious sects for inciting the violence (e.g., historically the Crusades, currently the Israeli-Palestine conflicts), the reality is that it is particular zealous religious leaders who are the principal instigators. Demagogue clerics use religion to convey moral superiority, sacredness and righteousness to legitimize religious persecution and even genocidal actions as a necessary imperative. In counterbalance "... religion has sometimes played a pivotal role in the prevention or interruption of genocide and in caring for its victims. Most notably, religious individuals and institutions have forestalled genocidal killing by engaging in acts of resistance and heroism – such as engineering the sheltering or escape of members of the targeted group and their sympathizers – and facilitated after-care by providing aid to victims and lending support to reconciliation efforts. One of the most well-known and documented acts of heroism is the hiding and rescue of Danish Jews in Denmark as the

Holocaust unfolded during World War II, and Catholic Relief Services (CRS) provided and continues to provide humanitarian relief to Rwanda post the 1994 genocide.”⁶⁷

The truth is that almost all religions have as a basic tenant a respect for the sanctity of life, not only of their own members but of all persons. Religious leaders can be trained to identify and prevent events that might incite people to violence, particularly considering the influence religions have within their communities. Endorsed by the United Nations the Fez process, discussed at greater length later in this chapter, offers a list of issues and events that religious leaders should be on the lookout for, and of the courses of action they should undertake to diffuse potentially dangerous situations. Religious leaders can be an important resource for countering the prejudices that are used to aggravate ethnic conflicts.

Clash of Civilizations

Samuel P. Huntington proposed in his 1993 book *The Clash of Civilizations* that in this post-cold war era, the dominant source of conflict creating the divisions in global politics are now cultural rather than economic or ideological. He describes conflicts in this new age as one of clashing civilizations “... characterized by (1) a resurgence in ethnic and religious identity; (2) increased inter-civilizational interaction; and (3) economic and political indignation and regionalization.”⁶⁸ Of the cultural components of religion, ethnicity and language, it is religion Huntington claims is at the core of the clashing civilizations: “... the civilization of Western Christianity is different from that of

⁶⁷ Kate E. Temoney, “Religion and genocide nexuses: Bosnia as case study,” *Religions* 8, 2017: 114.
<http://www.mdpi.com/journal/religions>

⁶⁸ Samuel P Huntington, *The Clash of Civilizations*, 1993: 22.

Eastern Orthodox Christianity; Eastern Christianity is distinct from Islam; Islam represents a fundamentally distinct civilization from Hindu; and so forth.... disputes between nations of differing religious civilizations supplant ideological and other forms of conflict as the dominant global form of conflict.”⁶⁹ Where fault lines between civilizations lie within a country they lead to conflicts the same as those across borders. He concludes that these fault lines are sources of conflict, tearing countries with different cultures apart, while countries with similar cultures within them find the similarities to be a source of unity and peace.

Ethnic Entrepreneurs

The problem with Huntington’s thesis is the finding that most ethnic groups within countries co-exist peacefully. Almost all countries in the world are multi-ethnic following diverse religious beliefs, yet relatively few are engaged in internal violence (e.g., civil wars, genocide). Ethnic and religious differences in themselves do not inevitably lead to primordial cultural conflicts as Huntington suggests. Some other factors are influential triggers: strong state or social restrictions and physical and social segregation of religious groups and the presence of conflict instigators. These latter instigators are known as ethnic entrepreneurs, influential people who make discriminatory appeals in the name of their in-groups. They manipulate their ethnic constituency by playing on their fears, telling them they are under threat from the out-group, that they are superior to them and entitled to dominate them. They are often politicians scrambling to gain or maintain power, or religious leaders seeking to increase

⁶⁹ Ibid, 48.

the size of their flock. They are often at high risk of losing power and exploit the cultural divisions to reassert their control.

While the average citizen is likely to know that these entrepreneurs have their own agenda and are not telling the whole truth, they nonetheless support them if they feel their livelihood, families and futures are increasingly threatened and they believe that the entrepreneurs, regardless of how unscrupulous they may be, will protect them and their group against the opposition's violence, however minute the actual likelihood of such violence might be.

Religiously Motivated Violence

In their 2009 article "Wars and Rumors of War: Explaining Religiously Motivated Violence," Roger Finke and Jaime D. Harris maintain that a country's religious diversity is far less important in explaining conflict than is the governmental and social restrictions imposed on differing beliefs: "... the restrictions placed on religions, and not religious or cultural pluralism, is far more important in understanding violence closely tied to religion. Not only does less regulation reduce the grievances of religions, it also decreases the ability of any single religion to wield undue political power.... to openly persecute religious competitors.... to the extent that governments ensure religious freedoms for all, religious persecution is reduced."⁷⁰

The majority of countries have laws restricting religious practice – ranging from a benign requirement for all religions to register to the extreme where "... religion can determine residential location, employment opportunities, and social stigmatizations;

⁷⁰ Roger Finke & Jaime D. Harris, "Wars and Rumors of War: Explaining Religiously Motivated Violence," *Argov Center Conference*, Bar-Ilan University, Israel, 2008: 6.

even in less restrictive environments regulations can serve to set religious groups apart.”⁷¹ Social and cultural restrictions can go beyond the action of the state: “... informal cultural restrictions often penetrate more deeply and monitor more closely than any formal policies enacted by the state, ... they are often enforced more effectively.... Societal restrictions on religion also include open prejudice and discrimination that either go beyond the formal laws or are not addressed by legal codes.”⁷² Finke and Harris propose the hypothesis that “To the extent that a religious group faces societal or state restrictions, the probability of religiously motivated violence increases.”⁷³ Actual religious differences are of little importance – it is the restrictions that heighten the tension.

Prejudice and Ethnic Conflict

In their article “What Role Does Prejudice Play in Ethnic Conflict?”

Donald Green and Rachel Scher try to better integrate the individual-level behavioral research on prejudice with the collective-level politics of ethnic conflict. Most importantly, they analyze the extent to which political elites (ethnic entrepreneurs) can mobilize prejudices to create discrimination and even genocide. Ethnic violence crosses ethnic lines and is based upon the ethnic differences while prejudice is hostility towards other groups based upon faulty and inflexible generalizations. Ethnic violence need not arise from prejudice (e.g., economic competition may trigger it).⁷⁴

⁷¹ Ibid, 7.

⁷² Ibid, 8.

⁷³ Ibid, 9.

⁷⁴ Donald Green and Rachel Sher, “What role does prejudice play in ethnic conflict?” *Annual Review of Political Science*, 6 (1), (2003): 511-2.

Political conduct is often traced to mass communications (news stories and political commercials). This is also thought to be the source of prejudice, but there is little evidence linking people's attitudes to propaganda. On the contrary, propaganda is believed to have little impact on its audience because governmental spokespersons often lack credibility (believed to be following their own agenda they are not considered disinterested parties). They gain influence only when endorsed by credible local leaders. More importantly, if propaganda identifies and demonizes an external enemy it may not only induce a defensive fear but also serve as a warning to those who dissent from the government policy that they will suffer for collaborating with the enemy. This was precisely the case during the Rwandan genocide, where many Hutus were killed for not joining in the massacre of Tutsis.⁷⁵ Even without coercion people will defer to authority, at least in the short run (as the Milgram experiments demonstrated). Finally, and on a disturbing note, people may be incited by the spoils obtained from the victims.

Instrumentalists see ethnic conflict as a rational decision to pursue private interests – to acquire political or material goods. “Ethnic entrepreneurs” (the political elites) incite ethnic mobilization: “These entrepreneurs capitalize on differences between groups, such as language, physical appearance, or religion, in order to establish ethnically based political movements aimed at increasing the economic and political well-being of their group or region. They do so by making individuals aware of the connection between private interest and political action.”⁷⁶ The authors contend, nonetheless, that the analysis

⁷⁵ Ibid, 516.

⁷⁶ Ibid, 521.

is vague about how popular compliance is achieved as many “basic questions about the public’s motivation and the state’s role in fostering public support remain unanswered.”⁷⁷

Other personality constructs that contribute to prejudicial attitudes are authoritarian tendencies, tough-mindedness, and closed mindedness; as well as certain attitude syndromes: “Ethnocentrism manifests itself in a complex of attitudes including positive identification with one’s own group and xenophobia expressed in varying degrees to outside groups. Social dominance orientations describe the extent to which a person endorses social hierarchies. In both instances, prejudices directed at specific groups are treated as manifestation of more basic psychological orientations.”⁷⁸

So where does this leave prejudice in the scheme of ethnic violence? They are not necessarily linked as the former is an attitude (some would say learned in childhood and persisting throughout one’s life) and the latter is an action that needs mobilization (prejudicial attitudes are not sufficient). “Whether one believes that short-term maneuvers by elites are foreordained by ancient hatreds or instead represent contingent acts that reflect the immediate strategic circumstances, the mechanisms ... of ‘ethnic cleansing’ ... remain mysterious. ... Were the participants taught to fear and despise the opposition, or did the government’s blandishments make salient and mobilize longstanding hatreds?”⁷⁹ The question remains, just how important is prejudice in the eruption of ethnic violence?

⁷⁷ Ibid, 517.

⁷⁸ Ibid, 513.

⁷⁹ Ibid, 523.

Social Contact Theory Revisited

In his 1954 *The Nature of Prejudice*, Gordon Allport proposed that simply “increasing contact between groups or individuals tends to reduce inter-group conflict. Whether it is prejudice, discrimination, or open conflict, the theory suggests that increased contact will tend to improve relations.”⁸⁰ While he proposed other conditions besides frequency of contact as also critical, later researchers have found them to be more facilitating and enhancing than necessary. Human nature is such that inter-group tensions tend to soften simply with greater familiarity between differing groups.

The additional conditions that affect the interactions concern the type of contact and the social conditions under which they take place. The conflicting groups should have equal status, support from authorities, shared goals, and interdependence between themselves. Equal status implies neither group is so dominant that it may be dismissive towards the other; support from authorities implies that such figures neither facilitate nor impede one group’s interactions with the other; shared goals and interdependence implies that cooperative behavior is valued by both groups. Social and cultural restrictions and governmental regulations “... placed on religion can influence both the frequency of contact and the conditions under which the contact occurs.”⁸¹

The Fez Plan of Action

On April 23 to 24, 2015, the first consultation of the Fez Process took place in Fez, Morocco with 232 religious leaders and actors from 77 countries taking part. This included Buddhists, Christians, Muslims, Hindus, Jews and Sikhs, as well as various

⁸⁰ Finke & Harris, “Explaining Religiously Motivated Violence,” 10.

⁸¹ Ibid

other denominations. It led to a draft of principles (the Fez Declaration) and a plan of action for religious leaders and actors to prevent incitement that could lead to atrocity crimes (the Fez Plan of Action). These and future consultations were organized by the United Nations Office on Genocide Prevention and the Responsibility to Protect. Beside religious organizations (such as the World Council of Churches) various countries also hosted consultations (Ethiopia, Morocco, Italy, Jordan, Thailand and the United States) through December 2016. The Fez consultation ...” was the first process of its kind dedicated to engagement with religious leaders and actors to develop strategies to prevent incitement that could lead to atrocity crimes.”⁸²

There is a long list of recommended actions given in the Plan of Action. Three examples from the nine groups of thematic recommendations of the Plan follow to illustrate these goals: 1) Specific actions to prevent and counter incitement to violence. 7) Strengthen engagement with regional and international partners. 8) Build peaceful, inclusive and just societies through respecting, protecting and promoting human rights. It is believed that “[i]mplementation of the Plan of Action could contribute to the prevention of atrocity crimes, especially in areas affected by religious and sectarian tensions and violence. Its implementation will also enhance the respect, protection and promotion of human rights....”⁸³

The Plan focuses on training religious leaders on how to spot and diffuse potentially dangerous genocidal attitudes among their members. The current literature

⁸² United Nations, “Fez Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that could lead to Atrocity Crimes,” *UN Office on Genocide Prevention and the Responsibility to Protect* (2015): 9.

⁸³ Ibid, 12.

emphasizes the conditions that make the occurrence of genocide more likely to occur and suggests steps that might be taken to halt and reverse the process. However, it does not adequately answer the problem of what to do with desperate regimes trying to hold on to power by vilifying subpopulations of their nations. Their efforts would be in vain if their citizens' opposition to such strategies can be strengthened by the intervention of religious leaders.

Summation

In summary, it is suggested that local religions can be a powerful force for preventing and reversing a progression towards genocide. It is not true that clashing religions are a major impetus for the eruption of genocidal episodes. Religious differences are of little importance. What really matters in such conflicts are the social and cultural restrictions placed on minority religions by members of the dominant religion within a country. These restrictions tend to be more closely monitored and effectively enforced by them than the government would do through their own regulations. What is more, it is those in the dominant religion who tend to influence the actual writing of those regulations.

Conferences such as the Fez, Morocco, consultation amply demonstrate the cooperative nature of diverse religious groups. These groups are ideally suited for challenging prejudices and bringing unfamiliar parties together. And such contacts are likely to lead to a better understanding among them, reducing the probability of their resorting to violence to resolve differences.

Chapter VI:
INSTITUTIONAL LIMITATIONS TO PREVENTING GENOCIDE

With the close of the Nuremberg trials in 1949, the survivors of the Holocaust vowed never to allow these state sponsored atrocities to occur again. It was hoped that by making the government agents responsible for genocide personally accountable, tried and often executed, that these United Nations tribunals would serve as a deterrent to those leaders contemplating such atrocities in the future. Unfortunately, this was not sufficiently effective, as repetitions continued unabated throughout the remainder of the century. It is incredible that after the horrors of the Holocaust became known, the international community stood by doing nothing while genocides in Cambodia, Bosnia, Rwanda, and other parts of the world broke out. Tribunals were set up for Yugoslavia and Rwanda, but their effectiveness in preventing other recurrences is also debatable.

The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the U. N. General Assembly in December 1948, ratified by the required minority of 20 states in October 1950 – and, of course, the U.S., outraged it was asked to abide by “foreign laws,” was not among them (only some 36 years later did the Senate ratify it and only two years after that was it enacted into law). This treaty was intended to stop the process of genocide, not merely punish those responsible. But it was largely ignored by the international community during the Cold War. The best that the U.N. Charter had to offer was the Chapter 7 *inter-state* peace enforcement authorization through Article 41 and 42:

Article 41: The Security Council may decide what measures not involving the use of armed forces are to be employed to give effect to its decisions, and it may call upon the Members ... to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

Article 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.⁸⁴

The U.N. has used these enforcement powers to intervene in *intra-state* conflicts as a breach of international peace and has been severely criticized for attempting to expand the power of the Security Council. Many would regard the allowing of such incursions by large states into the smaller state's internal affairs to be a major threat to their sovereignty.

How it should be done can, perhaps, best be illustrated by the African Union (AU), established in 2001 with carefully proscribed powers: the use of force between AU members is strictly prohibited; the use of force (political, economic, or military) within a member state can only be done against the commission of genocide, war crimes or crimes against humanity. Such an intervention requires the collective approval of the AU members.⁸⁵

The greatest advantage of the AU is the speed at which it can respond to crises. Mission Scenario 6 describes the AU intervention mission using the militia of the African Standby Forces (ASF) – the time for deployment is fourteen days, beginning from the

⁸⁴ United Nations Charter, Chapter 7, Article 41 and 42.

⁸⁵ Girmachew Alemu Aneme, "The African Standby Force: Major issues under 'Mission Scenario Six,'" *Political Perspectives Graduate Journal* Vol.2 No.1 (2008): 3.

decision of the AU to embark on the intervention. When genocide breaks out time is of the essence – many may die if there is a delay in response. In 1994 an estimated 800,000 people were murdered in Rwanda during the 100 days the genocide lasted – and neither the U.S. nor the U.N. intervened. It is believed that even if the U.S. had attempted to intervene it would have taken so much time to mobilize forces that over a quarter million Rwandans would have already died.⁸⁶ Further it might also be emphasized that the costs of ASF operations are miniscule as compared to the vast sums that have been spent when big international states do the job (e.g., arguably the U.S. invasion of Iraq). The ASF's greatest problem, ironically, has been gaining sufficient financial support from each member of the AU. Nonetheless, by being close to the countries where they intervene the ASF can potentially be the least costly, the fastest and the most effective way of resolving these problems.⁸⁷

However, it is not likely that the United Nations would set up its own rapid response “standby force” nor that any such operation could be timely accomplished considering that an intervention would still be subject to the politics of the Security Council. Despite accurate and timely information on unfolding events leading to genocide, once again, now in this new century, the Security Council vetoed any intervention in Myanmar and once again many died (the army's attack on Muslim villages in 2017 killed some 10,000 people). The United Nations cannot be relied upon to prevent genocides in the making. At best, their activities remain resolving inter-state squabbles.

⁸⁶ Douglas Pfeifer, Editor, *Stopping Mass Killings in Africa: Genocide, Airpower, and Intervention*, Air University Press, Maxwell Air Force Base, Alabama (2008): 69.

⁸⁷ Ibid, 46.

As the first to spot deteriorating trends and episodes of mass atrocities with its countless informers throughout the globe, one hopes the United Nations Office on Genocide Prevention will continue its valuable and highly effective information collecting mission. But, insofar as actual genocide interventions are concerned, the United Nations appears to have shifted its emphasis to non-military strategies. Their efforts are now directed to controlling hate speeches and incitements to violence, to reducing the risk of genocide by addressing popular attitudes. For example, recent developments are the staging of conventions for religious leaders – the original called the Fez Plan of Action – which focuses on training religious leaders on how to spot and diffuse potentially dangerous genocidal attitudes among their members. The current literature emphasizes the conditions that make the occurrence of genocide more likely to occur and suggests steps that might be taken to halt and reverse the process. However, it does not adequately answer the human element of the problem: desperate regimes trying to hold onto power by vilifying subpopulations of their nations. Their efforts would be in vain if their citizens opposed such strategies. A closer look at human nature and what is needed to bring a population back to its collective sanity are areas deserving further study.

In his book *The Better Angels of Our Nature – Why Violence has Declined*, the Harvard psychologist Steven Pinker advances the proposition that violence in the world of the twentieth century has significantly declined relative to that of preceding centuries; for that matter, this is probably the most peaceful it has been throughout our species' existence. Pinker attributes this to our “better angels,” a term used by Abraham Lincoln to describe our cognitive and emotional faculties that move us towards peace and

cooperation, as opposed to those inner demons that incline us to towards violence. Pinker credits this trend towards greater peace to the creation of institutions and organizations dedicated to promoting peace and non-violence.⁸⁸ Salient among these is the United Nations, founded in 1945 with the broad goal of preventing war between states through a mediating body currently consisting of representatives from 193 of the states in the world. However, once again, the twentieth century has been a very bloody century, marked with genocides:

According to Gilbert, in 1914, about 1 million Armenians were massacred or died from brutalities inflicted upon them by the Turks. This slaughter, along with the “death by labor” campaign in the Congo were the two first large scale atrocities of the twentieth century. In addition to 20 million eastern European war dead, the Nazis systematically murdered about 6 million Jews, as well as 5 million Slavs, Gypsies, and others; between 1933 and 1945 Stalin masterminded the killing or starvation of up to 30 million “dissenters” in the Soviet Union; Mao Zedong oversaw the killing of up to 20 million of the “bourgeoisie” in China; and the Khmer Rouge led by Pol Pot killed 2.5 million “educated people” in Cambodia between 1974–1978. In Rwanda, in 1994, in a mere three months, Hutus killed circa 800,000 people, most of them Tutsi. Saddam Hussein orchestrated the killing of the Kurds and gassed others who are still suffering, while, in Bosnia, the Serbs under Slobodan Milosevic carried out “ethnic cleansing” of non-Serbs. Other mass slaughters fall short of the legal definition of genocide but share similarities... e.g., massacres in El Salvador, Nanking, The Congo (currently), Somalia, Sierra Leone, Darfur, etc.⁸⁹

So, do these deaths in the twentieth century negate Steven Pinker’s hypothesis?

He would claim not. That the twentieth century was the bloodiest is a not backed up by the numbers from any century other than the 20th. “The truth is we will never really know which was the worst century because it’s hard enough to pin down death tolls in the 20th century, let alone earlier ones. But there are two reasons to suspect that the bloodiest-century factoid is an illusion. The first is that while the 20th century certainly had more

⁸⁸ Steven Pinker, *The Better Angels of Our Nature, Why Violence has Declined*, (Viking, 2011): Preface xxiii.

⁸⁹ Martin Gilbert, “Twentieth-century Genocides.” *Studies in the Social and Cultural History of Modern Warfare* 15 (2004): 9-36.

violent deaths than earlier ones, it also had more people.... [T]he death count of a war in 1600, for instance, would have to be multiplied by 4.5 for us to compare its destructiveness to those in the middle of the 20th century. The second illusion is *historical myopia*, the closer an era is to our vantage point in the present, the more details we can make out.... Though the earlier centuries ... had far more wars, people remembered more wars from the recent centuries.”⁹⁰ Hence the twentieth century may not be the bloodiest, relatively speaking.

Why the United Nations has such a Poor Record of Responding

Following World War II there were very few humanitarian interventions by the United Nations despite the hundreds of regimes guilty of violating human rights. For that matter, the U.N. Security Council did not authorize any during the Cold War. According to Jack Donnelly, in his 2002 article “Genocide and humanitarian intervention,” this is due to more than the politics of the Security Council (Russia and China usually dissenting). The U.N. Charter Article 2(7) prohibits intervention, a coercive foreign involvement in the internal affairs of a state, as a violation of their sovereignty. Even if the state infringes on the human rights of its citizens, that does not authorize foreign intervention; those citizens have no right to be rescued. However, there seems to be a growing support for an exception to this prohibition in the case of humanitarian intervention – one to halt, prevent or punish severe human rights violations – particularly an anti-genocide exception. Donnelly argues that “to deny a humanitarian exception to a strong principle of non-intervention ... is ethically untenable – at least in a world of

⁹⁰ Pinker, “*Better Angels*,” 193-4.

universal human rights.”⁹¹ An example of this relenting is the Kosovo case where “...having ‘learned the lesson of Rwanda’, NATO neither waited until the bodies were piled high nor was deterred by the lack of Security Council authorization.”⁹² The NATO intervention in Kosovo was seen as “illegal but legitimate,” morally justified as humanitarian. But it left open the question of how and when such humanitarian interventions are to be allowed.

Veto Power of the Permanent Five in the Security Council

The San Francisco Conference of 1945, under Article 27 of the U.N. Charter, gave veto power to the five permanent members of the U.N. Security Council (France, United Kingdom, United States, Russia, and China) by requiring unanimity among them for approval of all proposed resolutions. This enabled any one of the five countries to block a resolution by withholding consent. At this founding conference the permanent five made it clear that without this unanimity requirement they would not endorse the Charter and there would be no United Nations. While it is desirable for the larger nations to present a unified front, the stronger motive was to protect their own national interests and sovereign rights from adverse domination by any one big nation or a coalition of many small nations. However, such a veto power is undemocratic as it effectively exempts the big five nations from the rule of law all other U.N. members must abide. They can prevent U.N. action against themselves and their allies even if it involves mass atrocities and war crimes. And they have.

⁹¹ Jack Donnelly, "Genocide and humanitarian intervention." *Journal of Human Rights* Vol.1, No.1 (2002): 96.

⁹² Ibid, 101.

The Uyghurs

While such cases of circumvention by veto can be made against Russia (e.g., actions against Georgia, Syria and Ukraine) and the United States (involving ally Israel in the Palestinian conflicts), a recent development involves the Uyghurs of Xinjiang, the most westward province of the People's Republic of China (PRC). The claim is the Uyghurs are a Muslim ethnic group that have been targeted by the PRC to undergo a forced assimilation into a monocultural Chinese state. It has been reported that as many as 1.8 million Uyghurs and other Muslim minorities have been extrajudicially detained in over a thousand internment camps in Xinjiang and subjected to forced labor, ostensibly described as vocational training centers where they are being re-educated.⁹³ In July 2020, Adrian Zenz wrote in *Foreign Policy* that it is “the largest incarceration of an ethnoreligious minority since the Holocaust”, arguing that the Chinese Government was engaging in policies in violation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. Other accusations of genocidal behavior have been the government separating hundreds of thousands of children from their parents and sending them to boarding schools; the suppression of religious practices (as well as the destruction or damage of some 16,000 mosques); forced contraception, abortion and sterilization; torture, rape and many deaths within the camps; and severe restrictions on any freedom of movement, expression or belief.⁹⁴ The accusation is that by being orchestrated at the highest level of government these policies can only be characterized as having the intent to destroy, in whole or in part, the Uyghur minority group.

⁹³ Adrian Zenz, “Beyond the Camps: Beijing’s Grand Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang,” *Congressional Executive Commission on China Hearing Testimony*, October 17, 2019.

⁹⁴ Wikipedia, Uyghur Genocide.

On closer analysis one might argue that this is not a genocide in the sense of the other genocides discussed in this paper but instead a brutal oppression of the Uyghurs. While there is no doubt that severe violations of human rights are involved, which are indistinguishable from that occurring in various stages of a state's progression towards genocide, it stops short of the Chinese state actually engaging in a Stage 9 extermination of a people. This is the critical point differentiating the Uyghur oppression from a genocide.

In his view, Raphael Lemkin considered genocide to be the destruction of a culture. Kill off the members of a tribe and that is the end of that tribe's culture. Because people carry their culture with them by exterminating Jews the Nazis exterminated their culture. But what of actions that destroy a culture but leave the empty shells of the people still living? This is often described as a "cultural" genocide where the surviving out-group members are forced into the new culture of the dominant in-group (a process known as forced assimilation). One shameful example out of the U.S. past occurred in the early 1900 when the government separated indigenous children from their parents and tribes and placed them in boarding schools. There they were forbidden to speak their native indigenous language and were intensely indoctrinated into the Anglo-Saxon worldview. While I have little objection to children acquiring a bi-cultural education I do disparage at the state's attempt to destroy their cultural heritage, to engage in cultural genocide.

An attempted cultural genocide may more accurately describe what is going on in Xinjiang. There is no attempt to rid China of the Uyghurs, no ethnic cleansing is contemplated, any more than was intended for Tibet. It seems to be the Chinese strategy

to counter protesting ethnic groups as political problems that must be resolved through brutal forced re-education (assimilation). One might predict that a more docile Uyghur population will eventually be tolerated and accepted as a separate ethnic group as, for example, the Tibetans were.

While China's veto power has forestalled any U.N. resolution, public exposure of their actions has prompted an outcry from many countries now going so far as to accuse them of engaging in genocide. The White House declared a diplomatic boycott of the 2022 Winter Olympics in Beijing (here "diplomatic" refers to U.S. government officials not attending, not a boycott by the actual athletes) and the U.S. House of Representatives passed in December of 2021 the Uyghur Forced Labor Prevention Act (a similar bill was passed the previous July by the Senate). This legislation bans the importation to the U.S. of goods made by Uyghurs in these forced labor camps.⁹⁵ It is unfortunate that at the international level neither the United Nations (China veto) nor the International Criminal Court (lack of jurisdiction) have been able to do anything.

Limiting Misuse of the Veto

"The 'enormous influence of the veto power' has been cited as a cause of the U.N.'s ineffectiveness in preventing and responding to genocide, violence, and human rights violations."⁹⁶ The United Nations has been acutely aware of its shortcomings with respect to responding to these atrocities. The key issue has been the potential violation of state sovereignty that humanitarian intervention might entail. After the genocides in the

⁹⁵ Ryan General, "U.S. House pass bill banning goods from China's Xinjiang region over Uyghur oppression with 428-1 vote," *NextShark*, December 9, 2021.

⁹⁶ Sevak Joseph Manjikian, "Genocide and the Failure to Respond" in *Civil Courage: A Response to Contemporary Conflict and Prejudice* (ed. Naomi Kramer: Peter Lang, 2007): 49–50.

Balkans and Rwanda, to which the United Nations did not respond, and the NATO military intervention in Kosovo, which ignored the authority of the Security Council, the international community was pressured into a serious debate on how the U.N. ought to react to gross and systematic violations of human rights.⁹⁷ Their solution was to reinterpret a state's sovereignty right as contingent upon the state fulfilling its duty to protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Should the state fail to do so the international community would then have the responsibility to use peaceful means (according to Chapter VI of the U.N. Charter) or, failing that, invasive force (under Chapter VII) to protect those imperiled populations, still subject to Security Council approval. Sovereign immunity must be earned. At the 2005 U.N. World Summit meeting member states adopted this new principle of the responsibility to protect.

Currently there are two main reform proposals – each suggests restraint in using the veto in instances of genocide, crimes against humanity, and war crimes. The first, the France-Mexico joint political declarations, seeks the Big Five's pledge not to use their veto in cases of mass atrocity; the second, the ACT Group's proposed Security Council Code of Conduct, seeks the entire membership's pledge not to vote against any credible draft resolutions to prevent or end such atrocities.⁹⁸ Recent events hint that implementation of these pledges may be somewhat problematic, particularly in the case of China. In early October of 2021 Ethiopia expelled seven U.N. officials from the humanitarian staff accusing them of 'meddling' in Ethiopia's internal affairs. The U.N.

⁹⁷ The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty, December 2001.

⁹⁸ The Veto and the UN Security Council, *Center for UN Reform Education*, October 28, 2019.

responded urging Ethiopia to continue allowing them to deliver humanitarian aid without hindrance as conditions in northern Ethiopia verged on famine for hundreds of thousands of people. It was suggested that if continued unimpeded humanitarian access was not allowed the Security Council would have to act. At this point both China and Russia reacted based on the old notion of state sovereignty – China to urge that the international community respect Ethiopian sovereignty and Russia to assert that Ethiopia was capable of solving its own problems. However, with Ethiopia's indifference to the plight of the Tigray people in the north one can only wonder how many will die of starvation should humanitarian aid be cut off.

International Lack of Will to Intervene

In her 2001 article "Bystanders to Genocide – Why the United States let the Rwandan Tragedy Happen" Samantha Power (former U.S. Ambassador to the U.N.) perceptively analyzes the political landscape affecting U.S. policy making during the Rwandan crisis. She concludes that not only was the U.S. indifferent to the atrocities but American leadership was "devoted mainly to suppressing public outrage and thwarting UN initiatives so as to avoid acting."⁹⁹ The reason behind this position was the 1993 incident in Somalia where eighteen American peacekeepers were killed (there was a TV broadcast of a corpse dragged through the streets of Mogadishu). Congress was outraged, American troops were pulled out and any other U.S. humanitarian intervention (Rwanda six months later) became out of the question. Even further, the U.S. opposed the reinforcing of the U.N. mission to Rwanda with troops from any country, apparently

⁹⁹ Samantha Powers, "Bystanders to genocide." *Atlantic Monthly* 288, no. 2 (2001): 84-108.

concerned that the U.S. would be dragged into rescuing them if they got into trouble.¹⁰⁰

Intervention often entails war and war entails casualties. The reluctance to accept the risk of military casualties continues to block the U.S. in taking any lead to prevent future episodes of genocide in the world.

But war can now (and will in the future) be fought without (or few) foot-soldiers. While what follows is hypothetical, as it assumes the U.S. had intervened in Rwanda, it illustrates a strategy that would have stopped the genocide without any U.S. casualties. During the Rwandan genocide the radio station RTML and Radio Rwanda were used in a deadly incitement of fanatical youth groups, the ibitero or death squads. “The impact that Rwandan radio had on the genocide’s efficiency is difficult to overstate. Instructions transmitted by RTLM and Radio Rwanda would dispatch ibitero to concentrations of Tutsi. Propaganda was centrally directed and critical to sustaining the genocide.... Operating 24 hours a day, instructions, motivation, and propaganda were transmitted to the genocide system as a whole or to individual units, as necessary.”¹⁰¹ With such meticulous organization the system became a highly effective killing machine.

Peifer goes on to propose a hypothetical strategy that if implemented could have brought the whole system down. It would have required radio jamming equipment to control the ibitero. By broadcasting warnings to civilians to get off the streets it would not only have protected Tutsis, often killed when they left their homes, but would have made the ibitero more visible in their armed vehicles. UAVs (drones) could then more easily identify them and air strikes against a dozen or more would quickly convey the

¹⁰⁰ Samantha Powers, *A Problem from Hell: America and the Age of Genocide*. Basic Books, 2002.

¹⁰¹ D.C. Peifer, “Genocide and airpower,” *Strategic Studies Quarterly*, 2(2) (2008): 93-124.

message that pursuing the genocidal instructions of the radio had become much more costly and dangerous.¹⁰²

Unfortunately, the U. S. failed to provide the radio jamming equipment. The reason given in the Pentagon memo was that “the cost of jamming were too high given its uncertain likelihood of success. If the United States had then possessed modern cyberwarfare capabilities and could have reliably and quickly taken out the radio station’s ability to broadcast with a cyber strike, the rational cost-benefit calculation would have been very different.”¹⁰³

Benjamin Valentino’s 2003 article “Still Standing By: Why America and the International Community Fail to Prevent Genocide and Mass Killing” is a book report on four top books written on genocide (Michael Barnett’s *Eyewitness to a Genocide*, Bruce D. Jones’s *Peacemaking in Rwanda*, Alan J. Kuperman’s *The Limits of Humanitarian Intervention*, and Samantha Powers’ *A Problem from Hell*). All four authors conclude that genocide in Rwanda originated with a very small but powerful group of political elites who very often had to compel civilians to kill (by threatening to execute them otherwise). “Preventing genocide in Rwanda ... would not have required reforming Rwandan culture or society, teaching Hutu and Tutsi to accept each other or building a full-fledged democracy. The majority of Rwandans were already prepared to live in peace. ...[R]emoving from power the few dozen top extremist political and military leaders would have been sufficient to prevent or halt the genocide.”¹⁰⁴ Each of the

¹⁰² Ibid, 96-7.

¹⁰³ Benjamin Harris, “The future of great power intervention: new alternatives to military intervention,” Research Paper No. 2020-2, MIT Political Science Department (2020): 3

¹⁰⁴ Benjamin A. Valentino, “Still standing by: Why America and the international community fail to prevent genocide and mass killing,” *Review Essays* Vol 1, No 3 (2003): 569.

authors express some hope that genocide will be preventable in the future. Although Power does not believe the international community is willing to make a serious effort, she suggests there are some "...measures short of full-scale military intervention – ranging from public condemnation of perpetrators, to the threat of war crimes prosecution, to economic sanctions, to the use of air power – that could save lives, even if such tactics are not likely to prevent genocide altogether."¹⁰⁵ As long as the international community lacks the will to make rapid interventions into these troubled countries genocide cannot be prevented. However, the killings can be attenuated.

International Criminal Court

The ICC's founding treaty, the Rome Statute, was adopted in July of 1998 and entered into force in July of 2002. It was given jurisdiction over four main crimes: genocide (the specific intent to destroy in whole or in part a national, ethnic, racial or religious group by killing its members or by other means); crimes against humanity (serious violations committed as part of a large-scale attack against a civilian population); war crimes (grave breaches of the Geneva conventions in context of armed conflict); and crimes of aggression (use of armed forces by a state against the sovereignty, integrity or independence of another state).

The ICC's jurisdiction is limited to crimes committed on or after July 1, 2002, by a state party national (or in a state that has accepted the court's jurisdiction) or which were referred to ICC by the United Nation's Security Council. It prosecutes only those cases states are unwilling or unable to do so genuinely, complementing but not replacing

¹⁰⁵ Ibid, 572.

the national criminal system. “The ICC also has no police force of its own. Consequently, when the ICC does open investigations in a country, it depends on domestic governments to arrest suspects and protect the Court’s investigators. This poses significant challenges because the ICC must often cooperate with state officials who themselves are suspected of committing atrocities.”¹⁰⁶ Domestic politics often interferes with the effort to deliver justice. Some governments are willing to assist the ICC but only in exchange for immunity for their own officials. This has raised suspicions that the ICC has avoided prosecuting cases of suspect human rights violations. “African leaders may use ICC to target political opponents, while protecting themselves from prosecution.”¹⁰⁷

The ICC controversy with the U.S. is primarily a U.S. overreaction to ICC’s suggestion that there may have been war crimes committed by the U.S. in Afghanistan. There is little fear that U.S. agents may be prosecuted as the ICC does not have jurisdiction (the U.S. was not a signatory of the Rome Treaty) and it is highly unlikely the U.N. Security council would grant it jurisdiction (the U.S. has veto power in the Council). The ICC has, nonetheless, made the world aware of potential human rights violations committed by the U.S. in Afghanistan and for that U.S. government officials were furious. Publicly calling out possible violators may have some deterrence effect by encouraging suspects to reconsider their actions.

With questionable deterrence effects as well as its inherent limitations, pursuing criminal cases through an international court the ICC is not expected to prevent or cure mass atrocities to any significant degree. One can argue, however, that national and local

¹⁰⁶ Phil Clark, “The limits and pitfalls of the International Criminal Court in Africa,” *E-International Relations*, (2011): 1/3. <https://www.e-ir.info/2011/04/28/the-limits-and-pitfalls-of-the-international-criminal-court-in-Africa>.

¹⁰⁷ Ibid, 2/3.

level processes may be much more effective than international institutions such as the ICC and the U.N. tribunals for Yugoslavia and Rwanda.

...the experience of Rwanda's gacaca community courts highlights the importance of delivering justice at the local level. Since their creation in 2001, the gacaca jurisdictions – despite sustained criticism by international human rights groups – have prosecuted 400,000 suspected perpetrators of the 1994 genocide and contributed substantially to community truth-telling and social cohesion. Nearly every Rwandan adult has been involved in the trials, including providing eyewitness accounts of genocide crimes. Village-level processes like gacaca attempt what the ICC and national courts can never do, namely delivering accountability to everyday citizens who participate in violence. For many Rwandan genocide survivors, the most important perpetrators are not the government officials who planned and incited mass murder, but rather the neighbour or family member who wielded the machete in 1994.... National and local processes are proving to be vital tools of justice, truth and conciliation across Africa – and these are likely to have even more profound and lasting effects than the prosecution of a handful of suspects in The Hague.¹⁰⁸

In their 2006 article *Is Resisting Genocide a Human Right?* David Kopel, Paul Gallant and Joanne Eisen analyze the effectiveness of many of the remedies proposed in Stanton's ten stages. It would seem that comprehensive economic sanctions would have the desired effect on rogue regimes that violate human rights. Coercive sanctions could sever their international commercial relationships, pension companies could be forced to divest holdings of companies that do business with them, banks and credit cards could be prohibited from servicing them. The downside is that such sanctions could end up more harmful to the victims and to non-sanctioned trading countries than to the perpetrators. The U.N. has attempted to design "smart" sanctions that only affect wrongdoers. The Interlaken Process targets financial sanctions. The problem is that they are easy to circumvent – if only one state maintains financial relations with the rogue state, the rogue

¹⁰⁸ Ibid, 3/3.

state preserves its access to worldwide financial sources. Further, knowledge of the Interlaken Process motivates the guilty to find better ways to hide their financial dealings.

The Bonn-Berlin Process attempts to make travel restrictions and arms embargos more effective. Travel restrictions can be narrowly targeted to a few individuals (a dictator and his advisors) or as broad as a total ban on international travel (airlines, ships and trains prohibited from traveling in sanctioning countries). A total ban may create repercussions on local networks; relief workers may be affected. But government officials mostly find travel restrictions to be minor inconveniences if they cannot circumvent them with false ids. Because enforcement is lacking or weak, arms embargos are generally unsuccessful – smuggling becomes even more lucrative if embargos are imposed. Hence the prices rise and the victims are made worse off by having less wealth to acquire new weapons for defense.¹⁰⁹

A more recent U.N. effort is to sponsor conventions of religious leaders (the first took place in 2015 in Fez, Morocco with 232 leaders from 77 countries) to draft principles and a plan of action for religious leaders – one which would help them develop strategies to prevent any incitement that might lead their religious members to commit atrocity crimes. Because of the close ties of religious leaders to their communities they are well suited to monitor and control the attitudes (particularly, challenge the prejudices) of their members.

¹⁰⁹ Kopel et al, “Resisting genocide,” 1287

Conclusion

A scan of the states that in 2015 Genocide Watch regarded as having reached stage 9 (extermination) reveals a dominance of Third World underdeveloped countries, each with a history of multiple violations of human rights. Stanton intended that his genocide risk scheme include all countries, including highly industrialized advanced democracies with sophisticated institutions designed to protect their citizens. Consequently, many of the remedies requiring internal actions that he suggests are unlikely to be very effective, if at all possible, in the relevant Third World nations embarked on a path to genocide. That means most remedies will require intervention by international states that need to maintain their will to intercede.

Many of the U.N. designed processes for controlling rogue states have proven somewhat ineffective – from setting up rapid response military interventions to comprehensive economic sanctions, financial sanctions, travel restrictions, arms embargos, and other non-military remedies. Loud public displays of protest by large nation states (such as Britain and Australia over the Chinese persecution of the Uyghurs) and well publicized prosecution of genocide perpetrators in the International Crime Courts may help reduce the severity of acts of atrocity if they are ongoing. While a lack of will to intervene by the international community may mean that the onset of genocide itself is not fully preventable, its degree of severity and the length of its persistence can be affected by non-military actions.

Appendix:

Derivation of the Replicator Equation

The coordination game is further developed into a dynamic model through a replicator equation that specifies how the proportion of aggressive members in the population changes through time with every iteration of the game. Often the social evolution of aggression has been going on for a long time and the proportion of peacekeeping types brought in will have to be substantial to offset an entrenched hostility to out-group members. Or villages can hang on a “knife’s edge” where small efforts can tip them one way or the other. Only by identifying the warning signs of genocide preference and timely intervening can genocide be defused or prevented.

While at first glance they may appear intimidating, replicator equations are a simple and straightforward way of modeling the outcome dynamics of the iterations of a game. Here they are used to describe the in-group social evolution of acceptance (A) or resistance (P) to genocide architects’ efforts (or peacekeepers’ efforts) to sway the attitudes of the village population. Using x to describe the proportion of the population that have chosen aggressiveness towards the potential victim out-group, then the proportion of those who prefer a peaceable attitude towards them will be the remainder $(1 - x)$. Assume that in each iteration two persons are randomly selected from the village. That is, an iteration involves a pairwise random matching of an encounter in the village. In such an encounter they will display either their aggressive (A) or their peaceful (P) strategy, with their interaction generating a payoff to each other according to the

game matrix. Further it is possible to create an expected payoff for each strategy from the many encounters that occur in the village throughout the day.

Such an expected payoff for the villager with an aggressive (A) strategy would be, $F_A = a(x) + b(1-x)$, the fitness of the A strategy would be the aggressive payoff **a** times the proportion of aggressive types (x) plus the aggressive payoff **b** times the proportion of peaceful types (1-x) in the village. For the villager with a peaceable (P) strategy, expected payoff would be, $F_P = c(x) + d(1-x)$, the fitness of the P strategy would be the peaceful payoff **c** times the proportion of aggressive types (x) plus the peaceful payoff **d** times the proportion of peaceful types (1-x) in the village. The fitness of each strategy depends not only on the payoffs but also on the proportion of the village who have adopted that strategy. “If aggressiveness is rewarded through, say, advancement in the atrocity leaders’ organization, self-preservation, family preservation, or loot, then the A trait would be relatively fit. If, however, aggressiveness is shunned and the peaceful trait is held in high esteem, then the P strategy would be relatively fit.”¹¹⁰ It is also possible to calculate the village’s average fitness as $\bar{F} = F_A(x) + F_P(1-x)$.

The dynamic time rate change in the aggressive proportion x is given by $dx/dt = x^{t+1} - x^t$, the change in x from time t to time t+1. If x is increasing, the village is becoming increasingly genocidal oriented; if decreasing, increasingly peaceable. Thus, if $F_A > \bar{F}$, aggressiveness (A) will be more fit than average and, necessarily, peacefulness will be less fit than average ($F_P < \bar{F}$). **Replicator dynamics** says that if a player type earns an above-average payoff, then its percentage in the population increases; if a player type earns a below-average payoff, then its percentage in the population decreases. The

¹¹⁰ Anderton, “Social evolution of genocide,” 8.

player types getting a below-average will want to copy the player types getting an above-average return. Since they are slow learners, not all the below-average player types will switch all at once, but eventually all player types still present in the population will earn the average payoff. Any player type earning an average payoff in the population keeps its percentage of the population constant.”¹¹¹

This suggests a simple replicator equation that changes the proportion according to differences from the average. The replicator equation is specified as:

$R(x) = dx/dt = x [F_A - \bar{F}]$, the time rate change in the proportion of the population x (that display Strategy A) is proportional to its current percentage x in the population (as some of the player types must be present for a change to occur) times the difference of its strategy fitness above or below average fitness.

Algebraic substitutions yield $dx/dt = x [F_A - F_A(x) - F_P(1-x)] = x(1-x) [F_A - F_P]$. Finally, substituting for F_A and F_P , the replicator equation R , expressed solely in terms of x , becomes the equation: $R(x) = dx/dt = x(1-x) [x(a-c) + (1-x)(b-d)]$. Now equilibria will occur at x^* values where x is no longer changing through time ($dx/dt = 0$), that is, at the roots of this replicator equation. ESS stands for evolutionarily stable strategy and describes an equilibrium that a replicator equation is targeting through time. Once there, as in all equilibrium states, there is no force to move it away.

Equilibria are either dynamically stable or they are not depending on two conditions: “An equilibrium is an **evolutionarily stable strategy**, or **ESS** for short, when two things happen: the replicator dynamics points toward this equilibrium, and low-probability mistakes do not destroy it.”¹¹² Mathematically that means x^* must be a root of

¹¹¹ Roy Gardner, *Games for Business and Economics* (Nova York: John Wiley & Sons, 1995): 206.

¹¹² Ibid, 208.

the replicator equations ($dx/dt = 0$) and a mistake of size ε that leads to $(x^* + \varepsilon)$ or $(x^* - \varepsilon)$ returns to x^* on its own. This leads to the **Stability Theorem**: If $dx/dt = R(x^*) = 0$, and $dR(x^*)/dx < 0$, then x^* is dynamically stable. Or simply, if the replicator equation is downward sloping at a root x^* of the equation, then that root is an ESS.¹¹³ However, if $dR(x^*)/dx > 0$, the replicator equation is upward sloping, then x^* is not dynamically stable – it is at a “knife’s edge” – and a miniscule variation ε from the root will veer it away from that root.

¹¹³ Ibid, 210-11.

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