
IDENTIFYING GENOCIDE AND RELATED FORMS OF MASS ATROCITY

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I. INTRODUCTION

In the past decade or more, the issue of genocide and related forms of large-scale violence has emerged as an important public and policy concern. To meet that concern, a growing network of activists, concerned citizens, policymakers, and scholars has developed to identify, analyze, and respond to organized mass violence that can claim hundreds and thousands of lives. While the growth of this network, hereafter called the “atrocities prevention community,” is very welcome, that community could continue to improve the quality of its analysis and response tool kit in a number of areas. This working paper focuses on an issue that confronts the atrocities prevention community any time a new crisis arises, namely, how to label situations and identify emergent patterns of violence. Although conceptual clarity is not a substitute for selecting how best to respond to a crisis, it is fundamental for effective advocacy and policy-making.

Conceptual analysis matters for several reasons. First, the atrocities prevention community must have a working definition of what class of events is in its domain of response. What is the atrocities prevention community working to prevent? “Genocide,” “mass atrocities,” “atrocities,” “crimes against humanity” (CAH), and “mass violence” are the most common existing standards that guide the atrocities prevention community. But the concepts translate into a considerable range of events, the concepts mean different things to different people, and the plethora of terms reflects some analytical confusion about the class of events to which the atrocities prevention community is responding.

For example, reflecting a now common wish in the atrocities prevention community to move beyond genocide as the sole standard, the Obama administration recently announced a policy initiative to prevent genocide *and* atrocities. But the announcement leaves open the question of what counts as an “atrocities.” Some define a mass killing atrocities as 1,000 civilian deaths in a year (Ulfelder and Valentino 2008). Others define a mass atrocities as 5,000 civilian deaths (Bellamy 2011). Still others place no numerical threshold on atrocities or mass atrocities, referring to a class of legal crimes such as crimes against humanity and war crimes (Evans 2008; Scheffer 2006). In the course of a given year, a dozen or more crises may entail significant violence against civilians and thus may be qualified as an atrocities. To take the most recent 12 months, that list of countries would likely include Syria, Libya, Bahrain, Yemen, Iraq, Afghanistan, Côte d’Ivoire, Nigeria, the Democratic Republic of Congo, Somalia, Sudan, South Sudan, Zimbabwe, Myanmar, China, and the Philippines, among others. Organizational and policy resources are scarce, and conceptual clarity is necessary for advocates and policymakers to make reasoned and defensible distinctions among cases.

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Second, it is objectively difficult to know in the midst of the crisis whether or not it will escalate to a level that would trigger a response, that is, to genocide or mass atrocity. Information can be difficult to obtain, in part because violence can occur in remote locations (such as Darfur in western Sudan) or because governments seek to control the flow of information (such as most recently in Syria). Moreover, advocates and policymakers may not have a lot of expertise about a given location. When the Rwandan genocide broke, for example, the United States had only a handful of experts on that country. As the electoral violence and war escalated in Côte d'Ivoire in 2011, few in the atrocity prevention community had much experience working on that country. Conceptual analysis is a critical element to identifying emergent patterns of violence in part because it does not depend on country-level expertise. That is, conceptual analysis can create indicators about whether genocide or a related form of mass atrocity is occurring. In that way, conceptual analysis helps outside observers know what to look for and assess whether or not a crisis is likely to escalate into forms of violence that would trigger a response.

Third, different situations are likely to call for different policy responses. In the end, a policy decision will depend on a number of factors, some political and some case-specific. Western Sudan, for example, was a remote theater of war where mounting an outside armed air or ground intervention posed specific obstacles. Moreover, the Darfur crisis occurred as the United States was deeply engaged in two wars, including a controversial one in Iraq. The politics of Sudan are also complex, and Darfur occurred as an end to the North-South war was being negotiated. These factors all shaped the US and international policy response. That said, conceptual analysis provides a starting point for making distinctions among different cases and therefore for selecting from a menu of policy options. For example, the political repression exercised recently in Zimbabwe and Syria, in which opposition political figures and protestors were killed or tortured in significant numbers, reflects a different situation from that in eastern Congo, where central state authority is weak and where a number of armed actors inflict significant violence against civilians. In short, conceptual analysis can help outside observers to identify and categorize different types of situations of atrocity and to recommend policy responses on the basis of those distinctions.

Fourth, concepts are critical for credibility. Should organizations wish to advocate for a particular emergency and in turn attach a label to that emergency, the organizations require a sound foundation for using a particular label. If organizations use labels in a sloppy fashion, they risk the credibility that is essential for them to gain notice over time in the media and the policy-making world. If organizations use policies in a controversial fashion, they must be able to defend their choices. Darfur again provides a good example, where after initial rounds of activism and attention, advocates faced criticism for using

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particular labels and weakly supported estimates of the numbers killed in the violence. Conceptual analysis and rigor will help organizations use language that over time will maintain or enhance their credibility.

Conceptual analysis is not new. How to define genocide is an issue that has occupied (even plagued) the scholarly community for decades. Fighting over terminology can be a recipe for inaction, with Darfur again providing a good example. That said, the recent policy-related literature has shown a tendency to bypass or dismiss the question. As noted, the Obama administration's recent policy announcement provided no guidelines about what counts as an "atrocities" to prevent. The Genocide Prevention Task Force report, despite many good parts, largely sidestepped the question. Recent policy-related statements from organizations use a default term of "mass atrocities" or "crimes against humanity," but those standards are not rigorously defined or at least defined in a way that helps make empirical distinctions among the broad range of cases one would find under an atrocities or crimes against humanity framework. Yet for all the reasons outlined above, conceptual analysis is essential.

What does this paper do? My starting point is analysis of the concept of genocide. Although many in the atrocity prevention community recognize limitations to that term as the standard for preventive action, the concept represents a consensus point. This paper unpacks the concept into a series of components, ones that those in the atrocity prevention community can apply to specific situations. I then analyze those components with an eye toward identifying indicators and questions that those in the atrocity prevention community can ask of specific situations to help them know whether or not genocide is occurring. Thus, rather than listing definitions, I emphasize the conceptual components that underlie definitions. By focusing on the conceptual components, the paper draws out a series of indicators and appropriate questions that the atrocity prevention community may wish to use as it seeks to diagnose crises.

Following the discussion of what genocide is and how to identify it, I discuss some of the main sources of conceptual disagreement around genocide. Significant disagreement remains about the application of the term "genocide." The main idea in this section of the paper is to help those in the atrocity prevention community understand why and from where those sources of disagreement arise. Understanding the sources of disagreement can in turn help those in the atrocity prevention community improve the quality of their terminology and analysis.

Moving on from the conceptual analysis of genocide, I discuss a number of alternative concepts. Some alternative terms are more general, that is, they include a broader range of violence than genocide does, such as "mass atrocity"; others are parallel, that is, they

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include violence that is functionally similar to genocide but that covers different protected groups, such as “politicide.” The purpose of the discussion is multifold. First, all of these concepts are in use, but sometimes they are used without clear definitions in mind. The discussion is thus something of a guide. Second, the analysis is geared toward showing how the concept of genocide differs from and overlaps with alternative concepts. Finally, based on this analysis of alternative concepts and their relationship to genocide, I recommend two conceptual standards that are broader than genocide but still related to it.

The paper contains four main conclusions. First, genocide is a form of extensive, group-selective violence whose purpose is the destruction of that group in a territory under the control of a perpetrator. As such, three main components should shape how to label crises, and indicators should be derived from those components: (1) “group-selective” violence, that is, violence that targets groups and individuals for their membership in groups; (2) “extensive” violence, meaning deliberate violence that is of a large scale, that is sustained over time and across space, and that is organized and systematic; and (3) violence under the control of a perpetrator whose purpose is the destruction of groups, that is, violence where the underlying logic is about depriving a group of the ability to survive in a territory. Each of these three components—“groupness,” scale, and purpose—has ambiguities, but they nonetheless provide a reference point for analyzing specific situations and considering responses.

Second, genocide is a specific form of violence. Organizations may wish to have a broader mandate than only genocide. The paper’s overall recommendation is that organizations should choose a standard that is conceptually sound and transparent while remaining flexible enough to apply to the range of situations to which they wish to respond. In making that choice, organizations select either more general terms that do not necessarily imply group-selective or group-destructive violence or parallel terms that imply group-destructive violence but include groups not covered in the United Nations Genocide Convention.

Third, should organizations wish to make genocide the touchstone for their area of focus but derive a standard that is broader than genocide—that is, a standard of genocide and related forms of mass atrocity—the paper concludes with the following suggestion: Because group-selective violence is fundamental to the etymology of the concept of genocide, in choosing a focus of action, organizations should focus on violence that targets groups. Furthermore, no strong substantive logic argues against including groups not covered in the Genocide Convention. Another conclusion is that a sense of scale is fundamental to the concept of genocide and most other forms of mass atrocity. Scale is of course a function of relative magnitude, which implies subjective decision making, but

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nonetheless violence of a significant scale should remain a rule of thumb. In that sense, organizations should be on the lookout for indicators of extent: whether substantial portions of a target group are subject to violence, whether the violence is organized and systematic, whether the violence is spread out geographically, and whether the capacity exists to inflict such levels of violence.

Fourth, the atrocity prevention community should develop a method for disaggregating cases that are “of concern,” that is, cases exhibiting qualities of genocide and mass atrocity but not rising to the level of response and cases of “imminent” or “existing” danger requiring a response. This paper is geared toward providing a conceptual standard for the class of events that the atrocity prevention community seeks to prevent. That standard in turn implies a set of indicators for identifying whether or not the type of violence is occurring. But those in the prevention community have an inherent interest in identifying cases where a strong risk of such violence is on the horizon. Early-warning models help those in the atrocity prevention community understand whether the causal conditions exist that are most likely to lead to genocide and related forms of mass atrocity. The conceptual analysis here may also be used to develop indicators to identify situations that exhibit some empirical qualities of such violence but are not yet full-blown cases of genocide and related forms of mass atrocity.

II. THE CONCEPT OF “GENOCIDE”

What is genocide? Many experts have answered that question. Despite the large number of definitions in the literature, a core consensus meaning of the term “genocide” may be distilled. In particular, genocide refers to violence that is extensive (deliberate, large scale, organized, systematic, sustained, widespread), group-selective (targeted at groups), and group-destructive (designed to destroy groups in particular territories under perpetrators’ control).

I focus primarily on two of the most important and lasting conceptualizations, those by Raphael Lemkin and the Genocide Convention. In 1944, Raphael Lemkin coined the term “genocide” by combining the Greek word for race, nation, or tribe (*genos*) with the Latin word for killing (*cide*). In an efficient conceptualization of the term, Lemkin wrote that genocide is the “destruction of a nation or of an ethnic group” (Lemkin 1944, 79). He also referred to genocide as the “destruction of human groups” (Lemkin 1947: 147). Elaborating on the term, he claimed:

Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the

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destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group. (Lemkin 1944, 79)

Similarly, Lemkin wrote:

The crime of genocide involves a wide range of actions, including not only the deprivation of life but the prevention of life (abortions, sterilizations) and also devices considerably endangering life and health (artificial infections, working to death in special camps, deliberate separation of families for depopulation purposes and so forth). All these actions are subordinated to the criminal intent to destroy or to cripple permanently a human group. The acts are directed against groups, as such, and individuals are selected for destruction only because they belong to these groups. In view of such a phenomenon the terms previously used to describe an attack upon nationhood are not adequate. Mass murder or extermination wouldn't apply in the case of sterilization because the victims of sterilizations were not murdered, rather a people was killed through delayed action by stopping propagation. Moreover, mass murder does not convey the specific losses to civilization in the form of the cultural contributions which can be made only by groups united through national, racial, or cultural characteristics. (Lemkin 1947, 147)

There is a great deal of insight in these passages. They are quoted at length to emphasize the ways in which groups are essential to Lemkin's original conceptualization. Lemkin's core vision of genocide is group-destructive violence. Violence is "directed against groups," and individuals are targeted because of the groups to which they ostensibly belong, Lemkin argues. Genocide is a "coordinated plan...aiming at...the destruction... of national groups." If one takes Lemkin's original definition seriously—and most who work in genocide studies do—then one has to recognize that genocide is distinguished by group-oriented and, more specifically, group-destructive violence. Indeed, etymologically the term "genocide" almost requires a focus on groups—*geno*-cide is the killing (destruction) of groups. A number of ambiguities remain in Lemkin's formulation, and in his writing he tends to reify human social groups (which are in reality more constructed and fluid than Lemkin tends to acknowledge). Lemkin also refers to a range of forms of destruction, ones that are beyond simply killing. Nonetheless, his central idea is to define genocide as a form of violence that leads to the destruction or permanent crippling of groups.

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Although the definition changed in the 1948 Genocide Convention, the definitional core remained group destruction. After rounds of negotiations, in which a number of political forces came to bear on the exact wording (Schabas 2000), the final language of the Convention defines genocide as the “intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such.” The Convention in turn specifies five methods of genocide: (1) killing members of the group; (2) causing serious bodily or mental harm to members of the group; (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (4) imposing measures intended to prevent births within the group; and (5) forcibly transferring children of the group to another group. A number of scholars remain unsatisfied with the UNGC definition: on the one hand, it is arguably too restrictive in limiting genocide to four specific groups; on the other, it is arguably too open-ended in referring to group destruction “in part.” Nonetheless, the core meaning of genocide in the UNGC is the intentional destruction of groups.

A fair bit of ink has been spilled about how to conceptualize and define genocide since the advent of the UNGC. Nonetheless, the focus on group destruction remains central to how most courts and scholars understand genocide’s core meaning. For example, in a number of landmark and complex decisions handed down by the International Criminal Tribunals for Rwanda and the former Yugoslavia, the focus on group destruction is central (Schabas 2006, 99). Although both tribunals affirmed the Convention’s restriction to ethnic, racial, religious, and national groups (that is, groups to which ascription is presumed to be stickier and less mobile than political or economic groups), the tribunals strongly affirmed group destruction or substantial group destruction as the benchmark for adjudicating genocide. Similarly, if one considers other prominent reworkings of the definition—for example, those by Frank Chalk and Kurt Jonassohn (1990), on the one hand, and Helen Fein (1990), on the other—one sees a similar focus on genocide as the destruction of groups (or collectivities).

III. INDICATORS AND QUESTIONS OF GENOCIDE

If this standard of group-destructive violence as the rubric for genocide is accepted, then a number of implications exist for thinking about how to identify genocide. In this section, building on the conceptualization above, I develop a set of questions and indicators that those in the atrocity prevention community can ask of situations as they arise. These questions and indicators are not causal; they are not designed to determine whether the conditions that lead to genocide exist. Rather, they are designed to help diagnose whether genocide is occurring—to identify the phenomenon.

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A starting point is simply to ask the following questions: Who are the would-be perpetrators in a given conflict environment? What is the would-be target group? How extensive is the perpetrators' control over a target group? In those areas under perpetrators' control, how is the targeted group being treated? More specifically, if violence trending toward genocide is occurring in a particular location, that violence should exhibit patterns related to the three core components of genocide.

GROUP-SELECTIVE PATTERNS OF VIOLENCE

First, does evidence exist of isolating and separating out specific identifiable social groups, whether those groups are ethnic, racial, religious, political, economic, or even regional? Have perpetrators developed mechanisms for labeling, sorting, and isolating specific social groups, such as identity cards, mandatory garb, or population relocation?

Second, in the course of violence, does evidence indicate that perpetrators are identifying individuals for the commission of violence on the basis of those individuals' ostensible membership in groups? In other words, when violence is committed, are individuals being identified by their group membership: that is, are individuals primarily being identified by their group markers, such as Tutsi, Armenian, Jew, Muslim, Northerner, political party member, and so on? In the process of choosing their targets, are perpetrators searching for individuals who are said to belong to an identifiable group?

Third, are civilians being deliberately targeted? By definition, if the violence targets social groups, then it will entail violence against individuals not involved in combat. Thus, a key question to ask is whether civilians are being targeted. Is there deliberate selection of civilians who are clearly not involved in armed combat, and are those civilians being selected for their membership in groups?

Fourth, does evidence indicate that the violence is conforming to a logic of attacking groups, that is, are symbols or stereotypes of specific groups being targeted? Are religious institutions associated with a target group being attacked or destroyed? Are symbolic markers, such as graves, bakeries, butchers, or specific retail outlets, being targeted? Are group identifiers—such as diet, phenotype, height, hair color or length, dress, and so forth—integral to the violence?

EXTENSIVE VIOLENCE

In addition to groupness, genocide is extensive violence; by implication, observers should ask whether the violence exhibits qualities that indicate extent.

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First, deliberateness is an indicator of extent. Is the violence inflicted upon a target group the result of deliberate actions taken against the target group by the perpetrator for the purpose of inflicting harm on members of the target group? Is the violence deliberately inflicted? In cases where those of the target group die from indirect causes associated with displacement such as lack of food, water, health care, or shelter, was the displacement the result of deliberate targeting by the perpetrator against the civilian members of the target group?

Second, scale is critical to measuring extent. Is the deliberate, group-selective violence of a mass or large scale? The idea of “large” or “mass” scale is relative. No specific numerical threshold exists for genocide. But as group-destructive violence, the term implies a scale that threatens the survival of a substantial percentage of the target group. Thus, a question to ask is the following: Within the areas in which a target group is under a perpetrator’s control, are large numbers and large percentages of that civilian population being directly harmed by the violence committed by the perpetrator?

A helpful guiding logic for conceptualizing scale is spelled out in the appeals court decision from the International Criminal Tribunal for the former Yugoslavia (ICTY) in the *Krstić* case. In that decision, the ICTY appeals chamber upheld an earlier decision that labeled the July 1995 attack on Srebrenica as genocide, even though an estimated 7,000–8,000 civilian men and boys were killed in that episode of violence and even though the attack took place in a relatively short period of time. In its decision, the court delineated a standard for determining how much of a part of a group needed to be destroyed to be called genocide: a “substantial” part of the group must be targeted for destruction (ICTY 2004; see also Schabas 2006). Crucial to the logic of the court was how the entire target population of Bosnian Muslims was treated in the areas under the control of Bosnian Serbs. Thus, the chamber made a judgment about the overall experience of violence of the target group and how the deaths of 7,000–8,000 men fit into that broader pattern of group targeting.

The simple point is that a sense of significant scale is essential to the concept of genocide. The proposed operational measure is whether a substantial part of the targeted group is being directly harmed by the actions caused by the perpetrator in areas under the perpetrator’s control.

Third, extensiveness implies that the violence is systematic. By systematic, I mean that the violence is organized and that the violence is carried out in a regular fashion. Thus, key questions to ask are the following: Is the violence organized? Is there a deliberate effort or plan to inflict the violence on the target population? Is there evidence of coordination? Is there evidence of coordination between one or more agency or institution controlled by

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the perpetrator (such as the army and police or the army and the civilian administration, or between different ministries)? In terms of regularity, does the violence follow a consistent pattern? Is the violence repeated over time in a consistent fashion or in an identifiable set of consistent fashions? Is the repetition of the pattern continuous (rather than episodic)? That is, is the violence sustained?

Fourth, extensiveness implies that the violence is widespread, that is, the violence should be repeated not only over time but also over space. Thus, a key question to ask is whether the violence is extra-local, that is, as violence that is of a large scale that affects a substantial percentage of the target group, the violence will be committed in multiple locations. The violence will not be located to one neighborhood, one town, or one city, but it will exhibit a pattern of target selection and civilian destruction that is repeated across those spaces where the group is located.

Fifth, extensive, large-scale, systematic, widespread, coordinated, sustained, extra-local violence implies that the perpetrating agent has the capacity to inflict violence in such a fashion. Such violence requires the capacity to identify and separate groups. Such violence requires the capacity to manage coalitions and organize significant violence. Does such capacity to inflict violence exist? Moreover, extensive violence generally requires the participation of organizations that specialize in violence and are hardwired to commit violence, such as military, police, and paramilitary agencies. Without the involvement of major military, police, or paramilitary organizations, the commission of extensive violence is possible but unlikely. Thus, are institutions specialized in the use of violence involved?

In short, to assess extent, outside observers can look at deliberateness, at scale (are substantial numbers being targeted?), at systematicity (organization, coordination, patterned regularity), at time (repetition and sustainment, which are implied by systematicity), at geography (widespread breadth), and at capacity (ability to inflict violence, involvement in violence-specialized institutions).

LOGIC OF GROUP DESTRUCTION

A final prism through which to evaluate whether or not genocide is taking place is to ask if the pattern of violence is consistent with a logic of group destruction. Much political violence conforms to a coercive logic: it is designed to change the behavior of specific audiences. Repressive violence—cracking down on protestors, assassinating opponents, muzzling the media—is largely intended to signal to would-be protestors that such a fate would befall them if they were to do the same (Kalyvas 2006). Terrorist violence is similarly not designed to destroy groups; it is designed to generate fear, to attack symbols, and the like—it has a communicative function (Richardson 2006). Most political violence also

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envisages compromise and negotiation as an end point. Group destruction implies a different causal logic, namely, that from the perpetrator's perspective the targeted group cannot be negotiated with, tamed, or repressed. A perpetrator may have different ostensible reasons to imagine that an enemy group cannot be negotiated with, tamed, or repressed, but at base the logic of genocide involves that type of reasoning.

The patterns and rhetoric of violence in a genocidal situation should reflect this logic.

First, do the patterns of violence in genocide include acts that are consistent with group destruction? Do the patterns of violence suggest that a perpetrator is threatening the existence of a substantial part of the target group? Murder is an immediate form of destruction. But other forms of group-destructive violence are also likely to be present, in particular acts that make survival of the target group impossible in a territory, such as destroying food stocks and livelihoods, destroying medical centers, destroying and burning homes and other shelters, poisoning water sources, destroying group-essential institutions such as synagogues or mosques, and destroying families. Are those elements present?

Second, does the violence target not only those members of a social group who pose an immediate threat (according to the perpetrator), but also those who are essential to a group's reproduction, notably children and women clearly not engaged in combat? Group destruction implies that measures will be taken to prevent a group from being able to reproduce, and the patterns of violence should conform to that logic.

Third, is the language used to justify the violence consistent with a logic of group destruction? That is, are perpetrators saying, in effect, "we can no longer live with or tolerate a target group" and "this group poses such an existential threat that we must destroy them before they destroy us"? Those kinds of rationales are consistent with the logic of genocide. Or are perpetrators articulating logics of repression or revenge, such as "this group needs to be taught a lesson," "this group killed our people so we must kill theirs," "this group must accept the authority of the state," or "this group must abide by the laws of the country." Although these articulations are not mutually exclusive, on balance where the latter are the rhetorical emphasis they are less consistent with a logic of group destruction.

Finally, as Ben Valentino (2004) argues, genocide exhibits a logic of "final solutions." In practice, in genocide cases, evidence of failures of past persecution and more limited violence should exist, and perpetrators should make reference to those past inadequacies. Are perpetrators actively referencing other, smaller-scale repressive episodes of violence as insufficient, thus implying that a different category of violence is necessary to counter their perceived threat?

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These questions and indicators are designed to be a guideline for those in the atrocity prevention community to make distinctions to help them assess whether a situation is exhibiting qualities of genocide. The questions and indicators are not exhaustive; they can be added to. Not every single indicator must be met for genocide to occur, but a plurality of indicators should be met within each of the three major dimensions outlined above.

CASE EXAMPLES: DARFUR AND KENYA

To make the ideas more concrete, I refer to two examples of cases that were critical to the atrocity prevention community in recent years: Darfur (2003–2005) and Kenya (2007–2008, just after the elections).

In Darfur, all the properties of genocide outlined in the previous section were present. There was group-selective violence. In committing violence, perpetrators actively distinguished between Arabs and non-Arabs, and in the commission of violence they explicitly selected and targeted non-Arab civilians. The violence was similarly extensive across the Darfur territory. Large numbers of non-Arabs in the Darfur territory were killed or attacked. The violence was patterned and sustained (it followed a regular pattern of aerial bombing and militia ground attacks repeated over time); it was organized; and inter-agency coordination was evident, in particular by the Sudanese Armed Forces and local paramilitary actors on the ground. The violence was also widespread (it occurred in a regular way in hundreds, if not thousands, of villages). Although the state of Sudan has a weak presence in Darfur, the state deployed agencies (the military, in particular, with local paramilitary support) that had the capacity to identify groups and inflict major damage against civilian populations. Finally, though more difficult to prove, the patterns and rhetoric of violence indicated a logic of group destruction. Perpetrators consistently took action that made it impossible for non-Arab populations to survive in Darfur—they poisoned wells, destroyed shelter and food stocks, and used the language of group removal. They spoke of permanently removing non-Arabs from the Darfur area. They clearly targeted non-Arabs who would be essential for the reproduction of the group on Darfurian territory, including children and women clearly not engaged in conflict.

The situation in Kenya was quite different. Group selection was evident in the targeting of violence. In Nairobi, the Rift Valley, and other parts of Kenya, civilians associated with the Kikuyu, Kalenjin, and Luo ethnic groups, among others, were identified, separated, and killed. However, the extent was quite different from what occurred in Darfur. First, the scale was different. In relative terms, a very low percentage of Kalenjin, Kikuyu, and Luo were targeted for violence. In the end, the total civilian death toll was less than 2,000, compared to 200,000 in Darfur. Second, the violence was not systematic. There was little evidence of multiagency coordination; the violence was episodic; and it did not follow

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a consistent pattern across the country. Third, no central authority with the capacity to inflict the violence across time and space directed the violence. The army, the police, and the civil administration were not directly involved in committing violence against the targeted groups. Finally, the violence did not exhibit qualities of a logic of group destruction. The political fight was over who would control the presidency. It was not an effort to root out populations from particular territories. The language of the violence was not to the effect that “we have to be rid of X group once and for all.” The potential in Kenya for such violence existed, in particular in the Rift Valley, and thus the atrocity prevention community was right to be concerned. But important differences existed in the patterns of violence that occurred in Kenya and genocide, and the preceding conceptual analysis should help make those distinctions clearer and more concrete.

IV. SOURCES OF CONCEPTUAL DISAGREEMENT

Before turning to concepts other than genocide, it is important to outline some of the reasons why scholars, lawyers, and practitioners disagree over the definition of genocide. I have argued there is a core common understanding of the term, which is intentional group destruction. However, even with that core meaning in mind, nontrivial sources of disagreement remain that often surface in discussions of the concept and how to apply it. Because anyone in the atrocity prevention community is likely to encounter this definitional disagreement in his or her work, understanding the sources of the disparity is valuable, and to that end I outline them in this section. The section is thus not designed to help those in the atrocity prevention community identify genocide as it occurs, but rather to help them be aware of stumbling blocks—of reasons why reasonable people disagree about whether a situation is one of genocide or not. The section also makes arguments for how to resolve some of the conceptual disagreements.

One important source of conceptual disagreement is simply whether or not genocide should be the gold standard for intervention. On the one hand, the Genocide Convention, which has been widely ratified, includes language about how its signatories are “obligated” to prevent genocide. Even though the level of obligation that the convention requires is minimal, the language has been interpreted as providing legal legitimacy for intervention where genocide takes place. Such was the case with the Clinton administration, which avoided calling the Rwandan genocide “genocide” to avoid any obligation to intervene that the Convention would engender. Given that a Convention exists and enjoys wide ratification, some in the atrocity prevention community argue that the standard for intervention should remain “genocide,” even if the definition in the Convention is problematic.

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On the other hand, genocide as group destruction is a specific, and somewhat rare, form of violence, and some scholars and advocates would prefer a broader standard. Moreover, the formal legal definition of genocide emphasizes intent, but ascertaining intent in real time and substantiating intent are difficult. By the time the intent of group destruction has become clear, the process of violence may have proceeded substantially, and therefore a response may be difficult to mount. Genocide is also a concept in which inherent ambiguities exist, as discussed below, and those ambiguities create opportunities for paralysis rather than consensus. The longstanding debate over whether to call Darfur “genocide,” which initially overshadowed the substantive debate about how to respond to the atrocities in Sudan, is a good example of how conceptual ambiguities in “genocide” can be an obstacle (Straus 2005). As such, some argue that the atrocity prevention community should move away from genocide as the standard for intervention.

To take some examples, when declaring a policy initiative in August 2011, President Obama argued that the focus was preventing atrocities and genocide (not just genocide). At the United Nations, the Office of the Special Adviser on the Prevention of Genocide similarly holds a mandate to focus on “genocide or mass atrocities.” The Responsibility to Protect (RtoP) doctrine also references genocide, CAH, war crimes, and ethnic cleansing. That conceptual rubric was in Article 138 of the 2005 UN World Summit, when member states endorsed the RtoP framework. Within the nongovernmental advocacy community, a general trend exists toward endorsing conceptual standards that are broader than genocide only. That is true for organizations dedicated to promoting the principles of RtoP, such as the Global Centre for the Responsibility to Protect. But other organizations take similar positions. Enough!, for example, focuses on “genocide and crimes against humanity.” The Aegis Trust defines itself as working to prevent “crimes against humanity,” which it also describes as “mass atrocities” that are characterized by “the large scale loss of civilian life through conflict, massacre, ‘ethnic cleansing’ and persecution.”

These broader rubrics have advantages and disadvantages. The main advantage is that they move the discussion away from a narrow and sometimes hard to prove (in the moment) standard of genocide. The main disadvantage is that they introduce a fairly large range of acts of violence that do not enjoy the same consensus for responsive action that genocide does. The broader rubrics also introduce some ambiguity about what precisely the standard for response or intervention should be, an issue taken up in the next section. But before turning to these alternative terms and standards, it is worth pinpointing some of the common problems that surface with regard to genocide.

If one accepts that genocide is group-destructive violence, then a recurring question is what types of groups are covered under the term. The UNGC lists four groups: national, ethnic, religious, and racial. The formulation is partly a product of political negotiations

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when the UNGC was being drafted, notably objections from the Soviet Union, which did not wish to have “political” or “economic” groups included, given that country’s political history (Kuper 1981; Schabas 2000). But in reviewing the preparatory materials for the Convention, the recent international tribunals found a substantive justification for the Convention’s focus, namely that it protects more “permanent” groups, that is, groups that in general have ascriptive rather than elective or “mobile” identities (Schabas 2006). To be sure, individuals can change their religious (and national) identity, but in practice, in most cases the four protected categories in the Convention speak to identities that are passed down through family and lineage. In that sense, they are more “permanent” and more consistent with the etymology of *genos* in the term “genocide.” By contrast, political identities usually reflect personal choice, and economic status is subject to more flexibility and changing opportunity. The group restrictions on genocide are etymologically defensible.

However, if one recognizes that all social groups, including ethnic ones, are socially constructed and are real only in a social context, then the justification for excluding other kinds of groups is weakened. In practice, political, economic, or other groups may face the functional equivalent of genocide; that is, systematic efforts may be made to classify and destroy those groups, as was the case in the Soviet Union under Stalin, in Indonesia in 1965, and in Cambodia under the Khmer Rouge. In those cases, group-destructive violence took place. Thus, if the prevention of group destruction motivates the atrocity prevention community, no compelling substantive reason exists for limiting responses to only the “permanent” groups listed in the Convention.

A second common source of disagreement concerns measuring extent, that is, determining how much group destruction needs to occur to cross the threshold to “genocide.” The common meaning of genocide is group destruction, but (happily) perpetrators never achieve group destruction. The extent of destruction is always limited by territorial control. Even the Nazis, who sought to eliminate Jews in Europe and for whom no reasonable scholar or practitioner would question the application of the term “genocide,” did not destroy Jews in Australia or North America. Even in territories under their control, perpetrators will rarely achieve complete eradication. Again, the Nazis are a good example. The Nazis practiced an unambiguous commitment to the physical elimination of Jews, yet some portion of Jews survived in all Nazi-controlled or allied states in Europe.

The Convention implicitly acknowledges these facts by referring to group destruction “in part.” The problem is that the standard creates ambiguity about how much partial group destruction is needed to qualify as group destruction. A “part” could be construed as dozens of civilians, even if dozens is not the standard most observers have for genocide. From a prevention perspective, having a standard of total group destruction is self-defeating; concerned actors want to intervene before group destruction occurs. The latter goal has

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prompted some observers to promote the idea of “indicators” of genocide, which would allow prevention mechanisms to kick into place when signs of genocide exist rather than after a genocide clearly has already occurred (Scheffer 2006).

No simple resolution of the extent conundrum exists. To measure the onset of different events, some scholars impose a numeric threshold. For example, in measuring “mass killing” events, Ben Valentino (2004) counts cases in which more than 50,000 civilians were killed in a five-year time span. In other work, he and Jay Ulfelder use a standard of 1,000 civilian deaths (Ulfelder and Valentino 2008). Yet nothing in the original or legal conceptualizations suggests a numerical threshold, and indeed their outcome of interest is “mass killings.”

As argued above, when examining this issue, the tribunals have concluded that a “substantial” portion of a group must be killed for “genocide” to occur. The most extensive discussion occurs in an appellate decision from the ICTY when ruling in the *Krstić* case. There the tribunal was faced with a decision as to whether the murder of 7,000–8,000 men in Srebrenica constituted genocide. The trial chamber concluded genocide did occur, and on appeal that decision was confirmed. The appeals chamber argued, after reviewing the Convention in detail, that the standard was whether or not a “substantial” portion of the group was destroyed (see also Schabas 2006). That decision has been affirmed in the International Court of Justice ruling on *Bosnia versus Serbia* as well.

In light of the ambiguity in the formal language of the Convention and the empirics of different cases (that is, that total eradication never occurs), the substantiality criterion is sensible. A superior alternative is not available. Although a numeric threshold is needed for a quantitative academic study (Ulfelder and Valentino 2008), the risk of such a threshold defining genocide is that any specific level will be arbitrary. Moreover, the term “genocide” does not necessarily imply a specific numeric threshold, and populations are different sizes, meaning orders-of-magnitude differences occur between countries with 100 million citizens and those with 10 million or 1 million citizens. “Substantiality” is a relative term, and previously I provided some guidelines for how to use it. In particular, genocide implies the idea that destruction is of such a large scale that it threatens the existence of a substantial percentage of the group in a territory under a perpetrator’s control.

Other, though less common, disagreements exist. One is whether the state is a necessary perpetrator of genocide. Some scholars argue it is (Harff and Gurr 1998), but in practice nothing in the original or legal conceptualization of genocide requires state involvement. Tribunals appear to have upheld that interpretation (Schabas 2006). In practice, however, and as argued above, genocide implies substantial group destruction. It therefore requires violence capacity, coordination, control, organization, sustainment, and geographical

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dispersal. In most locations, only states will have the resources to organize and mount a campaign of genocide. But again, nothing conceptually limits genocide to states; genocide may be committed by different kinds of organizations, including insurgent organizations.

Another common source of disagreement concerns the relationship between genocide and war. To emphasize that a particular act of violence is criminal and a violation of human rights, a number of analysts seek to draw a bright line between war and genocide. *War* is violence between armed combatants. *Genocide* is an attempt to destroy a social group, manifested as systematic violence against civilians. However, many genocides and related forms of violence occur in the context of armed conflict (Ulfelder and Valentino 2008; Straus 2007). The dichotomy established between war and genocide then leads some observers to claim that if the strategy of killing civilians takes place in war, then it is not genocide. A good example is the violence in Darfur, where Mahmood Mamdani (2009) and others have argued that the violence against non-Arabs in the region was counterinsurgency (rather than genocide). But the dichotomy is false. Genocide can occur in war or in peace, but it does occur mostly in war and is often related to the strategic war aims of the state. Thus, we are not dealing with an either/or situation of war (counterinsurgency) or genocide. Empirically, they often occur together.

A third source of conceptual disagreement is whether the Holocaust should be the model for genocide. Because the Holocaust is the most recognizable instance of genocide and the case that ultimately gave rise both to Lemkin's coining of "genocide" and to the Genocide Convention, many nonspecialist observers treat the Holocaust as *the* model for genocide. That is, for some, a situation is properly labeled "genocide" only if its patterns of perpetration closely resemble those of the Holocaust. To the extent possible, conceptualizing genocide in this way should be avoided. The Holocaust was a specific example of genocide, not the model for genocide. Indeed, all cases have their specificities. In Rwanda, the violence was fast, was largely low-tech, and directly involved a large number of civilian perpetrators. Patterns of perpetration in every genocide vary. What matters for determining whether genocide is occurring is whether the patterns of violence are consistent with extensive, group-selective violence whose purpose is the destruction of groups under a perpetrator's territorial control.

Finally, different observers frequently have conflicting objectives—three, in particular—in when and how they use the term "genocide" (Straus 2001). One is a moral or ethical objective. Genocide is an inescapably normative concept. Genocide implies something very bad. To some, genocide represents the pinnacle of evil. That normative dimension governs for some the decision to use the term. The term snaps people to attention, and that is what motivates some to invoke it. Genocide is also a legal concept. That is, for some, the use of the term is motivated by the legal definition of genocide and whether

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sufficient evidence exists to prove genocide in a court of law. Here, what governs usage is a legal standard. Finally, there is a more empirical usage as a concept that identifies a specific type of violence. Those who invoke the term then do so when they observe patterns of violence that exhibit the properties of genocide.

These three objectives can converge. That is, a situation may conform to (1) something that is horribly wrong; (2) a legal standard of genocide with supporting evidence; and (3) a type of violence that exhibits the properties of genocide and requires a specific response. But the three objectives are often at cross-purposes. That is, what motivates some to use the term is to claim, variously, that (1) a situation is extremely bad and parallel to other very bad situations; (2) enough evidence exists to prosecute a particular defendant on a genocide charge; or (3) the emergent patterns of violence look like intentional group destruction.

These conflicting objectives cannot be resolved; they will always be present in the ways that different people invoke the term “genocide.” Those in the atrocity prevention community should simply be aware of these sources of conceptual disagreement because they often come into play. As a general rule, those who use the term should be explicit about the objective in mind when employing the term. For those for whom prevention is the goal, the main objective governing usage should be an empirical one—that is, to use the term to identify genocide as it occurs. If sufficient evidence exists to claim that emerging patterns of violence resemble genocide, then others may impute either a normative or legal dimension, but for those in the prevention community the main idea would be to claim that a genocide or genocide-like situation is arising.

V. CONCEPTS RELATED TO GENOCIDE

Genocide is a specific form of violence. Thankfully, genocide is uncommon—at least when one considers all the potential cases that could escalate to genocide but do not. As argued above, there are sources of ambiguity embedded in the concept and restrictions in how the term was incorporated into international law. From a prevention perspective, the main idea is to stop genocide before it occurs; thus, waiting for group destruction to be obvious to outsiders or physically complete before using the label is unhelpful. For these reasons, many in the atrocity prevention community are moving away from genocide as the conceptual rubric that orients their action, and indeed the idea of an “atrocity” prevention community, rather than a genocide prevention community, reflects that dispensation.

The move away from genocide as the conceptual standard is welcome, given the limitations just described. But it has costs. The main problem is confusion about what atrocity prevention is, precisely, working to prevent. What are the boundaries of atrocity or mass

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atrocities? How does one recognize an atrocity or mass atrocity when one sees it? How does one distinguish atrocity from genocide or from other types of violence that would require a different type of response? Do different types of atrocity demand different responses, and if so how should those in the atrocity prevention community make distinctions?

In the main, this section focuses on the increasingly popular terms that are more general than genocide is, such as mass atrocity, crimes against humanity, and mass killing. But the section also examines terms that are more parallel to genocide and that were developed primarily in the scholarly literature. These terms may be less recognizable to those in the policy-making community but may be of use and interest. The central idea is to reference these terms against the benchmark of genocide to find points of commonality. From that, in the final section of the paper, I propose a set of recommendations for two different conceptual standards based on the analysis.

Umbrella Concepts

The most common emerging general concept in the atrocity prevention community is mass atrocity. Mass atrocity has no formal, legal definition, but in most usages the concept aggregates other legal (or commonly employed) concepts, in particular genocide, crimes against humanity, war crimes, and ethnic cleansing (Evans 2008, 11; Sewell et al. 2010, annex A). These four types of atrocity are those listed in the World Summit's 2005 statement on Responsibility to Protect. All but ethnic cleansing are listed in the International Criminal Court's Rome Statute. Many advocacy organizations now incorporate mass atrocities into their mission statements. In short, mass atrocity is emerging as the dominant alternative, broader standard than genocide. The questions are how to operationalize it and how similar to or different from genocide it is.

Crimes against humanity is a key component concept for mass atrocity. Article 7 of the Rome Statute defines CAH as acts "committed as part of a widespread or systematic attack directed against any civilian population." The specific acts listed in the statute are, in summary, murder, extermination, enslavement, deportation, imprisonment, torture, rape (and other gender or sex crimes), group-based persecution, enforced disappearance, apartheid and "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

In comparison to genocide, some clear areas of overlap exist with CAH, in particular that the violence in question is organized, repeated, systematic violence against civilians. Article 7 of the Rome Statute spells out these features in paragraph two, stipulating that an attack directed against any civilian population "means a course of conduct involving the

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multiple commission of acts...against any civilian population [as part of a] State or organizational policy.”

However, CAH is considerably broader than genocide. CAH includes group-selective violence (that is, “extermination,” “deportation,” “persecution,” and “apartheid”). But CAH is not limited to such violence. It can be widespread sexual violence; it can be widespread torture or illegal imprisonment of civilians; it can be a small set of massacres. CAH also implies violence of a significant scale even if scale itself is not in the definition (widespread and systematic is). In short, CAH is widespread, systematic violence against civilians, implying a degree of large scale, but CAH is not necessarily group-selective violence or group-destructive violence.

As a unifying umbrella concept around which the atrocity prevention community might mobilize, CAH has the advantage of being broader than genocide, thereby including more kinds of violence and potentially avoiding terminological debates. But CAH has the disadvantage of being too broad, thereby including a range of different forms of violence against civilians that would not garner a consensus for international response.

Ethnic cleansing has no formal legal definition, but in general ethnic cleansing might be thought of as a set of actions designed to remove forcibly specific civilian groups from a territory. Gareth Evans provides a cogent definition: “outright killing, expulsion, acts of terror designed to encourage flight, and rape when perpetrated either as another form of terrorism or as a deliberate attempt to change the ethnic composition of the group as a whole” (Evans 2008, 13).

Ethnic cleansing differs from genocide most explicitly in the purpose of the violence, which is group removal in the former and group destruction in the latter. Cleansing may be a part of genocide—that is, terrorizing and removing a group may be a part of a process of group destruction—but the two concepts are not synonymous. Where the concept overlaps with genocide is in being violence that is group-selective (and therefore that targets civilians) and being on a large scale. Where the concepts differ is primarily on the kind of violence and the purpose of violence.

The third component of mass atrocity is war crimes, which are defined in Article 8 of the Rome Statute. Although many different kinds of cases are covered under war crimes, in general, war crimes refer to significant violence against civilians in wartime. War crimes include killing, torture, hostage-taking, depriving prisoners of war rights, destroying shelter, and generally attacking civilians deliberately in war. Like CAH, war crimes are neither group-selective nor necessarily on a massive scale (even if scale is implied). War crimes are

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further specific in that they occur during war, which is not necessary either to crimes of genocide or against humanity.

To summarize, mass atrocity refers to a large range of kinds of violence. Taken on their own, three of the component crimes (CAH, ethnic cleansing, and war crimes) refer to a range of violence that does not necessarily imply the target selection or scale that genocide does, let alone the question of the intent or purpose of the violence. That said, the emphasis on “mass” in mass atrocity implies a vague degree of scale consistent with genocide. In referencing CAH, the explicit language in the Rome Statute on widespread and systematic attacks against civilians implies a degree of scale and civilian target selection similar to that of genocide. Thus, advocates and scholars can reasonably construe a conceptual standard that is more specific than the four component crimes of mass atrocity but that has important overlap with genocide. That standard would be extensive (large-scale, systematic, widespread, sustained) violence against civilians. Such a standard implies a high threshold of deliberate lethal violence against civilians, which is the type of event that many in the atrocity prevention community wish to stop. In contrast to genocide, such a standard does not imply either group-selective or group-destructive violence.

Three other important umbrella concepts are worth mentioning. One is mass killing. In his academic work, Ben Valentino placed concrete boundaries on the term to form a basis of comparison across different cases. In a 2004 book, Valentino argues that mass killing is indicated by organized violence that claims at least 50,000 civilian deaths in a five-year period. In later work, Jay Ulfelder and Valentino (2008) relax the numerical threshold to 1,000 civilian deaths in a single-year interval. The key points of overlap with genocide and the refined sense of mass atrocity are a sense of scale (a large number of civilian deaths) and civilian targeting. In comparison to genocide, mass killing is not necessarily either group-selective or group-destructive violence. In contrast to genocide and mass atrocity, mass killing is about killing, rather than a range of violence that might be part of a pattern of violence, for example, destroying food stocks, water supplies, and shelter or perpetrating sexual violence, and the like. In comparison to mass atrocities, mass killing is narrower. Both imply large-scale, systematic violence against civilians, but mass atrocity includes a range of non-murderous violence against civilians (for example, sexual violence, group removal, creating conditions of life that would lead to group destruction). In that sense, if the atrocity prevention community prefers a more general concept than genocide as a basis for response, then mass atrocity is arguably a preferable alternative to mass killings.

A second term is “mass violence.” Christian Gerlach defines mass violence as “widespread physical violence against noncombatants, that is, outside of immediate fighting between military or paramilitary personnel. Mass violence includes killings, but also forced removal or expulsion, enforced hunger or undersupply, forced labor, collective rape, strategic

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bombing, and excessive imprisonment” (Gerlach 2010, 1). In this conception, mass violence is quite similar to the refined definition of mass atrocity presented above—extensive (large-scale, widespread, deliberate) violence against civilians. In contrast to mass killing, mass violence includes a range of kinds of violence. Unlike genocide, mass violence is not necessarily group-selective.

A final umbrella concept is “democide,” a term coined by the scholar R. J. Rummel (1994). The term means “the murder of any person or people by a government,” and the term includes genocide, politicide (which is discussed below), and mass killings. Democide is perhaps the broadest possible category of violence around which those in the atrocity prevention community would wish to mobilize. At the same time, the term is limited to violence by governments and to murder (rather than other forms of nonlethal violence). Thus, although the term has appeal in a research context for considering a wide range of state violence, the term is likely both too narrow and too broad as a reference category for those in the atrocity prevention community.

In short, even though a variety of alternative concepts are in use, each of which has a set of specificities and sometimes limitations, the analysis suggests that an alternative conceptual standard to genocide can be derived. That standard would be extensive in the ways discussed in this paper (deliberate, large-scale, systematic, widespread, sustained, organized) violence (including murder but also a range of other measures that deprive life) against civilians.

Parallel Concepts

In addition to concepts that are broader than genocide, other relevant concepts denote a functionally similar type of violence but have different specifications. These are “parallel” concepts that describe group-selective, group-destructive violence but that refer to groups that are not classically covered in the Genocide Convention. The main concepts in use are “politicide,” “classicide,” and “gendercide,” and they are worth reviewing, albeit briefly, because of the flexibilities they also introduce.

In the main, politicide refers to the destruction of political groups in the way that genocide in the Convention refers to the destruction of ethnic, racial, national, and religious groups. Barbara Harff and Ted Gurr (1988) provide one of the most enduring definitions: “Genocides and politicides are the promotion and execution of policies by a state or its agents which result in the deaths of a substantial portion of a group. The difference between genocide and politicide is in the characteristics by which members of the group are identified by the state. In genocides, the victimized groups are defined primarily in terms of their communal characteristics, i.e. ethnicity, religion, or nationality. In

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politicides, the victim groups are defined primarily in terms of their hierarchical position or political opposition to the regime and dominant groups.”

Politicide overlaps with a concept such as “classicide,” which was coined by Michael Mann to refer to the “intended mass killing of social classes” (Mann 2005, 17). The other main parallel concept in use is “gendercide,” a term that Adam Jones (2004) coined to refer to systematic destruction of one gender.

Each of these three parallel concepts has the advantage of explicitly incorporating groups not formally protected in the Genocide Convention while retaining the same general meaning of extensive, group-selective violence whose purpose is the destruction of a substantial portion of those groups. The main disadvantage is that the terms have no formal legal legibility; they are primarily heuristic tools for research and potentially advocacy.

Of the three concepts, politicide and classicide are most similar in meaning to genocide. Gendercide is a harder concept to substantiate empirically. In particular, cases where gender is the primary target group are hard to observe. Gender-specific violence is often a part of broader campaigns of violence—for example, in Srebrenica primarily men were targeted for murder, whereas in Bosnia, Rwanda, Congo, and Darfur a substantial volume of sexual violence against women occurred—but often the primary targeted groups have been ethnic, religious, and racial. Thus, the related concepts of politicide and classicide seem most conceptually similar to genocide.

By examining these parallel concepts, one clearly sees that they maintain the general standard previously developed of extensive, group-selective violence against civilians. The key insight in these concepts is the broadening of the type of groups to those not covered in the Genocide Convention. If actors in the atrocity prevention community wish to hew closely to violence that is essentially related to genocide, then the issue of group selection is key. These concepts provide a foundation for broadening the kinds of groups that would be the prerogative of the atrocity prevention community.

VI. CONCLUSIONS

A tendency may exist to dismiss work on concepts. Few want to debate what “is” is, and many scholars and practitioners who work in the field of genocide prevention are tired of the longstanding debate about what genocide is. In the scholarly field of genocide studies, debates about how to define genocide are among the most discussed topics, and those debates lack resolution. At the same time, however, scholars and especially practitioners cannot ignore the issue. Whenever a crisis arises, observers must put a label on the case, and the accuracy of the label is important to the analysis of the situation and to the

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credibility of those using a given term. Moreover, as a number of people in the atrocity prevention community move away from genocide as the sole standard for prevention and response, a number of (good) terms are in use, but sometimes without detailed understanding of how to make distinctions among different cases. In short, conceptual analysis is not a substitute for hard thinking about good policy or explanation. But conceptual analysis remains vitally important for identifying the class of crime the atrocity prevention community seeks to prevent.

My overall recommendation is that those in the atrocity prevention community should choose a standard that is reasoned, transparent, and, if response is the goal, of a high threshold. The standard should also be flexible enough to allow for ambiguities as events unfold. The net sum of the conceptual analysis in this paper is effectively a choice between two standards.

One derives strictly from an analysis of terms that are broader than genocide, such as mass atrocity, mass killing, mass violence, and even democide. Each of these terms risks being too broad in and of itself as a replacement for genocide. But the analysis distilled a core standard that is consistent across these different terms, namely, extensive violence against civilians. Moreover, the paper provided some concrete ways to think about the component terms. Extensive means deliberate, large scale, systematic, organized, coordinated, widespread, and sustained. Violence in this context means a range of different acts that deliberately inflict physical harm. Civilian means that the targets of the violence are clearly not involved in combat.

The second standard hews more closely to genocide but is broader and tries to avoid some of the problems with the way genocide has been incorporated into international law. That standard would be extensive, group-selective violence that threatens to destroy a substantial part of the targeted group. Two points bear underlining about how this conceptualization differs from the existing legal standard of genocide. First, drawing from the scholarly literature that emphasizes groups beyond those protected in the UNGC, the conceptual standard does not limit itself to ethnic, racial, religious, and national groups. The standard applies to any social group that the perpetrator targets. Second, the standard does not focus on intent *per se*, but rather reorients attention to issues of extent and scale, in particular the proportion of the target group that is affected by the violence.

Therein lies a difficult choice, one that may prompt organizations to choose different standards. Should genocide be the touchstone, the paper recommends the latter conceptual standard. That standard recognizes that group selection is essential but that no compelling substantive reason requires a focus only on those social groups explicitly listed in the Genocide Convention. In short, for a genocide-derived standard of mass atrocities,

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the rubric would be extensive, group-selective violence—that is, large-scale, organized, sustained, systematic, coordinated, widespread violence that targets groups and that risks claiming the lives of a substantial part of the targeted group.

By contrast, some may wish not to be anchored to genocide. In that case, the group-specific nature of the violence should be dropped, leaving a conceptual standard of extensive, large-scale violence against civilians. Both standards are reasonable, but they require a choice.

A final note is one of caution. The orientation of this paper is to develop a conceptual standard to identify the class of events that the atrocity prevention community wishes to prevent. The paper also derives indicators for how to identify that phenomenon. But clearly for those in the atrocity prevention community, identifying cases that do not yet exhibit the properties outlined here but that have the potential to escalate to that scale is important. In selecting and advocating for preventive action on such cases, those in the prevention community should be explicit about what standard they are using. This paper is designed to help provide an analytical framework for determining what that scale is.

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