

## Examining ‘intent’ in social science research on mass atrocities

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Social science research on ethnic cleansing, mass killing, forced displacement, and other atrocities often defines concepts based on the acts or practices implemented by the perpetrator(s). Thus, events are identified by the absolute number, or relative percentage, of persons killed, deported, or displaced. The intention of the perpetrator(s) in committing these acts is typically discounted. This may be because of feasibility, time, or methodological preference. Determining intent is also contentious. The inclusion of intent in the 1948 Genocide Convention has made its international legal deployment more difficult than related concepts like war crimes or crimes against humanity. Moreover, some scholars argue that a focus on intent obscures the more pressing issue of preventing atrocities as they unfold (Straus, 2016). In this memo I contend, in line with others (Hassan et al., 2022), that the study of atrocities needs a renewed focus on the intention of the perpetrator(s). To effectively do this, descriptive social science is essential to examining and identifying distinct aims of governments implementing different eliminationist policies.

There is intense debate in the study of eliminationist policies about conceptual definitions and the conflicting imperatives of international law and social science (Straus, 2001, 2016; Huttenbach, 2002; Scheffer, 2006; Semelin, 2007). International law is focused on criminal accountability and largely defines its concepts in terms of “acts,” or practices, for which it can find evidence to produce in a courtroom (Pégorier, 2013). For example, Rome Statute Article 7 states that a “‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population” (International Criminal Court, 1998: 3). Rome Statute Article 8 on war crimes states: “‘war crimes’ means: (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention” (International Criminal Court, 1998: 4). Ethnic cleansing, although not defined in international law, has been variously described as, “...murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assault, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population...” (UN Doc. S/25274, 1993: para 56). A list of “acts” or “modes” of implementation, without a defined intention. Genocide, by contrast, is defined in international law by its acts and its intent. Article 2 of the Genocide Convention states, “genocide means any of the following acts,” but, unlike crimes against humanity or war crimes, it goes further adding that the acts must be “committed with the *intent* to destroy, in whole or in part” [emphasis added] (United Nations, 1948).

While practices include a set of diverse actions, policies address the perpetrator’s goal in carrying them out (Petrovic, 1994). Policies are about aims and objectives and require a judgement about intent (Petrovic, 1994; Lieberman, 2010). They are harder to identify and may be much harder to document. In international law this distinction between practices and policies is noted in the Latin *actus reus* or physical element, literally ‘guilty acts,’ versus the mental element, *mens rea*, or ‘guilty mind’ (Schabas, 2000). The Genocide Convention includes both elements, and as such presents a higher evidential bar to the criminal prosecutor.

When it comes to social science, many scholars have embraced the *actus reus* approach to the study of various atrocities, coding events in terms of acts, or practices. Just as international law moved away from including intent in treaties after the 1948 Genocide Convention, quantitative social science has largely steered away from intent, focusing instead on government tactics or practices, rather than policies or aims. However, “While the material acts performed to commit the crimes [ethnic cleansing and genocide] may often resemble each other, they have two quite different specific intents. One is intended to displace a population, the other to destroy it” (Schabas, 2000: 200). Stated another way, “the central difference between the two terms [genocide & ethnic cleansing] concerns the purpose of the violence” (Straus, 2016: 37). Yet if concepts are defined and coded only by their tactics or acts—killing, deportation, displacement—the distinction between them disappears. The use of killing is deployed by governments seeking to destroy groups, to remove groups, and to control groups. The exclusion of intent from eliminationist concepts is problematic if we are interested in not just the causes of the tactics used but the causes of the larger policies employed.

Re-centering intent allows researchers to distinguish distinct government policy approaches toward different groups. This is not simply a conceptual debate. Governments acknowledge targeting different populations with distinct demographic engineering policies. For example, in the early twentieth century the Ottoman Empire targeted various minorities with annihilation (Armenians), removal (Orthodox Greeks), and forcible assimilation (Kurds). Archival evidence from the Prime Ministerial Ottoman Archive documents conversations between senior Ottoman authorities and local officials indicating different intents for these different groups:

“Extant Ottoman documents reveal that the Unionist government made clear distinctions in its wartime policies between the Armenians and the empire’s other Christian communities. The Greeks...were *deported and expelled* with brutality, but the Armenians were targeted for outright *annihilation*” [emphasis added] (Akçam, 2012: 125).

Further, Talat Pasha, Ottoman Minister of Interior Affairs, sent an angry telegram to the Governor of Diyarbakir province, chastising him for using violence equally against all Christians: “the policy of annihilation was to be limited to the Armenians and not to include other Christian groups [e.g., Greek Orthodox]” (Akçam, 2012: 210).

Distinct Ottoman policies were not only limited to the empire’s Christian populations. While Armenians and Greeks were eliminated from the empire through genocidal and expulsionist policies, respectively, the Kurds were violently forced to assimilate into the dominant Turkish culture. The Ottoman, and later Turkish regime, outlawed their language and destroyed or restrained their distinct cultural institutions and practices (Yegen, 2009). While it is not necessary to debate the horrors of various atrocities, it is analytically important to understand and examine why the government approached these three populations differently.<sup>1</sup>

We currently do not have solid explanations for why perpetrators use different eliminationist policies toward different groups. Since similar tactics are often used against the same groups, without examining intent we cannot understand the motivations for different policy choices. Why did the Ottomans annihilate the Armenians, expel the Greeks, and coercively assimilate the Kurds? Why did Idi Amin’s regime in Uganda expel South Asians (1972) but massacre rival Acholi and Langi ethnic groups (1970s)? Why has Burma repeatedly expelled the Rohingya (1978, 1991-92, 2012-13) while using a combination of control and coercive assimilationist strategies against the Karen, Shan, and Chin minorities? Intent-based concepts would allow us to ask and answer these questions.

In my own work on mass expulsion, I have advocated for extracting expulsion from the umbrella term ‘ethnic cleansing’ to isolate policies that aim to *intentional remove* a group (expulsion),

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<sup>1</sup> Mylonas (2012) has analytically examined distinct nation-building policies (accommodation, assimilation, and exclusion), but this memo advocates for a further disaggregation of his ‘exclusion’ category.

from those that aim at annihilation (genocide) or forcible assimilation (coercive assimilation) (Garrity, 2022a). I argue that this distinction improves conceptual precision and empirical measurement in investigating the causes of governmental mass expulsion policies. However, deducing these different intentions requires lengthy descriptive research. For my book project examining why and how governments expel ethnic groups *en masse* I made multiple trips to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the League of Nations archives in Geneva, Switzerland.

There is a precarious balance between focusing on practices or methods, which are easier to observe and document, and on policies which are more difficult to observe but reveal the motivations of the perpetrator(s). However, forsaking definitions that focus on perpetrator intent hinders our ability to fully investigate and understand the causes of these abhorrent policies and in turn to accurately identify constraints to deter their future use. But how does one determine intent?

Descriptive research is paramount.

Sometimes intent is explicit. Official government speeches, orders, or decrees may announce the state policy. This is evident in mass expulsion events where governments declare the removal *en masse* of a certain target group as Idi Amin did with the Asians in Uganda (1972), or Nigeria with African migrants in 1983. In other cases, evidence of intent can be found in archival records as with the Ottoman example above, where distinct government aims toward the Armenians and Orthodox Greeks were documented. However, because of the severe nature of these policies, most governments do not have open access archives that can be analyzed to reveal intentions. In those cases, perpetrator(s) intent is, “a logical deduction that flows from the evidence of the material acts” (Schabas, 2000).

When intent must be logically inferred from the *actus reus*, the systematic, deliberate, widespread, repetitive nature of the acts are all critical contextual elements. This is combined with evidence that victims are targeted specifically because of their membership in an ethnic group. This can be deduced if locations with high percentages of a certain ethnic group are targeted, or if the perpetrator excludes members of other groups in the same area. When distinguishing between the intent to annihilate and the intent to remove, the magnitude of the physical acts, particularly when killing is involved, is critical. Additionally, variation in if exit routes out of the country are blocked (in the case of genocide and massacres) or facilitated and encouraged (in the case of expulsion) further reveals intentions. Discourse analyses of the perpetrator(s) language toward the group, including dehumanizing rhetoric, describing them as existential threats, or labeling them as ‘outside’ the ethno-national composition of the state, may offer insight into the intent of annihilation versus removal, versus policies intended to subjugate to induce compliance.

The shift from practice-based concepts that focus solely on *actus reus* to policy-based concepts that bring in *mens rea*, and the goal of discerning intent, has important tradeoffs. Physical acts are much easier to observe and document and do not require a judgement or interpretation of violent events. Deducing intent, by contrast, requires a methodological commitment to descriptive research, including archival work, detailed process tracing, and thick case studies (Mylonas, 2015). Identifying evidence of the ‘guilty mind’ necessitates comprehensive historical analysis, triangulation of events from various sides of the conflict (government, victims, international organizations, human rights groups), and deep contextual knowledge to evaluate the discourse about the atrocities. Furthermore, one must sift through differences between government motivations versus rationalizations or justifications; and how those rationalizations or justifications may vary for different audiences. The motivating reason for government action, is not the same as their language used in explaining why it was just or reasonable. This process is slow and sacrifices breadth for depth.

Similarly, concepts rooted in their respective intents cannot quickly be deployed to describe ongoing events in real-time. Closely monitoring atrocities as they unfold can identify practices or acts

used by the perpetrator(s) but determining the policies or intention of the actors usually requires distance and time when governments do not oblige. The tradeoff off here is sacrificing immediate relevance and real-time coding for a deeper understanding of the objectives of the perpetrator with longer-term aims of informing prevention efforts. Therefore, descriptive research efforts investigating historical cases are an important complement to predictive modeling that aims to forecast atrocities before, or as, they unfold. The former can inform and improve the latter.

Bringing intent into social science research on mass atrocities allows for important theoretical improvements in our understanding of group-based ethnic violence. It facilitates asking and answering new questions and fills an important lacuna in the study of eliminationist policies. Focusing on governmental policy intent opens research into why governments implement different eliminationist policies towards different groups within the same country at the same time? Why governments use different policies toward the same group over time? And facilitates research in understanding if these different policies (e.g., genocide versus mass expulsion) are substitutes or complements. To do this, descriptive, historical, case-based social science is essential in both understanding and explaining the intention of perpetrators of mass atrocities.

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