



THEORIES OF GENOCIDE AND THE QUEST FOR PREVENTIVE MEASURES

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Abstract

Regardless of its motivation, the destruction of members of a national, ethnical, racial, or religious group is considered to be one of the most atrocious crimes, globally. This is simply because this act permanently deprives any group so targeted of its right to exist. To guide the analysis, the study surveyed five sets of theories from the perspective of motivations or causes of genocide, with a view to making recommendations for, primarily, preventive measures. The theories were aggregated as conformism theories, pathological and opportunities theories, and corporate/state-centric interests' theories. The methodology adopted for the study was doctrinal, in addition to analytical and other methods. It was found that State involvement facilitated the preparation and execution of genocides. However, at least from a theoretical standpoint, genocides were not, in all cases, organized with State involvement or active State involvement. Some individuals had the propensity to kill while others did it to conform to their in-group agenda or as an opportunity to acquire wealth. The study recommended that States should prioritize implementation of the provisions of treaties guaranteeing social, economic, cultural, civil and political rights of peoples; the United Nations Office on Genocide Prevention and the Responsibility to Protect should coordinate regional, sub-regional and State actions to draw up and execute genocide preventive measures based on the peculiarities of each State; and that in addition to judicial and quasi-judicial measures, individual and collective State sanctions should be imposed on States that fail to prevent genocides and/or punish perpetrators of genocide.

Keywords: theories, genocide, prevention, preventive measures, atrocity crimes/atrocious crimes.¹ No wonder, efforts aimed at eliminating terrorism

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INTRODUCTION

Genocide is committed by different echelons of the society for different reasons or motives; but the specific intent is to destroy, in whole or in part, members of a national, ethnical, racial and religious group as such. Destroying people for their mere membership of the aforementioned groupings potentially puts the targeted group at the risk of extinction. There is a collective responsibility as well as an individual responsibility, for genocide. The motivations for, or causes of, genocide are classified into different sets of theories. In this study, five classifications of theories are explained. They are classified as (a) universal and cultural theories; (b) theories focusing on structural factors and those focusing on the individual; (c) situational, process, pathological, and rational choice theories; (d) agency-oriented, structural, victim-group construction, biological, biological, and criminological theories; and (e) structural theories.

This work has adopted the definition of genocide provided in some treaties, notably the Convention for the Prevention and Punishment of the Crime of Genocide² ('the Genocide Convention') and the Rome Statute of the International Criminal Court³ ('the Rome Statute'). In those treaties, genocide is defined as any of the following acts, 'committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.'⁴ The acts are as stated below:

- (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.⁵

² It was approved by the United Nations General Assembly resolution 260 A (III) of 9 December 1948, in New York, United States of America; and entered into force on 12th January, 1951.

³ It was adopted on 17th July, 1998. It entered into force on 1st July, 2002.

⁴ Article II Genocide Convention.

⁵ Ibid. See also Article 6 (a) to (e) of the Rome Statute. Article 5 (a) of the Rome Statute mentions 'genocide' as one of the crimes within the jurisdiction of the International Criminal Court (ICC).

The ‘Contracting Parties’ to the Genocide Convention made the following undertaking: ‘The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.’⁶ The punishable acts of genocide are stated in Article III of the Genocide Convention, which are the main crime itself (genocide) and the related crimes or acts, some of which are inchoate but also punishable: ‘(a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide.’⁷

The work is divided into three parts, in addition to this introduction and the conclusion. The first part discusses the nature of the theories in genocide studies. The second part deals with the various theories, divided into categories, based on classification by scholars. The third part of the work is a brief comment on the theories. The work ends with a conclusion.

1. THEORIES OF GENOCIDE

According to the *University of South California (USC) Research Guides*, ‘Theories are formulated to explain, predict, and understand phenomena and, in many cases, to challenge and extend existing knowledge within the limits of critical bounding assumptions.’⁸ In its traditional sense, a theory emerges from a tested phenomenon, data or results, arising from an empirical research. They are broad propositions and generalizations on phenomena generally accepted by scholars. Theories themselves are subject to revalidation, modification or refutation, as the case may be⁹. However, in the current study,

⁶ Article I Genocide Convention.

⁷ The Rome Statute does not mention different acts of genocide apart from the genocide itself. However, some of the other acts are implied in Article 25, paragraph 3 (a) to (f), especially paragraph 3 (e) of the Rome Statute.

⁸ University of Southern California (USC), ‘Research Guides’ <https://libguides.usc.edu/writingguide/theoreticalframework> accessed 13 February 2021.

⁹ See, e.g., William Robert Pruitt, ‘Toward a Modified Collective Action Theory of Genocide: A Qualitative Comparative Analysis’ (Being a dissertation presented to the College of Criminal Justice in partial fulfilment of

the ‘theories’ deal with the perspectives from which the study of genocide can be understood and presented, as formulated by scholars over periods of time.

Theories can exist to explain the causes of, or the ‘reasons for’ (that is, the ‘why of’), genocide¹⁰; motivations for genocide; prevention of genocide¹¹; intervention or non-intervention in the event of a genocide – including the mindset and inaction of the bystander – punishment of genocide; etc. In the present study, the theories primarily focus on the causes of genocide, which are useful in search of preventive and deterrent solutions. The theories of genocide reflect the different dimensions of genocide study – historical, political, economic, biological, social; and so on. There are different ways of classifying the theories of genocide; and theorizing in this field of study is still evolving. As the different theories show, the study of genocide is, by nature, multidisciplinary. Therefore, it contains elements of law, economics, politics/political science, medicine, psychology, sociology, biology, history, and others.

2. CLASSIFICATION OF THEORIES OF GENOCIDE

2.1.1 Universal and Cultural Theories

One of the classifications is universal and cultural theories¹². The universal theory, as advanced by Waller, operates in three dimensions. The first dimension posits that there are certain traits in every human, acquired from infancy, which make them exhibit behaviours

the requirements for the degree of Doctor of Philosophy in the field of Criminology and Justice Policy, Northeastern University, Boston, Massachusetts, April, 2011) 46.

<https://repository.library.northeastern.edu/files/neu:1020/fulltext.pdf> accessed 17 February 2021.

¹⁰Howard Adelman, ‘Theories of Genocide: The Case of Rwanda’ 25 May 2005, 4-5.

<https://www.humiliationstudies.org/documents/AdelmanTheoriesGenocide.pdf> accessed 31 January 2021.

¹¹ For instance, read Sadiya S Silvee, ‘Analysis of The Theories and Methods of Prevention of Genocide and Mass Atrocities: In the Context of the Application of International and Domestic Law for Justice and Prevention’ Last revised 22 April 2019 <https://papers.ssrn.com/sol3/papers.cfm?abstractid=2977099>; or <http://dx.doi.org/10.2139/ssrn.2977099> accessed 30 January 2021. Silvee’s article does not actually delve on theories, at least not explicitly. In the main text, the word ‘theory’ appears only once: ‘... implication of the intention and theory behind the enactment of Genocide Convention.’ See p 8.

¹²Adelman (n 9) 5, 22.

like ethnocentrism, xenophobia, and desire for social dominance¹³. The second dimension is about the cultural forces or belief systems that mould these dispositions: ‘*authority orientation, moral disengagement* (fostered by ideology and propaganda), and a cultural system that fosters rational self-interest, both professional and personal’¹⁴. The third one is the social context¹⁵; that is, the ‘institutional-cultural re-enforcers that submerge an individual perpetrator within the group’¹⁶. The social context refers to specific institutions in society that promote a culture of cruelty¹⁷. With respect to the perpetrator, the re-enforcers are ‘*professional socialization; group conformity, and the merger of role and person*’¹⁸. The fourth one points to institutions that alter the perceived identity of the victim; labels them as ‘the Other’; and on that basis, dehumanizes them, blames them, and makes them deserving of bad treatment¹⁹. The genocide perpetrators unleash violence/aggression against ‘the Other’, which is ‘an opposable group, a human collectivity that bears distinctive features, different or incompatible with those of the perpetrators’.²⁰ The cultural theorists posit that, due to certain traits in culture, there will always be cultural clashes in society; such that conflicts (including genocidal ones) will always exist; and that, at best, conflict can only be managed or mitigated ‘to prevent and limit violence as much as possible’²¹. However, Adelman gives an opinion that seems to strike a meeting point between these theories:

If universal theories have implicit in them an objective idealism, a utopian vision of what constitutes an ideal rational order, implicit in cultural theorists one finds a subjective idealism, a presumption that within the varied cultures can be found norms

¹³James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford University Press 2002) 19-20; cited in Adelman, *ibid* 7.

¹⁴Cited in Adelman (n 9) 7-8.

¹⁵Cited in Adelman (n 9) 8.

¹⁶*Ibid*.

¹⁷*Ibid*.

¹⁸*Ibid*.

¹⁹*Ibid* 8-9.

²⁰Roxana Marin, ‘Structural and Psychological Perspectives on the Perpetrator of Genocide’ *Studia Politica: Romanian Political Science Review* (2012) 12 (2) 239 https://www.ssoar.info/ssoar/bitstream/handle/document/44568/ssoar-studiapolitica-2012-2-marin-Structural_and_psychological_perspectives_on.pdf;jsessionid=C4661F111DBBC20058869EB6DEC82430?sequence=1 accessed 7 June 2025.

²¹Adelman (n 9) 22-23. See also 28-29.

which allow those cultures to transcend their own limitations. Humans can pursue a wholeness that is part of their culture from the start.²²

Adelman's major purpose is to emphasize the preventive and mitigating factors of genocide. This can be done by identifying the character or behaviours of those who initiate and organize genocide, especially in the context of 'a political theory of the role of abettors, subverters and passive bystanders'²³, as opposed to merely 'identifying the conditions under which ordinary people participate in genocide'²⁴. Another measure, which should be taken in conjunction with other solutions, is to identify genocide before it becomes manifest or apparent in collective institutions²⁵. One of the purposes of creating the United Nations Office on Genocide Prevention and Responsibility to Protect is to prevent genocides, although it has been found not to be living up to its mandate.²⁶ He challenges the propensity 'that leads to a theory of the state', predicated on self-centredness in power relations; where the drive is to promote self-interest, or to place the highest esteem on the cultural characteristics of one's own group²⁷. Adelman concludes by advocating, instead, the entrenchment of 'institutional and cultural mechanisms that make men care for the Other'²⁸.

2.1.2 Theories Focusing on Structural Factors and those Focusing on the Individual

Gertz identified two broad theories from the perspectives of participation in genocide, namely theories focusing on structural factors and those focusing on the individual²⁹. The structural theories delve on institutional and cultural characteristics and

²²Ibid 23. See also 34.

²³Ibid 7. See also 29-34, 36-37.

²⁴Ibid 6-7.

²⁵Ibid 34.

²⁶Douglas Irvin-Erickson and Ernesto Verdeja, 'An Assessment of the UN Office on Genocide Prevention and the Responsibility to Protect' *Stimson Issue Brief: Human Security & Governance* 3 December 2024 <https://www.stimson.org/2024/an-assessment-of-the-un-office-on-genocide-prevention-and-the-responsibility-to-protect/> accessed 8 June 2025.

²⁷Adelma (n 9) 38.

²⁸Ibid.

²⁹Evelyn Ann Gertz, 'Is Genocidal Behavior Learned? Assessing the Familial Ties of Genocide Perpetrators' (Being a thesis presented in partial Fulfilment of the Requirements for the Degree Master of Science in the Graduate School of The Ohio State University, 2016) 5; citing Cyanne E Loyle, 'Why Men Participate: A Review of Perpetrator Research on the Rwandan Genocide' *Journal of African Conflicts and Peace Studies* (2009) 1 (2) 26-42.

situational explanations that facilitate, promote, legitimize and justify participation in genocide³⁰. In such situations, state authorities indulge in genocide as a state policy or using state apparatus³¹. From the cultural perspective, certain societies are susceptible to genocidal violence, and this disposition may have historical links³².

The individual-based theories look at the participation of the individuals in genocide on the basis of ‘psychological aberration, personal life conditions, and group membership’³³. The psychological aberration perspective regards perpetrators of genocide as ordinary people responding to group norms and demands by authorities³⁴. Such persons are not necessarily psychologically deranged³⁵. Socio-economic and political personal life conditions could also be a motivation for some persons to express their grievances by participating in genocide for emotional or material gain³⁶.

Deng has revealed why genocide is often difficult to prevent, stop and punish. According to him, it evokes ‘emotionalism and denial’ from both those alleged to have committed it and those who are supposed to intervene to stop it.³⁷ This laxity results in failure to prevent genocide before it happens and getting to know about it after the fact. Deng suggested the most constructive way to deal with genocide and its denial are entrenchment of early preventive measures before a situation escalates to a crisis level. Given that genocide is the result of an extreme form of identity-related destruction, Deng

³⁰Gertz, *ibid* 5; Loyle, *ibid* 28.

³¹See Kjell Anderson, ‘The Dehumanisation Dynamic: A Criminology of Genocide’ (Prepared for the Degree PhD in Law (Human Rights), Irish Centre for Human Rights, National University of Ireland, 16 August 2011) 9-11

<https://aran.library.nuigalway.ie/bitstream/handle/10379/2246/Kjell%20Anderson%20PhD%20Thesis.pdf?sequence=1> accessed 17 February 2021.

³²Gertz (n 28) 5.

³³*Ibid*, citing Loyle (n 28) 27.

³⁴Gertz, *ibid*.

³⁵*Ibid*.

³⁶*Ibid*.

³⁷ Francis M Deng, ‘Foreword: Compilation of Risk Factors and Legal Norms for the Prevention of Genocide’ *The Jacob Blaustein Institute for the Advancement of Human Rights (JBI), in Cooperation with the Office of the Special Adviser on the Prevention of Genocide, United Nations, 2011, V* <https://www.jbi-humanrights.org/files/jbi-compilation-on-genocide-prevention.pdf> accessed 6 June 2025.

thought it can be prevented or halted by making sure that the following do not exist: ‘gross inequalities generally reflected in egregious human rights violations: discrimination, marginalization, exclusion, dehumanization, denial of fundamental rights, and persecution.’³⁸

The numerous international human rights instruments are intended to protect and promote human rights, including prevention and punishment of human rights abuses.³⁹ Those instruments have to be implemented and enforced in order to achieve their aims and objectives. No right is absolute; they are subject to limitations (restriction or derogation) imposed by international and national laws.⁴⁰ Thus, among those rights that should be guaranteed to individuals and peoples (groups) to prevent identity-based crises, including genocide, are as follows. There is the right to self-determination to ‘all peoples’, guaranteed under Article 1 common to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁴¹. This right includes right of all peoples to freely dispose of their wealth and natural resources and to self-government or independence in accordance with the provisions of the Charter of the United Nations. Another important provision in the covenants is the undertaking, by the States Parties, in Article 3 common to the covenants, to ensure that men and women have

³⁸ Ibid VI. The list of ‘risk factors’ is stated in pages 2-4 and the list of ‘special circumstances’ is stated in pages 5 and 6. The compilation of risk factors and related norms (a combination of hard and soft laws) forms the larger part of this 156-page document.

³⁹ See Article 2 common to the two covenants adopted in 1966: the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force on 3 January 1976, in accordance with article 27; and the International Covenant on Civil and Political Rights (ICCPR), adopted and opened for signature, ratification and accession by the General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force on 23 March 1976, in accordance with Article 49.

⁴⁰ For instance, look up Articles 4 and 5 ICCPR and Article 4 ICESCR. See also the various provisos to some of the rights stated in the ICCPR and the ICESCR.

⁴¹ Article 1 paragraphs 1 to 3 of the ICCPR and ICESCR. See also Article 27 of the ICCPR for rights of ethnic, religious or linguistic minorities ‘to enjoy their own culture, to profess and practise their own religion, or to use their own language’. Furthermore, Article 3 of the ICESCR states the undertaking by States Parties ‘to ensure the the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.’

equal right to the enjoyment of all the civil and political rights set forth in the ICCPR⁴² and of all the economic, social and cultural rights set forth in the ICESCR⁴³.

There is an inherent right to life for every human being⁴⁴. Other rights guaranteed in the covenants include those of work⁴⁵; enjoyment of just and favourable conditions of work⁴⁶; social security⁴⁷; adequate standard of living for everyone, including adequate food, clothing and housing and to the continuous improvement of working conditions⁴⁸; education⁴⁹; vote and to be elected (voted for)⁵⁰; participate in economic activities, cultural participation and preservation⁵¹; peaceful assembly⁵²; freedom of association⁵³; freedom from discrimination⁵⁴; freedom of movement, freedom of thought, conscience and religion⁵⁵, freedom of expression⁵⁶, freedom from slavery, servitude and forced labour⁵⁷, and freedom from torture, inhuman and degrading treatment⁵⁸.

Deprivation of the rights guaranteed by or under the above covenants and in other human rights instruments can escalate into crisis in either of the following ways: slow death of members of the deprived group; and bitterness and violent reactions by members of the deprived community. The risk factors and circumstances leading to genocide can take other

⁴² Article 3 ICCPR.

⁴³ Article 3 ICESCR.

⁴⁴ Article 6 ICCPR.

⁴⁵ Article 6 ICESCR.

⁴⁶ Article 7 ICESCR. The components of this right in Article 7 (a) to (d) of the ICESCR are: (a) provision of remunerations for all workers, which in the minimum, consists of (i) fair wages and equal remuneration (pay) for work of equal value devoid of distinction (discrimination) of any kind; (ii) a decent living for workers and their families; (b) safe and healthy working conditions; (c) equal opportunity for everyone (employee or worker) to be promoted to an appropriate higher level (rank), subject only to considerations of seniority and competence; and (d) 'Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.'

⁴⁷ Article 9 ICESCR.

⁴⁸ Article 11 ICESCR.

⁴⁹ Articles 13 and 14 ICESCR.

⁵⁰ Article 25 (b) ICCPR.

⁵¹ Article 15 ICESCR. See also Article 27 ICCPR.

⁵² Article 21 ICCPR.

⁵³ Article 22 ICCPR.

⁵⁴ Article 26 ICCPR. See also Article 4 and 24 of the ICCPR and Articles 2 and 10 of the ICESCR.

⁵⁵ Article 18 ICCPR.

⁵⁶ Article 19 ICCPR.

⁵⁷ Article 8 ICCPR.

⁵⁸ Article 7 ICCPR.

forms. Genocide can be committed in times of peace and in times of war/crisis. As observed by Deng,

Even without a violent reaction to conditions of gross inequality and indignity, a particular group can be labeled as posing an imagined existential threat of one kind or another and be targeted for genocidal persecution or otherwise subjugated. That was indeed the case with the Jews in Germany, the Armenians in Turkey, minorities in Cambodia, the Muslims in Bosnia, and the Tutsis in Rwanda.⁵⁹

What we can deduce from the above is the need to take proactive international actions against genocide and related acts. Grounds are prepared for genocide before it can occur and thrive. The signs of impending genocide are visible, be they emanating from denial of rights, or propagation of hate speech/direct and public incitement against a group, and/or victimization of a people. Through monitoring, inter-State peer review, awareness creation and judicial action, genocide can be prevented or punished.

2.1.3 Situational, Process, Pathological, and Rational Choice Theories

Anderson aggregated the causative theories of genocide into four categories, based on available literature. They are situational, process, pathological and rational choice theories⁶⁰. The situational theories hold that the perpetration or occurrence of genocide is enabled by certain societal conditions at the macro-level⁶¹. In other words, certain historical and political situations or conditions by authorities cause genocide; although ultimately, the individual maintains some degree of autonomy in taking a decision to participate in the act⁶². In a broad sense, this theory views societal structures as the creators of genocides and of *génocidaires*⁶³, as the structural failures, resulting in frustrations and grievances that seek ventilation through unlawful means.

⁵⁹ Deng (n 36) VI.

⁶⁰ Anderson (n 30) 21-22.

⁶¹ Ibid.

⁶² Ibid 22. See also 23-25.

⁶³ i.e., 'genocidists' or perpetrators of genocide.

Process theories underline the influence of social and psychological processes in engendering genocide⁶⁴. Institutions foster genocide, in that societal norms and group pressure propel otherwise peaceful individuals to be violent; for instance, habitual obedience to state authorities to perpetrate violence⁶⁵. Others are, personality disorders resulting from learning from wrong role models (negative socialization and development processes)⁶⁶; ideology where the in-group develops hate against an out-group⁶⁷; frustration or threats⁶⁸; internal and external rationalization ('neutralization')⁶⁹; and habituation in killing, which is genocidal killing becoming a habit as a result of positive reinforcement or repeated practice⁷⁰. Frustrations and threats that lead individuals or a people to commit genocide and mass atrocity crimes could be attributable to institutional imbalances, as reflected in exclusion from opportunities, and resultant perceptions of injustice between groups⁷¹. This is referred to as 'institutional anomie theory'.

Luft pointed to the fact that decision-making processes change from one form to another; people become murderers, others are rendered victims, and many others become both.⁷² In the Rwanda example, some people were perpetrators at some times and savers of lives at others, suggesting that poverty is not always responsible for participation in

⁶⁴ Anderson (n 30) 22. See also 23-28.

⁶⁵Ibid 26.

⁶⁶Ibid 27, citing Mark Lanier and Henry Stuart, *Essential Criminology* (Westview Press 2004) 129-130.

⁶⁷Anderson, ibid 27, citing David Berreby, *Us and Them: Understanding Your Tribal Mind* (Little Brown & Co. 2005) 17.

⁶⁸Anderson, ibid 27; citing Ervin Staub, *The Psychology of Good and Evil* (Cambridge University Press 2002) 35.

⁶⁹Ibid 28. See also Lanier and Stuart (n 65) 172.

⁷⁰Ibid.

⁷¹See Susanne Karstedt, Hollie Nyseth Brehm and Laura C Frizzell, 'Genocide, Mass Atrocity, and Theories of Crime: Unlocking Criminology's Potential' *Annu. Rev. Criminol* (2021) (4)75-97 especially at 79-80. <https://www.annualreviews.org/doi/10.1146/annurev-criminol-061020-022050> accessed 4 June 2023.

⁷²Aliza Luft, 'Genocide: Theories of Participation and Opportunities for Intervention' *Law & Social Inquiry* (2023) 48 (4) 1251-1260 at 1257 https://www.cambridge.org/core/services/aop-cambridge-core/content/view/9D9EAA4254DC4D4FD8A12473C4B12E8B/S0897654623000436a.pdf/genocide_theories_of_participation_and_opportunities_for_intervention.pdf accessed 7 June 2025.

genocide, but rather the determinant is inequality between and within social groups⁷³. To discourage this trend, a two-pronged approach is suggested:

Thus, one strategy for intervention is to even the playing field: to lower the capital of violent entrepreneurs while increasing that of potential recruits. In this two-pronged approach, one tactic would use targeted financial measures such as economic sanctions and asset freezing, divestment from firms that fund genocidal governments, or the removal or neutralization of third-party economic actors. Second, relief efforts might focus not only on food, medicine, and housing for the displaced, but also on creating economic opportunities that can reduce the potential for exploitation among those whom violent entrepreneurs would recruit as foot soldiers in their wars.⁷⁴

Another important finding of the author is the need to influence moderate local authorities by recruiting and supporting them to oppose genocidal governments while also protecting them from genocidal governments.⁷⁵ According to the author, reducing inequality within and between social groups and bolstering meso-level authorities ‘offer two alternatives to the “extreme” solution of military intervention that is currently the norm.’⁷⁶

The pathological/rational choice theories of genocide focus on the individual perpetrator as the primary point of analysis⁷⁷. Thus, at the micro level, some individuals have medical and psychological conditions, including genetic traits, which predispose them to have the impulse or desire to commit genocide⁷⁸. In that sense, such persons could be described as ““born killers” who just require opportunity’⁷⁹. Some other perpetrators of genocide commit the crimes out of freewill (i.e., choice), sometimes in the hope to achieve political and/or economic goals⁸⁰. Accordingly, they are ‘autonomous rational actors who commit genocide in furtherance of personal goals’⁸¹. From an operational standpoint, in

⁷³ Ibid 1253.

⁷⁴ Ibid 1253-1254.

⁷⁵ Ibid 1251, 1255, 1257.

⁷⁶ Ibid 1257.

⁷⁷ Anderson (n 30) 28-30.

⁷⁸ Ibid 28-29.

⁷⁹ Ibid 22.

⁸⁰ Ibid 31-31.

⁸¹ Ibid 22.

rational choice theory and decision making, leaders at the top of organizations often influence decision-making of those at the bottom, on whose orders they act, either out of fear of punishment or for the rewards accruing to the collective as well as the individuals⁸².

The process and freewill choice theories are apt in the modern age, where information and communication tools are utilized to spread hate speech with genocidal consequences. The responsible use of the Internet and new ('social') media spaces is the responsibility of State and non-State actors, at the top level, intermediate level and bottom level of authority and responsibility.⁸³ Additionally, the advent and burgeoning usage of drones fitted with artificial intelligence (AI) capabilities has, potentially, challenged preventative measures of genocide.⁸⁴ The trend of fake news, misinformation and disinformation beckons the need for intensification of gate-keeping rules by media stations, telecommunications companies, hi-tech companies, social media owners and content creators, expert fact-checkers, and the rest. Legislation, arbitral and judicial remedies could also be viable options to address the dangers of fake news, hate and directly inciting messages, misinformation and disinformation.

Lingaas and Bartoszki did a study on how user-generated Graphics Interchange Format (GIFs) in Facebook Messenger has violated Facebook's Community Standards in terms of selectively applying censorship on 'dangerous individuals', who were perpetrators of 'multi-victim violence', 'multiple murders' and 'hate crimes'.⁸⁵ The authors discovered that

⁸²Karstedt, Brehmand Frizzell (n 70) 84-85.

⁸³United Nations, 'Countering and Addressing Online Hate Speech: A Guide for Policy Makers and Practitioners' (July 2023) https://www.un.org/en/genocideprevention/documents/publications-and-resources/Countering_Online_Hate_Speech_Guide_policy_makers_practitioners_July_2023.pdf accessed 6 June 2025.

⁸⁴ On the role of the mass media and AI in genocide prevention, see Matthias Zechariah, 'Mass Media and Artificial Intelligence in Genocide Prevention' In Alphonsus O Alubo and Joel Barde (eds), *Building a Virile Nation: Law, Economy & Governance; Festschrifts in Honour of Prof. J. Nnamdi Aduba* (Faculty of Law, University of Jos 2024) 202-239.

⁸⁵Carola Lingaas and Aleksandra Bartoszko, "'Dangerous Individuals': Erasing or Enhancing Genocidal Perpetrators in Social Media GIFs' *Journal of Genocide Research* (2024) 26 (4) 419-440 <https://www.tandfonline.com/doi/epdf/10.1080/14623528.2023.2205685?needAccess=true> accessed 26 January 2023.

selective censorships of imageries were evident in the narratives on Nazism and the Holocaust, in the sense that the social and visual representation of the crimes and victims of the Holocaust were muted or silenced. In contrast, no such censorship was imposed in relation to the former Yugoslavia and Cambodia, where images generated by GFIs depicted the perpetrators of genocide (*genocidaires*) as hyper invincible heroes. They stated the effects of this selective censorship of content shared on the social media as follows: it aggravated historical and current trends of ‘denialism’ and revisionism in the former Yugoslavia and Cambodia; it could be responsible for the glorification of ‘dangerous individuals’ responsible for mass atrocities in Serbia and the semi-autonomous Republika Srpska; and potentially facilitates future conflicts.

The authors provided further details on how ‘denialism’ and revisionism aid genocide and similar crimes.⁸⁶ Deniers, revisionists or sceptics distort or rewrite history. By presenting half-truths or falsehoods, they question, falsify and distort facts that have been historically recognized, including facts established by courts and tribunals after painstaking evaluations. Sceptics strive to dismiss the role of court judgments in addressing historical wrongs by arguing that law and history have different aims and methods and that ‘when courts try to address historical explanations, they inevitably fail and thereby contribute to a distorted version of history.’⁸⁷ In any case, courts cannot address all the social and historical explanations to past atrocities; hence, usually their explanations are inadequate. People hold distinctly opposing views on genocide in any particular place due to their social representations because of their perceptions or lived experiences.⁸⁸ Finally, denial of genocide implies denial of victims of crimes and denial of perpetrators; in fact, the

⁸⁶ Anderson (n 30) 1, 2, 18-22.

⁸⁷ Ibid 19, citing Henry Rousso, ‘Letter to the President of the Bordeaux Assizes Court’ In Richard J Golsan (ed), *The Papon Affair: Memory and Justice on Trial* (Routledge 2000) 193–194.

⁸⁸ For more information on the social representation theory and how perpetrators and victims differ, Srebrenica’s importance, evaluation, and representation, see Lingaas and Bartoszko (n 84) 19.

perpetrators may claim that they are rather the victims of genocide. In conclusion, failure of Facebook (by implication, failure of managers of other social media platforms) to censor GFIs exposes users of the social media space to potentially harmful content and rubbishes its claim of serving as bulwark against revisionism and denialism. The effects or implications of Holocaust and genocide denial and distortions of genocide as re-echoed in such denial can constitute a hate speech; harms individuals by causing fear in the victims and their descendants; and fuels hatred of, and directly incites violence against, communities that have been victims of genocide. Glorification of *genocidaires* (perpetrators of genocide) and perpetrators of other atrocity crimes lifts the perpetrators to a state of heroism and propensity to fuel (more) hatred and violence, which, therefore, undermines the efforts to ensure accountability.⁸⁹

2.1.4 Agency-Oriented, Structural, Victim-Group Construction, Biological, and Criminological Theories

Another classification of theories on causes of genocide is: agency-oriented, structural, victim-group construction; biological, and criminological⁹⁰. They are briefly explained below. The agency-oriented theories⁹¹ primarily focus on the behaviour of perpetrators of genocide, whether individually or collectively (as a group). The perpetrators may be government elite/the intelligentsia, the frontline killers or the society. ‘The elite’ refer to state or government officials. They have control over state institutions and resources that enable them to carry out a successful genocidal campaign. They may also assert

⁸⁹United Nations, ‘Combating Holocaust and Genocide Denial Protecting Survivors, Preserving Memory, and Promoting Resilience’ *Policy Paper* June 2022, 4, 5 https://www.un.org/en/genocideprevention/documents/publications-and-resources/22-00041_OSAPG_PolicyPaper_Feb2023_final%5b4%5d.pdf accessed 7 June 2025. Moreover, read the foreword by Alice Wairimu Nderitu, Under-Secretary General and Special Adviser on Prevention of Genocide to the United Nations Secretary General at pages 2 and 3.

⁹⁰Pruitt (n 8) 45-64.

⁹¹Ibid 47-48.

superiority based on religion, race or history⁹². The frontline killers are individuals whose behaviours move them to commit mass violence⁹³. Only by understanding their psychology will the reason behind their participation in genocide be ascertained⁹⁴. Even state-centred genocides are usually perpetrated through individuals, whether out of freewill or compulsion. On the society aspect of the theories, the structure and organization of a society determines its reaction or response to genocide⁹⁵. Crisis in society fuels genocide⁹⁶.

2.1.5 Structural Theories

Structural theories focus on the micro-level perpetration of genocide by the state as an institution, as opposed to the macro-level agency-oriented theories above⁹⁷. The analysis of these structurally-based theories falls under culture, regime type, and crisis/revolution/war⁹⁸. Some cultures may predispose people to the commission of genocide, where they assert superiority complex, or when they are divisive and inform the policy choice of the state⁹⁹. Hobson argued that genocide is an act of cultural violence because genocide exists as a cultural concept, embedded in the thought processes of members of a group against another.¹⁰⁰

On regime type, there is a higher tendency to commit genocides in non-democratic/totalitarian states/regimes than there is in democratic states/governments¹⁰¹; but this is not always the case. A divided or fractured society might easily slide into genocide, especially when inequalities (and other forms of bad governance) abound¹⁰². The inequalities could trigger rebellion, and in turn, induce state reaction to crush it, with genocide occurring

⁹²Ibid 48, citing Alison Palmer, 'Colonial and Modern Genocide: Explanations and Categories' *Ethnic and Racial Studies* (1998) 21 (1) 89-115.

⁹³Ibid 48. See also 49.

⁹⁴Ibid.

⁹⁵Ibid 49.

⁹⁶Ibid.

⁹⁷Ibid 50.

⁹⁸Ibid. See also 51-57.

⁹⁹Ibid.

¹⁰⁰ Jonathan Hobson, 'Three Theoretical Approaches to Lemkin's Definition of Genocide' *Genocide Studies and Prevention: An International Journal* (2019) 13 (1) 14-15 <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1592&context=gsp> accessed 7 June 2025.

¹⁰¹ Pruitt (n 8) 51-52.

¹⁰²Ibid 53.

in the process¹⁰³. Depending on given situations, modernity or modernization brings about reforms such as intellectual and technological developments, which may be utilized to either prevent or serve as a catalyst for genocide¹⁰⁴. Moreover, such reforms may be resisted by groups that are opposed to it¹⁰⁵. Crisis, revolution or war and genocide are related, because genocide can be committed in the course of war, etc. and genocide can lead to war¹⁰⁶. Pruitt puts this succinctly: ‘The connection between war, revolution, crisis and genocide seems natural. Genocide is the ultimate war on people. Genocide is a crisis of immeasurable proportions. Empirical analyses have shown that there is a connection between these destructive events and genocide.’¹⁰⁷

The victim-group construction theories focus on the victim in three ways: referring to another group as the ‘Other’; dehumanization or devaluation, and labelling the victim as a threat to the state. Firstly, members of an in-group label another group as the ‘Other’, thereby making it possible to eliminate members of the ‘Other’ – the victim-group¹⁰⁸. Through denial that the ‘Other’ is a stranger, sub-human or not a neighbour, the sense of humanity in the perpetrator is neutralized to pave the way for genocidal violence against the

¹⁰³Ibid 53-54.

¹⁰⁴Ibid 54. For more insights, look up Alexander Laban Hinton, ‘The Dark Side of Modernity: Toward an Anthropology of Genocide’ In Alexander Laban Hinton (ed), *Annihilating Difference: The Anthropology of Genocide* (University of California Press 2002) 1-40. See also, Jack Dominic Palmer, ‘Entanglements of Modernity, Colonialism and Genocide: Burundi and Rwanda in Historical-Sociological Perspective’ (Being a thesis submitted to the University of Leeds School of Sociology and Social Policy, in accordance with the requirements for the degree of Doctor of Philosophy, January 2017) <https://etheses.whiterose.ac.uk/id/eprint/16642/1/JDPalmer%20thesis%20COMPLETE.pdf> accessed 9 June 2025; particularly at 166 and 186, among other more relevant pages.

¹⁰⁵Pruitt, *ibid* 55.

¹⁰⁶Ibid 55-56.

¹⁰⁷Ibid 57.

¹⁰⁸Ibid 57-58. On how thoughts, ideas, imagery, values or symbols are methodically concretised to actualise physical destructiveness of the ‘Others’, see Anthonie Holsla, ‘The Process of Othering from the “Social Imaginaire” to Physical Acts: An Anthropological Approach’ *Genocide Studies and Prevention: An International Journal* (2015) 9 (1) 96-113 <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1290&context=gsp> accessed 9 June 2025. He author’s focus was on the Armenian genocide. Two of the key terms used by the author were ‘Othering’ and ‘Selfing’.

other group¹⁰⁹. Secondly, the victim is dehumanized or devalued, which makes their killing less stigmatizing¹¹⁰. Thirdly, labelling the victim as a threat to the state (this allegation of being a threat may be real or perceived) opens up the possibility to crush the rebellion; and this response can lead to genocide¹¹¹.

Biological theories explain how science is used to determine or explain racial and behavioural patterns for purposes of asserting racial superiority and, therefore, justifying genocide¹¹². For instance, the Nazi regime in Germany did it against the Roma (the Roma were contemptuously called ‘Gypsies’)¹¹³. The criminological theories use the general theory of crime to explain the causes of genocide. Basically, these theories argue that a combination of low self-control and circumstances or opportunities may give rise to genocide¹¹⁴.

3. COMMENTS ON THE GENOCIDE THEORIES

From the various sets of theories discussed above, it is apparent that generally, the theories point to the causes of, or motivations for, genocide. The theories overlap, at least in some instances. Each of the sets of theories has something important to say about genocide; but none of them is devoid of one form of shortcoming or the other. This is indicative of the rather complementary nature of the theories. The theories could be modified along the following lines: conformism theories, pathological and opportunities theories, and corporate/state-centric interests’ theories. There are different levels of perpetration/participation in genocide, ranging from State and non-State actors, groups and individuals. State involvement makes the preparation and execution of genocide easier. However, genocide is not, in all cases, organized with State involvement or active State

¹⁰⁹Pruitt, *ibid* 58.

¹¹⁰*Ibid* 58-59.

¹¹¹*Ibid* 59-60.

¹¹²*Ibid* 60-62.

¹¹³*Ibid* 61-62. For an opinion on ‘forced sterilization’ of indigenous women in Peru as a (an alleged) genocide, read Ñusta P Carranza Ko, ‘Making the Case for Genocide, the Forced Sterilization of Indigenous Peoples of Peru’ *Genocide Studies and Prevention: An International Journal* (2020) 14 (2) 90-103 <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1740&context=gsp> accessed 9 June 2025.

¹¹⁴Pruitt, *ibid* 62-63.

involvement. Thus, some individuals have the propensity to kill while others do it to conform to their in-group agenda or as an opportunity to acquire wealth. In this work, the focus has been more on the causes and preventive aspects of genocide.

According to Lobb, who reviewed a number of source materials, the use of bureaucracy in the processes of genocidal destruction is enabled and made easy by several factors, which include ‘diminished feelings of responsibility’ owing to subject-victim distance from direct roles; and bureaucrats being absorbed in the tasks of their authority figure and focused on technical details, and less concerned with the consequences of their decisions and actions.¹¹⁵ For the direct perpetrators in the field, although their proximity to their victims influences their actions, the role of authority figure, ideology and conformism is necessary to set their genocidal mission in action.¹¹⁶ Disturbingly, it is observed that ‘people quickly grow accustomed to roles once they have entered them and can sometimes even be led to display latent capabilities for cruelty and sadism as a result.’¹¹⁷ The lesson to learn from this is that individual responsibility for genocide should be assessed on their individual merits. Thus, different factors can influence or inform a person’s decisions and actions at the highest bureaucratic echelon, the intermediate level, and the lowest level, or such like actors’ stratification of participants in the genocidal/criminal enterprise. The intractability of genocide and complexity of the perpetrators’ chain justify the strong stance of the international human rights community in addressing it. For example, Article 6 (2) and (3) of the ICCPR provides:

¹¹⁵ Steven Lee Lobb, ‘Human Destructiveness and Authority: The Milgram Experiments and the Perpetration of Genocide and the Perpetration of Genocide’ *Dissertations, Theses, and Masters Projects* (1995) (Being a thesis presented to the Faculty of the Department of Government the College of William and Mary in Virginia in partial fulfilment of the requirements for the Degree of Master of Arts, 1995) 19-23 especially 21-23 <https://scholarworks.wm.edu/cgi/viewcontent.cgi?article=5745&context=etd> accessed 9 June 2025.

¹¹⁶ Ibid 24-35 especially 34-35. See also 4-18.

¹¹⁷ Ibid 35.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court. 3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

CONCLUSION

As noted by the United Nations¹¹⁸, genocide is not a worse crime than others, and that the order in which serious/atrocious international crimes are arranged in statutes is not hierarchical in terms of severity. Whereas it is correct to say that genocide is not worse than the other atrocity crimes, or the worst crime, this is correct only to the extent of the magnitude of physical damage done to victims of all atrocity crimes. However, in terms of the consequences of genocidal killings and related acts, genocide is, arguably, in a class of its own. Since the adoption and coming into force of the Genocide Convention and other treaties on genocide prevention and punishment, genocide and associated acts have remained prevalent. This shows that beyond theorising and the current legal regime, States, international organizations and other stakeholders have to demonstrate more commitment to the prevention and punishment of genocide. The theories of genocide are important guides in directing policy and legislative and enforcement responses to the prevalence of genocide. However, they do not, in and of themselves, prevent and punish genocide and its kindred crimes. Therefore, actions need to be taken to ensure accountability and justice.

Arising from the findings of this work, the following recommendations are made for appropriate actions.

¹¹⁸United Nations, 'Countering and Addressing Online Hate Speech: A Guide for Policy Makers and Practitioners' July 2023 https://www.un.org/en/genocideprevention/documents/publications-and-resources/Countering_Online_Hate_Speech_Guide_policy_makers_practitioners_July_2023.pdf accessed 6 June 2025.

1. States should prioritize implementation of the provisions of treaties guaranteeing the social, economic, cultural, civil and political rights of peoples. This is necessary in view of the fact that deprivation of rights fuels genocidal killings.
2. The United Nations Office on Genocide Prevention and the Responsibility to Protect should, in collaboration with the appropriate organs, agencies and/or offices of regional and sub-regional international organizations of intergovernmental character, mobilize States, national and international non-governmental organizations, and experts to draw up actionable policy documents based on State-by-State peculiarities to address genocide occurrences at different levels of participation. Priority should be given to preventive measures, whereas perpetrators of genocidal crimes should be held accountable through restorative justice mechanisms or judicial remedies, depending on the proportion of responsibility.
3. States should implement the provisions of human rights instruments, such as those of the ICCPR and the ICESCR, by ensuring that individuals as well as members of national, ethnical, racial and religious groups are treated fairly, devoid of discrimination. Apart from the normally established judicial and quasi-judicial international accountability measures, international organizations and States should impose comprehensive sanctions on non-compliant States and individuals for violations of human and peoples' rights and failure to prevent and punish genocides.