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978-1-107-09496-3 - Reconstructing Atrocity Prevention

Edited by Sheri P. Rosenberg, Tibi Galis and Alex Zucker

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## Introduction

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*Sheri Rosenberg, Tibi Galis, and Alex Zucker*

In February 2013, the Benjamin N. Cardozo School of Law Program in Holocaust, Genocide, and Human Rights Studies and the Auschwitz Institute for Peace and Reconciliation, a New York City-based nongovernmental organization, convened a two-day conference, “Deconstructing Prevention: The Theory, Policy, and Practice of Mass Atrocity Prevention,” at Cardozo Law School in Manhattan. The aim of the conference was to reflect on the state of atrocity prevention today and to consider strategies for meeting new challenges and moving forward. Day One brought together twenty-three researchers and policy practitioners in closed session to discuss topics ranging from transitional justice, arms control, data mapping, resource conflicts, and economic sanctions to civilian protection, the use of force, international law, corporate social responsibility, and performance studies – all considered from the perspective of how they contribute to the theory, policy, or practice of atrocity prevention. Day Two, open to the public and attended by more than 250 policymakers, students, scholars, and advocates, began with a keynote address by Roméo Dallaire, leader of the United Nations peacekeeping mission that was forced to watch powerlessly as the 1994 genocide unfolded in Rwanda, followed by four panel discussions. The first featured the three former UN special advisers on prevention of genocide sharing insights into the institution’s evolution, while the remaining three featured prominent government officials and scholars, from the United States and abroad, discussing transitional justice, crisis mapping, and how to organize national governments to deal with mass atrocities.<sup>1</sup>

The most important outcome of the conference is the volume you are reading now, intended as an authoritative, enduring work on atrocity prevention. To date, there has been no attempt made to address this topic from the theoretical, policy, and practicing standpoints simultaneously. The existing literature has not caught up either with the realities of

<sup>1</sup> A report on the conference, including the text of Dallaire’s keynote address, is available at [www.auschwitzinstitute.org/\\_content/Deconstructing-Prevention-Conference-Report.pdf](http://www.auschwitzinstitute.org/_content/Deconstructing-Prevention-Conference-Report.pdf). Videos of Dallaire’s address and all four panel discussions are available at [www.youtube.com/playlist?list=PLuzaPqT98VixVzDPhbwyuXyTG7JrBpH6F](https://www.youtube.com/playlist?list=PLuzaPqT98VixVzDPhbwyuXyTG7JrBpH6F).

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contemporary atrocities or practical prevention work as it has developed over the past decade and a half. This volume therefore has three main goals: to solidify the current understanding of mass atrocity prevention, to define its parameters, and to help clarify its relationship to related disciplines and agendas. In addition, from an academic standpoint, one of its aims is to reorient the emerging field of atrocity prevention from its current multidisciplinary approach to an interdisciplinary one. At the same time, however, we are acutely aware that, at bottom, this issue is not a theoretical or conceptual one, but a real, immediate, and practical one for the hundreds of thousands of human beings whose very existence is threatened by mass atrocities.

Since the conference in 2013, international events have rocked the world. Already when we began work on this volume, the Arab Spring that blossomed in December 2010 was looking more like the reign of Robespierre in some countries, with the Responsibility to Protect (R2P) appearing to have morphed into the Responsibility to Talk About Protecting. Now, as of this writing, in April 2015, the group known as the Islamic State of Iraq and the Levant (ISIL), or simply the Islamic State, is responsible for the atrocities that dominate the headlines. Meanwhile, appalling crimes have not ceased in Syria, Sudan, South Sudan, Burma, and Nigeria, just to name a few. As countless atrocities unfold around the globe, it often feels as if there is nothing the rest of the world can do but sit and watch in horror. As we write this introduction, we are struck by the overwhelming sense of fragility and vulnerability populations are experiencing across the globe. We are also struck by the dissonance between communities that have traditionally resonated with one another. Human rights organizations interpret events through a relatively absolutist lens, calling out abuses and violations regardless of the scale of violence; the conflict prevention community is focused on bringing parties to the table to end conflict, as opposed to assigning blame or identifying potential perpetrators of international criminal law to stop atrocities; and, meanwhile, amid the horror, humanitarian agencies carry on, despite their fatigue, to ameliorate suffering. This moment, right now, vividly illustrates the challenges facing the anti-atrocity community. Yet there will always be moments like these. Whenever there seems to be progress, the machinations of *Realpolitik* remind us of the limitations that still exist when it comes to preventing mass atrocities.

### **1.1. A Brief History of Atrocity Prevention**

“Never again.” According to Holocaust historian Raul Hilberg, the phrase first appeared on signs put up by prisoners in the Buchenwald concentration camp

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after it was liberated at the end of World War II.<sup>2</sup> In the decades since, the phrase has come to serve as a slogan and a rallying cry not only for those combating anti-Semitism, but for all who seek to prevent human beings from being singled out for persecution, violence, or killing on the basis of their identity. In 1948, owing largely to the tireless efforts of Raphael Lemkin, the UN adopted the Convention on the Prevention and Punishment of Genocide. Yet, while the 1960s saw the birth of Holocaust studies as an academic field, soon giving rise to Holocaust and genocide studies (as well as genocide studies tout court), with academic departments housing scholars who teach and conduct research and journals dedicated to scholarship on the topic, actual policy to prevent genocide seemed nowhere to be found.

In policy circles, following the end of the Cold War, discussion of the broader topic of conflict prevention got a shot in the arm in 1994, when the Carnegie Corporation of New York established the Carnegie Commission on Preventing Deadly Conflict “to address the looming threats to world peace of intergroup violence and to advance new ideas for the prevention and resolution of deadly conflict.” Meanwhile, the more specific goal of genocide prevention also took on a new life, primarily in reaction to the occurrence of two highly visible genocides – in Rwanda (1994) and the former Yugoslavia (1995) – in rapid succession, with around-the-clock television coverage providing updates on the horrors to viewers worldwide. In 2001, the International Commission on Intervention and State Sovereignty (ICISS) issued its report *The Responsibility to Protect*. The ICISS had been established in response to then Secretary-General Kofi Annan’s plea to the UN General Assembly in 1999, and again in 2000, to find a way to stop mass atrocities. In particular he asked: “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violations of human rights that affect every precept our common humanity?”<sup>3</sup> The report was intended as a direct response to not only the genocides of Rwanda and Yugoslavia, where there had been no “external military intervention for human protection purposes,”<sup>4</sup> as the authors put it, but also to events in Somalia (1993) and Kosovo (1999), where there was military intervention but questions abounded regarding both its effectiveness and legality, as well as the process by which the

<sup>2</sup> “Is There a New Anti-Semitism? A Conversation with Raul Hilberg,” *Logos: A Journal of Modern Society and Culture*, 6.1–2 (Winter–Spring 2007), [www.logosjournal.com/issue\\_6.1-2/hilberg.htm](http://www.logosjournal.com/issue_6.1-2/hilberg.htm).

<sup>3</sup> United Nations General Assembly, *We the Peoples: The Role of the United Nations in the Twenty-First Century: Report of the Secretary-General*, A/54/2000 (March 27, 2000), [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/54/2000](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/54/2000).

<sup>4</sup> Foreword, *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty (Ottawa: International Development Research Centre, 2001), vii, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

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interventions were conceived. In any case, given the timing of the ICISS report, mere weeks after the world-shaking events of 9/11, the implications of R2P for the prevention of mass atrocities were not fully realized until several years later. 2004 was another landmark year in the history of atrocity prevention, with the Fourth Stockholm International Forum, “Preventing Genocide: Threats and Responsibilities,” leading to, among other things, the establishment of a special adviser for genocide prevention at the UN in New York. In 2005, Member States of the UN endorsed a version of R2P as defined in the World Summit Outcome Document.<sup>5</sup> R2P marked the shift away from genocide prevention to the prevention of genocide, crimes against humanity, and war crimes. This evolution was a result of a growing frustration, among policy and advocacy circles alike, at the inability to identify genocide in time to prevent it, as well as, for some, the belief that for the purpose of prevention there is no qualitative difference between the mass loss of innocent lives due to genocidal intent and the mass loss of life due to violence without regard for identity. The focus on prevention, moreover, was key in cementing a consensus in favor of R2P among UN Member States, many of which had serious misgivings about approving any norm, principle, statement, or document that allowed the use of armed force for humanitarian purposes.<sup>6</sup> Since 2005, efforts to solidify R2P conceptually and operationally have focused primarily on prevention. However, the avoidance of meaningful discussion on military intervention to prevent genocide or the other acts covered under R2P meant that when Libyan leader Moammar Gaddafi responded to protests against his regime with violence and inflammatory rhetoric in February 2011 and the UN Security Council in Resolution 1973 authorized “all necessary measures” to protect civilians in Libya – including, in the event, the removal of Gaddafi himself – there was a tidal wave of confusion and pushback, not only from states and civil society organizations that had been opposed to R2P all along, but even from those who had been strong supporters of the concept.

As Louise Arbour of the International Crisis Group stated, at that point in time, R2P advocates had been assiduously touting and working on early to mid-term prevention to solidify support for the norm while pointedly ignoring

<sup>5</sup> “Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,” para. 138–140, UN General Assembly, *World Summit Outcome*, A/RES/60/1 (October 24, 2005), 31–32, [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/60/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/1).

<sup>6</sup> Article 2(7): “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” United Nations, *Charter of the United Nations*, 1 UNTS XVI (October 24, 1945), [www.un.org/en/documents/charter/index.shtml](http://www.un.org/en/documents/charter/index.shtml).

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the question of military intervention.<sup>7</sup> The consequences of this are both clear and predictable.

## **I.2. Atrocity Prevention Today: Challenging Fundamental Assumptions**

Today, the agenda for national and international policy alike has grown beyond conflict prevention, genocide prevention, and R2P to encompass the concepts of transitional justice (born in the early 1990s out of efforts to address the legacies of dictatorships in Latin America and Eastern Europe), protection of civilians (in armed conflict; dating back to 1999), and, with the creation of the International Criminal Court under the Rome Statute in 2002, the concept of “mass atrocities” or “atrocity crimes” and, along with it, atrocity prevention. At the same time, the atrocity prevention agenda has sometimes been conflated or confused with these and other related agendas. Similarly, the strategies and tactics of atrocity prevention both complement and are in tension with related agendas, including conflict prevention, protection of civilians, and the protection of human rights.

In spite of, or perhaps because of, these challenges, the current debate on atrocity prevention – in the public sphere as well as in domestic and international policy circles – is lively and urgent, yet at times seems lacking in coherence and direction. The rapid evolution of policy response and civil society advocacy has left little time for critique and self-reflection. In particular, the underlying assumptions of this still-young field, as well its goals and its ability to achieve its stated objectives, have remained for the most part underexamined and undertheorized. One prominent example of such an assumption is the enduring belief that atrocities – and especially genocide – tend to unfold sequentially, in steps or phases that lead, in logical order, from one to the next. This idea derives from the model put forth by Raul Hilberg in his pioneering study of the Holocaust, *The Destruction of the European Jews*, first published in 1961. Hilberg identified four steps in the process by which the Nazi Germans undertook to destroy European Jews.<sup>8</sup> Decades later, in 1996, Gregory Stanton, who is today recognized as one of the pioneers of genocide studies, drafted a briefing paper for the U.S. State Department while working in the Foreign Service.<sup>9</sup> The paper identifies eight stages common to every

<sup>7</sup> Louise Arbour, “Address to the Stanley Foundation Conference on the Responsibility to Protect, New York” (January 18, 2012), [www.r2p10.org](http://www.r2p10.org).

<sup>8</sup> Raul Hilberg, “Definition, Expropriation, Concentration, Annihilation,” in *The Destruction of the European Jews*, revised hardcover edition (New Haven, CT: Yale University Press, 2003), 53–54.

<sup>9</sup> Gregory H. Stanton, “The 8 Stages of Genocide” (1996), [www.genocidewatch.org/images/8StagesBriefingpaper.pdf](http://www.genocidewatch.org/images/8StagesBriefingpaper.pdf). In the paper, Stanton also notes, “A full strategy for preventing genocide should include attack on each of genocide’s operational processes,” and elsewhere, “The strongest antidote to genocide is justice.”

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genocide. Although Stanton himself has described the stages as “predictable but not inexorable,” being careful to emphasize that “the process is not linear” and that while “logically, later stages must be preceded by earlier stages, . . . all stages continue to operate throughout the process,”<sup>10</sup> the clarity of his model – the very quality that makes it so powerful – has, over the years, had the unfortunate effect of policymakers (and anti-genocide advocates) adopting it as a reductive template for understanding and recommending action on a range of potentially genocidal situations, with too little attempt made to understand the specific dynamics. This sequential approach (one might even be tempted to call it teleological) has also carried over into discussions and – again – policy on prevention of the broader category of mass atrocities or atrocity crimes under the aegis of R2P.<sup>11</sup> Although these “stages” are broad enough to encompass most genocides, a single prototypical process of genocide (or other mass atrocity scenarios) does not exist. Rather, genocide and mass atrocities are flexible concepts that do not follow one particular developmental path. There are variable types of genocide that unfold based on their own internal logic. The differences across cases may include bureaucratic efficiencies, stage of economic and political development, technological sophistication, geographic variances, and the threat (or lack thereof) of significant violence by the victim group. Linear models cannot capture these variances. Rather, genocide (and other forms of mass atrocity) must be understood as a complex, systems-based phenomenon that unfolds slowly. In fact, many deaths that occur during genocide are the result of attrition pursued through intentional acts of starvation, enslavement, displacement, and sexual violence and can be captured through the concept of “genocide by attrition.” Genocide by attrition refers to the slow and complex process of annihilation that reflects the unfolding phenomenon of mass murder of a targeted group, rather than the immediate unleashing of violence and death.<sup>12</sup> We believe that although, intellectually, dividing a mass atrocity into stages may help after the fact to clarify what happened, from the point of view of understanding how atrocities evolve and, most crucially, how to prevent them from originating or escalating, there are serious limitations to this conceptualization, and those limitations can have devastating consequences for the people who suffer the atrocities.

<sup>10</sup> Gregory H. Stanton, “The 8 Stages of Genocide” (1998), Genocide Watch, [www.genocide-watch.org/genocide/8stagesofgenocide.html](http://www.genocide-watch.org/genocide/8stagesofgenocide.html).

<sup>11</sup> See, for instance, “Ban Calls for Three-Pronged Strategy to Implement ‘Responsibility To Protect,’” UN News Centre (January 30, 2009), [www.un.org/apps/news/story.asp?NewsID=29732](http://www.un.org/apps/news/story.asp?NewsID=29732).

<sup>12</sup> Sheri P. Rosenberg and Everita Silina, “Genocide by Attrition: Silent and Efficient,” in *Genocide Matters: Ongoing Issues and Emerging Perspectives*, edited by Joyce Apstel and Ernesto Verdeja (New York: Routledge Press, 2013), 106, 109–110.

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Another assumption common in the field of atrocity prevention is that it can be practiced above or outside of politics, as a technical matter, without regard for relations of power – whether among actors within the country where there is a risk of atrocities, or between actors within that country and other states or outside actors. We believe it is impossible to practice effective atrocity prevention without a keen understanding of the political dynamics of each individual situation – and the same holds for economic relations as well, particularly when it comes to trade. Of course, this complicates rather than simplifies the formulation of policy, but the reality is that policy based on a simplistic understanding of atrocities may satisfy the urge to take a moral stand but rarely succeeds in preventing atrocities and, on top of that, may lead to a formidable variety of unintended and undesirable consequences. Blockage in responding to mass atrocities, especially on the international level, offers a bitterly clear example of why politics must be taken into account when assessing approaches to atrocity prevention and is also the reason why we feel strongly that domestic and regional prevention policies may often be preferable to higher level action.

A third and particularly thorny issue is the question of what we actually mean when we use the term *prevention*. Some definitions are so expansive as to include everything – economic development, institution building, rule of law – whereas others insist on a definition so narrow, it limits prevention strategies and tactics. One way that some have sought to address this problem is to disaggregate the concept into “structural” versus “proximate” or “operational” prevention. Yet theoretical conceptions of structural and proximate prevention no longer accurately describe the circumstances under which preventive actions are taken. Rather, we must develop a deeper concept of mid-term prevention and conceptualize what this means in practical terms. In other words, we need to know what engagement points are available beyond structural assistance, but before the tipping point of direct killings has been reached. It is that sweet spot of engagement that remains undertheorized and underdeveloped.

A fourth assumption has been that atrocity prevention as a policy area is enacted apart from other matters, as well as that it is *only* a matter of policy, exclusively by governments and other institutions, as opposed to something enacted by society as a whole. Although, because of the scale of mass atrocities, it is essential for governments to have policy on preventing them and to devote time and resources to doing so, there are numerous arenas of social interaction that already prevent mass atrocities and contribute to the well-being and peaceful participation of groups within society: human rights protection systems, anti-discrimination systems, civilian protection institutions, conflict and crisis management systems, and more. The use of an “atrocity prevention lens,” as suggested by Alex Bellamy in his chapter for this volume, may be



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helpful not only in the formulation of policy, but also for individuals and societal institutions as a whole. Mass atrocity prevention, contrary to many of our past assumptions, is a lens facilitating decisions rather than a set of policy options or structural choices that enduringly protect groups from becoming victims of mass atrocities.

On a societal level, atrocity prevention needs to be a continuous effort to integrate concern for the protection of groups, however they define themselves or are defined by others. Integrating an atrocity prevention lens within our interactions means that societal actors conceive of their actions by naturally making sure they will not have negative consequences on groups, along with making sure they do not break other societal rules. In a governmental context, the application of an atrocity prevention lens means that all parts of government integrate within their normal policy development procedures an analysis of the atrocity prevention dimension of those policies. The creation of special bodies tasked with prevention (as is happening now in the Great Lakes Region of Africa, as well as in Latin America, Denmark, and the United States) should be focused on making sure this process of analysis and self-reflection becomes second nature to all governmental bodies, regardless of their immediate foci. In addition, this internal change agent, the national mechanism for mass atrocity and genocide prevention, needs to have its own domestically professionalized bureaucracy that can act as a bureaucratic habit changer within governments.

A final assumption we seek to question in this volume is that atrocity prevention is exclusively or primarily a matter for the “international community” (usually used as a synonym for the UN and its agencies), a set of policies and practices formulated outside the countries or societies where there is a risk of atrocities and implemented or applied inside a country or society from the outside. In fact, there has been an important shift in recent years toward the domestic dimension of prevention. This is reflected by the attention given to the development of national structures and policies for prevention, often in the context of regional organizations such as the International Conference on the Great Lakes Region (ICGLR) or the Latin American Network for Genocide and Mass Atrocity Prevention.<sup>13</sup> This shift of focus, in our opinion, reflects the move from the discursive commitment to prevention to attempts to operationalize prevention in very different societies. It also reflects a reality check on the international community’s capacity to engage in prevention beyond crisis management.

The domestication of prevention is not an invitation to international apathy. On the contrary, systematic atrocity prevention in the case of donor countries requires their development agenda to go beyond the requirement of “do no

<sup>13</sup> See [www.icglr.org/index.php/en/genocide-prevention](http://www.icglr.org/index.php/en/genocide-prevention) and [www.auschwitzinstitute.org/latin-american-network-for-genocide-and-mass-atrocity-prevention/](http://www.auschwitzinstitute.org/latin-american-network-for-genocide-and-mass-atrocity-prevention/).



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harm” and to integrate atrocity prevention as a priority. Furthermore, the crisis management aspects of prevention unavoidably involve a robust international component. But the newly affirmed domestic focus on prevention opens the door to a genuine localization of the prevention agenda in very diverse societies around the world, and this localization necessarily reflects the diversity of experiences regarding inclusion and exclusion of certain groups in those societies. Consequently, a preventive focus looks one way in Latin America (a focus on rights protection coupled with robust transitional justice, sometimes in a tense human security environment), another in Africa’s Great Lakes Region (a focus on diversity management and on resource management, sometimes in a situation of high risk of atrocities), and yet another in the United States or Canada (a focus on incipient transitional justice processes for indigenous populations and on national levers for supporting prevention through foreign policy). This diversity of application of an “atrocity prevention lens” only deepens through practice, creating layers of expertise that respond to local realities in a manner more beneficial than could be achieved by any policy package promoted from the outside.

It is our hope that recognition of these creative domestications of prevention around the globe will result in an allocation of resources favoring the development of local solutions as a central aspect of governance. Domestication is a process both deep and broad, one that ultimately needs to include every layer of society and government to effectively integrate the preventive lens into day-to-day interactions and policy development. To paraphrase Jose Mujica, we’ve all seen springs that ended up being terrible winters. If atrocity prevention is to succeed, there must be sufficient funding to support the change in societal and governmental behavior. Half- or, more accurately, twentieth-hearted support will result in the concept and practice of prevention being undermined.

### **I.3. Reconstructing Atrocity Prevention: Concepts, Policies, Practices**

With the ideas just described providing the backdrop for our inquiry, *Reconstructing Atrocity Prevention* is divided into three parts. The first, Fluidities, is the most conceptual, drawing out the diversity of perspectives and disciplines that can be brought to bear on the prevention of mass atrocities. The second, Above Chronology, presents viewpoints that either directly contest or operate outside of the customary practice of conceiving of – and enacting – atrocity prevention as a sequential chronological process. The third, Acting Out Prevention, examines the surprisingly broad range of technologies, tools, and institutions – societal and governmental, many typically overlooked – that may be engaged in the prevention of mass atrocities.

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As noted earlier, in our critique, one enduring challenge of atrocity prevention has been reaching a consensus on the scope and definition of the concepts of both “atrocity” and “prevention.” Definitional debates can be stymieing. But definitions matter. They matter for research and for attempts to understand the causes, actors, and dynamics of an unfolding series of events. Definitions also matter for policy. The prevention community needs a working definition of the class of events it is trying to prevent. A lack of conceptual clarity results in conceptual confusion and muddled strategies. Scott Straus opens this volume with a useful proposal to group what are currently most often termed “mass atrocities” or “atrocity crimes” under the broader rubric of “large-scale, systematic violence against civilian populations.”

This addresses the question of what constitutes an atrocity but still leaves open the question of what is prevention. Following Straus’s contribution, Bridget Conley-Zilkic examines how the dominant understanding of “prevention” has become synonymous with “military intervention.” This has resulted from a highly selective choice of past cases for “lessons learned,” an emphasis on prevention from outside, and a failure to take into account the changed nature of violent conflict in the years since the paradigmatic cases took place. Throughout, moreover, there has been a persistent habit of ignoring the tension between goals that this perspective has so often produced. Next, Alex Bellamy uses the concept of an “atrocity prevention lens” to suggest the many ways in which prevention can be augmented on all levels – international, national, regional, and civil society – without the creation of new institutions, which in times of budgetary constraints can seem an insurmountable obstacle to building effective atrocity prevention policy. Jennifer Welsh, in her important chapter, considers the consequences of situating the R2P doctrine within a criminal framework. In particular, she argues that because conflict resolution operates on a principle of impartiality, it can run counter to tools used for R2P, which aim at deterring or punishing individuals. Furthermore, Welsh draws attention to the uneasy relationship between the collective responsibility of the international community and the collective nature of mass atrocities, given individualistic approaches to atrocity crime prevention and response.

One of the factors most frequently cited as a driver of atrocities, particularly when they involve the targeting of a group of people based on their identity (as in genocide), is hate speech. There is still a disturbing – and mistaken – tendency to attribute such crimes simply to “evil” or “hatred” without any examination of the role political power plays in creating and manipulating human emotion and inciting people to carry out heinous and gruesome acts against their fellow human beings. Social psychology research, however, demonstrated a long time ago that situation and circumstances have as much