Toward a Criminology of Genocide and Transnational Justice

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In April of 1994, Rwanda experienced an unprecedented crime wave. In just over three months, nearly one million people were killed, at least 250,000 people were raped, and countless homes were looted. These crimes—collectively known as genocide—have garnered much attention. Yet, despite the prevalence of genocide and the vast amount of social harm that it has caused, criminologists have only recently turned an analytic lens toward genocide and its aftermath.

Genocide as Crime. Criminologists are not newcomers to genocide studies. Most notably, Sheldon Glueck, who is prominently recognized for his criminal careers research with Eleanor Glueck, also played an instrumental role in the International Military Tribunal at Nuremberg (Hagan and Rymond-Richmond 2009). This court tried Nazi leaders for war crimes, crimes against peace, crimes against humanity, and conspiracy to wage aggressive war in the wake of the Holocaust. It was nothing short of a watershed moment for international justice, and a “justice cascade” that sought to hold state actors accountable for crimes against their citizens followed (Sikkink 2011).

Prior to the Tribunal’s creation, Glueck had published War Criminals: Their Prosecution and Punishment, which presented a plan for prosecuting war crimes committed during World War II. Due in part to this plan, Glueck was selected to advise Justice Robert H. Jackson, the Chief United States Prosecutor at Nuremberg. Jackson and the
prosecutors drew heavily from Glueck’s ideas, and Glueck also helped develop a system to catalog evidence.

When the Tribunal closed, Glueck noted that, “For the first time in history, a distinguished panel of judges . . . has solemnly declared that there is such an offense as a crime against the peace of the world” (Harvard Crimson 1946). Two years later, this type of crime was further acknowledged in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. This treaty defined genocide as actions taken with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group (UN 1948), cementing the notion of global crime and declaring that this new crime should not occur.

Of course, despite international criminalization, genocide has continued to take place. In fact, more people were killed in genocide than in all international wars or homicides of the 20th century (Harff 2003; Savelsberg 2010), with the majority of these deaths occurring in just the past 60 years. The justice cascade that Nuremberg catalyzed has simultaneously gained momentum over the past few decades. A permanent international court now exists, and genocide is one of four crimes that fall under its jurisdiction.

These global developments have influenced a robust body of scholarship on the causes and consequences of genocide. Yet, apart from a few notable exceptions, Glueck’s contributions did not lead to a criminology of genocide. This is somewhat surprising, as genocide is a crime of international law. Furthermore, the actions that constitute genocide—such as homicide or sexual violence—are labeled crimes in criminal codes worldwide. Genocide also bears many similarities to other types of crime, ranging from state crime to gang-related violence to hate crime.

A criminology of genocide is thus not only possible but has much to offer the study of genocide. Criminologists have spent decades (if not centuries) developing and refining theories of violence, crime, and group behavior that can be applied to genocide. This does not mean that all criminological theories can or should simply be extended to genocide (see Woolford 2006). Rather, these theories should be tested, and new theoretical insights should also be sought in the pursuit of better understanding the crime of genocide while further strengthening the discipline of criminology.

A Brief Case Study of 1994 Rwanda. Criminology would, for instance, have much to say about the processes that unfolded before, during, and after the genocide in Rwanda (Uggen, Nyseth Brehm, and McElrath 2014). Although the genocide began in 1994, its roots can be traced to colonialism (Des Forges 2011). When Belgian colonialists assumed control of Rwanda following World War I, they racialized existing ethnic identities—which were largely class-based—in their pursuit of classifying the population (Mamdani 2001). Hutus (the numerical majority) were thought to have darker skin and wider noses, while Tutsis (the numerical minority) were thought to have lighter skin and were thus seen as superior (Des Forges 1999). Tutsis were consequently given preferential treatment in the government and other positions of power, which they held until a “Hutu Revolution” occurred in the late 1950s. Following this revolution, Hutus dominated positions of power and began discriminating against Tutsis, who were viewed as responsible for previous Hutu marginalization.

Discrimination, small-scale violence, and power struggles continued until 1990, when a Tutsi-led army attacked the Hutu-dominated government and initiated a ...
civil war. Peace talks began in 1992; however, they came to a halt when unknown assailants shot down the plane carrying the President of Rwanda on April 6, 1994. A few hours after the assassination, targeted killing of Tutsis and Hutu moderates began, effectively beginning the genocide.

Though this short history cannot fully detail the preconditions of genocide in Rwanda, it nonetheless illustrates that many historical events and processes influenced the onset of violence. Indeed, studies have found that civil war, threats to political elites, and other political upheaval are among the most prominent risk factors of genocide (Krain 1997; Harff 2003; Valentino 2004; Goldsmith et al. 2013). Additional analyses are needed, however, and criminologists could contribute to this growing area of research by examining state and societal-level factors that influence the onset of genocide (see Rafter 2016). This could involve applying existing theories (e.g., a general strain theory of genocide) as well as exploring new areas, such as immediate triggers of violence (like the plane crash in Rwanda).

Factors that influence individual participation in genocide are equally important. In Rwanda, hundreds of thousands of civilians took part in the violence by murdering or raping their neighbors and looting their homes. Existing studies on these perpetrators suggest that social networks influenced their decisions to participate in the violence (e.g., Fujii 2009), much in line with theories of differential social organization. Ohio State University graduate student Evelyn Gertz is currently examining how family ties patterned such participation, though much remains to be known about who participated, patterns of high- and low-rate offenders, and the processes that influenced their radicalization.

Our many theories of how violence unfolds across numerous contexts may also contribute to genocide studies. In Rwanda, there was much variation in levels of violence across communities, which could be informed by theories of communities and crime. For instance, some of my own work has found that social disorganization theory can be extended to municipality-level violence in Rwanda. Going forward, criminologists could also test theories of hotspots to assess whether there are hotspots during genocide and if there are connections between hotspots during times of relative peace and hotspots during times of mass violence.

Finally, criminology can inform post-genocide processes. Just a few months after violence in Rwanda subsided, the United Nations created the International Criminal Tribunal for Rwanda to try those deemed most culpable for the violence. As hundreds of thousands of civilians had participated in the genocide, however, the new government also needed to find a way to hold them accountable.

Rwandan leaders created an alternative court system—the National Service of Gacaca Jurisdictions—to try these perpetrators of genocide. This system was modeled after a traditional Rwandan mechanism of dispute resolution. In the traditional courts, local elders served as judges, and hearings were held outside so that community members could attend. While the customary system had been limited to fairly minor disputes, the new system had jurisdiction over crimes of genocide. Trials took place in the community and judges were elected from the local population, however, much like the traditional system.

These courts began operating in 2002 and closed in 2012 after they completed almost two million trials. As with other aspects of genocide, criminologists have much to contribute to understanding this transitional justice mechanism. For instance, the judges presiding over gacaca trials distributed various punishments, ranging from fines to community service to life in prison (Nyseth Brehm, Uggen, and Gasanabo 2014). The individual and community-level factors that influenced sentencing should be explored. The effects of these punishments, which blended aspects of punitive and restorative justice, also remain to be analyzed. Further, Rwanda rivaled U.S. incarceration rates for a number of years, and many of these previously incarcerated ...
individuals are just now reintegrating into their communities—an important process worthy of criminological inquiry.

Thus, criminologists can and should contribute to knowledge about this staggering event that affected the lives of millions of people, though our analyses should not be limited to the case of Rwanda or even to genocide. War crimes, crimes against humanity, and genocide are currently taking place in numerous countries worldwide, and it is time for more criminologists to join the conversations about this violence.

Footnotes
1. A Polish-Jewish lawyer named Rafael Lemkin created the term “genocide” by combining the Greek word “genos,” which means group, with the Latin suffix “cide,” which means killing.
2. See Hagan and Rymond-Richmond (2009) for potential reasons. Note also that several criminologists—such as Alexander Alvarez, Bradley Campbell, Susanne Karstedt, or Andrew Woolford—have examined genocide and related atrocity crimes.
3. Twas comprised less than one percent of the population.

References


**Charis E. Kubrin** was interviewed by Orange Coast Magazine about the use of rap lyrics as evidence in criminal trials in the context of the broader national debate on race relations. The full interview is available at: [http://www.orangecoast.com/features/the-rap-bias/](http://www.orangecoast.com/features/the-rap-bias/)

**Victor M. Rios** was recently promoted to Full Professor within the Department of Sociology at UC Santa Barbara.

**Jukka Savolainen** started in August as the Director of NACJD, a topical data archive housed within the ICPSR. Jukka has a secondary appointment as a research faculty at the Institute for Social Research, University of Michigan.

**Anjuli Verma** received the 2015 National Institute of Justice Graduate Research Fellowship and the National Science Foundation Doctoral Dissertation Research Improvement Grant for her dissertation project, The Great Experiment: California’s Prison Realignment and the Legal Reform of Mass Incarceration. She recently published findings from a portion of this research in the *Law & Society Review*.

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In 1986, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) initiated the **Program of Research on the Causes and Correlates of Delinquency**. The program comprises three coordinated longitudinal studies: Denver Youth Survey, Pittsburgh Youth Study, and Rochester Youth Development Study. Data from each project will be made available in 2016 through the data enclave at the National Archive of Criminal Justice Data (NACJD). Contact nacjd@icpsr.umich.edu for details.

In October 2015, the **Irvine Lab for the Study of Space and Crime (ILSSC)** presented their latest research findings at the UC Irvine Festival of Discovery, a celebration in honor of UCI’s 50th anniversary. ILSSC has now made part of this presentation available on their website, and in particular, a searchable map of robbery and homicide in a large number of cities in Southern California ([https://socialecology.uci.edu/ilsscmap/about.html](https://socialecology.uci.edu/ilsscmap/about.html)). Lab member and PhD student **Christopher J. Bates** created the website, as well as prepared a video that demonstrates some of the lab’s recent research using crime geoanalytic techniques and employing Google Streetview imagery by combining crime hot spot analysis in four Orange County cities ([http://faculty.sites.uci.edu/ilssc/community-outreach/](http://faculty.sites.uci.edu/ilssc/community-outreach/)).

**Call for Book Chapters**

Book chapters are being solicited for **Asian/Americans and Education: A Critical Analysis of the Model Minority as Perpetrators and Victims of Crime**, edited by **Daisy Ball**, Ph.D., Framingham State University, and **Nicholas D. Hartlep**, Ph.D., Illinois State University, under contract with Lexington Books.

This edited volume explores Asian/American involvement with the U.S. criminal justice system. Unlike other racial minority groups, Asian/Americans are commonly thought of as the model minority, rather than as a criminal threat. Model minorities are not thought to do violent things; more often than not, model minorities are associated with academic prestige and success. In this collection, we showcase Asian/Americans’ interactions with the U.S. criminal justice system: as perpetrators of crime, and as victims in a double sense: victims of crime, and victims of unjust criminal justice practices.

Here is a link to the Call for Chapters: [https://nicholashartlep.files.wordpress.com/2015/08/cfc-ball-hartlep1.pdf](https://nicholashartlep.files.wordpress.com/2015/08/cfc-ball-hartlep1.pdf)
CALL FOR PAPERS

*Journal of Drug Issues*
*(Influence of Social Contexts on Substance Use)*

The *Journal of Drug Issues*, in coordination with members of the American Sociological Association’s Section on Alcohol, Drugs, and Tobacco, welcomes contributions to a forthcoming special issue on the influence of social contexts on substance use. The *Journal of Drug Issues* is a quarterly journal dedicated to the study of national and international problems associated with drugs, especially illicit drugs. It has a wide readership in criminology, sociology, psychology, public health, and other disciplines.

The broad focus on social contexts will include the consideration of a wide range of contextual elements of people’s lives and how they come to bear on patterns of substance use. These may include, but are not limited to, papers that consider the influence of family, peer groups, social networks, racial/ethnic group concentration, neighborhoods, subcultural affiliation, policy contexts, and culture on the use or abuse of legal and illegal psychoactive substances. We encourage papers focused on alcohol and tobacco in addition to those on illegal drugs.

We invite the following types of contributions:

- Research papers based on quantitative sociological research
- Research papers based on qualitative sociological research
- Sociologically informed policy analysis
- Sociologically informed review papers

The deadline for papers is **January 16, 2016**, but **papers may be submitted at any time** through the deadline.

The special issue of *Journal of Drug Issues* will be guest edited by ADT section members **Brian Kelly** (Purdue University) and **Mike Vuolo** (Ohio State University) in consultation with the journal’s editorial staff. There will not be invited papers in this issue. All papers will be subjected to the regular peer-review process and adhere to the review processes standard to the journal. All manuscripts should be submitted via the journal’s Manuscript Central platform: [http://mc.manuscriptcentral.com/jodi](http://mc.manuscriptcentral.com/jodi) Submitted papers must conform to the manuscript formatting standards of the journal. Please indicate in your cover letter and within the journal’s web-based submission system that the paper is in response to this special issue - Influence of Social Contexts on Substance Use.
Tenure Track Position: University of Massachusetts, Boston, Department of Sociology

The Department of Sociology at the University of Massachusetts Boston is seeking to fill a tenure track, assistant professor position with interests in Criminology and Criminal Justice. The formal posting can be found at this link: https://umb.interviewexchange.com/jobofferdetails.jsp?JOBID=62134&CNTRNO=2&TSTMP=1438630876804.

UMass Boston is a research-high institution and offers faculty the opportunity to teach and conduct research in a vibrant and diverse urban setting. The department has approximately 1,000 undergraduate majors in sociology, social psychology, and criminal justice, a Master's Program in Applied Sociology, and a PhD Program in Sociology (concentration in communities and crime, health/mental health, migration and immigration). We seek applicants who will complement and advance our efforts at meeting the learning needs of our diverse student body, engages with underrepresented populations across teaching, research, and service interests, and who is themselves a member of an underrepresented group in the academy.

Visiting Professor Position AY 16/17 – Critical Criminology at Humboldt State University

The Department of Sociology at Humboldt State University invites applications for a full-time Visiting Faculty position, supporting a new major in (critical) Criminology and Justice Studies (CJS), as well as the Sociology major. The initial appointment will begin in August 2016. Experience or preparation to teach Critical Criminology courses such as: Introduction to Criminology and Justice Studies, Inequalities and Crime, Law and Society, and Criminological Theory among others. Applications due February 15, 2016.

The Sociology Department offers a B.A. in Sociology, a B.A. in Criminology and Justice Studies, and an M.A. degree in Public Sociology, Social Justice and Action. Criminology and Justice Studies (CJS) students find an active and supportive departmental culture that surrounds coursework in criminological theory, methods, inequalities of crime and justice, law, policy & action. Faculty members teaching in this major come from multiple disciplines central to addressing current issues facing the U.S. systems of justice and law. Come join a welcoming, social justice focused department! For more information visit: http://www.humboldt.edu/sociology/
I am a PhD Candidate in the Department of Sociology, a Rackham Merit Fellow, and a Population Studies Center Trainee at the University of Michigan, a Visiting Scholar at the Center for the Study of Law & Society at UC Berkeley School of Law as well as a 2015-2016 Mellon American Council of Learned Societies Fellow for my dissertation titled “Mass Incarceration, The Profession of Corrections, and the Way Prison Workers Construct Meanings about their Participation in our Punishment State.”

My research is devoted to an examination of human rights, citizenship, as well as macro-level inequality with a sharp focus on prisons and prisoners as objects of both legal and social negotiation and conflict. For my dissertation, I ventured into every state prison in Kentucky, across all security levels, including men’s and women’s prisons, and interviewed over 100 Correctional Officers and Wardens to discover the various ways prison staff commit to correctional work as a career choice, during this era of mass incarceration. What does it mean to do this work? What kind of consciousness is required to motivate prison work considering the vast damages mass incarceration has inflicted upon individuals, families, communities, and society as a whole – to include disproportionate damages upon low-income, communities of color. The dissertation is the only systematic, sociological investigation of every prison in a Southern state to be conducted during the era of mass incarceration and possibly in US history. I received my BA in Sociology from DePaul University in 2010 and my MA in Sociology from the University of Michigan in 2012. I can be reached at borjay@umich.edu or jborchert@berkeley.edu
Name: Holly Pottle
(E-mail: hpottle@twu.edu)

Degree: Sociology; completed a Graduate Certificate in Women’s Studies

Institution: Texas Woman’s University

My main research interests are in criminology—especially gender and intersectionality as well as the sociology of law. More specifically, I am interested in how discourse shapes public policies and the enforcement of these, particularly contemporary prostitution laws. My dissertation is a cross-national analysis of prostitution laws and policies, focused on discourse guiding these. The main data include transcripts from governmental hearings where proposed prostitution policies were debated, which included positions expressed from conflicting groups. Michel Foucault’s theory of discourse is guiding this analysis, which is focused on power dynamics and hegemony.

The focus of my dissertation is on the contemporary expansion of “end demand” prostitution legislation as well as resistance to this. End demand in this context refers to policies focused on criminalizing prostitution customers. Supporters of full decriminalization for prostitution are among the most active opponents of end demand policies. While providers are still more commonly arrested than clients in various places, some nations have enacted end demand legislation and there continues to be a movement toward expanding this.

A publisher contacted me about writing a book based on a presentation I delivered at the 2015 American Sociological Association Annual Meeting titled Cracking Down on the Customers: Complexities of “End Demand” Prostitution Discourse, Policies, and Policing. Thus, I plan to expand further on this and write a book focused on contemporary trends in prostitution policies and policing globally.
Anjuli’s research examines the interplay of law and organizations, social reactions to crime and deviance, legal mobilization and transformations in the governance of crime and punishment. Her research and teaching also engages innovations in social science research methods, particularly those attempting to resolve the dilemmas that arise in designing and conducting mixed-methods studies. At its core, Anjuli’s scholarship aims to discover potential turning points in the development of institutions and to specify the characteristics, conditions and contexts that enable or frustrate change.

Her dissertation, funded by the National Science Foundation and the National Institute of Justice, blends group-based trajectory modeling and institutional ethnographic methods to analyze how historical imprisonment trajectories shape the potential for decarceration at the local level. She uses the 2011 “realignment” of California’s unconstitutionally overcrowded prison system as an empirical window into how legal interventions and policy innovations filter to lower levels of government and diffuse into local organizational and professional practices. While sociological scholarship on mass incarceration in the U.S. has surged in recent decades, Anjuli’s project pivots attention to the phenomenon of prison downsizing and investigates the potential for system-wide decarceration as an emergent 21st-century transformation.

Anjuli’s research to-date was recently published in *Law & Society Review* and is forthcoming in *The Annals of the American Academy of Political and Social Science*. Her co-authored work is forthcoming in *The Oxford Handbook on Prisons and Imprisonment* and *Ethnography*. 

**Name:** Anjuli Verma  
**Degree:** Criminology, Law and Society  
**Institution:** University of California, Irvine


“Suicide as a Dramatic Performance” edited by David Lester and Steven Stack (Transaction Books, 2015).


MEMBER ARTICLE PUBLICATIONS


Kaufman, Nicole. 2015. "Prisoner Incorporation: The Work of the State and Non-Governmental Organiza-
tions. Theoretical Criminology 19: 534-553.


