Press Release

International Conference ‘A Contextual View of Genocidal Intent’, University of Leicester

Interdisciplinary University research group celebrates second successful conference

Following the Sixth Aubrey Newman Lecture on 21 September by Prof. William A. Schabas with the title ‘Proving Genocidal Intent - Is it really so difficult?’ for the Stanley Burton Centre, fifteen speakers from Switzerland, the Netherlands, the United States, the UK, Uganda, Ireland, Germany and France gathered for a two day conference to discussed the legal concept of genocide and its controversies within legal studies as well as social sciences and historical studies perspectives on genocide and genocidal intent. The debates covered the drafting and amending of the Genocide Convention, the role of genocidal intent for international criminal law, the origins and the prevention of genocide and genocidal intent, the concept of destruction, proving genocidal intent, and the wider context of genocidal intent.

During the conference, scholars from legal and historical studies and the social sciences sought to illuminate questions such as: Is intent of importance to all disciplines which debate genocide? Is the intent to remove a group from a territory the same as the intent to destroy it? What is acceptable evidence for genocidal intent?

While international criminal law proceeds on the basis of the Genocide Convention according to which the perpetrator has to have the ‘intent to destroy, in whole or in part, a racial, religious, ethnic or national group as such’, to many scholars of the social sciences it seems unacceptable that accusations of genocide should be dismissed in some cases because the intent to target a protected group ‘as such’ cannot be established.

The discussions showed that while historians and social scientists usually prefer a ‘contextual view’ and take into account the - often ambiguous and ambivalent - dynamics of genocidal processes when looking at individual perpetrators, scholars of international criminal law predominantly rely on the Genocide Convention and have to prove individual genocidal intent as well as the clear existence of a genocidal ‘plan’. The small number of convictions on the count of genocide so far demonstrates that in many cases this may be hard to prove ‘without reasonable doubt’. More often, perpetrators are convicted for ‘crimes against humanity’ rather than for the ‘crime of crimes’. While it was pointed out that crimes against humanity are still severely punished, concerns were raised whether some perpetrators are being left ‘off the hook’ too lightly due to a narrow interpretation of the Genocide Convention.
Further debate was sparked by the Genocide Convention’s definition of protected ‘groups’ which excludes victim groups such as political groups or homosexuals which were persecuted by Nazi Germany and might also exclude victims of ongoing or future genocides. While opinions among the delegates differed on this issue, it was emphasized that perpetrators of crimes against political groups or homosexuals could still be convicted for crimes against humanity. It was also pointed out that the Genocide Convention may in fact ‘essentialize’ the groups it seeks to protect thereby ignoring the fact that they constitute socially, politically, culturally and historically constructed groups.

Passionate debate arose over the topic of genocide prevention: not only was the Genocide Convention created to punish genocidaires but also to prevent genocides from happening. It was argued that the stigma of the crime of genocide – and the obligations for the states that signed the Genocide Convention – may obstruct the Convention’s obligation to prevent genocide. The debate included the question whether the prevention of genocide could be fostered by courts and judges or whether it may constitute a predominantly political issue. That the stigma of the ‘crime of crimes’ alone may serve to prevent future genocides was widely doubted among delegates.

Speakers included Prof. William A. Schabas (Middlesex University, London), Freda Njugu Kabatsi (Advocate, Uganda), Prof. Paul Bartrop (Richard Stockton College of New Jersey, United States), Prof. Hans Vest (University of Bern, Switzerland), Prof. Dennis Klein (Kean University, United States) and Dr Ekkehard Strauss (formerly of the New York Office of the High Commissioner for Human Rights).

‘The conference showed that a more intense interdisciplinary dialogue between Law, Humanities, and Social Sciences is needed to get to grips with the challenges modern genocides pose for the global community. The Holocaust has set the bar for how to define genocide within the Genocide Convention but not all genocides might develop in the same way – and not all genocidaires might leave as much evidence behind as the Nazis did. We have to be alert and keep adjusting our perception of what constitutes genocide and how to prove genocidal intent’ says Dr Olaf Jensen, Director of the Stanley Burton Centre for Holocaust and Genocide Studies.

One of the delegates said after the conference: ‘I just want to thank you for what was a great conference and, personally, a fantastic learning experience.’

Dr Paul Behrens, School of Law, added: ‘This conference was a unique event and a milestone for Leicester University – as far as we know, it is the first time ever that an interdisciplinary conference has been dedicated to this important topic.’
Stefanie Rauch, PhD Student at the Burton Centre commented: ‘Coming from a historical studies background, the conference taught me a great deal about the legal perspective on genocide and I now fully appreciate the legal challenges that genocidal intent poses when it comes to convicting perpetrators of this particular crime. The conference showed that an interdisciplinary dialogue is not only possible but that Law, the Humanities and the Social Sciences can benefit from each other’s insights.’

The Conference, which was funded by the British Academy, is part of the interdisciplinary research initiative ‘The Leicester Project on Genocide and the Holocaust’ which was established by Dr Olaf Jensen from the University’s Stanley Burton Centre for Holocaust and Genocide Studies and Dr Paul Behrens from the School of Law. The initiative was launched in 2010 with a successful interdisciplinary conference on Holocaust and Genocide Denial. Due to the interest the discussions on genocide prevention attracted during the 2011 conference, the Leicester Project will move forward to explore these themes in the future.

The Leicester Project seeks to maintain an interdisciplinary and international network of interested scholars who have the opportunity to contribute as authors or as expert commentators.

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