

6-14-2023

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Stacey M. Mitchell

Perimeter College, Georgia State University

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Recommended Citation

Mitchell, Stacey M. (2023) "Institutional Legacies and the Decision to Commit Genocide," *Genocide Studies and Prevention: An International Journal*: Vol. 17: Iss. 1: 1–24.

DOI:

<https://doi.org/10.5038/1911-9933.17.1.1925>

Available at: <https://digitalcommons.usf.edu/gsp/vol17/iss1/1>

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Acknowledgements

Many thanks to Deborah Mayersen and Ernesto Verdeja for all of their comments and suggestions!

Institutional Legacies and the Decision to Commit Genocide

Stacey M. Mitchell

*Perimeter College, Georgia State University
Decatur, Georgia, U.S.A.*

Introduction

The identification of risk factors or early warning signs of genocide is an especially important area of research that enables policymakers and human rights activists to better gauge those situations which may or not call for increased attention and possibly intervention. Many studies, including those by Charles Butcher, Benjamin Goldsmith, Barbara Harff, Deborah Mayersen, Hollie Nyseth Brehm, Scott Straus, Jay Ulfelder, and Benjamin Valentino, empirically demonstrate that several factors, including economic crises and serious political instability, increase the risk of genocide.¹

Although varying forms of internal crises prevail throughout the world, genocide is still rare. This study suggests that to better comprehend why risk factors lead to genocide in some cases and not others, focus must be placed on *how* these factors are perceived by those in power of the state experiencing them. What is it about political instability, for example, that makes leaders of some countries more likely to commit genocide in some cases, but not others?

This study uses the examples of Rwanda and Burundi to demonstrate the value that a decision model has as a tool to explain these sorts of variegated outcomes.² Despite their striking similarities, which include demographics, size, and a legacy of inter-group conflict, the collapse of democratization in Rwanda and Burundi in the early 1990s led to total genocide in Rwanda and inter-group mass violence in Burundi. This study suggests that many political leaders of Burundi did not perceive the troubles of multiparty democratization in the same way as did leaders of Rwanda. Rather than conceiving of shared rule as an absolute loss for Burundi, many Tutsi and Hutu leaders chose to work together to achieve a stable, albeit controlled, transition. By comparison, the risks associated with sharing power with the Rwandan Patriotic Front (RPF) induced many Hutu politicians and party activists in Rwanda to publicly magnify the severity of the threats associated with shared rule and simultaneously downplay the small likelihood that genocide would enable a return to authoritarian Hutu rule.

Part I of this paper addresses the genocide prevention and risk assessment literature. While highlighting the value of these studies, the absence of a decision model limits their ability to explain variations in the occurrence of genocide given a common set of precipitating factors.

¹ Hollie Nyseth Brehm, "Moving Beyond the State: An Imperative for Genocide Prevention," *Genocide Studies and Prevention* 13, no. 3 (2019), 64–78; Hollie Nyseth Brehm, "Re-Examining Risk Factors of Genocide," *Journal of Genocide Research* 19, no. 1 (2017), 61–87; Deborah Mayersen, "On the Timing of Genocide," *Genocide Studies and Prevention* 5, no. 1 (2010), 20–38; Benjamin Valentino, "Triggers of Mass Killing: Report on a Research Project for the Political Instability Task Force" (Hanover: Dartmouth College, February 2016), accessed June 8, 2023, <https://bpb-us-e1.wpmucdn.com/sites.dartmouth.edu/dist/b/1324/files/2019/05/PITF-triggers-report-2-1-2016-web-version.pdf>; Scott Straus, "Triggers of Mass Atrocities," *Politics and Governance* 3, no. 3 (2015), 5–15; Benjamin E. Goldsmith and Charles Butcher, "Genocide Forecasting: Past Accuracy and New Forecasts to 2020," *Journal of Genocide Research* 20, no. 1 (2018), 90–107; Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder Since 1955," *American Political Science Review* 97, no. 1 (2003), 57–73; Barbara Harff, "Early Warning of Humanitarian Crises: Sequential Models and the Role of Accelerators," in *Preventative Measures: Building Risk Assessment and Crises Early Warning Systems*, ed. John L. Davies and Ted Robert Gurr (Lanham: Rowman & Littlefield Publishers, 1998), 70–78; Jay Ulfelder and Benjamin Valentino, *Assessing Risks of State-Sponsored Mass Killing*, February 1, 2008, accessed November 23, 2021, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1703426.

² This analysis of Rwanda and Burundi is based on the author's previous work. See Stacey M. Mitchell, *Institutional Legacies, Decision Frames and Political Violence in Rwanda and Burundi* (London: Routledge, 2018).

The overdetermination or underdetermination of the causal impact of various risk factors can create false positives and/or negatives, respectively. Part II of this study introduces and explains the value that a model using Comparative Historical Analysis (CHA), process tracing, and the inclusion of a decision model built on the assumptions of prospect theory has for genocide forecasting under certain conditions. This study is unique from others in that there has been no attempt made by genocide scholars to combine prospect theory and has historical institutionalism to explain variations in the occurrence of genocide. Part II also addresses the methodology used by this study and the hypotheses to be tested. Part III applies this model to explain the variation in violence that occurred in Rwanda and Burundi after the collapse of democracy in each in the early 1990s. A qualitative assessment of historical evidence about the development of political institutions within each country indicates that several institutional *dissimilarities* between Rwanda and Burundi laid the foundations for a dissimilar response by political actors to political reforms in later years. To demonstrate variation in the perceptions of multiparty rule held by political elites in each country and their policy preferences, this study performs a content analysis of public statements made by political actors to the media about the democratization process. One of the main findings of this study is that institutional legacies have a mitigating or an aggravating impact on the severity of violence. They shape the perceptions elites have of their environment and consequently, their policymaking behavior. Pursuant to the assumptions of prospect theory, those elites who conceived of democratization as an absolute loss chose the all-or-nothing policy option of genocide. Politicians who perceived multiparty rule as a gain, opted for the more reasonable choice of multiparty rule. In Part IV, this study concludes with some thoughts about areas of further research and the application of this model.

Part I: Assessing the Risks of Genocide and Mass Violence

Ernesto Verdeja states that: “Genocide prevention implies that the object of prevention is one specific kind of collective harm, the intentional destruction of groups as such, when in fact the field of critical genocide studies is concerned with a range of widespread collective violence.”³ Expanding the scope of the lens is critical for responding to, forecasting, and possibly preventing widescale atrocities and human suffering. The quantitative studies by Ulfelder and Valentino,⁴ Valentino,⁵ and Butcher et. al.⁶ broaden their focus to mass atrocities, which can include genocide.

Genocide and mass atrocity prevention and risk assessment have been examined using both quantitative and qualitative means. Some of the best qualitative studies include those by Mayersen as well as James Waller.⁷ Many others are quantitative. Some of the earliest and most important of these efforts include the work of Barbara Harff and Ted Gurr.⁸ In addition to their seminal 1988 study, Harff’s work, separately and with others, has expanded the ways of assessing genocide risk.

³ Ernesto Verdeja, “Critical Genocide Studies and Mass Atrocity Prevention,” *Genocide Studies and Prevention* 13, no. 3 (2019), 111.

⁴ Ulfelder and Valentino, *Assessing Risks*.

⁵ Valentino, *Triggers of Mass Killing*.

⁶ Charles Butcher et al., “Introducing the Targeted Mass Killing Data Set for the Study and Forecasting of Mass Atrocities,” *Journal of Conflict Resolution* 64, no. 7–8 (2020), 1524–1547.

⁷ James Waller, *Confronting Evil: Engaging our Responsibility to Prevent Genocide* (Oxford: Oxford University Press, 2016); Deborah Mayersen, “Predicting Genocide and Mass Killing,” *Journal of Genocide Research* 23, no. 1 (2021), 81–104.

⁸ Barbara Harff and Ted Robert Gurr, “Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases Since 1945,” *International Studies Quarterly* 32, no. 3 (1988), 359–371.

In her 1998 model, she focuses on the types of events or circumstances that precipitate genocide and politicide.⁹ The factors she considers in later studies are ones most commonly associated with these two events and include political upheaval, prior genocides, authoritarian systems undergirded by exclusionary ideologies, ethnic and religious cleavages, lower levels of economic development, and political and economic isolation. With the use of a “best-fit model,” she demonstrates that arguments made about the impact of serious upheaval, prior genocides, exclusionary ideology (especially advocated by an elite minority in power), and low trade openness increase the odds of genocide/politicide occurring.¹⁰ Harff’s model is especially valuable because it demonstrates that the effects of all of these pre-conditional factors, except past genocides, can be mitigated by the international community.

An obvious concern of forecasting models is accuracy. Goldsmith and Butcher take this issue head on in their study which examines the accuracy of the Atrocity Forecasting Project (AFP) and other models, as means with which to forecast the occurrence of genocide, taking into consideration the occurrence of true and false negatives (no genocide) and true and false positives (genocide). With the use of Receiver-Operating-Characteristic (ROC) analysis to assess prediction thresholds between true-positive and false-positive scores, they demonstrate AFP predictions have a higher degree of accuracy with respect to Political Instability Task Force (PITF) events, and that the predictions generated by the Harff and Gurr model prove more accurate regarding forecasting UN genocide warnings and Genocide Watch warnings.¹¹ A remaining problem noted by the authors is that their results vary between models because of coding and/or definitional issues. The present study suggests that the absence of a decision model likely also contributes to the high rate of false positives and other similar results they obtain. In later work, Butcher et al. introduce a new dataset—the Targeted Mass Killing Set—enabling researchers the ability to quantitatively examine and predict the occurrence of a variety of forms of violence with the use of more precise and reliable indicators.¹²

However, there is the issue of individual agency. Quantitative analyses of genocide/mass violence adopt more of a structural approach to understanding and predicting these events. It is an outside-in strategy that does not fully connect risk factors to individual policy choices. Insight into the decision-making processes of actors may shine a light on the scope and timing of violence better than just a reliance on circumstantial data alone.

This is one of the chief criticisms made about reliance on quantitative data to measure the risks of genocide or mass atrocity. As Nyseth Brehm suggests, “the numbers employed in such models are powerful, but they are also reductive, erase lived experiences, and privilege violence that is easily quantified.”¹³ Verdeja suggests that a more reflective historically oriented approach that is grounded in the context of relationships and power dynamics is preferable.¹⁴ Moreover, Verdeja and Nyseth Brehm (separately) suggest that scholarship needs to move beyond a state-centric perspective towards one which also accounts for the actions of non-state actors as forces that can increase the vulnerability of a society.¹⁵

Studies by Valentino and Straus (separately) suggest that actions by non-state actors can serve as triggers of wider violence by increasing the threat level felt by ruling elites. In his 2016 analysis, for example, Valentino relies on PITF data to explore the various “triggers” that

⁹ Harff, *Early Warning*, 70–78. See also, in particular, pages 73–75 where Harff demonstrates a greater number of accelerating events in Rwanda resulted in genocide. In Burundi, a lesser number of accelerating events led to civil war.

¹⁰ Harff, *No Lessons Learned*, 66–69.

¹¹ Goldsmith and Butcher, *Genocide Forecasting*, 100–103.

¹² The authors compare their TMK dataset to widely used datasets, including the Worldwide Atrocities Dataset and Uppsala Conflict Dataset. See Butcher et al., *Introducing the Targeted*, 1526–1528.

¹³ Nyseth Brehm, *Moving Beyond*, 67.

¹⁴ Verdeja, *Critical Genocide Studies*, 114–116. There is a great deal more to Verdeja’s excellent argument including suggestions that scholars overcome the “theoretical myopia” that lends itself to a focus on larger-scale events.

¹⁵ Nyseth Brehm, *Moving Beyond*, 66.

prompt mass violence. His choice to look at triggers is based on the inability of those studies that analyze larger-scale events/circumstances to accurately predict the timing of mass violence in high-risk states. Accounting for those circumstances, which prompt “high-risk countries to transition from a state of fragile peace or low-level conflict into mass violence against civilians,” has significant implications for explaining cases in which national crises and other contextual factors end in mass violence or genocide.¹⁶ The present study suggests that events such as these no doubt increase the risk acceptance of groups that seek to destroy other groups (see below).

Timing is an issue that Mayersen also takes up in her thoughtful qualitative analysis about the genocide of the Armenians in 1915 and the genocide in Rwanda in 1994. She introduces a “temporal model” that relies on process tracing to explain how and why the risks of genocide in both cases developed and eventually erupted into genocide at the time they did. Hers is a model that demonstrates the importance of the use of historical context to explain when certain genocidal preconditions move beyond being conditions of structural violence and become triggers of genocide. There comes a point at which decision-makers face a “process of review requiring either retreat or escalation.”¹⁷ In the case of Rwanda, she attributes the genocide to the “entrenched power of the dominant authority [the Hutu regime] and deepening perceptions of the out-group as an existential threat,” along with the eventual emergence of a xenophobic ideology.¹⁸ Mayersen’s work delves deeper into the origins of the circumstances that impacted the policymaking decisions of leaders. She suggests leaders face critical junctures that can erupt into genocide largely as a function of the status of the perpetrator regime. The present study suggests that what may be helpful to her argument (and others which posit a relationship between circumstances and elite perceptions) is the inclusion of a model to test this argument more systematically.

Genocide does not occur in a vacuum. Its occurrence is impacted by a variety of players as well as conditions of structural violence. This study contends that a greater focus on institutions within a country—how and why they were constructed in a particular manner, how they change over time, who changes them—is essential to understanding why many societies become vulnerable to genocide and others do not. Moreover, understanding how institutions influence the policy preferences of political elites shines a light on variations in the timing and occurrence of genocide.

A greater concentration on historical institutional context may also elucidate why and how individual elements of the broader *basket-like* concepts of ideology or internal upheaval impact state (and non-state) actors differently. Nyseth Brehm quantitatively demonstrates that the significance of colonial rule, discrimination, exclusionary ideology, prior genocides, and “contention surrounding elite ethnicity” (all measures of the exclusion of outgroups) varies, with some of the disaggregated features (prior genocides, colonial past) less conducive to the onset of genocide; others more so.¹⁹ A historical analysis of institutional development may add further to these results, as would the inclusion of a decision model. This is the natural outgrowth of the work of scholars who theorize that elites arrive at their decision to perpetrate genocide (which may or may not be a rational one) as a result of a particular mindset.

For example, Stuart Kaufman suggests genocide results from certain forms of symbolic politics.²⁰ He contends Hutu extremists in Rwanda chose genocide, not because it was an optimal solution to their power-seeking dilemma, but because they were following their own “ethnic mythology”—a set of beliefs, influenced by past experiences, which demonized the Tutsi and called for their destruction. This mythology created the appropriate “context for

¹⁶ Valentino, *Triggers of Mass Killing*, 2; see also Scott Straus, *Triggers of Mass Atrocities*.

¹⁷ Mayersen, *On the Timing*, 27.

¹⁸ *Ibid.*, 30–31.

¹⁹ Nyseth Brehm, *Re-Examining Risk Factors*, 74.

²⁰ Stuart J. Kaufman, “Symbolic Politics or Rational Choice? Testing Theories of Extreme Ethnic Violence,” *International Security* 30, no. 4 (2006), 45–86; see, in particular, page 48.

leaders in which predatory policy was more popular than moderate policy; and the hostile narratives provided a symbolic vocabulary that the leaders used as tools to mobilize support.”²¹

To Michael Mann, perpetrators of mass violence act from a variety of motives. Mann relies on Weber’s classification of human action to assess human behavior, which can be instrumentally rational, habitual, value-rational, and/or affectual. How actors behave in high-stress situations is contingent on the circumstances. Instances in which actors pursue objectives *regardless* of their costs are considered by Mann to be examples of value-rational behavior. “[P]eople are willing to risk or inflict death in pursuit of their values, [with] instrumental reason [...] relegated to the back burner.”²²

Jack Snyder also suggests that actors may pursue risky policy choices because of ideology. He argues that ideologies can produce “biased perceptions” in which “each side [sees] [...] the other as more threatening than it really is yet more easily defeated by united opposition than the true probabilities may warrant. Thus, aggression looks more necessary and more likely to succeed than it really is.”²³

Manus Midlarsky’s model uses prospect theory to explain the occurrence of genocide in three cases: Ottoman Turkey, Nazi-occupied Europe, and Rwanda.²⁴ With respect to Rwanda, he argues that the inability of extremists to adjust to the losses associated with the advent of multiparty democracy, RPF victories on the battlefield, violence in Burundi, expansion of the refugee population in Rwanda, and a history of inter-group tensions, led them to abrogate the Arusha Peace Treaty in April 1994. To Midlarsky, the abrogation of the treaty was the risk-seeking option. Genocide was perpetrated to compensate the Hutu for all their previous losses, and to minimize the costs associated with the riskier option selected. The present study suggests that the *means* associated with abrogating the peace treaty—genocide—was the risk-seeking option for Hutu leaders. Hutu extremists had been refusing to cooperate with the treaty demands for months and in various ways—including the use violence. Why genocide ended up as their policy choice requires further explanation.

All of the models discussed above strive to explain how contextual factors influence the choice-making processes of elites and other relevant actors in the commission of violence against populations. The model presented in this study relies on historical analyses of the patterns of institutional development in Rwanda and Burundi and employs a decision model to empirically test how institutions and environmental conditions were perceived by elites in both cases, and why similar circumstances led to different outcomes. In this way, this study strives to overcome some of the issues of “overprediction, imprecision and inconsistency” that have been associated with risk assessment models.²⁵

Part II: CHA, Process Tracing, Prospect Theory, and Genocide

Institutions within a country can create the preferable environment for genocide and other forms of mass violence to occur; they also explain variation in choice behavior. Institutions filter the impact of national crises that take place and shape the impressions of political and social elites, and party members. They fuel the creation of political paradigms that justify or reinforce policymaking behavior. This is an argument that is deeply embedded in the works of Kathleen Thelen, James Mahoney, Peter Hall, and others. Institutions are defined by Wolfgang Streeck and Kathleen Thelen as “*building-blocks of social order*: they represent socially sanctioned [...]

²¹ Ibid., 48, 50.

²² Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005), 26. For further discussion about these studies, see Mitchell, *Institutional Legacies*, 23–25, 44–45.

²³ Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (Ithaca: W. W. Norton & Company, 2000), 50, 66.

²⁴ Manus I. Midlarsky, *The Killing Trap: Genocide in the Twentieth Century* (Cambridge: Cambridge University Press, 2005), 92–97.

²⁵ Mayersen, *Predicting Genocide*, 83.

collectively enforced expectations with respect to the behavior of specific categories of actors or to the performance of certain activities."²⁶

Institutional development is assumed to be path-dependent, but change is possible through critical junctures, generally defined by Peter Hall and Rosemary Taylor as "moments when substantial institutional change [creates] [...] a 'branching point' from which historical development moves onto a new path."²⁷ Regardless of whether a critical juncture is the result of a crisis or non-crisis event,²⁸ similar critical junctures impact countries differently depending on their interaction with various internal political processes.²⁹

Streeck, Thelen, and others suggest that institutions do not *fully* condition the preferences of actors. Actors do exercise individual agency. This notion of agency implies that the occurrence of genocide (or other violence) is not inevitable. Rather, its timing and logic vary given the nature of societal interaction with extant institutional arrangements at a given time. Greater allowance for agency permits variation on the occurrence of genocide across cases, as well as the decision to commit genocide within cases.

To explain these variations, this study relies on Comparative Historical Analysis (CHA), especially the use of process tracing and the inclusion of an integrative research design that incorporates a decision model. CHA's three defining features are its macro-configurational quality, its emphasis on case-based research, and its temporal orientation, all of which set it apart from experimental research. As Thelen and Mahoney suggest, "[t]his combinatorial approach to causation assumes complexity in the specific sense that interaction effects—including interactions among more than two variables—are presumed to be common, and thus individual causal factors normally must be analyzed as parts of larger combinations."³⁰

The techniques of CHA are not unique to genocide scholars. The studies by Mayersen, Nyseth Brehm, Eelco van der Maat and Arthur Holmes, Evgeny Finkel and Scott Straus, for example, are very much concerned with the sequencing and interaction of causal events.³¹ Traditionally, much of genocide research has relied on the use of an explicit typology as a basis for controlled comparison between cases. An excellent example is Harff's 1987 work, "The Etiology of Genocides."³² Context matters and is assumed to impact the responses of elites to the deterioration of conditions in their country.³³

In choosing cases for comparison, CHA enables researchers to explore and explain real-world puzzles, cases that are strikingly similar on several significant dimensions, but which experience divergent outcomes, and cases that are quite different on several key dimensions yet

²⁶ Wolfgang Streeck and Kathleen Thelen, eds., *Beyond Continuity: Institutional Change in Advanced Political Economics* (Oxford: Oxford University Press, 2005), 9. Emphasis in original; see also, Kathleen Thelen, "Historical Institutionalism in Comparative Politics," *Annual Review of Political Science* 2, no. 1 (1999), 369–404.

²⁷ Peter A. Hall and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (1996), 942.

²⁸ Stephen D. Krasner, "Review Article: Approaches to the State: Alternative Conceptions and Historical Dynamics," *Comparative Politics* 16, no. 2, (1984), 234; B. Guy Peters, *Institutional Theory in Political Science: The "New Institutionalism"* (London: Pinter, 1999), 70.

²⁹ Richard M. Locke and Kathleen Thelen, "Apples and Oranges Revisited: Contextualized Comparisons and the Study of Comparative Labor Politics," *Politics and Society* 23, no. 3 (1995), 338.

³⁰ Kathleen Thelen and James Mahoney, "Comparative-Historical Analysis in Contemporary Political Science," in *Advances in Comparative-Historical Analysis*, eds. James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2015), 7.

³¹ Mayersen, *On the Timing*; Nyseth Brehm, *Moving Beyond*; Eelco van der Maat and Arthur Holmes, "The Puzzle of Genocidal Democratization: Military Rivalry and Atrocity in Myanmar," *Journal of Genocide Research* 25, no. 2 (2023), 172–194; Evgeny Finkel and Scott Straus, "Macro, Meso, and Micro Research on Genocide: Gains, Shortcomings, and Future Areas of Inquiry," *Genocide Studies and Prevention* 7, no. 1 (2012), 56–67.

³² Barbara Harff, "The Etiology of Genocides," in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, eds. Isidor Wallimann and Michael N. Dobkowski (Westport: Greenwood Press, 1987), 41–59.

³³ Thelen and Mahoney, *Comparative-Historical Analysis*, 22.

experience the same or a similar outcome.³⁴ The present study's real-world puzzle is the variegated outcomes resulting from the collapse of multiparty democracy in Rwanda and Burundi in 1994 and 1993, respectively. To elucidate these outcomes more clearly, an in-depth examination of the decision-making behavior of elites in both countries is necessary.

To achieve this objective, this study utilizes process tracing and the inclusion of a decision model.³⁵ Process tracing is one of the mechanisms that researchers who use CHA find useful as a means of establishing causality between larger-scale phenomena and their hypothesized outcomes. Alexander George and Timothy McKeown contend that process tracing enables the researcher "to uncover what stimuli the actors attend to; the decision process that makes use of these stimuli to arrive at decisions; the actual behavior that then occurs; the effect of various institutional arrangements on attention, processing, and behavior; and the effect of other variables of interest on attention, processing, and behavior."³⁶ James Mahoney and Richard Snyder contend that process tracing often requires the use of an integrative approach, which is valuable as a means of combining various levels of analyses.³⁷

When the topic is regime change, Mahoney and Snyder suggest that the critical juncture of institutional change represents the link between larger-level structures and human behavior. It is during periods of institutional change that individual agency (measured in policy-making behavior) occurs. What is necessary is a systematic micro-analysis of individual decision-making behavior.

Uğur Ümit Üngör argues that the incorporation of micro-level analysis is useful for any research model that seeks to explain genocide, mass violence, and their outcomes, not only comprehensively, but in a manner which adheres to the rules of comparative methodology as well.³⁸ The decision model used by the present study is based on the assumptions of prospect theory.

Other decision models were considered, including poliheuristic theory and game theory, both of which have been applied to crisis decision making and/or the modeling of mass atrocities. The former argues that decision-making is a two-stage process. In the first stage, policymakers focus on political survival. Alex Mintz and J. Tyson Chatagnier contend that cognitive constraints, including biases, influence the decision process at this first stage. Leaders choose those options that are less likely to cause them political damage domestically. Once a politically viable option is selected, the decision process enters a second stage in which policymakers choose rationally among the remaining options, weighing the utility of each option against a more diverse set of priorities, including international and economic concerns.³⁹

In game theory models, assumptions are made about what influences rational choice behavior.⁴⁰ In their study of the violence in Rwanda and Burundi, for example, Ravi Bhavnani and David Backer find that the level of intergroup trust, group extremism, a genocidal norm, and sanctions to punish those who refuse to commit violence impact the severity and scope of

³⁴ *Ibid.*, 14–15.

³⁵ James Mahoney, "Strategies of Causal Assessment in Comparative Historical Analysis," in *Comparative Historical Analysis in the Social Sciences*, eds. James Mahoney and Dietrich Rueschemeyer (Cambridge: Cambridge University Press, 2003), 342.

³⁶ *Ibid.*; see also Alexander L. George and Timothy J. McKeown, "Case Studies and Theories of Organizational Decision-Making," in *Advances in Information Processing in Organizations*, vol. 2, eds. Robert Coulam and Richard Smith (London: JAI Press, 1985), 35.

³⁷ James Mahoney and Richard Snyder, "Rethinking Agency and Structure in the Study of Regime Change," *Studies in Comparative International Development* 34, no. 2 (1999), 11.

³⁸ Uğur Ümit Üngör, "Fresh Understandings of the Armenian Genocide: Mapping New Terrain with Old Questions," in *New Directions in Genocide Research*, ed. Adam Jones (London: Routledge, 2012), 205.

³⁹ Alex Mintz and J. Tyson Chatagnier, "Poliheuristic Theory: A Middle Ground Between Rational and Cognitive Decision Theories," in *Oxford Research Encyclopedia of Politics*, 2 vols., ed. David P. Redlawsk (Oxford: Oxford University Press, 2020), <https://doi.org/10.1093/acrefore/9780190228637.013.977>.

⁴⁰ For more on this, see Mitchell, *Institutional Legacies*, 21–22.

intergroup violence.⁴¹ To use another example, in their model, Rui de Figueiredo and Barry Weingast contend that Hutu politicians in Rwanda engaged in what they refer to as a “gambling for resurrection.” Their goal was to manipulate the public about the “true” intentions of the RPF to encourage participation in the genocide. The authors suggest genocide was a method to ensure that a future RPF government would fail.⁴²

A full assessment of the questionable empirical validity of many of the assumptions on which these game theory models rely is beyond the scope of the present study. It is worth noting, however, their problematical primary assumption that a single and mutual decision rule applies to choice behavior under conditions of risk. Given a set of options, they assume all actors rationally choose the option with the highest benefit relative to cost. And, when faced with similar circumstances, all actors will choose similarly. Under conditions of uncertainty, the more rational option is the risk averse one. In the context of war, for example, Bueno de Mesquita and David Lalman suggest that actors behave in a risk averse manner, preferring negotiations to war.⁴³ Prospect theory challenges this argument.

Daniel Kahneman and Amos Tversky describe prospect theory as a form of bounded rationality that assumes that under conditions of uncertainty a decision maker weighs each of their choice options by their perception of their own circumstances as a *gain* or a *loss* relative to some reference point.⁴⁴ In the present study, these reference points concern the shift from single party to multiparty democracy (as a critical juncture) in Rwanda and Burundi.

Jack Knetsch, Janice Gross Stein, and others contend that actors are more sensitive to losses than gains.⁴⁵ Also referred to as the *endowment effect*, this greater sensitivity manifests itself in a desire on the part of the actor to hold on to what they have at any price, even if that price is unreasonably high. Consequently, if a decision maker perceives a change in his or her situation as a loss, they will frame their options with which to respond to this change in negative terms—as a choice between two or more options with negative outcomes.⁴⁶ In this example, risk-seeking behavior becomes the method actors use to reverse an unfavorable turn of events and potentially recoup their losses. They go for the all-or-nothing gamble. Even if the chances of recouping their losses are extremely slim, they prefer to gamble everything, rather than accept the more rational, risk averse choice.

Daniel Kahneman, Jack Knetsch, and Richard Thaler argue that if actors perceive their circumstances from a *gains* frame, they will be more likely to choose a more rational, cost-effective solution.⁴⁷ They will be more inclined to accept their current circumstances and avoid a high risk gamble. The gains frame from which they operate induces them to rank their choice

⁴¹ Ravi Bhavnani and David Backer, “Localized Ethnic Conflict and Genocide: Accounting for Differences in Rwanda and Burundi,” *Journal of Conflict Resolution* 44, no. 3 (2000), 283–306.

⁴² Rui J. P. de Figueiredo, Jr. and Barry R. Weingast, “The Rationality of Fear: Political Opportunism and Ethnic Conflict,” in *Civil Wars, Insecurity, and Intervention*, ed. Barbara F. Walter and Jack Snyder (New York: Columbia University Press, 1999), 261–302.

⁴³ Bruce Bueno de Mesquita and David Lalman, *War and Reason: Domestic and International Imperatives* (New Haven: Yale University Press, 1992).

⁴⁴ Daniel Kahneman and Amos Tversky, “Prospect Theory: An Analysis of Decision under Risk,” *Econometrica* 47, no. 2 (1979), 263–291.

⁴⁵ Jack L. Knetsch, “The Endowment Effect and Evidence of Nonreversible Indifference Curves,” *American Economic Review* 79, no. 5 (1989), 1277–1284; Janice Gross Stein, “International Cooperation and Loss Avoidance,” in *Choosing to Co-operate: How States Avoid Loss*, ed. Janice Gross Stein and Louis W. Pauly (Baltimore: John Hopkins Press, 1992), 2–34.

⁴⁶ “Framing” is defined as “a central organizing idea or story line that provides meaning to an unfolding strip of events.” See William Gamson and Andre Modigliani, “The Changing Culture of Affirmative Action,” in *Equal Employment Opportunity: Labor Market Discrimination and Public Policy*, ed. Paul Burstein (Hawthorne: Aldine de Gruyter, 1994), 376.

⁴⁷ Daniel Kahneman et al., “Anomalies: The Endowment Effect, Loss Aversion, and Status Quo Bias,” *Journal of Economic Perspectives* 5, no. 1 (1991), 193–206; Jack S. Levy, “An Introduction to Prospect Theory,” *Political Psychology* 13, no. 2 (1992), 177.

options rationally. In other words, they see their options as a choice between that which offers the highest benefit relative to cost and so on down the line.

In contrast to poliheuristic theory, not all decision makers move beyond the first stage in the decision process. The decision behavior of actors in a losses frame, for example, is hampered by cognitive biases that prevent them from moving beyond the idea of political survival at any cost. Moreover, prospect theory argues that actors in a losses frame are far less likely to alter their perspective, even in the face of new information that contradicts their views. They will not consider additional options.

Prospect theory has been used to explain many different aspects of international relations behavior—including cases of cooperation between groups, matters of military deterrence, as well as inter-state conflict and war.⁴⁸ The present study utilizes the theory to explain how institutional legacies impacted the mindsets of political leaders and their policy choices in response to demands for institutional change.

Admittedly, prospect theory is not perfect. Jack Levy suggests that one of the problems the theory encounters stems from a need to distinguish the reference point from the context.⁴⁹ A failure to do so results in a tautology. For this study, the tautology is of the type: *How do we know why a leader chose to carry out genocide? Because they framed the scenario as a loss. How do we know they framed it as a loss? Because they carried out genocide.* The combination of prospect theory and historical institutionalism resolves this problem, at least when the topic of analysis is a specific event like regime change. By historicizing the process of radicalization, one can separate the evidence of framing in the domain of loss from the empirical behavior of genocide. Simultaneously, prospect theory aids in overcoming one of the major obstacles of historical institutionalism (really, any of the institutionalisms), which is to say the problem of institutions as a *black box*.

This hypothesized relationship between institutional legacies and decision behavior is demonstrated in Figure 1 below:

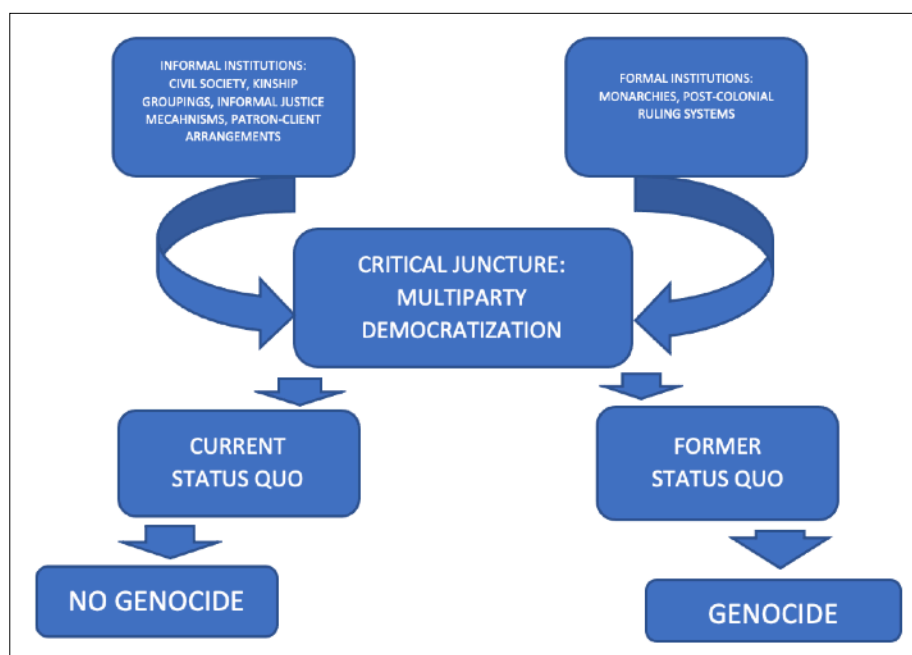


Figure 1. Institutional Legacies, Decision Behavior, and Genocide.

⁴⁸ Jona Linde and Barbara Vis, "Do Politicians Take Risks Like the Rest of Us? An Experimental Test of Prospect Theory Under MPs," *Political Psychology*, 38, no. 1 (2017), 101–117; Peter J. Phillips and Gabriela Pohl, "Prospect Theory and Terrorist Choice," *Journal of Applied Economics* 17, no. 1 (2014), 139–160.

⁴⁹ Jack S. Levy, "Prospect Theory and International Relations: Theoretical Applications and Analytical Problems," *Political Psychology* 13, no. 2 (1992), 294.

For purposes of clarity, the former status quo (“FSQ”) refers to the system of single party rule as a speaker’s reference point; the current status quo (“CSQ”) refers to the democratizing system as the reference point. The independent variables are informal and formal institutions within both countries. “Multiparty Democratization” is the intervening variable and encompasses the period which begins six months prior to the legalization of multiparty democracy in each country and ends the date on which the leaders of both countries were assassinated in *coups d’état*. For Burundi, this period is from October 1, 1991, to October 13, 1993. For Rwanda, this period lasts from January 1, 1991, to April 6, 1994.⁵⁰

Multiparty democratization also represents the period for which this study assesses the views politicians, party members, and activists in both countries held regarding the shift from single party to multiparty rule. To examine these perceptions, this study conducts a content analysis of the public statements made by elites about the democratization process. This content analysis is used to test the following hypotheses about institutional change, reference point use, and policy response:

H1: A greater proportion of arguments made by speakers that favor a particular course of action to be taken in response to multiparty democratization are those in which a reference point is used by the speaker.

H2: Arguments made by speakers that favor a risk-seeking policy course contain a greater proportion of arguments in which a speaker uses the prior system of single party rule (FSQ) as their reference point. These arguments tend to portray multiparty rule as a complete loss.

H3: Arguments made by speakers that favor a risk-averse policy course contain a greater proportion of arguments in which a speaker uses the current system of multiparty democracy (CSQ) as his or her reference point. These arguments tend to portray multiparty rule as a gain.

To determine whether a statement constitutes a policy argument this study relies on Ariel Levi and Glen Whyte’s definition of “argument.” They define “argument” as, “a reason or set of closely related reasons supporting a course of action.”⁵¹

To assess policy risk, this study uses the method suggested by Rose McDermott, who defined a choice as “risky” relative to others if “it has greater outcome variance in promoted values than alternative options.”⁵² An option is considered “risk-seeking” if the difference between the best and worst outcomes of the option is greater than the variance in the best and worst outcomes of the second option, the third (and so on...). In a domain of losses, options are ranked as follows:

Best A
Best B
Worst B
Worst A

⁵⁰ For further information on the intervening variable in this study, as well as the methodology and research design, see Mitchell, *Institutional Legacies*, 75–82.

⁵¹ Ariel S. Levi and Glen Whyte, “A Cross-Cultural Exploration of the Reference Dependence of Crucial Group Decisions under Risk: Japan’s 1941 Decision for War,” *Journal of Conflict Resolution* 41, no. 6 (1997), 803.

⁵² Rose McDermott, *Risk Taking in International Politics: Prospect Theory in American Foreign Policy* (Ann Arbor: University of Michigan Press, 1998), 39.

In this instance, a risk-seeking policy is one that would stall or completely obstruct the democratization process and includes policies that call for the use of violence (extermination, self-defense of the country, war) against opponents or calls to boycott the entire democratization process.

Conversely, in a gains frame, options are ranked as follows:

Best B
Worst B
Best A
Worst A

In a gains frame, all outcomes of option *B* are preferable to the best *and* worst outcomes of option *A*. Option *B* is the risk-averse strategy. For this study, risk averse strategies are those which advocate policies meant to further the democratization process, including calls for greater political liberalization, and implementation of the multiparty system as mandated by constitutional change/treaty.

Part III: Institutional Legacies and Violence in Rwanda and Burundi

This study relies on the work of René Lemarchand, Mahmood Mamdani, Catharine Newbury, Deborah Mayersen, and others, to argue that differences in the institutional experiences in Rwanda and Burundi helped shape the ways in which the advent of multiparty rule was framed by elites in each country.⁵³

In Rwanda, informal and formal institutions were more conducive to the formation of reinforcing social cleavages; although originally, this was very much a matter of geography. Lemarchand and Newbury (separately) write that in the southern and central regions of Rwanda, a more flexible social system once prevailed. Social mobility was possible through the *kwi hutura* (shedding of Hutu status), although both authors contend that the absorption of Hutu lineages into the Tutsi group was more of a strategy used by the Tutsi to check the power of the Hutu.⁵⁴ With the advancement of Tutsi rule throughout these regions, especially in the north, social ranking became the more salient identity.

With the advent of Belgian colonial rule after World War I, the link between political, economic, and social power and ethnicity became far more rigid. Prior to the 1959 Revolution, a highly centralized system of government, with few constraints placed on the power of the Tutsi monarchy, led to the emergence of a cruelly despotic regime. Despite a dramatic shift in the balance of power in the early 1960s (with the help of Belgium), this hierarchical system persisted, albeit in a modified, quasi-democratic form.⁵⁵ The monarchy was replaced by a system of single party Hutu rule, undergirded by the paradigm of “Absolute Hutu Rule,” which emphasized the importance of the 1959 Revolution. Like the doctrine of Tutsi superiority that preceded it, the paradigm advocated by Hutu elites in the First Republic, and especially by Hutu elites in the Second Republic, severely undermined the country’s ability to make lasting

⁵³ René Lemarchand, *Rwanda and Burundi* (New York; London: Praeger Publishers, Inc., 1970); René Lemarchand, *Burundi: Ethnocide as Discourse and Practice* (Washington, DC: Woodrow Wilson Center Press, 1994); René Lemarchand, “Managing Transition Anarchies: Rwanda, Burundi, and South Africa in Comparative Perspective,” *Journal of Modern African Studies* 32, no. 4 (1994), 581–604; Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton: Princeton University Press, 2001); Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996); Catharine Newbury, “Background to Genocide: Rwanda,” *Issue: A Journal of Opinion* 23, no. 2 (1995), 12–17; Catharine Newbury, *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860–1960* (New York: Columbia University Press, 1988); Deborah Mayersen, *On the Path to Genocide: Armenia and Rwanda Reexamined* (New York: Berghahn Books, 2014).

⁵⁴ Newbury, *The Cohesion of Oppression*, 52; Lemarchand, *Rwanda and Burundi*, 38–39.

⁵⁵ “Modified” in this context means that elections were held, and governments formed through loosely democratic processes during the First and Second Republics. See also Mayersen, *On the Path*, 155–156.

and substantive political reforms in subsequent years. By the early 1990s, the collective decision frame that emerged among conservative Hutu elites in Rwanda emphasized the need to defend the dominant paradigm and restore the system of authoritarian rule at any cost.⁵⁶

By comparison, collective memory in Burundi was a historically contested ideological terrain between those who advocated the position that Burundi was comprised of one national group and those who insisted Burundi was a multiethnic country. In the case of the former, the notion of separate communal identities was considered a legacy of Belgian colonial rule; for the latter, communal identities were perceived as a legitimate part of political discourse.⁵⁷ The “National Unity” paradigm that emerged was not associated with the legitimacy of one group’s right to rule. This meant that the doctrine was more amenable to change and could eventually accommodate the shift to multiparty democracy. National Unity fueled the creation of a *gains frame* on the part of many (but not all) Tutsi and Hutu elites in the early 1990s and more pragmatic decision-making behavior as a result. Burundi’s National Unity paradigm is somewhat like the paradigms of “Dialogue” in Cote d’Ivoire and Senegal’s “political grammar of pluralism” described by Straus.⁵⁸

Political paradigms in both countries were reinforced by extant institutional structures, formal and informal. As Timothy Longman and Peter Uvin (separately) argue, civil society in Rwanda played a large role in the persistence of inter-group tensions and violence in Rwanda, whether it be the Church, media sources, or development NGOs.⁵⁹ With the outbreak of civil war in 1990, along with greater demands for political liberalization, civic institutions were frequently used by Hutu leaders to foster greater division between groups.

Burundi is somewhat different. The Buyoya (1987–1993) and Ndadaye (1993) governments used civil society to promote an agenda that underscored a need for greater Hutu-Tutsi cooperation. The fact that the legitimacy of the National Unity paradigm was not challenged by Ndadaye or the majority-led Hutu government that assumed power in July 1993, is a testament to its continued significance as a consensus-building tool for the country.

Moreover, historical data demonstrate Burundi has a long history of power sharing between groups. This study does not overemphasize the power of ethnic parity in Burundian politics as a tool of peace. However, compared to Rwanda, power sharing appears to have been a more dominant political strategy. This desire for power sharing can be attributed to institutions past (formal and informal).

In Rwanda, the patron-client system was closely connected to the political system. The positions of chief and hill chief coincided with economic patron. With few exceptions, there was little relief for clients from exploitation.⁶⁰ Over time, the system became more oppressive with the consolidation of Tutsi power and the introduction of new types of contracts, such as the *ubuhake* cattle contract, which bound individuals rather than entire lineages to a patron.⁶¹ To Newbury, Lemarchand and Jan Vasina, the *ubuhake* and the *ubureetwa* (a contract for menial services), were based on dependency and exploitation of the Hutu.⁶²

In Burundi, the patron-client system was not closely tied to the formal ruling structure. Traditionally, economic and political power in Burundi did not rest exclusively in the hands of

⁵⁶ Scott Straus, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa* (Ithaca: Cornell University Press, 2015), 313–338.

⁵⁷ Lemarchand, *Burundi*.

⁵⁸ Straus, *Making and Unmaking Nations*, 150–158, 225.

⁵⁹ Timothy Longman, “State, Civil Society, and Genocide in Rwanda,” in *State, Conflict, and Democracy in Africa*, ed. Richard Joseph (Boulder: Lynne Rienner Publishers, 1999), 339–358; Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Harford: Kumarian Press, 1998).

⁶⁰ Lemarchand refers to the army chief as providing some degree of advocacy for clients in his territory. See Lemarchand, *Rwanda and Burundi*, 72.

⁶¹ Newbury, *The Cohesion of Oppression*, 110–111, 135–136.

⁶² *Ibid.*; Lemarchand, *Rwanda and Burundi*, 59; Jan Vansina, *Antecedents to Modern Rwanda: The Nyiginya Kingdom* (Madison: University of Wisconsin Press, 2004), 134–136.

one group. Although of lesser social status than the *ganwa* ruling cliques, Hutu and Tutsi in Burundi were able to participate in several institutional environments on a more equal footing for some time, including in the *bashingantahe*, the Indigenous conflict resolution mechanism.⁶³

Of course, certain events, including the assassination of Prince Louis Rwagasore in 1961, the attempted *coup d'état* by Hutu in 1965, and the genocide perpetrated by the Micombero regime in 1972, countered efforts towards ethnic national cohesion. Violence and egalitarianism in Burundi co-existed for decades, if not centuries. In 1972, in response to the deaths of approximately 2,000 Tutsi civilians, the Tutsi military killed any Hutu believed to be associated with the Hutu rebels responsible for the initial violence. An estimated 100,000 Hutu were killed by the Tutsi military between April and August 1972.⁶⁴ Other episodes of mass violence perpetrated by the Tutsi military also occurred in 1965 and 1988. These examples demonstrate the military's preference for the use of violence as an acceptable means of dealing with political dissent (real or imagined). However, as bloody as these episodes of violence were, they fall outside the scope of the present study, which is directed towards explaining violence as a response to democratization in Burundi and Rwanda in the 1990s.⁶⁵

Generally, Burundi's institutional underpinnings influenced the shape authoritarian rule was to assume in the decades after independence. The ethos of ethnic parity, as it applied to the distribution of government positions, continued after the monarchy was deposed by the Tutsi military in 1966. The first three Republics all practiced some degree of inclusiveness. The largest number of cabinet positions held by Hutu prior to 1993 was thirteen. This is far greater than Tutsi participation in the First and Second Republics in Rwanda. By 1988, the number of Tutsi in the *Conseil National de Développement* (National Development Council of Rwanda) was 2 out of 70.⁶⁶ That the Tutsi exercised hegemonic control over Burundi's political institutions for the better part of four decades cannot be disputed. At the same time, however, Burundi's Hutu opposition was granted at least some stake in the political process and, in later years, the process of democratization and reform.

While the monarchy and the military regimes in Burundi commonly attributed egalitarian practices to a doctrine of National Unity, in all its various forms, their behavior was also a likely result of the practical realization that to maintain control and stability in a country in which they were fewer in number, it was necessary to adopt a more pragmatic approach to group relations. The behavior exhibited by Hutu political elites in 1993 and in the governments formed afterward, reflects a somewhat similar understanding. This study in no way suggests the progress of multiethnic rule in Burundi has been easy going; rather, the opposite is the case.⁶⁷ This study returns to this issue below.

The historical data indicate that institutional legacies predisposed political actors to respond to institutional changes in certain ways. However, this does not explain *how* institutional legacies came to have the impact they did on the choice-making behavior of elites.

⁶³ The *ganwa* were corporate descendants of the *Mwami* King. There is no similar class in Rwanda. Hutu and Tutsi identities in Burundi were relatively fluid. Burundi also has status distinctions *within* the Hutu and Tutsi groups, such that a Hutu could outrank a Tutsi in certain instances. Lemarchand and others have written that *ganwa* struggles for power prevented the conflict in Burundi from polarizing along Hutu Tutsi lines until after independence. See Lemarchand, *Rwanda and Burundi*, 23–24, 77; Warren Weinstein, *Historical Dictionary of Burundi* (Metuchen: Scarecrow Press, 1976), 146; Albert A. Trouwborst, "Le Burundi," in *Les Anciens Royaumes de la Zone Interlacustre Meridionale: Rwanda, Burundi, Buha*, eds. Marcel d'Hertefeld et al. (Tervuren: Musee Royal de L'Afrique Centrale, 1962), 113–169.

⁶⁴ Lemarchand *Burundi*; Thomas Patrick Melady, *Burundi: The Tragic Years* (Maryknoll: Orbis Books, 1974).

⁶⁵ For more on the topic of the 1972 genocide, see Lemarchand, *Burundi*, 127–130.

⁶⁶ Africa Contemporary Record (1989–1990), B244, Holmes & Meyer, New York; Lemarchand, *Burundi*, 107–117; André Guichaoua, ed., *Les crises Politiques au Burundi et au Rwanda, 1993–1994: Analyses, Faits et Documents* (Lille: Université des Sciences et Technologies de Lille, 1995), 745–746.

⁶⁷ Stef Vandeginste, "Legal Loopholes and the Politics of Executive Term Limits: Insights from Burundi," *Africa Spectrum* 51, no. 2 (2016), 39–63; Filip Reyntjens, "Institutional Engineering, Management of Ethnicity, and Democratic Failure in Burundi," *Africa Spectrum* 51, no. 2 (2016), 65–78.

Moreover, it does not account for variation between decision-makers. We know that Hutu and Tutsi politicians were not monolithic.

Prospect Theory, Risk Assessment and Policy Choice

To test how institutional legacies impacted the perceptions of elites in Rwanda and Burundi, this study relied on a content analysis of the public statements about democratization that were made by elites in both countries to the foreign and domestic press.⁶⁸ In total, 158 articles were selected for Rwanda and 52 for Burundi that referenced the topic of “multiparty democracy.” Articles were then categorized by whether they included an argument or arguments made by political actors for a particular type of policy to be followed in response to democratization. For Rwanda, out of the 158 articles that referenced democratization, 205 policy arguments were obtained. For Burundi, out of the 52 articles that referenced democratization, only 46 policy statements were obtained.⁶⁹

Policy arguments were next categorized according to the type of domain or mindset the speaker demonstrates, which is assumed to be a function of two factors—the actor’s preference for a policy that is either *high risk* or *low risk*, and their use of a particular type of reference point (for example, the FSQ of single party rule or the CSQ of multiparty democracy). All results from the content analysis were cross-tabulated and their significance assessed with a chi-square analysis.⁷⁰

To corroborate the results of the content analysis (establish correlative validity), several qualitative studies were also considered, including the studies by Linda Kirschke, African Rights, Alison Des Forges, Gérard Prunier, René Lemarchand, and Filip Reyntjens.⁷¹

The results obtained from the content analysis support two of the three hypotheses.⁷² Most policy arguments made by speakers in both countries which reference a policy choice—low risk (“LR”) or high risk (“HR”)—demonstrate the use of reference points (173 out of 205 policy arguments for Rwanda, 36 out of 46 policy arguments for Burundi). A chi-squared test of independence was performed on the cross tabulation for Rwanda (Table 1). The relationship between argument type and policy preference for elites was found to be statistically significant.⁷³

⁶⁸ For full details of the content analysis, including the coding process and inter-coder reliability, see Mitchell, *Institutional Legacies*, 79–81. For further information on the method of content analysis, see Ole R. Holsti, *Content Analysis for the Social Sciences and Humanities* (Reading: Addison-Wesley Publication Co., 1969) and Klaus Krippendorff, *Content Analysis: An Introduction to its Methodology* (Thousand Oaks: Sage Publications, 2004).

⁶⁹ This study used two coders. To statistically assess inter-coder reliability, Cohen’s kappa (K) was used. See Mitchell, *Institutional Legacies*, 80, 179–185.

⁷⁰ The chi-square test is designed to test whether a relationship between variables is entirely due to chance. The test statistic is $X^2 = (O-E)^2/E$, where E represents expected frequency and O represents observed frequency of values. The null hypothesis can be discarded if the value of X^2 is greater than the critical value listed for lower probabilities, per degrees of freedom. See Lawrence Hamilton, *Data Analysis for Social Scientists: A First Course in Applied Statistics* (Belmont: Wadsworth Publishing, 1996), 224–227.

⁷¹ Linda Kirschke, *Broadcasting Genocide: Censorship, Propaganda, and State-Sponsored Violence in Rwanda, 1990–1994* (London: Article 19, 1996); African Rights, *Rwanda: Death, Despair and Defiance*, rev. ed. (London: African Rights, 1995); Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999); Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (London: Hurst & Co., 1995); Lemarchand, *Rwanda and Burundi*; Filip Reyntjens, *Burundi: Breaking the Cycle of Violence* (London: Minority Rights Group, 1995). For this qualitative assessment, see also Mitchell, *Institutional Legacies*, 185–192.

⁷² Mitchell, *Institutional Legacies*, 179–185.

⁷³ The chi-square test statistic for this sample is 5.48 with one degree of freedom. The critical values for the chi-square distribution for one degree of freedom are 5.024 and 6.635. This means that, in this example, a chi-square value larger than 5.48, given one degree of freedom, will occur with a probability between .02 and .01.

Table 1: H1, Cross-tabulation of arguments by policy preference and reference point use, Rwanda

	<i>Non-reference point</i>	<i>Reference point</i>	<i>Total</i>
<i>LR (0)</i>	23 (17)	85 (91)	108
<i>HR (1)</i>	9 (15)	88 (82)	97
<i>Total</i>	32	173	205

A different outcome resulted for Burundi, attributable largely to a small sample size. The chi-square test of independence performed on the cross tabulation (Table 2 below) indicates the relationship between reference point use and policy preference is largely insignificant. The likelihood the null hypothesis is true is quite high for this sample, over 50%.⁷⁴ Cells with an observed frequency of less than five disproportionately influence the results of a chi-square test. This most likely explains this particular result. The small sample size is simply due to a lack of international coverage of events in Burundi. Even when the sample was expanded to include more articles, the relationship between reference point use and policy preference remained insignificant.⁷⁵

Table 2: H1, Cross-tabulation of arguments by policy preference and reference point use, Burundi

	<i>Non-reference point</i>	<i>Reference point</i>	<i>Total</i>
<i>LR (0)</i>	9 (8.5)	30 (30.5)	39
<i>HR (1)</i>	1 (1.5)	6 (5.5)	7
<i>Total</i>	10	36	46

As shown in Table 3 below, in 78 of the 85 arguments in which speakers indicated a preference for the LR policy course in Rwanda, the CSQ was used as their primary point of reference.

Table 3: H2, H3, Cross tabulation of arguments by policy preference and type of reference point, Rwanda⁷⁶

	<i>CSQ</i>	<i>FSQ</i>	<i>Total</i>
<i>LR (0)</i>	78 (43)	7 (42)	85
<i>HR (1)</i>	10 (45)	78 (43)	88
<i>Total</i>	88	85	173

As expected, most arguments in which the FSQ of authoritarian rule was used as a reference point are those in which speakers advocated a preference for HR policy strategies (or 78 of the 88 arguments). The chi-square test of independence demonstrates that the relationship

⁷⁴ The chi-square test statistic for this sample is .285 with one degree of freedom. The critical value for the chi-square distribution is .455. The probability that the chi-square value is *larger* than .285 (with df of 1) is greater than .50%.

⁷⁵ The time was expanded to include an additional six months. These additional arguments increased the sample size to 49 arguments. The chi-square test statistic for the expanded sample is .475. The chance *no* correlation exists between reference point use and policy risk level is between 25 and 50%. For further information about this cross-tabulation, please contact the author.

⁷⁶ The left-hand figures in each column are the observed frequencies. The figures in parentheses to the right the expected frequencies.

between reference point type and policy preference is statistically significant at the .001 level.⁷⁷ In other words, the probability that the null is true—that no relation exists between reference point-type and preferred policy course—is less than .01%.

For Burundi, most arguments in which speakers advocated a preference for a risk-averse policy course, the CSQ of multiparty rule was used as a reference point (20 of the 30 arguments). The chi-square test of independence run on the cross tabulation in Table 4 yielded somewhat favorable results. With one degree of freedom, the likelihood that a chi-square value exists that is greater than 3.7 is between .10 and .05.⁷⁸

Table 4: H2, H3, Cross tabulation of arguments by policy preference and type of reference point, Burundi

	CSQ	FSQ	Total
LR (0)	20 (17.5)	10 (12.5)	30
HR (1)	1 (3.5)	5 (2.5)	6
Total	21	15	36

These results also indicate that speakers in Burundi who preferred a “low risk” policy course were more inclined to use the FSQ as their reference point than speakers who preferred a higher risk policy (10 out of the 15 FSQ arguments). This finding was surprising. This study tentatively suggests that elites in Burundi looked favorably on the process of democratization but understood that if institutional change did not proceed in a strictly controlled manner, they would lose out substantially. Statements made by President Buyoya demonstrate this. For example, in November 1992, Buyoya referred to his creation of a Commission for Consultation on Democratization as necessary to ensure that the “democratization process [...] proceed in a peaceful and open manner,” that reflects “pure national tradition.”⁷⁹ He consistently warned of “divisive parties” as a cause of instability in Burundi.⁸⁰ In one of the few statements in which a high risk policy course was called for, Buyoya asked all Burundians to mobilize and “participate in the maintenance of security” along with the military to enable democracy to succeed.⁸¹ What can be said about these results is that they demonstrate that the content analysis performed by this study does not represent a *post hoc* explanation of events, rather it has some predictive value.

The behavior demonstrated by elites in Rwanda is clearly consistent with prospect theory’s assumption that actors are more averse to losses than gains. The evidence obtained from the content and historical analyses of institutions in Rwanda suggests that many Hutu elites would not make the adjustment to multiparty democracy. Any movement away from the CSQ was favorable. Although the costs associated with the Broad-Based Transitional Government (BBTG) were objectively few compared to genocide, genocide was chosen because extremists believed it held the key to restoring their return to rule, an outcome that was highly unlikely to occur. Genocide was more likely to reignite the civil war with the RPF, which was a war the Rwandan military would lose. History has shown this is exactly what resulted.

⁷⁷ The chi-square test statistic for this cross tabulation is 112.4, with $df = 1$.

⁷⁸ At one degree of freedom, the relevant critical values are 2.706 and 3.841 (with probabilities of .100 and .050, respectively).

⁷⁹ Radio Burundi, “Burundi Launch of Consultative Commission on Democratization,” BBC Summary of World Broadcasts, November 25, 1992.

⁸⁰ Radio Burundi, “Burundi President Moves Towards Multipartyism: Ban on Religious Parties,” BBC Summary of World Broadcasts, ME/1231/B/1, November 13, 1991.

⁸¹ BBC, “Burundian President Denies that Recent Attacks Were Ethnic in Nature,” BBC Summary of World Broadcasts, ME/1248/B/1, December 6, 1991.

The losses frame of the Hutu is demonstrated by statements that the RPF represented “a section of refugees, nostalgic for their former feudal monarchical power.”⁸² Concerns were repeatedly made by members of the ruling party about the shortcomings of the Arusha Accords and the negotiating process.⁸³ In January 1993, Mathieu Ndirumpatse, *Mouvement Révolutionnaire National pour le Développement* (MRNDD, National Revolutionary Movement for Development) Secretary General, for example, stated the MRNDD’s refusal to participate in a power sharing government with the RPF was a result of the former ruling party being reduced to a “mere observer,” in the potential governing system, and that the RPF’s goal was “to stop the MRND from governing.”⁸⁴ As conditions in the country deteriorated amidst continuing demands for the BBTG to be implemented, Ndirumpatse warned, “the RPF has already started to transgress [the peace agreement] very blatantly,” with its presence in the demilitarized zone. He called on the international community to “condemn the RPF for their acts, which I describe as barbarous.”⁸⁵ Calls were made by extremist groups, like the *Coalition pour la Défense de la République* (CDR, Coalition for the Defense of the Republic), for the Hutu people to be on guard. CDR President Martin Bucyana, for example, called on the Hutu to “be vigilant, for the fatherland is in danger,” and that the “Tutsi people should know how to differentiate their rights and interests from those of the Hutu masses.”⁸⁶

Certain significant events, like the assassination of Burundian President Melchior Ndadaye in 1993 demonstrates the cementing of the losses frame. After Ndadaye’s assassination, former Rwandan president, Juvénal Habyarimana, referred to Ndadaye as a “martyr for democracy” and warned that what happened in Burundi “must serve as a lesson for the Rwandan people.”⁸⁷ To Colonel Theonest Bagasora, “for us, the war has not finished.”⁸⁸ Spokespersons for the Power factions of the *Parti Libéral* and the MDR warned that the incoming Primer Minister, Faustin Twagiramungu, had “usurped the power of announcing the government,” specifically, its inclusion of RPF ministers.⁸⁹ On the day of the signing of the Arusha Accord, Habyarimana referred to the agreement as something in which “everyone has something to lose.”⁹⁰

By comparison, statements made by moderate Hutus, including Prime Minister Agathe Uwilingiyimana, consistently argued for the implementation of the BBTG, warning her countrymen against “falling in the trap of the people who want to sabotage the peace efforts.”⁹¹ After Ndadaye’s assassination, Faustin Rucogoza, speaking for the Council of Ministers, stressed that “the events in Burundi must not hinder the effective implementation of the accord signed in Arusha.”⁹² In a statement made March 14, 1994, Uwilingiyimana refers to the BBTG as

⁸² Radio Rwanda, “Rwanda President’s Address to the Nation on Refugee and Rebel Problems,” BBC Summary of World Broadcasts, ME/0999/B/1, February 18, 1991.

⁸³ Radio Rwanda, “East Africa: Rwanda Foreign Minister Explains Reasoning Behind Arusha Agreements,” BBC Summary of World Broadcasts, ME/1595/B, January 25, 1993.

⁸⁴ Radio Rwanda, “Rwanda: MRND Says It Will Not Take Part in Government in Which It Has No Say,” BBC Summary of World Broadcasts, ME/1582/B/2, January 9, 1993.

⁸⁵ Radio Muhabera, “RPF says MRND Had More to Gain from Reported Massacre,” BBC Summary of World Broadcasts, AL/1851/A, November 18, 1993.

⁸⁶ Radio Rwanda, “Rwanda: CDR Says Negotiating Sides are Not Respecting the Arusha Agreement,” BBC Summary of World Broadcasts, ME/1582/B/1, January 9, 1993.

⁸⁷ “UN Envoy Warns of Power Vacuum in Burundi,” *Agence France-Presse* (AFP), October 27, 1993.

⁸⁸ *Ibid.*

⁸⁹ Augustin Hatar, “Rwanda: Surprise Cabinet Announcements Angers Politicians,” *Inter Press Service* (IPS), March 19, 1994.

⁹⁰ Radio Rwanda, “Rwandan Peace Accord Ceremony in Arusha: Speech by President Habyarimana,” BBC Summary of World Broadcasts, ME/1760/B, August 4, 1993.

⁹¹ John B. Kayigamba, “UN Decision to Send a Peacekeeping Force Welcomed,” *IPS*, October 5, 1993.

⁹² Radio Rwanda, “Cabinet Issues Statement of Burundi Situation,” BBC Summary of World Broadcasts, October 25, 1993.

“the only hope” for Rwanda.⁹³ Others, including Twagiramungu, argued for the multiparty system as a way for the Rwanda people to achieve “reconciliation,”⁹⁴ along with the benefits of “rule of law.”⁹⁵

These sentiments expressed by conservative Hutu politicians are corroborated with written materials by Hutu politicians and leaders, including the September 1992 memorandum issued by Déogratias Nsabimana (Rwandan Armed Forces Chief of Staff under Habyarimana), which identified Rwanda’s primary and secondary “enemies” as Tutsi and anyone who gave aid to the enemy.⁹⁶ Also included are the “Hutu Ten Commandments,” published in *Kangura* magazine on December 10, 1990, and the article published in *Kangura*, titled “A Cockroach Cannot Give Birth to a Butterfly.”⁹⁷ Articles written by Hasan Ngeze and speeches made by Habyarimana, are just some of the many examples expressing the opinions of Hutu political actors. These views are also reinforced by actions, including increased uses of violence towards perceived moderates, efforts to obstruct the formal transition to multiparty rule through violent demonstrations, and interference with UNAMIR (United Nations Assistance Mission for Rwanda) operations.⁹⁸

The content analysis data indicate, however, moderate Hutu politicians in Rwanda, and many Tutsi elites in Burundi, were willing to accept diminished political power. In their policy arguments, members of both groups portrayed movement away from the CSQ as a substantial loss, not just for their communal group, but their country. In Rwanda, calls by opposition parties for national conferences and the implementation of the BBTG reflect a concern for stability in Rwanda that could only be provided through political liberalization. On occasion, even Habyarimana would make statements suggesting democratization was the prudent path for Rwanda to take. In February 1991, he states “Rwanda, has pledged to complete in a climate of openness [...] the institutional and legal process which legitimates the multi-party system demanded by the Rwandan people,” as a way to achieve peace.⁹⁹ The combined influence of loss aversion and diminishing marginal returns likely induced moderates to opt for a “sure thing” over a risky gamble to capture total control of the government.

For Burundi, the gains frame of political elites is demonstrated by their viewpoints expressed to media sources and by their actions, which included the early formation of a transitional power-sharing government comprised of equal numbers of Hutu and Tutsi, as well as a Hutu prime minister, Adrien Sibomana.

Sibomana referred to the power-sharing government as “a way to solve our problems of national unity.”¹⁰⁰ In a separate statement, he cites the transitional power-sharing regime as providing “much opportunity for all ethnic groups.”¹⁰¹ President Buyoya and members of his administration, including Minister of External Relations, Cyprien Mbonimpa, repeatedly called for the process of democratization to continue, despite the work of “enemies of democratization,” including the Palipehutu (a political/rebel group). On December 1, 1991, Mbonimpa called “upon our Rwandan brothers and sisters not to support people who threaten

⁹³ Radio France Internationale, Paris, “UN Envoy, Prime Minister and Belgian Defence Minister All Comment on Situation,” BBC Summary of World Broadcasts, AL/1948/A, March 17, 1994.

⁹⁴ BBC, “Rwanda Peace Accord Signed in Arusha,” BBC Summary of World Broadcasts, ME/1759/II, August 5, 1993.

⁹⁵ Robert M. Press, “Hutus, Tutsi Try Reconciliation,” *Christian Science Monitor*, August 31, 1993, accessed June 8, 2023, <https://www.csmonitor.com/1993/0831/31071.html>.

⁹⁶ Des Forges, *Leave None*, 62–63.

⁹⁷ African Rights, *Rwanda: Death, Despair and Defiance*, 43.

⁹⁸ Des Forges, *Leave None*; African Rights, *Rwanda: Death, Despair and Defiance*; Prunier, *The Rwanda Crisis*.

⁹⁹ Radio Rwanda, “Rwandan President’s Address to the Nation on Refugee and Rebel Problems,” BBC Summary of World Broadcasts, BBC/ME/0999/B/1, February 18, 1991; Radio Rwanda, “Rwanda Habyarimana on Political Pluralism; Preparations for Elections; Refugees,” BBC Summary of World Broadcasts, BBC/ME/1114/B/1, July 3, 1991.

¹⁰⁰ “Burundi: National Unity Not Far Off, Prime Minister Says,” *IPS*, June 6, 1991.

¹⁰¹ Eduardo Cue, “Dateline: Makamba, Burundi,” *United Press International*, August 17, 1991.

peace, stability, and the policy of unity and national reconciliation launched in Burundi."¹⁰² Buyoya constantly reinforced the idea that Burundians "know that the path of unity remains the only valid path."¹⁰³ At other times, Buyoya referred to democratization as "an imperative path and one of salvation."¹⁰⁴

After his 1993 defeat at the polls, Buyoya called on his country to support the new president because "it is in the welfare of the people," as well as to "continue to follow the path of unity and reconciliation."¹⁰⁵ Ndadaye described his victory and Burundi's new government as a "victory for the Burundian people," despite his expectations that the former ruling party would "use all the means at their disposal to cheat."¹⁰⁶ Ndadaye attributed the fact that cheating did *not* occur to the fact that Burundians' "desire for change was very strong."¹⁰⁷

The motivations for risk-averse behavior exhibited by Tutsi elites in Burundi and Hutu moderates in Rwanda were not identical. For Hutu moderates in Rwanda, it is a safe bet that their choice-making behavior was a result of their desire to gain greater political influence in a governing system long dominated by the northern Hutu. The best and worst outcomes associated with the BBTG were considered preferable to *any* of the outcomes associated with the use of excessive violence. For some Tutsi leaders in Burundi, their risk-averse behavior demonstrates a motive for political survival through the multiparty system.

As indicated above, the perception of multiparty rule as a gain in Burundi was reflected in institutional changes. The number of Hutu provincial governors was increased, and the country's constitution revised in 1992 to allow for the creation of a multiparty system. As described by Reyntjens: "[t]he introduction of representational parity was to be the prudent beginning of the use of constitutional design to deal with the ethnic divide."¹⁰⁸

However, democracy in Burundi still collapsed on October 13, 1993. The International Commission of Inquiry, established at the request of the UN Security Council, investigated the causes of the coup and the violence that followed. The Commission attributed the *coup d'état* to a faction of the military, and the wave of violence that eventually claimed 50,000 Hutu and Tutsi lives to members of Front pour la Démocratie au Burundi (FRODEBU, Front for Democracy in Burundi), Tutsi members of Union pour le Progrès national (UPRONA, Union for National Progress), Hutu and Tutsi civilians, and the army.¹⁰⁹ It is difficult to discern whether the massive bloodshed that began in 1993 was the result of any organized plan created by Tutsi incumbents. Likewise, and despite allegations to the contrary, there is little evidence which suggests a genocidal plan was drawn up by Hutu political elites. According to Reyntjens, the accusation the Hutu intended to annihilate their Tutsi neighbors is unfounded and an attempt to exonerate the military of responsibility.¹¹⁰ It is certainly undeniable that what happened in Burundi is an example of mass violence between groups, based on group identity.

¹⁰² Radio Burundi, "Minister Calls for Restraint in Relations with Rwanda," BBC Summary of World Broadcasts BBC/ME/1245/B/1, December 1, 1991.

¹⁰³ BBC, "Burundi Government statement on Attacks: Buyoya Says Democratization Goes On," BBC Summary of World Broadcasts, ME/1241/ii, November 28, 1991.

¹⁰⁴ Radio Burundi, "Burundi President Buyoya Outlines Moves for Peaceful Transition to Democracy," BBC Summary of World Broadcasts, ME/1245/B/1, January 10, 1992.

¹⁰⁵ Radio Burundi, "Burundi: Buyoya says Subjective Factors Led to Election Defeat," BBC Summary of World Broadcasts, June 23, 1993; Radio Burundi, "Buyoya asks Country to Support New President Ndadaye," BBC Summary of World Broadcasts, July 10, 1993.

¹⁰⁶ Catherine Watson, "Turning a Page on the Past," *Africa Report* 39, no. 1 (Sep/Oct 1993), 26–32.

¹⁰⁷ *Ibid.*

¹⁰⁸ Reyntjens, *Institutional Engineering*, 66.

¹⁰⁹ UN Security Council, International Commission of Inquiry for Burundi: Final Report, International Commission of Inquiry established under SC/RES. 1012 (1995).

¹¹⁰ Despite the numbers killed, he suggests that the violence that erupted in 1993 does not constitute genocide as there is *no evidence* of genocidal intent on the part of either side (1995, 16). These conclusions are contrary to those reached by the Commission.

Although a consociational system was re-established in Burundi in 2005, the system has moved in a far more authoritarian direction in recent years.¹¹¹ Investigations have found evidence of crimes against humanity waged against political opponents of the current government (Hutu *and* Tutsi).¹¹²

Are current leaders operating in a losses frame? To be in a losses frame, they should prefer the option with the widest variance in outcome. The present violence perpetrated does not appear to be an all-or-nothing strategy. The ruling party and its affiliates deny the abuses being perpetrated. They continue to engage in them rather successfully under the shadow of a unity government. Leaders appear to prefer the CSQ of multiparty democracy, such as it is. Institutional experiences may be guiding their decision to chip away at the extant system, rather than completely overhaul it.

Part IV: Concluding Thoughts

There has been no attempts made by genocide scholars to combine prospect theory and historical institutionalism to explain variations in the occurrence of genocide. Consequently, this study offers a fresh perspective on the types of collective violence that occurred in Rwanda and Burundi in response to democratization in the early 1990s.

This study adds to the research on genocide risk assessment. The model used by this study explains how institutions inform the choice making behavior of elites under conditions of uncertainty, particularly those in which conflict and other forms of instability are present. The decision model incorporated into this study shines some light on how elites process these conditions and how these conditions (risk factors) induce genocide in some instances, and other types of violence in others. The model also helps to shine a light on the timing of mass violence and genocide. The statements made by political elites in Rwanda indicate how events like the assassination of Ndadaye were perceived by actors and how they modified policy choices. Admittedly, some of the results for Burundi proved counterintuitive and necessitate further research. Moreover, the use of a decision model based on the assumptions of prospect theory may have limited utility when it comes to explaining genocide more broadly. It explains risk seeking and risk averse behavior under conditions of uncertainty. Prospect theory has been used to explain Ukraine's decision not to escalate the fight against Russia when Russia initially annexed the Crimea.¹¹³ It may prove less helpful in other examples. This study has demonstrated that the use of a decision model in and of itself has value as a means with which to comprehend and explain the timing of genocide and its logic.

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¹¹¹ Human Rights Watch (HRW), "Burundi: Events of 2018," HRW (website, n.d.), accessed September 20, 2021, <https://www.hrw.org/world-report/2019/country-chapters/burundi>.

¹¹² United Nations, *Report of the Special Commission of Inquiry on Burundi*, August 13, 2020 (UN Doc. A/HRC/45/32). A case is being developed at the International Criminal Court based on this information.

¹¹³ Adam C. Lenton, "Why Didn't Ukraine Fight for Crimea?," *Problems of Post-Communism* 68, no. 2 (2022), 145–154.

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