Playing by the Rules: A Look into the Relationship between Regime Type and War Crimes

Kelsey Anderson
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PLAYING BY THE RULES: A LOOK INTO THE RELATIONSHIP BETWEEN
REGIME TYPE AND WAR CRIMES

A Thesis Presented

By

KELSEY ANDERSON

Submitted to the Graduate School of the University of
Massachusetts Amherst in partial fulfillment of the requirements
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Political Science
PLAYING BY THE RULES:
A LOOK INTO THE RELATIONSHIP BETWEEN REGIME TYPE AND WAR CRIMES

A Thesis Presented
By
KELSEY ANDERSON

Approved as to style and content by:

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Political Science
DEDICATION

To my parents, who watched me start millions of wars with my siblings, and always encouraged me to pursue my passion in a more academic form.
ACKNOWLEDGEMENTS

I would like to thank my committee members, for all of their helpful insights into this subject, and for being so supportive of me in this incredibly challenging endeavor. You have both been incredibly open and honest with me, and you have continually pushed me to improve my work, never hesitating to tell me when you thought it should be better. You were always able to see my potential, and see what I could do, even when I could not, and for that I could never thank you enough.

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Further, to my siblings, Karli, Spencer, and Toni, who taught me so much about war and fighting, and gave me my first lesson in “war crimes.” All three of you have provided so much support over the years, and I cannot imagine trying to tackle this hill without you.

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To everyone who has made my time at UMass so special, I could never thank you enough. To Zack and Tristan, and all the late nights I spent on your couch, all the proof reading and all the edits. You two gave me more support then I ever thought possible, and your willingness to help has been incredibly valuable. To my teammates, for always being there for support, and for giving me the motivation to complete something I never thought I could do. Despite spending countless hours together, you were all willing to listen to me explain my thesis numerous times, and ask for help from whomever had any sort of expertise. Finally, to Max, who was always there when I needed him, and whose constant requests for love and attention were the best stress relief I could ask for.
ABSTRACT

PLAYING BY THE RULES: A LOOK INTO THE RELATIONSHIP BETWEEN REGIME TYPE AND WAR CRIMES

SEPTEMBER 2019

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The current literature tends to look at regimes in only two categories: democracy and autocracy. Recognizing that this limits the scope of what is measured, and limited the practical applicability of this research, I chose to combine the current research on war crimes with more modern research on how to measure regime type. I integrate James Morrow and Heyran Jo’s comprehensive dataset on war crimes from 1900 to 1991 with Carston Anckar and Cecilia Fredriksson’s dataset on Political Regimes of the World, and run statistical tests to determine the relationship between these more specific categories of regime type and the types of war crimes they commit. I find that the historical relationship between more specific regime types and certain measurements of war crimes provide few clear answers, but does give us a clear argument against a dichotomous measure of regime type. The relationships seen here provide the basis for more in-depth future research into the characteristics of different regimes, and their behavior in times of war.
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CHAPTER 1
INTRODUCTION

While most people think of the laws of war in terms of the Geneva Conventions, war has been constrained by tradition and custom almost as long as it has existed. The first documented “war crime” occurred in the Peloponnesian war. The general of Athens, Pericles, realized that the customary laws and traditions of war would greatly favor their opponent, Sparta. Rather than play by the rules and risk potential defeat, Pericles decided that they should simply ignore the rules altogether in order to have the best possible chance for victory.\(^1\) Instead of meeting them face to face on the battlefield, Athens refused a ritual challenge from the Spartan army and hid behind their walls, rendering the powerful Spartan army almost completely useless.\(^2\) While it may not be as dramatic or as vicious as most war crimes that happen in the modern era, it was nonetheless the first time an entire city state had so completely disregarded the traditions and customs of warfare. The first democracy, characterized by its commitment to equality, chose to ignore the traditions that make war equal for all participants, and commit the first “war crime.” This directly contradicts many of the contemporary beliefs surrounding the supposed peaceful nature of democracy, instead suggesting that our beliefs about the nature of regime types is flawed and biased.

A. Laws of War

Formal and informal regulations of war go all the way back to 6\(^{th}\) Century BCE, with the Chinese warrior Sun Tzu, and his masterpiece, *The Art of War.* As mentioned above, even the Greek city-states had unwritten and informal rules regarding conduct in warfare, some of which were done specifically to prevent unnecessary loss of life. Even then, soldiers had respect for

\(^1\) Josiah Ober, "Classical Greek Times," In *The Laws of War: Constraints on Warfare in the Western World*, (New Haven, CT: Yale University Press, 22

\(^2\) Ober, "Classical Greek Times," 22.
prisoners of war, saying they should be offered for ransom rather than be mutilated or executed, and they generally respected the roles of noncombatants, as battles were meant primarily for warriors. However, much of these early forms of war regulation were simply tradition, and were not written down or enforced by anyone. It was seen primarily as a way to do things “correctly,” to help their warriors or soldiers maintain a sense of honor in times of war. The first formal codification of behavior in armed conflict is seen in 1474, with the execution of Peter Von Hagenbach in Austria. He led a brutal regime of rape and murder on the city of Breisach, in order to bring the city under the control of his commander, the Duke of Burgundy. However, despite the fact that Hagenbach was following the orders of his commander, the court determined that he “had a duty to prevent” these crimes, and subsequently executed him.

Today, our laws of war are codified in both the Haugue and the Geneva conventions. These conventions were meant to create regulations that would “mitigate [the] severity” of the laws and customs of war. International Humanitarian Law, IHL, was included under the crimes of war in 1949 with the Geneva Conventions. For example, there is a very clear law against targeting civilians. This generally refers to attempts by warring parties to target and kill the non-combatants of their opponents. This directly violates the Third Geneva Convention, which states that belligerents must both distinguish between combatants and non-combatants, and actively

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3 Ober, "Classical Greek Times," 13
6 International Conferences (The Hague), Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907
refrain from targeting noncombatants, both directly and indirectly. The Geneva Convention also has a very clear set of standards for how prisoners of war should be treated. It says that prisoners of war must be properly housed and fed, allowed appropriate medical treatment, and must, at all times, be treated humanely. They are not meant to be subject to torture or any kind of inhumane treatment. The intention is for warfare to be carried out in a humane fashion, which minimizes casualties as well as the suffering of the parties involved.

The complexities of these laws makes it harder for states themselves to actually follow them. In times of crisis, leaders are forced to make decisions regarding what is best for the people, and what may be the most beneficial for them. If a state or military leader does make the choice to commit war crimes, it is possible for them to be accused of committing war crimes, and be placed on trial. However, committing war crimes can also have strategic benefit for certain states. Downes argues that killing non-combatants in large numbers can wear down the enemy, and has the potential for the war to end faster. Therefore, if the war is dragging on, and the citizens are becoming frustrated or angry with the costs of the war, a leader might choose to commit war crimes in order to wear down the enemy, and end the war. This might make the citizens happy that the war is over, or it could make them question the integrity/decision making ability of their leader. Either way, the decision to commit war crimes is a calculated risk, in which leaders have to weigh all of the potential the risks and balances.

B. Regime Type, War, and War Crimes

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7 International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287
8 International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287
It is arguable that the decision making process regarding whether or not to commit war crimes is similar to the process of deciding whether or not to go to war in the first place. To start, going to war is a decision that is most often unpopular with a large majority of the population, as it is incredibly costly, especially in terms of casualties and money. However, in some cases, large populations may want to go to war, especially if they have been attacked or they feel threatened in some way. For leaders, it is assumed that they want to maintain their position, and hold onto their power. Consequently, it makes sense that most leaders, no matter what their regime type, would not want to make unpopular decisions for fear that it may cause them to lose office. Once engaged in war, committing war crimes has a similar cost-benefit decision-making process. As mentioned earlier, some war crimes have the potential to war down the enemy, get them to stop fighting, and allow for victory, or at least the ending of the war. This has the potential to be an appealing solution for leaders who sense that the cost of war is becoming too much for their citizens and consequently have a strong desire to end the war quickly. However, there is also the potential for harsher consequences, such as retaliation, or being caught and put on trial.

According to Wallace, the possibility of reciprocation can be a major restraining factor for some leaders, since committing a war crime will likely lead to war crimes being committed against them, causing more fatalities, which will in turn provoke the citizens to blame their own government for the fatalities of their own troops overseas.\(^\text{10}\) Democracies especially have no desire to provoke other leaders who may harm their soldiers even more in retaliation. Due to its lack of an independent police/military force, the International Criminal Court, or ICC, is not the most effective organization, and it is not easy to capture leaders and convict them of war crimes. Therefore, leaders do not directly have to worry about being put on trial for war crimes.

\(^{10}\) G.P.R. Wallace, “Welcome Guests or Inescapable Victims?: The Causes of Prisoner Abuse in War,” *Journal of Conflict Resolution* 56 no.6 (2012): 974
However, even being accused of war crimes can affect one's credibility on the international stage, as well as among their own people. This can also end in the leader being removed from office. Consequently, the decision to commit war crimes is restrained and motivated by similar factors that play into war onset in the first place.

The democratic peace thesis is based on this study of war onset, and comes to the conclusion that democracies are less likely to go to war than autocracies, especially against other democracies. One of the biggest explanations behind this has to do with the specific institutions in place. The idea of institutional constraint “holds that democracies are more deliberate in their decision making because their procedures preclude unilateral action by leaders.” Simplified, it says that democratic institutions make the leaders more sensitive to public opinion, and so they are less likely to make unpopular decisions, such as going to war. However, there have been multiple scholars who have argued that this idea of constraint is found in the institutions of autocratic states as well. In their explanation of the institutional-constraints idea, Bueno de Mesquita, Morrow, Silverson and Smith say that “A polity's institutional arrangements shape the selection criteria that supporters use to determine whether to retain the incumbent. Hence, political institutions determine which outcomes allow a leader to keep their job and which do not.” These institutions, however, exist in both democracies and autocracies. Consequently, if institutions have an affect on both democracies and autocracies, then it would be beneficial for

scholars to more deeply engage with different institutional systems in place, to more fully understand how these different types of constraint work.

Other scholars believe that democracies have a higher commitment to norms, and are much more likely to adhere to them then non-democracies In her study on the causes of genocide, Fein makes the assumptions that checks and balances will limit the actions of democracies, and that they are “obligated by guarantees of civil and political rights to protect their citizens.” These norms are seen as constraining democracies, and preventing them from acting in certain ways. Autocratic countries, on the other hand, are seen as having the ability to be violent specifically because they are less accountable to the people. Fein says that it is primarily because of the divisive ideologies that come from totalitarianism. She claims that these divisive ideologies create tension and that tension causes an increase in violence between groups. The totalitarian ideologies give the government total control, allowing them to seek out and kill current and potential opponents, and reinforce “solidarity,” so that the entire country is unified, and subject to only one leader.

However, some research points to the idea that states deemed as autocratic may not be completely autonomous from their citizens at all. According to Desch, autocratic leaders can actually face higher audience costs then democratic ones when it comes to losing power. Audience costs are the ability for the domestic audience to coordinate and punish the leader. It is often associated with the democratic peace theory, explaining that democracies are responsible to their people, and cannot make unpopular decisions without the threat of being removed from

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Desch argues that in making the decision to go to war, autocratic states have to be more or equally cautious as democratic states, because if leaders lose the war and are pushed out of office, they are likely to either be killed or exiled. Democratic leaders, on the other hand, face the possibility of being removed from office. Therefore, while the democratic leaders may be more sensitive to changes in opinion, the autocratic leaders have a much higher price to pay if they do upset the people enough to get pushed out of office. While audience costs primarily refer to the way in which a domestic audience will react to a leader who escalates a foreign policy crisis, and then backs down, they are important to keep in mind because domestic political audiences can punish a leader for any unpopular decision. According to Weeks, the most important factor is whether or not the domestic audience has the “means and incentive” in order to rally against the leader. Therefore, the institutional structures matter more in terms of what kinds of power the audience has in relationship to its leader, and how much executive power the leader has to accomplish things on their own, rather then being constrained by others.

Weeks argues that the actual power structures of different regimes types affect the possibility of audience costs. More specifically, “elites will have greater incentives to coordinate if the leader cannot monitor and punish defection through personal control of intelligence and security organs and does not control political appointments.” This is because they do not risk punishment by the individual leader, and they will not lost their own position of power if an individual leader is removed from office. However, if one person controls political appointments

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and all the executive power, the elites in the government are reliant on the one individual for their status, and have less reason to punish the leader for making bad decisions.\textsuperscript{20} Similarly, leaders of regimes with concentrated and centralized power have the ability to punish or discipline elites much more harshly.

In each regime, there is a different accountability group that holds the leader in check, and serves as the “restraining factor” in terms of their decision making process. By breaking regime types down into more specific categories, and looking at the institutional structures in place, it is easier to determine the group that holds the leader accountable for their actions, and understand how these groups can vary among different regime types. It will also help us to see how these different groups affect a leaders decision making in terms of war crimes, and if there are consistent factors that tend to either restrain or motivate leaders.

\textbf{C. Conclusion}

In this thesis, I argue that the current dichotomous system of measuring regime type is ineffective, and eliminates important nuances within the institutional structure of regimes that provide a better insight into the specific groups of people that can influence a governments leaders decision especially in times of crisis. I combine a commonly used and incredibly thorough dataset of war crimes with a more modern way of measuring regime type through the measurement of institutional structures. In a quantitative analysis of the newer, combined dataset, I find that democracies and autocracies commit war crimes at about the same frequency and that the more specific types of regimes have strong relationships with different elements of different war crimes that could have the potential of being statistically significant.

CHAPTER 2
LITERATURE REVIEW

Within the small amount of literature regarding war crimes and their relation to regime type, there has not been any conclusive answer on the subject. Much of the literature is specific to democracies, or the distinction between democracies and non-democracies, as well as other aspects of foreign policy, or conflict. Rather then go more in-depth with the concept of regime type, much of the literature points to a consistent restraining factor within democracies, which creates a bias towards democracies as peaceful. This ends up causing many people to believe that democracies are less likely to violate rules of war, because they have no incentive to commit unnecessary violence. This is carried over into the research of specific war crimes, such as civilian targeting, and is based in the ways in which regime type is measured.

A. Jus in Bello Compliance

Of the literature that does specifically address the relationship of war crimes and regime type, there are no conclusive answers. Much of the literature finds that there is no reliable answer, and that regime type on its own is not an especially strong variable, but the idea of restraining effects within democracy often carries over into the research of democratic conduct during war. In his 2007 study on general war law compliance, Morrow found that legally binding documents are a much stronger predictor of compliance then the level of democracy within the country. He found that democracies are most likely to comply when they have actually ratified the treaty, and are then fully constrained by legal obligations. He claims that democracies are more constrained by legal obligations because they take them more seriously then other states,

and, if both parties are subject to a treaty, then they are both likely to comply.\textsuperscript{22} However, most states are willing to commit violations in cases such as retaliation, which is the reason for much of the cases of non-compliance.\textsuperscript{23} This goes for all regime types, which Morrow uses to argue that legally binding documents are a much stronger prediction of compliance than simply the level of democracy within the country.

In the case of specific war crimes, there are various arguments for the constraining effect in democracies. In an examination of all interstate wars from 1898 to 2003, Wallace found that democracies were 50\% less likely to abuse prisoners that their autocratic counterparts, and that democracy generally lessened the severity of the abuse that was endured.\textsuperscript{24} He argued that democracies exhibit restraint and provide better treatment because of democratic norms and democratic institutional incentives.\textsuperscript{25} According to Reiter and Stam, the “role of mass consent” within democracies is actually a strong restraining factor.\textsuperscript{26} Since leaders in democracies rely on their citizens in order to stay in power, they are constrained by the feelings of their citizens, and so they are sensitive to the costs of war. Therefore, all wars must be framed as if they are “in the national interest.”\textsuperscript{27} The citizen participation in democracies also empowers these citizens and craft “more prudent” foreign policies.\textsuperscript{28} Rummel strongly emphasizes the idea that democratic institutions impose strong limits on policy makers, arguing that “The more constrained the power of governments, the more power is diffused, checked, and balanced, the less it will aggress on

\textsuperscript{23} Morrow, "When Do States Follow the Laws of War?" \textit{APSR American Political Science Review} 101, no. 03 (2007): 570.
\textsuperscript{26} Dan Reiter and Allan C. Stam, "Why Democracies Win Wars," in \textit{ Democracies at War}, (Princeton University Press, 2002), 195
\textsuperscript{27} Reiter and Stam, "Why Democracies Win Wars,", 199.
\textsuperscript{28} Reiter and Stam, "Why Democracies Win Wars," 203.
others and commit democide.” While Rummel is talking primarily about the killing of citizens by their own government, his principal can be extended to actions taken by governments in any kind of armed conflict, saying that more constrained governments are less likely to cause unnecessary violence against citizens of another state, and so will commit fewer war crimes.

Similarly, Valentino, Huth and Balch-Lindsay propose that if democratic citizens are “more sensitive to appeals to human rights and international legal principles on the laws of war, these citizens might be expected to pressure their governments to uphold these rights.” Citizens are meant to hold the government to a higher moral standard, and can prevent them from acting in a way that the citizens might not approve of. The idea of citizens “pressuring” the government shows just how much influence that the citizens have in a democracy, and how the government is reliant on their approval, and their participation. Shannon argues that states, especially democracies, are pressured by the social judgment of other countries to comply with all of the rules. He goes on to argue that countries only violate these rules when they are able to either deny or justify their actions. This is an important constraining effect on democracies, because they have to be able to prove to their citizens that they are acting in their best interest in order to maintain power.

According to Valentino, Huth, and Croco, democratic leaders can be especially sensitive to military casualties, as well as the economic costs of wars, because public support for the

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leader and the war might drop if the war is seen as being overly costly for the country. In democracies, this can be used to turn the citizens against the war, and have them pressure the government into ending the war, or to simply show the government that the “civilian costs” greatly outweigh anything that stands to be gained from continued resistance. Abusing prisoners will likely provoke the other side into committing higher levels of prisoner abuse, which in turn can provoke the citizens, who will then blame the government for harsh treatment of their fellow citizens overseas. Therefore, democracies are seen as having no desire to provoke foreign leaders into harming their soldiers even more in retaliation.

There are two separate studies that have examined the way that regime type might affect civilian targeting, but with differing results. Valentino, Huth and Croco found that regime type “failed to prove a reliable predictor of patterns in civilian targeting,” and Downes’s empirical evidence found that there was no discernable difference in the rates at which different regimes types target civilians. However, according to Downes, democracies are more desperate in warfare because they need a victory in order to guarantee re-election. For example, in wars of attrition, when each side is trying to wear the other down, democracies will actually target civilians 81% of the time, compared to 54% of the time for autocratic states. Citizens as a group can often play an important role in the conflict, either as a means of coercion, or as a group that pressures the government into acting in a certain manner. Downes argues that targeting civilians is a tactic that imposes great costs on non-combatants, in order to convince the

35 Valentino, Huth, and Croco."Covenants Without the Sword," World Politics 58, no. 03 (2006): 368
opponent to stop fighting. He goes on to say that authoritarian leaders are less vulnerable because they are not subject to “public recall,” and so have a stronger ability to follow these norms and prevent civilian casualties. Downes makes the claim that democracies want wars to end quickly to minimize military casualties. To him, this shows that democracies are willing to end the war under almost any circumstances, and are even willing to cause massive civilian deaths in order to make that happen. However, Valentino, Huth and Croco have strong disagreements in this particular area. They argue that the decision to target civilians is not based on international law, but more on the “incentives to target civilians created by the risks, threats and opportunities associated with the particular conflict.”

They strongly believe that it is more about the context of the situation that causes any regime type to commit war crimes, not the regime itself.

Both Downes, and Valentino, Huth and Croco used similar classifications and data in order to make their argument, but their overall analysis was incredibly different. They used the same polity type in order to scale the regime type, and classifying it as democracy and non-democracy. Downes measures his regime type through Micheal Doyles list of liberal democracies, as well as off of the Polity IV data set, which was used by Valentino, Huth and Croco.

Doyles has four “criteria” on which he bases his list: respect for civil and political rights, elected representative government, respect for private property, and a free-market economy. These characteristics are simply measuring the amount of power that the central government has, not the actual system of government that is present within the country. All of

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the criteria that Doyle lists are important characteristics for democratic governments, but they are not a good indicator of the active government and the character of the government that is in power. Valentino, Huth and Croco specifically eliminated civilians killed by their governments, so their data focuses more on the targeting of foreign civilians in warfare.\textsuperscript{44} Similarly, Downes focused on the targeting on enemy non-combatants within interstate wars.\textsuperscript{45}

Despite their similar empirical evidence and conclusions, Valentino, Huth and Croco have very different conclusions from Downes. While Valentino, Huth and Croco agree with Downes that democratic leaders have incentive to keep the military and economic cost of the war at a minimum, they find that accountability of democratic leaders “[does] not necessarily encourage democratic states to target enemy civilians.”\textsuperscript{46} They argue that the decision to target civilians is not based on international law, but more on the “incentives to target civilians created by the risks, threats and opportunities associated with the particular conflict.”\textsuperscript{47} These two articles have incredibly similar evidence, and simply very different views. Despite identical results, there is no consensus.

\textbf{B. Literature Flaws}

Despite having little consensus, and very few conclusive findings, the literature above does propose some major issues in terms of their research, and how it is being conducted. First, a majority of the literature looks at regime type dichotomously, looking only at democracies and non-democracies, or autocracies. These are very broad categories, which can encompass a wide variety of different institutional structures, and it eliminates the nuances of the different forms of government in places. These are the factors that can heavily influence decision making of certain\textsuperscript{44} Valentino, Huth, and Croco."Covenants Without the Sword," \textit{World Politics} 58, no. 03 (2006): 360 \textsuperscript{45} Downes, “Desperate Times,” \textit{International Security} 30 (2006): 158 \textsuperscript{46} Valentino, Huth, and Croco."Covenants Without the Sword," \textit{World Politics} 58, no. 03 (2006): 348, 369. \textsuperscript{47} Valentino, Huth, and Croco."Covenants Without the Sword," \textit{World Politics} 58, no. 03 (2006): 340
states, and can help other states to better understand their motivations for certain actions.

Second, there is a lack of distinction between *jus in bello* and international humanitarian law, despite the fact they are completely separate classifications. Finally, there is the persistent idea of democratic constraint, which makes democracies appear to be peaceful, and less violent overall. These issues create a bias towards democracies and also makes it difficult to fully comprehend the relationship between regime type and war crimes.

1. **Jus in Bello vs Crimes against Humanity**

   The distinction between *jus in bello* and crimes against humanity is an important one, but it can also be difficult to understand. *Jus in bello* refers specifically refers to ones conduct in war, and the types of things one can and cannot do while engaged in hostilities. They are found primarily in the Hague Conventions, and the Geneva Conventions. However it is important to note that a large majority of these rules only apply in an international armed conflict, which means that internal armed conflicts are generally governed by a slightly different set of rules. Crimes against humanity, on the other hand, are geared more towards atrocities that are widely practiced, in both times of war and times of peace. These include genocide, and the mass murder of one’s own civilians, which more often occur in internal conflict, and do not officially fall under the jurisdiction of war crimes. Although they are not specifically coded in these treaties, some of these violations can be treated as war crimes. The Treaty of Versailles of 1919 established the right for states to prosecute individuals suspected of “violations of laws and customs of war,” which gives them a broad scope under which to prosecute war crimes.\(^{48}\) This allows the courts to prosecute leaders who have committed any type of atrocity, and who may have caused grave harm to their citizens, or to those of another country. However, they are more

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often considered to be crimes against humanity, rather than war crimes. Consequently, when
scholars push them together, it creates a confusing mix of what actually constitutes a war crime.

One of the biggest examples of this is Rummel, who has some major problems with the
classification of his data. He, along with other scholars, does not provide a consistent distinction
between crimes against humanity and war crimes. These are two very separate fields, and the
research is primarily interested in different regimes conduct in war time. Rummel has a category
in which he looks at foreign democide, which he defines as “non-citizens murdered by a regime
in all forms of democide.” 49 This is an issue because while it does look at the deaths of civilians
and of Prisoner of War deaths, he also includes deaths from forced labor. He is lumping together
a war crime (mistreatment of POWs) with deaths of foreign citizens who are simply being
worked to death in labor camps.

Even in James Morrow’s study of general compliance within the laws of war, there are
some major issues in clearly defining war crimes. He looks at nine issue areas, all of which are
considered to be a war crime, or at least correspond to a direct violation of a treaty. However, in
his category regarding the treatment of civilians, Morrow includes acts that could be considered
genocide, which means that he is including casualties of domestic citizens as well as foreign
ones. 50 This can alter the whole data set, because genocide is not a war crime, even if it does
occur during wartime. However, Morrow does make sure to look only at violations that occur
during the wartime, showing that he is trying to be focused on jus in bello violations. 51 He also
looked at whether or not there had been a declaration of war, which is a key point to know what

laws apply, and which have actually been followed. However, it does not do enough to really make things clear. Fein also tried to make the connection between genocide and war, almost as if she is trying to relate them together. She finds that since 1945, there has only been one case in which a state that was not at war committed state sanctioned massacres.\textsuperscript{52} However, this does not mean that these actions can only happen during wartime. They are crimes against humanity, but are not a crime of war specifically.

2. Democratic Restraint

In regards to democracies and war, the current standing theory is the democratic peace thesis, which believes that democracies are less likely to go to war with other democracies, making them a more peaceful, and less war-hungry kind of government. The “restraining effect” seen in the broad category of “democracy” is based on the idea that because the leaders have a large group of people who ensure their position in office, they have a hard time making unpopular decisions. They need the support of large groups/a majority of the population to retain power. It comes from the idea of audience costs, which is that followers will punish leaders for backing down from threats, which ruins their credibility.\textsuperscript{53} This is often used in support of the democratic peace theory to show why democracies are less likely to go to war.

There is also a strong argument that democracies are seen as more peaceful because they only start wars that they are certain they can win. Reiter and Stam argue that because democracies are more “politically allergic” to disaster in foreign policy or in international relations, they are more sensitive to the cost of war, which in turn pushes them to only start wars

\textsuperscript{52} Fein, "Accounting for Genocide," \textit{International Journal on Minority and Group Rights} 1, no. 2 (1993): 95
they can win.\textsuperscript{54} This shows how the political leaders must be sensitive to their own public destiny warfare, whereas authoritarian or any sort of non-democracy has a much more secure hold on power. According to Merom, democracies “are restricted by their domestic structures, and in particular by the creed of some of their most articulate citizens and the opportunities their institutional makeup presents such citizens.”\textsuperscript{55} This is an important constraining effect for democracies since they constantly have to be acting in a way that needs to be seen as in the best interest of the nation, so that they can maintain power. Once the public starts doubting their actions, it is far more likely that they will lose their influence.

When it comes to crimes against their own people, there is in fact a strong consensus that democratic states are less likely to hurt their citizens/groups within their own country. Davenport and Armstrong II look at the relationship between developing democracies and state suppression, and they strongly support the assertion of democracies as peaceful entities. They maintain that democracy goes through stages of development, and that once it has passed a specific threshold, democracy actually has an inverse effect on state repression.\textsuperscript{56} In an empirical examination of 25 cases of counterinsurgent warfare between 1945 and 1990, Engelhardt concludes that “non-democratic regimes are free to use much harsher tactics in dealing with insurgency than are democratic regimes.”\textsuperscript{57} The other assumption, according to Fein, says that totalitarian regimes discriminate against a much larger group of people, who are then excluded from power, and much more likely to rebel against the government. When a large group rebels, and the

\textsuperscript{54} Reiter and Stam, "Why Democracies Win Wars," 195
\textsuperscript{57} Michael Engelhardt, "Democracies, Dictatorships and Counterinsurgency: Does Regime Type Really Matter?" Journal of Conflict Studies [Online], Volume 12 Number 3 (6 June 1992): 56
government begins to fear the end of its time in power, they are more likely to use harsh tactics such as genocide to maintain control.\textsuperscript{58}

The popularity of this idea of a restraining effect has created a bias in research in favor of democratic governments, with a clear assumption that these peaceful democratic governments are superior to those that are more violent. Valentino, Huth and Croco comment that in conflicts between democratic states, norms are able to govern the conflict because “only other democracies can be expected to exhibit the mutual restraint and respect that makes compromise possible.”\textsuperscript{59} This implies that scholars have to have lower expectations for non-democracies, as though they cannot do as much or are not as developed as democracies. This not only shows the inherent bias on the side of democracies, but also the inherent view that autocratic regimes are “lesser” or less competent players on the international stage.

3. \textbf{Dichotomous Classification}

There has long been an assumption within democratic states that democracy is “good” and autocracy is not. Democracies do not intentionally harm their citizens, especially in terms of genocide or mass murders. When it comes to human rights, on the other hand the assumption that a lack of freedom leads to an increase in violence can be reversed. The condition of human rights has been shown to improve in the existence of a full democracy, as well as in the presence of a full autocracy.\textsuperscript{60} While most sc

\textsuperscript{58} Fein, "Accounting for Genocide," \textit{International Journal on Minority and Group Rights} 1, no. 2 (1993): 88


holars like to assume that any non-democratic form of government is likely to commit crimes against their own citizens, these regimes have the possibility of being good leaders, who are able to treat others with a fair amount of respect. There is a contrasting view on the behavior of democracies, which suggests that journalists are actually safer and less likely to be killed in autocratic regimes rather than democratic ones.\(^{61}\) Just as Downes said that the greater domestic demands for democracies makes them more willing to fight dirty, this theory says that democratic systems incentivize reporters to pursue stories that may put them in danger, especially when they are pursuing actors who are taking illegal steps to benefit themselves.\(^{62}\) The contrast here is to authoritarian regimes, which often create/impose restrictions that minimize risk taking.\(^{63}\) There is a very interesting idea of incentives, and how they work to control the behavior of states and individuals. This completely goes against the commonly held conclusion that non-democracies are more likely to harm and abuse their citizens.

There needs to be more research into the difference of regime type, and how specific forms of government act in certain situations. Most of the literature used the Polity IV data set, which is actually very well defined, and allows for very clear coding of regime type on a clear scale.\(^{64}\) However, the scholars who use this data set take all of the important, individual information about each form of government and simplify them into two categories, democracy and non-democracy. Rather then looking at the whole scale of information, they take the data set, and then used the scoring from that to create dummy variables, generally classify every regime that scored above a six or seven as a democracy, and everything below it is as a non-

democracy.\textsuperscript{65} Since this is measured on a 21-point scale, it leaves 15 types of governments that are all lumped into one category. In order to have more accurate data set and more accurate data about neighbors, we need to look more closely at different forms of governments, and their records with compliance.

The only two scholars who coded their data slightly more effectively were Fein and Rummel, neither of whom actually studied a relevant topic. While neither of them looked specifically at war crimes, they had much better systems for distinguishing between different types of governments. Fein looked at the polity typed (democracy and authoritarian) as well as the degree of freedom, which included being part of a Marxist or communist state.\textsuperscript{66} Her freedom scale is based on an appraisal of civil and political rights, which had a better description of governments. The “free” states are generally democratic states with multiple parties, while “partly-free” refer to multiple party states or ones under military rule.\textsuperscript{67} This provides a better description of the type of political system within a country, and it allows for a greater variation in data set, although it is not as incredibly drastic difference from the rest of the research.

R. J. Rummel also has a much better coding method, but he uses it on a fairly flawed data set. Rummel is more concerned with the practice of democide, which he defines as “the intentional killing of people by the government.”\textsuperscript{68} In his coding, he uses a variety of political measures that work to define broad range of regime types. He has multiple scales to classify regimes, although he ends up focusing on the centralization of power and creating a democratic

\textsuperscript{65} Valentino, Huth and Lindsay, "Draining the Sea," \textit{International Organization} 58, no. 02 (2004): 392
\textsuperscript{66} Fein, "Accounting for Genocide," \textit{International Journal on Minority and Group Rights} 1, no. 2 (1993): 93
\textsuperscript{67} Fein, "Accounting for Genocide," \textit{International Journal on Minority and Group Rights} 1, no. 2 (1993): 92
totalitarian scale on which he placed his regimes. His scale is intended to measure “the degree to which coercive regime power penetrates and controls political and socioeconomic institutions, functions and individual behavior.” He looking at the impact of power centralization on the actions of states, not on different governments in particular. However, unlike most scholars, his measures included specific measures of political competition, elected legislature, legislature effectiveness, and even includes a measure of monarchy. While not an ideal structure by which to classify regimes, he includes more measures that actually describe the system of governance in a much more detailed manner. He includes many more details about the characteristics of the regimes that are often ignored by other scholars. However, it is not quite enough to fully encompass the institutional structures of each of the different regimes.

C. Importance of Institutional Measures of Regime Type

In order to combat this bias against democracies, and fully understand the relationship between war crimes and regime type, it is important to look more fully at the institutional structures of regime type that exist throughout the world. Both democratic and autocratic governments can take different forms and have different systems of decision-making by the leaders, which has the potential to drastically affect their behavior. By looking solely at the differences between democracies and autocracies, scholars are eliminating the nuances that are found in different regimes, especially in their decision-making processes. This has created some limitations for scholars on this trend of research, as they are disregarding an important factor in predicting states conduct in war. There are many different forms of government, and yet most

scholars choose to see the world in the most simplistic of terms. Rather than look at the specific
structure of government in order to categorize the type of regime, they place them into two
categories; autocracy and democracy.

The section of literature that specifically relates to the measurement of regime type can
provide some good alternatives to these traditional systems of measurement. Within the
literature, there are multiple different ways to conceptualize regime type, all of which come with
their own set of benefits. Wahmen, Teorell and Hadenius categorize regimes based on “the
institutions on which…elites rely in order to regulate access too and maintenance of public
authority.”72 Alternatively, Geddes, Wright and Frantz choose a slightly different
conceptualization, choosing to focus on “the rules that identify the group from which leaders can
come and determine who influences leadership choice and policy.” 73 This basic conceptual
disagreement provides very different implications for measuring regime type, which has in turn
prevented any one dominant method from coming forward. By taking Geddes’s approach, and
focusing on the source of individual leaders, it is easier to tell when leaders change, and when
states go through big shifts in terms of the controlling party. However, by conceptualizing
regime type in terms of institutions, rather then individual groups or leaders, we can look into the
structure of the government, and sources of power and legitimacy within the state itself.

Measuring regimes specifically by the structure of the institutions in place would allow
us to look more specifically at the constraining factors within each regime type, and see if
institutional structures affect their actions in regard to war crimes. The distribution between
democracy and autocracies as a dichotomous subject fails to fully encompass the range of regime

72 Michael Wahman, Jan Teorell and Axel Hadenius, “Authoritarian regime types revisited: updated data
73 Barbara Geddes, Joseph Wright, and Erica Frantz, “Autocratic Breakdown and Regime Transitions: A
types that exist in the world. The structure of the domestic institutions in a state are strong
determinants of the “winning coalition,” meaning both the size and motivation of the leaders
supporters, and who the leader has to keep happy in order to stay in power.74 By more deeply
researching these nuances, we will have a better understanding of what kinds of restraint there
are in different institutions, and whether these “constraints” can turn into more motivating factors
in times of war. Foreign policy makers are constantly trying to understand our opponents and
determine what things may play into these decisions. The institutional structures in place can
help us to understand what group of people the leader has to be most responsive too, and who
can punish the leader for making a bad or wrong decision. The idea of audience costs are a large
part of the institutional structures in place, and it is important to study this in depth in order to
truly understand a regimes motivations within specific areas of war or conflict, and whether or
not they will commit war crimes, as well as under what circumstances. Therefore, the make up of
the specific institution in place will give us deeper insight into both the motivating/restraining
factors of a particular regime, which in turn can help us to predict the potential moves the
particular state/regime will make.

Leed and Davis examine the relationship between domestic political structures on
international relations, and finds that the foreign policy of states can be influenced by a states
internal institutions, as well as by the internal characteristics of the states with which they are
interacting.75 Similarly, Mequita et al., find that the policies of leaders are influenced by the
institutional structures in place, especially in terms of war. For example, they find that the larger
the group of people that the leader is responsible too, called the “winning coalition”, the more the

74 de Mesquita et al., "An Institutional Explanation," The American Political Science Review 93, no. 4
(1999): 804; and Bruce Bueno De Mesquita, Michael T. Koch, and Randolph M. Siverson, "Testing
Competing Institutional Explanations of the Democratic Peace: The Case of Dispute Duration," Conflict
survival of the political leader depends on policy success. Consequently, in war, these leaders will try much harder, and use any tool at their disposal in order to win the war. The kinds of institutions that are in place are critical to the study and understanding of how these different kinds of regimes are structured, and how they work. In both of the above studies, they discuss the importance of institutional structures, and yet continue to look at regime types dichotomously. Their research is an important step in the right direction, and yet does not fully encompass the important aspects of regime type that come into play.

Similarly, in her study on the audience cost of autocratic regimes, Weeks breaks autocratic regime down into different categories based on whether or not domestic elites have the ability and the motivation to coordinate to oust leaders, and whether this democratic accountability is visible to outside observers, which begins to contest the notion of a restraining factor that is present within democracies. For example, party-based rule is a system in which there is one party that controls policy and access to political office. While there is one party in control, it is often true that the individual people within the government are not beholden to one specific leader of the party, and so if that leader is removed, they will likely remain in their same position. However, in the case of personalist rule, one leader controls the military and security, and access to office depends on the leaders personal favor. There is no ideology governing the leaders actions, and they exercise power at their own discretion. Consequently, the elites are completely beholden to the leader to keep their own power, and they have a lot to lose if the leader is removed.

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According to Weeks, regimes in which the power is concentrated in one person, who has minimal check and balances, and a small group of supporters entirely dependent on the leader, it is harder for the winning coalition to reject and overthrow the leader, because it is easy for the leader to punish all his supporters.\textsuperscript{80} Therefore, it is less risky for the leader to make unpopular moves, which gives them the freedom to make decisions based on their own personal desires. One party rule, on the other hand, has the potential for elites to rise up and oust a leader who is doing a bad job, or making bad, unpopular decisions. It is also generally ruled by a party line or ideological system, which also constrains the leader. Consequently, although they are both considered authoritarian regimes, they have very different factors restraining them when it comes to decision-making. The institutional structure of each regime type is critical for its understanding, which makes it something incredibly important to study.

The key aspect of these different regime types is that it helps to more clearly demonstrate what group of people the leader has to please in order to remain in power, and who, if anyone, can hold the leader responsible for their actions. It provides a clear understanding of the distribution of power within these different institutions, which in turn allows for more potential for investigation into different motivating and restraining factors for different types of leaders when it comes to committing war crimes.

D. Conclusion

Throughout the literature that specifically examines regime type and war crimes, there are many gaps in the research that have built into this idea of peaceful democracies and violent and oppressive non-democracies. First, many scholars tend to lump together crimes against humanity and crimes committed in interstate warfare. This makes the violence of a regime grow

exponentially even though there should be a strong distinction between crimes against humanity, such as genocide and crimes committed during warfare. This trend favors the democratic states who generally do not commit crimes against their own people, and skews the trend for other regimes, who are more likely to do so.

Secondly, the only distinction between regimes is democracies and non-democracies. There are a huge variety of regimes within the boundaries of “non-democracies,” and yet all of these types are lumped into one category, and are assumed to act equally. This discrimination is used primarily to make democrats look peaceful and non-threatening, and to show how dangerous it is to be part of anything nondemocratic. Although it is likely to be fairly limited research and data available for different kinds of non-democratic regimes, it is unfair to treat a peaceful monarchy in the same manner as a ruthless communist dictatorship.

Many scholars study democracies, and the way that democracy in itself has changed the rules of warfare, but they fail to look at a broader range of regimes. There is a tendency to focus on civil wars, or violence and oppression among the government’s own citizens, but they neglect to look at the regimes actual conduct in interstate wars. This creates a limitation on the way research is conducted, because these scholars are creating an idea of democracy as the ideal, peaceful nation, and they group everything non-democratic into the other category, so they do not get a look at the whole picture, and on the details of crimes of war. There are many different ideologies and different forms of government other than simply democracies and non-democracies. These different groups have very different histories, and ways of controlling their own people as well as their soldiers. And yet they are being ignored, in favor of less complicated system that easily fits into preconceived notions of how the world works.
However, by looking at regime type through the institutional structure of different regimes and governments, it is possible for us to more deeply examine and understand the complex relationship between the two. Institutional structures provide a deeper understanding of how the power within different regimes is distributed, and how much power individual leaders can have and exercise without consequences. It will help us to more fully understand which leaders of which regimes make the decisions they do, and why.
CHAPTER 3
THEORY AND HYPOTHESES

There are three important assumptions that make up the theoretical framework of this particular paper. To start, we are assuming that all political leaders have the desire to stay in power. Therefore, it is expected that they will make decisions that will keep them in power, and deny other people the chance to remove the leader from their position. According to De Mesquita and Silverson, “The ambition to remain in power, then, encourages political leaders to behave more responsibly than if they viewed the holding of office as a burden, rather than as a prize.”

Secondly, we are assuming that most citizens do not want to go to war in the first place, but when in war, they also do not want leaders to commit war crimes. Going to war is generally seen as a large political hazard, as it is a risky move that can easily end in a leader being removed from office, especially in democratic states.

Finally, we are assuming that regimes will commit war crimes in specific circumstances, if they are beneficial to the political survivability of the leader. They will use them as tools in order to accomplish certain goals that they cannot do otherwise. Rulers do not commit war crimes just because they can, but rather they do so strategically, in order to optimize their chances of staying in power. The intention here is to show that leaders can take calculated risks in the form of committing war crimes if they think it will be beneficial for them in the long run, showing that the decision to commit war crimes is based on a complex cost-benefit analysis that can be affected by the political institutions in place within a certain regime.

In approaching this broad question of how regime type affects war law compliance, I have come up with 9 separate hypotheses in order to better examine the relationship:

- Hypothesis 1: When separated dichotomously, democracies and autocracies are equally likely to commit war crimes.

  Based on the inconclusive and contradictory results seen in the previous chapter, I believe that this dichotomous measurement is flawed. Past research has used methods that tend to exaggerate the crimes of one particular side, and minimize those of the other, making it appear biased. Fredricksson and Anckar’s dataset measures democracy and autocracy based on a qualitative scale that looks primarily at two dimensions of elections; participation and competition. Because this scale focuses on the primarily element that distinguishes autocracies from democracies, it will be less biased and more likely to provide an accurate description based on the institutions in place within a country. However, because this scale will be more accurate, I believe that one side does not have a higher pre-disposition towards committing war crimes, as there are likely more situational affects at work then just regime type. By using an institutional measure of this dichotomous system, I am seeking to demonstrate how ineffective this type of measurement can be for the wide variety of cases within the world. Democracies may be involved in fewer wars overall, but I believe they will commit crimes with the same frequency as autocracies.

- Hypothesis 2: Within subcategories of autocracy and democracy, governments with democratic accountability will commit fewer war crimes overall, but they will have a higher frequency and magnitude.

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When lumped into the larger category of “democracy,” these regimes on average commit fewer war crimes, but when they are taken apart and separated into more diverse categories, they will be associated with high levels of frequency and magnitude. Based on the argument that democracies are more sensitive to the costs of war, it would make sense that regime types that are subcategories of democracy more likely commit serious war crimes, and they will commit a high frequency of them within a single war. Overall, their number of war crimes will be lower on average than those of regime types that are subcategories of autocracy, but the crimes they commit will be worse. If democracies care more about the costs of the war, and want the war to end quickly, they will commit major violations and a lot of them.

Hypothesis 3: Regime types that have the potential to be seen as evil or “barbaric” by others are more likely to be the victim of war crimes then other.

If the democratic peace thesis is correct, then it implies that democracies are less likely to go to war with other democracies. Consequently, it follows that they will commit fewer war crimes in general against other democracies as well. Therefore, their decision to commit war crimes will likely be dependent on whomever they are fighting. Morrow also found that whether or not states had ratified particular treaties also played a role in determining whether or not war crimes were committed. Since states who ratified the treaty are less likely to commit war crimes against states who have also ratified the treaty, it is possible that this could play into perceptions of particular regimes, based on which states have signed the treaty and which have not.

According to Leeds and Davis, even in terms of foreign policy, states consider “the probable behavior of their counterparts,” and so the characteristics of their dyadic partner or opponent can influence what kinds of foreign policy they take. Consequently, when a democratic state is going against a particular autocratic state, the perception about certain regime

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types could be a strong influencer in another states decision whether or not to commit war crimes against them. The negative perception that goes with dictatorships or military rule could potentially lead some states to feel more threatened while at war with them, and may cause them to commit war crimes solely based on their perception of how that particular regime might respond. Some regime types are more likely to be the victim of war crimes then others, even if they are not the perpetrators themselves.

- Hypothesis 4: War crimes are more likely to be committed by allied groups then individual regime types.

  As mentioned earlier, the choice of whether or not to commit war crimes requires consideration of what will happen if caught, and held accountable for committing war crimes. However, in allied groups, it is harder to determine which specific state committed the crime, and should be held responsible. It is also much more difficult to punish large groups of states for war crimes, especially if they are on the winning side.

- Hypothesis 5: Regimes in which power is more centralized in one person, such as in personalist rule, will be more correlated with higher levels of centrality.

  Regimes in which one individual has the power to make decisions, and the individual has fewer checks on their power would be expected to have a stronger relationship to state ordered war crimes because it is easier to determine who would be responsible for making the call. It is also more likely for these particular regimes to have higher levels of centrality because most parts of the government are controlled specifically through one person’s statements. We would also expect military rule to be positively correlated with higher levels of centrality because military leaders are likely to be aware of the rules of war, and the potential cost-benefit analysis that comes with committing war crimes.
Hypothesis 6: More constrained regimes (such as parliamentary systems and semi-presidentialism) that are positively correlated with higher magnitude and frequency when they are the victims will be positively correlated with those same measurements when they are the violators.

Hypothesis 7: Totalitarian regimes, such as personalist rule and absolute monarchies that are positively correlated with higher magnitude and frequency as victims will not be positively correlated with those same measurements when they are the violators.

Both of these hypotheses are a check on reciprocity of different regime types in terms of war crimes. In his analysis of dispute reciprocation, Prins finds that democracies and non-democracies reciprocate nearly the same amount, 46.8% and 46.6% respectively. However, his level of reciprocation measured only whether or not they would engage in conflict, and it does not take into account the level of violence involved in the conflict. If a regime were to commit severe war crimes constantly, it would be expected that others would be more likely to reciprocate and commit war crimes of similar magnitude against that regime. In more constrained regimes, where the executive power is shared by multiple people, it would likely be more difficult to get authorization or permission to commit war crimes in the first place. However, if harsh war crimes are committed against them, they gain much more from winning the war, and so will likely use every possible tactic to win the war. According to Mesquita et al., because democratic leaders rely on policy success in order to stay in power, they will likely

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make every effort they can to win. Consequently, it would benefit them to reciprocate and commit harsh war crimes in response to their opponent.

In less constrained, more totalitarian regimes, it is easier for one individual to make decisions to reciprocate, or to commit war crimes, since the order only has to come from one individual. It could be argued that because these totalitarian states rely primarily on providing public goods to their supporters, they do not rely on support from their citizens and so would have no hesitation committing war crimes. However, because they are not motivated by a need for their war policy to succeed, it is unlikely that they will continue to shift resources into the war effort in the same way that more constrained countries would. Using resources in the war effort would diminish the amount of resources they would have to continue to provide public goods to their domestic supporters. Consequently, it makes less sense for them to reciprocate as harshly, or at the same level of their opponents.

The last two hypotheses, Hypothesis 8 & 9, refer specifically to war crimes committed by the state, rather then individuals.

- Hypothesis 8: When looking only at war crimes committed by the state, regimes where the leader is held in check by popular votes rather then the legislature (presidentialism, semi-presidentialism, oligarchy) will be more highly correlated with higher levels of magnitude and frequency.

States in which the leaders with executive powers are popularly elected are more constrained by the attitude and desires of the public, and they rely on those in order to win re-election. According to Downes, these kinds of states are likely to directly order war crimes in

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desperate situations, and so they will commit a greater number of war crimes, and those with
greater severity in order to wear down the enemy and the war faster.\textsuperscript{88} They will be more highly
correlated with both magnitude and frequency, because they fear retaliation, and so will commit
many war crimes and very bad ones in order to completely wipe out their enemies, and not leave
the chance for retaliation. Similarly, according to Mesquita et al., the institutional structure of a
democracy can actually motivate them to commit more war crimes. Since, in a democracy, the
individual leader is more concerned with policy success then providing private goods to their
supporters, the leader will do everything in its power to win when it is in a war.\textsuperscript{89} Therefore,
those that are subject to popular vote are more likely to commit war crimes in order to win a war,
and retain their status as leader.

Hypothesis 9: When looking only at war crimes committed by the state, presidentialism,
semi-presidentialism and oligarchy with be positively associated with committing war crimes
against states that are less constrained, such as personalist rule, and absolute monarchy.

According to Leeds and Davis, the foreign policies of democracies are influenced by their
dyadic partner.\textsuperscript{90} Leeds and Davis also find that democratic states behave more cooperatively in
the international system, especially with other democracies.\textsuperscript{91} They make the point that this is
because of their shared characteristics with their target state. Similarly, according to Prins, the
institutions and values that are present in democratic systems present “visible manifestations of
constraint” that are likely seen and potentially respected by other democracies.\textsuperscript{92} This means that
when democracies come into conflict with one another, they see and understand the constraints

\textsuperscript{89} de Mesquita et al., "An Institutional Explanation," \textit{The American Political Science Review} 93, no. 4
(1999): 802
\textsuperscript{90} Leeds and Davis, "Beneath the Surface, " \textit{Journal of Peace Research} 36, no. 1 (1999): 17
\textsuperscript{91} Leeds and Davis, "Beneath the Surface," \textit{Journal of Peace Research} 36, no. 1 (1999): 17 or 18
\textsuperscript{92} Prins, "Democratic Politics and Dispute Challenges," \textit{International Journal of Peace Studies} 8, no. 1
(2003): 64.
that either side is under, and so they are more willing to work with one another to negotiate a compromise. Mesquita et al. also argue that democracies try harder in war and will use all available resources to win, which makes a conflict between two democracies incredibly detrimental to them both. Consequently, democracies are much less likely to go to war with one another, because they also recognize the dangers that would be present in such a war. Since democracies are less likely to go to war with one another in the first place, they are very unlikely to commit war crimes against one another. However, according to Leeds and Davis, when interacting with democracies, non-democracies have a tendency to be “more conflictual and less cooperative.” Consequently, since states with democratic tendencies go to war with states with more autocratic tendencies, we would expect them to commit more war crimes against these more centralized regimes.

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A. Data

In order to properly measure regime type and war law compliance, I chose to integrate two datasets, Carston Anckar and Cecilia Fredriksson’s dataset on Political Regimes of the World, as well as James Morrow’s and Hyeran Jo’s data set on war crimes. Harmonizing these two datasets will combine one of the most thorough and useful datasets on war crimes with one that has a far more specific version of regime type. Similarly, since much of the past research also uses Morrow’s dataset, it will be easier to compare with past research in this subject. In order to compare the result of this research with that of past research, using Morrow’s dataset with an updated version of regime type will allow for more in-depth and detailed research into the impact of regime type on compliance with the laws of war.

The Political Regimes of the World dataset is especially useful to combat this particular project because it covers a much larger time span than Morrow’s Dataset, but it takes every country that has been independent at some point since 1946, and codes their regime type for every year starting in 1800. It also has multiple levels of measurement, which are coded in a branching style. They start by distinguishing between democracies and autocracies. They then split democracies into two group, republics and monarchies. Republics are split into three different categories, presidential, semi-presidential, and parliamentary systems, and Monarchies are either semi-monarchy or parliamentary. Autocracies, on the other hand, are split into absolute

monarchy, military rule, party-based rule, personalist rule, and oligarchy, with a number of subcategories in party-based rule and oligarchies.96

These different categories and sub-categories help to bring back some of the nuances that may be present within different forms of government, rather than continuing to lump all of them into one category. This structure of coding also allows for collapsing regime types into categories that are more specific than democracy and autocracy, and can potentially help to show a little more of the variance in the actions of different forms of government. This form of measurement is much more accurate in regards to the actual form of the government in place. They also have a very good indicator about whether or not the leader was popularly elected in that specific year, which can help clarify some potential disputes among other scholars about some of the sub-categories of regime type.97 The nuances that are more clearly present and coded for in this particular dataset help to provide a much more detailed look at the different structures of regimes, and provide a clearer picture of who or what is at the center of their decision-making power.

Morrow and Jo’s dataset on war crimes is by far one of the more detailed and comprehensive datasets on war crimes. It includes which war, the perpetrator of the war crime and the victim of the crime. It also includes clear severity measures, which gives a greater idea as to exactly what kind of crime may have actually occurred. He also has very clearly coded levels of severity and frequency, both of which allow a clear picture of the extent of the damage that was potentially committed. This dataset also only looks at inter-state wars, which means that all jus in bello laws apply, so the data cannot be skewed against countries or regimes that tend to be unstable and have lots of internal violence. Luckily, because his dataset is dyadic, and it focuses

97 Anckar and Fredriksson, *Political Regimes of the World*, 2 [codebook].
only on wars between separate states, it is likely that these acts of genocide were committed during wartime, and could also be potentially part of a war crime as well. The dyadic nature of his dataset allows for a clear picture of the relationship between countries and regime type, and allows for the use of a form of network analysis in order to see how different regime types interact with one another in terms of conflict.

Unfortunately, Morrow’s dataset only goes from 1900-1991, ending with the Gulf War. Since it has not been updated to include any wars since then, it might be lacking some data, which could potentially be an interesting point of comparison. However, since his data does cover such a large period of time, with plenty of different conflicts and a variety of actors, it will likely be useful/able to provide a fairly accurate trend over time, as well as decently accurate results. Morrow also places the war crimes into categories, choosing to summarize them for each war, rather than providing a detailed list of every single war crime committed by each state against another state. Of course, compiling a dataset like that would be completely unrealistic, but it would be the ideal case in order to really understand in detail the relationships between different regimes, and exactly what kinds and what magnitude of war crimes they are likely to commit against each other. However, these categories are actually one of the benefits of Morrow’s dataset. Having categories are useful because that it allows for a clearer view of which type of rule they broke, and allows for easier comparison. The categories themselves, while good in theory, are also sometimes slightly too broad. For example, Morrow does include acts of genocide under his category about treatment of civilians, which means we have to be a little wary in how we interpret the data.

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One of the bigger issues within our dataset was that Morrow and Jo often grouped countries together in conflicts where they were allies, or their troops were fighting together. This means that it was impossible to determine a regime type for the group, which also loses quite a few data points from other potential regime types. It also prevents us from getting more detailed information about those regimes that were participating in the war. This is especially relevant in conflicts such as WWI and WWII, when many different countries with different regime types were all fighting each other. We end up having to look at them in groups, which means that some labels for the other regime types are actually lower then they should be, because they were committed when their country/regime was part of an allied group, rather then on their own. However, at the same time, this measure of allies can be useful, as it can give us some information on how allied groups behave. For example, it can be used to show us whether allied groups are likely to commit war crimes in the first place, and as well as what other kinds of regimes they are likely to be involved in conflicts with, and who they are likely to commit war crimes against. It also shows us whether or not allies are generally in conflict against one specific regime type, or if they are more likely to be in conflict with other allied groups.

Morrow makes it very clear that this dataset is not meant to be an exact analysis of the legality of certain acts, especially those that are hotly contested based on the questions of proportionality or military necessity. Instead, it is meant to show a pattern of behavior, so that we may have our own, somewhat broader interpretations of what is actually happening in the world.

B. Methods

The process of combining the datasets themselves was very simple. Since both datasets used the country code from the Correlates of War in order to identify their data, I was able to find the correct country code, find the regime type that corresponded to the years of a particular
conflict, and simply copy and paste the information. However, there were often issues that would come up in relation to exactly how the regime type was classified. The most common issues occurred when countries were either occupied, or in the middle of a civil war, which generally meant that they were classified as “missing.” There were also times when throughout the period of conflict, the regime type of a country would change, which made it difficult to determine which regime type was the most accurate. Consequently, I had to individually examine each particular case, and make choices about how to label each one.

In general, for all the ones that were coded at 99, or as missing, I would research the country during the time period, and look at the situation. For ones that were occupied, I labeled them as the regime they were before the occupation. There were also cases in which James Morrow had grouped countries together in alliances, which made it especially hard to distinguish/classify exactly what regime type they ought to be. All groups of allies without a common regime type were coded as 88 in all categories, so they would all be in one group in order to avoid confusion, especially in terms of network analysis.

Morrow’s dataset also looked at other factors of each kind of war crime, including its clarity and centrality. The clarity refers to how clear the violations were, meaning how obvious it was that it was an actual violation of the law. A 1 means that there were no violations, a 2 indicates that the legal status of the violation is in clear dispute, 3 indicates a probable violation, and a 4 is a definite legal violation. Morrow also had a coding for centrality, which is a measure of the centralized control of the violations, namely whether the violations were committed by individuals, or if it was the states intention to violate. This is coded from 1 to 5, with one being no violations committed at all, 3 referring to individual violations that were not

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99 A complete list of all my decisions within this process are can be found in Appendix I. Each decision is classified based on the situation of a particular war and regime, and the specific years that it refers too.

100 Morrow, "Compliance with the Laws of War: Dataset and Coding Rules," [codebook]
punished by state policy, and 5 as positive identification of state intent to violate. His’ coding scheme for magnitude and frequency of each category of war crime was similar, with lower numbers meaning less/no violations, and higher numbers meaning larger ones.

For the categories of magnitude, frequency, and clarity, they were all ordinal variables with 5 levels, so I turned them into categorical variables with only 4 levels. I combined the values of -9 and 1 into one category relating to “No Violations” in order to make the analysis simpler. Everything else was turned into a categorical variable that relates specifically to the coding level that Morrow specified in his coding book.

I chose to focus my examination on the broad category of regime type that is detailed in the Fredriksson and Anckar’s dataset. While their narrow category is much more specific and detailed in terms of the regime type, Morrow’s dataset did not contain enough variety of regime types within his dataset to be able to draw any strong conclusions. In looking at Table 1, it is clear that there are very limited numbers of each regime type already within the dataset. The dataset itself contains only 48 separate wars, which provides a slightly limited number of cases to observe. Table 2 shows that the narrow method of measuring regime type dramatically limits the number of observations in each group even further, with some regime types only appearing two or three times. This makes the base number of some regime types incredibly small and unreliable, since it is not an average of all the regimes that are committing an action; rather it is just focusing on one particular state in one specific instance. The addition of the two extra categories within the narrow class of measurement really affects the distribution of the small number of cases, which is why I chose to look only at the broad regime type in my more in-depth analysis. This eliminated all those regimes types that only occurred once or twice, and so cannot be representative of a broader trend.
There are many different regime types in the world, meaning that the factors that actually cause them to go to war are numerous. Therefore, in this particular thesis, I am ignoring what causes that may have caused them to go to war, and whether or not there are actually that many more oligarchies in the world, or if within the time frame of this dataset, there were a large amount of oligarchies that were in war. That is why I looked at the proportional data of each regime types crimes, so that it was not biased by the number of crimes each regime type committed, but rather by what percentage of the regime types committed crimes in each category.

**Table 1. Number of Wars Participated in, and Total Count by Regime Type (Broad)**

<table>
<thead>
<tr>
<th>Regime</th>
<th>Wars</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute Monarchy</td>
<td>12</td>
<td>37</td>
</tr>
<tr>
<td>Allies</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>Military Rule</td>
<td>17</td>
<td>26</td>
</tr>
<tr>
<td>Missing</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Oligarchy</td>
<td>13</td>
<td>43</td>
</tr>
<tr>
<td>Parliamentarism</td>
<td>17</td>
<td>33</td>
</tr>
<tr>
<td>Party-based Rule</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Personalist Rule</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Presidentialism</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Semi-Monarchy</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Semi-Presidentialism</td>
<td>4</td>
<td>7</td>
</tr>
</tbody>
</table>

**Table 2. Number of Wars Participated in and Total Count by Regime Type (Narrow)**

<table>
<thead>
<tr>
<th>Regime</th>
<th>Wars</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute Monarchy</td>
<td>12</td>
<td>37</td>
</tr>
<tr>
<td>Allies</td>
<td>6</td>
<td>13</td>
</tr>
<tr>
<td>Military Rule</td>
<td>17</td>
<td>26</td>
</tr>
<tr>
<td>Missing</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Monarchic Oligarchy</td>
<td>12</td>
<td>42</td>
</tr>
<tr>
<td>Multi-party Authoritarian Rule</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Other Oligarchy</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Parliamentarism</td>
<td>17</td>
<td>33</td>
</tr>
<tr>
<td>Personalist Rule</td>
<td>13</td>
<td>28</td>
</tr>
<tr>
<td>Presidentialism</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Semi-Monarchy</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Semi-Presidentialism</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Single-Party Rule</td>
<td>13</td>
<td>23</td>
</tr>
</tbody>
</table>
CHAPTER 5

RESULTS

As much of the literature to come before has compared primarily democracies and autocracies in terms of their likelihood to commit war crimes, I chose to begin my analysis here, to provide a point of comparison with past research. I then use Fredricksson and Anckar’s branching dataset to break the regimes down into broad categories of regime type, all of which are primarily focused on the actual structure of the institutions in place. In breaking the dataset down by the broad category of regime type, we can see that this allows for a better distribution among the different categories. In their broad categories of regime type, there are nine different regime types that Fredriksson and Anckar describe. Four of these are under the term of democracy, and five are under the label of democracy. They are distinguished in terms of being democracies and autocracies below, and they are ordered in terms of least constrained/most totalitarian to most constrained, with their definitions and restraining factors are explained below.

❖ Autocracy:

➢ Personalist Rule: It is defined here as a system under which a ruler exercises power as they choose, without restraint, or any rules or ideological commitment. In this particular system, the ruler makes all political appointments personally, and so all those in public office are loyal only to the ruler. As their roles and careers are dependent on whether or not they have favor with the leader, the leader is not held in check by any group directly. The only thing the leader has to fear is a rebellion of uprising, so the leader either has to completely control the people, or

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make them think they are happy and that the leader is making the right choice. They are by far the least constrained out of anyone, and so have the most ability to make autonomous decisions.

- **Absolute Monarchy:** Fredriksson and Anckar consider a monarchy to be a regime in which the position of head of state has been inherited by a person of royal descent, “in accordance with accepted practice or the constitution.” Generally in these systems, the family members of the leader also hold places within the government, and so they cooperate in order to keep the leader in check and continue the dynasty. Family members also retain their royal status even if one individual is ousted from office, provided it is not in a rebellion or a coup, and so they benefit much more from removing bad leader and replacing them with a better one. If they leave a bad monarch in place, there is potential for a rebellion, which could result in the entire royal family being murdered or exiled and losing their status. An absolute monarch, who is hereditary in this case, is primarily held in check by their family, and what kinds of things their family members believe is best.

- **Military Rule:** The primary qualification for this is “if the country has been uninterrupted by the same person who came to power in a military coup,” provided that the country has remained autocratic throughout this time period. In these particular regimes, elites are often given their political appointment through connection with the military, although not always through direct involvement with the incumbent leader. Consequently, if that leader gets removed from office, the people with power, the elite, will likely still maintain their status. Consequently, it is not difficult for those in power to organize enough to remove a leader, and punish them for their bad decisions.


Party-Based Rule: Fredriksson and Anckar define party-based rule in line with Geddes, as regimes in which “access to political office and control over policy are dominated by one party, though other parties may exist and compete as minor players in elections.” These parties do not mean that the party is fully reliant on the people, despite the fact that there are elections. While one individual leader may have lots of power, other people within the government are not especially beholden to one individual, and so have the potential to get rid of a bad leader without harming their status. However, party systems do generally have ideology of some kind that governs the leaders actions. Therefore the leader is held accountable by the party organization itself, as well as by fellow elites within the legislature. The leader is likely held to the standards or ideology of the party, rather then what people may generally believe is “right.” However, being constrained to some extent by party beliefs makes them slightly more constrained than others.

Oligarchy: This is where the system is set up like a democracy in terms of free and fair elections, and with an executive who is responsible to the people or the legislature, but in which only a minority (less than half of the adult population) has the right to vote. There are also other types of political systems that count as oligarchies, such as religious clergy, which is the case in Iran. Essentially, the power here is in the hands of a small number of people. This means that the leader is generally held accountable by the public, but a much smaller section of the public then other democracies. There are fewer people to keep happy, so the leader only needs to represent the desires of a small group of people, but it is also much easier for that

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smaller group to unite and push that leader out of office. The leader must be much more responsive to the small group that can vote and thus hold the leader accountable, but also has to worry about a much smaller number of conflicting desires, and does not have to face the harsh consequences of being removed from office that faces other autocratic leaders. However, it has the potential to be constrained also by religious beliefs, which puts it below the other two.

**Democracy**

- **Semi-Monarchy:** This only occurs in constitutional monarchies, when a hereditary monarch has essentially the same position as a president in a semi-presidential system. While this is not a very common form of government, it does have a very interesting system of accountability. The monarch, since it is hereditary, is more likely to be constrained by other members of its family, who have the best interest of continuing the dynasty. However, because they are not popularly elected, they cannot be removed from office by the citizens as easily. By sharing their power with a prime minister and a legislature, they also reduce their autonomous power, and are held in check by the legislature and the prime minister. Consequently, in order to accomplish anything, they have to convince many people, and their level of autonomy is limited.

- **Presidentialism:** Fredriksson and Anckar describe presidentialism as a system in which “the president (or rather the chief executive) is elected by popular vote; the government cannot be dismissed by a parliamentary vote of no confidence; and the president appoints and directs the government.” However, they ease the notion of popular vote to account for some presidents

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who effectively govern in similar ways, but are occasionally elected by parliament. Consequently, in most presidential systems, the leader is subject to the whims of the people, and so is held accountable by the general public, as the leader has to keep a majority of the people or at least a majority of the voting population happy.

- **Semi-Presidentialism**: This is a system in which there is a popularly elected president, as well as a prime minister who is responsible to the legislature, or parliament. The two share executive powers, although the president has at least explicit executive powers, such as the power to chair cabinet meetings, or is in charge of foreign policy.\(^{110}\) They use a similar standard for easing the notion of popular election as they do for presidentialism. The biggest difference between this and presidentialism is the split of executive powers. This means that while the president is still constrained by the public, they also have less executive power to make specific decisions, and so can be slightly held in check by the prime minister and the legislature.

- **Parliamentarism**: This is a system in which there is no popularly elected head of state, and the government is dependent on the legislature for survival.\(^{111}\) Therefore, the head of state is generally dependent on other members of their party or people within the legislature in order to keep power. They are held accountable by other legislators, rather than the public, and so they must only keep the legislators happy with their efforts. The legislature itself can remove the head of state in some cases, with a vote of “no confidence,” without their own place being affected. Therefore, the legislators do not rely on their head of state, but rather the head of state relies heavily on the support of their own parliament. Consequently, they are the most constrained.


In these categories of regime type, I examine what kinds of war crimes they all committed, as well as the other measures of war crimes. My intention was to see not only who was more likely to commit war crimes, but which regime type was more likely to completely disregard the rules, and have a higher frequency and magnitude rating on average. I also looked at centrality, trying to determine if certain regime types were more likely to commit war crimes as a state policy, rather than just individual violations. Similarly, I also looked at the actual clarity of the war crimes, to see if specific regimes were more likely to have committed war crimes that were clearly against the rules, or if they were more ambiguous in their legality.

A. Preliminary Results/Dichotomous Division

When comparing democratic regimes and autocratic regimes, there is an overwhelming majority of autocratic regimes within the dataset itself. Overall, our dataset was comprised of 159 autocracies, and 46 democracies, which were graded on 9 categories of war crimes. This will automatically bias the data towards autocracies, even though proportionally both groups committed the same amount of war crimes. There are also 13 allied groups, and 4 that are unknown and/or occupied so that their actual form of government could not be determined. As seen in Table 3, democracies make up only 20% of the dataset, yet they take part in 45% of the wars. Autocracies, on the other hand, make up over 70% of the dataset, and they take part in 93% of the wars. Consequently, it is clear that autocracies do tend to take part in a large number of interstate conflicts.

<table>
<thead>
<tr>
<th>Regime</th>
<th>Wars</th>
<th>Percent</th>
<th>Count</th>
<th>Percent.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allies</td>
<td>6</td>
<td>12.50</td>
<td>13</td>
<td>5.86</td>
</tr>
<tr>
<td>Autocracy</td>
<td>45</td>
<td>93.75</td>
<td>159</td>
<td>71.62</td>
</tr>
<tr>
<td>Democracy</td>
<td>22</td>
<td>45.83</td>
<td>46</td>
<td>20.72</td>
</tr>
<tr>
<td>Missing</td>
<td>3</td>
<td>6.25</td>
<td>4</td>
<td>1.80</td>
</tr>
</tbody>
</table>
Table 4 provides a more detailed look into the actual number of war crimes committed by democracies and autocracies. In this particular table, a war crime is anything that had a score in the magnitude category that was greater than 1. The last column, Row Total, contains the total number of observations for each regime type, as well as their percentage of the entire dataset. Autocracies make up 71% of the entire dataset, while democracies consist of only 20%. Both parties also account for the same percentage of violations that did and did not occur. This shows that when measured dichotomously, autocracies and democracies commit war crimes proportionally. Neither one commits war crimes more frequently than the other, based on the number of times they appear within the dataset.

In looking at the actual count of regime type (see Table 1 and Table 2), it is clear that the count of the number of regimes present within the dataset is generally much higher than the number of wars each regime type actually participated in. This shows that within this dataset, two states with the same type of government were often involved in wars with each other. For this to happen, either two separate states with the same regime type fought against each other, or there was a highly complex war with multiple states with occasionally overlapping regime types all-fighting against one another. This is interesting, because it points to the fact that other states do not see regime type as a form of similarity or equality. It does not stop states from going to war against each other, nor does it prevent them from committing war crimes against one another. Therefore, when measured dichotomously, regime type is clearly not a strong restraining factor.

However, in looking at Table 5, we have the percentages of each regime type that committed each specific war crime. In looking at this table, we can see that oligarchies commit the most war crimes over all, committing over 225 in total, and they are followed by absolute
Table 5. Issue Area by Regime Type

The percentages in the first nine columns refer to the percentage of the column itself, so the proportion of crimes of that category that were committed by the regime in question. The last column has the total percentage of the war crimes that were committed by each regime type.

<table>
<thead>
<tr>
<th>Regime</th>
<th>POWs</th>
<th>Civilians</th>
<th>Cultural</th>
<th>High Seas</th>
<th>War Detention</th>
<th>Wounded</th>
<th>Amelie</th>
<th>Absolute Monarchy</th>
<th>Semi-Presidentialism</th>
<th>Semi-Presidential Rule</th>
<th>Presidentialism</th>
<th>Personalist Rule</th>
<th>Party-Based Rule</th>
<th>Missing</th>
<th>Row Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute Monarchy</td>
<td>8.96%</td>
<td>5%</td>
<td>9%</td>
<td>1%</td>
<td>8%</td>
<td>2%</td>
<td>9.6%</td>
<td>9%</td>
<td>8%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>2%</td>
<td>4%</td>
<td>3.86%</td>
</tr>
<tr>
<td>Semi-Presidential</td>
<td>39 (1.90%)</td>
<td>1%</td>
<td>7%</td>
<td>1%</td>
<td>8%</td>
<td>2%</td>
<td>8%</td>
<td>9%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>2%</td>
<td>4%</td>
<td>9.82%</td>
</tr>
<tr>
<td>Semi-Presidential Rule</td>
<td>1 (0.05%)</td>
<td>1%</td>
<td>7%</td>
<td>1%</td>
<td>8%</td>
<td>2%</td>
<td>8%</td>
<td>9%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>2%</td>
<td>4%</td>
<td>9.82%</td>
</tr>
<tr>
<td>Presidentialism</td>
<td>14%</td>
<td>9%</td>
<td>12%</td>
<td>3%</td>
<td>8%</td>
<td>2%</td>
<td>10%</td>
<td>9%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>2%</td>
<td>4%</td>
<td>9.82%</td>
</tr>
<tr>
<td>Personalist Rule</td>
<td>13%</td>
<td>9%</td>
<td>12%</td>
<td>3%</td>
<td>8%</td>
<td>2%</td>
<td>10%</td>
<td>9%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>2%</td>
<td>4%</td>
<td>9.82%</td>
</tr>
<tr>
<td>Party-Based Rule</td>
<td>13%</td>
<td>9%</td>
<td>12%</td>
<td>3%</td>
<td>8%</td>
<td>2%</td>
<td>10%</td>
<td>9%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>2%</td>
<td>4%</td>
<td>9.82%</td>
</tr>
<tr>
<td>Missing</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
<td>4%</td>
</tr>
<tr>
<td>Row Sum</td>
<td>36%</td>
<td>26%</td>
<td>36%</td>
<td>10%</td>
<td>36%</td>
<td>9%</td>
<td>36%</td>
<td>36%</td>
<td>36%</td>
<td>36%</td>
<td>36%</td>
<td>36%</td>
<td>36%</td>
<td>36%</td>
<td>36%</td>
</tr>
</tbody>
</table>

Table 4. Number of War Crimes by Regime Type (Autocracy/Democracy)

1. Allies
2. Democracy
3. Autocracy
4. Missing
5. Sum
monarchies and parliamentarism. However, when looking at the category distribution, it is clear that cultural war crimes, as well as crimes against civilians and against prisoners of war are the three highest categories within the entire dataset. Oligarchies tend to have the highest percentage of war crimes in each category, which makes sense since oligarchies as a group make up a large amount of our dataset. When it comes to armistice crimes, parliamentary systems commits the most, while party-based rule dominates in violations of war declaration. The distribution here is especially interesting to examine because one can see who commits the most in each category, and which regimes types tend to be more inclined to commit more war crimes in general.

For my analysis, I used three dependent variables. The first two are the magnitude, and the frequency of the war crimes. These measures were based off of Morrow’s dataset, in which both of these were ordinal variables, from 1-4, as well as -9 if there was no data about the case in question. The third is a measure of centrality, which is also an ordinal variable in Morrows dataset, although it is on a scale of 1-5, as well as -9 if there was no data.

Figure 1 shows the distribution of all four of Morrows categories, throughout the entire dataset. It is clear from the distribution table that there is quite a large number of cases that are coded as -9 or 1, which means that there is either missing data, or no violations. The frequency of war crimes is also generally low, staying in the category of 2, meaning there were only occasional violations. The clarity is also generally very high, with a majority of the crimes labeled as 3 or 4, meaning that most of the war crimes within the dataset are seen as either probable or certain violations. The centrality, however, is fairly low, meaning that a majority of these crimes are based on individual violations, rather then actual state intention to violate. Magnitude, on the other hand, is not evenly distributed at all, with most of the war crimes being

112 The measure of clarity, as seen here, was not used in the rest of the analysis because of the subjectivity of legality within the subject of war crimes, and the difficulties that accompany attempting to determine legality.
coded as a 3, which means common/recurrent violations, but still keeping to the standard on some occasions. This means it is much more rare for any regime to commit only occasional violations, or massive amounts of violations.

![Distribution of Coding Categories](image)

**Figure 1. Distribution of Coding Categories**

I also ran some chi-squared tests on the original division of just democracies and non-democracies, to see if that particular dichotomy would have a strong dependent relationship with the factors Morrow describes. The p-values of these tests are much higher then those of the broad regime type, but they are all under the p-value of .05, which makes them significant.

According to this distinction, Figure 2 shows that Allies have a strong positive relationship with both massive violations, as well as recurrent/common violations. This strong
Figure 2. Mosaic Plot of Magnitude and Regime Type of Violators (Dichotomous, Unfiltered)

Figure 3. Mosaic Plot of Frequency and Regime Type of Violators (Dichotomous, Unfiltered)

Figure 4. Mosaic Plot of Centrality of Regime Type of Violators (Dichotomous, Unfiltered)
relationship between two uncommon values as seen in the distribution really demonstrates that allies are incredibly likely to commit large violations, especially when the regime categories are measured so simply. As seen in Figure 3, democracies are highly negatively correlated with higher magnitude. However, they are not strongly positively associated with No violations, or even lower measures of magnitude. Autocracies are more strongly associated with state intention to violate, and they are negatively correlated with individual intention to violate (Figure 4). On the other hand, autocracies are not especially highly associated with anything regarding frequency or magnitude, whether it be positively or negatively (see Figures 2 and 3).\footnote{Within these plots, the darker blue indicates a high Pearson residual, which means there are more observations within that category then expected. The red indicates a negative Pearson residual, which means there were significantly fewer observations then expected. When the boxes are grey instead of white, it means the p-value is not extremely significant.} This shows that while conclusions about democracies being less likely to commit war crimes overall may be true, there is an unfair assumption that autocracies automatically commit more war crimes, since they do not commit a higher number of war crimes then expected according to the Pearson residuals. However, this dichotomous distinction leaves out a lot of possibilities, which is why I chose to examine this dataset deeper with Fredricksson and Anckar’s branching system of government measures.

**B. Original Broad Regime Type**

I also used chi-squared test to determine the significance of the relationship between regime type and other aspects of the war crimes committed. Violator regime type had significant relationships with magnitude, frequency and centrality, as well as with the victim regime type. Not surprisingly, regime type did not have a strong relationship with the specific kind of war crime, nor with the clarity of the war crimes committed. Consequently, I went deeper into these relationships and used the residuals from the chi-squared test to look at the associations between
Figure 5. Mosaic Plot of Centrality and Regime Type of Violators (Unfiltered)

Figure 6. Mosaic Plot of Magnitude and Regime Type of Violators (Unfiltered)
each regime type and the levels of the other three variables.

When you look deeper into the relationship between centrality and regime type in terms of the chi-squared residuals, it is clear that allied groups are highly correlated with high levels of centrality, meaning that when allied groups violate the rules, they do so knowingly and intentionally (Figure 5). When looking at the violating regimes, presidentialism, semi-presidentialism and party-based rule are also positively correlated with high levels of centrality as well. Surprisingly, military rule and absolute monarchies is strongly negatively correlated with high levels of centrality, and more positively correlated with low levels of centrality, which means that they are more highly correlated with individual violations. Allies and oligarchies, on the other hand, are strongly positively correlated with high values for both magnitude and frequency, showing that they are generally more likely to commit bigger violations, and they will commit violations much more often (see Figures 6 & 7). Parliamentarism on the other hand is
strongly negatively correlated with high magnitude, and only slightly negatively correlated with high frequency, or massive violations.

When you look at the regime type of the victims, things start to change a little bit (Figures 8-10). Allies are still strongly correlated with state intention to violate, but personalist rule suddenly becomes strongly negatively correlated with state violations, showing that violations against personalist rule are less likely to be state-ordered (Figure 7). In terms of magnitude, both allies and presidentialism have strong positive relationships with major violations (Figure 9). These same two regime types also have a positive relationship with massive violations, which shows that they tend to be victims of serious violations, as well as a large amount of them (Figure 10).

Figure 8. Mosaic Plot of Centrality and Regime Type of Victims (Unfiltered)
Figure 9. Mosaic Plot of Magnitude and Regime Type of Victims (Unfiltered)

Figure 10. Mosaic Plot of Frequency and Regime Type of Victims (Unfiltered)
When you eliminate all war crimes that did not happen or we do not have data about, we are able to see the relationship between the regime type of the violators, and that of the victims. When looking at the relationship between the regime type of violators and that of the victims of war crimes, Figure 11 shows that parliamentarism and party-based rule interact more than expected, along with oligarchies and absolute monarchies, and military-rule with other military rule. This shows who is more likely to commit a war crime against whom, or at least historically, who has tended to be in conflict more often, and commit more war crimes against one another. I attempted to filter this out for only state-ordered war crimes, but the result had a p-value of 0.264, which made it not statistically significant.

Figure 11. Mosaic Plot of Regime Types of Violators and Victims (Unfiltered, War Crimes that did Happen)
I used an ordered logit model to see the relationships that regime type of victims and regime type of the violators would have on each of the three important ordinal variables; magnitude, frequency and centrality (see Figure 12). I used this specifically to create a general idea about what level of compliance each regime type is predicted to have, especially when it is in conflict with different kinds of regimes. This figure shows that as a violator, centrality is especially significant for presidentialism. This means that the presence of presidentialism means that the centrality measurement is likely to move up a category. This is the same for semi-presidentialism and oligarchy, especially as violators. However, when they are victims, allies are more likely to be targeted by war crimes with higher levels of centrality, and presidentialism has a high likelihood of going down a category in magnitude, meaning that presidentialism is more likely to be the victim of crimes of less severity. Based on this evidence, it is not clear that the regime type of the victim is an especially strong predictor in whether or not a war crime will be committed.

When looking only at state ordered war crimes, the unfiltered data shows that oligarchies are positively correlated with high levels of frequency, along with semi-monarchies (Figure 13). Military rule, on the other hand, is only positively correlated with occasional violations, and it is negatively correlated with high values of frequency. Semi-presidentialism is also positively correlated with reoccurent/common violations. However, the relationship between violators and magnitude was not statistically significant. Neither was the relationship between regime type of the victims, and any aspects of the war crimes.
### Dependent variable:

<table>
<thead>
<tr>
<th></th>
<th>Magnitude (1)</th>
<th>Frequency (2)</th>
<th>Centrality (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>V1BCNAllies</td>
<td>0.755 (0.214)</td>
<td>1.140 (0.222)</td>
<td>1.691** (0.216)</td>
</tr>
<tr>
<td>V1BCNMilitary Rule</td>
<td>1.098 (0.171)</td>
<td>0.856 (0.170)</td>
<td>1.264 (0.172)</td>
</tr>
<tr>
<td>V1BCNMissing</td>
<td>0.852 (0.322)</td>
<td>0.750 (0.322)</td>
<td>0.873 (0.328)</td>
</tr>
<tr>
<td>V1BNCNOligarchy</td>
<td>0.840 (0.142)</td>
<td>0.851 (0.146)</td>
<td>1.495*** (0.143)</td>
</tr>
<tr>
<td>V1BCNParliamentarism</td>
<td>1.450** (0.158)</td>
<td>1.088 (0.158)</td>
<td>1.068 (0.160)</td>
</tr>
<tr>
<td>V1BCNParty-based Rule</td>
<td>1.057 (0.173)</td>
<td>1.002 (0.175)</td>
<td>1.496** (0.175)</td>
</tr>
<tr>
<td>V1BCNPersonalist Rule</td>
<td>1.207 (0.165)</td>
<td>1.079 (0.164)</td>
<td>1.143 (0.166)</td>
</tr>
<tr>
<td>V1BCNPresidentialism</td>
<td>0.658 (0.334)</td>
<td>1.099 (0.352)</td>
<td>2.470*** (0.339)</td>
</tr>
<tr>
<td>V1BCNSemi-Monarchy</td>
<td>0.474* (0.438)</td>
<td>0.486 (0.500)</td>
<td>1.463 (0.440)</td>
</tr>
<tr>
<td>V1BCNSemi-Presidentialism</td>
<td>1.176 (0.262)</td>
<td>1.634* (0.273)</td>
<td>2.196*** (0.266)</td>
</tr>
<tr>
<td>V2BCNAllies</td>
<td>0.648** (0.220)</td>
<td>0.687 (0.230)</td>
<td>2.033*** (0.220)</td>
</tr>
<tr>
<td>V2BCNMilitary Rule</td>
<td>0.916 (0.173)</td>
<td>1.254 (0.171)</td>
<td>1.180 (0.173)</td>
</tr>
<tr>
<td>V2BCNMissing</td>
<td>1.570 (0.335)</td>
<td>1.126 (0.326)</td>
<td>1.031 (0.335)</td>
</tr>
<tr>
<td>V2BNCNOligarchy</td>
<td>1.138 (0.141)</td>
<td>1.225 (0.144)</td>
<td>1.010 (0.143)</td>
</tr>
<tr>
<td>V2BCNParliamentarism</td>
<td>1.349* (0.161)</td>
<td>1.249 (0.161)</td>
<td>1.220 (0.162)</td>
</tr>
<tr>
<td>V2BCNParty-based Rule</td>
<td>0.870 (0.172)</td>
<td>0.958 (0.176)</td>
<td>1.029 (0.174)</td>
</tr>
<tr>
<td>V2BCNPersonalist Rule</td>
<td>1.062 (0.163)</td>
<td>1.034 (0.164)</td>
<td>0.934 (0.165)</td>
</tr>
<tr>
<td>V2BCNPresidentialism</td>
<td>0.373*** (0.344)</td>
<td>0.635 (0.366)</td>
<td>2.021** (0.340)</td>
</tr>
<tr>
<td>V2BCNSemi-Monarchy</td>
<td>1.138 (0.443)</td>
<td>1.426 (0.519)</td>
<td>0.783 (0.449)</td>
</tr>
<tr>
<td>V2BCNSemi-Presidentialism</td>
<td>1.031 (0.260)</td>
<td>0.878 (0.267)</td>
<td>1.421 (0.262)</td>
</tr>
</tbody>
</table>

**Note:** *p* **p*** p<0.01

Each cell contains the odds-ratio coefficient. Regime type prefixed with V1BCN is that of a violator, and V2BCN is the victim.

**Figure 12.** Ordered Logit Model of Regime Type (Violators and Victims) and War Crime Factors (With Filtered Data)
C. Eliminating Allied Groups and Missing Data

Since it can be argued that allied groups and missing data are not technically part of the regime types, so in order to control specifically for relationships between regime types, I eliminated dyads with allied groups and missing data and re-ran the tests to see if the relationships changed at all. I ran the chi-squared test again for all of these relationships, and found that the same relationships were significant in this data as they were in the original data.

Viewing the violator regime type in this filtered data, I found that absolute monarchies are still negatively correlated with high levels of centrality, while presidentialism and semi-presidentialism are still positively correlated with high levels of centrality (Figure 14). However, semi-monarchy is suddenly also positively related to high levels of centrality. Interestingly enough, neither parliamentarism or military-rule are negatively correlated with high levels of...
Figure 14. Mosaic Plot of Centrality and Regime Type of Violators (Eliminating Allies and Missing data)

Figure 15. Mosaic Plot of Magnitude and Regime Type of Violators (Eliminating Allies and Missing Data)
centrality. Oligarchies are positively correlated with both high levels of frequency and magnitude, which is the same relationship we previously found (Figures 15 & 16). This means they commit very severe war crimes compared to other groups. Similarly, as we found in the original data, parliamentary systems are negatively correlated with high levels of magnitude, as well as high levels of frequency. However, interestingly enough, in the filtered data, semi-presidentialism is slightly positively correlated with common violations, or mid-range values of frequency. Military rule is negatively correlated with high levels of frequency/magnitude, even if they are not highly correlated with anything else.

As victims, personalist rule is negatively correlated with high levels of centrality and magnitude, and frequency (Figures 17-19). This is a change from the original findings, when none of these relationships were seen as significant. Presidentialism, on the other hand, is
Figure 17. Mosaic Plot of Centrality and Regime Type of Victims (Eliminating Allies and Missing Data)

Figure 18. Mosaic Plot of Magnitude and Regime Type of Victims (Eliminating Allies and Missing Data)
Figure 19. Mosaic Plot of Frequency and Regime Type of Victims (Eliminating Allies and Missing Data)

positively correlated with high levels of centrality, magnitude, and frequency, which is the same as we found before. Surprisingly enough, although military rule originally did not have a strong or significant relationship with any of the levels of magnitude, it is now found to be positively correlated with higher levels of magnitude.

When looking at state ordered war crimes, both magnitude and frequency were statistically significant for violators. In the filtered data, oligarchy is positively correlated with high levels of both magnitude and frequency (Figure 20&21). Parliamentarism, however, is negatively correlated with high levels of magnitude, and does not have any positive or negative relationship with frequency. Military rule has a negative relationship with high levels of frequency, while semi-monarchy has a slightly positive relationship with massive violations, and semi-presidentialism has a slightly positive relationship with reoccurring/common violations (Figure 20).
Figure 20. Mosaic Plot of Frequency and Regime Type of Violators (Eliminating Allies and Missing Data, State-Ordered War Crimes)

Figure 21. Mosaic Plot of Magnitude and Regime Type of Violators (Eliminating Allies and Missing Data, State-Ordered War Crimes)
In taking out all the war crimes that we are unsure of, or did not happen, the relationship between violator and victim is also statistically significant (Figure 22). It shows many of the same positive relationships as seen in the original data, with more relationships shown and stronger levels of significance. Oligarchy is strongly positively related to absolute monarchies, showing that oligarchies commit severe war crimes against them. Interestingly enough, it is negatively correlated with personalist rule, military rule, party-based rule and parliamentarism. Parliamentarism, on the other hand, is positively correlated with personalist rule and military rule, and negatively correlated with oligarchies, semi-presidentialism, and parliamentarism. Personalist rule is likely to commit war crimes against military rule and parliamentarism, but not party-based rule or oligarchies. Absolute monarchies are extremely negatively associated with committing war crimes against military rule and party-based rule, but are positively associated with oligarchies and semi-monarchies. Military rule is likely to attack other military rules, personalist rule, party-based rule, and parliamentarism, but is unlikely to commit war crimes against absolute monarchies, oligarchies or semi-presidentialism. Party-based rule is also likely to commit violations against party-based rule, presidentialism and semi-presidentialism. Semi-monarchies are only likely to attack absolute monarchies. Presidentialism is likely to attack party-based rule and oligarchies. Semi-presidentialism is unlikely to attack military rule and parliamentarism, but is positively associated with committing war crimes against party-based rule.

When we look only at state ordered war crimes, the relationship between regime type of violators and the regime type of victims is statistically significant. This allows us to see which regime type specifically commits war crimes against other regimes, which is clearly demonstrated in Figure 23. Interestingly, is very similar to Figure 10. Personalist rule has a strong positive relationship with parliamentarism, meaning that personalist rule commits more
Figure 22. Mosaic Plot of Regime Type of Violators and Victims (Without Allies or Missing Data, All War Crimes that Occurred)

Figure 23. Mosaic Plot of Regime Type of Violators and Victims (Without Allies or Missing Data, State-Ordered War Crimes)
war crimes then expected against parliamentarism. Parliamentarism reciprocates this, as it also has a positive relationship with personalist rule when personalist rule is the victim. Parliamentarism has a strong negative relationship with Parliamentarism as the victim, showing that these types of systems rarely commit war crimes against one another. Absolute monarchy, on the other hand, has a positive relationship with oligarchy and semi-monarchy, and a negative relationship with military rule. Oligarchy only has a positive relationship with presidentialism, which presidentialism reciprocates, and also has a positive relationship with party-based rule. Both military rule and party-based rule rarely order war crimes against absolute monarchies and oligarchies. However, military rule is positively related to parliamentarism and military rule, and party-based rule is positively related to other party-based rule and semi-presidentialism. Semi-presidentialism and presidentialism have a positive relationship with oligarchies, and presidentialism also has a positive relationship with party-based rule. Finally, semi-presidentialism also has a strong positive relationship with absolute monarchies.

Overall, we can see that the presence of allied groups in our data creates significant changes in the relationships of the different groups. However, the data points to the idea that regime types are very different from expected, and their relationships with war crimes is much more detailed and nuanced than previously thought. The broader range of regime types based on institutional structures shows us that the dichotomous measurement system of democracy and non-democracy is hopelessly flawed.
CHAPTER 6
DISSUSSION

When it comes to likelihood of actually committing a war crime, it does seem that all regime types are equally likely. They all commit the same proportion of war crimes as they are in the dataset as a whole, which shows that no one group is especially more likely to commit them disproportionately to the amount of times they are actually in conflict. Similarly, it is clear that regime type is not an especially strong predictor of all of these different factors. However, when you look at them comparatively, it is clear that there are some strong relationships between different regime types, especially in terms of the way they will act in times of war.

Table 4 does in fact prove my first hypothesis correct. However, this is partially because there are almost three times the number of autocracies in the dataset to start, even when looking at the ones that actually committed war crimes. Before eliminating all the war crimes that did not happen/and/or there was not enough data to determine that they happened, there were 1431 observations of autocracies in our dataset, and 414 cases of democracies. When we account for all of the war crimes that were coded as not happening or not enough information to determine whether or not they happened, there are only 810 instances of autocracies and 236 instances of democracies committing war crimes. For both democracies and autocracies, only about 57% of the total observations of each group actually involved a war crime being committed. Because the proportion of regime types between autocracies and democracies stayed the same between all war crimes, and after omitting those war crimes that did not happen or about which there was no data, it shows that within the dichotomous result, there are still the same percentage of either kind of government to commit war crimes. Autocracies make up a majority of the dataset, and they also commit a majority of the war crimes, but their percentage of the dataset and percentage
of war crimes committed are close to equal. Therefore, they are not especially more likely to commit war crimes then democratic countries.

The fact that autocracies take part in over 90% of the wars in the dataset could lead some to imply that they are the reason for a majority of these wars, and so they are the common source of war/violence. However, just because they take part in these wars does not mean that they always start them, or that it is inherently their fault that wars happen. Instead, it is possible that they are pushed into wars by the circumstances surrounding their own state. Many of the states that are still autocratic today are in Africa and the Middle East, which adds another component to why wars might erupt. That is also why I chose to pick a wider range of categories, so that we can understand the differences in regime type, and potentially see more similarities among some more centralized or autocratic regimes with those that are considered to be more democratic and peaceful.

Figure 23 shows that over time, the number of war crimes committed by a vast majority of these regime types has decreased. Most of the countries that could be perceived as democratic, such as presidentialism, semi-presidentialism have not committed war crimes anytime towards the end of the dataset. However, this also shows that while oligarchy’s make up a large part of our dataset, they are not especially present in more modern day society, and have not been involved in interstate wars since the 1980’s. It is clear that most regime types have their war crimes clustered around the 1940’s, since that was the time of World War I, which is when there was a large variety of different regime types fighting against each other and committing war crimes. This is important in regards to the distribution of war crimes by each country. Over time, the count seems to be decreasing, no matter which regime type we look at. This shows that there are in fact less war crimes being committed, or at least there are fewer regimes that are
committing war crimes in more modern times. However, because the dataset ends in 1991, it is impossible to be certain if that trend has continued into the current day.

The relationship of regime type to both frequency and magnitude somewhat supports my second hypothesis, with both allied groups and presidentialism having a positive relationship with high levels of frequency and magnitude. The filtered data (Figure 19&20) partially disproves my second hypothesis. None of the popularly elected leaders are highly associated with high levels of frequency and magnitude, even when specifically ordered by the state. Only semi-presidentialism had a positive relationship with higher levels of frequency, but only with common/reoccurring violations, not massive violations. Therefore, being popularly elected does not inherently mean that the regime is likely to commit worse war crimes or more of them. However, because there were the only two in the unfiltered data, and allied groups are not inherently democratic, there is not strong support for or against this particular idea. However, it does support my fourth hypothesis, which is that allied groups will be related to the higher levels of magnitude and frequency. This is both true when they are violators, as well as the victims. The fact that allied groups are strongly correlated with high levels of magnitude and frequency while they are in the position of victims strongly suggests that allied groups attract higher levels of war crimes, potentially because they most commonly occur in larger wars that are more vicious, or big groups of allies may potentially encourage war crimes because there is much less potential to be caught or held responsible for committing the crime. It also shows that there is much more to be studied in depth here, and that allied groups can change the motivations under which crimes are committed. While not specifically a regime type, they do deserve to be studied to see if the composition of the allied groups potentially affects their penchant for committing war crimes.
It is clear that some regime types, especially allied groups, are far more likely to be both the victims and the perpetrators of high levels of war crimes. However, the disproportionate amount of autocracies and oligarchies within the dataset makes it difficult to pin down the strength of the relationship. While autocracies may have committed a higher overall number of war crimes in the past, they certainly do not commit them with any higher frequency than any other regime type. Therefore, they can be said to be more likely to commit war crimes than democracies. In terms of the broad regime type, it is especially interesting that oligarchies and allies are both strongly related to high levels of magnitude and frequency as violators. Potentially, the fact that there is not one strong leader to follow, as leadership comes from groups of people or states working together, could play into this.

In the original data, as a victim, personalist rule is negatively correlated with high levels of frequency. This is an especially interesting finding, because it shows that perceptions of regime type do not necessarily play into the level of frequency of war crimes that will occur. Personalist regimes are also the most totalitarian kind of regime, so it would be expected that they would be seen negatively by other states, who could have the potential to commit more war crimes against them. However, this begins to push back against that idea. Those that attack it are likely to at least attempt to maintain the standard, potentially to attempt to show themselves as humane, and keep themselves portrayed in a positive light. However, it may also be possible that personalist regimes may be attacked more by allied groups, or that they simply do not attract many war crimes to be committed against them. In filtered data, when it is the victim, personalist rule is negatively correlated with high levels of centrality and magnitude, and frequency. This is especially fascinating, because it means that even though it is the most totalitarian system, it does not tend to have a lot of state-ordered war crimes committed against it, nor are the war crimes
against them particularly severe or frequent. Despite the fact that it could be seen as barbaric or cruel, it does not seem to attract violence. However, since military rule is positively correlated with higher levels of magnitude as the victim, makes for uncertain results about my third hypothesis. It appears that regime type does play into whether or not regimes have war crimes committed against them, although the relationship is not what I initially expected.

It is especially interesting that absolute monarchies and military rule have a strong negative relationship with high levels of centrality. This different from what I expected, which was that more centralized regimes are more likely to have higher levels of centralization, with it being more obvious that it was the state intention to commit war crimes, rather than individuals. This also brings up a lot of questions in regards to how centralized regimes function. It is possible that in more centralized states, the leader is subject to less transparency, so it is less obvious as to whether or not the leader made the call himself. On the other hand, it is also possible that centralized regimes exercise less control over the actions of their individual soldiers, and/or the leaders are less willing to educate them in the rules of war. It serves to completely disprove my fifth hypothesis.

However, in eliminating allied groups and missing data from the dataset, there were more relationships that came to light. I find that regime type does have an effect on whether or not war crimes will be state ordered, but it is much different then expected. The fact that, as violators, both presidentialism and semi-presidentialism are positively correlated with high levels of centrality in the filtered data implies that when these kinds of regimes do commit war crimes, they do so knowingly, with the intent of the leadership behind it. Despite the fact that these are two of the more restrained types of governments, with little executive power, the leader itself is the one making the call. To some extent, this makes sense, because the leaders are more
constrained in terms of their decision-making, and yet they can be pushed by the popular belief or consent to do something they otherwise would not do. When they do commit war crimes, they are likely to do so with state intent, and under the order of the leader. This particular insight demands further research, and would require much more in-depth examination into this phenomenon then is currently present in this paper.

Since oligarchies are positively correlated with both high levels of frequency and magnitude in the unfiltered and the filtered data looking only at state ordered war crimes, it points to the idea that oligarchies are likely to commit severe violations, with no regard for the standard. This, to some extent, proves my eighth hypothesis. Based on the idea that oligarchies have a very small group of people holding them responsible for their actions, it logically holds that they will be able to commit both more and worse war crimes without severe repercussions from their small group of supporters. Similar to the way in which presidentialism can commit severe war crimes if the public is in support of it, oligarchies can do the same thing, although since they have a smaller group of supporters, it is likely much easier to convince their supporters that it is needed. Oligarchies, which are elected by popular vote, even if it is a minority of citizens that are allowed to vote, are more likely to commit severe war crimes. They simply have to justify to their citizens that the war crimes are necessary, or, they may be desperate to end a war quicker, and bring less cost to their own citizens, which in turn can help them stay in power.

As victims, it is both presidentialism and military rule are both highly correlated with massive violations, meaning the violations against them are likely to be severe. However, military rule is not negatively or positively correlated with any level of magnitude as a violator, in the filtered and unfiltered data. So it is interesting that potentially reciprocation does not play a
factor here in terms of war crimes with military rule. Even though military rule tends to be the victim of severe violations, it does not have a high tendency of committing severe violations. Consequently, it could be that the perception of military rule helps to push people towards committing severe violations against them. This slightly proves my seventh hypothesis, as having severe violations committed against them does not make a centralized regime commit more war crimes of the same magnitude. Since military rule is still more constrained then other autocratic regimes, it is not strong support for this idea, but it does provide a more interesting area for further research. Absolute monarchies were not positively correlated with high levels of magnitude and frequency as violators or the victims, while personalist rule was negatively correlated with high levels of every measure as a victim, and not strongly correlated with anything as a violator, which makes this impossible to say for sure.

In the filtered data, semi-presidentialism suddenly has a positive relationship with the mid-range value of frequency as a victim, and yet is not strongly correlated with anything as a violator, where it was not correlated with anything as the violator or the victim in the unfiltered data. Similarly, in the filtered data, presidentialism is correlated with high levels of frequency and magnitude as a victim, but is not positively correlated with anything as a violator. Even in the unfiltered data, presidentialism is shown to have a positive relationship with high levels of magnitude and frequency as the victim, but not as the violator. This effectively disproves my sixth hypothesis, although the evidence is not completely clear.

Since presidentialism is shown to have a positive association with committing state ordered war crimes against party based rule, semi-presidentialism is shown to do the same thing with absolute monarchies, and both presidentialism and semi-presidentialism have a positive association with oligarchies, this partially proves my 9th hypothesis. However, these are the only
associations that are present. Consequently, it is not possible to say that this hypothesis is completely supported by the data. However, it does point in the direction of the 7th hypothesis. Presidentialism and semi-presidentialism are both likely to commit war crimes against oligarchies, and they each have another type of regime that is considered more centralized that they each are strongly associated with committing war crimes against. Parliamentarism, one of the most constrained types of government, actually has a strongly positive relationship with personalist regime, showing that the two regimes on the opposite ends of the spectrum are likely to commit war crimes against each other.

Interestingly enough, specific kinds of autocratic regimes actually have more complicated relationships with each other in terms of war crimes. Military rule and party-based rule are both unlikely to order war crimes against absolute monarchies and oligarchies. The similarities here could potentially tell us a lot about the similarities between these seemingly different groups. When looking at all occurrences of war crimes that occurred in the filtered data, it is clear that the more constrained states are less likely to commit war crimes against one another. The bottom right hand corner of Figure 21 is primarily red or white, which shows that there is either no significant relationship, or a negative one. While they may be more constrained, they are also likely held to some kind of ideological standard, either from the military or the party with which the leader is aligned. This has the possibility to play a big role in their decisions to commit war crimes, or how to interact with other regimes, especially since they both seem to act similarly in regards to absolute monarchies and oligarchies. Both of them are also positively related with committing war crimes against their own regime type, which shows that this happens much more then would be expected. The whole upper left hand corner depicts interactions between the different kinds of autocratic states, with fewer constraints, and there is a large mix of positive
and negative relationships. This shows that their relationships are not clearly dictated, since some regime types attack their own kind, while others do not. The fact that filtering for state ordered war crimes eliminated many of the relationships that were present when looking at war crimes that did happen shows us that even though states may be seen to commit crimes against others, the intention of the state or regime is an important factor in determining who wants to specifically harm who, and which regime types simply do not train their soldiers well enough. Clearly, regime type does play a part in determining whether or not to commit war crimes, although that relationship is not clearly defined in this particular data.

The fact that filtering for state-ordered war crimes did not produce any statistically significant relationships between the regime type of the victim and any measurement of war crimes shows us that the regime type of the victim is not a good predictor of what level of war crime will be committed against it. However, the interaction data does show us that the regime type of the victim could be a potential factor, which would need to be examined more in-depth. In order to do so, there would have to be a control for how many times a regime type went to war with another regime, as well as more in-depth research into who committed the first war crime, and whether any other ones were simply in reciprocity for the first one.

Overall, these results show that regime type does play an important factor in international relations, and specifically in a states proclivity for committing war crimes. The relationships are much more detailed and nuanced than originally expected, but that only opens the doors for further research into this area.
CHAPTER 7

CONCLUSION

This particular paper is quite preliminary, and only begins to scratch the surface of the relationship between regime type and war crimes. The original findings point out that our notions about democracies and non-democracies act is not as simple as past research has proposed. For example, even though leaders in presidential countries are subjected to the popular vote, they are still more likely to directly order war crimes, rather then have them be accidental violations by untrained soldiers. There are many factors in place that can affect the decisions made be either side to a conflict, and they do not always act in the way we expect them too. It shows that the dichotomous measurement of regime type is ineffective, and that there are much more nuanced relationships between different regime types and their penchant for committing war crimes then previously found. Overall, we find that there is a significant relationship between a more specific category of regime type and war crimes, although a clear pattern has not yet been identified.

Because this is a preliminary investigation into a more nuanced area of study, this thesis has some flaws, which make it difficult to make any strong conclusions. To start, this particular study measures war crimes based on Morrow and Jo’s dataset, which has categories of war crimes rather then specific crimes themselves. While it would be impossible to hold a record of each specific war crime ever committed, more narrow categories would be helpful in determining the exact nature of the crime. Similarly, since the category of Frequency is a categorical variable, it is not possible to see the exact number of war crimes committed. Another flaw with this particular study is that it is all based on correlation, and whether or not there is a positive or negative relationship between regime types and aspects of war crimes committed.
While these tests can have statistical significance, they do not create clear causal relationships, nor do they make any positive assertions.

By eliminating allies and missing data, it is clear that the relationships can change dependent on whether or not allies are kept in the data, and so allied groups are an important factor within our dataset. They present a challenge in attempting to really tackle this data, because they are a big enough group to change our data significantly, and yet eliminating them seems to simply ignore the problem rather then addressing it head on. The presence of allied groups makes it difficult for us to determine the what regime types are present, as some might have their war crimes masked by committing them when they are in an alliance, rather then easily identifiable individuals. Allied groups deserve to be studied in their own right, as regimes have different motivations when they are in these groups, and their decisions might not be based on their own wellbeing, but rather on the well-being of their allies. Similarly, states of all sorts of regime types have formed alliances, and allied groups can mean soldier from different countries on the same side, or it could mean that the states simply gave the equipment and arms to another state actually fighting a war. Determining the actual state that ordered the war crimes, or, in the case of individual violations, to whom the soldiers were reporting they committed a war crime would be essential for us to truly solidify our understanding of this difficult topic. In order to really understand their actions, and what sorts of motivations groups might have while in allied groups, and what could push them to commit war crimes, they need to be more carefully dissected and examined, state-by-state.

To more fully develop a link between them, the next step would be to outline more clearly specific institutional structures in place, and examine who/what body within each of these institutional structures has the ability to commit war crimes. This would allow us to more clearly
locate specific types of restraining and motivating factors within this particular dataset. There would also need to a more specific classification system for the wars, to determine the specific situation that was happening around the time that war crimes were committed. If possible, it would be good to have a specific timeline of each war, to determine when each side committed war crimes. This would help to show if there are other motivating factors that could cause this. Downes argues that it is desperation that causes democracies to commit more war crimes, especially in wars of attrition.\textsuperscript{114} Therefore, it would be necessary to understand all aspects of the individual wars, and potentially group them by certain characters, to even better understand exactly what other kinds of factors are more likely to motivate certain regimes.

One of the biggest aspects in developing this particular research would be updating Morrow’s dataset, and bringing it into present day. Figure 24 shows that over time, the number of war crimes committed by a vast majority of these regime types have decreased. Most of the countries that could be perceived as democratic, such as presidentialism, semi-presidentialism have not committed war crimes anytime towards the end of the dataset. However, this also shows that while oligarchy’s make up a large part of our dataset, they are not especially present in more modern day society, and have not been involved in interstate wars since the 1980’s. It is clear that most regime types have their war crimes clustered around the 1940’s, since that was the time of World War I, which is when there was a large variety of different regime types fighting against each other and committing war crimes. This is important in regards to the distribution of war crimes by each country. Over time, the count seems to be decreasing, no matter which regime type we look at. This shows that there are in fact less war crimes being committed, or at least there are fewer regimes that are committing war crimes in more modern times. However,

Figure 24. War Crimes by Regime Over Time

Magnitudes:
- No Violations
- Minor Violations
- Same Major Violations
- Major Violations

Presidentialism
- Semi-Presidentialism
- Semi-Monarchy
- Military Rule
- Allies

Magnitude

Count of War Crimes

0 10 20

Presidentialism
Semi-Presidentialism
Semi-Monarchy
Military Rule
Allies

Count of War Crimes
because the dataset ends in 1991, it is impossible to be certain if that trend has continued into the current future.

If we did have an expanded dataset that went past the point of 1991, I believe that we would have an even more interesting set of data to examine. From 1991 to present day, the US and other countries have been involved in small wars and struggles in which both sides have been accused of committing war crimes and other such actions. The US especially has been involved in some very ambiguous conflicts, and it would be very interesting to attempt to code them and put them into this dataset. I believe this would also lead to a more diversified dataset, in which there would be more instances of wars with democracies, especially with presidentialism, or other more democratic regime types. This is partially because there has been a big increase in democratic forms of government over the years, as a few countries have been pushing the democratic kind of agenda, and eliminating the number of autocratic governments within the world.

While past literature may not consider regime type a strong influencing factor in terms of whether or not regime types are committed, the historical patterns see in this dataset can offer some insight into the relationships that exist between regime types and war crimes. To start, it has demonstrated that the dichotomous measure of democracy/autocracy is not a good enough measure to capture the varieties in regime type. Neither autocracies nor democracies commit more war crimes then expected, and some states with democratic features do in fact commit war crimes with higher levels of magnitude and frequency. However, the inconclusive results of this particular paper point more towards the idea that different types of governments and political systems have different patterns of behavior, and cannot be lumped into broader categories. In reality, there is a good deal more going on within the specificities of each government to
understand how it works and whether or not it will commit a war crime. The overly broad
categories of democracy and autocracy glance over all of the nuances in institutional structure
that appear within the subcategories of regime type, which in turn prevents us from investigating
the specific factors at play within regime types and their interactions with others. The deeper we
are able to go into the specific characteristics of different regime types, the more we may be able
to understand their motives, and predict their actions.\footnote{It is important to note that these findings are not only applicable to those studying states conduct in war. For other aspects of research not relating to war crimes, the results here still show that studying regime type dichotomously in any context has the potential to create misleading results. In research, we must be sure to look at what factors of the regime type may affect their decision, and make sure that our system of measurement better reflects those factors, and makes sure to take them into account.}

In order to expand on this research, we would need further research into specific context
of war crimes, and what other factors may play into whether or not a regime type or country will
commit war crimes. By more thoroughly examining the context of war crimes, and the specific
aspects of the wars in which they exist, we will be better able to fully comprehend the situational
motivations that are present, which may push certain regimes to commit war crimes. It will also
help us to see how these motivations may affect different regime types, and help us to better
understand the context in which regimes will better respond to their restraining factors.
Similarly, by understanding which restraining factors are in place, we can more clearly examine
how leaders get around them or when they find war crimes to be worth the risk. This particular
paper does not come to any strong or certain conclusions, but it is certainly meant to simply push
the door open, and invite people to look a little closer into the relationship that regime type has
with war law compliance. I hope to encourage future researchers to focus on a more varied
approach to regime type, and get away from the restricting trend of measuring regimes through a
purely dichotomous measurement. It is seeking to open the door for more research that will
pursue this subject in-depth, and hopefully make a stronger case for people to view regime type as more than just two categories based on how they elect their leader, but rather, based on their diverse institutional structures.
APPENDIX
CORRECTIONS MADE DURING CODING PROCESS, FOR AMALGAMATING THE DATA

Austria/Hungary
*World War I:*
With Austria/Hungary, the Political Regimes of the World dataset does not have a classification for both countries combined, so I chose to use the one for Austria.

*Hungarian-Allies War:*
During this particular time, Hungary was in a position of turmoil, so I chose to keep their label as unknown/missing, since it was very unclear what they were.

Belgium
*World War II:*
I chose to label Belgium as the government it had before the occupation, since during the occupation it was essentially run by Germany, so it would be impossible for a country to commit war crimes against itself.

Bulgaria
*First Balkan war (1912-1913):*
The regime type at the beginning of the war was considered an absolute monarchy, but in the second year of the war, it was labeled as “missing”. However, because it was ruled by a king for the duration of the war, and it was considered an absolute monarchy after the war was over, I chose to label it as an absolute monarchy.

*Second Balkan War (1913):*
The Second Balkan War started the same year the First one ended, so I chose to use the same regime classification as I did for the first Balkan War.

Cambodia
*Vietnamese Cambodian war (1975-1979):*
Morrow recognizes the war as being primarily between Vietnam and Kampuchea, as that is the one dyad he includes in his dataset. For Cambodia/Kampuchea, in 1975 was classified as 99 or null, no government/missing data/occupied since it was uncertain at the beginning of the year. In April of 1975, the Khmer Rouge party took control of Cambodia (then Kampuchea), and controlled the government for the duration of the war, which started in May of 1975, so I chose to use the classifications between 1976-1979, which was a party-based rule.

China
*Sino-Japanese war (1937-1945):*
China was under military rule for the first few years of the war, but then it is labeled as unclear. This makes sense because the communist party was also fighting against Japan at the time. However, because it was being ruled both before and after the war as under military rule, I chose to classify it as such throughout the entire war.
Cyprus:  
_Turco-Cypriot war:_  
During this war, Cyprus was technically given no regime type, or classified as unknown, since part of the Turco-Cypriot war involved a coup by Greek nationalists, in which they ousted the president. However, after the war it was back to the regime type it had been before, which was a personalist rule, so I chose to label it as such.

Ethiopia  
_Italo-Ethiopian War:_  
During the actual war, namely in 1936, Ethiopia was labeled as missing, but because it was still a monarchy before and after the war, I chose to keep it labeled as an absolute monarchy during the time of the war, since the king was never captured or taken hostage.

Greece  
_Greco-Turkish war:_  
Greece’s regime type changed multiple times throughout the war, so I picked the regime classification that occurred most often throughout the middle years of the war. It was originally a monarchy, but at the very beginning of the war, the king died of sepsis, which turned the kingdom into an oligarchical monarchy. Consequently, I chose to label it as an oligarchic monarchy since that was its structure for a majority of the war itself.

_world War II:_  
I chose to label Greece as the government it had before the occupation, since during the occupation it was essentially run by Germany, so it would be impossible for a country to commit war crimes against itself.

India  
_First Kashmir War:_  
The war/first war crime was committed in 1948, but India was not classified in the Political Regimes of the World dataset before 1950, so I used classification from 1950 in 1949, calling India a democracy. By this time, India had in fact declared itself to be independent, though that form of independence was not clearly stated, which makes it a little more difficult to determine their actual regime type.

Netherlands  
_World War II:_  
I chose to label the Netherlands as the government it had before the occupation, since during the occupation it was essentially run by Germany, so it would be impossible for a country to commit war crimes against itself.

Norway  
_World War II:_  
I chose to label Norway as the government it had before the occupation, since during the occupation it was essentially run by Germany, so it would be impossible for a country to commit war crimes against itself.
Poland
*World War II:*
I also chose to classify Poland in WWII as what it was before the war, because it was occupied by Germany, but while those crimes were committed it was still the same form of government to start.

Romania
*World War I:*
Rumania did not have a government labeled for the first year of the war, in 1916, so I used the label that it had at the end of the war, in 1917, which was is primary form of government before and after 1916. It was a monarchy from 1881 to 1947, so I chose to keep it labeled as a monarchy during its participation within the war.

Russia/USSR
*Sino-Soviet war:*
I used the USSR classification, because it was not Russia individually, but the entire USSR that was being recognized.

*World War I:*
From 1914-1917, it was not the USSR yet, so I used the regime classification for Russia, but during the rest of the time that the USSR existed I used the USSR classification.

Yugoslavia/Serbia
*World War I:*
Used Serbia regime classification for 1900-1921, because Yugoslavia classification didn’t start until 1921, and James Morrow’s dataset referred to it as Yugoslavia/Serbia. Because it counted for all of World War I, I chose to use the same classification.

*World War II:*
I chose to label Yugoslavia as the government it had before the occupation, since during the occupation it was essentially run by Germany, so it would be impossible for a country to commit war crimes against itself.

Allied Countries:
All groups of allies without a common regime type were labeled as 88 in all categories, in order to eliminate confusion. If they were all democracies or autocracies, then the first category was left with the appropriate marker. However, wherever their similarities diverged, they were categorized as an 88. Most alliances were easy to work with, and were simply labeled as an alliance fully, especially when there were many different regime types within one allied group. However, in some cases it was slightly more difficult.

*British Commonwealth:*
Chose to label the British Commonwealth as an allyship, because while they are all working under the direction of one individual (namely the queen) in their international affairs/the way they work together, they all have their own individual forms of government in place that
cannot be fully controlled by one individual. All the government forms are separate and should be seen that way.

World War I:
Portugal and the UK were strong allies. However, Portugal is labeled a straight democracy during this time period, while the UK is a democracy monarchy. Consequently, I chose to classify them as an allyship for the broad regime type, but in looking at the separation between democracies and autocracies, I chose to label them as a democracy, because they are both democratic countries that were working together.

World War II:
In 1945, Morrow classifies USSR and Mongolia together, but since they have the same regime type in that particular era, and since my argument is purely about regime type, I put them as the same regime.

Ugandan-Tanzanian War:
Uganda and Libya were classified as the same regime type for 1978 and 1979, so I labeled them as a group, as the same regime type.

Sinai War:
I chose to label the alliance of the United Kingdom and France as a democratic, parliamentary allyship.

Ethiopian-Somalian war:
I chose to label Ethiopia and Somalia as an autocratic allyship, since they both had soldiers there.

Boxer Rebellion:
I chose to label the Relief Expedition as an allyship, since there were multiple countries working together, and it did not seem like it would be possible to really separate them out easily.

Vietnam war:
Within the Vietnam war, most of the documented atrocities were committed by US forces, so I chose to label the US and allies as the same regime type as the United States, which was Presidentialism.


