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Abstract and Keywords**

ISBN	9780199674626
Title	Beyond the Banality of Evil: Criminology and Genocide August 2013 Clarendon Series in Criminology OUP UK
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Book abstract	<p>This book is premised on the idea that genocide is a crime, and that it can be comprehended by sound criminological theories and methods. However, in contemporary social science, the first important contribution to genocide studies originated with Stanley Milgram and his experimental studies of obedience to authority in the 1960s. There has been considerable re-evaluation of original obedience paradigm since then, and a need to develop an approach that is better grounded intellectually. The book describes three paradoxes of genocide for criminology: the inauspicious motivation of the ordinary perpetrator, the frequent conventionalization of atrocities which often put them beyond the rule of law, and the enormous dark figure of victimization that resulted from this synergy. The book outlines the problems by which events are labelled, or failed to be labelled, as genocide, and proposes an explanation of them based on Elias's theories of civilizing and de-civilizing processes. Where Elias attributes the Holocaust to the reversion to barbarism, it is suggested instead that the evidence is more consistent with the development of an ethic of <i>over-control</i>, akin to pathological altruism, as described in Durkheim's typology of suicide. This perspective is applied to the 1994 genocide in Rwanda, and illustrates over-control through the concepts of administrative and ethnic 'closure'. The balance of the book describes the three legal responses to genocide and analogous behaviours: criminal indictment, civil reparations and truth commissions. Finally, it is proposed that the key to genocide prevention is a renegotiation of the unbridled power of sovereigns.</p>
Book keywords	Genocide, criminological theory, obedience, conventionalization, civilizing process, barbarism, Rwanda, pathological altruism, legal responses, genocide prevention

Repeat this section for each numbered chapter and, optionally, for unnumbered chapters. Do not include appendices

Chapter number	1
Chapter title	Genocide and the Obedience Paradigm
Chapter abstract	This chapter provides a critical review of the Milgram experimental studies of obedience that were premised on Hannah Arendt's conclusion that the Holocaust arose from <i>the banality of evil</i> . Milgram's work developed at the time of Adolph Eichmann's trial for genocide in Jerusalem. A closer look at the original work raises alternative understandings that suggest that subjects in the study were 2.57 times as likely to be defiant of pressure to conform when they believed that 'The Learner' was being injured. The received view of the study suggests that the perpetrators were agentless 'desk murderers' who acted without any sense of responsibility. The actual perpetrators of genocide were not acting under bureaucratic duress, as the experiment implies, as much as a positive sense of duty, something they typically undertook with zeal. This requires us to develop an understanding of genocide that goes <i>beyond</i> the banality of evil.
Chapter keywords	Stanley Milgram, Hannah Arendt, the Holocaust, Eichmann trial, obedience experiments, banality of evil, 'desk murderers', duress, duty

Chapter number	2
Chapter title	Three Paradoxes of Genocide in Criminology
Chapter abstract	In criminology much violent behavior is actually grounded in existential experiences of righteousness, and is aptly described by Jack Katz as 'righteous slaughter', where the actor behaves violently to redress what he or she feels are challenges to The Good. However, there are three ironic consequences. The sovereign's followers typically act without evidence of psychopathology, evil, provocation, or a guilty conscience. They are 'ordinary men' motivated by positive factors (the first paradox) that make it difficult subsequently to hold them accountable with a guilty conscience. The second paradox: the activities which create the genocide have often been 'conventionalized' in the past, and treated as rights of the sovereign, and hence not answerable to a criminal indictment. Accordingly, they produce a 'dark figure' of crime that is breathtaking in its scale (the third paradox). Criminology has been slow to put the topic of genocide as a political crime on its agenda.
Chapter keywords	Jack Katz, 'righteous slaughter', 'ordinary men', psychopathology, conventionalization of crime, dark figure of crime

Chapter number	3
Chapter title	Labelling Genocide: The Constitutive Problem
Chapter abstract	The creation of international laws to curb such human rights abuses as genocide and crimes against humanity is a relatively recent development. The liberal legalist account attributes this to the emergence of supranational or cosmopolitan norms. The realist account stresses the role of sovereign self-interest and geopolitical power dynamics. This chapter examines the artificial limits placed on which social groups enjoy protection under the UN Genocide Convention, and which atrocities are ‘mere murder’. Competing narratives over social conflicts can lead to genocide affirmation, genocide denial, false genocides and missed genocides. These labelling outcomes are depicted in a typology created by juxtaposing whether events are accepted or rejected as genocide, versus whether they contain or fail to contain the elements required of genocide <i>sensu stricto</i> . I canvas the recent debates over the politicization of genocide allegations and denial to illustrate the precariousness of claims making in respect of such crimes.
Chapter keywords	International law, liberal legalism, cosmopolitan norms, sovereign self-interest, UN Genocide Convention, genocide denial, labelling, genocide typology

Chapter number	4
Chapter title	Explaining Crime and Genocide: The Control Perspective
Chapter abstract	The control perspective provides a useful general framework for understanding crime in criminology. Impulse control is common to the work of both Travis Hirschi and Norbert Elias. Elias’s arguments in <i>The Civilizing Process</i> (1939) and <i>The Germans</i> (1989) are outlined. The analysis of civilizing in the first contribution is compared with the analysis of de-civilizing processes in the second. Elias’s characterization of de-civilizing during the Nazi period as a reversion to ‘barbarism’ is questioned. In the author’s view, the feudal period and the Nazi regime did not share the same emotional economies. On the contrary, Elias’s views suggest that in political matters, the Germans were <i>over</i> -controlled, or externally controlled. The author revises the Eliasian perspective following Durkheim’s analysis of ‘altruistic’ pathologies where ego’s autonomy is absorbed by authoritarian rule, and crime arises when the individual’s authority for action is governed by the sovereign’s grip over the public imagination.
Chapter keywords	impulse control, psychogenetic change, sociogenetic change, the civilizing process, barbarism, pathological altruism, authoritarian rule, Travis Hirschi, Norbert Elias, Emile Durkheim

Chapter number	5
Chapter title	The Psychogenesis and Sociogenesis of Genocide in Rwanda
Chapter abstract	The chapter applies the theoretical model to Rwanda. The perplexing features of the 1994 genocide include its speed, its widespread support among the Hutu majority, and the absence of widespread remorse among the perpetrators. This emotional anomaly in terms of inter-group relationships from colonial to post-colonial development and the role of massacres in political struggles from the inception of Rwanda are examined. The 1963 amnesty laws put complicity in mass violence beyond the rule of law, and created expectations that politically directed violence could be undertaken without emotional baggage. The concept of administrative closure describes a political system designed to harness the populace in a tightly managed system of control, i.e. 'over-control'. Racial closure was an ideology designed to extinguish amity along lineage lines when social control valorized Tutsi exclusion. Politically motivated inter-lineage murders had been effectively decriminalized, and were undertaken with little apprehension of guilt by their perpetrators.
Chapter keywords	Rwanda, remorse, colonial development, amnesty laws, administrative closure, racial closure, over-control, Tutsi exclusion, perpetrator guilt

Chapter number	6
Chapter title	Catalysts and Accomplices
Chapter abstract	One of the peculiarities of genocide and analogous crimes is that they entail the complicity of large numbers of persons, some of whom are critical to the conceptualization of the crimes, and some who are entirely peripheral. These parties can escalate the magnitude and ferocity of the conflict, or de-escalate it entirely. These processes are examined at three levels: the successful recruitment of perpetrators, the expedition of resources and expertise to enlarge and expedite the conflict by bystanders, and the provision of ideological support to legitimate it. The first process describes fieldwork in Rwanda, which documents the unevenness of the uptake of perpetrators into killing squads. The second level examines the role of companies in providing resources for violence and examines the role of IBM Germany in the Holocaust. The third level examines the role of the UN in Bosnia and Rwanda and its inadvertent support of the genocides.
Chapter keywords	complicity, perpetrators, bystanders, ideological support, violence escalation, killing squads, IBM Germany, the Holocaust, Bosnia, Rwanda

Chapter number	7
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Chapter title	The Limits of the Criminal Law
Chapter abstract	The hallmark of the liberal legalist approach to genocide has been criminal prosecution of individuals for their personal participation. Evidence suggests that this legal forum, derived from the model of individual accountability, does not translate well into collective violence undertaken with righteousness. This lesson is suggested by the Auschwitz trials in the Federal German Republic in 1963. More recent criminal prosecutions at the ad hoc tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY) have a mixed record, as have recent hybrid courts. They have been unimaginably costly, modest in their caseloads, glacially slow, and isolated from the communities where survivors and victims live. They have been inefficient and ineffective. In addition, research suggests that the quality of evidence presented at the courts raises serious questions about their credibility and future utility due to the admission of hearsay, and evidence based on joint criminal enterprise doctrines.
Chapter keywords	Liberal legalism, individual accountability, Auschwitz trials, Federal German Republic, ICTR, ICTY, hybrid courts, hearsay, joint criminal enterprise, court effectiveness

Chapter number	8
Chapter title	The Civil Remedy for Genocide
Chapter abstract	The rise of the restorative justice movement has created interest in remedies for genocide and analogous crimes other than individual criminal indictment and retribution. These include reparations and compensation for material and symbolic losses. Reparations made by the German Federal Republic after the Holocaust to Jewish survivors and their organizations are examined. Reparations have also been made to Japanese survivors of arbitrary detention during the Second World War and survivors of Native residential schools in Canada. Recently a compensation fund was created to give restitution to those enslaved in German labour camps during the Second World War. A similar fund managed by the UN was designed to provide compensation for Kuwaiti victims of the Iraqi invasion during the Gulf War. The UN has declared the rights of survivors of human rights abuses to reparation and restoration, and the International Criminal Court has similarly adopted victim assistance as a key goal.
Chapter keywords	Restorative justice, indictment, retribution, reparation, Holocaust survivors, compensation, restitution, residential schools, Kuwait, International Criminal Court

Chapter number	9
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Chapter title	Truth and Reconciliation Commissions: The Third Option
Chapter abstract	<p>There is evidence that healing after enormous human rights violations can be achieved by truth and reconciliation commissions (TRCs) designed to re-establish social cohesion through a transparent airing of the previous atrocities. Frequently, these commissions occur in periods of transitional justice between tyranny and democracy. The TRCs are premised on the idea that amnesty for crime can be exchanged for public acknowledgement of responsibility, and the expression of remorse. Over forty commissions are identified. The strengths and limitations of this approach are explored in a review of several commissions with decidedly different orientations: South Africa, Sierra Leone and Mozambique. Some TRCs suggest that the detailed exposition of previous atrocities may reopen old wounds, intensify existing animosities, and challenge the assumption that healing follows automatically from truth telling. Nonetheless, the truth commissions represent the third option for restoring security and the pursuit of happiness in the aftermath of atrocity.</p>
Chapter keywords	truth commissions, TRCs, transitional justice, amnesty, memory of atrocity, healing, security, South Africa, Sierra Leone, Mozambique

Chapter number	10
Chapter title	Conclusion: Beyond the Banality of Evil
Chapter abstract	<p>In an anarchical international order mediated by the current UN, the world does not have a reliable capacity to prevent genocide. However, there is an increasing appeal of evolving norms regarding the international responsibility to protect (R2P) vulnerable communities worldwide, and hence to renegotiate the scope of sovereignty. This supersedes the earlier doctrine of humanitarian intervention. There is also a greater sense of national responsibility to prosecute <i>génocidaires</i> in national courts. The clues to genocide management in the age of globalization are obvious: they consist of checks on the otherwise unbridled exercise of power of sovereigns. These checks—a free press, a culture of political negotiation, autonomous civil and religious sectors, a responsive international community, gender justice and the embrace of cosmopolitan norms in respect of human rights—are among the keys to a future free of genocide.</p>
Chapter keywords	UN, genocide prevention, responsibility to protect, R2P, cosmopolitan norms, gender justice, globalization, sovereigns

Zo zijn recentelijk de monografie van Brannigan (2013), getiteld *Beyond the banality of evil*, en het boek van Nicole Rafter, *The crime of all crimes*, verschenen. In het Duits -traditioneel sterk op dit theoretische vlak -is recentelijk een nieuw boek over daders verschenen van Khakzad (2015). Criminologie van de internationale misdrijven. The credibility of the criminal justice system was questioned following the genocide because it had failed to stop the slaughter and may have contributed to it. In order to address these concerns, Rwanda rebuilt its criminal justice system in light of its history and troubled past. The success of the reestablishment may be debated but there can be no question that Rwanda had a tabula rasa with which to form an effective criminal justice system. The book describes three paradoxes of genocide for criminology: the inauspicious motivation of the ordinary perpetrator, the frequent conventionalization of atrocities which often put them beyond the rule of law, and the enormous dark figure of victimization that resulted from this synergy. The book outlines the problems by which events are labelled, or failed to be labelled, as genocide, and proposes an explanation of them based on Elias's theories of civilizing and de-civilizing processes. Where Elias attributes the Holocaust to the reversion to barbarism, it is suggested instead that the ev