Epilogue

Philip Spencer

It is now nearly 70 years since the Genocide Convention was agreed, on 11 December 1946, at the then newly formed United Nations. In its opening passages, genocide was clearly identified both as a crime under international law and as an "odious scourge" from which humanity must be liberated, a task for which international co-operation would be urgently required. If anything, however, it can sometimes seem that the incidence of this "crime of crimes" (as an international tribunal has righty termed it)[1] has been on the increase in the decades that followed, rather than the reverse. Genocide has taken place on more or less every continent and in more or less every decade since the Convention was confirmed, and there is little sign that it is likely to cease in the immediate future. The numbers of victims – murdered overwhelmingly by the apparatuses of modern states – runs into the many millions.[2] There has been scarcely any effective effort to halt or prevent this catalogue of destruction, and the overwhelming majority of perpetrators at every level have escaped prosecution or punishment.

The challenge that genocide poses to us politically, ethically, and intellectually can therefore hardly be underestimated. Although understanding is only half the battle – since that alone will not generate the necessary normative consensus or political will to halt and prevent the crime – it is indispensable but also complex, requiring contributions from several different disciplines. This valuable collection of essays does just that, with contributions that combine insights from (amongst others) political science, history, psychology, anthropology, and criminology. The outcome is a rich set of studies that tells us a good deal about both how and why genocide occurs and also the different responses to the trauma it inflicts, trauma that is not confined to the victims since it affects also the wider society in which the crime has been committed.

Reflection on these insights may begin perhaps with recognition of the distinctiveness of the crime. Whilst genocide is always connected to other

1 The International Criminal Tribunal for Rwanda, *Prosecutor v. Kambanda*, Judgment and sentence, ICTR – 97-23-S (4 September 1988), para. 16.

2 For one quite authoritative compilation (which includes genocides committed against political groups as well as those against the limited set identified in the Convention), see Barbara Harff, 'No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955', *American Political Science Review,* 2003, vol. 97, no. 1, p. 62.

social problems and processes, as the main architect of the Convention, Raphael Lemkin, understood from the outset, it is a crime of a particular kind, aimed at the destruction of a group or groups. It is an attempt to refashion both society and at some level humanity itself, as perpetrators arrogate to themselves the right to decide who is or is not allowed to remain a member of both. The scale of the genocidal project is one that, partly for this reason, can only be managed or encompassed by modern states, since they alone (so far) have the required capacity for such destruction and re-engineering.

That does not mean, of course, that we have to understand genocide only as a top-down process. As every contributor to this collection has demonstrated in their different ways, genocide is a complex process involving extensive participation at different levels. But it remains the case that the initiative rests primarily with those in control of (or aspiring to be in control of) modern states. Genocide is not a spontaneous or organic process but a crime that has to be thought about and prepared, even if its implementation is invariably a complex, messy process of which the outcome is not fully predictable.

A crucial part of this process is the identification and depiction of the victim group, which is the focus of several pieces here (particularly those by Diana Oncioiu, Alex de Jong, and Sandra Korstjens), which look at the Jews in Romania as well as in the paradigmatic case of Nazi Germany; at Muslims (and to a lesser extent Croatians) in Serbia; at non-Muslims in the Ottoman Empire; and at several different kinds of "enemies of the people" in Cambodia. In each case, considerable imaginative effort went into the production of a genocidal project, the idea that significant numbers of people could be thought about primarily and even exclusively as members of a targeted group, whose very existence posed a threat that could only be dealt with by its destruction in whole or in part.

There are at least three aspects of this work of the imagination that require our attention. The first is that it is not at all necessary for the individuals, families, and communities that are held to constitute the group to actually be members or to see themselves as such. As Frank Chalk and Kurt Jonassohn pointed out long ago,[3] the key issue here is that perpetrators think they are. Understanding this point helps us out of some initial difficulties with the definition of groups in the Convention. This definition appeared to assume that groups had some kind of "objective" existence and

3 Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide,* New Haven: Yale University Press, 1990.

that some groups were somehow more real than others. Once we see that the construction of the group in genocide is the work of the perpetrators' imagination, we can more readily see that the number and kind of group does not have to be restricted to the four that are specifically identified in the Convention ("national, "ethnical", "religious", or "racial"). We can at the same time avoid slipping into any kind of reification, treating groups (and thus their members) as fixed, unalterable, and having some kind of essential, invariant character (biological or cultural). This is particularly important in the case of so-called "racial" groups which need to be thought about rather as *racialized*, and racialized by perpetrators.

The second aspect has to do with the imagined threat from the targeted group. Precisely because it is the work of the imagination, we need to think about it as a projection that tells us much more (indeed only) about the perpetrator than about the target. Indeed, it is always the case that what is being said about the targeted group applies much more to the perpetrator than to the target. It is the perpetrator who poses an actual, real (and often mortal) threat – not the victim.

The third aspect has to do with the sustained nature of the work of the imagination. Genocidal constructions have to be not only thought up but worked out, disseminated, and promoted, which requires resourcing at several levels. (Again, it is hard to think of how this can be done without considerable assistance, at the very least, from the state). Images have to be constructed, stories told, pictures and sounds fabricated if sufficiently large numbers are to be persuaded to engage in the violence that is needed to destroy their fellow citizens.

This is one of the most difficult and puzzling features of the genocidal process. How is it that apparently normal people can, in a relatively short period of time, become killers, torturers, and perpetrators of extreme violence (and often sexual violence in particular) against those who were even sometimes their own neighbors? Much of the literature on this question has come to be dominated by social psychology, especially since the pioneering work of Stanley Milgram in the early 1960s, and this is reflected in some of the essays in this collection here, too. There has been an increasing emphasis in the literature on the situation in which hitherto quite "normal" people can find themselves, and the contexts of insecurity and upheaval that generate anxieties to which genocidal "solutions" might seem to make some kind of sense. There is certainly much to be gained by a close analysis of the transformation of "ordinary people" into perpetrators of "extraordinary evil", to use the terms coined by Christophe Busch in an important paper that is a further welcome and closely argued contribution

to this literature. But we may also need to think a bit more, as Franziska Karpinski and Elysia Ruvinsky indicate, about who exactly is placed into these situations and to deconstruct somewhat further the sometimes rather over-general category of the "ordinary", paying attention for example to gendered distinctions which play quite an important role in sexual violence in particular. However ordinary they might seem on the surface, perpetrators are not simply "placed" in situations; they also play an important part in constructing them, drawing on already established pictures of those against whom they are wreaking extreme violence and from whom they have already distanced themselves in varying ways.

The "situation" in which they find themselves, moreover, is not static: it is developed over time, and particular attention needs to be paid to key moments in a process when boundaries are crossed and taboos broken. It is here, perhaps, that we might need to bring back in some notion of madness or even – dare one say it – evil to capture some new dimension of experience in the genocidal moment. Murdering large numbers of innocent and vulnerable people is not, after all, a "normal" event. However often genocide has recurred, it does not happen everywhere all the time. Most people most of the time never come anywhere near it, which is one reason it is so hard to think about: it requires quite a leap of the imagination even to contemplate it. Active participation in genocide is transformative in quite fundamental ways. It requires the suspension of quite fundamental values and norms and an embrace of others – even (as Berel Lang in particular has argued[4]) their conscious inversion. Paranoia, of the kind most evident in the essays in this volume on the Filipino communist movement and on "Democratic" Kampuchea, plays a crucial part in setting up targets, enemies who have to be destroyed if the movement or the state or the community are to survive. But at the moment that extreme violence is employed to maim, mutilate, or kill, there also seems to be something additional and new involved, a kind of intoxication, a sense of omnipotence and a belief that existing normative constraints no longer apply, that perpetrators can do whatever they like, without consequences.

In some ways, one might argue that it is the question of consequences that ought to concern us more than anything else. The destruction involved in genocide is long-lasting, and dealing with it – as the last set of essays here suggest – requires several different kinds of responses. One has to do with open and public recognition, which as Laura Boerhout's valuable essay on

4 Berel Lang, 'The Knowledge of Evil and Good' in *Act and Idea in the Nazi Genocide*, New York: Syracuse University Press, 2003.

Sarajevo shows all too clearly, raises questions not just about the past but about the present and the future. The struggle over memory here is tied up with what kind of society can be rebuilt in the aftermath of genocide and how (or if) perpetrators and victims can actually live together again after destruction on this scale.

A degree of caution is perhaps advisable here. Given the scale of destruction involved in genocide, the trauma experienced by victims, and the kinds of crimes committed by perpetrators, it is bound to be extremely hard, even impossibly hard at times, for either side to come to terms with what has happened. It is asking a great deal for members of a victims' group to find space in their hearts for an acknowledgement of crimes that might have been committed against others – even others tarred in some ways with the same or a similar brush — let alone against members of the group in whose name the perpetrators have committed genocide.

At the same time, it may be quite unrealistic to expect perpetrators to acknowledge freely and without any kind of coercion the crimes they have committed. This may set quite severe limits on any re-education projects, particularly in a case such as Rwanda, which is the subject of Suzanne Hoeksema's fine-grained analysis here, where representatives of the victims' group have retaken power. She distinguishes interestingly here on largely generational grounds between those who were prepared to engage meaningfully with a re-education project and those who went along with it instrumentally and for appearance's sake. Some of this clearly has to do the subaltern dimension[5] of the genocide in this particular instance. But perhaps the more general issue is that any educational project after genocide has to be thought about in its political context and to take into account the likely fragility of any post-genocidal state as it seeks to rebuild a society that has been traumatized by genocide on all sides.

For it is important to recognize that genocide leaves no one untouched. It is not only a crime committed by perpetrators against victims. As a project designed to remould and reshape an entire society, it also affects those who stood by and watched it unfold, whose inaction made it possible, and who in many cases benefited directly or indirectly from its commission. One of the great merits of transitional justice mechanisms (although they vary considerably in the way in which they are conceived and implemented) is that they raise the broader question of what genocide means for the wider

5 On this form of genocide, see especially the set of essays in *Genocides by the Oppressed – Subaltern Genocide in Theory and Practice,* eds. Adam Jones and Nicholas Robins (Bloomington: Indiana University Press, 2009).

society. This was arguably implicit in the Convention's initial definition of genocide as a crime that affects humanity itself, not only the victim group. Uncovering what took place, uncovering the truth or rather (as Thijs Bouwknegt reminds us) the necessarily partial truths, is an extremely challenging project that can be approached in many different ways and even in different locations, some within the society where genocide took place, some outside. Perhaps the best way to think about them is as different components of a complex process, with some more suited to establishing what he calls the "architecture of the violence"; some better equipped for identifying the key architects and the overall plan; and others more effective at exploring the detail of the many micro-histories that are involved in every case of genocide.

If it is the case that we require multiple agencies to develop an always incomplete record, that would after all only reflect the challenge that the depth and gravity of genocide poses for us, as a crime both against a group and against humanity itself. Nearly seventy years since the Convention, we are only now perhaps beginning to rise collectively to the challenge of thinking seriously about how and why the crime can be committed so often and with such impunity. This set of essays, like the course from which it stems, is a valued and most welcome contribution to this critical endeavor.