The present paper offers a general overview of research into the subject ´perpetration´. Our aim is in short to define analytical conceptualizations of perpetration and to identify ways in which research on the subject has been carried out hitherto. The paper should be read as a mapping of how perpetrators and perpetrative networks are conceptualized by scholars within a variety of academic fields laying bare different explanatory frameworks of why organized violence takes place as well as possible means of preventing it.

# Working paper

# REVISITING PERPETRATION:
## The blurred boundaries of violence

Helene Risør, Kirsten Toft Bang and Steffen Jensen

**WORKING PAPER**

# REVISITING PERPETRATION:
## The blurred boundaries of violence

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# Contents

# 1. Mapping perpetration

This paper offers a general overview of research into the analysis of 'perpetration'. We identify concepts relating to the analysis of perpetration and outline the ways in which research on the subject has been carried out. We map how scholars within a variety of academic fields understand and conceptualize perpetrators and perpetrative networks and institutions. In this way, we unearth explanatory frameworks of why torture and other forms of organized violence happen and how these traditions animate and inform different scholarly traditions' subsequent suggestions for prevention. Yet, this working paper should not in any way be read as an exhaustive literature review of the subject, but rather as an attempt to systematize prevalent analytical tendencies within the field exemplified by the texts reviewed and mentioned.

This 'mapping' of perpetration comprises three levels of analysis. At the first, a map emerges regarding different forms of perpetration of organized violence. This mapping outlines the kind of violence that most of the analyzed texts are concerned with, namely, torture, genocide, (mass) rape and massacres. Yet, police violence and violence committed by gangs and crowds are also included. The second 'map' constitutes the analytic bulk of the paper; it offers an account of how the category of perpetrators is described in the texts, and it highlights the explanatory frameworks by which torture and organized violence (TOV) are understood. Chapters 2 and 3 compare the two kinds of maps. Chapter 2 presents descriptions of individual perpetrators and the explanatory frameworks offered in this regards. Chapter 3 describes collective violence in relation to state structures and the explanatory frameworks identified regarding this kind of perpetration.

The task of mapping perpetration has been primarily descriptive. However, mapping is in itself an analytical activity, and the categories of perpetrators and the explanatory frameworks identified are certainly also products of our reading and analysis. As a result of these two aforementioned maps, a third and more interpretative map has emerged. This map represents what we define as the 'central themes of perpetration'. With this map we seek to visualize and discuss some of the central issues or analytical tasks that implicitly or explicitly are stated in many of the texts. For the purpose of this paper we have chosen to centre our attention on two issues. First, we consider the collapse of dichotomies such as that of victim-perpetrator and the consequences this has for the analysis and for possible interventions concerning the prevention of torture and organized violence. Second, we take into consideration the (underlying) moral question many of texts are

concerned with, namely the ethics of research on perpetration and the (legal) assessment of guilt.

## 1.1. Methodology

The literature reviewed in this study has been generated through a keyword-search in the database of the documentation centre at DIGNITY. Subsequently, this being the main database for the literature search, the study also reflects the frame within which perpetration has been studied and conceptualised at DIGNITY. The search terms were chosen on grounds of discussions between colleagues researching the field. In this way, it constitutes one processed archive or body of knowledge regarding perpetration among other possible ones.

Apart from generating a large number of texts many search terms also led to other related search terms, texts, or authors. Every text resulting from the search was assessed on grounds of title, subtitle, abstract, and, when available, reviews. This was in some instances supplemented by an internet search to produce more information about the author, locating more relevant literature or identifying the argument in briefer versions. The selected texts were entered into a chart identifying information on author, title, publication, number of pages, and the corresponding search term. This chart served as our reading list with a total of 136 texts, covering around 16,900 pages. While reading we were continuously attentive to the literature lists of the texts and written down suggestions for further reading. Thus, the list of relevant literature was gradually expanded. This paper is based on the roughly 70 texts selected from the list.

Categorising the texts for analysis was a three-stage process. At stage 1 we produced a note for every text. Each of these notes contained publication information on the text, keywords in relation to content, regional code and an annotated summary. The notes have primarily served as a working tool for subsequent categorisation of the texts, and provided us with an initial outline of ways of thinking about the theme of perpetration. We gradually supplemented this preliminary coding process with a more analytical categorisation, aiming at making a systematic conceptual mapping. At this second stage we aimed to uncover different analytical frameworks within which perpetrators and perpetration are sought explained and understood. In doing so we were inspired by Thomas Blass (1993), who identifies three different approaches to the study of the Holocaust, into categorizing the texts as either applying to a dispositional approach, a situationalist approach or an interactionalist approach. In this categorization, the texts' emphases on either agency or

structure were of key importance to their analytical classification. Texts conceptualizing perpetrators as predisposed individuals and taking their point of departure in a relatively individualized point of view, we thus classified as applying a dispositional approach. In contrast, texts focusing on structural, societal, and economic processes as creating the foundations for perpetration were placed in the situationalist approach, due to their conceptualization of perpetrators as situational products of processes. Texts seeking to balance the relationship between structure and agency, by combining the two aforementioned approaches, we categorized as applying an interactionalist approach. The result of this second stage of classification was a general idea of analytical approaches that allowed us to sketch out different explanatory frameworks. In the third stage of classification we classified the texts according to the types of perpetrators dealt with, the kind of violence in focus, and finally the explanations offered in relation to these specific kinds of perpetration. In short we aimed to identify the *who*, *how* and *why* of perpetration.

It is based on these classificatory stages that the three maps of perpetration (kinds of perpetration; analytical and explanatory frameworks; and, central themes of perpetration) have emerged.

## 1.2. Structure of the paper

Chapters 2 and 3 comprise the general conceptual mapping of perpetration. The two chapters take as their point of departure two different entries into the analytical field of perpetration. Chapter 2 is concerned with the individual perpetrator and chapter 3 focuses on the relations between perpetration of TOV and the state. In chapter 2 we outline the different approaches and explanatory frameworks applied when analysing perpetration in relation to the individual perpetrator. We describe two general analytical approaches utilized in understanding the individual perpetrators. The first we term the individual approach and the second the institutional approach. The first approach relates to the dispositional approach, pathologizing both violence as phenomenon and the perpetrator as an individual. The second approach relates to the situationalist approach as well as the interactionalist approach conceptualizing the perpetrator as mainly a product of the surrounding context. As part of this general conceptual mapping we outline the different explanatory frameworks within these approaches as well as the central processes of becoming a perpetrator highlighted within the frameworks.

In chapter 3 the relation between violence and the state is highlighted as a distinctive aspect of the study of collective violence and perpetration. In this chapter we seek to map how different state and state associated actors are conceptualized and analyzed as perpetrators. We describe four instances, war, colonialism, genocide, and torture, in which

the texts exploring state-perpetration are interested and we highlight the explanatory frames for these types of perpetration. Yet, the mapping of state as perpetrator and state sponsored perpetration simultaneously reveals the inherent complications of such categorisation. Chapter 3 shows that the definition of state and non-state perpetrators are not as easily established because the line between state and non-state actors is blurred in many zones distressed by organized violence. Hence, categorisation of the state as either sponsoring violence or protector of vulnerable population groups constantly shift according to changing coalitions and differing perspectives on the conflict and violence in question. These conceptual difficulties are practical as well as analytical, because the study of perpetration provides important input for the formulation of intervention projects and policy reforms in zones of conflict.

Apart from the thorny issue of state and non-state violence chapter 3 also explores the reviewed texts' take on the issues of il/legitimacy, 'meaningless' versus 'meaningful' violence, and invisible and visible violence as central themes in the explanatory frameworks of collective (and state sponsored) perpetration. The discussions of these distinctions are furthered in the fourth and final chapter of the working paper.

Finally, Chapter 4 contains our interpretive mapping of perpetration, focusing on the central themes of perpetration. In this chapter we elaborate on the discussion of dichotomies, demonstrating how the three central dichotomies, victim-perpetrator, state – non-state perpetrator and normality–abnormality, are challenged by many (recent) analyses of violence underscoring the complexities of perpetration. We emphasise how larger issues such as guilt, innocence, and morality play pivotal roles in the analytical approaches toward perpetration of torture and organized violence. We end the paper with a reflection on how these frameworks are infused with complexity, as the aforementioned dichotomies tend to collapse, obliging researchers and practitioners to continuously confront ethical dilemmas in the work to prevent torture and organized violence.

# 2. The Individual Perpetrator

This chapter focuses on individual perpetrators, as the first part of our conceptual mapping. We summarize the different analytical approaches to perpetration on an individual level as well as the explanatory frames employed within these. The central question informing the texts dealing with the individual perpetrator is the question of what makes a person capable of harming other human beings – how do people become perpetrators? In the texts analyzing individualized perpetration two general analytical frameworks inform the applied explanations. The perpetrator is conceptualized either within an individual framework or within an institutional framework. The former focuses on both the phenomenon of violence and the perpetrator as naturally (biologically) given while the perpetrator within the latter framework is conceptualized as a product of social contexts.

This categorization is a heuristic tool and the division between these two frameworks is not as sharp as it would initially seem. Some texts apply an institutional framework while recognizing that some perpetrators are violent by nature. Similarly some who applyan individual framework do not exclude the social context altogether. In fact, most texts actually apply what we in the introduction have termed the interactionalist approach. The distinction is therefore our over-all appreciation of the fundamental assumptions of the text in question.

## 2.1. Individual framework

Some texts, although a minority, conceptualize violent behaviour as a latent human capacity – a sort of violent potentiality which will emerge in particular situations where the violent drive can no longer be contained. In other words human beings are seen as inherently violent. There is a consensus, however, that not all human beings are likely to become perpetrators. Notwithstanding this consensus the texts differ in the array of people they view as probable perpetrators and also in what they view as violence triggering situations. We identify three different explanatory models within this framework of natural perpetrators. The first framework explores epidemic violence, the second male predisposition towards violent behaviour, and the final explores deviance and mental illness in explaining violent behaviour.

**a) Epidemic Violence**

Forensic neuropsychologist Harold V. Hall (1999) and psychiatrists S.B. Patten and J.A. Arboleda-Flórez (2004) suggests that violence resembles an epidemic, meaning that collective violence is as a result of naturally violent individuals, or diseased if you will, contaminating other non-violent, or that is to say healthy, individuals. Consequently preventing riot violence, which is the main objective of these authors' text, implies isolating the violent individuals as soon as possible, thereby preventing their contamination of others. The definition of violent behaviour as contagious serves as explanation of why otherwise 'normal' persons will suddenly become violent in a group setting. However, what this theory does not offer is an explanation of why some individuals are naturally violent when others seemingly are not, nor does it provide an explanation of other forms of collective violence than crowd violence.

**b) Violence is the result of male predisposition**

Another model of explanation is that violence is the result of a violent male disposition. Common to texts applying this explanation is an underlying assumption that all males have a natural tendency to act violently. This assumption, if taken to its natural conclusion, unavoidably leads to asking why most men do not engage in periodic or repeated acts of violence? According to some texts, the answer to this question is that this violent tendency is normally kept in check by social controls or morality. Hence, violent tendencies prevail mostly in times of a breakdown of moral norms. Eric Hobsbawn (1994) sees the general collapse of civilization since the 1980s as the underlying cause for this (see also chapter 3), while psychiatrist and anthropologist Ronald Littlewood (1997) as well as professor of law Mark J. Osiel (1999) identify extreme conditions, such as war, and the concomitant stress as basis for breakdown in morality (see also chapter 4).

Dealing with wartime rape journalist and activist Susan Brownmiller (1975) takes a different stand, arguing that all men are in fact permanently violent, seeing their repression of women as fundamentally violent. Accordingly, she places little emphasis on the breakdown of morality and states that,

> Rape is more than a symptom of war or evidence of its violent excess. Rape in war is a familiar act with a familiar excuse. War provides men with the perfect psychological backdrop to give vent to their contempt for women. […] In the act and in the excuse, rape in war reveals the male psyche in its boldest form, without the veneer of "chivalry" or civilization. (Brownmiller 1975: 32-33).

From this point of view all men are potential rapists and her conclusion is that men's rape of women is a process by which male dominance is perpetuated. In wartime this rape is carried out to a greater extent than otherwise, but the threat of rape is always present as a

method through which all men keep all women in a state of fear. This is not dissimilar to Philippe Bourgeois' argument that gang rape perpetuates the patriarchy of the street in urban New York (Bourgeois 1996). This brief outline of perspectives suggests that although gender is central to these forms of explanations, they also include ideology, institutional contexts like the military and overarching concepts like civilizational breakdown as in Hobsbawn's analysis.

### c) Perpetrators are deviant or mentally ill individuals

Only very few texts look to the deviant individual in order to explain collective violence, although many acknowledge the presence of deviant/sadistic perpetrators within a greater institutional framework. The reason is probably that dealing with collective violence makes it difficult to persuasively argue for deviance as underlying cause, seeing that this would often imply diagnosing entire population groups as deviant.

Professor at the School of Public Health, Berkley, Ernest B. Hook (1973) explores the correlation between chromosomal malfunctioning (XYY males) and anti-social behaviour. He argues that there is a definite association between the XYY genotype and presence in mental-penal settings, yet he concludes that both the nature and extent of this association are yet to be determined. Two other texts take as their point of departure the mental illness Sadistic Personality Disorder (SPD) in explaining violent perpetration (Gratzer & Bradford 1995; Stone 1998). According to the arguments within this framework a person with SPD derives mental and sexual pleasure in dominating, denigrating others or inflicting pain. Indeed, Michael Stone (1998) considers this condition a necessity in order to perpetrate particular brutal forms of violence. This view is contested by many other texts reviewed below and in chapter 3 that see excesses or over-kill as the product of "normal", rather than mentally disturbed people, some even arguing that this form of violence is deeply rational.

## 2.2. Institutional framework

Most texts are found within an analytical framework which conceptualize perpetrators as functions of social factors within an institutional setting. Alone, the argument goes, most people would be inhibited from engaging in violence. However in a group setting their behaviour might change. This is in particular the case if the mandate of this group is violent perpetration as is the case within both police and military institutions. It is thus within this framework of institutions that most texts seek to explain why some persons become perpetrators (of excessive violence). Introducing the concept 'Bureaucracy of Death' professor in criminology, Ronald D. Crelinsten (2003, 1995) highlights the institutional framework in which violent behaviour is learnt, legitimized and carried out.

Following this rationale torture and organized violence takes place separate from, yet in highly structured and disciplined places. In this place different rules apply:

> First, the torturer is doing a job [...]; second, he is supposed to do it well, [...]; third, he is supposed to achieve certain results [...]; fourth, the central method used to achieve these results is inflicting pain [...]; fifth, the people upon whom this pain is inflicted are defined as "enemies". The information, the confession, and ultimately, the broken people, are the end products of the torturer's work. It is these end products by which he is judged as skilled or unskilled, deserving of promotion or dismissal, considered indispensable or expendable. It is this judgement or assessment of the torturer's work that leads us to the final feature of the torturer's world: the torturer is working in an institutional context, within a hierarchy in which others, his superiors and their superiors and their superiors, decide who is an enemy, what needs to be known, and what must be done to know it (Crelinsten 1995:36, original emphasis).

Hence perpetration is conceptualized within a framework of professional and organizational structures. Also sociologist Martha Huggins (2000) and anthropologist Carole Nagengast (1994) explicitly draw attention to the connection between violence and institutionalized work place, stating that it is exactly this framework that provides perpetrators with legitimacy, hence linking perpetration to the legitimizing effect that work discourse has in modern states. As Nagengast points out:

> All suggest that the discourse of work has historically been an effective instrument of state control, an instrument whereby certain sectors of society have been deprived of essential aspects of their humanity through the work of others. (Nagengast 1994:123).

In this way, the bureaucracy of death enables and legitimizes violent perpetration. They do so through routinization, authorization, and dehumanization (Kelman 1995).

## a) Routinization

Routinization is conceptualized as a process by which violent behaviour is transferred from the institution to the individual. However there are different explanations of how this routinization is carried out and why this produces violent individuals. Kelman (1995) views routinization as a process by which violence becomes the norm. Like Crelinsten, Huggins and Nagengast he also perceives discourses of work as a legitimizing factor, stating that professionalizing is an important part of routinization:

Professionalizing the practice of torture clearly contributes to normalizing their work; it also contributes to ennobling their efforts since it conveys the image of torture as a special profession dedicated to the service of the state. Like other professionals, torturers undergo professional training to prepare them for their roles. [...] Typically, this process includes torture resistance training, which acclimatizes them to cruelty. (ibid:30).

Clinical psychologist Mika Haritos-Fatouros (1995) and sociologist Martha Huggins (2000) expand on the resistance training, viewing routinization as primarily a desensitizing process in which the recruits' inhibition towards violence is gradually broken down due to their daily subjection to violence. They both describe how ex-torturers of the Greek military junta were exposed to severely violent rites of passage and how daily violent training gradually made them resistant to violence. Consequently, violence comes to be viewed no longer as an abnormal or morally wrong action from which one should seek distance, but rather as a feature of everyday life – a new normality.

In keeping with Haritos-Fatouros and Huggins, practitioner Betsy Apple (1998) and law professor Mark J. Osiel (1999) are also interested in the normalization of violence, but the issue of desensitization in their analyses gives way to the issue of brutalization. They argue that the routinization of violence creates pent-up aggression. Writing about the Burmese military, called Tatmadaw, Apple states:

The institution promulgates the notion that masculinity equals power, and power equals violence. By providing a standard of treatment for its own soldiers which includes near-starvation and regular abuse, the Tatmadaw encourages soldiers to view cruelty as an acceptable mode of behaviour. Additionally, through its policies and practices of deprivation and brutality, the army creates a system in which power, violence, and cruelty are inseparable. When given the chance to exercise their power, Tatmadaw soldiers choose the most powerless and vulnerable group available, ethnic women, whom the Tatmadaw has already established as the "enemy". In this way, the Tatmadaw's brutal treatment of its soldiers breeds the soldier's brutal treatment of ethnic women. (Apple 1998:89, our emphasis)

Apple's analysis relates to the analyses viewing perpetration as a result of male predisposition, as she also focuses on how a masculine ideology underpinning the training leads recruits to perform violently in order to become 'real men' and consequently 'real perpetrators'. This link between male ideology, aggression and perpetrative institutions (such as the police and military) seems to be next to universal in the texts applying an institutional framework. For further reading on routinization see also Bandura 1999.

## b) Authorization

Authorization as analyzed in these bureaucratic informed texts is conceptualized in two different, although often complementary, ways. Some texts are concerned with how recruits come to share the views of the authorities (see e.g. Staub 1985, 1995; Haritos-Fatouros 1995; Huggins 2000; Hundeide 2003 and Kooijmans 1995) and some are concerned with how authority structures serve as moral and legal protection for both direct and indirect perpetrators (see e.g. Bandura 1999; Osiel 1999; Arendt 1965; Dutton et al. 2005; Kelman 1995 and Koojimans 1995).

Regarding the issue of how the recruits come to share the views of authorities, authorization is understood as a process of what psychologist Ervin Staub (1995) calls moral equilibration. This is a psychological process, where,

> Important moral values are replaced by other values that are treated as if they were moral values. The value of the sanctity of human life can be replaced by the value of obedience to higher authority, which is then treated as an overriding moral value. (ibid:103)

This transformation of moral values serves as a binding tool between the recruit to the authorities. Speaking about this bond in relation to child soldiers and their superiors, developmental psychologist Karsten Hundeide (2003) states that this moral reorientation creates,

> A new network of contacts and significant others where they [child soldiers] are accepted as 'comrades', plus a new identity based on strong emotional identification both with the leaders and the new cause. All this is part of the new order they have been initiated into, step by step. (ibid:119)

Other texts explore authorization more as a process creating protection for both direct and indirect perpetrators. The classical study by Stanley Milgram (1974) in which he concludes that anybody can be made into a perpetrator of violence as long as an authority gives the order is the starting point for most texts investigating how obedience relates to authority. This body of texts argues that authority structures serve to blur responsibility (and hence guilt) and render people more likely to participate in violence. In line with this argument psychologist Albert Bandura (1999) speaks of diffused responsibility, referring to situations in which the direct perpetrator can claim that the authority is responsible and vice versa. Kelman (1995) argues,

> Subordinates deny responsibility by reference to superior orders, claiming that they are just cogs in the machine who are not in position to set policy and are simply doing what they are told to do. Superiors are often able to deny responsibility because they are various steps removed from the actual acts of torture themselves. (ibid:32).

Not buying into such arguments, the reviewed texts hold both the direct perpetrator and the indirect perpetrator accountable, often arguing that violence is a choice. Kelman for instance writes,

> The question, however, is not "who is responsible?" – the actor or the authority – but "who is responsible for what?" When the question is framed that way, it becomes clear that both ought to be held responsible. (Opcit).

The only exception to this common position on the delegation of responsibility is texts dealing with child soldiers. They all, with the exception of West (2000), seem to reach the conclusion, that the direct perpetrators cannot be held accountable (Brett 2002; Hundeide 2003; Somasundaram 2002; Uppard 2003). We will return to this subject in chapter 4.

## c) Dehumanization

Several authors write explicitly about the dehumanization taking place within the bureaucracies of death: Fein (1997), Nagengast (1994), Bauman (1989) and Staub (1985). Dehumanization is portrayed as the process of excluding the victim from the perpetrator's moral community, or what Fein calls the Universe of Obligation. This exclusion is made possible through a discourse portraying the victim as less than human – often as vermin or disease, consequently turning them into extreme Otherness lacking even the notion of humanity. Focusing on the Holocaust Bauman states that,

> The technical-administrative success of the Holocaust was due in part to the skilful utilization of 'moral sleeping pills' made available by modern bureaucracy and modern technology. The natural invisibility of casual connections in a complex system of interaction, and the 'distancing' of the unsightly or morally repelling outcomes of action to the point of rendering them invisible to the actor were most prominent among them. The Nazis particularly excelled in [...] making invisible the very humanity of the victims (Bauman 1989: 26).

It is thus seen that dehumanization is a process of, in the words of Staub, reversal of morality, completely transforming notions of right and wrong:

> A feeling of responsibility is central to helping and not hurting others [...]. One way to subvert such feeling is to exclude certain people from the realm of humanity, to define them on various bases as subhuman, or as representing danger to oneself, to one's way of life and values. At the extreme, a complete reversal of morality may take place, so that murder of some human beings become what's morally good, a service to humanity. (Staub 1985:77).

That most texts stress that people resist acting violently and that they are not monstrous only underlines the strength of the bureaucracy of death framework; it is the (deviant) social conditions and institutions that are to blame, not people.

Summing up, the two frameworks regarding the individual perpetrator presented in this chapter differ fundamentally in their overall conceptualization of human nature. Human beings are within the individual framework portrayed as being inclined to act violently, in some cases it would actually seem they are only looking for an excuse. In contrast, within the institutional framework human beings are portrayed as being naturally inhibited towards acting violently and as such making somebody into a perpetrator is actually seen to require a great deal of effort.

# 3. Perpetration and the State

A second area of interest identified within the texts on perpetration is the relationship between perpetration and the state. In this, the second part of our conceptual mapping, we highlight the categories, as well as the descriptions, analyses, and explanations utilized by the texts with regards to this subject. For the purpose of this initial description, we divide the texts reviewed according to whether they explore "state actors" and "non-state actors", two common categories. The first category includes what is frequently referred to as state crime. It contains texts that analyze state or state structures as the main agent of TOV. The second group of texts is concerned with non-state actors whose perpetrative actions relate to the state either in the form of state-sponsored (or state outsourced violence) such as paramilitary groups or in the form of subversive groups within or against the state. The final chapter (4) of the working paper aims at a more comprehensive discussion of the analytical implications of these distinctions. It suggests that the empirical study of violent perpetration stands out as a productive point of departure for rethinking not only the relationship between state and violence but also for reconsidering our "taken for granted" assumptions regarding the state.

## 3.1. State actors

This category refers to what is commonly called state violence. It considers the violence committed by state-projects in order to gain or maintain control, eliminate enemies of the state and establish social order. The texts explore four instances of state-perpetration. These are war, colonialism, genocide and torture. In the following subsections we describe these instances, how they are described, and the explanatory frames that exist to explain state violence.

**a) War**

War is the overall context in which states are identified as perpetrators. A central question in the texts concerning this instance of state-perpetration is whether so-called ʿwar crimesʾ such as mass rape, genocide and torture are unavoidable outcomes or by-product of war. Posing this question implies two underlying assumptions: First, while war as a state action may be legal the violence committed in the context of war may turn out to be illegal. Second, state actions are rationally motivated and apparent excessive violence therefore goes beyond state mandate. In relation to these assumptions Green and Ward

(2004) distinguish between legal and illegal wars where in the case of the latter, "The nature of the war is such that for one or both sides there is little or no incentive to abide by the conventional rules" (ibid: 164). In these contexts war crimes take place because, "There was always a large gap between the heroic mythology of war and its ugly reality. The disillusionment and anomie this gap induces is one of the reasons why war crimes occur" (ibid). Hence, war cruelty is a 'by-product' of the – according to international standards – illegal status of certain wars.

In other texts war crimes are not described as the consequence of anomie and collapse of meaning. Instead they are described as a rational component in the destruction of the enemy and an integrated part of war. An example of that could be the rape of Muslim and Catholic Croats committed by Serbian soldiers in the Bosnia - Herzegovina war. According to moral theologian Todd A. Salzman (1998), these rapes were committed as a weapon of war with the specific aim of ethnic cleansing and formed part of a rational state politics.

On the level of explaining the occurrence of war as such Bauman (1989) and Hobsbawn (1994) represent two different approaches: Hobsbawn argues that 'barbarism' has re-emerged in western societies as a product of a certain historical era. This era is characterized by,

> Disruption and breakdown of the systems of rules and moral behaviour, by which all societies regulate the relations among their members and, to a lesser extent, between their members and those of other societies. Second, I mean, more specifically, the reversal of what we may call the project of the eighteenth-century Enlightenment, namely the establishment of a universal system of such rules and standards of moral behavior, embodied in the institutions of states dedicated to the rational progress of humanity (Hobsbawn 1994: 45).

The decline in moral conduct began with World War I and II and continued in the cold war with a breakdown of civilization where "the decision-makers do no longer know what to do about a world that escapes from their, or our control" (ibid: 47).

From this perspective barbarism re-emerges when the state lacks monopoly of violence and mechanisms of social control – that is, when the state lacks its 'stateness'. Hobsbawn suggests that when civilization declines humans lose their moral and social strain leading to a monstrous surge of perpetration resembling a pre-civilized ancient point of departure. Drawing on Michael Ignatieff's (1993) writings on the soldiers in the war in ex-Yugoslavia, Hobsbawn gives us a glimpse into the nature of (male) humanity in a context of civilizational decline:

> For some young European males, the chaos that resulted from [this collapse]...offered the chance of entering an erotic paradise of the all-is-permitted. Hence the semi-sexual, semi-pornographic gun culture of the checkpoints. For young men there was an irresistible erotic charge in holding lethal power in your hands' and using it to terrorize the helpless (Ignatieff cited in Hobsbawn 1994:45).

Here, human nature is no longer controlled by norms of order induced by civilization. Consequently, male barbarism is allowed to erupt freely. Hobsbawn's analysis clearly draws on an explanatory model, outlined in Chapter 2, that explains perpetration through innate masculine traits. Yet, it is also an example of how classic notions of state and civilization as the protective shield against a violent human state of nature (always ready to erupt once the conditions are given) inform analyses of war and war-crimes.

While Hobsbawn explains war atrocities as a result of the collapse of civilization Bauman (1989) argues differently. In his analysis of the Holocaust he argues that the atrocities committed during the Nazi-regime did not occur in spite of modernity but must be considered as an inherent possibility within modernity. He argues that the Holocaust was made possible due to bureaucratic structures that distanced perpetrators from their victims and dehumanized the victims thereby making the violent acts easier to commit. Contrary to Hobsbawn who sees civilization as a guaranteeagainst a violent (and erotic?) human nature, Bauman suggests that it is civilization that corrupts humans and their natural 'moral drive' of doing 'right'. According to Bauman, it takes individual moral strength to resist:

> Promotion of moral behavior in such cases means resistance to societal authority and action aimed at weakening its grip. Moral duty has to count on its pristine source. The essential human responsibility for the Other (Bauman 1989: 99)

In this way, Bauman situates morality as an a priori human quality that may act against given norms in society and against immoral state practices and ideologies. He turns the classical notion of (modern) state structure as protective shield against a violent human nature upside down and situates the (natural) individual as the ultimate safeguard for proper moral conduct, safety and peace. Yet, the antagonist framework between human nature (as morally good or bad) and the state (as essentially good or bad) remains in place.

## b) Genocide

Genocide is another instance of state-perpetration. Genocide is seen as a subcategory of war crimes. Yet, genocide, and in particular the Holocaust, is also treated separately as a specific form of violence with its own explanatory frames. While some authors seek to establish the meaning attached to genocides, others seek to classify different kinds of genocides, and others again seek to establish the indicators of state involvement in

genocide. What the writings on genocide have in common is that they all seem to agree that this kind of perpetrative act is not a coincidental by-product of war but a state-action with a purpose. Human Rights Watch adviser Alison Des Forges (1999) states that the genocide in Rwanda was not, "An uncontrollable outburst of rage by a people consumed by "ancient tribal hatred". Nor was it the preordained result of the impersonal forces of poverty and over-population" (Des Forges 1999:1). Rather, it was the result of deliberate choices of the elite with the agenda of staying in power. A similar stand is taken by Réne Lemarchard (2000) who focuses on the organizatorial aspects of planning genocide. From this perspective genocide appears as the most sinister form of practicing state sovereignty to the point where the state committing these kinds of acts lacks legitimacy.

Concerning the classification of genocide, Barbara Harff of the U.S. Naval Academy (2003) seeks to establish a model that can identify preconditions for genocide and politicide. In this model the notions of 'failed states' and 'internal war' are central. It is assumed that genocide and politicide must take place within these failed states. From this perspective, genocide and failed state structures are inextricably linked and what remains to be done in order to prevent such acts is to identify which other factors work as catalysts for genocide/politicide in the context of fragile or failing states. Hence, while genocide is associated with some sort of state structure that facilitates the organized killing of populations or ethnic groups it is equally explained as a consequence of lacking state sovereignty or legitimacy of its sovereignty. As such, violent perpetration is once again situated as a consequence of a lack of social order.

Green & Ward (2004) also identify preconditions or contexts in which genocide seem to take place. These are: 1) The propagation by the ruling elite of an ideology excluding the victim group from the perpetrators' universe of obligation; 2) the elite's perception of the victim group as a threat or obstacle in a context of economic and political crisis, generally against a background of war; 3) a competing ideology, rooted in national and/or international culture, that does recognize the victims as worthy of moral concern; 4) the use of psychological mechanisms of denial and neutralization to overcome the inhibitions created by the more inclusive ideology; and 5) the perpetration of excesses that reaffirm the banishing of those inhibitions. In this reading the state or the ruling elite are no longer the only perpetrator. Green and Ward suggest a complimentary explanatory framework where the occurrence of genocide is explained as the consequence of abnormal state conditions (war and crisis) as well as the consequence of ideological and moral factors ('universe of obligation', 'psychological mechanisms', 'perpetrations of excesses').

Focusing on these ideological contexts in which genocide take place, Helen Fein (1997) introduces the concept of "genocide by attrition". She argues that genocide take place even before it is properly qualified as such because once situated outside the 'universe of

obligation' and physically separated from the remaining population the victims of genocide already suffer and eventually die. She states that,

> Genocide by attrition began in the Warsaw Ghetto, in Democratic Kampuchea, and in the southern Sudan against groups who had not yet been officially targeted for destruction. This suggests ideological understanding (which precedes and parallels official decision-making) that certain people were not to be saved – indeed, they could readily be eliminated, for they were outside the universe of obligation (Fein 1997:32)

As such, Fein seems to inscribe genocide in a broader context of structural violence (cf. Farmer, Connors & Simmons 1996; Scheper-Hughes 1992). Fein continues:

> What first made these groups vulnerable to genocide by attrition was denial of political and civil rights (de jure and de facto) and the stripping of resources: land, cattle, property and jobs (ibid).

What the texts regarding genocide have in common is that the state is considered the main perpetrator. Regarding the perpetrative institutions or individuals these may either be considered as mere instruments of the state (Des Forges 1999; Bauman 1989) or as willing and cooperative individuals (Goldhagen 1997) sharing the ideological values of the state and its rulings elites.

### c) Colonialism

The colonial project and context is the third instance of state-perpetration identified in the texts reviewed. It is described both as a form of perpetration in itself and as the scene of state perpetration and excessive violence against native populations. Regarding perpetration committed in context of colonialism we will now take a closer look at the writings of Tony Ward (2005). Ward is concerned with the question of explaining the so-called 'excessive violence' or 'overkill' committed by or during colonial regimes. With point of departure in the colonial history of Congo Ward poses the question of why rational pursuit of economic and political expansion end in practices of cruelty and murder that even harm the state-organization's enterprise itself. Thus, while some kinds of colonial violence can be explained within a rational framework of political economy, other forms of violence appears as excessive and thereby meaningless. Ward presents as an example of this meaningless violence the physical elimination of the colonial population which leaves the colonial enterprise with a lack of working force. The answer to this question is sought within a psycho-social framework. Drawing on Merton's (1957) notion of 'anomie' Ward argues that 'rational violence' of the colonial enterprise may lead to 'irrational violence' due to the necessary 'othering' of native populations which excludes them from the perpetrators' 'universe of obligation'. This exclusion makes it possible to perpetrate cruelties with a minimum of moral cost. Within this explanatory frame, 'violence' leads to

'excessive violence', 'kill' to 'overkill' and 'meaningful violence' to 'meaningless violence'. Thus, as Ward combines a political-economy approach with elements of a psycho-social framework the intertwined nature of these elements is exposed. So-called meaningless violence is contained within the meaningful violence. However, it seems that Ward continues to distinguish between the two forms of violence and as such he does not overcome the analytical obstacle their separation produced in the first place.

Another issue within the instance of colonialism is the post-colonial state as site of repression and violence as well as site of popular uprising. In texts dealing with this issue present political instability and violent state practices are analyzed as post-colonial progenies of colonial structures and practices. Drawing on Arendt (1951) Hansen and Stepputat (2005) define colonial sovereignty as a "naked version of modern sovereign power, the raw "truth" and racist underside of the modern state" (ibid: 20).

Drawing on the writings of Agamben (1998) they conceptualize state power as a matter of sovereignty and they explore the intimate relationship between state sovereignty and (foundational) violence as a matter of performative practice. Violent and spectacular practices become a way of affirming state-power and of marking the exterior as well as interior limits and threats to the state:

> The "weakness" of everyday stateness is often countered by attempts to make state power highly visible. In this endeavor, issues of insecurity, crime, and punishment occupy a privileged arena for the performance of sovereign power (ibid: 29)

These efforts of constitution and marking of state sovereignty take the form of a fight against (perceived) enemies of the state-project. The performance of state sovereignty is thus based upon categories of otherness according to which state-projects define themselves in opposition to others who's intrinsic 'dangerousness' justifies the exercise of violence:

> Criminality as a "zone of darkness" is, in brief, the perennial outside, an unruly and originary source of sovereign life, and thus the necessary condition for any claim to establish and defend social order (ibid: 32).

The authors thus define the state project, not as a matter of a singular historic event when a mythic state of nature is overcome by the state (as a social contract among free men), but rather as a matter of continuous practices through which the state re-enacts its "stateness". Thereby the state performs its own sovereignty by engaging in the (violent) exclusion of those situated as the (interior) exterior to the state itself in this way bringing to life the mythical origin of its own foundation. Following this line of argumentation "stateness" needs to be reinforced and re-enacted continuously in order to appear as

such. In this way, it makes less sense to think of moments of pre- and post- violence and conflict, but perhaps instead to consider violence as an ever-present feature of the state project, either in the spectral form of the myth, in the form of actual violence or as a constant threat of the use of physical force.

Returning to (post-) colonialism as an instance of state perpetration, like Ward Hansen and Stepputat seem to situate violence as an inherent feature within the (post-colonial) state. Yet, their line of argumentation allows us to reconsider the discussion regarding 'by-products' of war and the notions of 'meaningful' and 'meaningless violence' from a slightly different angle. Within this explanatory framework, state-violence – 'excessive' or 'meaningless' as it might seem – appear less as a by-product and more as a performative means to establish the overwhelming might of the state project. Hence, the colonial enterprise stands out as an exercise of power built upon excess and the grotesque.

### d) Torture

The issue of torture is also treated within the body of exploring the state as perpetrator. Here focus is on the ideological context and the political system that enable torture, torturer as well as torture victim. Nagengast (1994) argues that violence takes place within sets of practices, discourses and ideologies. Whether perpetrative acts are classified as torture is thus a question of the legitimacy of the violence employed by state-actors. Regarding the practice of torture, Nagengast situates the state as the main perpetrator and the torturers as products of an ideological state-discourse that legitimizes this kind of perpetration against its citizens.

In a similar vein Kelman (1995) argues that torture is to be studied not only as a consequence of cultural and individual factors but also according to the policy processes and authority structures that give rise to the practice of torture. Kooijmanns (1995) also focuses on the political systems that allow the practice of torture. He points to the fact that torture as a state perpetration is an invisible and 'private' practice and suggests that this practice bear resemblance to other social forms of othering and legitimization of violent practices:

> Torture is only the tip of an iceberg which is rooted in much more normal aspects of human existence: prejudice, arrogance, lack of checks and balances, lack of knowledge, and so forth (Kooijmanns 1995:17).

Within the above presented explanatory frameworks torture is intimately linked to exclusionary ideologies producing victimizable bodies, or to the dehumanizing process inherent in the bureaucracy of death and broader state ideologies of exclusion.

In his analysis of the disappearances and torture committed during the Argentine 'dirty war' Frank Graziano (1992) takes a different stand. In his attempt to establish the (ideological) meaning attached to these kinds of state-perpetration he does not simply conceptualize torture as a consequence of a state ideology that render certain people victims of state torture. Instead he focuses on how torture leads to ideologies of othering. That is, how the act of torture in itself becomes a means of identifying – that is of making visible – a state-enemy and in this way reinforces an ideology of state-elimination of this internal enemy. In order to do so, Graziano describes and explains state-sponsored torture within a mythic psycho-sexual frame. As in an Oedipus drama, the military junta lives out its own myth being 'the hero' who reestablishes order by eliminating the 'subversive' (the left-wing opposition) and saving the mother-land, Argentina. This violent task is conceptualized as a sacrifice; a necessary deed that paradoxically must break the rule of law to protect it. In this mythical play, the torture victim is assigned the role of the 'subversive' otherness that is necessary for the legitimacy of the military junta's existence and repressive politics. A similar argument is made by Taussig (1984) in his analysis of the excessive violence and torture committed against the indigenous work force in the rubber extraction in the Putumayo region in Colombia. Taussig argues that the torture and excessive violence committed against the work force took the form of a "mimetic violence" in which the Western myth of the indigenous jungle population as cannibalistic, savage and violent nature offered the narrative "justification" for the "savage" violence committed against them. Hence, the term mimetic violence rests upon the ways in which the administrators of the rubber production end up enacting a kind of violent behaviour they consider to be the conduct of the victims.

Though different in its theoretical point of departure Graziano's and Taussig's arguments resonate with the arguments of Hansen and Stepputat (2005) as well as those presented by Agamben (1998; 2003) regarding the state-project's necessity of a (foundational) otherness. For our purposes, an important point in Graziano's work is that the Hero-Junta – that is the state – was powerful only insofar as he/it tortured. Torture thus becomes an integral, necessary part of (this particular) state-project. Graziano establishes a psycho-social explanatory model that situates 'excessive violence' or 'overkill'. Torture is not the unintended by-product of meaningful violence; neither is it a consequence of the 'meaningful' violence carried out by state agents whose moral strains slowly disappear as the enemy is situated outside of their 'universe of obligation'. It becomes a spectacle of power that denounces and identifies an enemy, terrifies the general population and establishes the necessity of further state violence as enemies of social order continually are identified.

## 3.2. Non-state actors

In this section we consider the ways in which non-state actors whose perpetrative actions are related to the state are described and analyzed in the texts reviewed. Keeping up the formalist distinctions, two different forms of perpetration can be identified – state sponsored violence and subversive violence. State-sponsored violence carried out by state-associated perpetrators comprises paramilitary groups or contract killers associated to state institutions or trained by international organizations or networks. Subversive groups include guerrilla groups, popular crowds or mobs that act against the state. Finally we can locate vigilante groups and different forms of organizing "self-help security" as a category situated in-between the former two categories. We present these instances of perpetration, the way they are described, and the explanatory models by which these forms of perpetration are analyzed.

### a) State associated perpetrators

In this section we examine two texts that are both concerned with the Latin American context and state-sponsored violence such as torture, disappearances, counter insurgency and drug traffikking that take place in this region. The texts discuss the relationship between these extra-state groups and the military training Latin American military officers have received at the School of the Americas (SOA). The category of state associated perpetrators includes national extra-military forces or unofficial police practices as well as international agencies that either train local perpetrative institutions and networks or provide contract soldiers, contract killers, or security personnel to conflict ridden zones around the world.

Sociologist Katherine McCoy (2005) carried out a quantitative study of graduates from SOA and correlated their participation in human rights Vviolations in their home countries in Latin America. She concludes that while only 1.3 percent of the graduates are listed as human rights abusers, a more complex picture emerges when one combines these human rights abusers with the specific courses they attended at the SOA. On this background, McCoy concludes, "Given the results of this study, it is not unreasonable to ask whether such programs are in fact training people to torture" (McCoy 2005:61). In this way, her study aims at proving the direct relationship between organized violence carried out by extra-state agents and an intentionality on part of the state and international agents (in this case the US).

Exploring paramilitary violence in Colombia, Victoria Sanford (2003) argues for the importance of conceptualizing paramilitary violence as a matter of state violence by proxy, instead as a mere privatization of violence. She discusses paramilitary groups as a local expression of international (US) and national politics and indicates how they respond to a

continental history of inequality and repression and how they function according to certain techniques (learned at the SOA). This argument is based on a historical review of the national history of Colombia as well as that of U.S. intervention in Latin America. Sanford sees these forms of extralegal or extra-state perpetration as an expression of state sovereignty on the margins of the state or the empire.

Both texts aim at demonstrating how violence that at first sight seems coincidental or non-organized is organized state-violence. Situating violence as a matter of state-action turns this kind of perpetration into Human Rights violations that can be internationally sanctioned. Therefore, the effort of proper categorization is both an academic exercise of defining the reach of state action and a political exercise of assessing legal and moral responsibilities.

## b) State defying perpetration

This group of groups and networks is characterized by making demands through opposing state structures or specific governments. They may include guerilla groups and terror organizations as well as local security patrols and community justice actions and popular crowds and mass demonstrations.

With ethnographic point of departure in Indonesia anthropologist Nils Bubandt (2008) explores the mobilization of people into violent acts. Here rumor constitutes a connection between discursive construction of sectarian violence and its socio-political organization. He describes how mobilization occurs through the effectiveness of particular kinds of narratives such as rumor, and how these narratives provide the motive and justification for participating in collective violence (riot), as well as the limits for social explanation afterwards. Apart from being tools of elite politics rumors are constructed, recirculated and articulated from below providing incentives to collective violence and the discursive background for its retrospective justification. Violence, thus, is assigned meaning before, during and after its occurrence.

In his writings on the peasant patrols – the so-called *rondas campesinas* – in Peru Starn (1999) explores how popular security patrols and peasant justice groups were discursively reconfigured by the state from securing justice and order during civil war to threatening the state's monopoly on legitimate violence after the war. What is interesting for our purposes is how the exercise of violence is conceptualized (by the Peruvian state) differently according to the circumstances. While peasants are considered victims of their unequal social position and a 'wave of crime' in the highlands, their violent acts are conceptualized by the state (and the ruling Peruvian elite) as a legitimate answer.

However, once the civil war had ended the peasant patrols were delegitimized and they became conceptualized as (criminal) perpetrators to be controlled and sanctioned.

Along similar lines anthropologist Daniel M. Goldstein (2004) analyzes popular lynching of (presumed) criminals in Bolivia arguing that these forms of collective violence must be considered as more than an outburst of anger and momentary revenge-seeking. Popular lynching is a spectacular means through which marginalized populations seek to draw attention to their miserable living conditions and need of State protection against criminality. The underlying pivotal issue of Goldstein's description and argument regarding collective violence is one of social visibility and invisibility. He states, "One irony of life on the margins in that a person can feel both completely invisible and yet closely observed" (Goldstein 2004: 29). In this way, he suggests that marginal populations may be visible as objects of state regulations, persecution and taxations but only rarely do they become proper citizens and carriers of social and civil rights. In order to gain such recognition performative action is required. Hence, lynchings become,

> Spectacular vehicles for the communication of demands and an instrument to attract the attention of an audience that had otherwise ignored them. As the lynching performance has been repeated over and over again […] it has become routinized, and its predictability allows residents to creatively manipulate its performance and outcomes, even developing "symbolic" alternatives to violent punishment (ibid: 214).

Lynching, thus, is a means within political struggle for recognition and visibility. This political struggle draws on the perceived (i)legitimacy of the state. As Goldstein points out (ibid: 194 ff), in the local narratives regarding lynchings the notion of "el pueblo" [the people] becomes central. Here pueblo may be the object of state action or may constitute the very bedrock of the state itself. The popular crowds of Goldstein's ethnographic descriptions manoeuvre between these poles, claiming state protection while challenging its power by taking the law into their own hands.

Analyses like Starn's and Goldstein's indicate how popular forms of perpetration take place in a social and discursive space where the notions of state-sponsored and state-defying violence (subversive violence) are blurred and changeable. They are changeable not because the violent practice per se change, but because the context and the objectives of the state (or ruling elites) change. Categorization of non-state perpetrators is thus a volatile matter. From an academic perspective it is perhaps an unproductive exercise to search for stable categories and the tracing of violent practice through (and beyond) these categories – like Starn's work - might seem a better option. Such work can lay important ground for the prevention of organized violence among civil society. Yet, when it comes to defining legal responsibilities – as in the cases of McCoy and Sanford– such categorization

acquires crucial importance, and from this perspective the exercise appears as pivotal. In the following and final chapter we discuss these issues in greater detail.

# 4. Central themes of perpetration

In this final chapter we summarize some of the cross-cutting themes that are addressed in the body of texts regarding perpetration that we have reviewed. We have chosen to focus on two intertwined issues. Firstly, we will discuss the collapse of dichotomies presented in many texts. In the previous chapter we have briefly and indirectly done so by exploring issues of legitimacy, meaningful versus meaningless violence, and invisibility and visibility – all in relation to violence and the state. We now develop this discussion on dichotomies further. The three central dichotomies that we challenge are the dichotomies of victim-perpetrator, state - non-state actors and normality-abnormality. This allows, we suggest, for an analysis of guilt, innocence and morality as these concepts surface in the literature. Secondly, we will reflect upon how notions of morality and justice play a central role in considerations regarding the perpetration of violence.

## 4.1. Collapsing dichotomies I: Victim-perpetrator

It is a common assumption that victims and perpetrators denote two homogenous and distinct categories. However, in the texts we identify three instances in which the dichotomous assumption collapses, those focusing on the victimization process inherent in becoming a perpetrator, those focusing on victims also perpetrating violence, and finally when gendered categories of victims and perpetrators are reclassified.

### a) Victimization of perpetrators

On the level of the individual perpetrator the dichotomy victim – perpetrator is implicitly or explicitly deconstructed in all the texts we have classified as adopting an institutional framework. This is because within this framework focus is on the institutionalized training, humiliation and victimization of the perpetrator-to-be. This automatically assigns identity as victim to the yet-to-be perpetrator. Consequently victims and perpetrators are hard to distinguish and they become heterogonous and overlapping categories. As Huggins (2000) points out:

> Perpetrators can be more productively understood as both perpetrators and victims. When one explores the victimization inherent in the process of becoming a perpetrator, new status dynamics between the perpetrator and others are revealed. We discover that there are those who train, order, and assist the perpetrators, and that these primary and auxiliary statuses interact within a larger social system that nurtures, justifies, and protects them. (Huggins 2000:55).

Questioning the dichotomy enables a thicker description of perpetration. However, collapsing it gives rise to a problem of assessing responsibility because most legal mechanisms work through the ability to assign clear-cut identities to victim and perpetrator (Buur 2001). The central question is whether the figure of the perpetrator-victim can still be considered culpable of his actions? We have already touched briefly upon this subject in the first chapter, dealing with the process of authorization inherent in the bureaucracy of death. Hence, assessing responsibility within an institutional framework is not unproblematic. The common solution is to add the category of the indirect perpetrator. The indirect perpetrator is to be understood as the person, institution or state which is responsible for victimizing the direct perpetrator and his subsequent victimization of others.

As this figure becomes conceptualized as the main perpetrator consequently he (or it) also ends up as the main culpable actor of the perpetrative act in focus. Interestingly, the emergence of the indirect perpetrator implies the emergence of a new dichotomy that distinguishes between the direct perpetrator-victim and the indirect perpetrator. This distinction in practice expands responsibilities to the state for acts that perhaps otherwise would be considered as individualized or institutional forms of perpetration. This kind of distinction reduces the (ethnographic) complexity brought about with the collapse of the victim – perpetrator dichotomy, but it allows assessment of guilt and (legal) responsibility for the perpetrative acts. While the collapse of one dichotomy allows a more complex understanding of perpetration it also lay ground for the construction of the dichotomy direct-indirect perpetrator that reduces the complexity to the point where assessment of guilt becomes possible. Consequently, and this goes both analytically and legally, the responsibility is bestowed to both actors. As Kelman points out,

> Subordinates have the obligation to evaluate the legality of orders and to disobey those orders that they know or should have known to be illegal. Superiors, for their part, have the obligation to consider the consequences of the policies they set and to oversee the ways in which these policies are translated into specific orders and actions as they move down the ladder. (Kelman 1995:22).

Returning to the victimization of perpetrators the dichotomy also collapses when analyzing groups of people acting violently, such as soldiers and torturers – normally portrayed as

perpetrators – through "victimization categories" such as Post Traumatic Stress Disorder (PTSD). Crelinsten (2003) states, "Many [perpetrators] suffer psychological problems, such as nightmares, sleeplessness, irritability, that permeate their private lives. In many cases, this amounts to post-traumatic stress disorder"(Crelinsten 2003:308). Here the dichotomy is blurred by the transformation of the perpetrator into a person who also suffers – a characteristic normally assigned to victims (see also Kozaric-Kovacic et al 1999; McNair 2002; Young 2002).

The texts that focus on the victimization of the perpetrator consider violent behavior to be something human beings fundamentally resist. From this perspective, perpetration requires victimization of the perpetrator-to-be, who in turn suffers his or her transformation. An important implication of this is that perpetrators are seen neither as heartless nor as evil monsters or psychopaths; they are not portrayed as non-human. On the contrary, it is exactly their humanity that is drawn to the fore with all the implications in regards to social conditioning.

### b) Victims as perpetrators

The victim-perpetrator dichotomy collapses again when texts describe persons originally depicted as victims carrying out violent perpetrative actions. This kind of perpetration is often portrayed as defence and revenge in context of war and genocide (Lemarchand 2000; Pedersen 1999) but this category may also include socially marginalized populations that use violence as a means of securing their everyday lives and doings or as a way of making visible their socio-political claims and demands (see Starn 1999, Goldstein 2004). In these contexts populations may be considered as victims of unequal and even violent state structures who turn to violence as a means of survival, self-defence or social visibility.

The collapse of categories of victims and perpetrators, inherent in Goldstein's analysis, brings in to full view issues such as justice, reconciliation and truth. As political scientist René Lemarchand states in relation to his analysis of the Rwanda genocide,

> The "victims of victims" –syndrome [...] reveals, that one cannot separate good from evil, and also shows how far from reality this division "the good versus the evil" is after a genocide. It brings out those colossal difficulties connected with rebuilding a state governed by law in the time following genocide" (Lemarchand 2000:146. Our translation).

As Lemarchand suggests what constitutes a victim or a perpetrator is not easily ascertained as both categories rely on legal and political definitions of what constitutes criminal violence. However as Tristan Anne Borer (2003) points out, a final judgment is

imperative because it may determine the fate of real people. For instance, the civilian – military distinction is central for the legal regime protecting civilians in times of war.

### c) Reclassification of gendered categories

Perpetrators are usually portrayed as male while victims are female. A clear example of these gendered categories is the texts concerned with sexual violence, specifically male rape of women in the context of war. In these texts rape is described as the result of uncontrollable and even natural male urges or as the result of a masculine ideology actualized and perpetuated through the raping of women.

To depict perpetrators and victims according to male and female gender categories maintains the dichotomy as it portrays both victim and perpetrator as homogenous and mutually exclusive categories. Nevertheless, some texts analyze female perpetrators (Smith 1994; West 2000), children as perpetrators (West 2000) and men as victims of sexual violence (Littlewood 1997; Zarkov 2001). These texts challenge the assumption that men are natural given perpetrators (powerful) while women and children are natural given victims (powerless). This adds complexity to the analysis of perpetration and suggests that a more holistic understanding of perpetration must resist easy, implicit assumptions about masculinity and femininity which animate the gendered dichotomy between victim and perpetrator.

## 4.2. Collapsing dichotomies II: State – non-state perpetration

The second and perhaps most controversial collapsing dichotomy we identify in the texts is that of state and non-state perpetration. As illustrated in chapter 3 the definition of state and non-state actors as well as state-sponsored and state-defying violence is an ongoing analytical (and legal) exercise in many zones marked by prolonged conflict and violence. Nevertheless many of the texts reviewed seem to base their analysis on the basic assumption that the limits (geographical as well as social) of the state are given, at least in normative terms where states can be considered as" successful", "fragile" or "failed" on the basis of a notion of the ideal state. In order to discuss the notion of the state in the reviewed texts on perpetration it is fruitful to recall the ways in which the notion of the state has traditionally been associated with the exercise of violence: Since Hobbes (cf. Hobbes 1651) the state has been understood as the product of a 'social contract' aiming at overcoming an (abstract) state of nature where individuals moved by their self-interests were living in a state of anarchy and lawlessness. Hence, the social contract is imagined as the moment when free individuals cede some of their individual rights to the state as a sovereign entity in exchange for protection. This philosophical notion of the state as a contract founded among free men that give up their right to the exercise of violence is

implicit in Weber's modern definition of the state as a "compulsory association which organizes domination" and that "has been successful in seeking to monopolize the legitimate use of physical force as a means of domination within a territory" (1958:82-83). From this rather abstract and ideal perspective, violence exercised by the state is legitimate when it aims at maintaining social order. Violence is illegitimate when it is carried out by criminals, terrorists or delegitimized state structures. Two basic assumptions emanate from this classical European school of thought that permeates much analysis about the relationship between perpetration and state. These are: a) an understanding of the state as an absolute and almost a-temporal figure (built upon a mythical state of nature) guided by rational logic also when it comes to the exercise of violence, and; b) that state actors and non-state actors constitute discrete and recognizable entities that hence constitute valid analytical categories. The first assumption, concerning the state as a rational agent that monopolizes the legitimate use of physical force, leads us to manage notions of legitimate and illegitimate violence. Hence, a central concern of the texts dealing with for instance war crimes seems to be the question of how and at what point in time legitimate and "rational" violence turns into illegitimate and irrational violence. Managing a (temporal) notion of the state that stands in opposition to an abstract state of nature easily leads to forms of analysis that consider extreme forms of perpetration as exterior to the state project rather than inherent to practices of state formation and the practice of state sovereignty. From such perspectives irrational or excessive violence stands out as momentary "states of nature", lack of civilization, or, in more legal terms, as states of exception. The second assumption that permeates much analysis is that state and non-state actors constitute clearly differentiated spheres and that acts of state violence can be easily distinguished from other – and competing – forms of violence. Empirically grounded analyses such as the ethnographies of Starn and Goldstein presented in chapter 3 indicate that such distinctions are not a given in contexts of prolonged conflict where outsourced "security" and paramilitary agents simultaneously work to enhance state sovereignty and to challenge it.

Empirically or ethnographically grounded forms of analysis therefore stand out as a privileged arena for a critical revision of our understanding of the state, and it is in this sense that we chose to read the texts reviewed in chapter 3 not solely as a mapping of the forms of violence in which state actors are involved but also as an invitation to reconsider basic premises concerning the notion of the state. Such revision must refrain from using abstract notions of the "proper" state according to which other state forms might appear more or less successful, "fragile" or "failed". Instead we consider the state as a form of practice that is constantly being constituted through mundane and spectacular events, some peaceful and some violent. From this perspective, it is specific state structures that are being analyzed and evaluated as well as the very notion of a state that is

conceptualized as always in the process of re-establishing itself through practices, symbols and rituals (cf. Blom Hansen and Stepputat 2001:5).

While important state sponsored violence take place in inter-state conflict and war, intra-state violence is ever more important. In this way, we need to consider such violence not solely as exceptional but as a form of practice intrinsic to the very state structures, "civilizing" projects and forms of governments that feed them. In particular, in the context of colonial state projects such violence might take the form of genocide politics generating new "empty" spaces for settler communities, slavery or different forms of physical correction or punishment of the "uncivilized" native populations. Today we can recognize such violent "civilizing" efforts in the war against crime that take place in many cities around the globe as governments seek to generate civil security (Jensen 2010). Although the relationship between security and development is not new, it seems to be accentuated today (cf. Buur, Jensen and Stepputat 2007): Crime and civil insecurity stand out as a major impediment to development in the global south and the lack of development is perceived by policy-makers as a security threat to the West insofar as terrorist groups might emerge as a consequence of social discontent. Many deaths are caused not by conventional interstate conflicts but by internal (civil) conflicts featuring groups identified as terrorists , rebels, gangs, or, "security" agents whose relationship with formal state structures is ambivalent either because they are outsourced to private companies or because they work as paramilitary groups (Kaldor 1998). Yet, state sponsored violence might also take less eventful forms. Drawing on Michel Foucault we might say that structural inequality and persistent ignorance towards the needs of afflicted groups of the population stand out as forms of "letting die" as compared to more spectacular forms of "killing". According to Elizabeth Povinelli (2008) such forms of suffering might even be justified as a temporal measure applied to achieve better living conditions and "development" in the future. In this sense vulnerable populations are situated as outside the sphere of state responsibility in the present with reference to a better, safer and more "developed" future to come where present modes of suffering and dying are turned into future perfect (ibid: 511). Thinking of the temporal definition of the state in classical European thought we thus witness how certain groups (i.e. the poor, criminals, terrorists, etc.) are deferred to a kind of temporal capsule of "state of nature" thus justifying that special (violent) measures are taken concerning these groups.

Presenting their concept of 'state margins', Deborah Poole and Veena Das (2004) recall that in classic European thought, and according to Weber, "the state is imagined as an always incomplete project that must constantly be spoken of – and imagined – through an invocation of the wilderness, lawlessness, and savagery that not only lies outside its jurisdiction but also threatens it from within" (ibid: 7). It is these sites, this imaginary state

of nature upon which the state is allegedly founded as a contract among men (cf. Hobbes 1968 [1651]) that in Das and Poole's conceptual apparatus count as state margins. According to these authors, state margins are "located in the space of language and practice where real spaces or sites that provide impetus to the idea of the state of nature meet the mythical or philosophical origins of the state" (Das and Poole 2004:8). State margins are thus the territories and bodies at the edge of unquestioned state control, and they are "simultaneously sites where nature can be imagined as wild and uncontrolled and where the state is constantly refounding its modes of order and lawmaking" (ibid: 8). Hence margins – as the conceptual boundary between center and periphery, public and private, legal and illegal – also "run through the heart of even the most 'successful' European liberal state" (Das and Poole 2004:4). When considered from this perspective, the notion of community (as the conceptual counterpart to the state) also becomes denaturalized. Its status as a fixed entity that is imagined as either 'backward and barbarian' or 'pure and good subalterns' vanishes in favour of an analysis of the emergence of specific communities and state-citizen relationships.

Dealing with forms of violence such as war crimes, genocide, torture or self-help security among poor and marginalized populations much of the literature reviewed in this paper is bound to take into consideration these muddy empirical terrains in which the limits between state and non-state actors, as well as those between victims and perpetrators, are more difficult to establish than they appear from an abstract formalist perspective. This conceptual and moral contradiction seems to inform many of the texts reviewed as they aim at distinguishing perpetrators from victims and state agents from non-state with the purpose of establishing moral and legal responsibilities for the atrocities committed. Thus, much analysis of state-sponsored violence seems to balance between two poles. On the one hand they describe complex realities in which legal and illegal violence, state agents and non-state actors, perpetrators and victims change places and become indistinct from one another. On the other hand they analyse these complex realities with a conceptual framework that build upon a classical understanding of state as a fixed and easily recognized entity (instead of a matter of practice) and of citizens (or civil society) as its equally fixed counterpart and that therefore has analytical shortcomings at the moment of accounting for how and why these forms of violence occur.

## 4.3. Collapsing dichotomies III: Normality – abnormality

An important discussion within the field of perpetration is the question whether perpetrators can and should be viewed as 'normal' human beings and to what degree or in which terms violent perpetration can be conceptualized as 'normal'. Taking the Holocaust as his point of departure, psychologist Israel W. Charney (1986) argues that depicting

perpetrators as normal persons is problematic, because it is "a semantic that implies that genocide is in some way an altogether understandable and perhaps inevitable aspect of human nature." (ibid:145). As such, he advocates for a new psychology,

> That makes it clear that doing harm to others is, tragically, not only a common and widespread expression of the human condition but also a distinctly unhealthy and abnormal expression of psychological man – the individual as well as the collective process (op. cit.).

He proposes that 'normality' should be defined as a normative definition which also takes into account what is desirable and healthy, and not only statistically informed notions of what is carried out by individuals, groups or state apparatus.

Only few of the reviewed texts take the stance that perpetrators are 'abnormal individuals', and those that do so are all to be found within an individual bio-medical framework. In strong contrast to this bio-medical approach most texts reject the notion of perpetrators as distinctly abnormal or inhuman. Viewing perpetrators as 'normal people' logically implies a question of why some persons then become perpetrators while others do not. In line with the institutional framework the answer in the texts is generally that placed in an abnormal social context 'normal people' might become perpetrators.

We identify two general explanatory models, running parallel with the greater framework of institutions. The first model focuses on war as social abnormal reality while the second focuses on the normalization of violent perpetration.

## a) War as social abnormality

According to professor in psychiatry and psychology Robert Jay Lifton (1996), psychiatrist and anthropologist Ronald Littlewood (1997), and law professor Mark J. Osiel (1999), perpetrators are ordinary people for whom extraordinary actions – violence that is – have become the natural reaction in an extraordinary, even unlikely or extreme situation. War becomes synonymous with such abnormal social contexts. Lifton writes,

> There can be certain situations in which violence is the normative form of discourse. It is the way one communicates, the normal mode of behavior in that particular environment, an environment that exists in war in general […] in such a situation one reacts to any kind of surprise or threat with immediate violence (Lifton 1996:92).

This he calls the 'habit of violence'. Perpetration and the perpetrator are not abnormal, but the situation is. From this psychological perspective the perpetrator reacts in comprehensible ways. Talking about wartime rape Littlewood likewise connects the psychological normal reaction and war, suggesting, "War is an unusual biosocial situation

which increases the possibility of sexual violence against women, perhaps because sexual activity reduces anxiety and confers a sense of necessary autonomy in conflictual and overwhelming situations" (Littlewood 1997:13). The argument is then that perpetration of violence is a comprehensible and unsurprising response to extreme stressing situations.

### b) Normalization of violence

Contrary to this approach Hannah Arendt (1965), psychologist Ervin Staub (1985,1995) and Tony Ward (2005) argue that violence results from otherwise morally illegitimate situations which have been redefined within a broader social context as legitimate, necessary and even normal. Normalization of the abnormal is necessary in order to convert persons into perpetrators. As we have seen, breaking down inhibition towards acting violently requires dehumanizing and authorization. According to this line of argument the processes lead to a new moral standard which in turn renders it conceivable for 'normal people' to perpetrate violence because prior knowledge about right and wrong is challenged. On this moral transformation Arendt states, "This new type of criminal, who is in actual fact *hostis generic humani* commits his crime under circumstances that make it well-nigh impossible for him to know or to feel that he is doing wrong" (Arendt 1965:276). A similar point is made by Crelinsten (2003), who states that only when the context in which the violence has been carried out is deconstructed, does the perpetrator realize the consequences of his actions.

However, what emerges from these discussions is that violence constitutes an abnormal, unhealthy feature of social life regardless of whether perpetration is seen as a 'normal' reaction to an abnormal situation or as a consequence of the 'normalization' of otherwise morally illegitimate actions.

## 4.4. Assessing morality and justice between structure and agency

The discussions above points towards two central issues: the ongoing debate regarding the relationship between social structure and individual and collective agency, and the question of a transcendental 'human morality' outside social contexts or conditions of life.

Regarding violence in relation to structure and agency we can identify a split. On the one hand, there are the descriptions of the becoming of a perpetrator, emphasizing structural aspects. On the other hand, there are the legal processes of assessing individual responsibility and guilt of the perpetrator. While many texts aim to understand perpetration from within the context in which the violent acts take place there is an underlying assumption that the individual perpetrator is still responsible for his perpetrative deeds. Hence structural focus on the institutional framework that shape

individual perpetrations gives way in favour to a more agentive focus where individual guilt can be assessed when it comes to assessing legal responsibility. Most authors argue that in the end violent action is an individual choice and that structure is neither a morally or legally valid excuse. In many cases, guilt and responsibility are assessed according to legal norms, jurisprudence and international human rights conventions. In her famous writings on the Eichmann trial Hannah Arendt (1965) is fully aware of this dual (or dichotomous) process of on the one hand recognizing the complex societal factors that lead persons to participate in actions as terrible as the Holocaust, and on the other the juridical simplification that assessment of legal responsibility and guilt implies. But according to Arendt, it does not matter how small a part one plays in the bureaucracy of death neither how banal one's deeds seem to be at the time of their perpetration:

> Insofar as it remains a crime – and that, of course, is the premise for a trial - all the cogs in the machinery, no matter how insignificant, are in court forthwith transformed back into perpetrators, that is to say, into human beings. [...] Of course it is important to the political and social sciences that the essence of totalitarian government, and perhaps the nature of every bureaucracy, is to make functionaries and mere cogs in the administrative machinery out of men, and thus to dehumanize them. [...] Only one must realize clearly that the administration of justice can consider these factors only to the extent that they are circumstances of the crime (ibid: 289).

As such, and paraphrasing Long (1992), there seems to be consensus that the individual has the capacity to deal with social experiences and to find ways of coping with life even under the harshest conditions – and still do so in a morally justifiable manner (Long cited in Moser & Clark 2001:4-5). Explanatory frameworks such as that of bureaucracy of death elaborate on the process of becoming a perpetrator, but they do not exonerate perpetrators of moral or legal responsibilities. Implicitly or explicitly the texts operate with a distinction between the social realm and the legal realm and here notions of Human Rights inform definitions of moral minimum standards of what can be expected as human treatment and thereby also what is considered as normal human behavior. The perpetration of violence, although described as a result of social practice, is conceptualized as an essentially abnormal feature of social life. It is possible to think that this status of abnormality facilitates its assessment by exterior and immutable criteria such as perceptions of human nature, morality and justice.

However, in practice the legal realm is informed by social values and perceptions and is not always easily applied, especially when categories of victim and perpetrator blur. This is particularly the case when analyzing child soldiers. Children are, almost by default, considered innocent in sharp contrast to other perpetrators. This alleged innocence owes much to legal and pedagogical frameworks where children are not held accountable for

their actions because they do not understand the consequences of their actions. There is nonetheless a discrepancy between portraying child soldiers as innocent victims and at the same time depicting them as rational calculating actors as some texts do (Brett 2002; Somasundaram 2002; Uppard 2003). However, even these texts exonerate children because even if their actions seem rational they are the result of heavily damaged children with no actual choices to behave differently. Writing for Save the Children, Sara Uppard states,

> In other situations children join [armed forces] voluntarily, perhaps because this is what is expected of them as they reach adulthood, for their own ideological beliefs, for self-defense or to seek revenge if they or their family have been attacked. The notion that children join armed groups voluntarily has been used by some as an argument that they should be punished for their actions. However, our perception of what 'voluntary' means should be measured against the context within which these children live and the lack of choices they have. Joining an armed group will bring the promise of an income, or at the very least food (Uppard 2003:124).

What initially is portrayed as agency is dismissed as lack of options. It is interesting to question whether or not these children's social experience and rationales differ substantially from those of other direct perpetrators to such a degree that one group should be portrayed as innocent and the other guilty.

## 4.5. Final comments

From complex descriptions of the becoming of perpetrators to assessing guilt and legal responsibility according to international standards, the study of perpetration unavoidably leads us towards the question of why violence occurs. What circumstances lead individuals, groups or state institutions to the perpetration of violent acts and how can these be understood? The present mapping of perpetration suggests that when perpetrations as horrendous as torture, mass rape and genocide appears as beyond our understanding so too does human life and the context where these forms of perpetration are committed. In the texts presented in this working paper (excessive) violence is sought to be explained as either an expression of social disorder, as a consequence of pathological individuals or pathological social conditions, or eventually as an inherent feature of complex social structures such as the state. Transformative or destructive, meaningful or meaningless - as potentiality or actuality - violence forms part of human relations and as such the study of perpetration becomes the study of the human in all its complexity. Implicitly or explicitly most texts induce a split between proper (non violent) human life and the abnormality or non-desirable situation of perpetration of violence. Violence is in order words conceptualized as a marginal feature of human life: It is

recognized as part of our social realm but predominantly considered as a destructive and negative feature due to its terrible consequences which seem to lack meaning.

Posing the question regarding the meaning of violence, we easily reproduce a discussion outlined in chapter 3 regarding the relationship between meaningful and meaningless violence. However, as we have seen this discussion does not lead us any closer to an understanding of perpetration in the abstract because meaningfulness depends on the position from where one observes and lives through the violence in question. Meaningful violence is in other words a matter of legitimacy and this varies according to the parameters of assessment. Instead it seems of more relevance to centre our analytical attention on the processes and practices that lead to these (moral) parameters of assessment. These insights are also important for Human Rights organizations, as they defy neat descriptions and moral categories and entice a constant and on-going reflection on how to deal with perpetration without compromising the ideals and gains won in the name of Human Rights.

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The present paper offers a general overview of research into the subject 'perpetration'. Our aim is in short to define analytical conceptualizations of perpetration and to identify ways in which research on the subject has been carried out hitherto. The paper should be read as a mapping of how perpetrators and perpetrative networks are conceptualized by scholars within a variety of academic fields laying bare different explanatory frameworks of why organized violence takes place as well as possible means of preventing it.