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DEBATES ON THE CRIMINOLOGY OF GENOCIDE: GENOCIDE AS A TECHNOLOGY FOR DESTROYING IDENTITIES

Daniel Feierstein

Abstract: This article analyses different criminological approaches to modern genocide. It starts from a critical review of authors (René Girard, Eugenio Raúl Zaffaroni, and Alejandro Alagia) who explain genocide in terms of sacrificial violence; it contrasts these perspectives with Jean Piaget's empirically based distinction between two kinds of social relations: relations of constraint and relations of cooperation, and the different sanctions pertaining to each, developing tools to understand more complex ways of causality. Next, it reviews comparative studies of genocide, ignored in the works of the previous authors. The objective for doing it is to compare different causal explanations of genocide to add complexity to the previous analysis. Finally, it revisits Raphael Lemkin's pioneering vision of the role of annihilation in destroying identity. It argues that Lemkin provided some insights for a new criminological approach to genocide seen as a technology of power seeking to transform the social fabric with the terror of concentration camps.

Keywords: state crime; genocide; criminology; concentration camps

Criminologists often take William Chambliss as a starting point for thinking about state crimes. In a speech delivered in 1988 as president of the American Society of Criminology, Chambliss defined state crimes as "acts perpetrated by states or government bureaucrats in the pursuit of their job as representatives of the governments" (Chambliss 1989). Throughout the 1990s, he pioneered the study of state crimes together with criminologists, such as Ronald Kramer (1994); Kauzlarich, Matthews and Miller (2001); Raymond Michalowski (2010); William Laufer (1999); Stanley Cohen (2001) and, beginning in the twenty-first century, also John Hagan and Winona Rymond-Richmond (2008); Jon Shute (2014); and Penny Green and Tony Ward (2000, 2004).

In the new millennium, there has been a growing interest in state crimes, although the literature is still relatively small. Recent books on genocide, for example, include *Criminology, Civilisation and the New World Order* (Morrison 2006) and *Genocidal Crimes* (Alvarez 2010).

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In Latin America, and in the whole Spanish-speaking world, the works on the criminology of genocide are almost non-existent. Groundbreaking work has been done by Eugenio Raúl Zaffaroni and Alejandro Alagia during the first decade of the twenty-first century. However, both men have ignored work from the feeder disciplines of genocide studies, such as classical sociology, history or political science, and have preferred instead to work within the perspectives of ethnology, anthropology, behavioural psychology and psychoanalysis. Akin to most of the criminologists all over the world, the Latin American ones started to work as if the field of genocide studies never existed.

Thus, Zaffaroni and Alagia treat genocide as a punishment, connecting it to the logic of sacrifice, a little-used approach beyond early work in social psychology on the role of scapegoats in the dynamics of segregation, harassment and exclusion (Alport 1954).

This article examines the work of Zaffaroni and Alagia on state punitive power in the light of Piaget's distinction between expiation and reciprocity punishment. Revisiting ideas first put forward by Raphael Lemkin, who coined the word "genocide", it also shows that genocide is an effective technology of power which uses terror to transform and reorganize collective identities.

State Crimes Considered as a Punishment: Revenge and Vindictive Sacrifice

Eugenio Raúl Zaffaroni's work focuses on the workings of state punitive power, most notably the development of a "criminal law for the enemy" (Zaffaroni 1998, 2007). In trying to understand the meaning and purpose of state crimes, which he describes as "mass crimes" (Zaffaroni 2012), he bases his fundamental hypothesis on the anthropology of René Girard. Briefly, Girard claims that human desire is mimetic – that is, we want things not essential for survival because other people want them – and that mimetic desire (mimetic rivalry) created a permanent threat of violence in early human communities. In order to unify the community, Girard argues, a victim or scapegoat was chosen against whom the community could unite. In Girard's view, the scapegoat mechanism is the foundation of human culture (Girard 1986).

Within this ethnological approach, Zaffaroni suggests that policies of atonement are underpinned by a prehistoric need for sacrifices and that these sacrifices take the form of punishments (including state crimes, which constitute sudden increases in the state's need to punish). He says, for example,

> The struggle for the same goals creates tensions that lead to collective violence that destroys peaceful coexistence: bloodshed demands more bloodshed – revenge – an

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> escalation (essential violence) that ceases only when channeled into a scapegoat whose sacrifice is miraculous, for it makes the destructive violence cease immediately. (Zaffaroni 2012: 67)

If Zaffaroni is right, the punitive power of the modern state is guided by a hidden primary need for revenge. However, there are a number of problems with this argument; not least, revenge is assumed to be an instinct, while mimetic desire is clearly a social construction. It is useful here to consider Russian psychologist Helena Antipoff's writings on the role of revenge in constructing sacrificial logic (Antipoff 1928) and Jean Piaget's response (Piaget 1948).

Piaget recognized that both revenge and compassion emerge from the child's instincts (i.e. both develop independently of adult guidance even though they later yield to it). However, it was when Piaget came to discuss Antipoff's ideas on revenge and sacrifice that the most interesting developmental questions arose. This is how Piaget summarizes her position:

> Now, as Mme Antipoff in a short study on compassion has very well shown, vindictive tendencies admit of being "polarized" at a very early age, under the influence of sympathy. Owing to its astonishing faculty for introjection and affective identification the child suffers with him who suffers, he feels that he must avenge the unfortunate as well as himself, and experiences "vindictive joy" at seeing any sort of pain inflicted upon the author of other people's sufferings. (Piaget 1948: 228)

It is interesting to note that Antipoff was seeking to explain the role of sacrificial revenge soon after Freud's *Totem and Taboo* (1913) appeared in French (in 1924) and long before Girard wrote about scapegoating. Zaffaroni later transformed these ideas into criminological hypotheses.

Nevertheless, Piaget criticizes Antipoff's approach, calling it an "affective perception of justice" (Piaget 1948: 228). For one thing, Piaget does not find anything in Antipoff's observations and analysis to prove that the child's vindictive tendencies *themselves* are innate. Moreover, while revenge may be a necessary condition for the development of justice, it does not constitute a sufficient reason. Piaget argues that it is the emergence of norms and rules for living together that helps distinguish right from wrong. Without this distinction, revenge would be completely arbitrary. However, once we relate vengeance to norms, our analysis needs to be more complex.

In contrast, Antipoff claims that justice comes from channelling revenge through compassion and sympathy. In her view, legal systems arise to prevent private revenge. Zaffaroni, on the other hand, claims that this is a "myth" (in the

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true sense of the word) and that vindictive behaviour persists despite the existence of social norms. Moreover, as Piaget also recognizes, there is a certain arbitrariness in the choice of the victim.

So far, Zaffaroni has agreed with Piaget and disagreed with Antipoff: revenge does not lead to justice but only to sacrificial atonement. Leaving aside their critique of the myth of the origins of justice, however, Zaffaroni (as well as Girard) overlooks the fact that norms can arise in two different ways: they can be imposed through what Piaget calls "pressure", as norms that can be observed and followed, or they can be mutually agreed through cooperation.

An important corollary of these different types of norms is that they entail different types of punishments. Piaget contrasted two types of punishment: expiation and reciprocity. Expiation involves an arbitrary punishment that bears no relation to the offence except for its severity. In contrast, reciprocity refers to a punishment that fits the offence not only in quantity but also in quality. Piaget found a developmental trend in children from preferring punishment by expiation to preferring punishment by reciprocity.

The existence of norms of reciprocity – in other words, the expectation that good will be repaid with good – is completely absent in Zaffaroni's books. Indeed, an extreme pessimism about human nature is to be found in all his works. Conversely, Alagia (2013) identifies numerous examples of reciprocity norms in primitive societies but then argues that these have tended to disappear with the emergence of class divisions and conflict in society. He also hypothesizes a connection between modes of production and forms of punishment – a thought-provoking assertion but one for which he offers very little evidence. Furthermore, it is unclear why reciprocal relationships should have been eliminated from criminal law while surviving in countless other forms and even becoming increasingly predominant in the modern era. Unfortunately, Alagia does not even attempt to refute Piaget's developmental theory which predicts the opposite course to that of his own historical-anthropological theory.

Returning to Piaget's theory, it is clear that atonement (and with it, sacrifice and the infliction of suffering) may satisfy an inherent desire for revenge, but it does so through externally imposed rules. Such rules are arbitrary in that they require no consensus and are simply imposed by brute force. But this is not the whole story of how social norms are created. As the child grows up, there is a shift from coercion, where the child follows rules laid down by adults, to cooperation among equals. This development occurs in all societies, and in fact many peoples in Oceania, Africa and the Americas have developed cooperative social relationships showing a high degree of reciprocity (as Alagia himself shows with numerous examples).

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Some of Alagia's ideas appear to be based on notions of romantic primitivism and Rousseau's noble savage. For example, his suggestion that relationships founded on high levels of equality and reciprocity can forgo legal and regulatory frameworks and even punishments seems remarkably naive. Alagia does not explain why some primitive peoples prefer more expiatory frameworks while others favour more cooperative ones or how these frameworks are related. Nor does he offer any historical account of a transition from one approach to another within the *same* society that we could contrast with Piaget's detailed empirical study of child development.

Alagia at times echoes the anti-Enlightenment assumption that "all past time was better," taking for granted a romantic savagery that somehow degenerated as the division of labour grew more complex. Thus, in a more complex and nuanced way, he reflects Zaffaroni's pessimism about the history of mankind. However, Alagia's and Zaffaroni's scepticism about human nature has no basis either in Piaget's psychogenetic research on the origins of social practices, violence and moral judgement, or in any critical anthropological analysis of violence in human history.

To summarize the argument so far, Piaget helps us understand the twofold character of legal and regulatory frameworks as a product of both coercion and cooperation. Coercion tends to create atonement-based approaches to conflict resolution (including a sacrificial logic that aims to satisfy a desire for revenge, through a more or less arbitrary choice of victims). By contrast, a growing emphasis on cooperation has led to a more reparation-based approach that requires neither sacrifice nor atonement.

In their critique of atonement-based approaches, Zaffaroni and Alagia arguably throw out the baby with the bathwater by getting rid of the need for legal frameworks as well as inscribing state crimes within a history that simplifies the reasons for their frequency in the modern era and the functions they have acquired. Zaffaroni does so from a dogmatic pessimism that relates a supposedly deep-seated human need for sacrifices with Freud's questionable notion of the death instinct. In contrast, Alagia focuses more on the "lost Eden" of primitive communism, although he concludes with the same view of sacrifice as Zaffaroni.

Both Zaffaroni and Alagia can be considered examples of exponents of a kind of postmodern pessimism. Critics of positivism have shown how reason and science were used to prevent the development of greater independence in social relations and a fairer world. But reason and science were not, in themselves, responsible for this process, and social autonomy and social justice cannot successfully be promoted without using the same tools. Moreover, any critique of positivism as an ideology needs to be supplemented with a simultaneous critique of postmodernism if we are to make effective progress towards a more just world.

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Elsewhere, I have argued that modern genocide (one of its main types I have called "reorganizing genocides", because its objective is to transform the social fabric using annihilation as a tool) attempts to halt the transition from coercive to cooperative models of society by spreading terror. Terror atomizes society by sowing mistrust among the population and leaves society open to authoritarian rule, as cooperation is not feasible among people who have no trust in others. This is different from both the construction of "scapegoats" and sacrificial logic. Understanding genocide *only* as a sacrifice can lead us to dehistoricize the coercive power of the modern state, while forcing the comparison between the functioning of normal criminal justice systems and their specific genocidal versions.

Psychogenesis – which studies the origin and development of mental functions, traits or states – is one of the few fields of study that has addressed this epistemological debate on both fronts. Piaget's fundamental distinction between relations of cooperation and relations of constraint clearly summarizes the different approaches to modern state punishment while also making the issue more complicated. It may also contribute to understanding the specific nature of genocidal punishment.

But to continue our reasoning, this must first be accepted within the field of "genocide studies" which, despite being a relatively young discipline, has spent the past 50 years or so discussing different interpretations of the meaning and functionality of modern genocide based on the early works of Raphael Lemkin during the 1940s. Most of these interpretations are more complex than the notion of innate vindictiveness and they do not equate genocide with other uses of violence by those in authority but rather attempt to explain the similarities *and* the differences between the two.

Genocide Studies

Genocide studies emerged in the late 1970s and early 1980s from a fertile intersection of law, history, psychology and social science, in its broad sense. Most early work was published in English in the US, Great Britain, Canada and Israel. Since the early 1990s, however, genocide studies have grown in two parallel directions. First, it has become more interdisciplinary, bringing fresh insights from political science, anthropology, philosophy, aesthetics and psychoanalysis. Second, it has become more intercultural. Works are now being published in Slavic languages (Russian, Serbo-Croatian and Bosnian), Spanish and Portuguese (from the Americas as well as the Iberian Peninsula), French, Italian and other languages. In short, a new generation of scholars is beginning to contribute to the field while also engaging in debates over critical issues with the founding fathers.

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Genocide studies first emerged largely as a result of legal and sociological debates about the adequacy of the genocide convention adopted by the United Nations General Assembly in 1948. Most early work highlighted the serious shortcomings in the legal definition of genocide (especially the exclusion of certain groups) and proposed new definitions. Examples of this approach can be found in Vahakn Dadrian (1998, 2009), Irving Louis Horowitz (1980), Frank Chalk and Kurt Jonassohn (1990), Helen Fein (1979, 1992), Israel Charny (1982), Barbara Harff and Ted Gurr (1988) and Ben Kiernan (1996), among others.

But more important than the debate on definitions are the different views on causality of the violence, as they can be put in dialogue with the perspectives of Zaffaroni, Alagia or Piaget.

Indeed, the literature of genocide studies contains a wide range of accounts of the origins and causes of genocidal processes.

Most historians have been reluctant to look for patterns across different annihilation processes on the grounds that each historical process is unique. Nevertheless, the levels of analysis at which specific historical situations have been studied are both varied and enriching. There has been an almost bewildering array of attempts to explain the Nazi genocide, with approaches focusing on ideological developments (Dawidowicz 1986; Goldhagen 1997), racism and/or anti-semitism (Bauer 2002; Bankier 2000), counter-revolutionary struggles and the war against communism (Mayer 1989), the desire to plunder Jewish property (Aly 2008), the logic of bureaucracy in organizing the extermination (Hilberg 1961), the genealogy of Nazi violence (Traverso 2002) and the ambiguous and complex nature of Jewish identity in conflict with the hegemonic idea of Europe built on the nation state (Bauman 1989).

It is not only Nazism that has been analysed from so many different perspectives and angles and with such a plethora of publications. Other cases, such as the Armenian genocide, Cambodia under the Khmer Rouge and Rwanda, have also been approached in numerous ways, and the literature on these and other cases has grown exponentially in the twenty-first century.

In contrast, there have been far fewer comparative studies since it is first necessary to challenge the notion that all historical processes are specific and particular before we can find common elements that allow for a causal analysis. Some works, however, are outstanding. Of particular significance have been attempts to find similarities and differences between the genocide of the Armenian and Jewish peoples, analyzing the opportunity structure of genocidal processes or the roles of majority and minority groups in the way society functioned, as in the paradigmatic work of Vahakn Dadrian (1998, 2009).

Over the past two decades, important progress has also been made in understanding the connections between genocide, imperialism and the logic of colonial rule. This issue has been explored at length by Donald Bloxham and Dirk Moses

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in Australia, and Jürgen Zimmerer in Germany, as well as by a whole group of Anglo-Saxon authors (Moses and Stone 2007). It can also be found in the early work of the Italian historian Enzo Traverso (1999, 2002).

In France, Jacques Semelin has also made a comparative study of Nazism, Rwanda and Yugoslavia, highlighting the different discourses used to stigmatize otherness, as well as the international context, the role of the media and dynamics of mass atrocity crimes, among other variables (Semelin 2007). Semelin analyses the political uses of massacre and genocide in all three cases and makes a distinction between destruction/subjugation and destruction/eradication processes, adding a possible third category he calls revolutionary destruction (or subversion).

Discussions on the causes and consequences of genocidal processes are far from being closed. But this is arguably a positive feature in a field where all historical events have numerous causes, motives and consequences. The sheer profusion of work – both within the discipline and on a broader cultural level – has enriched the analysis and introduced new dimensions to understanding the logic of state crimes as well as the political, social, symbolic and conceptual consequences generated by destruction in the societies in which these have been implemented.

Functionality of Genocidal Social Practices

One question that possibly requires a broad sociological understanding of the criminology of genocide is that of the different social functions served by modern genocides, which was one of the most important elements analysed in the bibliography of genocide studies, from the pioneering work of Raphael Lemkin to the current works of the last decades.

Modern genocide involves covering a territory with a network of concentration camps and using systematic killings as a tool for terrorizing the population in order to redefine collective identities (see Gelatelly 1990). In this sense, it is quite different from genocide in the ancient world, where revenge was taken on a defeated enemy before the heat of the battle finally subsided – a massacre much easier to explain in terms of Zaffaroni's and Alagia's notion of vindictive sacrifice.

Paradoxically, one of Zaffaroni's major contributions to the field of genocide studies has been to trace this transformation of punitive power to the emergence of the Inquisition. Zaffaroni rightly observes that the Inquisition created a new way of exercising power and combining it with knowledge. Nevertheless, the relationship between the methods of the Inquisition and state crimes of violence is much stronger than Zaffaroni's work suggests, and sacrificial logic plays only a minor role in that relationship.

As the creator of the term genocide, Raphael Lemkin, observed (Lemkin 1944) that genocide aims to destroy the identity of the society in which it is carried out.

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Now, it may seem pointless to destroy the identity of a group of people if one is already destroying them physically. But Lemkin does not see these two types of destruction – bodily and cultural – as contradictory because, in his view, genocide – as opposed to the massacres of the ancient world – does not target those who are annihilated so much as the survivors. For the perpetrators, what matters is the effect these deaths will have on *those who are left alive*. However, Lemkin does *not* mean that society or the perpetrators are satisfying some sort of sacrificial instinct; he is referring instead to more complex effects on ways collective identities are constructed in the modern nation state.

In modern genocide, annihilation is not the end but only the means. As Lemkin himself pointed out in 1944, "Genocide has two phases: one, destruction of the national pattern of the oppressed group, the other, the imposition of the national pattern of the oppressor" (Lemkin 1944: 79). Lemkin was a Polish-Jewish jurist, and he was thinking of the ways in which the Nazis had destroyed identity – both in Poland and in Germany. This is something that many of his advocates in genocide studies, particularly the lawyers, used to forget with their overly abstract discussions on the *uniqueness* of the Nazi destruction of the Jewish population or their focus on the "objectivity" of the groups, something which does not exist as all groups (those included in the genocide convention and those excluded from it) are "imagined communities", dynamic, changeable and open to different reorganizations.

As a Polish government official, Lemkin considered that Polishness would inevitably be transformed without the contribution of the Jews, just as Germanness would become different without the Jews and the Gypsies.

When Lemkin made these observations, the field of sociology regarding the works on identity was still in its infancy. So Lemkin, beyond his pioneering vision, was thus unable to see that the identity of a people not only depends on ethnic, cultural and religious elements; it is also the product of different political organizations, labour unions, and gender, sexual-orientation or disability groups. To annihilate these or any other social group is equivalent to erasing the historical processes shaping national identity.

Nevertheless, Lemkin's genius was to observe the functional nature of modern state-sanctioned atrocities: their use as a tool to spread terror and transform identities by eradicating the identity of the oppressed group and imposing the identity of the oppressor. Lemkin was the first to comprehend a technology of power which had begun with the inquisition and the persecution of heretics and witches the late Middle Ages.

Terror as Tool for Reformulating Social Relations

How are social relations reformulated through terror? The short answer is through a sequence of *interrogation*, *confession* and *betrayal* created by the inquisition and

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perfected within the crucial institution designed for modern genocide: the concentration camp.

The concentration camp system allows society as a whole to be persecuted and interrogated. This is possible because enemies of the state are defined in increasingly ambiguous and uncertain terms: "enemies of the Aryan race" under the Nazis, "intellectuals" or "New People" under the Khmer Rouge, "subversive criminals" under Latin American civil/military dictatorships based on the National Security Doctrine and "terrorists" under the new international (in)security doctrines (Feierstein 2014).

The strangely ambiguous nature of the enemy places whole segments of the population under suspicion – students, unionists, and intellectuals. In the ideal model implemented over the past 40 years, the whole population, including potential perpetrators, became suspects. Inquisitorial power based on fear of the concentration camp forces individuals to escape stigma through confession and betrayal of someone more visibly stigmatized than themselves.

In discussing the inquisition, Zaffaroni considers the use of informers as a tactic for persecuting "witches". Indeed, he points out that the whole system depended on denunciations. The main purpose of torture, apart from extracting a confession, was to force the victim to name another "witch", thus perpetuating the cycle of persecution and sacrifice. Without denying the truth of what Zaffaroni says, it is important to remember that the main purpose of these denunciations was to destroy solidarity among the persecuted. Much better to point the finger at a possible witch or heretic *before* being accused oneself and stretched on the rack. The betrayal system was – and is – an effective tool for destroying the social fabric because it turns everybody into a potential enemy and leads individuals to moral depravity. And it links precisely with the complexity of Piaget's works regarding both ways of creating norms: coercion and reciprocity. Destroying the possibility of reciprocity through terror, the whole social fabric is transformed to guarantee discipline and obedience.

To escape stigma, the suspect must pass the stigma to someone else. In Germany, Cambodia, Argentina, the former Yugoslavia and Rwanda, the state actively encouraged the population to denounce neighbours, coworkers and even close relatives. This was done through media, education and whispering campaigns. Clearly described in the psychological operations manuals created by the French, these procedures were adapted by perpetrators worldwide. In Argentina, they inspired school textbooks on "Moral and Civic Training", and in Rwanda they motivated continuous radio propaganda. This sort of widespread denunciation was a terrible but also highly effective way of reformulating social relations since it prevented any possibility of mutual self-help or cooperation and became an automatic and almost unconscious behaviour pattern typical of adaptive responses to terror.

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Recently declassified Argentine documents, for example, clearly demonstrate that the explicit objective of the Argentine Military Juntas was to transform and reorganize the Argentine national group. Secret File C-5-I (1968) on Psychological Operations (which was discovered due to the current trials)[1] details the importance of the use of terror and concentration camps to discipline and reorganize the whole Argentine population. The principles of psychological warfare are carefully defined as shown in the following example:

> Compulsion is any action which tends to activate behaviors and attitudes by appealing to instinct. It acts on the instinct of self-preservation and other basic human tendencies (the unconscious). Compulsion almost always plays on fear. Psychological pressure of this kind engenders distress; massive and generalized anxiety may lead to terror and that will be enough to place the (target) population at the mercy of any subsequent influence.

The authors of File C-5-I consider compulsive action as one of the priority modes of "psychological warfare". Clearly, the Argentine perpetrators are not speaking of targeting specific political groups but the entire Argentine national group. Partial destruction was a *sine qua non* for completely remoulding society through terror. Indeed, the name they gave to the annihilation process was very accurate: "Process of National Reorganization". This was not a political reorganization but a national reorganization in which the main target was not "the disappeared" as such – however politically important many of the direct victims were – but the whole Argentine national group, which was "reorganized" through terror.

By imposing terror on society as a whole, the concentration camp system aims to reshape the social fabric. By creating a collective image of society as a nest of informers, it seeks to build a system of social relations in which the *other* is seen either a possible traitor or the next person one should betray. The concentration camp system tends to create the sort of society that Hobbes (1668) hoped to escape from: a society where man is a wolf to man in a civil war of all against all. And when each man can see the rest only as enemies, real or potential, his only possible ally is the punitive arm of the state and he must seek his salvation in the Leviathan.

Any counter-hegemonic model requires the support of tens or hundreds of thousands of people able to trust one another, to speak freely and have the courage to express their doubts.[2] In contrast, one of the factors that make it so difficult to confront the inquisitor model of society is the paralyzing and debilitating nature of fear. A terrified population, convinced that everyone is a possible informer (whether this is true or not is immaterial), needs all its strength just to ensure day-to-day survival.

Reorganizing genocides create societies of survivors – and society must learn to deal with the survivor's sense of dread. One important question, then, is the role

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criminal law and historical-sociological analysis can play in helping to address such trauma. How can criminological concepts be used to obtain a deeper understanding of genocide's specific technology of power? And how is our knowledge production then used by survivor societies to represent their own past and present? These are some of the main challenges for criminology in the future: the possibility to understand this process as a way to confront it.

Notes

1. Secret File C-5-I on psychological operations was a document produced in November 1968 by the Argentine Army. Even if it was inspired in previous counter-insurgency manuals produced by the French, it is an Argentine document, and it has its own characteristics. Though, most of it is a translation from the French ones. What is impressive is that the file was written months before the main left-wing organizations were created.
2. On the other hand, perpetrators prefer "certainties". One Argentine genocidaire, Lieutenant Colonel Aldo Rico, who led two barrack uprisings against President Raúl Alfonsín in 1987 and 1988, claimed that "doubt is the boastfulness of the intellectuals".

References

Alagia, A. (2013) *Hacer sufrir* [The Infliction of Suffering]. Buenos Aires: Ediar.

Alport, G.W. (1954) *The Nature of Prejudice*. Cambridge: Addison-Wesley.

Alvarez, A. (2010) *Genocidal Crimes*. New York: Routledge.

Aly, G. (2008) *Hitler's Beneficiaries. Plunder, Racial War and the Nazi Welfare State*. New York: Henry Holt.

Antipoff, H. (1928) "Observations sur la compassion et le sens de la justice chez l'enfant", *Archives de Psychologie* XXI.

Bankier, D. (2000) *Probing the Depths of German Antisemitism: German Society and the Persecution of the Jews, 1933–1941*. New York: Berghahn Books.

Bauer, Y. (2002) *Rethinking the Holocaust*. New Haven and London: Yale University Press.

Bauman, Z. (1989) *Modernity and the Holocaust*. Ithaca: Cornell University Press.

Chalk, F. and Jonassohn, K. (1990) *The History and Sociology of Genocide: Analysis and Case Studies*. New Haven: Yale University Press.

Chambliss, W. (1989) "State-Organized Crime", *Criminology* 27(2): 183–208.

Charny, I. (1982) *How We Can Commit the Unthinkable? Genocide: the Human Cancer*. Boulder: Westview Press.

Cohen, S. (2001) *Human Rights and Crimes of the State: The Culture of Denial in States of Denial: Knowing About Atrocities and Suffering*, London: Polity Press.

Dadrian, V.N. (1998) "The Historical and Legal Interconnections between the Armenian Genocide and the Jewish Holocaust: From Impunity to Retributive Justice", *Yale Journal of International Law* 23(2): 504–559.

——— (2009) "The Comparative Aspects of the Armenian and Jewish Cases of Genocide: A Sociohistorical Perspective", in A. Rosenbaum, ed., *Is the Holocaust Unique?* Boulder: Westview Press, pp. 139–174.

Dawidowicz, L. (1986) *The War Against the Jews*. New York: Bantam Books.

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Feierstein, D. (2014) *Genocide as Social Practice. Reorganizing Society under the Nazis and Argentina's Military Juntas*. New Brunswick: Rutgers University Press (First edition in Spanish, 2007).

Fein, H. (1979) *Accounting for Genocide: National Responses and Jewish Victimization during the Holocaust*. New York: The Free Press.

Fein, H. (ed.) (1992) *Genocide Watch*. New Haven: Yale University Press.

Freud, S. (1918) *Totem and Taboo.* New York: Moffat, Yard. (First edition in German 1913).

Gelatelly, R. (1990) *The Gestapo and German Society: Enforcing Racial Policy, 1933–1945*. Oxford: Oxford University Press.

Girard, R. (1986) *The Scapegoat*. Baltimore: The Johns Hopkins University Press.

Goldhagen, D. (1997) *Hitler's Willing Executioners*. New York: Vintage Books.

Green, P. and Ward T. (2000) "State Crime, Human Rights and the Limits of Criminology", *Social Justice* 27(1): 101–115.

——— (2004) *State Crime: Governments, Violence and Corruption*. London: Pluto Press.

Hagan, J. and Rymond-Richmond, W. (2008) *Darfur and the Crime of Genocide*. Cambridge: Cambridge University Press.

Harff, B. and Gurr, T. (1988) "Toward Empirical Theory of Genocides and Politicides", *International Studies Quarterly* 32(3): 359–371.

Hilberg, R. (1961) *The Destruction of the European Jews*. Chicago: Quadrangle Books.

Hobbes, T. (1668) *Leviathan*. Cambridge: Hackett Publishing.

Horowitz, I. L. (1980) *Taking Lives: Genocide and State Power.* New Brunswick: Transaction Books.

Kauzlarich, D., Matthews, R. and Miller, W. (2001) "Toward a Victimology of State Crime", *Critical Criminology* 10: 173–194.

Kiernan, B. (1996) *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–79*. New Haven: Yale University Press.

Kramer, R. (1994) "State Violence and Violent Crime", *Peace Review: A Journal of Social Justice* 6(2): 171–175.

Laufer, W. (1999) "The Forgotten Criminology of Genocide", in W. Laufer and F. Adler, eds. (1999) *The Criminology of Criminal Law*. New Brunswick: Transaction Publishers.

Lemkin, R. (1944) *Axis Rule in Occupied Europe*. Washington: Carnegie Endowment for International Peace.

Mayer, A. (1989) *Why Did the Heavens Not Darken? The "Final Solution" in History*. New York: Pantheon Books.

Michalowski, R.J. (2010) 'In Search of "State" and "Crime" in State Crime Studies' in W.J. Chambliss, R. Michalowski and R.C. Kramer (eds.) *State Crime in the Global Age*. Cullompton: Willan.

Morrison, W. (2006) *Criminology*, *Civilisation and the New World Order*. London: Routledge.

Moses, D. and Stone, D. (2007) *Colonialism and Genocide.* New York: Routledge.

Piaget, J. (1948) *The Moral Judgment of the Child*. Trans. M. Gabain. Glencoe: The Free Press.

Semelin, J. (2007) *Purifier et détruire*. Paris: CERI.

Shute, J. (2014) "Moral discourse and action in relation to the corpse: integrative concepts for a criminology of mass violence." In E. Anstett and F.M. Dreyfus (eds.) *Human Remains and Mass Violence: Methodological Approaches*. Manchester: Manchester University Press.

Traverso, E. (1999) *Understanding the Nazi Genocide: Marxism after Auschwitz.* London: Pluto Press.

Traverso, E. (2002) *La violence nazie. Une généalogie européenne*. Paris: La Fabrique.

Zaffaroni, E.R. (1998) *Criminología. Aproximación desde un margen* [Criminology. An Approach from a Margin]. Bogotá: Themis.

——— (2007) *El enemigo en el derecho penal* [The Enemy within Criminal Law]. Buenos Aires: Ediar.

——— (2012) *Crímenes de masa* [Mass Crimes]. Buenos Aires: Ediciones Madres de Plaza de Mayo.

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