The Journal of Perpetrator Research (JPR) is an inter-disciplinary, peer-reviewed, open access journal committed to promoting the scholarly study of perpetrators of mass killings, political violence, and genocide.

The journal fosters scholarly discussions about perpetrators and perpetratorship across the broader continuum of political violence. JPR does not confine its attention to any particular region or period. Instead, its mission is to provide a forum for analysis of perpetrators of genocide, mass killing and political violence via research taking place within the fields of history, criminology, law, forensics, cultural studies, sociology, anthropology, philosophy, memory studies, psychology, politics, literature, film studies and education. In providing this interdisciplinary and cross-disciplinary space the journal moves academic research on this topic beyond, and between, disciplinary boundaries to provide a forum in which robust and interrogative research and cross-curricular discourse can stimulate lively intellectual engagement with perpetrators.

JPR thus not only addresses issues related to perpetrators in the past but also responds to present challenges. The fundamental questions informing the journal include: how do we define, understand and encounter the figure of the perpetrator of political violence? What can we discern about their motivations, and how can that help society and policy-makers in countering and preventing such occurrences? How are perpetrators represented in a variety of memory spaces including art, film, literature, television, theatre, commemorative culture and education?
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Welcome to the second issue of JPR: The Journal of Perpetrator Research. We are pleased to be able to present four research articles that showcase the interdisciplinary and transnational scope of the field of perpetrator studies. The first two focus on the Cambodian genocide and its aftermath. In his contribution, Timothy Williams explores the scope for action available to Khmer Rouge perpetrators and discusses how these perpetrators (re)present their acts and agency in retrospect. These self-representations, Williams argues, have significant implications for how they perceive their own culpability and responsibility, as well as for how scholars in perpetrator studies understand the dynamics of mass violence both during and after the fact. Self-representation is also a central concern in Vicente Sánchez-Biosca’s article on Rithy Panh’s 2011 film Duch, Master of the Forges of Hell. Through a careful analysis of the cinematic devices, such as editing, sound effects, and montage, employed by Panh, Sánchez-Biosca demonstrates how the film subverts and challenges Duch’s self-stylization, placing his words, gestures, and affect in a critical frame. Michelle E. Anderson’s article revolves around the South African television programme Truth Commission Special Report. Anderson brings concepts such as perpetrator trauma, empathic unsettlement, and the uncanny to bear on the broadcast and shows to what extent TCSR confirmed and/or challenged stereotypical images of Apartheid-era perpetrators. Finally, Piotr Ośka takes us to post-1989 Poland and the settling of scores with the Communist Secret Police. Ośka identifies three dominant strategies in post-Communist memory politics in Poland: neutralization, retribution, and zombification, whereby the politics of the past return to feed on the politics of the present. The issue also features reviews of recent publications as well as a conference report.

A special feature of this issue is an interdisciplinary ‘Roundtable’ on the question of perpetrators and perpetration. In response to the inaugural issue of the Journal of Perpetrator Research, and in particular our ‘Editors’ Introduction’, we received an essay from Christian Gudehus, the editor-in-chief of Genocide Studies and Prevention, in which he raised a number of important points regarding the terminology, heuristics, focus, and ambit of JPR and of perpetrator studies in general. We welcomed this intervention and decided to take it as a starting point for an ongoing conversation about theoretical and methodological questions pertaining to the study of perpetrators and perpetration. For this Roundtable, we have invited a number of scholars from different disciplines to engage with our Editorial and the points raised by Gudehus. The Roundtable features Gudehus’s response, followed by position papers by Ernesto Verdeja, Marcia Esparza, Raya Morag, Christophe Busch, and the editors. We hope that these kinds of cross-disciplinary conversations will become a regular feature of our journal.
Some Remarks on the Label, Field, and Heuristics of Perpetrator Research

Christian Gudehus

Perpetrator Research has been around for some time. It has many merits. This is in no way meant patronisingly but with genuine appreciation. This text does not intend to praise, criticize or historicize the diverse approaches that labelled themselves or were labelled as research on those individuals who played diverse, often extremely violent parts in the context of collective violence. The following pages are a reaction to the institutionalization of perpetrator research – especially as manifest in the launch of the Journal of Perpetrator Research (JPR). As part of this development, the design of conceptual frames that theorize collective violence seems to be a step in the wrong direction.

Obviously, there is not only a long tradition of research on perpetrators but also one that puts the action, not the actor in the focus of studies on collective violence. Classical examples of such approaches are micro-sociological and social theoretical studies representing a variety of topics and epistemologies. However, the last few years have seen such developments also in the field of genocide studies. Let me illustrate the point. In recent years, I have attended a series of panels and conferences whose titles indicated a shift in conceptualizing collective violence. In 2015 Erin Jessee and Timothy Williams hosted a panel entitled ‘New Horizons in Perpetrator Research’ at the IAGS conference in Armenia. The INOGS conference in 2016 saw a panel with a different twist: ‘The Margins of Perpetration: Questioning and Testing the Concept of Perpetrator.’ And finally, later that same year, the Marburg Centre for Conflict Studies hosted an event called On Collective Violence. Actions, Roles, Perceptions. Hence, the concept of perpetrators first seemed to open new horizons, then was questioned and eventually abandoned. It was given up in favour of social theoretical concepts, in this case actions and roles. I have discussed the benefits and problems of such a shift and the use of these concepts in some detail elsewhere and will soon come to some of them. When the Journal of Perpetrator Research published its first issue at the end of 2017, it seemed to oppose this development. And, interestingly enough, in their editorial the editors referred to yet another conference in 2015 as the inspiration or starting.


point of their endeavour: Encountering Perpetrators of Mass Killings, Political Violence, and Genocide, held at the University of Winchester. The editorial consists of a brief historical account of perpetrator research and it gives an outlook on the field, naming topics and concepts that should be addressed in future issues. Therefore, engaging with this editorial seems a fair starting point for discussing the state and usefulness of perpetrator research as an academic field, as a label and as a heuristic concept.

The authors define perpetrator, victim, and bystander as subject positions. But how is such a position defined? Or to put it differently: how does a researcher know when an individual should be labelled a perpetrator? I suggest mainly by evaluating her actions during a perpetration process. So, the train conductor who knowingly transports a group of individuals that have been defined (as a group), denounced, and persecuted and who are sent to a place where she knows they will be treated badly (this is not a euphemism but an abstraction) may be defined as a perpetrator. Consequently, this person becomes relevant for perpetrator research because of her actions and knowledge about the impact these actions have; this is the context in which the person acts. There may be other approaches defining perpetrators (that may, indeed, also differentiate them from bystanders or onlookers), but it is difficult to imagine doing it without referring to actions and, at some point, to the actors’ subjective interpretations of their own actions as well as of those of others occurring in the context of collective violence. As the authors themselves write, not only does the term perpetrator contain an element of legal and/or moral judgment, it furthermore may exclude acts of political violence (this is the wording used by the authors) that are not covered by a definition expressing a very specific moral and legal standpoint. In the text this problem is pragmatically solved by the concept of ‘democratic perpetrators’ in the context of Empire-building and Empire demise, namely ‘settler’s violence’ and ‘mass violence’. What we have now are (i) different concepts of violence (‘mass’, ‘political’, ‘settler’s’) and (2) a definition that is still based on ‘acts’ as its main criterion. Both issues are rather easy to address from a perspective that conceptualizes the subject of interest by focussing on the action and not the ‘subject position’ or, as Aliza Luft puts it, on social categories. Acts, actions, behaviour, doing can be much more readily defined (not completely without problems, though).

4 Ibid., p. 9.
5 Ibid., p. 10.
6 Aliza Luft, ‘Toward a Dynamic Theory of Action at the Micro Level of Genocide: Killing, Desistance, and Saving in 1994 Rwanda’, Sociological Theory, 33.2 (2015), p. 152. Luft further argues that by pregrouping subjects as perpetrators before even starting the research, one may miss out on what motivates action and shapes decisions about violence altogether. Therefore, she distinguishes between social categories and actual behaviour (p. 154).
Of course, a second, equally important element is necessary for a satisfactory or rather appropriate definition of the field: the context. This is not something ‘to be also looked at’ or that ‘has to be taken into account’. It should by no means be separated from the action. And I suggest the context to be collective violence rather than political violence. The reason is simple: the term is more inclusive and this benefits analyses. The adjective collective indicates the frame in which individual and collective action take place and should therefore be analysed. Collective violence consists of events, actions, and relations that are based on group-attribution: humans harm and are harmed because they belong to a group or are conceptualized as such. These external and self-ascriptions are, of course, not the only causes for the execution and experience of violence; they need not even be relevant for all actors involved. But they make it possible to conceptualize such actions as justified or as at least justifiable. An attack takes place and it is the right thing to do because the targets belong to a group that may be or even has to be fought. This is, of course, but one definition of collective violence. Others, for example Steven Barkan and Lynne Snowden’s, add the intention of social change as necessary criterion. Yet, that would exclude cases of violence that are collective but not political. The slave hunting that led to the destruction of entire communities was mainly economically motivated – the destruction was a side effect. It is, therefore, the combination of context and action that defines the field of interest.

There is more. The editorial’s authors are not interested exclusively in ‘how perpetrators are made and unmade’, but also in ‘acts of perpetration’ (p. 11). These acts describe the ‘collective commission of mass violence’ (ibid.). I argue that this is still much too narrow an approach to describe, analyse, explain and, therefore, understand collective violence. For one thing, obviously, resistance and helping behaviour are part of the social reality of persecution; understanding them is crucial for the understanding of collective violence as a whole. What is more, investigating the formation of actions that help those who are persecuted shines a light on different motives and motivations but also on relations, circumstances, frames, and the like. A combination of sociological case studies, historic network analyses,
statistics, analyses of cultural frames and political science approaches help to discover the complex interactions of all these aspects and levels. When this is done, it becomes clear that helping actions were motivated very differently. Individuals decided by themselves to help, were asked, persuaded, pressured, paid or even did not know that their actions were of a helping nature. Some of those who helped others to escape the persecution sexually abused those in need. Again, we may be better off conceptualising such processes, relations, events etc. as actions rather than labelling the individuals involved as helpers or rescuers.

Furthermore, an analysis of actions shows that the mechanisms determining the choice of a specific action (Handlungswahl) do not have a moral bias. Even though the moral nature of an action and the consequences it has for others differ greatly from one case to the next (at worst a life is at stake), this does not necessarily affect the dynamics of the genesis of actions which concern more or less visible motivations for action. Some are convinced that they are doing the right thing, some are paid for their actions, others just do what they are asked to do. And considered from a theoretical perspective the processes that constitute actions, i.e. the processes that lead to individuals’ actions in the first place are of course very insightful – regardless of the nature of the action. The striking similarities in the genesis of actions of very different moral value can even lead to the question of whether a specific psychology of violence is needed or, indeed, possible. Comparative research on very different kinds of actions and supposed non-actions – and, again, not on the social categorizations of acting individuals – may help to answer this question.

But there is still more. Collective violence only exists due to dynamics that, for example, lead to visible forms of ethnification – put more abstractly, to action relevant categorizations. Yet, these processes of norm changes need definitely not intend a later persecution. The dynamics leading to such norm variations or changes moreover do not necessarily have perpetrators as their agents. In fact, non-action plays a crucial part when existing norms subside and other norms come up. I suppose that this is not considered news. The point here is that the perpetrator research approach is conceptually relatively ill-equipped to deal with these aspects.

There are also some basic conceptual challenges that come with the label. For example, if a perpetrator is someone who takes part in the persecution of members of a defined group and if a helper is someone who helps to escape (if only for a moment) or to weaken the persecution, how should a person that does both be defined? This is not a problem when reconstructing action, chains of actions, and action-contexts. And to do so does not mean to ignore any determinant of individual action, neither personality traits, situational settings, biases nor social figurations, to name but a few. The point of action-centred approaches is that they focus on what has happened, on what individuals do, and not on the question to what category someone belongs.

One concluding remark on ‘the dynamic process of perpetration’ that features prominently in the editorial. If terms like perpetrator or victim are used, it is actually necessary to stress the dynamic nature of social processes. But what is it exactly that makes them dynamic? I would say, it is how any individual sharing a specific social world relates to other individuals, institutions, norms, social categories etc. in that shared space. Each individual action is a statement that either stabilizes or destabilizes a status quo. Norm breaches, just to pick an example, occur all the time for all kinds of reasons. How others react to them – by ignoring, applauding, punishing them promotes or prevents changes. This is what a researcher at some point may identify as an element of a very specific dynamic that eventually leads to an event of collective violence. The social world cannot be adequately analysed unless it is considered to be moving, fluid and changing. Central categories in the discursive realm of genocide studies or perpetrator research like ethnicity, identity or race are in no way fixed entities but produced performatively in the course of permanent actions. Collective actions determine, first, who or which group is considered a problem at a given point in time and, second and crucially, they also determine how the problem is solved. So again, the central category is action.

To be clear about the intention of this piece of writing: Perpetrator research is a smashing enough label and the work done under it is at times outstanding – as the papers in the journal’s first issue demonstrate. And I am sure that the editors will allow for submissions that do not necessarily use the social categories or subject positions made famous by Raul Hilberg. My point is rather of a heuristic nature. I have simply argued that making actions the starting point of research on collective violence helps (not morally but theoretically) to achieve a more comprehensive and appropriate understanding. I stand to be corrected.

18 This point is a crucial element of action theories. Explicitly, for example, with Hans Joas: ‘It is collective action itself that defines the problems it relates to; it generates motives and identities, shapes new social relations and communities, gives rise to profound changes in identity (conversion and regeneration), produces affectively cathected symbols and leaves behind symbolic attachments capable of structuring biographies.’ Hans Joas, War and Modernity, trans. Rodney Livingstone (Cambridge: Polity, 2003), p. 192.
19 Cf. Luft, p. 152.
20 As editor-in-chief of Genocide Studies and Prevention I am well aware of the shortcomings that the term and concept of genocide have and its constraining semantic force for research on diverse aspects of collective violence.
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Response to Christian Gudehus

Ernesto Verdeja

Christian Gudehus’s reflections on the Editors’ Introduction to the first issue of the Journal of Perpetrator Research (JPR) raise a host of profound and challenging critiques for this field. I sympathize with many of Gudehus’ points, though in some instances they appear compatible with the general thrust of the research program set out by the JPR editors. These remarks, then, are meant as a friendly engagement with his own provocative points, but also an invitation to pursue a topic that is not extensively covered in either of those two contributions, namely how to theorize moral responsibility in light of the empirical advances of perpetrator research.

Gudehus is primarily concerned with the reification of analytical categories in perpetrator research. As he sees it, there is a risk of determining, a priori, the classes of actors as well as the scope of analysis. The danger is that the researcher will apply deductively developed categories of perpetrator, victim, bystander, resister, rescuer, and the like, to empirical cases by searching out instances that confirm these pre-existing categorizations. This may include, for example, treating all members of the state security forces as perpetrators, and then confirming such a claim by looking for and finding instances where they committed atrocities, while ignoring or downplaying confounding cases. Rather than assume stable actor categories and then populate them with specific examples, he advocates focusing on actions and behaviour first, and then inductively developing proper taxonomies from empirically observable behaviour.

A second risk according to Gudehus is the temptation to predetermine one’s analytical scope by designating a case of violence as genocide, mass violence, settler violence, political violence, and so forth, before conducting sustained examinations of the various types and patterns of violence. Doing so may arbitrarily ‘bracket out’ dynamics of violence that do not fit, which in turn affects the general narrative and description of a case. For Gudehus, the methodologically appropriate alternative is to adopt the more capacious concept of ‘collective violence’, which is more inclusive and remains agnostic, in the first instance, about the motives and intentions of perpetrators. Specifically, he argues for analysing three broad dimensions of collective violence: events, actions, and relations, which in his estimation provide more accurate understandings of violence than relying on ‘social categorizations of acting individuals’. In sum, ‘the point of action-oriented approaches is that they focus on what has happened, on what individuals do, and not on the question to what category someone belongs’. Only further empirical analysis can determine the full spectrum of types of violence, and thus the relations between actors, in a given case.
I am convinced about the importance of both of his concerns. On the first point, focusing on behaviour will require examining patterns of interactions between actors, which in turn means that any analysis of perpetrators will mean inquiring about victims, bystanders, rescuers and others. In other words, research on perpetrators cannot be conceptually divorced from other kinds of actors. The categories are dialectically shaped by one another. I also agree with the second point that we should not prejudge the types of violence we will find, since often there are multiple kinds and analytical levels of violence. Rwanda in 1994, for instance, included genocide, politicide (the targeting of civilians because of political identity), and civil war, as well as less explicitly ‘political’ forms of opportunistic violence between neighbours. Furthermore, the basic markers of perpetrator and victim were interpreted in various ways in different parts of the country. The benefit of such an action-oriented approach is evident in the work of scholars like Aliza Luft, Hollie Nyseth-Brehm, and others, who have already made important contributions to understanding the complexity of perpetrator behaviour and violence dynamics.

Here, I want to introduce an additional point that does not receive much attention in either the Editors’ Introduction or Gudehus’s comments. It concerns the normative status of perpetrators, or how we understand moral responsibility. Specifically, I want to ask, how is the adoption of an action-oriented approach compatible with moral categories of responsibility?

The term perpetrator implies a certain stability – there are people who commit atrocious acts, they are responsible for these acts, and they should be held accountable in some way (whether they are or not is an empirical question, of course). There is a moral ‘ought’, in other words, implied in the use of the term perpetrator; what they did was wrong, and they ought to be punished in some form. Note that I am not making a point about legal culpability, which is constrained (and in fact constructed) by legal norms, rules and procedures, but rather my point is about moral responsibility, which is often even more contested and admittedly harder to pin down.

In some ways, the shift to an action-oriented approach can help identify some of these complexities of responsibility that are otherwise passed over in categorical approaches, but it is not at all clear how to link the sociological action-orientation with moral concerns. For instance, how to make sense of the moral status of someone

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who courageously resisted a violent occupying force (say, a Pole who fought the Nazis in his homeland) but also participated in killings against Jewish neighbours? Is he a national hero, a perpetrator and indirect collaborator in the aims of the Holocaust, or both? If he is labelled as both – resister and perpetrator – what does this mean for moral evaluation? And, does it risk generating a moral hierarchy of perpetrators?

Or, take resisters who commit widespread revenge killings against unarmed civilians who supported a genocidal regime. The resisters are perpetrators, no doubt, but they are also defined by their opposition to genocide. The point here is not to adjudicate between two possible categorizations – perpetrator or hero – each with its own moral valence, but to highlight that an action-oriented approach both invites and problematizes reflection on moral responsibility. The more we, as both researchers and moral beings, disaggregate and contextualize action and behaviour in collective violence, the more we are enjoined to pay special attention to the normative status of complex forms of perpetration without falling into the trap of dismissing moral concerns as part of an antiquated holdover of older, monadic theories of subjectivity.

It would be an exaggeration to claim that these challenges are insurmountable – I do think, for instance, that we can still talk about moral agency in light of the findings of social psychologists, who emphasize the centrality of context over disposition in explaining perpetration – but the field of perpetrator studies would do well to continue engaging with these broader normative issues, as well as how to develop theories of responsibility that take seriously what we have learned from empirical, social scientific research. The editors are certainly aware of these issues, as they note briefly while discussing questions of perpetrator representation, and I suspect that the Journal of Perpetrator Research can become an important venue to pursue this kind of work more extensively.
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On the Definition of the Perpetrator: From the Twentieth to the Twenty-First Century

Raya Morag

Post-World War II Holocaust studies, followed by genocide, trauma, and post-colonial studies, set the triangulation of perpetrator, victim, and bystander at the heart of their discussion of both the ethical legacy of the Holocaust and the aftermath of other twentieth-century catastrophes. Aiming at the constitution of an appropriate instrument to deal with transitional justice issues, during the 1990s the South African Truth and Reconciliation Commission (TRC) interwove these subject positions, thereby attesting to a major transformation in post-genocide reconciliation processes, though not altering their basic foundation. Other theorizations, especially of the perpetrator, for example, expanded the scale of sociological characterization of the triangulation or confronted its call for interpellation and identification (most prominently in the fields of criminology and literature, respectively), but further reflected the same triadic foundation. The exploratory opposition between subject position and action provoked by Gudehus in his ‘Some Remarks on the Label, Field, and Heuristics of Perpetrator Research’ (in this issue) follows the twentieth century’s legacy as well. Undoubtedly, opposing epistemology (subject position) and ontology (the action-able), as his essay suggests, contributes to our renewed

1 Karl Jaspers, The Question of German Guilt, trans. by E. B. Ashton (New York: Capricorn Books, 1961); Raul Hilberg, Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933–1945 (New York: Harper Perennial, 1993); Steven Baum, The Psychology of Genocide: Perpetrators, Bystanders, and Rescuers (Cambridge: Cambridge University Press, 2008); Stef Craps, Postcolonial Witnessing: Trauma out of Bounds (New York: Palgrave Macmillan, 2015). Hilberg’s work provides an in-depth overview of how people responded to the persecution of the Jews in Nazi Germany and throughout Europe. Summarizing the many different roles played by bystanders (e.g., banker, neighbour, train conductor, mayor, church leader), he delineates the options open to different professions. In many respects, this has become the paradigmatic perspective.


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efforts to comprehend perpetratorhood, recently kindled by the initiation of the *Journal of Perpetrator Research* and its pioneering editorial.4

However, I suggest that while adhering to the twentieth-century legacies – from Hilberg’s triad to Primo Levi’s ‘Grey Zone’ – it is necessary to comprehend perpetratorhood in light of the shift from the victim era, defined as such by the seminal works of Felman and Laub and particularly Wieviorka,5 to the perpetrator era.6 How should we define the era of the perpetrator? First, taking into consideration our eternal moral obligation to the victims and their privileged position in the post-Holocaust world, I suggest as a point of departure delineating this era according to the historic – rather than the symbolic – end of the era of testimony. With the last survivors of the Holocaust passing away, a new era marked by the end of the first generation’s oral (face-to-face) testimonial act is dawning. Nevertheless, it is clear that the global, collective effort to gather archival documents and written testimonies of the Holocaust (as well as all forms of testimony given after each genocide and mass murder event that took place prior to and after the Holocaust), continues.7 Given the prominence of the Holocaust in the establishment of trauma studies and related fields of research, the ‘inauguration’ of the perpetrator era reflects on the era of testimony as a period which in a particular, temporal, aspect has come to its end, rather than as an intellectual-cultural-psychological-social process. Standing as a consecutive as well as simultaneous period of coming to terms with the past, the perpetrator era is not only being defined by the timing determined by the traumatic calendar of the almost seventy-five years that have passed since the end of World War II, but also by giving rise to a few new twenty-first century phenomena. This shift, taking place at the outset of the twenty-first century, has obliged us to propose a new way of thinking about twenty-first century traumatic histories. Differing from those of the previous century, especially in regard to wars,8 these traumatic histories of counterinsurgency add a prominent complexity to the current twentieth century-inspired perspectives.


7 As Shoshana Felman and Dori Laub claim, ‘The historic trauma of the Second World War, a trauma we consider as the watershed of our times and which [...] [w]e come to view not as an event encapsulated in the past, but as a history which is essentially not over, a history whose repercussions are not simply omnipresent (whether consciously or not) in all our cultural activities, but whose traumatic consequences are still actively evolving [...] in today’s political, historical, cultural and artistic scene’ (*Testimony: Crises of Witnessing*, Kindle location pp. 101-9).

8 For an analysis of other major phenomenon relating to perpetrators’ new, global, forms of confession, see my forthcoming book, *Perpetrator Cinema.*
In writing about the experiences of American soldiers in Iraq, and especially about Haditha, where, on November 19, 2005, a group of United States Marines shot twenty-four unarmed Iraqi civilians, including women, children, and elderly people multiple times at close range, the psychiatrist Robert Jay Lifton claims,

The alleged crimes in Iraq, like My Lai, are examples of what I call an atrocity-producing situation – one so structured, psychologically and militarily, that ordinary people, men or women no better or worse than you or I, can commit atrocities. [...] This kind of atrocity-producing situation can exist [...] in some degree in all wars, including World War II, our last ‘good war’. But a counterinsurgency war against a nonwhite population in a hostile setting, especially when driven by profound ideological distortions, is particularly prone to sustained atrocity – all the more so when it becomes an occupation.9

Lifton points to the major reasons for a predilection for war crimes in atrocity-producing situations:10 strain, struggling with anger and grief over the death of comrades, a desperate need to identify an enemy, ideology that equates resistance with acts of terror and seeks to justify almost any action, an environment in which sanctioned brutality becomes the norm and dormant sadistic impulses are expressed, a perverse quest for meaning through the act of atrocity, and death anxiety.11 Analysing the mechanism at work in atrocity-producing situations, Lifton claims in his interview with trauma scholar Cathy Caruth:

Extreme trauma creates a second self. [...] It’s a form of doubling in the traumatized person. [...] There have to be elements that are at odds in the two selves, including ethical contradictions. [...] The second self functions fully as a whole self; for this reason, it is so adaptable and so dangerous. It enables a relatively ordinary person to commit evil. [...]
Another function of this doubling is [...] in the case of perpetrators, the transfer of conscience. The conscience becomes associated with the group, with the sense of duty.\textsuperscript{12}

Neta Crawford elaborates on Lifton’s characterization, emphasizing that such situations are typical of counterinsurgency wars, the new war on terrorism, and wars of occupation, which, she claims, are ‘particularly prone to sustained atrocity [when the conflicts are] driven by profound ideological distortions’.\textsuperscript{13} She calls attention to the pre-existing social structure:

Military atrocity [...] may be [...] the foreseeable consequence of policies and practices that are set by collective actors [...] These are systemic atrocities in the sense that they are produced not so much by individuals exercising their individual human agency, but by actions taken under the constraints of a larger social structure.\textsuperscript{14}

As she demonstrates, ‘unintended’ deaths of civilians are too often dismissed as unavoidable, inevitable, and accidental. Yet essentially, the very law that protects non-combatants from deliberate killing allows unintended killing. An individual soldier may be sentenced to life in prison or death for deliberately killing even a small number of civilians, but the large-scale killing of dozens or even hundreds of civilians may be forgiven if it was unintentional – ‘incidental’ – to a military operation. She focuses on the causes of these many episodes of foreseeable collateral damage and the moral responsibility for them.

As I have claimed in other forums,\textsuperscript{15} new war, in its contemporary, multilateral, and multipolar form, has been defined by various scholars as typified by radical transformations.\textsuperscript{16} The major traditional contrasts now in crisis are those of terror–war, front–home, civilian–soldier, defence–offence, beginning–end, victory–defeat, war–peace, and moral–immoral. As Agamben claims:

We must learn to see these oppositions not as ‘di-chotomies’ but as ‘dipolarities’, not substantial, but tensional. I mean that we need a logic of the field, as in physics, where it is impossible to draw a line clearly and separate two different substances. The polarity is present and acts at each point of the field. Then you may suddenly have zones of indecidability or indifference.\textsuperscript{17}

\textsuperscript{12} Caruth, Trauma Explorations in Memory, p. 137.
\textsuperscript{15} In Raya Morag, Waltzing with Bashir.
New war indeed imposes this new logic on us, demanding we decipher it on a global scale. Furthermore, in the absence of a traditional war zone, when fighting involves what Crawford terms ‘the deliberate targeting of non-combatants’, an acute bodily-ness characterizes new war. This implies a new bodily ontology, one that is highly pertinent to the body’s precariousness, vulnerability, and injurability.\(^\text{18}\)

The new war imposes on us a new logic in regard to the previously-taken-for-granted opposition between subject position and action. However, as mentioned above, colonial situations exacerbate the Agambenian ‘di-polarities’. Triggered by a pioneering new wave of Israeli documentary films, in *Waltzing with Bashir: Perpetrator Trauma and Cinema* (2013), I propose a new paradigm for trauma as well as cinema trauma studies: the trauma of the perpetrator. Recognizing a current shift in interest from the trauma suffered by victims, which is mostly a psychological trauma, to that suffered by perpetrators, which is first and foremost an ethical trauma, the book breaks over one hundred years of repression of the abhorrent figure of the perpetrator in psychoanalysis and trauma literatures (and in cinema trauma scholarship). The direct result of the new style of war, the new paradigm stages the trauma of the soldier turned perpetrator through a lethal clash with a civilian in an atrocity-producing situation. Defining perpetrator trauma in the context of new war thus expands our understanding of the relationship between this new form of traumatic experience and the ethics derived from, and implicated in, new states of emergency.

If soldiers ‘do horrible things when they are placed in horrible contexts’\(^\text{19}\) of counterinsurgency war, should we define the perpetrator according to the context? That is, should we combine the context with the action according to the logic of the new war? And if so, does perpetrator trauma, which erupts in the atrocity-producing new war situation (whether in Iraq, Afghanistan, or Israel’s Occupied Territories), subvert the conception of subject position?\(^\text{20}\) I suggest that though the perpetrator era’s new phenomenon proposes a totally new conception, adhering to both subject position and action as the dimensions of perpetratorhood points to the context as a vital, third, factor, with the ethics it entails. The new evaluation of the ethical dimensions in human action being comprehended in terms of the new war’s dynamics demands that society recognize that it sent the soldiers-who-became-perpetrators into these atrocious situations.


\(^{20}\) The obvious differences between the Israeli and American contexts (such as compulsory service vs. an all-volunteer ‘poverty draft’ army and confronting a civil population in occupied territories as part of a protracted conflict vs. fighting in a far-away foreign country in the name of the US global war on terror) do not alter the basic situation.
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Examining the Political and Military Power in Latin America: A Response to Christian Gudehus

Marcia Esparza

Perhaps it is too soon to proclaim a theory of perpetrator research. This is certainly what Christian Gudehus indicates in his response to the first editorial of the *Journal of Perpetrator Research* (JPR). Gudehus criticizes the theoretical framework offered by the JPR editors, Kara Critchell, Susanne C. Knittel, Emiliano Perra, and Uğur Ümit Üngör, particularly the concept of ‘political violence’, because ‘political’, according to Gudehus, excludes other forms of violence ‘not covered by a definition expressing a very specific moral and legal standpoint’. Gudehus also refutes the term ‘democratic perpetrators’, which the editors use to conceptualize those perpetrators outside of the political realm. Gudehus relies on micro-level analysis, except when he calls for an examination of the context in which violence takes place. Context, he indicates, ‘should by no means be separated from the action’, further stressing that context ‘be [considered] collective violence rather than political violence’.

While Gudehus’s views have opened up a necessary theoretical debate about categories used to analyse perpetration, we should be cautious when considering such arguments, particularly when examining the concept of political violence. Hence, in this response I argue that Gudehus’s claim that ‘political’ is too narrow a concept when accounting for episodes of collective violence might not hold when examining the Latin American experience with extreme forms of violence, such as genocide. By ‘political’ I mean, in the words of Philippe Bourgois, ‘the violence directly and purposefully administered in the name of a political ideology, movement or state, such as the physical repression of dissent by the army or the police as well as its converse, popular armed struggle against a repressive regime’. Maintaining the specificity of the ‘political’, which in Latin America includes deeply rooted racial, ethnic, and class inequalities, can shed light on the ultimate goals of state perpetrators.

As I ponder Gudehus’s and the editors’ considerations about the status of the field with the advancement of theoretical concepts, particularly Gudehus’s criticism that ‘political’ is too limiting, I cannot help but think about the many examples that come to mind from Latin America. In Chile, Naomi Klein’s *The Shock Doctrine* (2007) has documented how state repression was used to eliminate the gains made by elected...
socialist president Salvador Allende’s government in 1973. Through a coup d’état, General Augusto Pinochet’s junta imposed a reign of state-sponsored terrorism to implement neoliberal policies privatizing health, education, pension plans, and, more broadly, the economy. In Argentina, Daniel Feierstein long has shown how the military’s process of national reorganization, proceso de organización nacional, transformed the country into a neoliberal experiment.4

In my own work I look at the intersection of postcolonial theory and politics in Guatemala. I examine how local armies adopted and adapted ideologies the United States propagated through its direct intervention in the region, in connivance with oligarchies, landlords, terratenientes, and political elites, which led to the decimation of hundreds of thousands of campesino leaders, trade union workers, students, intellectuals, musicians, and lawyers. Militaristic campaigns effectively wiped out a generation of Maya campesinos and urban leaders. These included counterinsurgency plans – scorched earth campaigns, civic action, and psychological operations – aimed at eradicating leaders advocating for land reforms and social justice. Underpinning the killings was the National Security Doctrine, which criminalized social protest in addition to fabricating half-truths by claiming that an internal enemy within the border of each country was threatening families, communities, and the country’s national security.1 We can trace this doctrine back to the 1823 Monroe Doctrine opposing European colonialism in the Americas, ‘the Americas for the Americans’, and nineteenth-century Manifest Destiny that propagated the belief that the US had the right to expand its frontiers using settlers. An in-depth understanding of this political continuum can account for the layers of historical contexts that enable states’ security forces to carry out extermination policies with the aim of maintaining the status quo. Without an awareness of the continuity of a colonial-like political context in which perpetrators of human rights abuses dehumanize their victims in the process of eliminating them on a massive scale, we will obliterate the nuances of a region’s genocidal processes. That is, perpetrators’ actions need to be situated within a broader historical process so we can question, for example, how perpetrators will be remembered by future generations. This is discussed in a recent Journal of Genocide Research (JGR) article by Sévane Garibian which examines the deaths of perpetrators, suggesting that post-mortem contexts also matter because they reveal the ways in which perpetrators of human rights crimes are either glorified or despised after death.6 Today, generals killed by

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5 Ejército Argentino, RC5-I y RC5-II: Reglamento de Operaciones Sicológicas, Buenos Aires, Instituto Geográfico Militar, 1968; in Guatemala see, Ejército de Guatemala Operaciones Sicológicas (OPSYC); in Peru, see, Ejército del Peru.
rebel forces in Argentina are remembered with public ceremonies, strengthening the theory of ‘two evils’ (dos demonios) that propagates the notion that Cold War bloodshed was perpetrated by two equal armed forces. The armed forces have managed to keep this Cold War myth alive.  

Without accounting for the experience of a region with political violence, a global theory of perpetrators is ill-equipped to deal with, for example, states’ reliance on the rise of death squads, or paramilitary forces carrying out acts of violence against their own countrymen. Over the past years, I have often been perplexed about the dearth of research focusing on Latin America that attempts to understand, as the JPR editors argue, ‘how perpetrators are made and unmade’. As Tzvetan Todorov insightfully recalls: ‘There is no DNA specific to murderers. The past, and the present shaped by that past, also matters […]. Humans are all made of the same material, but they all have different stories.’ Scholarly knowledge about how states manufacture political violence could uncover, for example, the failed disarmament of sectors of the population previously armed by the military to collaborate in joint army-led operations to eliminate an alleged enemy; it also could uncover the training of ‘ordinary’ people recruited to round up their own countrymen to take them to concentration camps. 

Adopting universal themes and all-encompassing concepts is a dangerous approach because often this universality tends still to be dominated by Eurocentric notions, despite scholarly efforts to undertake more critical studies of genocide where power relationships are seriously questioned. Moreover, I am convinced that it is through the lens of political and state violence, paramilitarism, and militarization that we can understand ideologies enabling fanatic loyalty, and unquestioned obedience to a criminal chain of command.

**Why study paramilitarism, militarization?**

Since we know that larger forces shape, and in some cases determine, which groups will be encouraged to perpetrate crimes through ideological indoctrination and militaristic propaganda, we need to emphasize an analysis of the State and its armed forc-

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7 See Feierstein, *Genocide as Social Practice*.
11 In Argentina, between 1976 and 1983, some 1,000 clandestine detention centres were set up across the country, the ESMA, now a site of memory, being one of the most important ones. See Wolfgang Sofsky, *La organización del terror. Los campos de concentración* (Buenos Aires: EDUNREF-Prometeo, 2016).
es. This is particularly true for Central America, where the political context stretches back to even before the United States’ involvement in the region during the Cold War years, including the funding, organization, and indoctrination of generals in the School of the Americas.\(^\text{12}\)

Studying the political role of the state’s military and irregular forces (i.e. paramilitary) can help us elucidate the ‘grey zones’ discussed by the editors of JPR in their editorial: ‘It is […] the proliferation of grey zones and the necessary acknowledgement of the complexity of the issues at stake that have given rise to the field of perpetrator studies in its current form.’\(^\text{13}\) Furthermore, an examination of the social composition of those recruited into the army can reveal the underlying power dynamics behind this recruitment. In a recent article in the journal *Small Wars & Insurgencies*, Daniel Bultmann argues that: ‘The social and organizational structure of armed groups during civil war(s) […] should be seen as a dynamic system, as a structure that is a constant process of both reproduction and change, even during times of massive societal upheaval, such as violent conflict.’\(^\text{14}\) Within this dynamic, it is imperative to consider how colonial legacies and extreme forms of discrimination and poverty help shape what groups are called to join the state’s army — even when serving goes against their own political, racial, ethnic, and class prerogatives.

In my book, *Silenced Communities* (2017), which examines the lingering effects of long-term militarization in Guatemala in the aftermath of war and genocide (1981–1983), I analyse these colonial and Cold War legacies.\(^\text{15}\) I argue against categorizing the plain clothes Guatemalan Civil-Self Defence Patrols (PACs – *Patrulleros de Autodefensa Civil*) as a ‘paramilitary group’. They were accused by the United Nations’ Historical Clarification Commission of perpetrating eighteen percent of all human rights violations during the genocide, acting against their fellow neighbours in forests and ravines, leaving behind the footprints of extreme militarization and militarism. Most of the time, PACs carried out atrocities without the presence of the army, but under its direct control. I argue that classifying Mayan peasants recruited by the army to persecute, torture, disappear, and kill their own neighbours obscures the postcolonial ties binding sectors of impoverished Mayan groups with the army, perpetuating a relationship of dependency on, and obedience to, the army because of its control over their lives, their families, and their communities and what could happen if they did not obey orders to enlist.

\(^{12}\) General Augusto Pinochet and General José Efrain Ríos Montt are just some examples of high-ranking military men trained at the School.

\(^{13}\) Critchell et al., pp. 1–2.


The Cold War patrol system is just one example of a subaltern group exhibiting overlapping identities under extreme life and death situations: between victims and perpetrators and between civilians and soldiers. In Northern Africa, *the Regulares*, Moroccan forces recruited by General Francisco Franco to launch his coup d’état against Republican foes in July 1936, are yet another example of subaltern groups drawn to serve the political and economic interests of a colonial power. These groups may be comprised of Indigenous, poor, and working class people and often are ignored by states, but called to defend the country, *la patria*, on behalf of oligarchies and powerful economic groups. Dirk Moses has long suggested moving beyond these binaries to view war and genocide roles in less rigid terms. He warns us of the danger of representing ‘passive victims, wicked perpetrators, and craven bystanders’, as Gudehus also suggests.16 Similarly, when examining perpetrators in highly militarized societies (such as in Latin America), we need to ask on what basis a distinction is drawn between the military and the civilian population, who is a defined combatant and who is not. These questions have been posed by Martin Shaw and others studying these grey zones.17 As Shaw notes: ‘The civilian category has been highly contested in both law and military practice. Although mostly the difference between a person who fought and one who didn’t was clear, several developments compromised the distinction and ‘blurred’ civilian identity’.18 In Latin America during the Cold War there also had been extensive, non-military civilian participation in armed conflicts, dictatorships, and genocides, where uniformed civilians also participated in the extermination of political enemies. In sum, without proper contextualization to discuss the political power that the military holds, we might overlook the socio-economic relations underpinning military-civilian relations.

Gudehus’s suggestion that political violence be dropped in favour of collective violence is rather ill-equipped to deal with analysis of armed forces, irregular forces, or paramilitary forces within the Latin American context. Finally, an engaged approach, where scholars are not just passive spectators of the political, but combine ethnographic and archival research, is warranted if we really want to approach the immediacy of criminal acts during extreme forms of political violence and become more critical and more reflective.

18 Ibid., p. 119.
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Some Remarks on the Complexity of Collective Violence: Understanding the Whole

Christophe Busch

I think, moreover, that no one will ever line up the truths of this mysterious tragedy and write them down — not the professors in Kigali and Europe, not the groups of intellectuals and politicians. Every explanation will give way on one side or another, like a wobbly table. A genocide is a poisonous bush that grows not from two or three roots, but from a whole tangle that has mouldered underground without anyone noticing.¹

Claudine Kayitesi is convinced that the causes and dynamics of genocide, or ‘the truths’ as she calls them, will remain unknown to us. As a survivor of the Rwandan genocide, and not as a scholar, she states that the root causes of genocide are ‘not two or three roots, but a whole tangle that has mouldered underground’. This image of a tangle, a confused mass of elements twisted together, is, I think, one of the better representations I have come across studying collective violence. In using this metaphor, Kayitesi shifts from a tree-root approach to a more rhizomatic approach to the highly complex interplay of actors, actions, contexts and cascade dynamics that give rise to genocidal processes. The current academic models we use to untangle this interplay of (f)actors have had their merits and advanced our understanding, but for the moment we are in desperate need of integrating them into new whole(s).

In the aftermath of the Holocaust, and especially in the past twenty-five years, the study of the dynamics of collective violence and the field of Perpetrator Studies in particular has been booming, as the editors remarked in their introduction to the first issue of the new Journal of Perpetrator Research.² But still it feels like ‘a wobbly table’.³ The gigantic increase in correlates, patterns, and models from several research disciplines has brought us to the point of endless dualistic debates (actor versus action, situation versus disposition, intentionalism versus functionalism, unicity versus comparability, etc.) and an incalculable number of concepts and explanations on micro, meso and macro levels. We are confronted with what David Matza already concluded in 1964, that ‘when factors become too numerous […] we are in the hopeless position of arguing that everything matters’.⁴ It is from this ‘hopeless position’ that I would like to react to the different topics raised by the editors in their introduction and in Christian

3 Hatzfeld, p. 206.
Gudehus’s ‘Remarks on the Label, Field, and Heuristics of Perpetrator Research’ in the present issue. Even though I agree with many of the views formulated by the authors, I am deeply convinced that our efforts need to be directed towards integration. It has never been more urgent and necessary to achieve greater unity in the study of the etiology of collective violence. So my reflections here will focus on the opportunity of an interdisciplinary specialist field, the challenge of complexity and causality, and the framework of systemism and emergence in conceptualizing collective violence.

As the editors note, the ‘ambiguity and the proliferation of grey zones and the necessary acknowledgment of the complexity of the issues at stake’ has given rise to the field of Perpetrator Studies. They state that the research from several disciplines ‘has begun to coalesce into an interdisciplinary field in its own right’ with its own fundamental questions such as how to understand and encounter the perpetrators, the context and the dynamic process of perpetration. I fully agree with the editors’ belief that the disciplinary variety and cross-pollination is one of the main strengths of the institutionalization of Perpetrator Studies. But I also think it is one of the major weaknesses. Bringing together this diversity will not only address the complexity, the number of specific disciplinary frameworks, the dualistic approaches or debates, but will also add more elements or particles to the whole. In the editors’ overview and introduction recent approaches and new concepts, such as gendering perpetrators and democratic perpetrators, are presented. Gudehus in turn criticizes not only the label of Perpetrator Studies, to be traced back to Hilberg’s seminal work, but also shifts the demarcation of the violence from the ‘political’ to the broader ‘collective’ and stresses that the focus should be on the actions and their contexts instead of the actors or ‘subject positions’. I cannot agree more with all of these aspects. The shift from actors to action, i.e. the focus on the process of perpetration, has advanced our understanding greatly, but what is lacking is a thorough integration of the two approaches.

The complexity of collective violence lies in the interplay of the (f)actors and processes and therefore the overarching focus needs to be on causality and causation. The editors recognize this by stating that ‘such violence can develop its own dynamic’ and that within most work ‘patterns of interaction between the three levels’ (micro,

5 Critchell et al., p. 2.
6 Ibid., pp. 2, 11-15.
7 Ibid., p. 2.
8 Ibid., pp. 7-10.
10 See also Christian Gudehus, ‘Violence as Action’, in Perpetrators and Perpetration of Mass Violence: Action, Motiva-
meso, macro) are clearly identified.\textsuperscript{12} Gudehus also speaks of ‘collective violence as a whole’ and the need to discover the ‘complex interactions of all these aspects and levels’. The problem is that we often stay within our own frameworks, methodologies, and approaches. A decade ago, we developed typologies of perpetrators, now we are describing typologies of actions.\textsuperscript{13} These are important building blocks, but again they lack modelling on the interactional part. The opportunity before us is that Perpetrator Studies as a specialist and interdisciplinary field can contribute to the merging of disciplines and models. Similarly, it should also merge (interactionally) abstract categorizations such as perpetrators, victims, bystanders, or resisters. I compare it with the field of criminology and the study of crime and criminal behaviour. These topics were previously studied within law and sociology and gradually became topics of interest within a variety of other disciplines. The emergence of the interdiscipline of criminology as a separate field of expertise made it possible to reflect on integrative models that explain the emergence of crime.\textsuperscript{14} Similarly, the field of ‘Perpetrator Studies’ has the opportunity to combine the advancements from individualism (the composition of social systems) and holism (the structure) towards the paradigm of systemism, where everything is a system or a component of a system. A paradigm that opens up space for both agency and structure.\textsuperscript{15} Doing so will not only label collective violence as complex but will advance our understanding through integrative and connective modelling.

The very difficulty of conceptualizing collective violence lies in the search for causal mechanisms of the processes and the interactions that produce the outcome. It is understanding the whole as a whole. In doing so we need to reflect more on the notion of causation, the causation of events, the causation of acts etc.\textsuperscript{16} In this light, I agree with Gudehus that individuals are causal agents who act within a context and therefore our attention needs to be with these actions themselves. Actions and events can shape situations and further function as trigger. Per-Olof Wikström, an ecological and developmental criminologist, points out that it is important to differentiate between direct causes and indirect causes (causes of the causes).\textsuperscript{17} An inspiring example is the approach by Tore Bjørgo on the levels of causation of terrorism.\textsuperscript{18} He

\begin{itemize}
  \item \textsuperscript{12} Critchell et al., pp. 12-13.
  \item \textsuperscript{14} Mario Bunge, ‘Systemism: the Alternative to Individualism and Holism’, Journal of Socio-Economics, 29.2 (2000), 155-56.
  \item \textsuperscript{15} Ibid., pp. 147-57.
  \item \textsuperscript{16} Lieven Pauwels, Oorzakelijke Mechanismen en Verklaringsmodellen voor Regelovertredend Gedrag (Ghent: Academia Press, 2015), pp. 719-748.
\end{itemize}
C. Busch

C. Busch distinguishes between *structural causes* (causes that affect people’s lives on a rather abstract level like class structure, globalization, modernization, relative deprivation, social structures etc.), *facilitator or accelerator causes* (causes that make terrorism possible or attractive without being the prime movers such as media technology evolution, transportation, weapons technology etc.), *motivational causes* (the actual grievances that people experience on a personal level, often ideological translations of the causes from the structural level up to the motivational level), and finally *trigger causes* (causes that are the direct precipitators of terrorist attacks like provocative events or events that call for revenge or actions). Some of the root causes can be seen as preconditions (e.g. globalization, media technology, modernization etc.) that can have positive and negative outcomes and can hardly be removed or countered. But next to these deep-seated causes there are also more immediate circumstances and events that provoke or trigger terrorist events or processes of engagement. Here, there is a more direct link between the cause and the outcome.²⁹ What is further needed now are modelling efforts (from the field of standard social sciences and beyond) that search to integrate and explain the complex interaction between the many (f)actors or causes at play. Many disciplines within the social studies are advancing towards that direction, but also insights and methodologies from more ‘distant’ theories, such as assemblage theory, chaos theory, complexity theory, dynamic systems theory, or situational action theory, can inspire us towards an interdisciplinary emergent systemism that is needed to grasp the complexity of collective violence as a whole.³⁰

‘It’s all about interactions.’²¹ Collective violence is a multi-causal, multi-level and emergent phenomenon. Several theories of collective violence deal with these cumulative effects and cascade dynamics.²² Concepts such as ‘cumulative radicalization’²³ and ‘mutual radicalization’²⁴ show that they are inherently driving on interaction and feedback (circularity). But in modelling these diverse concepts there is a lack of attention to the interactions between diverse causal mechanisms. A lot of models are still a product of linear and additive thinking. Lieven Pauwels argues that emergent systemism is the perfect antidote against this simplified linear modelling and strives

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²⁹ Ibid., pp. 3-4.
toward ‘unity in etiology’. Systemism tries to grasp the complexity of the phenomena we want to understand. It is an important worldview and methodological approach that sees everything either as a system or an actual or potential component of a system. These systems have systemic or emergent features that their components lack. In understanding, representing and countering collective violence it is absolutely necessary to combine all ideas together into systems and to approach them in a systemic rather than sectoral fashion. If not, we will circle around important elements like actor, action, context and typologies of them. The shift towards emergence is needed, something that Sullivan, McGloin, and Kennedy have called ‘moving past the person or the context’. They state that:

In drawing on the emergence framework, there is also a focus on interdependency and interaction within context as well as a clear structuring across different levels of understanding and focus on mechanisms as they fit with theory and research. In sum, with emergence, there is a sense that something new has arisen or appeared at another level based on the complex interaction of elements, forming a pattern where a degree of organizational cohesion can be clearly identified.

An example of this is the multi-level approach which models how three layers, the landscape, the regime, and the niches, interact with each other and create new patterns. Another model is the situational action theory, a general theory of crime or moral action, that seeks to explain these acts by stipulating the key causal processes and personal and environmental factors that initiate, motivate and guide people to act. In short, a unified model based on empirical and theoretical concepts that are widely accepted within sociology, criminology and behavioural sciences. One of the major tasks of researchers who want to advance our understanding of collective violence is, similarly, to describe these interactional fields to bridge the fragmented and poorly integrated insights from the many disciplines that focused on the dynamics of perpetration. In can only hope that the specialist field of Perpetrator Studies will advance the systemic approach in connecting our understanding of causes and the causes of the causes.

25 Pauwels, p. 743.
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Response to Christian Gudehus

The Editors

Christian Gudehus has written a thoughtful and constructive response to the establishment of the Journal of Perpetrator Research, in particular the editorial introduction we wrote, and we are thankful for his input. He addresses several important issues relating to conceptualization, legitimation, and academic positionality. We would like to take this opportunity to respond to some of the points that he raises.

First and foremost, Gudehus writes: ‘The authors define perpetrator, victim and bystander as subject positions. But how is such a position defined? Or to put it differently, how does a researcher know when an individual should be labelled a perpetrator?’ The definition and conceptualization of ‘perpetrator’ differs significantly from discipline to discipline. There cannot be a single, a-moral, non-normative position on this question, and as editors we do not subscribe to a single, clearly circumscribed definition. For some, definitions are praxiological, for others they are ideological, and in our editorial, we laid out a set of parameters to approach perpetration. Definitional diversity and a plurality of approaches only serves to enrich the field of violence studies, and JPR aspires to offer a platform for exactly such exchanges.

Another point Gudehus makes is that to him, ‘collective violence’ is an analytically more useful term than ‘political violence’. As an example of non-political collective violence, Gudehus cites ‘slave hunting’, which, he writes, ‘led to the destruction of entire communities’ but ‘was mainly economically motivated’. This presupposes a strict separation of politics and economics which appears questionable to us, especially in the context of slavery. And moreover, it appears to restrict the definition of political violence to violence that is politically motivated. We would question this restriction and in fact posit that the forms of violence that fall under the purview of perpetrator studies do so because they have political implications. It might be possible to find examples of non-political collective violence (rioting at a football game, perhaps?) but these would not be relevant to perpetrator studies unless it could be demonstrated that these acts were in some sense political or that they should be understood in a political context. At the same time, JPR is not interested only in collective violence, but also in acts of political violence carried out by individuals. Assassins of political figures, ‘lone wolf’ terrorists, or violent actors in race riots all commit forms of political violence, and need to be considered.

Gudehus rightly argues that understanding the behaviour of the targeted group (‘victims’) and the untargeted groups (‘bystanders’) is important for understanding the process of perpetration. For one, the apathy and/or indifference of third parties contributes to the victimization of the targeted groups, as it gives a clear signal
especially to fence-sitters and half-hearted perpetrators that their actions will not be met by protest or resistance. However, it is the organizing top-level perpetrators who are the movers of the macro-process. Without these spellbinders’ orders, tacit or explicit, it is likely that the violence would never have started in the first place.

Gudehus argues about our use of the term ‘perpetrator’ that ‘we may be better off conceptualising such processes, relations, events etc. as actions rather than labelling the individuals involved as helpers or rescuers’. This is not the place to revive the chicken-and-egg dilemma of agency versus structure, but suffice it to state that we did not assign primacy to the agency of the perpetrator. In fact, we seem to be in vigorous agreement with Gudehus when we write about perpetrators versus perpetration: ‘Whereas the former term refers to the agency of the individuals who have perpetrated forms of mass violence against civilians, the latter concept refers to the process of collective commission of mass violence’ (Editors’ Introduction, p.11). Also, we would run the risk of posing a false dichotomy if we were to distinguish too sharply between ‘action-centered approaches’ and ‘social categories’, since it is the act of murdering that makes someone a murderer, morally, legally, and indeed psychologically.

Writing about the processes preceding the move toward collective violence, Gudehus argues that ‘[t]he dynamics leading to such norm variations or changes moreover do not necessarily have perpetrators as their agents.’ Not necessarily, no, as very often this is within the remit of ideologues and hatemongers, but are they not intimately related to the (later) killers, and are not the perpetrators themselves fundamentally involved in shifting the norms? Was it not explicitly the Nazi party that persecuted Germans as Jews and therefore constructed the social category of ‘Jew’? Was it not the Young Turks who ostracized Ottoman Armenians from 1913 to 1915? Without the Bolsheviks’ relentless pursuit of imagined enemies, how would hundreds of thousands of Soviet citizens even have ended up in the abstract categories of ‘wreckers’ or ‘enemies of the people’? Or would the term ‘Turks’ (Turci) ever have become a deadly target category without the Othering discourse of Serb nationalists in Bosnia?

Finally, it is obvious that multiple identities and acts can coexist in the same human being, successively or simultaneously. There are significant numbers of Rwandan Hutu who killed systematically outside the house but simultaneously rescued and sheltered one or more Tutsis from a certain death. There are ample examples of one and the same Kurdish tribal chieftain who had Armenians rescued in 1915 but slaughtered in 1921. Individual motivations are multiple, layered, and changeable. This is not to belabour an apparent puzzling tension between ‘perpetrator’ and ‘helper’, but to point out that much like every other human being, perpetrators have complex identities, both at one particular time and as a changing aspect of their lives, across time. ‘Killer’ is only one dimension of their identity (even during the very days of the killing), and perhaps ‘father’, ‘sportsman’, ‘musician’, ‘vegetarian’ are other dimensions. The role they play as perpetrator is one of many.
In our editorial, we unpack the ‘dynamic process of perpetration’ (p.11). Gudehus concludes his remarks by arguing that what makes processes of perpetration ‘dynamic’ is relationality and performativity. To this we can add the influence of changes over time: no process of persecution has ever been static and free of shocks, accelerations, and decelerations of intensity and extent. We can only understand the dynamism of perpetration by looking at how they begin, develop, and end.

Let us return to the question of disciplinarity. If, from a historical or sociological perspective, it can be productive and even necessary to emphasize the act of perpetration and the dynamic processes underlying such acts, in other fields this privileging of action is altogether more problematic. In fields such as literary studies, cultural studies, and memory studies, to name only a few, the object of study may indeed be the figure of the perpetrator as a discursive formation or a representational category, and not the abstract processes and dynamics per se. In these contexts, it makes sense to focus on ‘the perpetrator’ and not on perpetration. That is not to say, of course, that the categories of perpetrator, victim, and bystander are taken at face value or as clearly defined and essential ontological categories, but rather precisely that they are subjected to critical analysis and problematization.

We would also insist that perpetrator studies as a field can and must engage in a constant process of interrogating and questioning the very term that gives it its name. We would be suspicious of any field that took its fundamental concept for granted and considered the matter of its definition to be settled. This also means that perpetrator studies has to be the study of more than the social, psychological, and political dynamics that create the opportunity or setting for acts of collective violence. It must also examine the discursive and representational function of the label ‘perpetrator’ in society and culture, historically and transnationally. And here it will not suffice to look only at actions. What would it mean for a literary scholar, for example, to focus only on the actions of fictional or fictionalized characters? In a novel like Jonathan Littell’s *The Kindly Ones* it matters that the acts committed are narrated by a perpetrator, an SS officer. It is, in other words, the subject position of the narrator that makes all the difference, and is what made the novel so controversial. The same genocidal acts could just as easily have been recounted from the perspective of a victim or an omniscient third person narrator, and indeed they have been, in both fictional and non-fictional texts, and hence, to disregard the identity of the narrator would be to miss the point of the novel. All of this might fall under the rubric of ‘context’, which Gudehus rightly insists is indispensable when studying perpetrators and perpetration. One of the crucial contextual elements is group membership. Gudehus writes: ‘Collective violence consists of events, actions, and relations that are based on group-attribution: humans harm and are harmed because they belong to a group or are conceptualized as such.’ What is this other than a subject position? No one is saying that these subject
positions (perpetrator, victim, bystander) are predetermined, universal, unchanging, or mutually exclusive. Moreover, self-identifying or being identified as belonging to a particular category is just as often strategic as it is taxonomic. According to Gudehus’s model, it would apparently suffice to compare the label to the actions in order to determine whether this or that individual is truly responsible for acts of perpetration. As Ernesto Verdeja and Raya Morag also emphasize in their responses, the aftermath of collective violence can be just as significant as the acts themselves, and here the strategic construction of subject positions is of paramount importance. To cite the standard example, whether someone should be called a freedom fighter or a terrorist is a matter of context, and cannot be resolved by looking at their actions. So again, we seem to be in agreement, just not about the terminology.

In conclusion, in our opening editorial we stated our belief that perpetrator studies is an interdisciplinary field in its own right, covering a broad range of politically-motivated violent practices, that lends itself to a genuinely multi- and inter-disciplinary approach. As the range of perspectives displayed in this roundtable shows, this is precisely what is happening. When we started this project, we knew that JPR would straddle different fields (Holocaust studies, genocide studies, terrorism studies, and so on) and draw on different disciplines, each one of them in turn with their own complexities. We felt then, and we still feel now, that an overly prescriptive framing of the field would have defeated our purpose. We are confident that the wealth of insights presented by the participants in this roundtable discussion vindicates that decision.
Agency, Responsibility, and Culpability: The Complexity of Roles and Self-representations of Perpetrators

Timothy Williams

Abstract: How much agency perpetrators have during genocide is highly contested and significant for dealing with the past after the end of conflict. In this context, ascriptions of roles such as perpetrators, bystanders and victims are drawn upon to delineate responsibility and innocence. Yet, this simple, black-and-white categorization belies the complexity of roles which individuals can take on and the actions they engage in during genocide and mass violence. Naturally, there are many actors who fit neatly into categories as perpetrators who kill, victims who are killed or heroes who rescue. However, people can often be more aptly located in the ‘grey zones’ between these categories. This article explores the various types of actions in which former low-level cadres of the Khmer Rouge engaged and looks at how they represent these actions. Former Khmer Rouge portray themselves only rarely and indirectly as perpetrators, but more often as victims and sometimes as heroes; this article uncovers various strategies they employ to justify these self-representations. These various actions and self-representations are drawn upon to reflect on the notion of agency of low-level perpetrators within the context of an oppressive genocidal regime.

Keywords: perpetrators, genocide, agency, Cambodia, Khmer Rouge

Introduction

Raul Hilberg’s trichotomy of perpetrators, bystanders and victims is often the starting point for thinking about various types of actors involved in genocidal violence. Such rudimentary classifications suggest static and simple allocations of responsibility and culpability, with perpetrators being solely responsible, victims wholly innocent, and bystanders perceived as only passive and beyond the remit of action. Yet, this black-and-white categorization belies the complexity of roles that individuals can take on and the actions they engage in during genocide and mass violence. Naturally, there are many actors who fit neatly into categories as perpetrators who kill, victims who are killed, and passive bystanders on the sidelines. However, this ignores people who engage in acts of rescuing; furthermore, people can often be more aptly located in the ‘grey zones’ between these categories, or in more nuanced positions. These nuances have informed emerging work on complex...
political actors, both theorized as complex political perpetrators and complex political victims, that emphasizes how responsibility and culpability need not be allocated in quite such a straightforward manner.\textsuperscript{2} This paper seeks to engage more with these complex categories and unpack what agency can mean within and between them.\textsuperscript{3}

To interrogate the complexity of roles and agency, the case of the Khmer Rouge regime (1975–1979) in Cambodia, known as Democratic Kampuchea, is particularly pertinent as large grey zones exist regarding who was a perpetrator, victim and bystander, and how responsibility and agency can be ascribed. In interviews in the context of a project on perpetrator motivations conducted in 2014 and 2015 across ten provinces of the country, former Khmer Rouge cadres revealed a startling array of actions that call into question their role as strictly ‘perpetrator’, ‘victim’, or ‘bystander’. Exploring some of the ambivalences for this particular case from the perspective of the perpetrator as represented in interviews, specifically, two questions are central:

1. How do low-level participants of the Khmer Rouge in Cambodia represent themselves?

2. What consequences do these self-representations have for ascriptions of agency in the aftermath?

This article displays the multifaceted types of actions that Khmer Rouge cadres could and did engage in, and discusses how these are represented by the individuals themselves. This discussion of self-representations goes beyond just a portrayal of the actions themselves, as these have consequences for how people perceive their responsibility for violence and their part in it, in particular for the agency – and equally culpability – that can be ascribed to them in these situations. As I will show, former Khmer Rouge I interviewed variously argue that they had no agency during the Khmer Rouge regime; they invoke this in order to avoid the label of the perpetrator and to claim victimhood, while at other times they claim to have had enough agency to engage in acts of rescuing. This ambivalence in how agency is ascribed, and how it is portrayed as constrained depending on the situation the individual is in, has


manifest consequences for how the former Khmer Rouge argue their responsibility and culpability after the conflict, and how we can theorize this as scholars.

The focus is explicitly on low-level perpetrators who, as many ‘small cogs,’ allowed the larger machinery of the Khmer Rouge system to work. Tying into the micro-turn in studying genocide, a focus on these individuals, who actually implemented the genocidal policies of the regime by performing the acts necessary to make them a reality, provides an individual-level foundation for understanding the broader societal dynamics. Such a distinct treatment of low-level perpetrators is necessary as agency and responsibility are attributed very differently for high-level perpetrators who, in these roles, have more capacity to shape the system.

To begin with, I will briefly introduce the case of Cambodia and the fieldwork underlying this research, before describing the various roles that low-level Khmer Rouge cadres were assigned during the regime. I will then explore how these former Khmer Rouge portrayed themselves in the interviews, distancing themselves from the label of perpetrator and claiming victimhood, while at the same time also pointing to acts of rescue that they engaged in. Ultimately, the article discusses what these various self-representations mean for questions of agency and responsibility in the context of the Khmer Rouge.

An Action-Orientated Perspective on Perpetration and Agency

Searching for answers to the research questions given above demands an action-oriented perspective. This means that to understand violent dynamics and their meanings, it is less useful to approach the subject matter by studying people as temporally-consistent actors. Instead, I argue that it is more useful to acknowledge the fact that any one individual actually engages in a series of many different actions that do not

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5 Naturally, the actions of low-level perpetrators also constitute the system and their compliance thus also shapes the system, but this is a qualitatively different impact given that only the cumulative impact of many low-level perpetrators add up to systemic change, rather than the actions of a single high-level actor. At this point, an important caveat should be given: understanding perpetrator perspectives in no way legitimizes their actions and I am not sanctioning their discourses, merely analysing them.

need to consistently and consequently follow each other. For example, one individual can engage in actions that support the implementation of genocidal policies, such as arresting people or killing them at one point in time; at another point he or she can act in a way that contributes to saving members of the victim group. Moreover, this same individual can also perform actions that are more commonly associated with bystanders, passively (or actively) supporting the unfolding events, or watching them with a detached eye.  

The differentiation between the person and the action is important in our context here, not only because of the analytical consequences, but also because they reflect in the self-representations of the individuals themselves. It is precisely this focus on actions that allows people, who had official roles within the Khmer Rouge and whom we can thus classify most easily as perpetrators, to highlight the other actions they engaged in. Perpetrators do this firstly in an attempt to portray themselves as rescuers, bystanders or victims, and secondly to discuss the agency (or, better, lack of agency) that they perceive themselves to have had within their positions. Both of these are attempts to reduce the responsibility they purport to have had for their actions, and by extension, their culpability for violence.

Fundamentally, agency is concerned with individuals’ capacity to act. In essence, having agency says that an ‘individual could, at any phase in a given sequence of conduct, have acted differently. Whatever happened would not have happened if that individual had not intervened.’ Here, the men and women who were cadres of the Khmer Rouge can be said to have had agency if they had the capacity to act differently to how they did, and that there was an element of choice to their participation in various actions. Essentially, agency also entails the ‘ability of an individual to act or refrain from acting intentionally in a particular context’, meaning that not acting can be equally intentional and as much an expression of agency as acting. This capacity to act ‘is not exercised in a vacuum but rather in a social world in which structure shapes the opportunities and resources available in a constant interplay of practices and discourses’. Annika Björkdahl and Johanna Mannergren Selimovic argue that, in order to understand gendered differences in agency between men and women, it is important to consider the spatial and temporal context within which action occurs to thus be able to identify enabling and disabling factors. However, this point is relevant

7 While bystanders are sometimes seen as primarily passive individuals, I have argued elsewhere that some forms of bystanding indeed are active, see Timothy Williams, ‘Thinking beyond Perpetrators, Bystanders, Heroes: A Typology of Action in Genocide’.  
8 Fujii; Jessé; Timothy Williams, ‘Thinking beyond Perpetrators’.  
more broadly than just for the difference between men and women when theorizing the agency of low-level perpetrators ‘from below’. Lee Ann Fujii aptly describes these contextual interactions with agency:

Social relations thus provide the basis for locating agency at the ‘neighbor’ level. How these relations define and structure contexts, perspectives, identities, and actions allows us to situate actors and the different possibilities for acting in precise moments. Agency [...] was not a binary state that was either ‘off’ or ‘on,’ but a shifting set of possibilities that had as much to do with objective realities as subjective and intersubjective understandings of changing conditions and pressures.\(^{12}\)

As such, we are able to discuss the agency that an individual has when performing specific actions, rather than their agency overall, allowing fluctuating constraints on agency to become visible. In addition, it becomes possible to think about breaks in agentic action, when individuals suddenly become more or less constrained within the broader structure and this changed agency impacts what actions become perceivable and are chosen. Furthermore, differing constraints on agency can be rendered observable, such as how gendered social roles can constrain women’s agency regarding participation in certain forms of action, but facilitate others;\(^{13}\) or how they can engage in shaping the post-conflict narratives about the past.\(^{14}\) A further constraint to agency that is particularly relevant in the Cambodian context is that children have a diminished capacity for critical decision-making and thus a constrained form of agency; the Khmer Rouge systematically recruited children as they believed they were uncorrupted by the previous regimes, and thus easier to indoctrinate; many of the individuals I interviewed were child recruits.

As this article will demonstrate, former cadres self-represent their agency as extremely constrained within the hierarchical structure of the Khmer Rouge. Indeed, the cadres did have strong constraints within which they were acting, and threats of coercion were credible, with many people being killed for perceived disobedience; however, the manifold acts of resistance also discussed here demonstrate that (within these constraints) agency did exist for these individuals.

\(^{12}\) Fujii, p. 18.


\(^{14}\) Björkdahl and Mannergren Selimovic.
Talking to Former Khmer Rouge

The self-representations of former Khmer Rouge have been collected during fieldwork I conducted between July 2014 and January 2015, as well as several subsequent visits to the field between 2015 and 2018. Semi-structured interviews were conducted with fifty-eight former low-level cadres of the Khmer Rouge across ten provinces of the country, often multiple times. Of these, only three former Khmer Rouge were women and the remaining fifty-five were men. The sample was selected in order to assure a diversity of individuals who had been Khmer Rouge cadres, particularly ensuring that it included both individuals in positions that were close to the violent processes (such as security centre personnel, militias, etc.), and individuals who had been in administrative/leadership roles in the collectives, responsible for life-or-death decisions regarding the people under their jurisdiction. Representative of the broader population of Khmer Rouge cadres, many of my interviewees were recruited as children, the youngest being only twelve years old when he was recruited, and many others being between fourteen and eighteen.

The interviews were semi-structured and followed the trajectory of the life histories of my interviewees, although with a marked focus on their lives from 1970-1979. Interviews started by discussing childhood memories and their lives until the beginning of the civil war, followed by discussions of how they experienced the civil war, the Khmer Rouge’s rise to power and how they were recruited into the Khmer Rouge. The largest focus was placed on their everyday life in the Khmer Rouge, the actions they engaged in and the meanings these had for them, as well as their perceptions of others during this time; finally, their post-genocide lives were discussed. The interviews were conducted in Khmer with the assistance of a trained historian who translated summaries of the responses. It was possible to record and transcribe most interviews, allowing me to code and qualitatively analyse the precise wording of responses.

15 The author did not receive official ethics approval for this research as this is not customary at German universities. However, the project relied upon extensive peer feedback within his research cluster prior to undertaking the research with human subjects to ensure that it was conducted in a reflective and ethically-responsible manner.

16 Despite a concerted effort, it was not possible to recruit more women for interview. On the one hand, this is because the Khmer Rouge disproportionately assigned men to violent tasks, the focus of the research project at the time, despite their purported aspirations of gender equality. On the other hand, it is harder to identify women in these positions today as patriarchal structures and gendered assumptions on action mean that women are much less likely to admit to having engaged in such actions.

Cambodia under the Khmer Rouge

It would go beyond the scope of this article to give a comprehensive historical introduction to this case study, and a certain familiarity with the case is presumed for most readers. Excellent introductory works exist. Most discussions focus on the period from 1975–1979 when the Khmer Rouge held power in the entire country; but for most Cambodians, 1970 is a significantly more important demarcation, as the popular King Sihanouk, who had navigated seeming neutrality in the neighbouring Vietnam War, was ousted from power by his Prime Minister Lon Nol. Most importantly, this move allowed Lon Nol to steer a pro-American course from 1970 onwards that led to the US military dropping more than 100,000 tonnes of bombs on Cambodian soil and killing up to 150,000 Cambodian civilians. From this point onwards, the Khmer Rouge established themselves as a rebel army and their recruitment propaganda emphasized reinstating Sihanouk, while their socialist rhetoric was restrained. Ultimately, a surge of support allowed the Khmer Rouge to steadily gain control of various parts of the country over the next five years. On 17 April 1975, the Khmer Rouge invaded Phnom Penh and established a totalitarian regime that immediately expelled everyone from the cities. As part of their Maoist-nationalist peasant revolution, the entire population was supposed to farm the land; religion was abolished, as were traditional hierarchies and family structures; and forced labour, collective living and collective eating were introduced. All areas of life became controlled by Angkar, literally ‘the organization’ but used to refer to ‘those higher up’. The common understanding was that any higher ranking cadre than oneself was called Angkar, but that a person never thought of himself or herself as part of Angkar.

The regime implemented a meticulous system of violence and oppression that attempted to radically enforce conformist behaviour and thinking within all members of society, including obligatory self-study and criticism sessions. To ensure absolute conformity, first all military and administrative functionaries of the previous...
regime were executed, then members of ethnic minorities were targeted for elimination, and from September 1976 purges began against people deemed to be ‘microbes’ or ‘internal enemies’ trying to undermine the revolution, and who were mostly identified as coalescing with Vietnam. This increasing violence was combined with horrific economic policies that were based upon unattainable agricultural targets and led to widespread starvation and disease, leaving between 1.7 and 2.2 million Cambodians dead by the end of the regime.

Democratic Kampuchea was ended by the invasion of Cambodian defectors and Vietnamese troops in January 1979, prompting a new civil war between the Khmer Rouge and the new government armies, as well as a host of other armed groups, which lasted until the late 1990s. The new government strongly legitimized itself (and continues to do so) through its liberation of the country. In the context of the ongoing civil war, and in an attempt to rally the country around the war effort and garner international support, the government engaged in demonizing rhetoric towards the Khmer Rouge that portrayed the 1975 revolution as being right but hijacked by criminals. Prominent examples of this are the People’s Revolutionary Tribunal, which was seen as a show-trial by Western states and focused culpability on the leadership of Democratic Kampuchea; the introduction of the 20th May as the ‘Day of Anger’; and the construction of Tuol Sleng Genocide Museum and Choeung Ek (more com-
monly known as the Killing Fields), with both places emphasizing the absolute barbarity of the Khmer Rouge regime.35

Government policy changed in the 1990s with the development of Prime Minister Hun Sen’s ‘Win-Win Policy,’ which aimed to bring the civil war to an end by offering amnesties to anyone defecting from the Khmer Rouge.36 As such, only the very highest leaders were deemed responsible and the broad mass of the population, including all low- and mid-level Khmer Rouge, were not only not seen as perpetrators, but even as victims, tapping into the broad national discourses of victimhood already suggested at Tuol Sleng and Choeung Ek.37 This trajectory is continued by the hybrid tribunal, the Extraordinary Chambers in the Courts of Cambodia (ECCC), as prosecution focuses narrowly only on the highest leadership; other former Khmer Rouge have even been able to become complainants or civil parties, receiving legal recognition for their victimhood.38

This brief introduction to the history of the Khmer Rouge is important for contextualizing the experiences of my interviewees, as well as helping us understand the political and social climate within which they were speaking to me and the narratives they have been exposed to. As such, the following discussions of Khmer Rouge actions and their connotations for agency are the result of my in-depth interviews with them, but must be understood within the overarching political contexts that they have lived through since the experiences themselves.

36 Gottesman, pp. 60–62.
Diversity of Assigned Roles among Low-Level Khmer Rouge

In order to allow us to discuss the issue of agency, the first step is to disaggregate what kinds of actions Khmer Rouge cadres actually engaged in. Once recruited to the ranks of the Khmer Rouge, few individuals were immediately in positions in which they were confronted with the genocidal action of the regime. Given the totalitarian nature of Ângkar’s rule during Democratic Kampuchea, all political and societal roles with any degree of authority or responsibility were filled by members of the Khmer Rouge. Thus, not all cadres were themselves party to the violence of the regime; rather, relatively few were part of the direct killing, but all cadres were part of the system of violent oppression which characterized the regime, albeit to varying degrees.

The majority of cadres were first assigned to engage in agricultural work, involved in the cycle of growing and harvesting rice; building dams and digging ditches for the improvement of the irrigation system; feeding animals; and growing vegetables or sugar palm or processing these products. These were the tasks that an overwhelming majority of the population was engaged in, both men and women. Others were engaged in manual labour, for example working in the garment workshops of the Phnom Penh ministries or as mechanics.

Furthermore, it was common for new cadres to undergo military and ideological training and education when they were conscripted. Some individuals received special political training beyond the usual indoctrination meetings obligatory for the entire population. In due course, some were assigned to lead such education sessions, educating people in the villages about the aims and rules of Ângkar, or to promote propaganda themselves in journalistic terms.

Other people worked at various levels of the administration, engaging in various actions. At each level, the leadership committee included a chief with overall responsibility and command; a deputy chief with responsibility for security; and a committee member responsible for the economic sector – who set targets, collected quotas, assigned rations and facilitated the exchange of products – as well as a committee member responsible for the political or social sector in charge of propaganda and education. These leadership positions afforded a certain degree of responsibility and power, and the chief of the commune or district was particularly powerful, giving the order to arrest and kill certain people, and signing off on lists of names to be arrested and handed over to the district security centres. Lower-level leaders were expected to report on the people within their sphere of authority and it was at their discretion whether to report people for being too lazy, too sick, suspicious, or any other reason for declaring them an enemy. Because such reports led to subsequent arrest, these people wielded significant – albeit indirect – power over life and death. As the work-

ing groups, that the majority of the population were allocated to, were separated between men and women, many female Khmer Rouge recruits served as group leaders for these working groups. Even lower down the hierarchy, some interviewees assisted administrative leaders, took on clerk duties or supervised and managed certain facilities. Others served their administrative leaders as bodyguards, or were messengers between various administrative leaders or between the administrative leaders and their subordinates.

Various forms of violence were also constituent of Khmer Rouge actions. For example, some people were involved in the evacuation of Phnom Penh, herding people out of town and collecting items from their abandoned houses, as well as gathering the weapons of defeated Lon Nol units. Additionally, soldiers were involved with fighting at the front line against Lon Nol’s troops and later against the Vietnamese army, also supported by people undertaking reconnaissance work, bringing supplies and messages to the front line or transmitting radio communications on the battle field. Other actions sought to mitigate a variety of security concerns, such as guarding villages, roads, and food stores.

More targeted, genocidal violence was performed by a limited number of people, including militias known as chhlop that existed at every administrative level. Originally, these chhlop units were responsible for protecting their area from enemy soldiers or spies, particularly during the civil war period against Lon Nol. Later, these militias were tasked with investigating reports from the collectives on suspicious people and were supposed to gauge the veracity of the reports. As a former soldier and militiaman told me: ‘If people did wrong, we arrested the people, but if the cadres themselves did wrong and reported wrongly, we arrested the cadres.’ The chhlop had ‘hidden’ counterparts, Khmer Rouge affiliates who were ‘undercover’ operatives within the unaware population who were Khmer Rouge affiliates, and who were supposed to investigate and report on potential enemies.

When the chhlop decided someone was guilty, or they were given an order, the chhlop arrested these people. Sometimes, if a person’s guilt was readily established and there was no interest in finding further enemies through interrogation, the chhlop could kill the person on the spot. Most, however, were ‘sent to the higher’, taken for further interrogation or simply disappeared; in the end, a vast majority of arrested people were then ultimately killed. The arrested people – now firmly established as internal enemies of the revolution (because Ângkar made no mistakes in identifying enemies) – were then handed over to the next highest chhlop unit, and then the district chhlop, who placed them in security centres.

The security centres were staffed exclusively by men, as even in the purportedly gender-equal regime, gendered stereotypes about violent behaviour continued. Many staff began as either ‘inside’ or ‘outside’ guards. Outside guards were responsible for guarding the perimeter of the security centre, ensuring that no prisoners escaped,
and that no unauthorized individual entered or exited. Inside guards supervised prisoners in their cells and when they were outside the compound farming in lower-security facilities. As one former guard put it, their task was 'to guard carefully and not allow the prisoners to commit suicide, run away or break their locks'.

People were interned in the security centres in order to interrogate them, elicit their confessions as enemies and find the names of further enemies with whom the interrogated people were in contact. The ‘strings of agents’ that interrogators identified via torture were completely fictitious, as none of the arrested individuals were actually agents of the CIA, KGB or Vietnamese secret service. An interrogator asked questions and someone else recorded the confession on a typewriter. When the prisoner was recalcitrant, torture became necessary, as a former interrogator explains: ‘When we asked the prisoner but the prisoner did not answer, we called Ta Duch [the director of S-21 prison] by wire telephone and he came to interrogate and torture the prisoner. When the prisoner confessed, I just wrote it down.’ Torture methods included hitting the prisoners with sticks and sometimes giving them electric shocks.

When the interrogations were completed, the prisoners were transported to the killing site from the security centre. A special unit was assigned to conduct this transportation, particularly if it was a larger security centre or the site was located further away. One former group leader of a guarding unit described this task as follows:

I was there to receive the prisoners and transported those prisoners who had already been interrogated to be killed at Choeung Ek [killing fields associated with S-21]. [...] When I arrived, I wrote [the prisoners’] names. [...] I needed to clearly write the prisoners’ names. How many were transported there [from S-21] and how many arrived [at Choeung Ek] needed to be clearly mentioned in the list. If there was someone missing, I would be responsible for it.

The final task in this genocidal chain of action was the act of killing the victims. The former Khmer Rouge cadre quoted above, who was involved in the transportation of victims to the killing site, was not responsible for killing them; however, one time his superior demanded that he kill some people as well in order to prove that he ‘was able to cut his heart off.’ In the phraseology of the Khmer Rouge, this meant that he had to prove that he was emotionally not tied to or associated with the enemy, but instead his heart was ‘cut off’ and he served only the revolution and Ângkar. It is not entirely clear across the whole country as to which actors were given the responsibil-

40 While it may appear bizarre not to allow people to commit suicide, whom one wants dead anyway, suicide can also be seen as an act of defiance, ‘resistance by denying the perpetrators the right to decide over body and life of the victim’. See Matthias Bjørnlund, “A Fate Worse Than Dying”: Sexual Violence during the Armenian Genocide’, in Brutality and Desire: War and Sexuality in Europe’s Twentieth Century, ed. by Dagmar Herzog (New York: Palgrave MacMillan, 2009), p. 28.
ity for making decisions about who could and should be executed; instead, it varied slightly from place to place, with some units and leaders being given higher degrees of discretion on this issue, allowing certain actors to kill where this was not possible elsewhere. As a rule of thumb, killing was allowed by district chhlop, sometimes also by commune chhlop after the victory of the Khmer Rouge, although more as an exception than a rule; furthermore, regional military in some places had the right to kill, while elsewhere it did not; also, the security centres and their associated killing fields were spaces of mass killing. Altogether, though, it was quite a narrowly defined group of people who made these decisions of who to execute or implemented these, while others had other non-lethal tasks assigned to them.

Former Khmer Rouge Self-Representations: Strategies to Avoid the Perpetrator Label

Despite the fact that all my interviewees engaged in a broad range of these actions – and thus the label of ‘perpetrator’ suggests itself quite easily from an analytical perspective – their self-representations extremely seldom assume this label. Two strategies are utilized to substantiate this claim of not being perpetrators. First, former Khmer Rouge cadres’ narratives focus narrowly on the specific actions that they were assigned to, discursively deflecting from the consequences of these actions in the broader context. There was indeed a strong division of labour under the Khmer Rouge, and while a division of labour is nothing unusual and is characteristic of most human organizational structures, this degree of division, with such narrowly defined tasks, is definitely unusual. For example, some guards at security centres were in charge of providing water for the prisoners, others the food, while others again were in charge of the keys for the locks or for allowing prisoners to go to the toilet. As such, a guard who was not in charge of food did not feel responsible for the conditions of starvation that the prisoners had to endure. Another example from the interrogation process sees one person in charge of asking questions, one for typing responses, and yet another one for punishing the questioned person if they were reticent; in transportation one person loaded and unloaded the truck, another signed off on the list, etc. This strong particularization of tasks enabled people to understand themselves as only responsible for their specific task, and negate any responsibility for the actions of others before or after them in this process. In the words of a former soldier and militiaman, ‘during that regime, I only knew my own work; I could not know other people’s tasks. They also did not know my tasks either. So, I don’t know about others.’ Most cadres refused to acknowledge that their actions were part of a broader, violent process and did not portray their actions as part of a process from arrest via incarceration to exe-
cation. Thus, there was also no realization that it was only through the performance of so many individual small tasks that the process as a whole occurred.

The second strategy through which former Khmer Rouge challenge the label of ‘perpetrator’ is grounded in attempts to distance themselves from their own agency when performing these acts. Primarily, and unsurprisingly, interviewees refer to the coercive context within which they were acting as a justification for their actions. For example, one former guard at a security centre stated that: ‘I could not refuse. If we refused, they would say: “Anyone who is against Āngkar, they are the enemies of Āngkar and the cycle of history will roll over them.”’ Another former Khmer Rouge cadre, who also participated in the evacuation of Phnom, stated that ‘[When] they were ordered to kill that person, if they did not kill, they would be killed, too. So, for their safety, they had to kill.’ As such, this appeal to coercion reduces the agency of the individual and frames them as more passive subjects of the situation. In the context of perpetrators being tried at the International Criminal Tribunal for the Former Yugoslavia (ICTY), Mina Rauschenbach and colleagues made an observation which is relevant for the Cambodian context, too:

[There is an] implied lack of choice and sense of passiveness. Speakers present themselves as puppets submitted to the contingencies of the conflict. Actions are described as necessary, almost automatic reactions to sudden, uncontrollable, unverifiable, or unidentifiable elements. Interviewees seem to place themselves in a reactive, noninitiating [sic] subject position whereby they had no other choice than to act upon obscure facts or unmanageable conducts.41

Moreover, there was a strict framework of authority which rendered any order by a superior almost law-like, and which displaced the responsibility for the act itself to Āngkar. It would go beyond the scope of this article to explore this in depth, but even the nature of Āngkar itself supported this minimization of agency. Āngkar cannot be seen as an organization like Hitler’s NSDAP, or the Young Turks’ Ittihad, which perpetrated the genocide of the Armenians. Instead, it only ever refers to those who are higher up than oneself, meaning that superiors are all part of the organization, but no-one considers themselves to be. This makes claiming that Āngkar had commanded something an effective strategy for displacing responsibility and removing oneself from the equation. This displacement and rejection of agency allows perpetrators to distance themselves from the label of ‘perpetrator’, and is often seen for perpetrators in various cases; in Cambodia, however, my interviewees went further than just negating their agency, actively self-representing themselves as victims.

Former Khmer Rouge Self-Representations: Resistance

Going further than just distancing themselves from the perpetrator label, former Khmer Rouge also represented themselves as rescuers by emphasizing their righteous acts. This can be seen as part of an attempt to counteract the harmful actions they engaged in and excuse these. The Khmer Rouge regime was totalitarian and most former cadres argue this constrained their agency entirely. However, some people were able to carve out small spaces for resistance in some way or another, showing their capacity for agency. In this context, perpetration was the status quo and any action that diverged from that was active or passive resistance. At one end of the spectrum, some people engaged in active rescuing, while others, in taking a step back, more passively allowed fatal action not to occur; while usual conceptions of bystanders emphasize the permissiveness of bystanders allowing violence to happen, these people used their agency to explicitly avoid acts of perpetration, constituting a benevolent type of bystanding.\footnote{I am grateful to Rhiannon Neilsen for bringing this to my attention.} It is to these different actions of resistance we now turn in order to understand how much agency was potentially present, even if most people decided not to engage in resistance.

The most basic form of resistance was to avoid fulfilling one’s position, and with this any of the tasks which would be expected from this position. People tried to avoid recruitment in the first place, for example by running away from their designated unit, or pretending that an injury sustained during war had not fully healed. A former central committee member in Battambang province told me that ‘I served the army until 1973 when I got seriously injured on my arm. When I was injured on my arm, I was allowed to rest. Then I also pretended [it continued to be serious], and I did not have to go back to the military anymore.’ A further alternative, which takes significantly more courage in such a coercive setting, is to refuse orders, although this did most often lead to the individual being arrested and killed. A former guard at S-21 security centre tells of some guards who protested against orders they had been given: one stated that he could not guard outside and inside the prison at the same time, and another was accused of ‘being lazy’ by not building a wall that he was ordered to build. Both were killed for their refusals. However, under some circumstances a refusal could be less problematic; for instance, one cadre reports that someone refused to participate actively in killing because there were members of his family in the group to be killed. This refusal could be deemed acceptable if the person had been very active in fighting enemies previously and had distinguished himself enough; those who could not credit themselves with such achievements were then killed for their refusal, while the others were sent only for re-education and then transferred to other units. Another former cadre who was a soldier, bodyguard, and
then district committee member in charge of the economic affairs of his commune, implies that it was not sufficient solely to have these achievements, but that it was also necessary to ‘ask politely’ rather than protest the order directly. Finally, one cadre did not want to be assigned to the battlefield and, although he was accused of being ‘disrespectful of the order,’ he was nonetheless assigned instead as a security office guard. Even more vehement refusals could sometimes, albeit seldom, lead to success, such as when a former central committee member appealed to his superior to not kill all the former soldiers of Lon Nol, as they too had been soldiers during the civil war, even if for the opposing side; these people were then not executed, but exiled to another commune instead.

This taps into the discussion briefly touched upon above about chhlop units, which had a degree of discretion as to whether to aggressively pursue any and every misdemeanour that came to their attention, or whether to ignore it as a bagatelle. The decision of not reporting on people (and it can only be seen as a conscious decision on whether to seize this opportunity or not) had very real consequences for the potential victim, meaning the difference between life and death. Other local leaders allowed people who had been on arrest lists elsewhere to flee and to hide in their communes or villages, or re-integrate them without asking them any questions about their past or the mistakes they may have committed.

A relatively simple act of resistance within the regime was to save people by excusing their actions or vouching for them to Angkar when they were being investigated or were suspected of being enemies of the revolution. The same former central committee member reports that he was able to have several accused people released again by emphasizing to the arresting group how helpful they had been to Angkar in the past – for instance, by housing members of Angkar or injured soldiers during the civil war. A former chief of a female unit told me that ‘if they worked slowly [because they were ill], they were accused of being lazy. I could defend them and say they were doing their best – I could save them.’ Having said this, she did, however, go on to say that on occasion she would cease to defend them if she thought it would lead to accusations against her. Another interviewee, a former soldier and militiaman, was himself accused of moral misconduct for meeting up with a girl whom he knew from home; as he had been arrested and was being marched to be executed, his own wife vouched for him, and given her position as a Khmer Rouge chief in charge of a handicraft and vegetable growing unit, she had the right to guarantee for him and thus saved him. He in turn vouched for his nephew when he was accused of being Vietnamese towards the end of the regime. When Khmer Rouge cadres from other areas came to investigate certain potential enemies, the various people, mostly cadres, they asked in the course of their investigations wielded great power over life and death.

43 This interview was not recorded, but detailed notes were taken; thus, nuances in phrasing may diverge slightly from the original.
One former village chief maintains that he felt compelled to rule that any allegation of suspicion was true, lest he himself be accused of being associated with the potential enemy. Conversely, he also claims to have saved three people’s lives by denying their guilt to the outsiders. In another village, none of the villagers accused each other at all, even if it was common knowledge that individuals among them had been Lon Nol soldiers. Given the outsiders’ lack of local knowledge, these people were then spared.

Other acts of resistance included warning people who constituted potential enemies, such as former officials of the Lon Nol administration, about the dangers of the new regime, and how to best navigate the transition during the evacuation of Phnom Penh or telling people to flee when they were expected to be killed. Further, one former commune chief describes destroying an arrest list, saving the people on it: ‘They listed down names by asking people who had done what [under the former regime …]. But I destroyed it during that time. I got that book of name lists. But they only had the names but hadn’t arrested them yet.’

Some more subtle forms of resistance were also described to me. For example, a former chief of a female unit allowed members of her unit to forage and fish, so that they could supplement the meagre rations granted to them. Others, in relative positions of power in units requested that individuals be assigned to their own unit, so that they would not be assigned to other, more dangerous units, or units with more suspicious leaders. Furthermore, one former messenger took notes of his experiences within the Khmer Rouge on scraps of paper during the regime and hid these, even though this was highly dangerous and would have resulted in his execution. After the fall of the regime, he then collated the notes with his own memories into a thematically sorted collection, a 71-page notebook which he also shared with me.

Lastly, some of my interviewees at various points were suspected or accused of being enemies, or of having committed ‘mistakes’ and then arrested and imprisoned. They describe former comrades giving them food or cigarettes secretly while they were in prison, and being helped by others who were powerful and had shared family bonds, or who had been impressed with their previous work ethic.

Former Khmer Rouge Self-Representations: the Universal Victim

As mentioned above, it is characteristic across various cases for individual perpetrators to deny labels of ‘perpetrator’ and minimize their own agency, as well as for some to highlight their acts of rescuing. However, some former Khmer Rouge went further than this and presented themselves as victims of the system of which they a part. One former guard explicitly says ‘I guarded the prison and I suffered too’. These claims are more easily put forward in the Cambodian context because there was no clear demarcation of the outgroup through ethnic or racial markers, as in other cases. While
ethnic minorities were specifically targeted, the majority of victims came from the ethnic Khmer majority and potentially anyone could become a victim. The claims to victimhood made by former Khmer Rouge were sometimes explicit, although more often implicit, by their referring to their experiences as fulfilling the same categories that other victims refer to in outlining their victimhood.44

The most common claim to victimhood by former Khmer Rouge is that they lost family members during the regime, and this is an argument that is pervasive across almost all interviews. For example, a former office guard told me ‘I am also the victim because they arrested my uncles.’ This is unsurprising given that around one quarter of the population were killed across the entire country, comprising all ethnic groups and all social strata – albeit to varying degrees along all these dimensions. In this aspect, therefore, former Khmer Rouge differ in no way from their non-cadre compatriots. As many cadres were actually re-assigned to work in other areas, their home communities are not acutely aware of what kinds of tasks they had been involved with, but do strongly perceive the very visible absence of the lost family members in the community, facilitating a common victimhood of all despite their different roles during the Khmer Rouge period.

Another omnipresent claim to victimhood is that the cadres, like the rest of the population, were ‘fearful for their security,’ meaning that they feared that at any moment they, too, could be suspected of being an internal enemy, arrested and killed. This threat was highly credible, and indeed many Khmer Rouge were arrested, interned and killed, either as part of wider purges of whole units, e.g. in the Eastern Zone, or for their own ‘treacherous’ behaviour, although – as with the rest of the community – any minor infraction could suffice. For example, one of my interviewees explained that, in the security centre where he worked as a guard, of the 200 staff only 50-60 survived the regime. Several of my interviewees themselves were arrested at some point and they all feared that this would lead to their executions.

Finally, and more banally, Khmer Rouge cadres also suffered from many of the same ‘everyday’ problems as the rest of the population: there was not enough food; the food that they did receive had little nutritious value; and they felt constantly overworked and tired, leading to perpetual exhaustion. A former soldier explained that ‘the most difficult thing during the regime led by Pol Pot and Khieu Samphan was overwork. We worked not only during the day but also at night. We slept less and worked hard.’ This exhaustion, combined with a fear of being suspected of being an internal enemy for not working hard enough, led to strong degrees of persistent anxiety and insecurity.

44 For a broader discussion of victimhood claims of former Khmer Rouge, see Bernath; Meng-Try Ea and Sorya Sim, Victims and Perpetrators? Testimony of Young Khmer Rouge Comrades (Phnom Penh: Documentation Center of Cambodia, 2001); Manning, ‘Reconciliation and Perpetrator Memories in Cambodia’; Timothy Williams, ‘Perpetrator-Victims.’

One absence in the arguments made for victimhood is noteworthy: while many of my interviewees were children when they were recruited into the Khmer Rouge, and were thus child perpetrators (to use the term ‘child soldiers’ more applicably here), no-one refers to this as part of their narratives of victimhood. This is probably due to the fact that children in the entire country were engaged in forced labour, meaning that it does not seem noteworthy to them that they were recruited to the Khmer Rouge as children.

By presenting these many different experiences under the Khmer Rouge, former cadres equate their own experiences with those of non-cadres and implicitly claim victimhood for themselves. While this claim to victimhood conceptually does not undermine their possibility of being perpetrators, this is suggested discursively.

What Does This Mean for Agency and Culpability?

The actions that these former Khmer Rouge engaged in and their self-representations allow us to reflect on some issues regarding the degree of agency they possessed, and what consequences this could have for the culpability associated with their actions. Approaching these former Khmer Rouge through a framework of agency, understood as the fundamental capacity to act in a self-directed manner, allows us to gauge something of the conflict dynamics at the time, to think about alternative pathways for action, and to feed these thoughts into prevention attempts. A useful differentiation is between ‘strategic’ and ‘tactical’ agency, developed particularly for the case of child soldiers. Strategic agency is ‘based on a position of power in which longer-term decisions are taken based on planning and a degree of control over one’s circumstances,’ while tactical agency refers to ‘short term choices moment to moment, day to day, including moral and immoral choices about the lives of others’ within highly structured and constraining organizations and the instability of a conflict setting.45

It is without question that the context within which these former Khmer Rouge cadres were acting was extremely constrained in terms of strategic agency, as they were low down in the hierarchy and had no capacity to change policy. However, as demonstrated above, within the allocation of responsibilities, individuals and units did have a certain degree of tactical agency, particularly regarding whether they reported anti-revolutionary behaviour or not, and to what degree they then pursued it and augmented its significance. Anything could be interpreted as ‘anti-revolutionary’ and thus any individual could be construed as an internal enemy – be it for something as banal as breaking a hoe while working, or picking up grass or a wild potato from the ground and eating it outside of communal eating. Some chhlop would reprimand

the people doing this, or turn a blind eye; others, however, would take this further by
defining the act as anti-revolutionary, and subsequently arresting or killing the per-
son charged with the offence. Even tactical agency became considerably constrained
when Khmer Rouge had been ordered to arrest someone, because by this point the
person had already been defined as an enemy. If, at this point, the unit refused to
arrest the person, then they themselves would possibly be accused of being enemies.
Within these units, then came the question of who actually did the deed, and social
dynamics within the group differed from unit to unit. One example of how the killing
action was divided between cadres was told to me by one former district militiaman:

They ordered our group to arrest and kill people. If we could avoid the killing, we
could stay as a member and this was also okay. Those who volunteered to kill,
would be promoted. I could avoid the killing for the entire regime. I arrested peo-
ple but I never killed them. Whoever wanted to kill, they could kill. They wanted to
get higher positions so they killed. I successfully avoided killing. [...] This is what I
honestly told you, during those years serving during the Pol Pot regime, I kept my
hands clean without blood.

Nonetheless, this same former militiaman remembers that when he joined the group
he believed there would be pressure put on him to kill some victims, and he thought:

one day it would be my turn [to kill]. And what could I do? Then I thought I would
deal with it when it arrives. It was because I was also an educated person. If there
was coercion, I would deal with it based on the situation.

By contrast, it appears that in the killing units in security centres it was expected that
every member would participate, and that together they would then also carry out the
other tasks, such as burying the victims in mass graves. The killing at security centres
often took on a very routinized form, with as many as one hundred people being de-
livered from the holding cells, then being killed one after another and thrown into pits
which had already been prepared.

Another facet that takes on particular prominence in the case of Cambodia is
the fact that, as many of the Khmer Rouge were child cadres, they had even more
constrained capacities to act in a self-determined way. Jeff McMahan argues that one
should think of child soldiers as ‘people who have a diminished capacity for morally
responsible agency and who act in conditions that further diminish their personal re-
sponsibility for their actions in war’, even arguing that this precludes the legitimacy
of fighting against them. While the fact that the Khmer Rouge pursued an explicit

46 Jeff McMahan, ‘Child Soldiers: The Ethical Perspective’, in Child Soldiers in the Age of Fractured States, ed. by
Scott Gates and Simon Reich (Pittsburgh, PA: University of Pittsburgh Press, 2010), p. 34.
policy of recruiting young children as cadres in order to be able to better indoctrinate them, and ensure that they were not already ‘corrupted’ by the prior regime’s ideology, this is discussed very little in the literature on Khmer Rouge cadres.47 One victim, a civil party at the tribunal whom I interviewed, explained:

During the Pol Pot regime, the chhlop units were so small and the same size as me and they were around thirteen or fourteen years old; when they carried guns, it looked like they dragged their guns on the ground. It wasn’t big or old people who killed us; they were so cruel and fierce like a cobra.

This quote demonstrates how the capacity of children to act in cruel ways is portrayed as not being diminished, and suggests a stronger degree of agency. Despite this potential for diminished responsibility for their actions, none of the interviewees used their status as children as an exculpatory strategy to reduce their agency. Furthermore, even the child cadres engaged in acts of rescue, demonstrating that they indeed did possess agency (at least to some degree) in various situations.

It is important to emphasize that the context within which agency became more or less constrained was affected by strong spatial and temporal variation. Thus, spatially, due to a very hierarchical structure similar to the patronage networks common to Cambodia previous to the regime (and since), low-level cadres were very much dependent on their direct superiors in terms of how they were expected to act and what degree of constraints their agency faced. This could vary at the lowest level geographically, but also at the highest level. Certain zones of the country were considerably more coercive towards cadres than others, constraining the agency of the individuals within those spaces. One could even go as far as to say that agency in general plays a secondary role in Cambodia, given that most social relations are embedded in strong hierarchies in which obedience is given highest precedence; this manifests itself most commonly in the form of strong patron-client networks. Consequently, it could be said that culturally there is less propensity to perceive of oneself as having self-determined capacity to act, but that one is seen as the extension of the patron’s will in order not to lose access to protection and resources within these patron-client networks.48 Nonetheless, the examples above show that individuals do from time to time indeed break out of these expectations, demonstrating a degree of agency.

Temporally, there was also a strong degree of variation regarding the agency individuals had. First, during the civil war period from 1970 to 1975, the Khmer Rouge only had partial control over parts of the country, considerably restricting the coercive potential of the organization, as too much coercion would have led to defections.

47 A welcome addition to the topic is a recent temporary exhibition “The Children of Ângkar” at Tuol Sleng Genocide Museum.
48 I am grateful to Kristina Chhim for these insights, personal correspondence in February 2018, Phnom Penh.
As the regime took power in April 1975, the potential for constraining cadre agency increased and over time, more and more control was indeed exerted over the entire population, including the organization of the Khmer Rouge itself. Second, at a more micro-temporal level, constraints to agency could vary from each individual situation to the next, depending on what other people were there, the time of day, and so on. As such, enabling opportunities for agency arose, often spontaneously, and could be seized, and it is here that the moral repercussions for the individual responsibility of cadres are most prominent. This is of particular import, as often resistance appears to primarily have occurred when it presented little or no actual danger to the individuals themselves.49

**Conclusion**

The self-representations of former Khmer Rouge that have been discussed here show a high degree of diversity; critically, however, these individuals do not represent themselves as perpetrators. They do implicitly admit to many of the actions that they engaged in, but at the same time there is a marked attempt to distance themselves from the label of ‘perpetrator.’ Moreover, there is a clear attempt to minimize their agency by emphasizing the coercive environment, as well as that they were not really part of the system (not Ṣrngkar) or not part of the violence (division of labour). Instead, almost all of these former low-level cadres implicitly or explicitly represent themselves as victims, albeit drawing on different categories to sustain this claim. Given common binary assumptions about innocence and guilt, a victim is often portrayed to have “had neither real choice nor agency, and is thus blameless, allowing him or her to retain moral rectitude.”50 Furthermore, some former Khmer Rouge go further yet and highlight their actions of rescue and resistance.

This distancing from the perpetrator label and denying culpability for their actions, as well as claims to victimhood and rescue, are not surprising in an attempt to psychologically cope with one’s past actions. Indeed, these self-representations “are developed in order to keep intact their sense of self,”51 as is not atypical for other cases. What is interesting about these ‘grey zones’ in self-representation, and surprising about the Cambodian context, is that the self-representations of former Khmer Rouge are also perpetuated and strengthened by societal discourses, with their

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49 Ultimately, of my interviewees no one refused orders, otherwise they would probably have been killed. This may constitute a slight bias to my sample, as anyone who did exert more agency in defying orders is likely to have been killed – and thus not part of my sample group.


claims to victimhood being broadly accepted in society and reinforced by the legal mechanisms of the ECCC. This in turn has the consequence that – while possibly undermining justice – these self-representations have significantly facilitated reconciliation within the country, as has been discussed in more depth elsewhere.52

Ultimately, the various roles that low-level cadres fulfilled during the Khmer Rouge regime all contributed (albeit to starkly differing degrees) to constituting and reinforcing the system of oppression and violence. Not all actions have equal connotations regarding responsibility and culpability. Even the same actions can potentially have different connotations at different times, depending on the level of agency we attribute to the individual at that moment. This article has sought to dive into this nexus of action and agency within the context of former Khmer Rouge cadres by discussing the perspective the former Khmer Rouge have on themselves pertaining to their agency during the violence, how they used it, and what consequences this has for their self-perceptions and, ultimately, self-representations. It is a limited perspective from the acting individuals themselves, but it is an important stone in the mosaic of understanding violence dynamics, and the perceived and actual possibilities for agency of the individuals involved in these situations.

52 Timothy Williams, ‘Perpetrator-Victims.’

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The Perpetrator’s *mise-en-scène*: Language, Body, and Memory in the Cambodian Genocide

Vicente Sánchez-Biosca

**Abstract:** Rithy Panh’s film *S-21. The Khmer Rouge Killing Machine* (2003) was the result of a three-year shooting period in the Khmer Rouge centre of torture where perpetrators and victims exchanged experiences and re-enacted scenes from the past under the gaze of the filmmaker’s camera. Yet, a crucial testimony was missing in that puzzle: the voice of the prison’s director, Kaing Guek Eav, comrade Duch. When the Extraordinary Chambers in the Courts of Cambodia (ECCC) were finally established in Phnom Penh to judge the master criminals of Democratic Kampuchea, the first to be indicted was this desk criminal. The film *Duch. Master of the Forges of Hell* (Panh, 2011) deploys a new confrontation – an *agon*, in the terminology of tragedy – between a former perpetrator and a former victim, seen through cinema language. The audiovisual document registers Duch’s words and body as he develops his narrative, playing cunningly with contrition and deceit. The construction of this narrative and its deconstruction by Panh can be more fully understood by comparing some film scenes with other footage shot before, during and after the hearings. In sum, this ‘chamber film’ permits us to analyse two voices: that of the perpetrator, including his narrative and body language; and the invisible voice of the survivor that expresses itself through editing, sound effects, and montage.

**Keywords:** Perpetrator, audiovisual testimony, body language, cinema, Khmer Rouge, Cambodia

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The Return of the Perpetrator

After the Vietnamese victory over Democratic Kampuchea in January 1979, the perpetrators of the Khmer Rouge terror followed various paths. Some withdrew with their leaders to hide in their jungle strongholds, awaiting a favourable moment to launch a counter-offensive. Others assumed new identities and integrated themselves into the new political context. A few were arrested and forced to testify in the judicial inquiry and later before the large-scale People’s Revolutionary Tribunal (PRT) held *in absentia* against Pol Pot and Ieng Sary in Phnom Penh.

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*Gémir, pleurer, prier est également lâche.*
*Fais énergiquement ta longue et lourde tâche*
*Dans la voie où le Sort a voulu t’appeler.*
*Puis, après, comme moi, souffre et meurs sans parler.*

—Alfred de Vigny, ‘La Mort du loup’, recited by Kang Guek Eav, aka. Duch, as his ‘stoic’ motto

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Penh in August 1979. Some Khmer Rouge cadres who had already become dissidents by 1978 and had defected from the Khmer Rouge ranks, joined the Vietnamese ‘enemy’, formed the Kampuchea United Front for National Salvation, seized power in January 1979 and occupied high positions in the newborn People’s Republic of Kampuchea. Recently, the perpetrators of the horror carried out in Cambodia have garnered more public and scholarly attention. There are several reasons for this, some are related to the political and cultural changes undergone by Cambodian society since the end of the Cold War, while others have to do with a shift in the understanding, punishment and prevention of mass crimes throughout the world. Among the former, we could single out a reinforcement of transitional justice and reconciliation; a new emphasis is then put on historical pedagogy and a promotion, albeit vague, of cultural heritage; among the latter, we can mention the developing of international tribunals. The convergence of these two tendencies lies at the origin of the constitution of the Extraordinary Chambers in the Courts of Cambodia (ECCC) in 2006, a hybrid-justice tribunal aimed at putting on trial high ranking former Khmer Rouge leaders.²

Perpetrators’ Re-enactments

A film sequence in Rithy Panh’s Bophana: A Cambodian Tragedy (1996) epitomizes a new approach to the perpetrators; a scene that was the result of a chance encounter. During the filming at the Tuol Sleng Genocide Museum, the survivor painter Vann Nath came across the ex-guard Him Huy. Although Panh had made efforts to avoid such an encounter by interviewing each of them on different schedules, one day, Nath appeared unexpectedly at the museum and bumped into Huy as he was being interviewed. Nath recognized the former repressor, but reacted in an unexpected manner: instead of showing anger, he took him by his shoulder and led him into the museum cells where some of his canvasses depicting the atrocities committed at S-21 were on display. Gently but determinedly, he asked the guard to confirm or deny the veracity of the acts represented in the paintings.¹ Highly embarrassed, Huy admitted


² For a synthesis of the juridical problems and debates during the first steps of the tribunal, see John D. Ciorciari., The Khmer Rouge Tribunal (Phnom Penh: Documentation Center of Cambodia, 2008). About the tensions in the process of instruction, see Marcel Lemonde, Un juge face aux Khmers rouges (Paris: Seuil, 2013).

to the exactitude of the scenes that Vann Nath had vividly portrayed according to other prisoners’ accounts (Figs. 1 & 2). In other words, almost twenty years after the catastrophe, a victim and a perpetrator share the same stage by chance; the very same prison experienced from different perspectives. This fortuitous encounter was to be the origin of the film *S-21: The Khmer Rouge Killing Machine* (2003), in which guards, interrogators, executioners, and the photographer come together to re-enact the past.

Re-enactment plays a crucial role: firstly, because the long period of time the filmmaker and his ‘actors’ spent together in the compound created a sort of everyday familiarity among them; secondly, because the time that had elapsed since the crimes produced a distancing effect on them, as if the deed perpetrated were almost forgotten. The three years of filming involved accompanying the perpetrators as they re-enacted the past events, where they sometimes even seemed to fall into a trance. Nevertheless, none of this would have been possible without Vann Nath’s commitment, the survivor of S-21 who since November 1979 had engaged in the task of giving artistic form to the atrocities committed at this prison. He oiled the machinery of the testimonies, questioning and interacting with the perpetrators in an atmosphere of total (and astonishing) absence of hate and anger.

4 Vann Nath, who saved his life thanks to his artistic rendering of Pol Pot on canvas, was secluded in an S-21 workshop and not allowed to leave. See Vann Nath, *A Cambodian Prison Portrait. One Year in the Khmer Rouge’s S-21* (Bangkok: White Lotus, 1998).

5 This is of course a major issue and cannot be downplayed. Whereas cadres and ordinary executioners tend to justify themselves by claiming they were given almost no choice when they committed their crimes, others like some of those filmed by Thet Sambath and Rob Lemkin for their film *Enemies of the People* (2009) end up showing regret and remorse.
We must acknowledge that such a strategy is not new, although it had been so far applied mostly to victims, such as in Claude Lanzmann’s *Shoah* (1985), where just a few of perpetrators are driven to reenact. I would like to recall one emblematic scene in which Lanzmann records the testimony of Abraham Bomba, a survivor of the *Sonderkommando* from the Treblinka extermination camp. Bomba saved his life by working as a barber for the SS and his task was to cut the hair of the Jewish women before they were gassed. Alongside other barbers, Bomba awaited the women’s arrival inside the gas chamber and performed his task as quickly as possible so he could get out in time before the doors were shut. Lanzmann films Bomba’s testimony in a men’s barber shop in Holon (Israel). While Bomba is performing the movements of cutting the hair of a supposed customer, Lanzmann presses him to recount his thoughts and experiences at Treblinka. The filmmaker insists: ‘Can you describe precisely?’ And then, emphasizing the bodily aspect of memory: ‘Can you imitate how you did it?’ For Lanzmann, to make his witness delve into the past situation requires the intervention of body memory, although he holds that oral utterance is the highest manifestation of testimony. Overwhelmed by sorrow, Bomba pleads with his interlocutor to stop the filming and release him from the intolerable pressure he is suffering. Unrelenting, but using kind words, Lanzmann insists and keeps the camera rolling, as if he were subjecting the scene to the imperative of the ‘duty of memory’.

This same strategy of traumatic reenactment is used by Rithy Panh in *S-21: The Khmer Rouge Killing Machine*, albeit focusing on a group of perpetrators who perform their deed and express themselves in the presence of the victims, one of them acting as a sort of guide. Since then, other films have employed reenactment in order to engage with perpetrators of genocide, such as Joshua Oppenheimer’s *The Act of Killing* (2012) and its spin-off, *The Look of Silence* (2014). The boasting and unrepentant killers who star in *The Act of Killing* are but ‘ordinary thugs’ accompanied by Oppenheimer and his anonymous Indonesian co-director’s camera to the various crime scenes. The executioners openly show their pride and satisfaction about the crimes committed during the repression campaign of so-called communists in the area around Medan (Northern Sumatra) in the aftermath of Suharto’s military coup in 1965. But unlike Rithy Panh, who filmed a site of suffering, full of artifacts, photographs, and so forth, Oppenheimer follows the former perpetrators with great discontinuity – both temporal and spatial – since the actual sites of the crime have been totally disfigured or have disappeared. Rather than register the remains of the past acts, he seems to ‘document the mental and emotional processes of those who have seen death with their own eyes

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7 Ibid., p. 115.
8 For Panh to produce a testimony through the memory of gestures consists of inscribing these gestures into a precise space. See Elsa Nagen, ‘Interview [with] Rithy Panh’, *Cinemasie* (2004).
and caused it with their own hands’? In other words, Oppenheimer seems to film the ‘perpetrators’ fantasies’ rather than their deeds, and the meta-communicative framework he gives his documentary (a film in the making) reinforces this impression.

Rithy Panh’s approach in *S-21: The Khmer Rouge Killing Machine* is entirely different. With Nath’s presence, along with the words and body language of the perpetrators, and the objects preserved by the museum curators (rags belonging to the detainees, typewriters used to transcribe the confessions, whips, shackles, and other instruments of torture), the former prison wakes from its lethargy and seems to recover the threatening power it once had. Flattered perhaps for having become agents of History, these men do not hide a certain pride in being in front of the cameras and, inasmuch as they do not fear criminal indictment, their words and acts express a strange freedom. They do not hesitate to read aloud confessions, give instructions for conducting torture sessions or utter insults to the ghosts of the prisoners. As a consequence of their re-enactments, based on endless repetitions of scenes and gestures, their violent past takes over the present. However, what makes this strategy unique is the close interaction of the group of perpetrators in the process of remembering. The old community they had formed in the past (ideological, criminal and which instilled fear on a daily basis) is re-enacted as a result of the filmmaker’s patience and persistence, and the effect produced by the presence among them of two victims (Vann Nath and Chum Mey). Space, artifacts, victims, perpetrators, and the filmmaker together build an atmosphere propitious to the emergence of the spectral past.

### The Gaze of the Law

All these functionaries were out of the reach of criminal justice. Only one group of perpetrators was targeted, the leaders. Even though the agreement between the Cambodian government and the international organizations limited the indictment to key figures of the regime and of the Communist Party, two problems soon manifested themselves: 1) the first criminal who was to sit on the bench was not a high ranking leader, but the director of a high-security detention and interrogation center, Kaing Guek Eav, alias Duch; and 2) because the brutality of the Pol Pot regime had brought about an enormous and troubling expansion of what Primo Levi named the ‘grey zone’, the number of potential perpetrators to put on trial exponentially expanded.

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11 Panh and Chaumeau, p. 91.
as well. As the scholarship on the subject of the Cambodian genocide has highlighted, the entire society was dragged into a social climate of terror and fear accompanied by the dissolution of all traditional links and institutions (family, religions, schools, rural communities, and so forth).

On March 30, 2009, after ten years of imprisonment, case 001 was opened against Kaing Guek Eav. Earlier, in 1999, he had been discovered hiding under the name of Hang Pin by the photographer Nic Dunlop and unmasked before the world following an interview published in *Far Eastern Economic Review* by Dunlop and the journalist Nate Thayer. The former director of S-21 had been collaborating actively with an American NGO (the American Refugee Committee) since 1997, and had been leading a normal life in a small community governed by another ex-Khmer Rouge. Once uncovered, Duch admitted his real identity, confessed to his crimes and was arrested, although the prospect of a trial was at that time not considered.

In 2006, the climate of impunity had waned and Case 001 became a major event in Cambodian life. Members of the second generation participated as civil parties, while witnesses and ordinary perpetrators had the chance to speak in front of the court. The hearings and their consequences permeated Cambodian life, since they were transmitted on big-screen televisions throughout the country and, in addition, the population of Phnom Penh was given the opportunity to attend the hearings. The very fact that Duch was neither a member of the Central Committee of the Communist Party nor a prominent figure of the Ângkar made his responsibility in the repression even more striking. This was underscored by the key role that the documentation from Tuol Sleng was to play in the trial. The former prison was visited by the tribunal for the reconstruction of the facts in the presence of the accused and his old ‘boys’ Him Huy, Mam Naï, Prak Khan and the survivor Bou Meng. Later they reconstructed

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13 Most of these aspects constitute the singularity of the involvement of the entire population of Democratic Kampuchea in the revolutionary mission, which means in effect the process of exterminating the enemy. As the numerous interviews with Khmer Rouge cadres conducted by *Youth for Peace Cambodia* reveal, most of the ordinary perpetrators consider themselves victims, claim that they were forced to follow orders and avoid confessing to any real criminal act as such. See *Behind the Darkness. Taking Responsibility or Acting Under Orders?*, ed. by Long Khet (Phnom Penh: Sunway, 2011), pp. 134–37.


16 Christophe Peschoux and Hang Kheng Heng, *Itinerary of an Ordinary Torturer. Interview with Duch, former Khmer Rouge Commander of S-21* (Bangkok: Silkworm Books, 2016). This interview, conducted during three days before Duch’s arrest, was shelved for ten years and handed over to the prosecuting judges of the ECCC to be attached to the dossier.
the execution process at the killing fields of Choeung Ek, with Huy, Sophea Sophorn, and Choeun.

It was not only the testimonies of witnesses and perpetrators or the documents uncovered which played a central role in the trial, but also the mug shots of the detainees, which were on display at the museum. These were screened life-size when some of the names of the victims who had perished there were recited in order to emphasize, as Robert Petit put it during the second day of the hearings, the individuals and memories behind the statistics. Moreover, defenders and prosecutors, press agencies, and media networks circulated them and thus gave them an unexpectedly high profile. In this context, the purpose of the reappearance of the mugshots was first and foremost to confront Duch with the biographies, torture sessions, and executions of those he had sent to their deaths. Hence, they were not analysed as visual texts, but as mere illustrations of the human beings represented in them and, as Michelle Caswell highlights, shown in order to increase the emotional intensity experienced by the participants in the trial.

**The Melting Pot of Conscience: The ‘Humanity’ of Duch**

Duch’s trial not only sent shockwaves throughout Cambodian society, it also had a destabilizing impact on significant personalities who had been in contact with him. This must have been due to the gesture of repentance that Duch exhibited repeatedly in public and, especially, before the court, where he addressed in a remorseful tone the families of the victims and the survivors. Never having been a real Khmer Rouge leader, Duch was nonetheless more than a mere cog, since he had oiled the machine connecting ideology with repression, or, in other terms, the Ángkar (the Organization) and the Santebal (the police). Given the central role of repression in the Pol Pot regime, one might infer the relevance of the tasks assigned to him during the Democratic Kampuchea rule. What is more, the vast majority of the documents providing evidence of the crimes committed by the Khmer Rouge between 1975 and January 1979 proceeded from S-21 and, as Craig Etcheson stated before the court, Duch received orders from the highest hierarchy, that is, Son Sen and Nuon Chea.

19 In his appearance before the court, Craig Etcheson expressed his conception of Duch as an innovator who was given autonomy in the decisions. Such a thesis echoes Raul Hilberg’s judgment on Adolf Eichmann: ‘His private life was, in short, normal, but in the maze of the bureaucratic apparatus, Eichmann was a pathfinder and a supreme practitioner of destruction’ (Hilberg, *Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933–1945* [New York: HarperCollins, 1992], p. 41); cf. Hinton, p. 131.
What is indisputable is that Duch never raised suspicions among the party leaders and he was faithful to the party after the Khmer Rouge defeat. Nonetheless, Duch’s adoption of an attitude in tune with the tribunal from the very beginning and his initial assumption of guilt were signs of what was purportedly a radical change in the perpetrator’s conscience. Having converted to Christianity after an assault on his home in November 1995 during which his wife, Chhim Sophal (alias Rom), was killed, Duch followed the path of confession, atonement and eventually redemption. Or, perhaps, he merely assumed Christian rhetoric in order to obtain a pardon for his sins.

Regardless of the difficulties one may have trying to assess his acts of contrition, the defence strategy employed by his lawyers had a positive impact, not only regarding the understanding of his past crimes but also with respect to the victims’ healing process. This becomes clear when comparing Duch’s trial with the following trials against the authentic Khmer Rouge leaders Nuon Chea, Kieu Samphan, Ieng Sary and Ieng Thirith, which were hampered by interruptions, stratagems and downright denial of any personal responsibility in the crimes of Democratic Kampuchea. This is the reason why, in spite of the disappointing end to the story, Case 001 also had an enormous impact on the rethinking of evil and the understanding of the perpetrator of horror in the twenty-first century. Three people have left a record of their confrontation with Duch resulting in profound reflections on the human condition at three different levels, corresponding to their area of specialization: the anthropologist François Bizot, the lawyer François Roux and the filmmaker and survivor Rithy Panh.

**Duch as an Agent of Change in Bizot’s Conscience**

Arrested in an ambush by the Khmer Rouge guerrillas in 1971 as he was doing his research on ancient Khmer culture, François Bizot became the ‘guest’ of Comrade Duch, who was in charge of M-13, a prison and an interrogation center located in the jungle of Anlong Veng. The Bizot affair was an anomaly since Duch engaged in a face-to-face relationship with Bizot that lasted three months and resulted in a high degree of intimacy. Bizot’s familiarity with Khmer language, along with Duch’s French education, all within the framework of forced isolation, must have provided an atmosphere propitious to reaching this stage of confidentiality. Once Bizot became familiar to Duch and was thus humanized for him, killing him would have proved to be a harder task. Convinced through their conversations of Bizot’s innocence and signs of personal integrity, Duch fought for his release before the Angkar and stood up to his superior

20 This having been said, Duch seemed more prone to endorse an overall responsibility for the crimes than to specify his participation in precise facts, as the investigation judge Marcel Lemonde wrote (Hinton, p. 142).

21 Dunlop, p. 245. Curiously enough, Duch was baptised by his pastor Chamka Samraung on January 6, 1996, the same date commemorating the last day of the Khmer Rouge rule in Cambodia.
Ta Mok (called ‘the butcher’), who was set on killing him. Duch prevailed and Bizot was released, a dénouement that was to be an exception in the torturer’s career.

Back in France, after witnessing the tragic evacuation of the Phnom Penh French embassy in April 1975, and having discovered the murderous quality of the regime, this weighed heavily on Bizot’s conscience for years. Why had he been spared? The wound reopened abruptly in a 1998 visit to Tuol Sleng museum when he discovered that his host at M-13 had later become one of the most relentless torturers of Democratic Kampuchea, responsible for the death of between 14,000 and 20,000 people. Scarcely one year later, he learned that Comrade Duch was still alive and had been arrested. This added to the state of shock in which he wrote his memoir *Le Portail* (*The Gate*). What Bizot had considered for years to be a stroke of luck (his release) acquired a new significance upon discovering the implacable identity of his captor. Inevitably, it raised a series of unsettling questions: why had he, and almost only he, been pardoned by this relentless executioner? What kind of bond had the torturer discovered in him so as to free him? The questions were excruciating, but the torturer’s arrest provided Bizot with the opportunity to delve deeper into the investigation, which was to be at a more profound level also a self-investigation. Their re-encounter was inevitable.

Meanwhile, Duch had not forgotten his former guest and asked to meet him again. They chatted briefly as Duch was under arrest, and Bizot handed him a copy of *The Gate*. Some of the exchanges in this interview were captured by Jean Baronet’s camera for his film *Derrière le portail* (*Behind the Gate*, 2004). A few years later, Bizot was called as a witness before the ECCC, and devoted a new book entitled *Le Silence du bourreau* (*The Silence of the Executioner*, 2011) to his new thoughts regarding Duch. In its pages, one can perceive the ghostly shadow of Duch accompanying Bizot’s introspection over the decades, and becoming an inseparable companion, that is, a source of gnawing doubt. Bizot pointed out with acuity the inversion of causality in his experience, that is, how a new discovery, account or encounter with the man who permitted him to live made him re-write the episodes of the past giving them another meaning: ‘J’ai perdu,’ he concludes, ‘la conviction que les choses, dès l’instant où elles se produisent, reçoivent une forme irrévocable qui se conserve pour l’éternité […]. Le présent modifie davantage le passé que l’avenir, chaque nouvelle épreuve se presse sur les précédentes pour les écraser’. Bizot had attuned himself to the executioner to the point of feeling him as a presence that both protected and unsettled him perhaps forever: ‘Jamais je ne verrai mon semblable comme avant’, he concludes. In other words, the physical and also ghostly presence of Duch had constituted for Bizot a mirror to look into himself, a counter-identity without which four decades of his life were inconceivable.

François Roux and the Humanity of Duch

Although very different in approach and experience, the French lawyer François Roux followed a similarly peculiar trajectory in relation to Duch. He had actively participated in movements against violence, was specialized in the defence of those accused of civil disobedience, and more recently had defended four Rwandans accused of committing atrocities as well as the 9/11 suspect Zacarias Moussaoui. He took on Duch’s defence (with the Cambodian defence lawyer Kar Savuth) on the condition that the accused plead guilty. In so doing, he hoped to put forward the crime of obedience instead of considering obedience as a cause for discontinuance and criminal unaccountability. Roux was convinced that the re-encounter between Duch and his victims in a legal framework would have healing effects on the Cambodian reconciliation process: ‘what other than justice… could have organized this meeting between Duch and his former victims?’

As Roux recounts after the end of the trial, his colleague Kar Savuth’s defence strategy was to present Duch as a scapegoat. Savuth substantiated this on the grounds that 195 other prisons had operated in Democratic Kampuchea and, consequently, S-21 was only one among many. However, this thesis overlooked the well-informed report by Craig Etcheson in which the investigator established the direct links between S-21 and the Ángkar, which other execution centers did not have. Roux’s strategy was to reach a plea agreement in which the parties would propose a sentence to the judges, but once again on the condition of Duch accepting his guilt.

Inasmuch as Roux treated Duch as ‘criminal by obedience’, he expressed the need for society to bring him back into humanity, the humanity he had voluntarily abandoned by committing his crimes. Roux’s aspiration was that through the performance of justice the Cambodian community would recognize Duch as a peer or even a brother in humanity (frère en humanité). Here, Duch’s confession of guilt and his public apologies to the victims were to play a crucial role and, consequently, Roux lamented the lack of sensitivity from the co-prosecutors on that point.

Following the itinerary of this risky defence strategy, Bernard Mangiante made a film in 2011 entitled Le khmer rouge et le non-violent, which concludes with Roux’s isolation when the accused rejects him on the grounds of loss of confidence and embraced the Cambodian defence lawyer’s strategy of pleading not guilty and requesting acquittal.

Neither Bizot nor Roux were mistaken as to the ambivalences of Duch’s testimony. In confronting the accused with his crimes, both interrogated the human being within the murderer: Bizot submitted himself to a self-examination so as to explain the grace this torturer-in-chief had showed towards him, saving his life; Roux took on the

24 Hinton, p. 65.
defence of someone whose crimes he abhorred in the hope that Duch’s repentance would contribute to the community’s reconciliation. During the whole process involving the pre-trial investigations, the trial itself and its aftermath, Roux and Bizot became two key instruments in the analysis of the dark side of ‘the human’. In this sense, they reconsidered the questions raised by Hannah Arendt in her early 1960s report on the Adolf Eichmann trial in Jerusalem, questions that she condensed in the highly controversial phrase ‘banality of evil’. Since then, the debate on radical or banal evil has been central to scholarship on mass murder and war crimes. In effect, this issue was at the core of Christopher Browning’s investigation on battalion 101 of the German police on the Eastern front, in which ordinary Germans were transformed into murderers within a few weeks. The same question is central to the Manichean thesis of eliminationist anti-Semitism sustained by Daniel Jonah Goldhagen in the mid-90s, and, last but by no means least, it is present in a long list of books and contributions that reflect on the cases of Rwanda, ex-Yugoslavia, and others.

These examples tackle the thin line which separates Eichmann and Duch from both the master criminals behind terror campaigns and from the ordinary executioners. Most revealingly, Bizot and Roux experienced the contamination of their human condition after being exposed to Duch, the feeling of being caught up in his web. In the criminal court and beyond, what was at stake was whether to recognize Duch as ‘a fellow brother’. Regardless of the final result, by publishing their personal interviews with Duch, Bizot and Roux called attention to the fragile suture of the conscience wounded by evil, be it diabolical or banal.

Know Your Enemy: Strategies of Filming

Rithy Panh’s strategy was to make the mug shots of the detainees play a decisive role in his confrontation with Duch. He did so by taking advantage of cinematic resources, in particular frame composition and editing. A few years earlier, Panh had released his S-21: The Khmer Rouge Killing Machine (2003), which was ultimately focused on the absent figure of Duch. The former interrogators, guards and survivors referred to the prison chief as the brain that guaranteed the seamless management of repression at S-21. Nonetheless, it was not impossible to include Duch in this film since Panh’s request to interview Duch while he was in custody had not been approved. On learning that the criminal case was to start, Panh renewed his application in order to try to

fill in the gaps of his previous film with the man who supposedly held the ultimate secrets of S-21. Talking to him, listening to him recounting the events and capturing his body language on camera became a logical goal for Panh: ‘It was as though my investigation was missing an essential element: Duch’s words.’

Yet, to obtain first-hand statements from this man and fruitful responses in face-to-face confrontations, Rithy Panh was to risk becoming ensnared in the cobweb of his opponent, his cunning, his coldness, his detachment and his lack of empathy. Duch agreed to Panh’s request for an interview. The result is a singular duel recorded in over 300 hours of shooting. The end product was the documentary *Duch: Master of the Forges of Hell* (2011). But the film, as Panh recounts in his intimate diary of the shooting, entitled *The Elimination*, turned into a self-interrogation. Once filming was underway, Panh began to suspect that in the interviews Duch may have had the sinister aim for Panh to help ‘prepare him for his trial’.

In this light, Duch’s attempts to destabilize Panh were but the continuation of his expertise throughout his entire life: the art of demolishing his opponents in a face-to-face clash. It happened as if there were an invisible structure of interrogation behind the interviews introducing into them an unexpected hierarchy of power. The former interrogator resorted to putting his adversary on unstable ground and the other feared that his old condition of victim made him suddenly more vulnerable:

So I have a revelation: Duch has entered into a moral contract with me. A contract of sincerity. He’s got me.

From that day on, everything gets away from me. I sleep little. I breathe badly, I have dizzy spells. I stop taking subways and buses. At night I sit in front of the television set and channel-surf. I’m caught up by the flood of images, caught up and rested. I fall down. I sit up. I open my eyes. I call for emergency medical help; the doctors find nothing wrong with me but anxiety.

It seems as if the filmmaker had failed to recognize his power in the interview and as if the detainee had suddenly recovered his from former times. In their exchange at close quarters, past and present overlap and the most skilled between them in interrogations seems to take over little by little, leading the course of the conversation. In fact, according to Duch, hitting and torturing should be conceived as a last-resort mechanism to induce confession; a mechanism which pales against oral rhetoric and political pressure. ‘My sword,’ Duch says proudly, ‘is the word.’ Of course, the setting in which the interviews between Rithy Panh and Duch take place is not the same as

30 The course of the hearings confirms the resemblance with the sequences to which Rithy Panh gives shape, sometimes with the same words, gestures and of course arguments (ibid., p. 18).
31 Ibid., pp. 185-186.
an interrogation. Nonetheless, the roles played by both characters in the past, even if they never met, seem to reactivate Rithy Panh’s inner feeling of fragility. It is as if the roles played in the past take over the present. In the light of this rendezvous with the perpetrator, Panh, like Bizot, is drawn to revisiting his biography:

I reread these pages. I’d like to erase my childhood and leave nothing behind: not the words, not the pages, not the trembling hands holding them; not the warm paving stones in my entryway where my mother waited; not the spirals; not the dizzy spells. There would be nothing left except Duch and me: the story of a combat. I’ve filmed his oversights and his lies. His hand, wandering over the photographs. His forceful, sudden respiration, as if the exaltation of former days were still there, in his lungs.32

It is at this time that the filmmaker becomes aware of the power the cinematic language accords him, namely, editing and montage. In making use of them, he manages to reshape Duch’s discourse:

Then I begin to edit my film. [...] I cut him off. Duch reinvents his truth in order to survive. Every act, however horrible, is put in perspective, subsumed, rethought until it becomes acceptable, or almost so. I edit my film, therefore, against Duch. [...] I think about what he said to me: ‘In every lie, there’s some truth. In every truth, there’s some lie. The two live side-by-side.’33

Cinematic Strategies in Perpetrators’ Documentaries

The above remarks are necessary to understand what is at stake in the exchanges between these two human beings who face each other over hours and hours of shooting: a matter of film style, we might say, that includes ordering sequences, frame composition, using reaction shots, incorporating archival footage and other visual and sound effects. All of them together contribute to depicting Duch’s character. To begin with, the interviews are framed on either side by two sequences showing the prisoner in his cell. In the first of them, his slim body is accompanied by the recorded voice of Pol Pot in one of the dictator’s most famous radio speeches, followed by the singing of the anthem of Democratic Kampuchea. Some Khmer Rouge propaganda-film shots associate Duch with his past as a faithful member of the Communist Party. The film closes leaving him in his cell in solitude.

The main body of the documentary is made up of the interviews that we may term a tragic agon.34 For one thing, the two figures (Panh and Duch) stage an unequal

32 Panh and Bataille, p. 200.
33 Ibid., p. 186.
34 I am using the ancient Greek drama term ‘agon’ to refer to a debate or confrontation between the two main characters - the protagonist and the antagonist - as appears in the scenes of classical tragedy.
combat in which one is supposed to furnish information to the other. Nevertheless, giving information necessarily involves filtering it, concealing or disguising traits and details hovering on the horizon: the line of defence, as Rithy Panh suspected, that would be adopted at the trial. On the other hand, calling it *agon* does not imply that the scene is symmetrical character-wise. In fact, the first consequence of this asymmetry is the omission of the questions posed by the filmmaker while Duch’s word takes center stage. Given that Duch’s narrative and body are the very document that the filmmaker is seeking, a question inevitably arises: how to film his words, his narrative, and ultimately his body?

This problem falls into a sub-genre that Raya Morag has called ‘perpetrator documentaries’, that is, ‘documentaries that focus on the figure of the perpetrator while unravelling the long-time enigma of the “ordinary man turned perpetrator”’. According to Morag, in order to obtain the confession (she distinguishes this from the concept of testimony, which she insists on applying solely to the victims), a frame (pardon, reconciliation, accountability) must be determined, since it modifies the meaning of the confession itself. In the same vein, Deirdre Boyle recognizes a particular interview case in documentaries dealing with ‘unreliable subjects over time’. Rithy Panh chooses an apparently neutral but subtle film style, deprived of marked camera angles and any other subjective emphasis that would stress a personal attitude or call attention to the dispositive. Duch was seated behind a desk seen in two similar rooms near the court: one of them was intended for hearings and Panh disliked it inasmuch as it gave the interviews the appearance of a trial, which he wanted to avoid; the other, with no signs of any other use, became the basic stage for the film. The reason for this choice was unequivocal: the film was not conceived as the confrontation between a perpetrator and a victim, but as a collaboration (not excluding a struggle) between two individuals committed to producing a true account, namely that by the one who was there and knows. In other terms, *Duch: Master of the Forges of Hell* introduces the piece missing from S-21. *The Khmer Rouge Killing Machine*, which was a puzzle made up of the voices of those (witnesses, interrogators, guards, survivors) who were under his command. Confronting the master executioner, Rithy Panh’s questions are then a trigger for Duch’s memory and narrative, be it true or false. In reality, Panh’s words are part of a complex (cinematic) device and cannot be analyzed without taking into consideration how objects are handled or props displayed and the resources of cinematic composition and editing.


37 Most of the details concerning the shooting used in this paper are drawn from a long interview by the author with Rithy Panh at the Bophana Center in Phnom Penh on October 17, 2014.
To illustrate this point I would like to briefly compare this strategy with two others used in other ‘perpetrator documentaries’. *Enemies of the People* (Thet Sambat and Rob Lemkin, 2009) is conceived around a long interview with Cambodian ‘Brother No. Two’, Nuon Chea. Over several years, Sambath, the son of a Khmer Rouge victim, recorded, both on tape and on film, numerous interviews with one of the major criminals of Democratic Kampuchea, keeping his identity secret. All through these years, not only did he not hear any sign of remorse from Chea, but he also failed to obtain any substantial information from him. In the course of his research, Sambath met other Khmer Rouge cadres and executioners, who ended up revealing the atrocities they had committed. In the final editing in which Sambath did not participate, Rob Lemkin intersperses the Nuon Chea-Thet Sambat face-to-face interviews with the testimonies of other executioners, attempting to complete the chain of command and to illustrate the different degrees of responsibility in the crimes. Lemkin shows the Sambath-Nuon Chea encounters in such a way that he turns ‘the camera on Sambath, bringing the filmmaker into his own documentary’. That is the reason why Sophal Ear terms this film as a ‘documentary within a documentary’.

Documentary filmmaker Errol Morris deploys a different strategy in his provocative *Standard Operating Procedure* (2008) devoted to listening to the voices of the US military accused of committing abuses and performing torture in the Iraq prison of Abu Ghraib. The film dispositive used by Morris is based on the combination of two cinematic devices: first, the Interrotron system to question the interviewees, then the staging of the scenes evoked by the witnesses that have left no visual trace. The former requires a brief explanation. The Interrotron invented by Morris is a device that adapts the TV teleprompter. As Linda Williams explains:

> Through mirrors it inserts Morris’s own face and eyes as interlocutors in the center of the camera lens, achieved at the expense of Morris’s ‘live’ presence in the direct company of his witnesses. But if one kind of direct connection is lost, another is gained. For by placing himself in an adjacent room with a camera trained on his face, Morris enables his witnesses to do what they cannot in other documentaries: to look their interviewer, and thus us, directly in the eye. (...) As viewers we see the interviewees’ eye movements and facial gestures as they encounter, or resist encountering, Morris’s own face and eyes in the lens that films them.

What is important about the Interrotron is its ability to scrutinize the witness’ demeanour capturing particular details of their micro-physiognomy and producing a distancing effect between interviewer and interviewee. The two examples briefly

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38 Sophal Ear, ‘Enemies of the People (review)’, *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 34.1 (2012), p. 143.
The Perpetrator’s mise-en-scène

examined – Sambat-Lemkin’s and Morris’s – permit us to better comprehend the simplicity of the dispositive Rithy Panh decided to give his interviews with Duch and, consequently, the importance conceded to their face-to-face encounters, which also became clashes. As an instrument of understanding, the value of the film as a means to understanding originates in Duch’s words but goes beyond them. The crucial point lies not in the veracity of Duch’s testimony, but in recording his relationship with the past, which encompasses Khmer Rouge ideology, slogans and postures adopted towards his enemies and subordinates. The interviewer’s power resides in the control of the set and the liberty Rithy Panh gives himself to film his interviewee’s body, gaze, gestures, voice, and not least silences, as well as to contrast them with other witnesses’ accounts. And this was made possible with the resources of cinema, such as scales, angles and depth of field.

Rithy Panh’s Scenography for the Shooting

Duch is filmed sitting behind a desk from the opening credits onwards underscoring his bureaucratic task in the days of S-21 (Fig. 3). In those days he was assigned administrative tasks, involving ordering torture and the meticulous analysis of confessions, from which he decided upon their accuracy and verisimilitude, that is, with regard to the needs of the party line. Duch spent interminable hours in his office carrying out his duty with care and even devotion. In placing him before a desk full of documents, Rithy Panh reconstructs the position he lost in January 1979, even though he no longer has the power to decide over others’ lives. Duch is invited to comment on the remnants of the past that are displayed before his eyes.

The film is soberly shot with two cameras, one on a tripod, the other handheld and operated by the filmmaker himself. Rithy Panh plays a double role in the filming: feeding the conversation through questions and capturing inserts with details that escape the fixed camera. Panh gave Duch sheets of paper, each one with a slogan written on it and asked him to comment them on. Besides his words, the viewer witnesses his distinctive pace and tone of voice while the camera registers his rigid body on reading the slogans. His voice becomes then an irreplaceable document, since it

Fig. 3
conveys the fervor of times gone by. The sound captures changes in tone of Khmer pronunciation in which his political training is still recognizable. Throughout the conversations, Duch either adopts a dramatic tone, or a pedagogic style, particularly when he provides explanations of the Khmer Rouge regime. It goes without saying that he considers himself the best transmitter of these old times and, in this regard, he cannot but feel proud of this status.

Duch is asked to inspect a file or document that accuses him, such as a victim’s confession. He then identifies his own handwriting, as if in a silent and confidential conversation with the interrogator who performed the actual torture, and he recounts the functioning of S-21. At other times, he scrutinizes the photographs representing everyday life at the prison and names the protagonists and the settings as if mentioning family names: his guards, his interrogators, his drivers, and archivists. He even points at photographs of himself attending the refectory, giving a speech to his delegates, with his family at various locations. Surprisingly, all these events and people are evoked with a sense of normality, not to say banality.

All these documents act as memory triggers, since the filmmaker has arranged them so as to provoke the interviewee’s reaction, which occurs when confronted with the traces of those times in which he was the protagonist: re-reading slogans, examining his own handwriting, standing as a soldier committed to revolution and faithful to the party, or identifying his victims with his prodigious memory. All these acts are invested with great value by someone who attempts to show that he was only being creative in interpreting orders to the limited degree of personal initiative. That is, he only used his own initiative in the details of the execution of orders. In effect, Duch made the plans of the Ângkar happen, although he had not decided them.
Be that as it may, the cinematic treatment of these sequences takes on an aspect of subtle dramatization that becomes almost subliminal for the viewer. This occurs when the elements of the scenography are displayed like instruments of interpellation, if not of downright accusation: as Duch sits at his desk, the set is full of the signs of the destruction he caused, which the camera registers as apparently innocuous accessories. Thus, Duch is confronted with photographs of Vann Nath’s naïve-style paintings, as well as the enlarged headshots of the victims. Duch might have avoided looking at them, but for the filmmaker the question has to be posed differently: it is the victims who observe their executioner from the photographs that captured them for the last time. More precisely, the headshots are submitted to a complicated meta-communicative procedure: they are shown to the filmmaker (in the shooting) and the viewer (in the final edited film) by the one who ordered them to be taken after deciding to put the subjects of these photographs to death.

Accordingly, the spectator is compelled to adopt some unwilling positions (physical, as well as ethical). In these cases, with or without Duch’s gaze, a new force is implicated: Duch’s fingers touch these material artifacts (the photographs) representing the victims. The images of his skin touching these near specters of victims he ordered to be killed is profoundly uncanny. Panh films Duch from an *ideal distance*, neither too close nor too far, which allows him to include the images displayed at the table in the frame, as if the dead represented in them questioned the master of S-21 from the past (Figs. 4 & 5). One of the most persistent and damning documents is the file containing the photographs, letters and confession by Bophana; a file that Rithy Panh, following the *Washington Post* journalist Elizabeth Becker, transformed into an icon of the destruction of human sentiments perpetrated by the Khmer Rouge. Most of the frames of the film bear witness to Bophana’s gaze imperturbably scrutinizing her executioner.40

Bophana and Duch: A Belated Clash Mastered by Rithy Panh

The filmmaker defies the torturer with the victim’s file.41 Conscious of the performative power of photographs and documents, Panh films Duch’s hands caressing the signs and representations of this life cut off; afterward, Duch compares these pictures forged by the repression apparatus with the ones portraying the Bophana’s previous

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41 The Bophana affair was linked to one of the major purges within the party, involving the detention, interrogation and confession of Koy Thuon. To obtain the information needed, Duch developed his best skills as a master of interrogations.
happiness; finally, Duch recognizes his own handwriting and signature upon the date (Fig. 6). It is reminiscent of what Aristotle, writing on Greek tragedy, named *anagnorisis* (recognition by the protagonist of his real identity) meticulously filmed by the documentarian.

The itinerary Rithy Panh imposes on his interviewee symbolically shortens the distance between Bophana and Duch: instead of using the classical structure of shot-reverse shot, which would underscore the causal link between stimulus and response, cause and effect, the filmmaker seeks the co-presence in the space, incorporating Bophana’s photograph and Duch’s body in the same frame. Panh leaves the reverse shot for the intended viewer of this exhibition. This space-sharing is a kind of monstrosity in itself, since it suggests the destructive power of the gaze as leading to the elimination, the *komtech*.

Duch, a careful exegete of documents, points with his finger at Bophana’s signature, the one which sealed her destiny. He does so as he must have done the day on which he resolved her execution, extending his forefinger to the very spot where Bophana’s thumb had been stamped (Fig. 7). It seems as if Duch is revisiting the process of her destruction.

Outrageously, the scene suggests physical contact with the victim through this old sheet of paper: an absolute desecration. In so doing, the filmmaker’s gesture seems to invert the

42 In Khmer, the word ‘komtech’ means to annihilate without leaving a single trace of someone’s existence.
sublime gesture with which Michelangelo captured in the vault of the Sistine Chapel the fragile nature of man extending his forefinger to the Creator and nevertheless failing to reach Him. Rithy Panh ends Bophana’s case by using a collage-shot of all the symbolic ingredients as a condensation of the plot: Bophana’s mugshot enlarged, the typewriter summing up the confession, the shackles she was wearing throughout her captivity (Fig. 8).

**Duch’s Gaze as a Symptom of Malaise**

Filming an interview involves the interviewee submitting to certain rules, one of the most important being the axis of the gazes to give continuity to the scene. However, Duch’s reluctance to be captured by the camera in a face-to-face stance is quite symptomatic of his malaise before the apparatus, as if he was unable to hold the gaze of his interlocutor. Duch’s gaze is then elusive, as he feared that the camera could see inside him.43 Could this uneasiness be linked to Duch’s ambiguity regarding his recognition of guilt? In the end, the encounter of these two human beings did not leave either of them unscathed.

Certainly, as Rithy Panh reminds himself in a moment of fragility, the filmmaker has the ultimate power over the interviewee inasmuch as he keeps control of the editing process. However, an excessive use of that power would discredit him by depriving his opponent of his right to present his views in continuity and without his discourse being manipulated. Panh, then, returns to simple editing procedures by introducing to the scene the accusations formulated by former guards and interrogators against Duch and collected earlier by the filmmaker himself. Panh invites the victims to enter the scene through photographs and files, but he does so also by calling upon other witnesses from S-21 as surrogate voices. On presenting Duch with the declarations recorded at an earlier stage in the research on his laptop, Panh films Duch’s reactions to them, either his malaise or his dismissive attitude towards the veracity of their contents. As a result of the ongoing criminal case, the physical confrontation between the director and his ‘workers’ was impossible to envisage. However, these reaction shots of Duch when faced with the accusations permit us to scrutinize how Duch plays with the thin line between acknowledgment and denial of his guilt, particularly when some specific issues are brought up, such as his presence at the execution fields of Choeung Ek and his performing torture personally at S-21.

The filmmaker’s leeway thus lies in the interstices of what the camera registers. For Duch, these visual documents are nothing but false testimony from his former

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staff, an expression of their ungratefulness; for Panh, in turn, they are a counter-argument which force the accused to respond by means of silences, dismissive gestures and disavowals that lay bare his defence strategy. In effect, having settled the limits of his acceptance, these precise accusations put Duch in a vulnerable position. In this sense, his responses in all domains (and not only in verbal discourse) are symptomatic. For the viewer, and thanks to the treatment given in the film, the accountability of Duch is at issue in every minute detail: the more abundant these details are, the richer is the cinematic document in helping us to reach a conclusion.

Furthermore, Panh surreptitiously slides into the interview a series of documents projecting his interlocutor into his past. All these devices and artifacts might escape Duch’s perception, not to mention his control, but they do not fail to bring the time in which he performed his crimes into the present. It is a sort of landscape that opens out before his eyes playing in the interstices of what can be considered memory triggers and subliminal signs. Which one of these two extremes becomes more prominent depends on the emphasis given by the director in each scene. The Khmer Rouge propaganda films as well as the Democratic Kampuchea hymn project the atmosphere of the Pol Pot regime into the austere room where the interview is being held. It is at this point that we become aware of the complexity of the components included in the film: Duch’s oral testimony is but one piece among others, like photographs, paintings, leaders’ voices, revolutionary songs, former cadres’ images and other characters accusing Duch directly or indirectly. Thus, the director of S-21 is oppressively surrounded by an accusatory scenography.

In reality, it is not a matter of a simple amalgam. Duch is asked to confirm or refute the veracity of many documents that the filmmaker has spread out before him. In this light, the film, Duch, Master of the Forges of Hell, in spite of its bare setting, its limited arsenal of stylistic devices and, most disturbingly, the stratagems concocted by the interviewee, constitutes a well-articulated machinery in which the pieces acquire a precise function. No evidence is more telling than that which arises when Duch feels hunted and entrapped: his laugh.

**Body Memory**

*S-21: The Khmer Rouge Killing Machine* overflows with what Rithy Panh calls ‘body memory’. Under totalitarian regimes, bodies are intensely disciplined. Submitted to everyday rituals, these express submission to the party through movements, uniforms, the reciting of slogans, rather than by conscious approval of an ideology. The

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44 Rithy Panh argues the existence of different memories: that of the word, that of the places, and, most importantly, that of the gestures. N. Rachlin, “En fin de compte, un génocide, c’est très humain”: S-21, la machine de mort khmère rouge de Rithy Panh’, L’Esprit Créateur, 51.3 (2011), p. 33.
Khmer Rouge permeated Cambodian society with strict mechanics of behaviour and gestures. From this standpoint, the propaganda films are most expressive: the mechanical smiles of the leaders, the total absence of those smiles in the people, incessant applause, bodies wrapped in black pyjamas, bodies subjected to monotonous mass choreography. What leeway remains for spontaneity and freedom in this context?

As far as he is concerned, Duch is an educated and even sophisticated man, but he is also a model of obedience. In one of the first sequences of the film, he evokes his oath to the party, the highest ritual that a communist could conceive, since it meant devoting himself lifelong to a pseudo-religious cult. On remembering this sacred moment, his anatomy suddenly grows stiff, he raises his arm as in a ceremonial salute, he clenches his fist lifting it to temple level (Fig. 9). 45

This is a moment of devotion that Panh echoes with a black-and-white archival image showing the same gesture carried out by numerous militants: energetic gestures, facial expressions of anger and the traditional krama around the neck. This gesture was typical at rallies accompanied by a compulsive series of three blows on the chest, as if in an act of contrition (Fig. 10). Duch chooses a solemn act in lieu of the spasmodic movement that would spread out among the crowds. He then seems to embrace this sublime instant once again, as if the past had taken over the present through body memory. In other words, the former Khmer Rouge prison chief may confess to his crimes, comprehend that he has been working for those who destroyed their own people; he may even have changed ideology, by converting to Christianity. But regardless of the guilt Duch’s words express, his body

45 This same moment would be evoked before the court the fourth day of the trial in which Duch recounted how he became a militant. See Hinton, p. 86; Cruvellier, p. 15.
continues at this precise moment to be bound by his old fervour. In a nutshell, his anatomy is still Khmer Rouge (Fig. 11).

Throughout the documentary, Panh focuses on Duch’s body. At the end, once his testimony is completed, the camera captures his morning exercise routine. He wears a plain white T-shirt and shorts while a sentimental song plays on the radio. The contrast between the monstrous accounts we have just heard and the scrawny figure we now see in the cell is stark. Later on, and without uttering a single word, he finishes eating, reads a passage from the Bible and gives himself the communion host. All these gestures reveal how meticulous he is in following the tasks he or someone else has assigned to him, as he has always done.

Whatever our perception of Duch’s body may have been, nothing is more conspicuous about him than his hands: delicate with long, slender fingers, as well as elegant movements as he looks over the documents, they point at the details, such as the recommendations for administering torture, or his own handwriting. While the hands of the other interrogators and guards (e.g. Prak Khan, Chan, Him Huy) are big and strong, those of Duch embody the ‘desk perpetrator’ he was. Whether or not he has performed physical torture in the past, his fingers betray his mastery as a bureaucrat; the reason why he, and no other, had become the hinge between ideology and repression that the Khmer Rouge needed. These hands remind us of the math teacher and in a way stand for his mission before our gaze.

But Duch’s left hand veils a mystery. Long after the defeat of the Khmer Rouge, when Duch and his family were living under a false name and delinquency was running rampant in the country, his house was broken into under still-mysterious circumstances. As mentioned earlier, his spouse was murdered and Duch himself was wounded – his hand bearing the scar of this event. During the interview, Panh films in close-up the traces of that trauma, which led to his conversion to Christianity. It is as if a part of his body has taken on a life of its own.
Stoicism and the Laugh

As mentioned earlier, the most inscrutable of Duch’s expressions is his laugh, which, according to many accounts, seems to be at the core of his personality and, as far as the testimonies recount it, remains unchanged. In the psychological report requested by the tribunal from Françoise Sironi and Ka Sunbaunat and delivered in 2008, these two specialists diagnosed that Duch’s personality was characterized by two features: alexithymia, incapacity to express his own emotions, and dis-empathy, the psychological lack of identification with or vicarious experiencing of the feelings, thoughts, or attitudes of another. According to this, the development of both would have operated in what Sironi has termed ‘homme-système’ (man-system) during his formative years, meaning by this a subject in which the personal biography and collective history of his country meet. In spite of everything, these two features are not sufficient to make a criminal out of him. Astonishingly enough, Duch characterized his own behaviour by referring to a different term: ‘stoicism’. What does he mean by such a perverse use of a philosophical concept whose real significance lies in the control of one’s passions?

According to Duch, his conduct had always been defined by the resigned acceptance of the mission others assigned to him, as if it were destiny itself. In fact, this is the same attitude he adopted after being detained. Seen in this light, compliance with destiny and the subject’s immutability appear to be at the expense of the ethical nature of the action undertaken. Even more, his conduct presents itself as alien to ethical consideration. Even though we may give Duch the benefit of the doubt, we are faced with the most cynical perversion of the moral principles which are the basis of stoicism seen as a school of philosophy. Thus, Duch acknowledged with resignation the crimes that he had been driven to commit as the head of an interrogation center. According to this attitude, the horrendous crimes he is accused of were both inevitable (due to the force of destiny) and beyond human intervention (particularly, his). Before that perversion, it is excruciating to hear Duch reciting the verses from the stoic poem ‘The Death of the Wolf’ (‘La Mort du loup’) by Alfred de Vigny that Duch learnt during his colonial French-oriented school years. Before the cameras and in his old age, he does not hesitate to repeat these lines to which he is convinced he has been faithful throughout his life:

46 Symptomatically, a book by Terith Ghy containing a more recent interview with Duch (dating from August 29, 2013), bears the title of When the Criminal Laughs (Phnom Penh: DC-Cam, 2014). The authors of that interview, Savina Sirik and Eng Kok-Thay, note in brackets whenever a response is accompanied or followed by Duch laughing.

To groan, to weep, to pray are cowardly alike.
Perform with energy your long and heavy task
Upon the path that fate has chosen for you,
Then afterward, like me, suffer and die in silence.  

On filming the recitation of this literary motto, Rithy Panh offers us the feeling of continuity with which Duch contemplates his life, ranging from his involvement in the revolution to his status as mass criminal, through his scrupulous task as torturer and master of torturers. As a matter of fact, Duch recited these same verses before the court right after having recounted the torture suffered by the former prostitute Sok.  

To be precise, Duch the executioner seldom responds without taking his time to reflect on his answer, seeking a hiatus between memory and cogitation that allows him to measure his words. This imperturbability is put in peril at some scarce but crucial conjunctures. When this occurs, on feeling corralled by questions or accusations, he resorts to laughing.

Duch’s old comrades, collaborators and ex-prisoners still remember the dreadful effect of this laughter, since it systematically manifested itself in contradiction with the threatening scenes that were taking place. It is a matter of mechanization of the body, to borrow a term from Henri Bergson’s classic essay Le Rire.  

The lawyer Pierre-Olivier Sur refers to the photographer Nhem En, who recalls that, even when Duch was angry, he laughed.  

Another witness, Chan Voeun, recollects that Duch did so openly as he was interrogating his victims and in those cases nobody dared to look at him.  

The painter Vann Nath remembers the appearance of that reaction at the instant he was to decide on a prisoner’s life and elsewhere he refers to the uncanny simultaneity of hitting a detainee and laughing.  

Rithy Panh sums up this eccentric symptom when he writes:

Duch’s laugh. Many people have spoken to me about it. An M-13 survivor, whom I filmed on three separate occasions before he died, retained an indelible memory of Duch’s laugh. He could even imitate it. I could hardly believe it – it was too beautiful, too easy: Laughter bursts out in the midst of mass crimes.

Duch has a ‘full-throated’ laugh: I can’t think of another way to describe it. The first time I heard it, it made me jump. He stopped short. How can this be? I thought. He tortured peo-

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49 François Bizot spoke before the court right after this scene.


52 Panh and Bataille, p. 52.

ple, taught others to torture people, indoctrinated torture, organized an extermination, disappeared for years, taught in China, changed his identity, worked for an evangelical humanitarian association, converted to Christianity, and was finally identified and arrested; he’s spent ten years in preventive custody and is going to be judged by a criminal tribunal, and... he’s still laughing? Yes, the devil laughs at what he calls other people’s ‘lies’, namely the admissions of the interrogators and guards, who have acknowledged the torture. He laughs like a child.²⁴

But Rithy Panh’s most powerful device is the image and, making use of it, he seeks to capture the physical manifestation (sound included) of this apparent explosion of joy. On these occasions, the subject seems to lose control of his body, which acts as a pure machinery of jouissance. The irruption of a burst of laughter when a compromising issue is raised during a conversation gives the interviewee the opportunity to distance himself from the subject and prepare his response more carefully. Regardless of the protective mechanisms he employs, Duch’s laughter exhibits his absolute indifference regarding the pain of his victims. Filming the laughter implies taking Duch by surprise and uncovering the embodiment of coldness. In a way, this gesture supports the thesis that, contradicting all the changes Duch states he has gone through, something in him remains unchanged.

Repeatedly throughout the film, this eccentric reaction is a precursor to a refusal or denial when faced with the facts he deems unfair from his old ‘boys’. In those cases, Panh deploys a lethal scenography regarding the character: the desk is overflowing with traces and signs of his victims (photographs, confessions, biographies). To his left, the interrogator Prak Khan recounts how Duch’s assistant and protégé, Chan,
killed one of the detainees in cold blood splattering blood and brains on the rest of the other detainees. Duch reacts immediately and, before denying it categorically, he explodes into a burst of laughter (Fig. 12). Perhaps he is taking his time to seek a more appropriate counter-argument in defence of his fellow torturer. His reaction proves to be inappropriate with regard to the action discussed: laughing at the mention of such a cruel scene portrays Duch’s dis-empathetic character – this, of course, being neither a confirmation nor denial of the veracity of the argument. When another guard, Him Huy, maintains he has seen Duch torture a prisoner personally, the accused holds back his body as a consequence of a sudden impulse, and almost immediately bursts into laughter. The tiny body twists as if enjoying a funny joke (Fig. 13).

Yet, does this laughter involve jouissance? Is it a sign of distance? Is it a mere resource to come up with a response? We cannot know. What we do know is it constitutes an act of self-protection at a threatening moment and, as short as it might be, it offers Duch a crucial instant to regain control of the situation and meditate a response coherent with his strategy of defence. Nevertheless, due to the socialized significance of this gesture, it implacably suggests the emergence of indifference to the affliction of others. Laughing without restraint at the mention of torture and execution casts a long shadow not only on Duch’s statements, but also on the guilt he proclaims he feels towards his crimes.

He laughs because (...) he’s hiding his anger or his embarrassment. He also laughs to make me laugh. So we can share something. So I can understand him. He laughs so I’ll be him. So I’ll be a torturer in my turn, perhaps.55

In sum, Duch’s laughter represents the intimate and automatic response of his body conceived as a mechanism of defence: the higher the risk of being attacked is, the more consistently his body language protects him. In this sense, these are, so to speak, moments of truth, in which the self-defence alarm rings efficiently as if time had not passed. However, it preserves the deepest mystery of Duch: the sum of what his existence and behaviour pose to humankind.

55 Panh and Bataille., p. 216.
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Perpetrator Trauma, Empathic Unsettlement, and the Uncanny: Conceptualizations of Perpetrators in South Africa’s Truth Commission Special Report

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Abstract: A fixed and reductionist ‘image’ of the perpetrator in filmed media is one with which audiences are all too familiar, whether consciously or not. This article uses perpetrator trauma theory, empathic appeals, unsettlement, and the uncanny to explore the South African television programme Truth Commission Special Report in order to illustrate the ways in which the broadcast challenged or reified the conception of perpetrators as ‘monsters’. This will be exemplified through an analysis of several segments from the programme as it covered the Truth and Reconciliation Commission in transitional South Africa, and particularly its amnesty hearings of apartheid era perpetrators.

Keywords: perpetrators; documentary; South Africa; truth commission; trauma

Introduction: The Image of the Perpetrator

Referring to the intense public scrutiny of perpetrators in modern society, Saira Mohamed asks: ‘Has this staring yielded any greater understanding?’ The fascination with perpetrators, she asserts, has led us to place them in boxes, categorizing people as ‘cruel sadists’, ‘true believers’, or ‘pliant conformists’, and thus objectifying and individualizing them rather than allowing our encounter with them to provide any kind of enlightenment. This is especially problematic in documentary projects within transitional or post-conflict settings, in which a fixed image keeps the subjects – the perpetrators – stuck in the conflict, rather than allowing them to become dynamic actors in a setting of reconciliation.

This leads to questions of how filmic narrative around perpetrators acts as a canvas onto which we (using ‘we’ in reference to audience or viewers), according to Mohamed, project an unambiguous concept of morality, particularly after conflict, and how we place our sense of self within this construction of morality. Mohamed’s claim that the tendency of media is to be reductionist and static in its representations of perpetrators is the starting point for this examination of the perpetrator within documentary television in transitioning political contexts, utilizing episodes of the South African Broadcasting Corporation’s Truth Commission Special Report as a case study. In what ways did this broadcast’s investigative documentary framework either...
support stereotypical conceptualizations of perpetrators, or allow viewers to critically engage with the label of perpetrator in the South African context? Though there have been several theoretical approaches developed in order to glean an understanding of perpetrators, this study turns first to perpetrator trauma to uncover a wider understanding of the perpetrator experience of conflict in a way that breaks down problematic victim-perpetrator binaries. Acknowledging that a perpetrator may have also experienced a form of trauma creates space for potential empathic connection, though still with a critical distance, which is what unsettlement will refer to within my discussion of Dominick LaCapra’s concept of empathic unsettlement. This has the potential to be a politically and socially influential practice in transitional contexts. If viewers are able to move beyond simply ‘staring’ at perpetrators, and instead respond to perpetrator narrative with self-reflection, justice is more than retributive; it can also become transformative. Lastly, this study’s inclusion of the potential for viewers to experience the uncanny brings a necessary critical lens to this discussion by acknowledging the challenges of perpetrator representation within the wider ‘post-conflict’ landscape, even if a complex narrative is achieved. The three theoretical lenses of perpetrator trauma, empathic unsettlement, and the uncanny will provide a framework for exploring perpetrator representation within several segments of the widely watched South African television programme, Truth Commission Special Report, and to contemplate the role this award-winning programme may have played in relation to South Africa’s transitional justice process.

**SABC’s Truth Commission Special Report and the South African Context**

Often, as audiences scrutinize perpetrators that go on trial literally or figuratively, ‘one person becomes a stand-in for all of the perpetrators connected to the same tragedy, and the world stares, hoping to grasp how this nightmare, this stain on humanity, could have happened’. In a sense, the Truth and Reconciliation Commission (TRC) allowed South Africa as a whole to put Apartheid-era perpetrators on trial, and the media coverage became the window into that trial for the majority of the population unable to attend hearings in person. Media became a primary tool in shaping people’s perception of the transitional process and of the perpetrators who engaged with it. However, the media could not cover every amnesty or human rights violation hearing, so those individuals whose stories made the cut into the hour-long weekly broadcasts, radio announcements, or press releases became the face of the perpetrator. In particular, the South African Broadcast Corporation’s (SABC) television series

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3 Mohamed, pp. 1160-61.
Truth Commission Special Report acted as a key news source and informed a majority of South Africans about the happenings of the truth commission. The show aired between 21 April 1996 and 29 March 1998, with an average of 1.1 to 1.3 million people tuning in each week for the first year on air, and an average of 510,000 people tuning in during its second year. Three quarters of its eighty-eight episodes focused on the amnesty hearings and their corresponding perpetrator narratives and delved in further with interviews and investigative journalism. The influence of the programme and its visual staying power calls for investigation of whether the narrative was able to move beyond these metaphorical images and into a wider understanding of perpetratorship in the Apartheid era.

It is essential to situate the image of the perpetrator within the socio-historical realities of South Africa. Apartheid was a system introduced in 1948 that lasted until 1994, characterized by racial segregation and gross inequality and maintained through particularly oppressive and brutal policies of economic, spatial, and physical violence. On macro and micro levels, the state was founded on structural violence, giving way to the argument that all those involved in statutory mechanisms – and those who were beneficiaries of its inherent structural violence – were perpetrators of this violence, in addition to those who were involved in the physical violence that became part and parcel of the system. It was the breadth of violence, and subsequently, the number of victims, that led to the development of the Truth and Reconciliation Commission to deal with the past during South Africa’s transition to democracy. South Africa was tasked with addressing five decades of Apartheid (which was informed by centuries of colonialism) in which a majority of people were either perpetrators, victims, or both. Retributive justice simply would not have had the capacity to address such high levels of violence. Through the process of the TRC, the commission had to define what ‘perpetrator’ meant (which will be discussed), and the media then played an integral part in communicating that to the public. By examining the conceptualization of ‘perpetrator’ in the South African transitional context, we can seek to better understand the implications of that label in societies grappling with institutional and structural violence. We can also attempt to gain insight into how that conceptualization contributes to a wider understanding of conflict actors and what comes next for them, as well as for the people who must continue to interact with them in a day-to-day capacity beyond media representations. These insights can be theorized through perpetrator trauma, empathic unsettlement, and the uncanny.


Perpetrator Trauma as an Entry Point

Perpetrator trauma will act as a conceptual grounding through which to justify the need for a dynamic representation of perpetrators, particularly in transitional or post-conflict settings. Scholars of perpetrator trauma assert that ‘perpetrators can experience their crimes as trauma.’ Although the occurrence of psychic suffering as a result of committing a crime is not often addressed in trauma scholarship, it is a necessary consideration. Judith Herman’s vital work *Trauma and Recovery* explores trauma after violence, in which she examines former soldiers as an example of a traumatized community. Though she does not refer to it as perpetrator trauma, this choice speaks to the possibility that being a perpetrator of violence does not preclude an individual to traumatization. After large-scale conflict, as large numbers of perpetrators reintegrate – often without addressing their trauma – it can cause stagnation in the process of reconciliation on a societal level. Addressing trauma is necessary ‘if perpetrators are to distance themselves from an earlier implication in deadly ideology and practices’.

This is particularly poignant when considering Robert J. Lifton’s claim that the experience of extreme trauma creates two selves; the ‘second self’ is able to adapt to the situation at hand, and ‘enables a relatively ordinary person to commit evil’. Even beyond that, for perpetrators, the doubling allows what Lifton calls the transfer of conscience. The conscience of the second self becomes ‘associated with the group, with the sense of duty’, allowing the perpetrator to adapt to evil while avoiding guilt. If the transfer of conscience is allowed to continue into a post-conflict context, there is little chance for perpetrators to distance themselves from the group that has become the holding space for their guilt or general response to trauma.

These two selves appear throughout Morag’s formulation of perpetrator trauma as it is represented within film; she discusses ‘the five crises of perpetrator trauma’, which are manifestations of what she terms the perpetrator complex. The perpetrator complex refers to tension between guilt feelings (motivated by narcissism and looking backwards) and sense of guilt (motivated by victims and looking forward) as experienced by the post-traumatic perpetrator. This is a type of doubling of the self in that only one – the sense of guilt - carries true feelings of conscience, if we

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6 Mohamed, p. 1162.
7 Ibid., p. 1165.
8 Ibid., p. 1165.
11 Ibid., p. 29.
define conscience as driven by moral righteousness. In the films she analyses, Morag postulates that these doublings, and the tensions between them, manifest themselves as five specific crises: the crisis of evidence (the gap between the horror and the evidence of such); the crisis of disclosure (the concealment which takes place within the narrative); the crisis of gender (power relations within the moment of perpetration and in dealing with it after the fact); the crisis of audience (an absence of an imagined supportive community); and the crisis of narrativization (the gap between the identity of the perpetrator before inflicting violence and in the testimony of the violence). Each of these crises is representative of epistemological gaps between the perpetrator's understanding of their own identity and the testimony that then binds them to the label of perpetrator. The inclusion of these tensions in film perhaps draws viewers into a space where the source of said doubling, which Lifton claims is the experience of extreme trauma, can be addressed.

Grappling with perpetrator trauma is also necessitated through Herman's assertion that traumatic events destroy the ties between individuals and community; if perpetrators are continually isolated from wider society, there is less potential for them to distance themselves from their past actions and ideologies. Because of this, it is in the best interest of perpetrator and society for perpetrator trauma to be recognized as a potential reality and to respond to it appropriately. Recognizing the humanity of perpetrators also begins to break down any reductionist perpetrator-as-monster image that may exist; this also hints at the idea that any person could be capable of such acts, an important note as this study moves into theorizing empathic unsettlement. It must be emphasized that trauma and victimhood are not synonymous; an individual can be traumatized without being a victim. However, perpetrators are certainly not always traumatized by their acts either. That it also not to say that those labelled as 'perpetrator' cannot also simultaneously hold the label of 'victim'. Within the discourse around perpetratorship in South Africa:

[D]uring the deliberations of the South African Truth and Reconciliation Commission, three major theoretical transformations emerged and played a significant role in human rights discourse: first, each category defined by the Commission (victim, perpetrator, bystander, beneficiary) was examined independently of the others; second, the main categories (victim and perpetrator) were considered hetero- rather than homogeneous [...] and third and consequently, the victim-perpetrator binarism was broken, opening the possibility for interchange between the two categories.15

15 Morag, Waltzing with Bashir, p.12.
In legitimizing this type of thinking, the TRC has firstly recognized that binarisms such as good and evil and labels such as perpetrator are all discursive constructions. Secondly, by dismantling these labels’ perceived exclusivity, the TRC has given credence to perpetrator trauma as a possibility, identifying the fluidity and overlap within each of these experiences. This is instrumental in the transitional setting because ‘the systematic study of psychological trauma […] depends on the support of a political movement’; the political currency given to these concepts by the TRC creates a space in which to explore them.

That being said, South African scholarship has seen only a small amount of consideration regarding perpetrator trauma within the already wanting wider field of perpetrator studies. Most notably, Pumla Godobo-Madikizela has produced a comprehensive body of work on trauma, memory, and forgiveness, of which a cornerstone is her largely empathetic view of notorious Apartheid assassin Eugene de Kock, based on a series of personal interviews she undertook with him during his incarceration. Otherwise, perpetrator trauma has appeared as an honourable mention within South African focused research, but never as a theoretical backbone.

Morag claims that despite developments in understanding the complexities of perpetratorship (one of which is recognizing perpetrator trauma), these developments have not yet reached the sphere of cinema research in any great depth. Morag’s is one of the few scholarly approaches to the interactions of these labels within film and media representation. She posits that the interaction of perpetrator trauma and cinema happens through several different pathways: one that is particularly relevant to this case study is in the similarities of courtrooms and documentary, both of which are part trial of the perpetrator (as previously highlighted), and part performance, each led by narrative and the contextualization of that narrative. Some of the stereotypical narratives that appear can be seen outlined in Don Foster’s overview of the South African media’s portrayal of perpetrators during and after the Apartheid era in the *Theatres of Violence* chapter, ‘Popular Representations of Perpetrators’. He focuses on stereotypes of perpetrators that continually surface in media portrayals, while problematizing what he calls these representations’ ‘silences, their formulaic entries, or their sensationalist and sentimental portrayals’. Within this problematization,
Foster subtly calls for a more sophisticated lens through which to view perpetrators in order to deny the audience the ability to distance themselves from what tends towards a collection of reductionist caricatures.

**Representation & Empathic Unsettlement**

In order to scrutinize ‘the image of the perpetrator’, it is necessary to identify the orality around the image that either shapes or challenges its fixed-ness, as Saira Mohamed argues we perceive it. Orality in this context refers to the narration around the image, as well as the editing and framing which structures how the story is told. This also allows consideration of how orality around an image contributes to the categorization that Foster identifies and problematizes. Edward Hees challenges the idea of a fixed image at all when he calls it a ‘naïve realist assumption that the image can stand alone as a true, correct, image’, and calls for further analysis of not only the image, but the forces that shape it, going on to state that it is necessary to:

> create a scepticism in relation to that image, to what it shows, and what it tells—ultimately to encourage a move into the analysis and interpretation of what it is the image wishes to show or tell, with the emphasis now on the telling, or the construction of meaning.\(^{22}\)

Ideally, this construction of meaning around the image of the perpetrator is one that provides a greater understanding of the structures of violence at play, which creates a pathway towards a potential empathic connection with the perpetrator, and even a certain degree of learning for the audience.\(^{23}\) The relationship between contextualization and the message imparted is why Hees’s emphasis on the telling and construction of meaning is a linchpin for discussion around complex perpetrator narratives. Hees’s word choice in asking ‘what it is the image wishes to show or tell’ is important to deconstruct. The metaphorical ‘image’ of the perpetrator (though also tied to its literal appearance in media formats such as television broadcast) is the focal point of this study, which, according to Hees, means that the core of this study is asking what story the perpetrator representation is trying to tell. This in itself becomes complex because it is often a story with many authors, including the subject (perpetrator), but also likely includes the journalists, producers, and editors who make editorial decisions surrounding it. Context also matters, and the image is altered when the narrative is told via an interview, a courtroom testimony, or through the third-person; this study

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23 Mohamed, pp. 1159-1160.
does not have room to unpack all of these influencing factors, but they should be kept in mind throughout the analysis. Edwin Hees posits that recognition of the structural factors of violence, which comes through said contextualization, is essential in order to empathize with a perpetrator. In turn, this helps to break down the victim-perpetrator binary that is pervasive in much of the orality around perpetrators.

It may seem counterintuitive to seek learning from the representation of a perpetrator of violent crime and human rights abuses, but Susanne Knittel argues otherwise: ‘the idea that something could be learned from people such as Eichmann or Stangl [famously treacherous Holocaust perpetrators] may seem unsettling, but perhaps a certain degree of unsettlement is exactly what is required to shake visitors out of a distancing, even complacent idea about the past’. Knittel discusses this learning in terms of physical sites of memory and documentary exhibitions, and more specifically, Holocaust sites. Though Knittel does not address filmic representations of perpetrators in this context, this particular conceptualization of unsettlement seems quite pertinent when applied to media representations. Because memory itself is intangible, perhaps the abstraction of a site of memory can be expanded beyond related physical spaces. As Knittel also argues, a ‘site’ of memory as encapsulated in cultural representations such as a documentary series has reach beyond physical space; viewers of the media become ‘visitors’ to a more metaphoric site of memory in a way that is able to transcend spatial and temporal constraints that are placed on something like a museum, exhibition, or memorial. This removal of boundaries on the learning that Knittel calls for at physical sites is partly why media has such potential to harness transformative power.

The unsettlement that Knittel identifies is essential in ‘post-conflict’ scenarios, where many viewers may also be beneficiaries. A beneficiary refers to a person who was not directly involved in crime or violence, but who helps to keep oppressive regimes in power. Knittel’s concept of unsettlement is a literal one, which allows viewers to reflect on the situation at hand as well as their own positionality in relation to it. This unsettlement can also be related to LaCapra’s more specific concept of empathic unsettlement. The core of this intellelction is that the individual who is listening to a trauma testimony responds empathically, while still being reflective about the difference between the trauma itself, the experience of the narrator, and the experience of listening to that trauma, thus recognizing the separation between self and other. LaCapra only discussed this in relation to empathy with a victim, but based on perpe-

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24 Hees, p. 93.
27 LaCapra, p. 78.
trator trauma theory paired with the breaking down of the victim-perpetrator binary, Knittel argues that we should apply LaCapra’s empathic unsettlement to perpetrators as well.\(^{28}\) A complex and dynamic perpetrator narrative that invites empathy should ideally allow the listener or viewer to experience the narrative while feeling unsettled but still identify with the narrator or subject. It maintains a slight distance between ‘us’ (the viewer/listener) and ‘them’ (the perpetrators), while still subtly insisting that any of us would be capable of these actions and that, in view of the larger structures within which this trauma took place within and the potential for beneficiaries, some of us might actually be culpable. This ensures that documentary coverage of conflict and post-conflict settings does not become an unattached and didactic practice, but rather inherently includes us as viewers and often even implicated in the system or its legacies. This is one of the ways in which media may be able to work as a tool for transitional justice in and of itself.

### Challenges of Perpetrator Representation in Media

Though empathic unsettlement between perpetrators and viewers of perpetrator narratives may allow for consideration of structures of violence, there are still several challenges to keep in mind when discussing perpetrator testimony. Sibylle Schmidt takes a critical look at perpetrator testimony, breaking the discussion into what she calls the testimony’s hermeneutic and moral problems of trust, truth, and authority. She does so in order to suggest how to ‘giv[e] and receiv[e] […] testimony as a social practice’;\(^{29}\) and to hopefully be able to move beyond these challenges. Schmidt’s understanding of trust in testimony says that in order for testimony to have any sort of value, the listener must approach it with a certain level of trust in what the speaker offers; without trust in the testimony, there is nothing to be learned from it (as Knittel suggests we perhaps should), and the practice becomes irrelevant. Trust in perpetrator testimony is particularly risky, as they have something to gain from telling their story in a particular way, especially in a context such as an amnesty hearing. However, Schmidt also notes that ‘testimony is not a piece of information which we assess independently, but a sort of dialogue with normative social implications’.\(^{30}\) This was certainly true within the TRC’s amnesty process, as it took on outside research and considered victim testimony in an attempt to ascertain whether the perpetrators were telling the truth in its entirety. Albeit, Schmidt also identifies two types of truth: internal and external. External truth refers to the facts of how the incident happens, while

28 Knittel, p. 131.
30 Schmidt, p. 91.
internal truth refers to the inner experience of the event. While the TRC focused on external truths, it inadvertently shed light on internal truths as well, which is what the Special Report broadcast was able to expand on in some of the perpetrators’ cases. Though internal truths are fallible in terms of historical record, they can elucidate 'social and psychological truths' of the perpetrators and allow consideration of not only the truths that are shared, but also what is silenced. Lastly, Schmidt discusses authority, stating that accepting a testimony authorizes it, and thus, empowers it. She does not assert this as an inevitability, but instead notes it as something to be aware of as researchers – and in this case, media practitioners – dealing with perpetrator testimony and re-presenting it to an audience.

Media scholarship has also noted that films which foreground the narratives of perpetrators in order to provide a more complex understanding of them have the potential to minimize engagement with the wider context of the violent act. Macarena Gómez-Barras’s analysis of documentary portrayal of the female perpetrator in Abu Ghraib argues that whether intentionally or not, focusing on a perpetrator and being reductionist about the victim (which is an issue in and of itself that will be further discussed later) individualizes violence rather than delves into the larger scale issues at play, such as the structural and institutional factors that influenced the violence. This is problematic because, as already identified, acknowledging structural issues also creates the possibility for the empathic connection and unsettlement that are necessary for complex perpetrator narratives that lend themselves to moving through larger scale conflict.

Wendy Hesford’s discussion on representational violence widens Gómez-Barras’ critique of individualization to say more generally that ‘survivor narratives often get caught up in discursive practices (legal, religious, and therapeutic) that further individualize violence and trauma and in doing so prompt passive empathy or judgement from viewers rather than a stance of critical witnessing’. This can happen with perpetrator narratives as well. The use of individual stories as examples to prove a point risks creating the perception that ‘such violence becomes about a few “bad apples” as many have commented, rather than pointing at the broader institutional violence at work’. In South Africa’s transitional era, it has been argued that both the media and the Truth and Reconciliation Commission fell into this trap, and the intentional individualization within both trial and performance became problematic for perpe-

31 Ibid., p. 96.
32 Ibid., p. 98.
35 Gómez-Barras, p. 525.
This speaks to the possibility that these singular narratives can, at times, be more detrimental than helpful to the cause of finding empathic connection with perpetrators.

Despite these challenges, allowing perpetrator narratives is necessary. When presented in a way which prompts critical empathy for perpetrators (paired with unsettlement as LaCapra envisaged), it first acknowledges the reality of perpetrator trauma and subsequently allows an understanding of perpetrators as dynamic actors capable of change, both of which are needed within successful reconciliatory processes. Additionally, because empathic connection is not without circumscription, there remains room for both empathy and critical consumption of these narratives. This is essential because the potential for empathic unsettlement to cause audience reflection on culpability is a positive step in moving away from the fixed image of perpetrator, unravelling the binaries of 'us and them' and 'victim and perpetrator'. It is these grey areas that make transitional processes possible at all and necessitate complex perpetrator-focused narratives despite the challenges it entails.

**Perpetrator-Focused Media in South Africa and the Uncanny**

In 1990s South Africa, intense media involvement in the transitional process arguably created a high risk for sensationalizing perpetratorship, and thus reified a negative and fixed image. The structure of the Truth and Reconciliation Commission itself became performance-based, a national stage on which victims and perpetrators were expected to showcase their pain. The performance of perpetrators included, as Desmond Tutu said, to 'have to confess publicly in the full glare of television lights that they did those ghastly things'; Tutu went on to say that to have to confess in that setting is 'pretty, pretty tough'. However, at the time, it was not taken into account that the media involvement and the concept of mass witnessing in general may have only offered another 'spectacular' way to deliver testimony, rather than prompting unfettered

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38 Cited in Long Night’s Journey into Day: South Africa’s Search for Truth and Reconciliation, dir. by Frances Reid and Deborah Hoffman (Iris Films, 2000).
The weekly television broadcast series *Truth Commission Special Report* was the most widely consumed media coverage of the truth commission at the time, and it was within this investigative documentary format that there was space to delve beyond just the testimony of those who came forward looking for amnesty, and included interviews with both perpetrators and victims, as well as investigation into the fuller picture.

This fuller picture is certainly helpful in creating the space for empathic connection and unsettlement as previously outlined; however, the other side of this deeper representation of perpetrators through documentary format is in creating an uncanny experience of trauma for viewers who were victims. Freud defines the uncanny as ‘that class of the terrifying which leads back to something long known to us, once very familiar’. The fear stems from viewing or experiencing something that lies between the familiar and the unfamiliar, so that it becomes unplaceable. The way in which the uncanny surfaces in the structure of the TRC in general, and as is then represented (and re-presented) in *Special Report*, is the familiar view of seeing white people, men in particular, utilize the statutory system in place at the expense of people of colour. Though Apartheid had ended and the black-led African National Congress was now in power, there is familiarity in the way that the white perpetrators were again able to use the system to their benefit. Under the Apartheid state, most white South Africans were overtly benefitting from the systems of oppression in place; under the truth for amnesty model in the transitional period, Apartheid-era perpetrators were able to yet again exploit the system by telling the truth about the crimes they had committed, and many were able to come out without legal consequence. This was all while victims, a group made up of majority black South Africans, were arguably left with little sense of justice and certainly no material reparations. Under the guise of ‘the new South Africa’, watching the TRC unfold via media representations such as the *Truth Commission Special Report* provided a potential experience of the uncanny for viewers, particularly victims, who agreed with the critique that truth was traded for justice. This also seems to assert that the uncanniness will not end after the broadcast does; the original trauma remains, it was repeated through the uncanny experience of viewing perpetrator testimony as a part of the amnesty clause, and thus the same trauma became built into the new system. Perhaps *Special Report* and other perpetrator-focused media is but a time capsule of the first appearance of the uncanny after Apartheid and its traumas, and for some, the experience of living within ‘new South Africa’ is the continued experience of perceiving the space they are in to be ‘at once

39 Evans, p. 258.
familiar and strange, safe and threatening, “mine” and “not mine”; speaking to the general failings of South Africa’s transition in dismantling the structural inequalities that were a hallmark of the Apartheid era. Through the TRC’s particular approach to reconciliation, perpetrators were able to again be a part of a system, albeit a different one, that causes trauma and thus, had the potential to be retraumatizing. Then, the uncanny experience caused by the media portrayals of perpetrators may have worked to reify the conceptualization of the perpetrator as monster in the eyes of the victims, whether victims of direct violence or structural violence, regardless of how complex a perpetrator portrayal managed to be. This issue begs the question of whether it is possible to work through perpetrator trauma without minimizing the victims’ trauma or causing retraumatization through the uncanny. Schmidt addressed this in her consideration of perpetrator testimony, identifying that the authorization of the perpetrator as a witness may simply be a re-enactment of authoritarian violence. She concludes, however, that though it is a moral issue that is certainly faced, at its core it is a methodological problem; though the uncanny and thus re-victimization is possible, it does not cause us to call for avoidance of perpetrator testimony, but rather a critical stance in both mediatizing it and witnessing it.

**Perpetrator Representation in Truth Commission Special Report**

An analysis of two episodes from SABC’s *Truth Commission Special Report* will utilize the concepts of perpetrator trauma, empathic connection, unsettlement, and the uncanny as lenses to assess whether the investigative documentary series was able to move into a successfully complex image of the South African perpetrator by the standards that this framework has established. After problematizing binarism and static images of perpetrators, and identifying the fluidity of experiences between labels in conflict settings, the analysis is able to move into an examination of the discursive concepts within documentation and representation in which investigative documentary primarily deals. This will be explored almost entirely through hermeneutic and textual analysis, with some reference to how the content is framed through editing.

**Truth Commission Special Report Episode 24**

**Segment 2**

Episode 24 begins with a focus on the amnesty application of Brian Mitchell, a convicted killer of what is known as the Trust Feed Massacre, in which eleven Inkatha


43 Schmidt, p. 100.
supporters – mostly women and children – were killed while at a night vigil, an action partially carried out by Mitchell. 44 At the time of the amnesty hearing, he had served five years of a thirty-year sentence, reduced from what had initially been a death sentence. The segment provides a background of Mitchell’s involvement in the police force, the political perspective on why this killing was carried out, and ends with an attempt to showcase a changed man. It calls Mitchell’s story ‘the story of hundreds of white South African men’, referring to his joining of the police force at age eighteen, where Mitchell stated that he ‘was fed and accepted a particular view of the world’, referring to white supremacy and a state and church justified separation of races, ideologies which he claims to recently have cast off. The rhetoric used in the segment around Mitchell as well as within the clips of the hearing itself puts blame on the structure that Mitchell found himself in, particularly within the South African Police. He essentially claims to have not known any better, and that he was simply listening to, believed, and acted upon what superiors told him. He is painted as a pawn in the system, inherently casting some blame for his actions onto the wider structures of violence he found himself in. This portion capitalizes on the prospect that empathy can be created if we see the wider structures that violence sits within, as Hees asserts is possible, 45 lessening the amount of blame that viewers are able to put on an individual perpetrator.

The coverage on Mitchell then includes information on the consequences he has faced for his crimes, such as becoming estranged from his son; this is done perhaps in an attempt to humanize him by presenting fatherhood as a tenet of his identity. However, this is a bit more unsettling, because this narrative showcases that Mitchell has been punished or somehow suffered for what he has done, while also creating a discomfort for viewers about the difference in scale between the loss of life that he caused and the loss of relationship he experienced. 46 This unsettlement also points to the crisis of narrativization, which as Morag states, ’reveals the unbridgeable gap between pre-war identity and the perpetrator’s confession’, 47 with Mitchell’s unbridgeable gap being that of being a father to one child, while also a murderer of others, thus indicating what is perhaps Mitchell’s doubling of self and thus, perpetrator trauma.

In the most direct call for empathy, the segment turns to Jann Turner, a Special Report correspondent. Jann Turner’s positionality as the researcher and reporter gives credence (though tenuous) to her statement that after her hour-long interview with

45 Hees, p. 93.
46 It is also important to recognize that ‘it is not possible to speak of comparison in any simple sense in relation to traumatic experiences: such partially unassimilated or missed experiences cannot be identified or equated’ (Craps, p. 19). Regardless, Craps argues that a comparison between personal tragedy and a collective trauma like the one seen in Hiroshima mon Amour and here in Mitchell’s testimony still creates unease in viewers.
47 Morag, Perpetrator Trauma, p. 98.
Mitchell, she felt that she had ‘glimpsed a sincerely changed human being behind the face of this mass killer, a man who eight years ago had no regard for life, and for black lives in particular. A stint on death row and five years in jail has clearly given him time to reflect on what put him there’,\textsuperscript{48} referring most immediately to his actions, but also to the wider structure he found himself a part of, and at its largest level, the ideology that informed those actions and structures. The ideology of white supremacy – and particularly supremacy of Afrikaners – was extremely emphasized within the years that the National Party was in power, and was also deeply rooted within South Africa’s Dutch and British colonial history. This segment continually attempts to inculcate that it was this context which informed the worldview and prompted the choices of Mitchell and many young men like him.

In Mitchell’s amnesty hearing and the clip which is used as the summarizing statement to this Special Report section, Mitchell states that he is desirous to make amends, though he recognizes that may not be possible, seemingly experiencing the crisis of audience that Morag defined.\textsuperscript{49} A representative from the victims’ council brings a response from the community of Trust Feed, which stated that the community members may ‘try to forgive’, on the condition that Mitchell becomes involved in the reconstruction of the community that he destroyed when he murdered eleven of its members. However, in the short interviews that Special Report goes on to show with members of the community, it is clear that not all victims are sure that he will be able to give enough to restore his wrong, or that they will be able to forgive. It is as if they have learned a lesson from the uncanniness they had experienced as Mitchell gave his testimony and received amnesty, realizing that he would walk free and return to his life, while their lives would remain marked by the loss he caused.

This overarching call for empathy, though surely done in attempt to serve the national mission of reconciliation through the reintegration of perpetrators that we have identified as necessary, becomes problematic in this segment due to the fact that the victims’ counter-narrative is thirty seconds long, as opposed to nine minutes of Mitchell’s own narrative. In their thirty seconds, the victims express concern over the fact that they still might not be able to forgive because they fear nothing in their community will change. This short portion on the victims’ perspective hints at the uncanny experience that some viewers may have had while watching his testimony and during the coverage that followed, but nonetheless, the overall sentiment that this segment seems to promote is of Mitchell as a protagonist. It remains up to the viewers whether they believe the narrative that Mitchell was an unwitting pawn of the system and is now a changed man, or if he has simply utilized the truth-for-amnesty model to escape his prison sentence. These two competing sides highlight the

\textsuperscript{48} Truth Commission Special Report, Episode 24, section 2, 07:30.

\textsuperscript{49} Morag, Perpetrator Trauma, p. 98.
nuances of perpetrator representation in documentary media, leaving the viewers somewhat unsure how they should feel about Mitchell, meaning that if anything, this segment highlighted the complexities of his character, and at the very least achieved the breakdown of victim-perpetrator binary that the Commission hoped to do itself. However, the segment did not necessarily achieve it without falling into the trap of minimizing victim narratives and subsequently opening the possibility of evoking uncanny experiences.

**Segment 6**
The last section of episode 24 discusses five former Vlakplaas\(^{50}\) commanders and operatives, all of whom at the time of airing, were days away from their amnesty application. Their amnesty hearing gave evidence for over 40 murders and implicated several other state leaders. This section focuses on an interview between journalist Max du Preez and Brigadier Jack Cronje, conducted in Afrikaans. Cronje speaks about wanting to put the past behind them and reconcile, and to do so, will tell the whole truth. He praises the commission for its work and encourages others to come forward; many policemen did apply for amnesty in the wake of top commanders such as Cronje doing so. Cronje puts blame on those who gave commands, but he himself is ‘not ashamed of being a policeman, but is ashamed to work for a system that is forsaking us’\(^{51}\), an interesting statement in that it infers that he is not remorseful for the crime itself, which, though not a requirement for amnesty, seemed to become expected within the perpetrator narrative at the TRC. This also points towards a doubling of the self, in which Cronje was able to put his sense of guilt into the group, rather than have to hold it himself, indicating the experience of perpetrator trauma per Lifton’s understanding.\(^{52}\) Cronje also states that he believes that people of colour would understand that he simply worked for a system that was inadequate and for that he is sorry. Du Preez presses him on what he means by ‘sorry’ – Cronje maintains that he is sorry for the victims and their families, particularly because ‘they did not fight in the war’. He ends with another call for members of security forces to come forward, and offers help doing so for those who need it.\(^{53}\)

Like the segment on Brian Mitchell, Cronje attempts to divert the blame from himself and onto the state. However, the discourse used in this segment is very different from that of Brian Mitchell; there is no promotion of any particular rhetoric about Cronje. From an editing perspective, Cronje’s interview stood on its own, without

50 Vlakplaas was a secret branch of the apartheid Security Police; known as a death squad, it was made up of a small group of elite assassins.
52 Lifton, p. 29.
53 Truth Commission Special Report, Episode 24, section 6, 33:05.
commentary or moral assessment of the situation like the one that was so blatantly
provided for Mitchell by Jann Turner’s statement. The audience is left to sit with what
Cronje says; perhaps this is an attempt to leave the case open ended due to the fact
that at the time of broadcast, the former security operatives at hand had not yet had
their amnesty hearing. Regardless, the stark comparison between the presentation
of Mitchell and Cronje’s narratives leaves us much more suspicious of Cronje, given
only his words with no other direct indicator from the broadcast of what our reaction
should be.

In terms of the uncanny, it could be argued that this segment with Cronje car-
ried less of a trauma-inducing approach for viewers than the framing of Mitchell’s
case, which, as discussed, directly suppressed victim perspectives that were clearly
also present and available for documenting. This segment’s approach simply provided
Cronje’s perspective as a perpetrator without necessarily giving credence to what he
said in a way that would have disenfranchised the other side of the story and could
potentially induce an uncanny experience. However, the uncanny could have been
prompted in another way by the fact that the interview was spoken in Afrikaans, a
choice which would certainly make the entire interaction seem less positive, if not
violent, to some viewers. This could have been compounded by his apparent lack of
remorse, and again when he says ‘they would understand’, referring to ‘they’ as the
entire oppressed population of people of colour. With this statement, he silences peo-
ple not through physical violence, but by speaking for them, possibly invoking an
uncanny experience metaphorically rather than with exactitude. However, for other
viewers, hearing his interview in a shared language might make him more relatable,
prompting empathic connection. These considerations show that Cronje’s segment
was much less straightforward than Mitchell’s in trying to convince the viewer of
a specific narrative, and prompts much less empathic connection; however, it does
showcase the complexity of his character in a way that, at least, does not allow defin-
itve categorization.

Segment 3

Episode 24 also includes brief coverage on the confession by the Stellenbosch
Dutch Reformed Church to the TRC. The church was seen as the ‘theological back-
bone of the National Party’ [the white party of the Apartheid state]. The leaders of
the Stellenbosch congregation willingly came forward to confess that they as an in-
stitution did not speak out enough against the injustices in their society. The clergy
tested that any time they spoke out against such injustices, it was done with timid-
ity, and no action against injustice was ever taken. They also made confessions on
a more personal level; Dr. Bethel Muller, the former head of the Stellenbosch theo-
logical department stated that ‘the Bible says that if I allow something to happen to my brother that which is an injustice, then I’m also part of that action, and then I must also account to God’. The church outwardly recognized that though they as an institution did not participate in direct physical violence, their theology had justified the structural violence that led to it. They did not speak against the violence and benefitted by being an institutional ally to the state and its leaders, many of whom were members of the church and this particular congregation. The church’s confession to the TRC is one of the few examples of an institution or organization that recognized and apologized for the violent status of being a beneficiary. The inclusion of this unlikely form of perpetratorship – an indirect perpetrator – is a contrast to the image that is cast by the likes of Brian Mitchell and Jack Cronje. In that sense, it is perhaps the most unsettling of them all, as it forces viewers to ask themselves in what ways their inaction was allowing or even assisting in the perpetuation of violence, fracturing the stereotype of perpetrators as monsters. However, it could be said that the segment also backpedals on some of this progress by seemingly closing the gap caused by the crisis of narrativization per Morag’s formulation of the perpetrator complex (and thus, trauma) assimilating the experience of bystander/beneficiary too easily to allow a redemptive narrative that does not actually address the underlying ethical and political issues. Though this segment may evoke unsettling self-reflection, it also accommodates viewers who might squirm at the discomfort of unsettlement and self-reflection on their beneficiary status when it simply accepts the apologetic testimony at face value and moves on. This is not to say that the complex structural violence that occurred was not dealt with in the TRC, or later on in the institutional hearings, however, this segment’s coverage of it was unsettling but superficial.

Truth Commission Special Report Episode 57

**Segment 3**

Segment 3 focuses on police torture and includes clips of testimony from the amnesty hearings as well as interviews garnered by Special Report, in which three former policemen describe their methods of torture. The narratives of Warrant Officer Paul van Vuuren and Vlakplaas operatives Joe Mamasela and Tokkie Bezuidenhout were each prefaced by a still frame of Jeffrey Benzien demonstrating the Wet-bag torture method, overlaid with a caption informing viewers of who the individual was and who the specific torture methods were used on, paired with ominous instrumental music. Each policeman’s narrative was between thirty seconds to one minute long, with no context to the description of torture besides the still frame and text as introduction. The first clip shows van Vuuren’s description of torture within his amnesty hearing; the text introduction refers to him by his nickname, ‘the Electrician’, due to his use of electric shocks as a method of assault. He describes the use of electric
shocks, oxygen deprivation with a gas mask, and physical attack against ANC activist Scheepers Morodu. He presents these occurrences in a list-like way. The use of his nickname evokes the perpetrator as myth and monster, in which his singular identifying feature is the action he took as a torturer. This feeling is very much supported by the rattling off of inhumane deeds, with no apparent remorse or emotion. It must be noted that this segment decidedly did not include any other portions of his amnesty hearing, in which van Vuuren may have had the opportunity to express remorse or explain his role and situation beyond the exact moments of his horrific deeds. Additionally, his listing of torture methods in gruesome detail may have had more to do with the formula expected of amnesty applicants’ testimony than with his actual feeling, but this clip suggests otherwise.

In Joe Mamasela’s interview, he describes the torture of Sipho Hashe, Qaqawuli Godolozi, and Champion Galela, all who were tortured and killed. Mamasela’s interview is done using a close-up camera shot, and you can see his slight grimace as he shakes his head and recounts how the activists were ‘savaged’ and ‘brutalized’. He goes on to say, ‘it was terrible. I’ve never seen anything like that in my life; it was blazing hell on earth’. Mamasela speaks of it all as if he was watching, and identifies another Vlakplaas policeman, Gideon Niewoudt, as a direct participant in this. It is unclear if Mamasela physically took part or not, possibly exhibiting the crises of both evidence and disclosure as he avoids using words which indicate any personal responsibility. This paired with his seemingly horrified reaction to the terrors for which he was present (or may have participated in) gives viewers some sense of his experience of perpetrator trauma, whereas Paul van Vuuren’s is harder to find. In cinema, close-up shots are often used to evoke empathy, as viewers are able to be more attuned to the thoughts and emotions of the subject. This is interesting because within the wider societal context and the context of Special Report in its entirety, Mamasela is known as a prolific murderer and torturer for Vlakplaas. But he was also an askari (a term which refers to a member of the ANC or other racially-based political group), who switched sides to join the Apartheid police. Despite his horrific deeds, perhaps it is the askari positionality that calls for empathy and informed the framing of this segment, as it was not uncommon for askaris to take on that role after being captured and tortured themselves. This context in turn also breaks down ideas about

Perpetrator Trauma, Empathic Unsettlement, and the Uncanny

exclusivity between roles of perpetrator and victim and very clearly showcases how perpetrator trauma might come about, allowing for empathic unsettlement.

The last police torturer they show is Tokkie Bezuidenhout; he is introduced as the ‘Tube Specialist’ of Vlakplaas as he describes ‘the tricks of his trade’. His interview is also done using a close-up shot as he describes with hand motions and re-enactments of the breath of his victims, how he would suffocate people to death using a car tube. Bezuidenhout calls this process ‘very simple’ – this seems to say to the viewer that it was not just very simple for him in a physical sense, but on an emotional or moral one, as well. The close-up camera shot does him no favours as his eyes widen in an unreadable expression while he describes his victims’ moments of death; paired with the infamous still frame of Benzien as introduction, his expression could be read as excitement. Similar to the other two police in the segment, the segment gave no space for wider context on Bezuidenhout as a person, his experience in the police, or his experience in apartheid South Africa, allowing viewers to easily reduce him to simply the ‘Tube Specialist’, a fixed and sadistic image.

Despite the slight nuances that could be interpreted (if the viewer has background knowledge) within Mamasela’s interview, this segment on torture unapologetically falls into the reductionist view of perpetrators as monsters. It leaves little room for understanding of potential perpetrator trauma or empathic connection; the only crisis which seems to appear is the crisis of evidence. This particularly appeared in van Vuuren and Bezuidenhout’s narratives, in which the perpetrator does not confront ‘the epistemic dynamics of horror’ despite the evidence of horror. Although this is one of the five crises of the perpetrator complex which likely indicate a doubling of the self in response to perpetrator trauma, this segment does absolutely nothing to draw on that in a way that prompts empathic unsettlement. It also enables greater possibility for viewers who are victims to experience the uncanny, especially considering Schmidt’s argument that authorizing testimony without critical context can re-enact authoritarian violence.

**Segment 4**

Immediately following the segment on police torture and its highlight reel of the monstrous parts of perpetrators, the tone shifts completely in the fourth segment’s coverage of a face to face meeting between victims and perpetrator. Liezl Ackerman and Gillian Schermbrucker are survivors of a massacre on St. James Church in 1993 that killed eleven people, including Ackerman’s mother, and wounded fifty-eight. They speak with Gcinikhaya Makoma, who is one of the three men who carried out the attack. The meeting consists of each side sharing their own perspectives, experi-

59 Morag, Waltzing with Bashir, p. 131.
ences, and asking questions that they have wanted to ask for the four years since the attack.

Ackerman and Schermbrucker ask about Makoma’s motive, particularly because the election date had already been set at the time of the attack. He speaks to the brutality of the apartheid system and particularly to his experience of police violence. He then speaks about his role in APLA, the military wing of the PAC, and that it was his role as a soldier that informed his attack. His acknowledgement of the multi-layered systems of violence that he was subject to gives viewers and his victims better understanding of the context of his decisions and actions, prompting empathy in that sense. He also states that he knew even at the time that what he was doing was wrong, and that ‘there is no one who have a right to kill anyone’, but that he felt he had to because of his organization’s greater agenda, an agenda whose methods he says he now questions.\footnote{Truth Commission Special Report, Episode 57, section 3, 22:00.} This perhaps indicates perpetrator trauma in that his violence was prompted by a larger group belonging and obligation; this also indicates a doubling of the self in which the conscience is held by the group rather than the self. Makoma’s statements about the violence that he experienced and about his role as a soldier seemed to remove blame in a way that the two girls acknowledge, even agreeing that ‘soldiers must follow orders’. However, Makoma never directly says that he is sorry, and uses justificatory war rhetoric throughout the conversation that never quite addresses the question that was posed to him, which was why this attack occurred after the peace talks and the election date was set.

Ackerman speaks to the humanization that occurred for her during this meeting; at the end, she says ‘I am glad I met you […] I can now relate to you on a human, person to person basis and not just a figure’, though she also says she cannot say right now if she forgives him. This may prompt viewers into softening towards Makoma and others who are seen to be victims of the system turned soldiers, and into an empathic connection; if his direct victims are able to see his humanity, then so might we, while also noting that empathy does not then require forgiveness. The broadcast’s shift of narrative from the monstrous image painted of the (white) policemen to this more dynamic representation of (black) Makoma, which very clearly engenders empathic unsettlement, raises questions about the biases of the broadcast in terms of its choices in representing those from different racial or political backgrounds. This would be in stark contrast to the TRC, which decidedly did not differentiate between these backgrounds in naming and trying perpetrators. That being said, whether the broadcast was intentional about this is a question which only the producers might be able to answer.
Implications for Perpetrator Representation

SABC’s *Truth Commission Special Report* exemplifies the multiple ways in which an investigative documentary framework can both challenge and reify the fixed images that come with the label of ‘perpetrator’. It did so by often recognizing perpetrator trauma to create space for some form of empathic connection, as well as through the provision of stories which caused unsettlement and prompted reflection on a wider definition of perpetratorship. In these ways, the broadcast may have been able to harness a more dynamic understanding of the experience of perpetratorship than the Truth and Reconciliation Commission was able to do on its own. The commission was held back by the structure required of testimony presented to the Amnesty Committee, whereas the investigative documentary format, though still formulaic, had the ability to include further interviews, background information, research, and footage. In this way, it is likely that the documentary series may have acted as an informal addendum to the statutory transitional mechanism of the truth commission, lending itself to the social processes of transition both for perpetrators and for viewers.

Despite the successes of the broadcast in presenting a more complex perpetrator narrative, at times, *Truth Commission Special Report* also falls into typical shortcomings of perpetrator-focused media. Firstly, this appeared as reductionism of the perpetrator, which does not support the humanization and enable the reintegration that is necessary in transitional settings; this happened in the broadcast most often through lack of contextualization. Secondly, this appears as individualization of the perpetrator, which does not address the structural issues at hand, and can take away from the victims’ narrative to create a potentially uncanny experience; this occurred when the focus on a perpetrator narrative caused subsequent suppression of the victim narrative, either through placing some sort of value of truth on one story, or through lack of balance of victim and perpetrator perspective and screen time.

It is important for media consumers to be aware and critical of these issues so that we do not fall into ‘accept[ing] the relationship of objectification’ as Mohamed believes we inevitably will.61 This is especially pivotal for societies moving out of conflict, as intentional media coverage paired with a critical gaze can allow perpetrator-focused documentary to go beyond being informative, but to also have the potential to be transformative. Perhaps in its ideal form, documentary film and television coverage of perpetrator narratives can still capitalize on the desire to objectify that brings audiences to view these narratives in the first place, while not individualizing the experience to a degree which discounts critical, complex, and empathic engagement with the trauma of both the victim and the perpetrator, and the structural violence behind it. Though *Truth Commission Special Report* certainly did not hold this balance

61 Mohamed, p. 1161.
within every individual episode, when taken as a whole body of work, the broadcast did manage to show both the humanity and the horror of perpetrators. It successfully dismantles the fixed image of perpetratorship that is so injurious to post-conflict progress, and forces viewers into the critical self-reflection and unsettlement that is absolutely necessary in transitional settings.

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From Neutralization to Zombification: Memory Games and Communist Perpetrators in Poland after 1989

Piotr Osęka

Abstract: The aim of this article is to discern and analyse three dominant strategies in the memory games employed in public discourse in Poland, all of which have the aim of ‘finishing the revolution’. These are: neutralization, retribution and zombification. Within this discursive framework, the dark legacy of the Communist secret police is seen to loom constantly over the rebirth of Poland and to be the root cause of social problems such as poverty, economic inequalities and ‘lack of moral standards’. Neutralization, retribution and zombification reflect three underpinning narratives that are interwoven into the politics of memory in Poland. The ‘neutralization’ approach, embedded in the vision of the past controlling the present, stands for an effort to deprive the perpetrators of their supposed hidden powers. The strategy of retribution translates into a demand to restore justice, thought of as a kind of ‘moral equilibrium’, both using legal measures and symbolic representations of the past. Finally, I use the term ‘zombification’ to describe widespread attempts to manipulate collective memory in order to bring dead perpetrators back to life.

Keywords: communism, secret police, politics of memory, Poland, transitional justice

Introduction

The Night of the Files’ is a well-known expression in the Polish public discourse, denoting one of the most dramatic political crises after 1989. On 4 June 1992, the Minister of Interior Antoni Macierewicz submitted to the speaker of the Sejm a list containing the names of a few dozen MPs and members of the cabinet, who were purported to be registered as former communist secret police informers. Macierewicz was fulfilling an earlier act of parliament, yet the timing was chosen carefully. On this day the vote of no confidence was on the floor, and the right-wing government expected it to be pushed off the agenda when the lustration issue – the vetting of top-rank state officials – was brought in. Rumours pertaining to the names on the list immediately spread through parliament by word of mouth. The content of the list was frantically disputed by deputies in private. When Minister Macierewicz arrived for the vote with a tripled security retinue, some started to gossip that the government was poised for a coup d’état.

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Before the vote took place, Prime Minister Jan Olszewski took the podium and delivered a historic speech:

I saw the list and it is absolutely shocking. [...] Everything has changed. This is no longer a game about which cabinet is going to complete the budget by the end of this year. Now it’s a game about what Poland will be like. Or perhaps I should say: to whom it will belong.¹

Eventually the government was defeated in a vote carried out at midnight. It is widely assumed that it had no chance anyway; yet the circumstances of its collapse created a powerful political myth that the cabinet was toppled by a secret alliance of former perpetrators and their agents. In the future, this myth was to serve as a foundational concept for the whole right-wing camp.²

In this article, I owe much to the notion of ‘memory games’ put forth by Georges Mink and Laure Neumayer, which I find exceptionally useful for my reflections. According to these authors, the concept of memory games encompasses the various ways by which political and social actors perceive and relate to certain historical events, according to the identities they construct, the interests they defend and the strategies they devise to define, maintain or improve their position in society. Mink and Neumayer seem particularly committed to recognising the meaning of mutual links between the narratives of memory and current political propaganda. As they acknowledge, ‘historicizing strategies have been used to resuscitate atrophied dividing lines, thus wilfully bringing discord and dissent back to the fore’.³

The aim of this article is to discern and analyse three dominant strategies in the memory games employed in public discourse in Poland, all of which have the aim of ‘finishing the revolution’. These are: neutralization, retribution and zombification. What is striking is that all of these approaches refer to and focus on the notion of perpetrators, essentially understood as UB (Urzędy Bezpieczeństwa – Security Office) and SB (Służby Bezpieczeństwa – Security Service) officers. Within this discursive framework, the dark legacy of the communist secret police is seen to loom constantly over the rebirth of Poland and to be the root cause of social problems such as poverty, economic inequalities and ‘lack of moral standards’. Neutralization, retribution and zombification reflect three underpinning narratives that are interwoven into the politics of memory in Poland. Sometimes they exist simultaneously, but for the most part one follows the other. The ‘neutralization’ approach, embedded in a vision of the past controlling the present, stands for an effort to deprive the perpetrators of

² The most prominent book on this myth is Jacek Kurski and Piotr Semka, Lewy Czerwony (Warsaw: Editions Spotkania, 1993).
their supposed hidden powers. The strategy of retribution translates into a demand to restore justice, thought of as a kind of ‘moral equilibrium’, both using legal measures and symbolic representations of the past. Finally, I use the term ‘zombification’ to describe widespread attempts to manipulate collective memory in order to bring dead perpetrators back to life.

The scope of the paper will cover both politicians’ statements and other forms of public activities geared toward shaping collective memory such as books, articles, and exhibitions. Essentially, my aim is to examine what sort of visions of the past have been conveyed by the ‘memory entrepreneurs’ of that time – to deploy a term coined by Elizabeth Jelin to denote those who take advantage of their privileged position to impose their own interpretation of the past onto others – acting almost unanimously. Moreover, these narratives of memory, albeit produced by many different subjects, share a common logic and ‘grammar’ and evolve into one easy to define direction. Their evolution traced in this paper seems clearly to prove the idea widely accepted in memory studies that ‘with time, the “politics of the past” becomes instrumentalized as part of the “politics of the present”’.4

The Politics of History

The course taken by the memory games of the period since 1989 might be characterized as a change from politics in thrall of history to history in thrall of politics. While the right-wing diagnosis from the 1990s, which pointed to communist perpetrators as wrongdoers allegedly responsible for current social and political ills, stemmed from recent, vivid memory of the dictatorship, this did not seem to fade with the passage of time. Quite the contrary: the more distant the communist past becomes, the more prominent a place it occupies in the political imaginary. What is characteristic in this shift of mnemonic narrative is that – as we will see – the rationalization behind the political program has been totally transformed over time. Initially, (legitimate) worries were expressed about the entanglement of the new political elites with former political police. After two decades, this kind of reservation has been abandoned in favour of different concerns regarding how the woes of the past could apparently compromise the state’s integrity. A fresh new form of danger appears to have been invented, which just so happens to prop up the ruling party’s political agenda. Here, I outline the development of these memory games before showing how the strategies of neutralisation, retribution and zombification were deployed.

Poland was by no means exceptional against the background of other excommunist countries in its approach to the recent past. The question of transitional justice, overcoming institutional and symbolic legacies of communism and coming to terms with its memories, was a pivotal issue in public debates after 1989 across Central and Eastern Europe. With the disappearance of censorship and opening of the Polish United Workers Party archives, books and broadsheet articles abounded, mostly covering the political history of post-war Poland. They put emphasis on establishing hard facts and ‘unmasking’ the real face of the past, focusing on documenting social unrest, the scope and character of state terror, and decision-making processes within the party elite. At the same time the economic hardship accompanying the systemic transition (and, as many thought, resulting from it) induced a profound nostalgia for the pre-1989 past. The drastic surge in unemployment, which did not exist under a command economy, could not be alleviated by the abundance of commodities in shops and provoked memories of an alleged ‘communist welfare state’. Although it is not clear whether that nostalgia was embedded in private memories or rather emerged in opposition to the official memory imposed by ‘those at the helm who got our jobs’, it paved a path to the victory in the parliamentary elections of 1993 of the post-communist Democratic Left Alliance (Sojusz Lewicy Demokratycznej - SLD).6

The battle between contesting memories has intensified ever since that moment. The return of former communists to power triggered a widespread panic among many exdissidents, convinced that the process of system transition was about to be stopped or even reversed and blaming this almost entirely on a social amnesia.7 The anti-communist discourse, the solemn and unconditional condemnation of the former system, was considered as the only way to keep ‘forces of the old regime’ at bay and to defend the newly refought democracy. As Michał Głowinski, renowned scholar and expert on public discourse, wrote in 1995:

> According to conventional wisdom, Poland is apparently entering the myth, far remote from the reality of the time prior to 1989. [...] Some speak of People’s Poland as a hell, others – as an Arcadia. It becomes the epitome of both a commies’ abomination, which makes us balk at the very mention – and the good old days, when life was so pleasant. Amnesia intertwined with fantasy has produced a myth of the Polish People’s Republic, peculiar because it was formed in a very short time span.8

The two opposite narratives contributing to the myth were by no means symmetrical. While nostalgia was devolved in its character, manifested mostly on the level of in-

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7 The selection of the intellectuals’ debate, demonstrating the kind of scare that was attributed to the SLD electoral victory can be found in Maciej Łukasiewicz and Elżbieta Sawicka, Zmiana Warty, czyli jak to się stało (Warsaw: Presspublica, 1995).
dividual behaviours and opinions observed through the lens of sociological surveys, anticommunism took the form of patronising statements made by institutional actors such as political parties, the Catholic Church, public media, trade unions, veterans’ and victims’ societies, and schools. SLD, even when at helm, essentially abdicated any kind of active memory politics, instead proclaiming its creed: ‘we choose the future’.

A similar stance was later taken by Civic Platform (2007–2015), which also abstained from producing and promoting any specific and coherent narrative on the communist past. It was because of this apparent passivity that the government of Donald Tusk was accused by its right-wings opponents of pursuing ‘national amnesia’ being driven by an ulterior motive – the effort to ‘eradicate Poles’ and ‘impose the new European identity on them’. In this regard we can draw on typology put forward by Michael Bernhard and Jan Kubik, which divides ‘mnemonic actors’ (by and large a synonym for ‘memory entrepreneurs’) into four categories: mnemonic warriors, mnemonic pluralists, mnemonic abnegators, and mnemonic prospectives. While left and liberal-leaning political forces certainly match the type of ‘mnemonic pluralists’, right-wing actors, including Law and Justice politicians, neatly fall into that of ‘mnemonic warriors’. No doubt they see themselves as ‘holders of truth’, attacking purported attempts to falsify history, and at the same time they tend to instrumentalize the story about the past (spread via subordinated and supporting media outlets) in order to mobilize voters. In fact, for Jarosław Kaczyński’s camp, the battle to restore ‘the historical truth’ remains at the top of their political agenda.

In this narrative, communism is represented by the perpetrators: Soviet advisors, party secretaries installed by the Kremlin, and above all, by the secret police officers. ‘Bezpieka’ and ‘ubecy’ are derogatory terms for the Security Office and Security Service that replaced the former in 1956, and stand for what is perceived as the underlying rule of the communist system: the all-pervasive terror. Within that paradigm, the political police constituted a primary causative force, a true subject of social and political processes. It was believed both to control intellectual life and be able to provoke economic crisis. According to Zdzisław Krasnodębski, a prominent right-wing intellectual:

Although SB omnipotence was obvious for everyone at the time, even we didn’t recognize the real scope of the surveillance. It seemed to me that since the 70s, the zone of relative freedom had increased. I always thought universities of that time to be a space of considerable intellectual independence. Nowadays I’m becoming more and more scared that I lived in a kind of ‘Matrix’. [...] Today’s lack of trust in politicians is rooted in a recently acquired

conviction that people are easily broken, agents are everywhere and that politics amount to a web of deception. No one can be trusted, and what seemed to occur accidentally might be meticulously staged. What until recently was seen as ‘paranoid style’ in politics and labelled conspiracy theories, ex post proved to be political prudence.  

To a great extent, such a perspective stems from intimate memories of the former dissidents engaged in subversive activities over the past decades, for whom secret police officers then posed a major threat and who suffered (sometimes a great deal) at their hands. Yet after 1989, that specific outlook has been smoothly promoted and turned into an official narrative on history. The very fact that political and intellectual elites of democratic Poland acted as a ‘remembering community’, that is, a community of victims sharing and publicizing their testimonies, has determined the way in which communism has been portrayed on the institutional level. Thus, both public discourse and the historiographical debate have been increasingly shaped by narratives which aimed at stigmatizing and exposing. Over time this phenomenon has even been strengthened and sharpened, as erstwhile readers, receivers of the memory transmission, were becoming its producers. ‘In memory culture the cycle of production, representation and reception becomes a perpetual spiral’, as noted by Barbara Törnquist-Plewa, Tea Sindbæk Andersen and Astrid Erll.

The ramifications of this phenomenon have been accurately and comprehensively described by two historians from the University of Warsaw, Blażej Brzostek and Marcin Zaremba. As they write:

It is not difficult to note, that especially in the educational and popular descriptions, the tendency still prevails, and is perhaps even getting stronger, to present the past in a fairly simple scheme. So here it goes: in the People's Republic we had opposing one another 'society' and 'state authority', entities of opposite interests and alien to each other's value systems [...]. Observation of social phenomena is subjected to an interpreting pattern, whose essential feature is politicization [...]. The shallowness of many descriptions results from their ideological perspective, which is anti-communism. It is expressed in the adopted purpose of the historical inquiry, which is disclosure (unmasking, settlement of scores) rather than understanding (clarification, explanation).... Some historians approach the object of their research with barely-concealed disgust, and their analyses seek to demonstrate the depth of corruption and moral bankruptcy of the described persons or organizations, and to condemn them to eternal infamy [...]. The result is sometimes such that we end up with a thorough knowledge of the structure of the appa-

ratus of violence in the People's Republic and the biographical data of its employees, but
the wider social context of their actions remains unexplored: the characteristic attitudes,
aspirations and conflicts of the time and within given social circles. Without this context,
today's verdicts remain flawed.\(^{16}\)

Over time, similar warnings have more and more frequently appeared in the scientific
literature. Literary scholar Anna Artwińska wrote in 2013:

\[
\text{Simply put, we can say that collective memory legitimises a bipolar vision of Polish history: on one side some \textit{they}: \textquote{agents of communism}, \textquote{minions of Moscow}, sole perpetrators of all evil; and on the other, pristine Polish society, the victim of the repressive system imposed from the top. Depersonalization and generalization apply to both groups: all perpetrators are evil, and all victims irreproachable.}\(^{17}\)
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Dichotomous descriptions of the communist reality became the standard notion in
rightwing journalism, and eventually became part of political manifestos. ‘The Night
of the Files’ constituted a watershed both for a (fledgling) memory politics and con-
sidered strategies of transitional justice. It was the Center Alliance, predecessor of the
national Catholic conservative Law and Justice party (PiS), that in 1993 sought for the
first time to entice voters with the promise of a general lustration. The year 2005
marked the apogee of that policy, with an independent chapter devoted to the issue
of lustration and de-communication, entitled ‘The Cleansing of the State’. Since then
the demand for vetting has gradually disappeared, while the references to the past were
given more and more attention in subsequent versions of the party program. In
2014 PiS, in opposition at the time, published its election manifesto. No other polit-

cal program before had paid so much attention to the sphere of historical memory.
Jarosław Kaczyński’s party included in the document a separate chapter devoted to
‘identity and historical policy’, which was to constitute ‘an extremely important di-
mension of foreign policy and the existence of our country in the world’.

The document postulated political changes (such as the need for active state in-
volvement in the management of society’s historical memory) justified by conclusions
derived from the history of the Polish People’s Republic. The chapter ‘The Enemies of
Liberty and Our Resistance’, contains the following observation:

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\text{After the atrocities of German and Soviet occupation, the communists rejected our basic values by using force and carrying out mass repression. However, Poles contested communism and rebelled in defence of traditional Polish values. This is mainly about a number of events from the history of the People’s Republic – starting with social resistance symbolized by [...] \textquote{the Cursed Soldiers} [anti-communist guerrillas in the years 1945-48] and ending with the Solidarity movement over the period 1980–1988. It is characteristic that many of}
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the anti-communist agitations were associated with the defence of the Catholic faith and the universal Church. The tale is of the suppression, in all sorts of ways by the communist authorities, of a free Poland and free Poles survived.¹⁸

Thus ‘The Night of the Files’ in June 1992 marked and accentuated the split within the ‘Solidarity’ political camp, since it was now divided into left-liberal and right-conservative wings. From the perspective of supporters of Olszewski’s government, the fall of the cabinet provided conspicuous proof that ‘forces of the old regime’ were still in control of the political realm. The SLD parliamentary election victory of 1993 only validated this point. Thus, according to common wisdom the year 1989 did not end the communist rule of Poland – the dictatorship just mutated into a web of clandestine, dirty connections.¹⁹

This approach has been fully captured in critical interpretations of the Round Table negotiations which paved the way to the victory of Solidarity in 1989. According to many right-wing journalists (now strongly supporting PiS) the ‘alleged collapse of the system’ was staged by the Security Service, exerting secret control over the opposition elites.

There is no doubt that the conviction that communism did not collapse in reality, and the system transition remained to be completed, was not only characteristic of Poland. Similar political agendas were formulated in other countries once constituting the Socialist Bloc, such as Hungary and Romania. The right-wing parties, brandishing anticommunist slogans, claimed that the system transition remained in fact, as James Mark phrased it, an ‘unfinished revolution’. According to Mark:

For these groups, the ‘founding sin’ of the new system was the negotiated transition, which had failed to remove the communists from the political arena. This was blamed for the maintenance of corrupt clientelist networks in sectors of the economy and for crises of moral faith in the new system, which had not managed to remove former ‘criminals’ and ‘perpetrators’.²⁰

It is important to stress that adherents of the ‘negotiated transition’ seem to have been pushed into positions of defence and right-wing ‘memory entrepreneurs’ clearly have had a greater voice. The partisan character of collective memory since the mid-noughties is twofold: it is controlled by the Catholic-conservative politicians and it furthers their agenda. While leftist and liberal voters have not generally cared much about their candidates’ outlook on the past, it has been an issue of crucial importance for those supporting the right-wing parties. In what follows, I will discuss the three key strategies used by these memory actors in their efforts to ‘complete’ the ‘unfinished revolution’.

¹⁹ This point of view, presented in the most orderly way, is adopted in the book by Maria Łoś and Andrzej Żybertowicz, Privatizing the Police State: The Case of Poland (Basingstoke: Macmillan, 2000).
Neutralization

The strategy of neutralisation aims to remove the supposed ‘power’ of former perpetrators through a process of uncovering their crimes: lustration has been central to this approach. The idea of lustration came to the fore as early as the beginning of the 1990s, along with the dissolution of the SB. The communist secret police left in its wake vast archives containing detailed information on tens of thousands of secret informers, some of them having thick files containing numerous handwritten reports, others barely mentioned by name in top-secret catalogues. The arguments for working out legal mechanisms for the archive’s disclosure were twofold. On one hand they appealed to moral reasoning: the betrayal was deemed the worst, most wicked crime by the standard of anti-communist opposition members, for whom mutual trust was the only defence against the police. Therefore, those who would snitch to SB (no matter whether out of fear or for reward) and led to friends being incarcerated, should be publicly named and condemned: this is, in this view, the minimum of justice that those betrayed now deserve. There was also a pragmatic justification, according to which the informers of the communist security apparatus were in thrall to their former controlling officers, since signed commitments to cooperate and the original texts of their denunciations had been stolen from the archives and were to be used for blackmail.

The ties connecting officers with the informers bound the past with the present. The powerful guards of the communist regime were believed to retain clout, now exercised by proxies. Memory games of lustration were played out within the paradigm of an invisible web of immoral dependencies born in the communist era, and still entangling Poland. Unless thoroughly vetted, everyone could be under suspicion: cabinet members, MPs, the army HQ, top managers in state owned factories, diplomats, journalists, or scholars. Proponents of lustration also brought in the economic dimension of the problem, pointing to the fact that invisible and informal ties could have a devastating impact on the banking system and foundation of the emerging free market. It should be noted that similar or identical arguments reverberated in other countries of the former Socialist Bloc.21 On the other hand, the opponents of radical retributive justice stressed that massive lustration would not allow for individual consideration of each case of cooperation with the SB. Everyone would be assessed according to a simple either-or principle: whoever was registered in the secret police files would be automatically considered an informer, including those who had indeed signed a commitment to cooperate (for example as a result of blackmail), but

who had also later refused to submit denunciations. The enacted legal procedures resulting from that debate left both sides of this argument with reasons to feel disappointed. The Parliament Act 1997 demanded the submission of so-called ‘Lustration Statements’ from those aspiring to be members of Parliament (the Sejm) and those taking the topmost positions in the country. The adversaries of a new law denounced the ‘lustration prosecutor’ and courts for giving too much credit to the content of the police archives. On the other hand, those who strived for a neutralization of past dependencies vividly expressed their annoyance at the fact that in cases when original files could not be found (presumably destroyed in 1989) judges exonerated defendants.

The feverish debate around lustration was raised to a record high in January 2005, when right-wing columnist Bronisław Wildstein retrieved from the archive the digital index of personal files, which was then leaked to the Internet in unclear circumstances. This so-called ‘Wildstein’s list’ contained over 160 thousand names, yet it covered not only ‘secret collaborators’ but also ‘candidates for secret collaborators’ (who usually had no idea that security police proposed to recruit them) and those of regular officers. However, with common opinion taking all persons on ‘Wildstein’s list’ for active informers, the data proved to be political dynamite. As the index consists only of names and surnames, with no other identifying information, people could easily make a wild guess wading through the list in search of prominent figures. The ensuing chaos played into the hands of the ‘memory entrepreneurs’ supporting the idea of lustration. They claimed that the full disclosure of the archive was the only way to sort things out. After PiS won both the presidential and parliamentary election in the autumn of 2005, an attempt to significantly expand the catalogue of persons subject to lustration was made. The amendment to Lustration Act of 1997 was adopted in 2006, according to which journalists, scholars and members of local elites had to be included in the vetting process. A year later the new law was blocked by the Constitutional Tribunal.

**Retribution**

Complementary to the idea of neutralization of communist perpetrators came the projects of retribution. The issue of the judicial accountability of functionaries of the former regime stirred up strong emotions. Foremost, it concerned police officers

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who tortured and murdered opposition activists, as well as the leaders of the state responsible for the use of the army against demonstrators and striking workers in 1970 and 1981. In the end, only a few dozen people were put on trial, which in most cases ended in acquittals or suspended sentences. After 1989, only a dozen or so officers of the former security apparatus were imprisoned.

Perhaps the judiciary system of democratic Poland proved powerless rather than ineffective in pursuing communist crimes. The high legal standards restored in courts after 1989 (for instance, over 60% of the composition of the Supreme Court was replaced with new judges) prohibited them from issuing verdicts that would have pleased the (right-wing) collective memory. It should be noted that 'the impunity of former communists', against which the conservative press railed, was not – as commonly claimed at the time – a 'deliberate omission'. The actual 'settlements with communism' were influenced by various factors and processes. Serious crimes committed by the security apparatus (murders, torture) took place in the vast majority of cases during the Stalinist period, and after 1956 political killings happened only occasionally. Most of the perpetrators and witnesses did not live to see the transition to democracy. In addition, the passage of time made it difficult to collect evidence and recreate the course of events. In turn, the trials of the former leaders of the state (especially of General Jaruzelski) dragged on for years due to the complicated subject matter under consideration (the informal decision-making mechanisms in the communist state).

Nonetheless, the alleged ineptitude or reluctance in meting out justice to former perpetrators became one of the essential threads in a public debate, raising outrage. In this situation, the stigmatization of 'executioners and torturers' in public discourse was the substitute for actual punishment and was to meet the expectations of a substantial part of the population. Poland abounded with memorial exhibitions, often arranged at the 'sites of terror', that is, in locations of former prisons and detention camps, commemorating victims of the regime and stigmatizing its executioners. Similar processes also took place in Hungary and Romania, where memorial museums played the role of 'cultural courtrooms' where 'the former system could be put on "cultural trial" and condemned'. One could also notice that for twenty years, between 1993 and 2013, on each anniversary of the martial law imposed by General Jaruzelski (13 December 1981), the right-wing Republican League conducted nightly demonstrations in front

28 James Mark, Unfinished Revolution, p. 64.
Throughout these years the right wing ‘memory entrepreneurs’ – the conservative and Catholic press – devoted much space to historical journalism, in which the PZPR (Polska Zjednoczona Partia Robotnicza – Polish United Workers’ Party) dignitaries and especially the SB functionaries were depicted as morally repugnant characters motivated by the meanest incentives. Similar language was used by politicians: already in 1992, Leszek Moczulski, a known opposition activist in the times of the People’s Republic, during a parliamentary debate on the evaluation of martial law, ironically observed that the acronym of PZPR really means ‘Płatni Zdrajcy Pachołki Rosji’ (‘paid traitors, Russia’s minions’). For a number of years, it was customary during right-wing demonstrations to chant the slogan: ‘raz sierpem, raz młotem czerwoną hołotę’ (‘once with a sickle, once with a hammer, strike the red rabble’), which expresses the well-established conviction, on that side of the political spectrum, that all left-wing and liberal parties are in fact a masked post-communist elite. In this memory game, rage at communist perpetrators has been distilled into political fuel, easy to store and to be used at a convenient moment – for instance against SLD presidential candidate Aleksander Kwaśniewski (who nonetheless won the election twice, in 1995 and 2000).

The perceived failures of the lustration and transitional justice projects, which bolstered expectations yet essentially failed in exposing the sinister plot entangling Poland, coincided with the apogee of the efforts at symbolic punishment inflicted on perpetrators in effigy. During the opening of the exhibition ‘The Faces of Bezpieka’ in July 2007, Janusz Kurtyka, the head of the Institute of National Remembrance (Instytut Pamięci Narodowej – IPN), stated that:

> The foundations of the communist security apparatus were put in place by the functionaries of the NKVD, and the apparatus itself also guarded Soviet interests. Secrecy and fear was the essence of the communist system. That’s why tearing off the veil of this secrecy and showing the faces of functionaries serving that system was one of the most important things undertaken after 1990.

The name of this exhibition should be understood in a most literal way, as the exhibit was composed of panels containing the enlarged to unnatural dimensions ID card photographs of the top functionaries of the communist security apparatus. Viewers were actually presented with a peculiar portrait gallery – effigies of those who should

deserve condemnation and contempt. Critics of the exhibition saw in it a kind of ‘collective pillory’. The well-known journalist Ewa Wanat wrote in an internet blog:

> Like a Middle Ages thief shackled in the stocks, or a witch exposed to the ridicule of the populace, or, as under communism, wrongdoers and layabouts in a display case of the Communist Party Basic Organizational Unit in a given area, the same mechanism: instead of the court, stigma. Those who committed the offense should face the court, let them be judged and if convicted serve their punishment... But is this about law and justice, or rather about revenge?"31

‘The Faces of Bezpieka’ was not a one-off exhibition limited to a specific museum space, but a nationwide series of individual exhibitions (although subordinated to a single concept), on display between 2007 and 2012. It depicted images of SB officers from the central command, and also of those who operated in a given city or province. Apart from the ‘main’ version of the exhibition, there appeared dozens of local variations, showing thousands of faces. It seems plausible that originators were inspired by the similar strategy employed at the Budapest House of Terror with its ‘Gallery of Victimizers’ presenting dozens of portraits of ÁVO-men (Államvédelmi Hatóság – State Protection Authority, i.e., the Hungarian political police) and Arrow Cross shock-troopers. Organizers strove to make the exhibitions as visible as possible (or as offensive as possible), hence they were often located in public places; in the central squares of cities, along main streets, in parks and office halls. In Gdansk the portrait panels were placed within a shopping centre, in full view of the crowds coming out of shops and fast-food chains. In Warsaw, ‘The Faces of Bezpieka’ was located along one of the main streets, opposite the former Stalinist Ministry of Public Security (currently the Ministry of Justice).

Importantly, the ‘The Faces of Bezpieka’ cycle was devoted exclusively to alleged criminals, not their crimes. The images were in fact accompanied by brief descriptions of the career of the given individuals, but these were understandable only to specialist historians. For ordinary viewers information such as ‘held the position of head of the Section VI of the Department II of the Metropolitan MO, and then was promoted to head of the Section III of the Department’ obviously meant nothing. The authors of the exhibitions did not explain what the displayed officers actually did. ‘The functionaries of the communist security apparatus are responsible for thousands of deaths, for imprisonment and persecution of hundreds of thousands of innocent people’ – such an explanation features on one of the panels, but this sentence was

not based on any content of the exhibits. Here any search for information on the methods that security services used in their daily work, on the control which they exercised over the majority of areas of social life, would be in vain. In this respect, comparison with the House of Terror could be drawn once again. As Zsófia Réti notes, the Budapest exhibition was overloaded with an abundance of various forms of text. Introductions, explanations, subtitles, hardly intelligible because of dim light and size of font: ‘words extinguish one another, and they appear as visual noise or decorative fragments that bear no particular meaning.’ What is written serves barely as a background to what is shown. The police vernacular does not provide any information on its own, it is inserted into the narrative to highlight the perpetrators’ alienation.

The biographies of the functionaries are lifeless: no descriptions of activities they initiated, nor of the course of their investigations; no testimonies of the victims. Moreover, the fight against the armed underground and organized opposition is only one chapter in the 46-year long history of the security apparatus. Incomparably more often than using torture and throwing suspects into prison, the security apparatus was engaged in the collection of information. This was the main sphere of UB/SB activity; the acquisition of informers, the breaking of people by small acts of blackmail, and the painstaking work of thousands of officers opening private letters and setting up wiretaps. Without considering this dimension, the knowledge presented in the exhibit about the security branch and its officers is left hanging in the air.

The unstated, but imposing message of the exhibition is the peculiar unification of perpetrators. Since the presented biographies say nothing of the deeds which they committed, the viewer might get the impression that all of them are equally (and therefore to the highest degree) responsible for the crimes of the communist regime. In fact, SB officers are presented as comic book monsters, an army of equally depraved clones that may differ from each other only in unimportant details. This impression is compounded by the emphasis the authors of the exhibition put on the somewhat peculiarly understood private lives of officers. For example, ‘breached service discipline and moral-ethical rules by consuming alcohol in service premises [...]. During alcoholic libations he forced the women present in his office to undergo indecent acts’ was written in bold beside one of the portraits. Another panel featured a photocopy of a document describing the accident that the portrayed person caused while intoxicated. Yet another quoted an excerpt from the punishment order rebuking an officer for visiting a prostitute while on duty. We come across similar narrative strategies in the contents of other local versions of the exhibition. ‘The Faces of Bezpieka’ reveals

some of the intimate details of the lives of these functionaries: mistresses, domestic quarrels, alcoholism and sexual abuse. Infidelity and drunken brawls are certainly not glorious deeds, but it is not for this reason that the photographs of the functionaries were displayed in the exhibition. Regardless of the crimes which might have been committed by any given SB functionary, these methods attempting to bring them to public disgrace seem unsavoury and petty in the context of the purpose that they were to serve: namely (made explicit by the organizers), not to provide knowledge about the past, but to criminalize it and exert retribution.

The introduction in the exhibition catalogue ends with the following sentence: ‘without waiting for the verdicts of the courts, we can cite the judgment of history: the communist security apparatus was a criminal organization’.35 A similar point of view can be found in numerous journalistic texts, but also in studies of a more scholarly and factual nature. Antoni Dudek, a longtime adviser to the President of the IPN, in a book devoted to the history of the Institute, while commenting on the impunity of former functionaries of the SB, wrote:

What remained was to deliver justice by way of stigmatizing, and this was the purpose that the series of exhibitions ‘The Faces of Bezpieka’, and the equally numerous accompanying publications, were supposed to serve. I am not only convinced that the action was morally justified and – until the restrictions of their pension privileges in 2009 – the only form of punishment dished out to people serving in the most hideous institution of the communist era, but also deserving continuation.36

Significantly, within the retributive memory game framework, radical anti-communist discourse is gaining momentum with the passage of time, particularly as the generation that does not have personal memories of the communist era enters adulthood. In 2011 the journalist Tadeusz Płużański published a book entitled Beasts: Murderers of Poles with the following subtitle: Journalistic Investigation into the People who During Communism Murdered Polish Patriots and Were Never Punished. The book quickly topped the bestseller list, and also won the Józef Mackiewicz prize, prestigious in right-wing circles. ‘My goal was not to interrogate these creeps, getting to know their motives, dilemmas, subjects that are still welcome in Poland’ – the author asserted spitefully in the introduction.37 The somewhat chaotic narrative of the book focuses on presenting profiles of employees of the Stalinist apparatus of security and justice. Their life paths are shown according to a single template; as the embodiment of moral degeneration, a synthesis of national betrayal and human vileness. The terms most frequently invoked by the author are ‘murderers’, ‘sadists’, ‘ex-

executioners’ and ‘minions of the Soviets’. It is the same narrative that was used by the authors of ‘The Faces of Bezpieka’.

In this uniformly black presentation of the perpetrators there appears a clear contradiction: the officers of the Stalinist security apparatus are portrayed simultaneously as fanatical communists, obsessed with the idea of destroying Polish independence, and as conformists, acting with the basest motives. But what really matters in this narrative effigy of the ‘security state’ are emotions, not logic. It is not about reflecting on the past (considered morally unacceptable, in this context), but about the induction of hate, the highest degree of condemnation, which is to be a form of redress to the victims.

Płużański’s book is woven mainly from the testimonies of witnesses, former prisoners. Undoubtedly, these are harrowing stories: descriptions of sophisticated ways of inflicting suffering on the accused, beatings during investigations, the tormenting of prisoners’ families, and above all death sentences issued on the basis of confessions extracted by torture. This is by no means an exceptional strategy: victims’ collective testimonies are typically presented at the post-communist memorial sites, thus serving as a form of symbolic punishment for the perpetrators. Yet Płużański goes much further. Despite the fact that the evils painted by him, it should be said emphatically, are authentic, the book’s biased narrative is simply jarring. The author (himself the son of a Stalinist prisoner, which he emphasizes) juxtaposes the suffering of the victims to the subsequent impunity of perpetrators, and, by insults and mockery, seeks to render justice. The titular ‘beasts’ he describes as ‘ignorant creeps seeking social advancement’, ‘without any restraints as security functionaries’ who persecuted ‘innocent people just because they were threatening to the communist plague spreading in Poland’. Debasing former officers is a substitute for punishment. The author repeatedly claims in the pages of the book that the perpetrators did not belong to the Polish nation, and that this was the case not because of their moral decline, but because of their alien ethnicity. He meticulously emphasizes the Jewish background of the bezpieka officers and he notes that torture and sentences on the anticommunist activists were the result of collusion between the Jewish ‘compatriots’ – thus implying that communist terror stemmed from a Jewish plot. While mentioning high-level functionaries of the Ministry of Public Security he gives in brackets their previous, Jewish names. And concerning their superior – the head of the UB, Minister of Public Security, Stanislaw Radkiewicz, son of Polish peasants – he makes a note that he was ‘just a figurehead’. The implication: a puppet in Jewish hands.

39 Płużański, pp. 90, 31, 42.
40 Płużański, p. 91
In this way Płużański refers to the myth of ‘Judeo-Communism’, popular among the pre-war Polish nationalist right. According to this vision, communism was the instrument of a Jewish conspiracy against Poland (and more broadly, against Christianity). The plan to build a classless society was a product of the ‘Jewish spirit’, and the followers of this ideology were those who were ‘poisoned by the ethics of the Talmud’. Since ‘native’ Poles – that is, Catholics – were naturally immunized against communism, the revolution could come only from outside, as a form of anti-Polish aggression. The belief that the evil perpetrated by the communists was a matter of family heritage and not of an individual choice is repeatedly expressed throughout the book. Płużański exposes not only the former functionaries of the security apparatus, but also their currently living children, and especially if they belong to the social circles opposed by contemporary right-wing adherents. For example, Danuta Hübner, member of the European Parliament from the liberal Civic Platform, is accused of hiding from voters the fact that her father was an officer of the security apparatus (‘Has Danuta Hübner disowned her father?’). Józef Chajn, the Deputy Director of the Jewish Historical Institute, is reproached for being the son of Stalinist Justice Minister Leon Chajn. Płużański stresses that the son of another senior security apparatus functionary ‘since 2002 holds the position of the Chairman of the Jewish Commune in Katowice’.

In Beasts the historical crimes committed by the security apparatus become a weapon in a contemporary ideological war. Płużański constructs a dichotomous vision: in contemporary Poland the conservative right is the only champion of justice and rightful punishment of communists, while liberal circles defend former criminals and therefore share in their guilt. Writing about an attempt to bring to justice a former Stalinist judge, Płużański scoffs:

The indictment was made by the Institute of National Remembrance. This fact alone should cause reflection among all human rights defenders, gay and lesbian organizations, those fighting racism, xenophobia and intolerance, in particular the Open Republic Association (Stowarzyszenie Otwarta Rzeczpospolita), and in general among all the progressives.

Zombification

Beasts might be considered a significant example of a mnemonic narrative that fuses two different threads of the memory games: it demonstrates how the attempt towards

42 Płużański, p. 24.
43 Ibid., p. 172.
44 Ibid., p. 436. The Open Republic Association is an NGO founded in 1999 devoted to combating anti-semitism and xenophobia.
(symbolic) retribution mutates into zombification of perpetrators. After 2010, the temperature of the political dispute in Poland rose sharply. The death of the conservative President Lech Kaczyński in a plane crash while in Russia inflamed emotions in the public sphere. The Law and Justice (then) opposition party accused Donald Tusk’s centrist government of hiding the real cause of the accident. Soon, the right-wing media and politicians decided that it was not an accident at all, but an assassination contrived by the left-liberal elite together with Vladimir Putin. In the autumn of 2010 the opposition leader (and brother of the late president) Jarosław Kaczyński accused the government of treason, of being the agents of foreign interests, and described the ruling coalition as the ‘Russian-German condominium’.45

This logic of political conflict was reflected in historical narratives. In the autumn of 2013 three right-wing journalists published a book under the title Resortowe Dzieci: Media (Ministerial Children: Media).46 The first paragraph of the book repeats the thesis, well-established in right-wing circles, that political transformation after 1989 was a fiction, and that political changes were carried out strictly according to a secret script arranged by conspiratorial bodies. This is the so-called ‘setup’ (układ), a notion which for over a quarter of a century has been ascendant in Polish public opinion. According to the authors,

much was said about the compromise concluded with the Communists during the Round Table Talks.47 The opposition agreed on the enfranchisement of the nomenklatura, not only in the sphere of business. Our publishing series will establish in a synthetic form that the ‘thick stroke’ [i.e., the refusal to bring to justice the communist perpetrators] was in fact consent for the taking over of the majority of crucial structures of the Third Polish Republic by the people associated with the People’s Republic apparatus.48

The authors of Ministerial Children, however, go one step further. They argue that all the pathologies and wickedness of the Third Polish Republic result from the fact that the elites – in media, business, politics and academia – have been overrun by the descendants of the Communist bezpieka and party apparatchiks. ‘The blame, at the root, lies in these circles’, we read in the book. The parents installed high in the structures of the People’s Republic’s political police took care of the careers of their children, who, thanks to the hidden interconnections and protection of the ‘setup’, maintained their privileged social position after 1989.


46 In Polish, ‘Resort’ stands for ‘Ministry’, an abbreviation of the ‘Ministry of Internal Affairs’, the name officially used in the People’s Republic to describe the political police; after 1989, the word took on an ironic tone.

47 The Round Table Talks, from February 6 - April 5, 1989, legalized independent trade unions and paved the way for the democratic transition in Poland.


In this perspective, the children inherited the iniquity of their parents. Although the authors stipulate that ‘everyone is responsible for their own actions’, they in fact emphasize that the choices, worldview and value system of the ‘ministerial children’ were determined by their upbringing. In this way the dichotomous division used by the right to describe the Polish People’s Republic is transferred to the political analysis of current times. As the authors argue, the left-liberal elites in the Poland of 2013 represent traditions foreign to the national community, and are the heirs of the anti-Polish values that motivated their parents, the officers of the UB and SB. As Sylwia Krasnodębska writes:

In their homes no carols were sung, no one ever went to midnight Mass, no flags were flown on November 11 [National Independence Day], and grandfather never recounted by the fireside the story of his participation in the war against the Bolsheviks (unless from the opposite side). How are the people originating from these circles to know the value, before cutting a loaf of bread, of making the sign of the cross, and how are they to understand that an important family memorial is a rebel band [the white and red band worn by soldiers of the Warsaw Uprising] […] If one’s brother was a secret SB collaborator then one cannot praise Piotr Gontarczyk and Sławomir Cenckiewicz for the book *The SB and Lech Wałęsa* [disclosing Wałęsa’s cooperation with the Security Service]. If the father was ‘strengthening the people’s power’ with the help of a gun, then it is difficult to write an article about the heroism of the Cursed Soldiers.49

*Ministerial Children* and its sequel (*Resortowe Dzieci: Służby*, published in 2015), have achieved record sales: according to the publishers, the first volume alone sold 150,000 copies.50 The publication was met with an enthusiastic reception among Law and Justice Party politicians and right-wing columnists. The ‘authors’ courage’ was praised since they dared to ‘break the biggest taboo of the Third Republic’ and revealed the truth about the ‘red dynasties’. Some saw in the book ‘sociological insight’.51 Online commenters expressed satisfaction with the book’s stigmatization of those whom they consider to be responsible for their life failures. Some online comments read:

Post-communist mafia lives and gobbles thanks to our hard toil […]. Let’s not kid ourselves. For all this life of misery in recent years, emigration, poverty, separation and lack of jobs in Poland […] the blame lies with a group of people called the system’s children. We know their names and we will learn much more in the near future.52

49 Ibid.
52 Comments recorded from the discussion forum in the website wPolityce (wpolityce.pl/forum) in January 2014. Currently unavailable.
On the other hand, critics of the book called it the ‘literature of insinuation’. They claimed that *Ministerial Children* distorted facts, manipulated taken out of context fragments of SB documents, and actually did not provide sufficient evidence to prove its allegations. The authors did not conduct any systematic archival research, but checked only old passport files of journalists known for their criticism of the political right (to obtain a passport in the People’s Republic one was required to submit a detailed questionnaire and provide information on parents and relatives). In most cases, ‘the Ministry parents’ turned out to be in fact outside the inner circle of the communist leadership; rank and file members of PZPR, the directors of local enterprises, officials in the ministries. While indiscriminately copying SB documents, the authors mixed up persons, positions, circumstances, and with amazing meticulousness highlighted which of the described persons had Jewish roots. The fact that the authors did not mention that most of the people attacked in the book were before 1989 involved in the anti-communist opposition was considered particularly scandalous.

The whole case gains additional flavour by the fact that the narrative of the *Ministerial Children* books (anti-communist through and through) duplicated the language and arguments of the official propaganda of March 1968. At that time the communist authorities, in response to the mass protests of students, organized a huge media campaign proclaiming the leaders of the youth rebellion were the children of Stalinist dignitaries of Jewish origin. It actually turned out that the authors of *Ministerial Children* used the same SB documents which, thirty-five years earlier, amenable journalists received from the Ministry of Internal Affairs. The book’s publishing success meant that the concept of ‘ministerial children’ became a permanent feature of Polish political discourse. In its project to replace the old elites, the Law and Justice Party openly referred to the logic of ‘bad origins’. The hitherto existing opinion-forming circles, those influencing the political, intellectual and economic life of Poland, are, in this narrative, the ‘spiritual heirs’ of communists, and therefore should be replaced by ‘genetic patriots’, in the words of one of the deputies of Law and Justice Party. Proponents of the nationalconservative revolution often referred to Poland in the years 1989–2015 as *Ubekistan* – a state governed by the descendants of *Ubeks*.

Jarosław Kaczyński, in his autobiography published after the PiS victory in the parliamentary elections of October 2015 wrote:

55 The term ‘ubek’ is another scornful description of the communist secret police officer and it refers to the first acronym of that institution – *Urząd Bezpieczeństwa* (Security Office). The term ‘ubekistan’ (the land of ubeks) term was coined and introduced into political discourse by journalist Jerzy Targalski, one of the authors of *Ministerial Children*. See Targalski: III RP to ubekistan [Targalski: the Third Republic Is Ubekistan], *Telewizja Republika* 29 Feb. 2016 <http://telewizjarepublika.pl/dr-targalski-iii-rp-to-ubekistan,30171.html> [accessed 12 Dec. 2018].
The milieu which emerged in the course of a long (because it started in 1956, or maybe even a little earlier) process of the decomposition of Polish communism, consisted of people who were mainly involved in its support — either in person, or at least by close family ties. These people did not have much in common with authentic Polish political traditions.

The political potential connected with the strategy of zombification — resuscitating dead perpetrators through their living descendants — proved to be an irresistible temptation. Since its 2015 victory, the PiS government, with strong support from the right-wing media and public television, has energetically undertaken the task of sorting out Polish historical memory. From the speeches of politicians, the scenarios of anniversary celebrations, feature articles, broadcasts, and online commentary there has emerged a new, corrected version of national history. Its essence is the de-legitimization of the dissident movement from the communist era as the ‘secular left’: a formation advocating liberal values, but indifferent to the national-Catholic tradition. One of the main slogans of the new government has become ‘restoration of the memory of the Cursed Soldiers’. The anticommunist guerrillas from the second half of the 1940s are presented as a model of civic virtue and true patriotism. ‘The Cursed’ did not agree to compromise, did not join the party, and instead of participating in negotiations with ‘the Soviet invader’, they were shooting at him.

According to Marek Chodakiewicz, an American historian greatly esteemed by Poland’s political right:

> It’s really about the fact that in the nineteen forties there were Poles who recognized that evil must be called by its name: Hitler and Stalin — and they never surrendered. They refused to be a part of a collaborating setup...They didn’t schmooze with reds. They shot. While those others [the ‘Ministerial children’s parents] gained much. They saved their lives, and kept their privileges, living certainly more affluenty than the other slaves of communism. They are still here [...]. In this way the Cursed Soldiers are the symbol of the aspirations of the Poles who dreamed of independence, freedom and victory over all the old setups. And they are the cause of remorse for the collaborators and the heirs of the red executioners, as well as diverse kinds of leftists.

Mass protests against the current dismantling of democratic institutions are repudiated by drawing historical analogies. According to Jarosław Kaczyński in a widely quoted interview:

> You could say that ministerial children defend themselves, and today as the main stronghold they have chosen the Constitutional Tribunal. In Poland there is a horrible tradition of

This strategy has culminated in the ‘De-Ubekization Act’ adopted by the Parliament in December 2016. It drastically cuts the pensions of the retired uniformed services of the Polish People’s Republic (mostly, but not exclusively, former SB officers) for having been ‘officers in the service of a totalitarian state’. The adoption of the law coincided with demonstrations against limiting the freedom of the opposition media. PiS politicians stressed that this was not an accidental coincidence. The defence of allegedly threatened freedom of expression is only a pretext, they claimed, and in fact the opposition, dominated by ‘ministerial children’, is fighting to defend the privileges of the bezpieka. The slogan ‘the third AK generation is fighting the third UB generation’ has become the leading theme of right-wing journalism.

The memory game played by the PiS has no loose ends. All the dots are connected and different layers of ‘historical policy’ address each other. In April 2017 President Andrzej Duda gave an interview to Polish public television:

Numerous influential posts in contemporary Poland, in media and other important institutions, foundations etc. are occupied by individuals, whose parents or grandparents fought against Cursed Soldiers in an effort to buttress the communist system. In brief: they were traitors. Therefore, it comes as no surprise those children are not interested in paying homage to the Cursed Soldiers. They are not interested in revealing the truth about who was fighting for an independent Poland and who was handing it over into Soviet hands and became Soviet governors in our country. Let’s be honest: this is an ideological clash, this is a historical clash, yet this is also a clash over who is entitled to rule peoples’ hearts and minds, a clash to prevent communists from taking over that rule.

Similar examples could be offered endlessly. Every few days, pro-PiS media announce that communist perpetrators have just been found among ancestors of a given adversary of the ruling party (be it politician, journalist or scholar). The political gain attributed to the memory game seems obvious. Those now ruling the country present themselves as the heirs of the armed anti-communist tradition, while they portray the opposition as the heirs of bezpieka officers. The PiS revolution (deemed a ‘good change’ by the progovernment media) is shown to be the completion of the guerrilla war in which patriots killed UB officers. Such a historical interpretation also boosts


the right-wing and nationalistic agenda. While ‘patriotic forces’ are equated with Catholic Poles born and bred, the opposition represents an alien tribe, which in 1944 invaded Poland along with the Soviet army.

Sometimes, the zombification strategy is being employed almost literally: dead perpetrators are deemed responsible for the current government failures. As I write these words, a fresh political scandal reverberates in Poland. The chief of the Financial Supervision Authority, the governmental body responsible for the safety of the banking system, has been secretly recorded when demanding a hefty bribe (40 million zloty, which is equivalent to almost 10 million euros) from the owner of one of Poland’s private banks. While the opposition has claimed the affair may involve numerous high-level PiS officials and demanded an independent and thorough investigation, the ruling elites and its supporters in the media have maintained that the government succumbed to a ‘provocation’, plotted by the former communist police. Jacek Karnowski, editor-in-chief of the right-wing weekly Sieci, wrote in an editorial: ‘I was told by a wise, old man: the whole affair is to be blamed on your generation, because you forgot what was and what is “ubecja”. You don’t know what they are capable of. You don’t know their chekist mentality’. Nonetheless, the article did not contain any clue or indication of how the functionaries of the authority dissolved almost thirty years ago could actually be in position to control current political life in Poland.

The mnemonic narrative evolution from neutralisation to zombification is a story of how the pursuit of transitional justice could eventually warp the horizon of political discourse. What initially seemed to be a valid, sensible political argument in a debate on systemic transformation, concerning vetting as a prerequisite for holding public office, has turned into a kind of black hole, the gravity of which affects both politicians and society – or at least the vast part of it. The memory game has captured its players: partisan memory warriors have become so accustomed to utilizing history that they cannot find equally powerful political fuel. Likely, the right-wing, conservative politicians are in no position to abandon the narrative on the communist perpetrators if they want to retain integrity in the eyes of their voters. In effect, in contemporary Poland the past is so densely intertwined with the present that one can hardly tell the difference. The current political conflict has been dressed in historical attire on an unprecedented scale. Time has been declared null and void, and the zombies of hundred-year-old Stalinist executioners are struggling with Kaczyński’s political camp. The memory game, employed by PiS and its stalwarts, exemplifies the profound shift in a mnemonic narrative on the communist period and the convoluted path it underwent. The dark legacies presumed to be settled paradoxically have ultimately been revived.

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Holocaust Perpetrators and Historiographic Blind Spots

Kjell Anderson


The historiography of the Holocaust is vast. Yet, even amidst this prodigious scholarship, blind spots remain. Political scientist Guenter Lewy tackles two of these in his new book *Perpetrators: The World of the Holocaust Killers* – the dearth of research on the perpetrators themselves, and the relative failure of Holocaust (or transitional justice) scholars to examine post-war trials in Germany. While there are notable books on individual perpetrators, such as Gitta Sereny’s interview-based biography of Franz Stangl1 (commandant of the Treblinka extermination camp) or Jasch and Kreutzmüller’s *The Participants: The Men of the Wannsee Conference*; some others on perpetrator organizations, such as the Einsatzgruppen (*Masters of Death*);2 and innumerable Holocaust monographs which touch upon perpetrators, general volumes on Holocaust perpetrators are nearly non-existent. There are exceptions, of course, such as *The Good Old Days,*3 which is largely a collection of primary documents; *Soldaten,*4 which focuses narrowly (but brilliantly) on several recorded conversations among German POWs; and Jensen and Szejnman’s edited volume *Ordinary People as Mass Murderers: Perpetrators in Comparative Perspectives,*5 which, although a significant contribution, presents a patchy analysis of Holocaust perpetrators. To this list we can add the promising and very recently published *Holocaust Perpetrators of the German Police Battalions: The Mass Murder of Jewish Civilians, 1940–1942* by Ian Rich, as well as Browning’s landmark work on Reserve Police Battalion 101, *Ordinary Men,* and Wendy Lower’s examination of female perpetrators, *Hitler’s Furies.*6

Against this background, Lewy’s book is a significant contribution, offering the first general monograph on Holocaust perpetrators. Lewy’s connection to the Holocaust is immediate, and this comes through in his writing – a sense of moral outrage underpins his description of atrocities and the subsequent impunity of those who committed them. His father was interned in Buchenwald after Kristallnacht, and, after fleeing to Mandatory Palestine, Guenter Lewy fought in the war with the Jewish Brigade.

Lewy is a controversial figure in Genocide Studies, largely due to his refusal to characterize the Armenian and Native American atrocities as genocide. This iconoclastic perspective is not much present in Perpetrators. Indeed, his critiques of (early) Holocaust scholarship as wrongfully focusing on the supposed individual pathology of perpetrators, on the one hand, and the collective pathology of German culture, on the other hand (think Goldhagen’s theory of eliminationist anti-Semitism),\(^7\) are utterly conventional among contemporary Holocaust and genocide scholars, particularly those focused on perpetrators. Nonetheless, Perpetrators presents an accessible synthesis of scholarship on Holocaust perpetrators, while also incorporating archival research. This archival research mainly draws from the University of Amsterdam’s monumental published records of 929 post-war German trials of Nazi perpetrators.

Lewy rejects pathological and ideological explanations for perpetration, arguing ‘there was no typical perpetrator’ (p. 45), and explaining that ‘This range of behaviour was based on choice, for the admittedly severe system of discipline offered a surprising degree of individual agency’ (p. 49). I sense, however, a tension between Lewy’s (understandable) moral opprobrium of the perpetrators and his conviction that they are, for the most part, not pathological. He concludes that ‘The largest group of killers was made up of individuals who carried out this unspeakable work because they had been ordered to do so’ (p. 50); yet also that ‘A sizable percentage of the killers were devoted Nazis who murdered out of ideological conviction’ (p. 46), drawing particular attention to the role of the so-called ‘old fighters’ – early members of the Nazi party who were both ideologically-committed and socialised to violence (p. 47).

The strongest parts of the book are on ‘Evading and Opposing the Killing’ (Chapter 5) and ‘The Perpetrators on Trial’ (Chapter 6). Through discussing evasion, Lewy offers a nuanced portrait of Holocaust perpetrators as individuals with diverse motives acting in concert to perpetrate the crimes of The Holocaust. Some SS personnel in Dachau, for instance, were dubbed the ‘white ravens’ by the inmates, because of their humane treatment of the prisoners; there is also anecdotal and documentary evidence of many other prospective perpetrators resisting or avoiding full participation (p.19). However, as we know, (willing) participants outweighed conscientious objectors.

Lewy’s analysis of post-war justice in Germany is both informative and surprising. One gains the impression that post-genocide Germany ‘did’ collective memory ‘right’, but failed to deliver justice for the staggering crimes of the Nazi regime. Lewy notes that West German courts only charged fewer than ten per cent of those suspected of Nazi-related crimes, and that most of these were for crimes committed in the 1930s rather than the Holocaust proper (only seven per cent of trials were Holocaust-related, and only 981 people were convicted for crimes related to killing, despite there being ‘about’ 40,000 men and women serving in concentration camps, ‘some’ 6,000 men in Einsatzgruppen, ‘an estimated’ 15,000 men in police battalions, and 25,000 Waffen SS troops) (p. 88). Lewy also rightly critiques the (mis)use of accessory liability to try most perpetrators, writing that ‘The courts applied a crude version of the concept of totalitarianism, according to which only Hitler, Himmler, and Heydrich and their immediate entourage were the real perpetrators of the Holocaust, while most others were judged, at worst, to be accessories to murder’ (p. 87). This tendency continues into the present day where, in the absence of clear statements of intent and motive, most genocide perpetrators are still tried as accessories to the crime, rather than principal offenders. Paradoxically, the sentences for many German perpetrators of genocidal mass murder were relatively light, in comparison to their crimes, a tendency that Lewy attributes to the politicisation of the German judiciary (pp. 113-117).

In analysing the trials, Lewy’s book contributes to the scant scholarship on transitional justice in Germany. There are, of course, several books on the Nuremberg Tribunal, as well as on specific post-war trials (mostly the Control Council Law No. 10 trials), but few of these books analyse the innumerable national trials of low- and mid-level perpetrators for Nazi crimes. Although Lewy’s book is quite short, and only has a single chapter focused on post-war trials, it still succeeds in shedding light on an under-addressed aspect of the Holocaust.

However, Lewy’s book also sometimes traffics in truisms and clichés. In the book’s preface he writes ‘How could such terrible deeds happen in the heart of Christian Europe and among a nation known for its poets and thinkers...’ (p. vii). This is an oft-repeated, but ahistorical sentiment, rooted in a misapprehension of European ‘civilization’ and non-European ‘barbarity’. In addition, Lewy sometimes makes unsubstantiated arguments, such as, ‘the well-known German concern for accuracy militated against any significant distortion of the number of reported victims’ (p. 93).

8 See, for example, Telford Taylor’s magisterial account of Nuremberg, The Anatomy of the Nuremberg Trials: A Personal Memoir (London: Bloomsbury, 1992).
10 Dick De Milt’s fascinating book, In the Name of the People: Perpetrators of Genocide in the Reflection of their Post-War Prosecution in West Germany (The Hague: Martinus Nijhoff, 1996) sadly now appears to be out of print; Michael Bazyler and Frank M. Tuerkheimer’s Forgotten Trials of the Holocaust (New York: NYU Press, 2014) is one of the few monographs that address Holocaust trials in national courts.
Can one really say that German perpetrators were somehow culturally immune to distorting reports to their superiors?

*Perpetrators* provides an accessible, concise, and rich summary of existing research, with some new insights. However, Lewy’s restrained analysis fails to answer the fundamental question of why people perpetrate; rather, it falls back upon the usual psycho-social theories of obedience and conformity derived from the Milgram and Asch experiments. Nonetheless, *Perpetrators: The World of the Holocaust Killers* brings together wide-ranging research on Holocaust perpetrators, while also examining the post-war trials, which remain a surprising void in research.

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A Biographical Approach in Holocaust Research

Derk Venema and Alex Jettinghoff


This study concerns the lives and actions of the men who participated in the infamous Wannsee Conference. This is the code name for the meeting on 20 January 1942 of fifteen German high officials in a charming lakeside villa in Berlin, where they discussed, first, the authority over the operations that would result in the elimination of the European Jews; and second, the range of people that would be targeted in these operations. Ironically, this conference’s notoriety was deliberately caused by Eichmann, who tried to play down his own role in it at his trial in 1961.

Two general chapters precede the individual biographies. In an introductory chapter, Hans-Christian Jasch sums up the events leading up to this meeting, the position and background of the participants, and the topics probably discussed by them. The following chapter by Mark Roseman provides a short history of Holocaust research and contemplates the contribution that ‘Nazi perpetrator studies’ (such as this book) can make to existing Holocaust research. Next follows a series of fifteen biographical studies of the individual participants.

For readers interested in these people, the biographies offer excellent introductions. They refer as far as possible to primary sources, are surprisingly detailed, and cite interesting existing literature. The high quality of the contributions is not surprising, since the editors have succeeded in bringing together authors who are experts on their subjects. Some have published earlier book-length biographies of the ‘perpetrator’ they deal with (Bettina Stangneth on Eichmann, Robert Gerwarth on Heydrich, Markus Heckmann on Klopfers, Jasch on Stuckart, and Heinz-Jürgen Priamus on Meyer); several others have published articles on their subject. What particularly adds to the value of the book is that it sheds more light on some hitherto rather shadowy personalities in this group, such as Lange, Schöngarth, Meyer, and Neumann.

The structure of the study is less satisfying on two counts. Firstly, the sequence of the biographical chapters is curious. The participants seem to be divided into two groups. From the introduction by Jasch we learn that the grouping is meant to be according to their main occupation, ‘either within the SS or Nazi ministerial bureaucracy. Within these groups they have been placed in alphabetical order’ (p. 13). This approach has the strange result that the first biography (that of Eichmann) concerns
the least important man of the whole group at the time. Eichmann was subordinate to Müller, who was in turn subordinate to Heydrich. The dimension of hierarchy is entirely ignored. Within the first group the most senior official present was Heydrich, who summoned the meeting and apparently dominated it. Moreover, this division into groups serves no clear purpose, although it might have done, if, for example, it had been articulated that Heydrich considered the first group as supporters (SS) and the second as competitors (as Gerwarth suggests, p. 63). This could have raised the question as to whether or not Heydrich had a hard time in getting his competitors where he wanted them. Addressing this question would also have brought to the surface that, as Roseman acknowledges (p. 31), the division between the SS and the rest was a relative one, since several of the ministerial officials (e.g. Klopfer, Stuckart) were honorary SS members.

The second issue concerns the book’s contribution to perpetrator scholarship: it lacks a concluding chapter. Elements of a conclusion are included in the introductions by Jasch and Roseman, but conclusions could have been further developed if the editors had rallied their authors – at least partially – around a central research question. This book stops short of breaking new ground. Roseman retraces the turn to the ‘perpetrator’ approach of the Holocaust to circa 2000, with seminal works by Ulrich Herbert on Werner Best and by Michael Wildt on the Sipo–SD elite, and he lists the interesting interpretations that similar work has produced since then (pp. 31-32). So there is reason to contemplate what new insights might be derived from this collection of biographies and how they develop existing scholarship. Interestingly, Roseman suggests such a research question in his chapter.1 He points out that in this collection of biographies there is ‘a tension that emerges between two opposing insights: on the one hand, shared ideas, energy and habitus made the Wannsee Conference possible; on the other, the protagonists had had to make remarkable intellectual and moral journeys from selves for whom, just a few years earlier, a conference about genocide would have been inconceivable’ (p. 34). Here his analysis ends, and one is left wondering whether the individual studies could have shed more light on the circumstances that led these men to make such a radical turn in their thinking and act on this ‘mission’.

Existing literature suggests several dynamic circumstances affecting the individual attitudes and actions of the group we are considering here. For instance, there was the agenda-setting of the Nazi leadership. As Ian Kershaw has established, the highest echelon of the Nazi regime, particularly Hitler, had consistently pressed for the disappearance of the Jews from the Reich or even Europe.2 The terminology changed

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2 Ian Kershaw, Hitler, the Germans and the Final Solution (New Haven, CT: Yale University Press, 2008), pp. 89-116.
over time from ‘removal’ to ‘annihilation’ at the point of the outbreak of war with the United States. This turn in terminology occurred publicly in a Reichstag speech on 30 January 1939, an occasion Hitler referred to regularly in later years. A second dynamic was the development of the war in the East. According to Wildt, one of the major transformative events was the start of Operation Barbarossa, which opened mind-boggling opportunities for the liquidation of ‘Jewish Bolshevism’. Also, there was a semblance of a line of command, transferring authority concerning this issue to institutions like the SS organizations. Göring, as the second man in the Reich, was the one who (on 31 July 1941) appeared to give a written instruction (mentioned in the Wannsee Protokol) to Heydrich to prepare all measures necessary for the ‘final solution of the Jewish question’; but the draft of the order came from within the RSHA (the Reichssicherheitshauptamt), of which Heydrich was Chief.

Roseman states that ‘social forces’ and ‘recognisable societal interests’ surely cannot explain participation of intelligent people in ‘horribly irrational policies’, so it must have some mysterious, individual mental origin (p. 23). But this reductio ad absurdum is not valid: psychological group dynamics explain what makes people participate in behaviour they would have abhorred earlier. Participants develop all kinds of conscious and non-conscious rationalizing and justifying mechanisms to cope with the cognitive dissonance resulting from the contradiction between their previous habits and beliefs, and their current behaviour. These mechanisms are familiar: people start believing in ideological legitimations, and convince themselves that the victims are guilty, or dangerous, or subhuman. The result is a ‘changed view of the victims, changed attitude toward that suffering, and changed self-concept.’

So, in their own terms, perpetrators act rationally. Calling the actions of Nazis or other perpetrators ‘irrational’ does not serve any purpose other than mystification and a false sense of a secure distance between ‘us’ and ‘them’, as if they were not ‘ordinary men’ after all. ‘Rational’ is a relative term, derived from the Latin ratio, meaning exactly that: ‘calculated relation’. An action is rational when it serves the purpose the actor intends it to serve. What is meant when writers speak of ‘irrational’ Nazi actions or policies or ideology, is not that they did not serve the purposes the Nazis wanted them to serve, but that they are abhorrent to outsiders. Far from meaning a carefully deliberated choice between many possible ideologies from a completely neutral standpoint, ‘rationalism’ in this context pertains to the way in which the

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participants experienced the gradual dynamic process of actions, ideas and rational-
izations developing into ever more radical forms.

The participants’ ‘remarkable intellectual and moral journeys’ are, in the light of
the psychological rationalizing mechanisms, not that remarkable. But they are fright-
ening, especially in combination with the insight that most people from most walks
of life, in specific circumstances, are capable of making such a journey. This collec-
tion of biographies is an excellent starting point for further research, moving beyond
petite histoire and moral voyeurism to entangle the patterns and pathways of the or-
ganization of the Holocaust and the rationalizing mechanisms that facilitated it. A
focussed investigation of the interaction of attitudes and experiences of the members
of this group, and the circumstances they had to deal with, might have suggested the
beginning of an answer to Roseman’s question. Even though the historical sources
are unlikely to be sufficient to explore this question in the case of every perpetrator, it
seems probable that they are for some. Not to have tried seems a missed opportunity
in an otherwise impressive collection of biographies.

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The Repressive Regime of the Vigilant State

Sophia Hoffmann


In 2005, the Iraqi Memory Foundation, a private organization founded by the Iraqi–British scholar Kanan Makiya, struck a deal with the US Army to ship an enormous archive of official Iraqi documents from Baghdad to the US. The American Association of Archivists, in a 2008 statement strongly protested the removal of these documents, referring to it as a possible ‘act of pillage, which is specifically forbidden by the 1907 Hague Convention’. Senior Iraqi scholars unsuccessfully called for a return of the archive, which has since been housed in the Hoover Institution at Stanford University – where Lisa Blaydes and her research assistants were able to mine it for her impressive second book State of Repression: Iraq under Saddam Hussein, published by Princeton University Press in 2018. It is bewildering and disturbing that Blaydes, a professor of political science at Stanford University, nowhere in her book mentions the violent and controversial origins of one of the main sources on which her book, and thus her personal success, are based.

State of Repression provides a vast amount of fascinating details about how the Saddam government managed state-society relations from the late 1980s to 2003, amid growing political and economic crisis. The book frames its rich narrative with a historical overview of Ba’athist Iraq 1973–2003, and a range of theoretical arguments about the functioning of repressive politics in Iraq and more generally. The book’s primary research is entirely historical, drawing from official Iraqi documents from before 2003 and a set of videotaped eyewitness recordings made between 2003 and 2008. The secondary literature accessed and analysed, on both Iraqi politics and state-society relations, is staggering.

The book is divided into two parts, of which the first (‘Theoretical and Empirical Foundations’) outlines the book’s conceptual frame and provides a historical overview of the Saddam period. Blaydes’s central argument is that the way a state carries out repression changes communal identities, which are thus not primordial but in fact a result of government action. The less able a state is to collect information about a population, the more likely it is to engage in collective repression of groups, rather than aptly singling out individual political opponents for punishment. Yet, collective repression fosters communal identity, which may work against state building and national cohesion. As war and sanctions weakened Iraq’s state apparatus, this, argues Blaydes, is precisely what happened in the country from the 1980s onwards. The book’s second part (‘Political Behaviour in Iraq 1979–2003’) contains the five core chapters...
with highly diverse topics: Kurdish politics, Ba’ath Party participation, the collection of rumours by domestic intelligence agencies, religion/identity and the military/militias.

Broadly, two lines of investigation run through all of these otherwise highly distinct chapters: firstly, how were different communities in Iraq affected collectively by negative and positive government measures? Secondly, how did different communities express their loyalty or their dissent towards the Saddam government? For example, in Chapter 4 (‘War Burden and Political Embargo’), Blaydes uses statistical analysis to show that in Iraq’s southern regions, a higher percentage of families were likely to have had three or more family members killed in the Iraq-Iran war than elsewhere. Blaydes uses this and other statistics to argue that ‘Shi’i families were much more likely to have had a son, brother or father killed in either the Iran-Iraq War or the Gulf War than their Sunni or Kurdish counterparts’ (p. 111). This correlates with Blaydes’s finding that the majority of Shi’a areas displayed a higher propensity for anti-government activities.

In Chapter 7 (‘Political Orientation and Ba’ath Party Participation’), Blaydes examines high school registers for students’ political orientation, which was noted on personal forms, and then aggregates and analyses this data according to geographical region, which she categorizes as majority Shi’a, Sunni or Kurd. In the chapter on rumours (8) Blaydes disaggregates the archival information to show the relative amount of rumours collected by intelligence agencies according to majority-Sunni and majority Shi’a areas. Beyond statistical and regression analysis of archival data, Blaydes reports fascinating anecdotes and individual events from the archives and refers to video-recorded testimonials of repression victims to shore up her conclusions. Secondary literature, newspaper and NGO reports are otherwise used for triangulation.

The most interesting and important revelation of this book is that the Saddam government engaged in nuanced and calibrated government strategies to manage the Iraqi population’s grievances and hardships caused by war and sanctions. The archival records show that a key task of domestic intelligence gathering was to analyse popular grievances, to which the government reacted with targeted, special welfare programmes. The book, perhaps despite itself, to me in fact showed that there were good reasons why many considered Saddam as a caring despot, who, despite his overwhelming brutality, delivered significant social welfare in a corrupt, but also fair manner.

It is out of the question that State of Repression is the product of very impressive scholarly research and analysis. The book does a huge favour to scholars working on Iraq, due to the amount of empirical information it provides on elementary aspects of social and political life under Saddam, together with a basic overview of what the Ba’ath Party archives broadly contain. The book’s broad array of topics leaves a lasting and vivid impression of the many challenges that confronted Iraqi society from the late 1970s onward, drawing attention to the social dynamics and developments in statecraft that characterized the Saddam period, which is too often too easily
perceived as a time of stasis and totalitarian repression. The cruelty and heavy militarism of the Saddam decades nevertheless remains very much part of the narrative, most strikingly in the chapter on politics in Iraqi Kurdistan.

Still, the book suffers from several important methodological flaws, which weaken its theoretical contribution. Method and theory are clearly important to Blaydes, who skilfully weaves her statistics into a qualitative narrative. Yet, as mentioned above, where is her Quellenkritik, her critical analysis of the source material itself? It is, frankly, absurd to treat the documents left by domestic intelligence apparatuses as if they were representative data about Iraqi society. Why on earth does Blaydes not pause to reflect even on the simple possibility that the different nature of intelligence collection in Iraq’s different districts would have an impact on the records left for these different regions? This lack of attention to the knowledge-production behind the archives is, in fact, a lost chance to understand better the intelligence-priorities (and institutional structures) of Iraq’s domestic spies and reflect on their meaning for repressive politics.

My second major methodological quibble concerns Blaydes’s deployment of the categories Shi’a, Sunni, and Kurdish. She treats these as the most important social identities of the Saddam years, without offering a good explanation for this choice. This is strange, because a central part of her argument is that these identities are fluid and affected by state policies. Throughout my reading, I felt that State of Repression retroactively elevates the three categories to a level of criticality that they might not have had in the 1980s or 90s. How can we be sure that other categories, for example regional, professional or generational affiliations, were not more salient to Iraqi intelligence officers or dissidents or high schoolers at the time? What convinces Blaydes to read the Saddam years through the sectarian lens that has primarily characterized Iraqi politics since 2003 – especially given the fact that the archival documents do not especially focus on these identities? While one of her stated aims is to disprove the idea that Iraqis are somehow naturally sectarian, her elevation of sectarian categories appears to somewhat counter that important goal.

State of Repression’s diverse chapters deal with conceptual and empirical matters that could each merit an entire book. While this may leave readers with a slight feeling of incompleteness, the book’s breadth is one of its greatest strengths, as Iraq’s modern history and politics of repression emerge as rich sites for scholarly research and debate. Here, Blaydes’s theory-centred analysis puts to rest misplaced beliefs about Middle Eastern exceptionalism, as Iraq is shown to be a modern state, government and society as complex and conflicted as many others around the world. The book sets a milestone for scholarship on Iraq, will be of interest to a very wide readership, and provide for excellent syllabus material guaranteed to raise some salient classroom discussions.
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Models of Perpetration and Transgression: Borderline Cases in Violence and Trauma Research

Sebastian Köthe, Laura Cater, and Juliane Dyroff

In very different ways the Stanford Prison experiment, Pierre Bourdieu’s concept of symbolic violence, and the intensified media coverage of the prevalence of sexual assault reveal that perpetrators are neither the ‘other’ of a society often perceived to be non-violent, nor are they to be found only at its margins. How can we develop a transgressive concept of perpetration that does not essentialize, stigmatize, or symbolically dehumanize perpetrator figures, but instead allows for perspectives that reflect the appropriate level of complexity? What is needed is a notion that describes perpetration in terms of implicatedness in violence,1 e.g. as something that can grow out of a victim’s position, or as a capability to carry out violence that can in certain situations develop in ‘perfectly ordinary people’.2

These questions were at the focus of the multidisciplinary conference ‘Models of Perpetration and Transgression: Borderline Cases in Violence and Trauma Research’ (‘Tätermodelle und Transgression. Grenzfälle in Gewalt- und Traumaforschung’), organized by Prof. Dr. Julia B. Köhne and Jan Mollenhauer, held on 19 January 2018 in the Jacob-und-Wilhelm-Grimm-Zentrum at the Humboldt University in Berlin. Talks were given by a wide range of international researchers, each of whom drew on their expertise to call into question crucial elements of how we understand perpetration and perpetratorship. These talks generated a discussion that encompassed the notion of perpetration in its broadest sense, starting with the psychology of victimhood and perpetratorship at the individual level, expanding to media representations that contribute to public discourse on perpetrators, both in terms of smaller-scale acts of violence, e.g. murders, and mass-scale perpetration of political violence, the effects of this discourse, (cultural) historical genealogies and contexts, as well as the traumatic consequences of perpetratorship. The following reflections upon the discussion should serve to inform current research on perpetration in the context of political violence by providing some helpful guidelines for approaching present challenges in this area.

Clinical psychoanalytical therapist Mathias Hirsch delivered the opening talk, entitled ‘Perpetrators and Victims of Sexual Violence in a Therapeutic Group. On Transforming Counter and Cross Identification’ (‘Täter und Opfer sexueller Gewalt in einer therapeutischen Gruppe. Über umwandelnde Gegen- und Kreuzidentifikation’), which illustrated the importance of psychological treatment for the perpetrator as well as for the victim. By providing insights into perpetrator psychology at the level of

2 Harald Welzer, Täter. Wie aus ganz normalen Menschen Massenmörder werden (Frankfurt am Main: S. Fischer, 2005); Stefan Kühl, Ganz normale Organisationen. Zur Soziologie des Holocaust (Frankfurt am Main: Suhrkamp, 2014).
the individual, Hirsch’s observations carry significance for the task of understanding perpetratorship on a mass scale. Rather than understanding ‘victim’ or ‘perpetrator’ as categories that constitute an identity, psychological interventions instead try to recognize and treat components belonging to both categories in the same individual. This turn in psychology has major significance in the realm of perpetrator research in that it not only challenges, but also exposes the problems caused by traditional dualistic thinking, which currently dominates the political sphere. Instead of clarifying roles and allocating moral superiority in situations of violence, on an individual as well as on a mass scale, this mentality serves only to obfuscate the nuances and complex relations involved in every situation of violence.

Kathleen Heft, researcher in the field of Cultural Theory and History, presented a discourse analysis entitled ‘(East German) Child Murderesses in Media-Public Discourse’ [‘(Ost-) Kindsmörderinnen im medial-öffentlichen Diskurs’]. In a comparative study of cases in East and West Germany, Heft demonstrated how discourse on child murders has been used to ‘other’ former East Germany as fundamentally deviant, backward, and dangerously secular. Heft emphasized a process of ‘Eastification’, following Edward Said: attributing child murders to Eastern Germany facilitated conceiving of a ‘normalized’ present-day West by excluding the East. Heft’s discussion highlighted the importance of media representations: it is not just the acts or perpetrators of political violence themselves that need to be taken into consideration in research. How one society’s media presents facts about violence in another’s political system has a major impact on how this violence is interpreted, and can thus have significant effects on international perceptions and relations.

Janine Fubel presented the results of her cultural-studies-based research project ‘Mortal Agony and Power to Kill. Perpetrator Behaviour during the Evacuation Process from Sachsenhausen Concentration Camp in April/May, 1945’ [‘Todesangst und Tötungsmacht. Täterhandeln auf dem Räumungstransport aus dem KZ Sachsenhausen im April/Mai 1945’]. The focus of her talk was the coercive relationship that existed between the former inmates at the camp and the security guards, as well as the non-persecuted German citizens who also acted extremely violently. A distinct objective of Fubel’s research is a careful examination of the perpetrators, particularly the willingness of male and female guards to take part in the displacement, and even mass murder, of concentration camp prisoners during the marches.

Inspired by Heinrich Popitz, Fubel’s analysis is based on the consideration that violence is essentially a power act (Machtaktion) that leads to the intentional harm of others, and that power to harm (Verletzungsmacht) finds its utmost expression in killing. Alongside the kind of structural violence that took place within the borders of the camps, Fubel understands discursive devices that mark an ‘other’ also to be mechanisms of violence which, in the case of National Socialism, led first to including and excluding individuals based on the concept of a ‘Volksgemeinschaft’, then to dehumanization, and finally to extermination.
After tracing the socio-political circumstances of the ‘end phase’ (April/May 1945), Fubel detailed such processes as identification procedures before and during evacuation, the composition of staff and the practices of the guards supervising the evacuation. She considered possible motives for the behaviour of these guards and of the citizens living in villages passed through along the way. Trauma following the events at Stalingrad and the ongoing bombing of German cities by the Allies are some examples of conceivable motives. Fubel argues that without considering the initial situation confronting the German population, any conclusions drawn about the increasing violence of guards and citizens towards ex-prisoners will be inadequate.

According to her research, the high-turnover group of lower-ranking members, by no means just the SS guards, constituted the main perpetrators. This group was made up of members of the Wehrmacht and their followers, wardens, and volksdeutsche volunteers amongst others. Extremely poor care was taken of prisoners during the marches — stepping out of the convoy for example was punished with shooting in roughly a thousand cases, and these shootings were often carried out in plain public sight.

Jan Mollenhauer, co-organizer of the conference and PhD candidate in the research collective ‘Configurations of Film’ at the Goethe University, Frankfurt, delivered a talk entitled ‘Trials, Courtroom Dramas, Screen Memories. 1960–1962’ (‘Beweisaufnahme. Courtroom Dramas und Screen Memories, 1960–1962’), in which he considered pertinent examples from the history of film. Mollenhauer prefaced his examination of the films by outlining the concept of a ‘hauntology of the open secret’. Here he compared Sergeant Rutledge (1960),Judgement at Nuremberg (1961), and To Kill a Mockingbird (1962) with specific media arrangements in the courtroom of the Eichmann trial.

He examined the effect of the pictures shown in the films of the concentration camps opened in 1945, which are characterized by a ‘hauntedness’—partly present, partly absent. Mollenhauer referred in this context to the ‘invisible images’ that ‘haunt’ their visible counterparts—similar to Freud’s Deckerinnerung (‘screen memory’). He saw in the simultaneous interpreting systems that were used in these situations a specific connection between Judgement at Nuremberg, the Eichmann trial, and the Nuremberg trials after 1945.

Mollenhauer pointed out the memorable way that, like Eichmann and the translators in the actual historical situation, the interpreters in the films sit in glass booths, and how they seem omnipresent in the media representations of events. These glass booths, like the well-distributed pictures of the faces of the prosecuted and of the audience, serve as screens. Moreover, by way of connecting courtroom and media, Judgement at Nuremberg repeats the primal scene (Urszene) of the trials against Nazi lawyers. In addition to this, the images from the concentration camps live on in the film through its display of parts of the US documentary Nazi Concentration Camps (1945).

Researcher in the field of cultural theory and history Ulrike Wagener delivered a talk entitled ‘Missionaries as Colonial Perpetrators? Legitimizing Violence and “White Innocence”? (‘Missionare als koloniale Täterfiguren? Legitimationsstrategien von Gewalt und “weiße Unschuld”’), in which she addressed the connection between colonial order and physical, psychological, and sexual violence in prison camps in German South-West Africa around 1900. Within this context Wagener focused on constructions of race, gender, beauty, and normality, which are still in effect today. She responded to calls from various anthropologists, including Ann Laura Stoler, to expand discourse analysis of the emergence of bourgeois orders to include the colonies. This branch of research is based on the assumption that social identities in metropolitan areas were covertly but permanently influenced by racial concepts. Wagener examined the conceptions of whiteness, Christianess, and Germanness that emerge from the writings of the missionaries of the Rhenish Missionary Society (Rheinische Missionsgesellschaft) in German South West Africa.

To this end Wagener applied the concept of ‘white innocence’ in relation to colonization — originally used by gender scholar Gloria Wekker in her research on the case of the Netherlands — to the German missionary work in Africa and to today’s ideas of Germany as a colonial power and as an original site of perpetration. Wagener drew connections to Germany on the one hand in relation to its desired state of innocence, which stems from its Christian character, and on the other hand in relation to the extent to which it was ostensibly involved in colonialism: very little. Its small size tends to be associated with innocence. Thus, compared to other colonial powers, Germany presents itself as smaller and therefore less aggressive. A further consideration is how the word ‘innocence’ elicits connotations of not knowing and not wanting to know, and how using the word in certain contexts thereby implies a denial of racist structures and the promotion of privilege, thus indirectly facilitating violence.

Wagener went on to examine the role of missionaries as supposed ‘advocates of Africans’ and their narratives to justify violence against Africans. She demonstrated how missionaries played a major role in national colonization. Until 2017, however, the participation of the Rhenish Missionary Society in the construction and administration of the concentration camps had been contested. Although Wagener’s investigation confirmed that the missionaries were not formally involved, it highlighted their ‘collective work,’ which led to the transfer of refugees to the military. Military and missionary sources clearly confirmed that the internment of Africans, which often led to their being wounded and killed, would not have been possible without the assistance of the missionaries.

Laliv Melamed, postdoctoral researcher in the research collective “Configurations of Film” at Goethe University, Frankfurt, returned to the theme of visual media, this time examining their role in forming collective memory in the context of Israeli remembrance culture. In her talk, entitled ‘Bring the Boys Back Home? Family Media
Practices and Intimate Memories as Forms of Complicity’, she demonstrated how everyday media in Israel contributed to shaping a collective narrative in which the categories ‘victim’ and ‘perpetrator’ in certain contexts were obscured or even inverted. Melamed focused on private memorial home videos, produced since the 1990s by the families of Israeli soldiers that died in the Israel-South Lebanon conflict. These commemorative videos were broadcast once a year on national television, allegedly as a gesture of solidarity. While the videos had the potential to generate a new political voice, they instead led to emotionalizing the violence and victimizing those who carried out violence on the Israeli side. Melamed’s research suggests that the content, dramaturgy, and aesthetics of the films led to the violence being legitimized and normalized, and prompted viewers to justify the ongoing militancy.

Using this example, Melamed highlighted the necessity to reconsider how we categorize ‘victim’ and ‘perpetrator’: the binary structure of the current model does not reflect the complexity of the history of violence; it incorrectly and dangerously simplifies complicated discourses and realities, reducing them to a distorted narrative in which one side seems entitled to claim moral superiority. It is therefore essential that we find a more productive approach: a concept of perpetration that avoids this problematic essentialization is urgently required.

By considering models of perpetration in relation to various historical incidences of violence, Michael Rothberg, Professor of English and Comparative Literature at UCLA, criticized traditional classification systems and patterns. In his interview with Mollenhauer, ‘Trauma, Multidirectionality and Implication’, Rothberg argued for the revision of memory models in trauma research, in order to develop a transgressive concept of perpetration. In the first part of the interview, Rothberg discussed his book *Multidirectional Memory: Remembering the Holocaust in the Age of Decolonization*, and in the second part outlined his current research project on his concept of the ‘implicated subject.’ As one element of his research in memory studies and trauma studies, he considered the Freudian notion of ‘screen memory’, which he argued can be used to illuminate connections between traumatic events in very different contexts. He questioned the assumption that different historical moments in collective memory generally ‘compete for position’ with each other, indicating that this way of thinking does not contribute to a productive discourse. Probing the interplay between various histories has the potential to reveal new perspectives and to enable innovative modes of narration.

Rothberg put forward an alternative perspective, which would serve as an advance beyond the traditional perpetrator/victim dichotomy: his proposed model highlights how subjects or collectives are implicated rather than guilty. All subjects, even if not directly involved in the violence, share a certain responsibility for it because of either

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passively or indirectly facilitating it or profiting from it. An essential step in shaping a more productive discourse is to emphasize the concept of (shared) responsibility instead of culpability. This more nuanced model reflects the appropriate degree of complexity and gives rise to a transgressive notion of perpetration that may help to circumvent such current problems as essentialization, stigmatization, and feelings of moral superiority.

The Berlin conference focused on perpetrators in different temporal, spatial, and media contexts and considered the various dimensions of perpetration from the level of individual psychology, to intersubjective accounts, through to collective perspectives. By doing so, the conference facilitated an in-depth discussion about the problems and limits of the existing accounts of victimhood and perpetration in violence and trauma research. It became apparent that the time has come to discard any seemingly unambivalent dividing line between ‘perpetrators’ and ‘victims’ that seeks to enable distinct categorization. A constructive analysis of violent situations must include all subjects involved, whether directly or indirectly. Especially it must include transgressive conceptions of perpetration, so that our understanding is not limited from the outset by moralistic or self-righteous presumptions.

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