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.[1] 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.[2] 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.[3] 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.
2   See for example Tristan Anne Borer, 'A Taxonomy of Victims and Perpetrators: Human Rights and Reconciliation in South Africa', *Human Rights Quarterly*, 25.4 (2003), 1088–116.
3   Alette Smeulers, 'Perpetrators of International Crimes: Towards a Typology', in *Supranational Criminology: Towards a Criminology of International Crimes*, ed. by Alette Smeulers and Roelof Haveman (Antwerp: Intersentia, 2008), pp. 233–65. The author indicates twelve types: careerist, conformist, follower, devoted warrior, compromised, professional, profiteer, fanatic (driven by ideology), criminal mastermind, criminal, sadist, fanatic (driven by hatred); Erin McGlothlin, 'Theorizing the Perpetrator in Bernhard Schlink's *The Reader* and Martin Amis's *Time's Arrow*', in *After Representation? The Holocaust, Literature, and Culture*, ed. by R. Clifton Spargo and Robert Ehrenreich (New Brunswick, NJ: Rutgers University Press, 2009), pp. 210–30.

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.

4   Kara Critchell, Susanne C. Knittel, Emiliano Perra, and Uğur Ümit Üngör, 'Editors' Introduction', *Journal of Perpetrator Research*, 1.1 (2017), 1–27.

5   Shoshana Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History* (New York: Routledge, 1992); Annette Wieviorka, *The Era of the Witness*, trans. by Jared Stark (Ithaca, NY: Cornell University Press, 2006).

6   See the Introduction to my book *Waltzing with Bashir: Perpetrator Trauma and Cinema* (London: I.B. Tauris, 2013); and my new book, *Perpetrator Cinema: New Era of Cambodian and Chinese Docu-Ethics* (New York: Wallflower/Columbia University Press, in press), which elaborates on this concept.

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 [...] [we] 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. [...]

9   Robert Jay Lifton, 'Haditha: In an "Atrocity-Producing Situation" – Who is to Blame?' *Editor & Publisher* (June 14, 2006)

10 Robert Jay Lifton analyses Nazi doctors, Vietnam War veterans, and the events in My Lai and Iraq. Although he depicts some differences, especially in regard to the Holocaust (i.e., level of denial, belief system [anti-Semitism], reintegration of the self), the structure of an atrocity-producing situation and the form of dissociation he calls 'doubling' appear in all. See 'Survivor Experience and Traumatic Syndrome', in *The Broken Connection on Death and the Continuity of Life* (New York: Simon, 1979), pp. 163–78; 'Understanding the Traumatized: Self Imagery, Symbolization, and Transformation,' in *Human Adaption to Extreme Stress from the Holocaust to Vietnam*, ed. by John P. Wilson and Boaz Kahana (New York: Plenum Press, 1988), pp. 7–31; 'Home from the War: The Psychology of Survival', in *The Vietnam Reader*, ed. by Walter Capps (New York: Routledge, 1991), pp. 54–67; and *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (USA: Basic Books, 1986/2000). See also Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity Press, 2001), esp. pp. 76–116, who describes the twentieth century's repertoire of perpetrator denials of responsibility: obedience to authority, conformity, necessity, and splitting.

11 'What is perverse is that one must impose death on others in order to reassert one's own life as an individual and group. And the problem is that the meaning is real. It's *perceived* as meaning. And it's perverse in the way that in all psychological judgment there has to be ethical judgment. [...] We reassert our own vitality and symbolic immortality by denying them their right to live [...] by designating them as victims' (Emphasis in the original). Quoted in 'An Interview with Robert Jay Lifton', in *Trauma Explorations in Memory*, ed. by Cathy Caruth (Baltimore, MD: Johns Hopkins University Press, 1995), pp. 139–40.

> Another function of this doubling is [...] in the case of perpetrators, the transfer of con-
> science. The conscience becomes associated with the group, with the sense of duty.[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'.[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.[14]

As she demonstrates, 'unintended' deaths of civilians are too often dismissed as unavoidable, inevitable, and accidental. Yet essentially, the very law that protects noncombatants 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,[15] new war, in its contemporary, multilateral, and multipolar form, has been defined by various scholars as typified by radical transformations.[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 inde-
> cidability or indifference.[17]

12 Caruth, *Trauma Explorations in Memory*, p. 137.
13 Neta Crawford, 'Individual and Collective Moral Responsibility for Systemic Military Atrocity', *The Journal of
    Political Philosophy*, 15.2 (1989), 187–212 (p. 190).
14 Crawford, 'Individual and Collective Moral Responsibility', p. 188-89.
15 In Raya Morag, *Waltzing with Bashir*.
16 See, e.g., Neta C. Crawford, 'Just War Theory and the U.S. Counterterror War', *Perspectives on Politics*, 1.1 (2003),
    5–25 (p. 10); Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 2nd edn (Stanford, CA: Stanford
    University Press, 2007); Judith Butler, *Frames of War: When Is Life Grievable?* (London: Verso, 2009); and Morag,
    Waltzing with Bashir.
17 In Ulrich Raulff, 'An Interview with Giorgio Agamben', *German Law Journal*, 5.5 (2004), 609–14.

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.[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'[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?[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.

---

18 Butler, *Frames of War*; and Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004).

19 Neta Crawford, *Accountability for Killing: Moral Responsibility for Collateral Damage in America's Post-9/11 Wars* (Oxford: Oxford University Press, 2013), p. 242.

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.

Works Cited

Baum, Steven, *The Psychology of Genocide: Perpetrators, Bystanders, and Rescuers* (Cambridge: Cambridge University Press, 2008)

Borer, Tristan Anne, 'A Taxonomy of Victims and Perpetrators: Human Rights and Reconciliation in South Africa', *Human Rights Quarterly*, 25.4 (2003), 1088–116

Butler, Judith, *Frames of War: When Is Life Grievable?* (London: Verso, 2009)

———, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004)

Caruth, Cathy, 'An Interview with Robert Jay Lifton', in *Trauma Explorations in Memory*, ed. by Cathy Caruth (Baltimore, MD: Johns Hopkins University Press, 1995)

Cohen, Stanley, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity, 2001)

Craps, Stef, *Postcolonial Witnessing: Trauma out of Bounds* (New York: Palgrave Macmillan, 2015).

Crawford, Neta C., 'Individual and Collective Moral Responsibility for Systemic Military Atrocity', *The Journal of Political Philosophy*, 15.2 (1989), 187–212

———, 'Just War Theory and the U.S. Counterterror War', *Perspectives on Politics*, 1.1 (2003), 5-25

———, *Accountability for Killing: Moral Responsibility for Collateral Damage in America's Post-9/11 Wars* (Oxford: Oxford University Press, 2013)

Critchell, Kara, Susanne C. Knittel, Emiliano Perra, and Uğur Ümit Üngör, 'Editor's Introduction', *Journal of Perpetrator Research*, 1.1 (2017), 1-27

Felman, Shoshana, and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History* (New York: Routledge, 1992)

Hilberg, Raul, *Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933–1945* (New York: Harper Perennial, 1993)

Jaspers, Karl, *The Question of German Guilt*, trans. by E. B. Ashton (New York: Capricorn Books, 1961)

Kaldor, Mary, *New and Old Wars: Organized Violence in a Global Era*, 2nd edn (Stanford, CA: Stanford University Press, 2007)

Lifton, Robert Jay, 'Haditha: In an "Atrocity-Producing Situation" – Who is to Blame?' *Editor & Publisher* (June 14, 2006) <https://www.editorand-publisher.com/news/haditha-in-an-atrocity-producing-situation-who-is-to-blame/> [accessed 14 December 2018]

———, 'Home from the War: The Psychology of Survival', in *The Vietnam Reader*, ed. by Walter Capps (New York: Routledge, 1991), pp. 54–67

———, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986)

———, 'Survivor Experience and Traumatic Syndrome', in *The Broken Connection on Death and the Continuity of Life* (New York: Simon, 1979), pp. 163–78

———, 'Understanding the Traumatized: Self Imagery, Symbolization, and Transformation,' in *Human Adaption to Extreme Stress from the Holocaust to Vietnam*, ed. by John P. Wilson and Boaz Kahana (New York: Plenum Press, 1988), pp. 7–31

McGlothlin, Erin, 'Theorizing the Perpetrator in Bernhard Schlink's *The Reader* and Martin Amis's *Time's Arrow*', in *After Representation? The Holocaust, Literature, and Culture*, ed. by R. Clifton Spargo and Robert Ehrenreich (New Brunswick, NJ: Rutgers University Press, 2009), pp. 210–30

Morag, Raya, *Perpetrator Cinema: New Era of Cambodian and Chinese Docu-Ethics* (New York: Wallflower/Columbia University Press, in press)

———, *Waltzing with Bashir: Perpetrator Trauma and Cinema* (London: I.B. Tauris, 2013)

Smeulers, Alette, 'Perpetrators of International Crimes: Towards a Typology', in *Supranational Criminology: Towards a Criminology of International Crimes*, ed. by Alette Smeulers and Roelof Haveman (Antwerp: Intersentia, 2008), pp. 233–65

Ulrich, Raulff, 'An Interview with Giorgio Agamben', *German Law Journal*, 5.5 (2004), 609–14

Wieviorka, Annette, *The Era of the Witness*, trans. by Jared Stark (Ithaca, NY: Cornell University Press, 2006)

Raya Morag is an Associate Professor of cinema studies and Head of The Smart Family Institute of Communications at the Department of Communication and Journalism at The Hebrew University of Jerusalem, Israel.
Email: raya.morag@mail.huji.ac.il