

Introduction: Reflections on the Boundaries of Perpetrator Studies – Violence, Politics, and Harm

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Abstract: The introduction to the special issue examines the epistemological boundaries of perpetrator studies, highlighting the tension between treating perpetration as an empirical fact and critically interrogating the category itself. It identifies three conceptual threads: the gap between legal and analytical categories, the instability of the perpetrator-victim binary, and the role of discourse in legitimising violence. The four contributions, covering colonial violence, European immigration detention, Argentine transitional justice, and digital violence, extend the field into new territory while testing its limits. Shared themes include applying perpetrator frameworks to non-traditional objects, locating responsibility within diffuse institutional structures, and discourse's role in enabling or obscuring harm. The introduction raises the question of how perpetrator studies can move beyond law and morality as the foundation of its disciplinary identity.

Keywords: epistemological position, perpetrator studies, discipline, perpetrator-victim binary

Rethinking Perpetrator Studies: Epistemological Stakes and Disciplinary Boundaries

Perpetrator studies has, since its emergence as a distinct field of inquiry, concentrated its analytical energies on a recognisable set of objects: the criminal behaviour of individuals and groups in contexts of mass violence, the historical conditions enabling atrocity, the prosecution of perpetrators by national and international criminal law and the treatment of those responsible by transitional justice institutions. Yet, the field has always carried within it a more ambitious aspiration. Beyond the empirical description of perpetration, it has been concerned with fundamental conceptual questions: the terminology through which we name and classify those who do harm, the motivations that drive them, the ideological frameworks that sustain them, the processes and dynamics through which violence escalates or subsides, and the institutional conditions that make mass perpetration

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possible.¹ It has equally attended to the contested status of the perpetrator as a discursive formation, as a figure produced and reproduced in legal, political, historical, philosophical, and cultural settings, serving purposes that extend well beyond neutral description.²

This dual orientation, simultaneously empirical and critical, generates a productive tension at the heart of the field. On one side lies the study of ‘perpetration’ as a social fact bearing inherent negative character and entailing specific social reactions, whether in the form of punishment, prevention, or reparation. On the other lies a sustained critical examination of the very category of ‘perpetrator’ as limited and ambiguous, heavily inflected by legal positivism and by political and economic strategies of naming and shaming. Researchers in perpetrator studies thus navigate between exploiting and problematising their object of study at the same time. This double movement generates epistemological challenges that cut across disciplines but crystallise differently depending on the angle from which one approaches them. What are the ethical and moral implications of treating perpetrators as a distinct group of individuals, amenable to classification, profiling, and explanation? How does the disciplinary background of the researcher (historian, criminologist, legal scholar, sociologist, philosopher) shape the questions asked and the answers deemed acceptable? What difficulties arise when scholars trained in different traditions attempt to collaborate, given that they may operate with incommensurable assumptions about causation, agency, and moral responsibility? How does one navigate the articulation (and the porosity) between broad cultural representations of harm and violence, the technical categories of criminal law, and the political or economic strategies that invest those categories with meanings at particular moments?

These questions press with particular force when the field is invited to examine cases that resist easy assimilation into its established frameworks. The call to which this special issue responds asked contributors to interrogate the epistemological boundaries of perpetrator studies itself: to ask how those boundaries affect the content of research, how

1 Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (The Free Press, 1963); Louck Hulsman, ‘Critical Criminology and the Concept of Crime’, *Crime, Law, and Social Change*, 10 (1986), pp. 63–80.

2 Marie-Sophie Devresse and Damien Scalia, ‘An Outsider’s View from Inside, The Experience of Acquittals before International Criminal Tribunals’, *Journal of International Criminal Justice*, 17.1 (2019), pp. 179–98; Sven Lindgren, ‘Social Constructionism and Criminology: Traditions, Problems and Possibilities’, *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 6 (2005) pp. 4–22.

they lead to expanding, limiting, or redefining the field, and how they can render certain behaviours invisible; behaviours that, although violent or harmful, tend not to be classified as mass crimes or treated as analytically central. This invisibility operates in at least three registers. First, there are behaviours whose scale or institutional character means they fall below (or outside) the threshold of what perpetrator studies has typically identified as relevant: abuses perpetrated within church institutions, political misconduct, the harms generated by financial crises. Second, there are large-scale or collective behaviours, structural organisations, and socially encouraged practices that, despite not being labelled 'pathological,' produce global negative effects comparable to (or exceeding) those of traditional mass crimes: harms produced by exploitative working conditions, consumerism, carceral systems, or what scholars have called the prison-industrial complex. Third, there are behaviours presumed harmful and entailing negative social reactions that may nonetheless generate positive change: civil disobedience, political violence undertaken in the name of liberation, forms of resistance that occupy an ambiguous position with respect to both harm and legitimacy.

The contributors to this volume have taken up this invitation from a broad range of disciplines and empirical domains. Together, their papers enact what the call for contributions proposed: a mode of inquiry that simultaneously deploys and interrogates the concept of perpetration, using it to illuminate phenomena it has not traditionally been trained on, while subjecting the concept itself to critical scrutiny. The result is a collection that refuses easy categorisation and advances the field by demonstrating both its reach and its limits.

The Conceptual Architecture: Perpetration Between Law, Structure, and Discourse

Before turning to the contributions themselves, it is worth dwelling on several conceptual threads that run through the volume and that the field must increasingly confront. These concern the relationship between legal categories and analytical categories, the question of structural versus individual perpetration, the status of the perpetrator-victim binary, and the role of discourse and representation in constituting the very objects that perpetrator studies seek to analyse.

First, perpetrator studies emerged in close dialogue with criminal and international law. The figure of the perpetrator is, in the first in-

stance, a legal figure: one who can be charged, tried, convicted, and punished for specific acts defined by legal texts. The rich jurisprudence of international criminal tribunals and the theoretical apparatus of criminal law (distinctions between direct and indirect perpetration, between ordering, instigating, aiding, and abetting) has provided perpetrator studies with much of its initial conceptual vocabulary. Yet the very productivity of this relationship generates risks. Legal categories are designed for adjudicative purposes; they must be capable of supporting verdicts and justifying punishment. Analytical categories in the social sciences operate differently: they are designed to describe, explain, and theorise phenomena across a range of cases, including cases that do not reach legal proceedings and actors who are never charged. The two orders of categorisation can come apart in important ways. Legal definitions may capture only a narrow subset of those who bear responsibility for mass harm. Conversely, analytical categories extended too broadly risk diluting the concept of perpetration to the point where it loses its critical purchase. This tension is nowhere more visible than in the treatment of structural violence and institutional harm; a domain where no single individual issues orders to do harm, yet where harm is systematically produced and can be traced to institutional structures, normative frameworks, and collective practices. Contributions to this volume grapple directly with this challenge, asking whether the concept of perpetration can be productively extended to cover states, bureaucracies, and legal systems, and what analytical and normative consequences follow if it is. One of the enduring achievements of perpetrator studies has been to reject the demonisation of perpetrators and at the same time the complete dissolution of agency into structural determinism. The literature since Christopher Browning's foundational work has insisted that ordinary people can commit extraordinary violence, while also demonstrating that situational, institutional, and ideological factors profoundly shape individual behaviour.³ Yet most of this literature has focused on forms of violence in which identifiable individuals make identifiable choices at identifiable moments. What happens when the harm-producing mechanism is diffuse, distributed across time, and embedded in legal and institutional frameworks that present themselves as neutral? What

3 For an overview, see: Alette Smeulers, *Perpetrators of Mass Atrocity, Terribly and Terrifyingly Normal?* (Routledge, 2023); Damien Scalia, *War Criminals on Trial: An Inside View of the International Criminal Justice System* (Routledge, 2026).

happens when the ‘banality of evil’⁴ is not the banality of following bureaucratic orders in an exceptional moment of rupture, but the banality of ordinary legal operations producing harm as their routine, unremarkable output? These questions point toward a conception of structural perpetration: the idea that institutional frameworks can systematically produce harm against identifiable groups, even in the absence of individual actors who deliberately intend that harm.

Second, an axis of tension concerns the relationship between the categories of perpetrator and victim. International human rights law and transitional justice practice have invested heavily in the clarity and stability of this binary: perpetrators are those who violated; victims are those who suffered. This allocation of subject positions enables prosecution, reparation, and memorialisation, the core activities of transitional justice. Yet the binary is constitutively unstable. The same individual may be simultaneously a perpetrator in some relations and a victim in others. The political conditions that enable prosecution also shape who gets labelled perpetrator and who gets labelled victim, in ways that may reflect power asymmetries rather than moral truth. Post-transitional politics can reopen and reverse allocations of blame and recognition that appeared to have been settled. And the binary itself may function ideologically; simplifying complex political conflicts into a moral drama of good and evil that serves specific political interests in the present. Understanding the perpetrator-victim binary as a dynamic, contested, and politically invested construction (rather than just a transparent reflection of moral fact) is one of the more significant contributions that critical perpetrator studies can make to transitional justice scholarship and practice.⁵ Several papers in this volume develop precisely this line of analysis, with implications that extend well beyond the specific cases they examine.

A third thread concerns the discursive and representational dimensions of perpetration. Colonial violence, in particular, was never merely a matter of physical harm; it was also a matter of epistemic violence; the systematic production of knowledge about colonised peoples that placed them outside the moral universe of those who claimed to civilise them. Official narratives, published accounts, and institutional practices did not merely describe colonial violence; they constituted its legitimacy, making it possible for perpetrators to understand

4 Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Penguin Books, 1963).

5 On this topic, see earlier issues in this journal, including 3.1 (2020), 5.1 (2023), and 7.2 (2025).

themselves as rational, benevolent, and even heroic actors. This insight extends to contemporary forms of violence and harm. The discursive framing of immigration, of the digital public sphere, of memory and historical truth; all of these are sites where violence is simultaneously enacted and represented, produced and legitimised.

The Contributions: Transversal Themes and Convergent Arguments

The four papers collected in this volume address questions that are, on their surface, quite different: colonial violence in Tibet at the turn of the twentieth century; immigration detention regimes in contemporary Europe; the contested perpetrator-victim binary in Argentine transitional justice; and the emergence of digital violence and the conceptual challenge of ‘digital perpetrators.’ Yet, reading these papers together reveals a set of convergent arguments and shared preoccupations that constitute the intellectual contribution of the volume as a whole. We identify three principal themes.

Each contribution, in its own way, demonstrates the productive potential of applying perpetrator studies frameworks to objects that the field has not traditionally engaged. Yukti Saumya’s analysis of the Younghusband Mission to Tibet (1903–04) brings perpetrator studies to bear on colonial violence; an object that has been extensively studied by historians and postcolonial scholars but that has rarely been examined through the analytic lens of perpetration theory. Saumya draws on Alex Bellamy’s framework for the legitimisation of mass killing in colonial contexts, Homi Bhabha’s analysis of colonial stereotyping, and Edward Said’s concept of Orientalism to reconstruct the psychosocial mechanisms through which officers like Francis Younghusband and Arthur Hadow enabled themselves to perpetrate massacres and systematic looting while maintaining a positive self-image. What emerges is a sophisticated account of how structural moral frameworks under colonialism articulated with individual-level mechanisms of denial, minimisation, and victim-blaming to produce violence that was both systemic and deeply personal. Lorenzo Bernardini’s article similarly extends the field into territory it has rarely visited: the domain of immigration law and administrative detention. Examining the ECHR and EU legal frameworks governing immigration detention in Europe through the conceptual lens of perpetrator studies, Bernardini

identifies what he calls four structural ‘pathologies’ (marginalisation, normalisation, minimisation, and invisibilisation) through which a routine administrative practice becomes a mechanism of systematic harm against vulnerable groups. The article’s central point is the claim that immigration detention, as currently configured, constitutes state-sponsored perpetration: not a deviation from the legal order, but a product of it. Timothy Williams’s article addresses the most novel of the volume’s empirical domains: digital and hybrid violence in online spaces. Rather than analysing a specific historical or legal case, Williams develops a conceptual framework for thinking about perpetration in digital contexts; asking whether and how the concept of perpetrator, developed for physical violence, can be mapped onto new forms of digital and hybrid harm. The article identifies two core criteria for conceptualising perpetrators in previous research (nature of harm and degree of participation) and demonstrates the difficulties that arise when these criteria are applied to the complex, distributed, and algorithmically mediated dynamics of online violence. This exercise in conceptual extension reveals both the potential and the limits of perpetrator studies frameworks when confronted with new forms of harm. Finally, Michael Humphrey and Estela Valverde’s article addresses transitional justice but do so in a way that productively unsettles some of that engagement’s foundational assumptions. Through a detailed process-tracing analysis of four decades of transitional justice politics in Argentina, Humphrey and Valverde demonstrate that the categories of perpetrator and victim, far from constituting stable legal facts, are dynamically constructed and contested over time through evolving legal processes, memory politics, and social movements. Argentina’s ‘Dirty War’ (1976–1983) functions as what they call a ‘restless event’; a past that remains a live site of political conflict, whose meaning and the roles of those involved are not fixed but continuously renegotiated.

A second theme that runs across the contributions is the challenge of locating responsibility for harm when that harm is produced through institutional structures, legal frameworks, and distributed practices rather than by identifiable individual actors making deliberate choices at specific moments. This challenge takes different forms in different contributions. In Bernardini’s article, it is the legal architecture of European immigration detention that produces harm; not through the deliberate cruelty of individual officials, but through the routine operation of a system that has normalised the deprivation of liberty as an

administrative response to the presence of migrants. The article's invocation of Arendt's 'banality of evil' is precise: the harm is produced not by exceptional actors but by ordinary officials dutifully following roles and rules embedded in a legal system that presents itself as neutral and legitimate. The four pathologies Bernardini identifies are structural features of a regime, not individual failures. In Saumya's article, the structural dimension operates through colonial ideology: the frameworks that placed Tibetans outside moral and legal protection were not invented by Younghusband or Hadow individually but inherited from a broader colonial formation that they reproduced and enacted in specific circumstances. Individual agency is present, but that agency was enabled and shaped by structural conditions that determined what kinds of action were thinkable, what kinds of harm were perceivable as harm, and what kinds of justification were available. Here, Williams's article confronts the diffusion of responsibility in a different register: in digital spaces, harm is produced through complex causal chains involving content creation, algorithmic amplification, distribution, and reception. The creation of a harmful post, its sharing by an influencer, the algorithm's decision to display it to members of a target group, and the psychological harm experienced by recipients form a causal sequence in which responsibility is distributed across multiple actors and across a technological infrastructure that is itself neither neutral nor innocent. Williams's question (where does perpetration begin and end in this chain?) is also a question about how to think about responsibility when harm is structurally mediated. Humphrey and Valverde's analysis of Argentina adds a temporal dimension to this problematic. The perpetrator-victim binary, they argue, is not simply produced by the violence of the dictatorship; it is reproduced, contested, and revised through four decades of legal proceedings, political decisions, and memory activism. The construction of who counts as a perpetrator (and who counts as a victim) is itself a site of ongoing struggle in which states, courts, human rights organisations, and political movements are all active participants. Responsibility is not a fixed attribute but a dynamic and contested allocation.

A third theme concerns the role of discourse and representation in enabling, sustaining, and obscuring perpetration. All four contributions attend, in different ways, to the discursive work through which perpetrators understand and present their own actions, through which institutions legitimate harmful practices, and through which legal frameworks produce the categories that determine who can be harmed

without accountability. Saumya's article is perhaps the most explicit in its attention to discourse: her analysis of Younghusband's published account and Hadow's private letters reconstructs the discursive strategies through which colonial officials legitimised their actions to themselves and to others. The contrast between official narratives and private admissions is itself analytically revealing: what is said publicly performs legitimacy, while what is said privately reveals the mechanisms of self-justification that enable perpetration to continue. The discursive construction of Tibetans as outside the moral community (as curiosities, as savages, as obstacles to civilisation) was not merely ideological decoration but an enabling condition for physical violence and looting. Bernardini's article traces a different discursive operation: the production of legal categories that determine who can be detained, for how long, and under what conditions, without triggering the full range of protections that criminal proceedings would require. The legal distinction between 'administrative' and 'criminal' detention is not merely technical; it is a discursive achievement that renders the harm of detention invisible by classifying it as something other than punishment, thereby exempting it from the procedural safeguards that punishment requires. The normalisation of this classification (its entrenchment in case law and legislative text) is itself a form of discursive violence. Williams's analysis of digital violence similarly attends to the discursive dimension: hate speech, disinformation, and incitement to violence are forms of harm that operate through language and representation, not through physical contact. The question of what constitutes harm in digital spaces is inseparable from questions about discursive power; about whose injuries are recognised as injuries, whose experiences are counted as experiences of harm, and whose claims to have been victimised are treated as credible. Finally, Humphrey and Valverde's article is organised around the insight that the official narrative of past violence is itself a site of political contestation. The successive prologues to Argentina's *Nunca Más* report (revised by different governments with different political interests) are not merely descriptions of what happened during the Dirty War; they are performative documents that allocate guilt and innocence, define who counts as a perpetrator and who counts as a victim, and shape the possibilities of memory and recognition in the present. The struggle over the official narrative is inseparable from the struggle over accountability.

Conclusion: Towards a Redefined Perpetrator Studies

The papers collected in this volume do not resolve the epistemological tensions they identify. They do not propose a unified theory of perpetration capable of encompassing colonial violence, immigration detention, digital harm, and contested transitional justice simultaneously. Nor do they claim to have settled the question of where perpetrator studies should draw its disciplinary boundaries. What they offer instead is something different: a set of rigorous, empirically grounded demonstrations of what it looks like to think with and against the concepts of perpetrator studies, pushing them into new domains and subjecting them to critical pressure. Read together, the papers suggest several directions for the field. First, perpetrator studies must continue to develop its capacity to analyse structural and institutional perpetration; forms of harm produced by the routine operation of legal, bureaucratic, and technological systems rather than by exceptional individuals making deliberate choices. This requires theoretical resources drawn from law, sociology, and political theory, among others, as well as case studies that refuse to dissolve structural analysis into individual biography. Second, the field must develop greater sensitivity to the temporal dimension of perpetration and its consequences. Humphrey and Valverde's analysis of Argentina demonstrates that the categories produced by transitional justice processes are not fixed achievements but ongoing sites of contestation, subject to revision as political circumstances change. Understanding perpetration as an event in time (as something whose meaning and whose consequences are produced not only in the moment of violence but in the long aftermath of political struggle over memory and recognition) requires historical depth and longitudinal analysis. Third, perpetrator studies must engage seriously with new forms of violence and harm that its traditional frameworks were not designed to address. Perpetrator studies must abandon law and morality as the foundation of their own identity. Finally, the field should embrace, rather than resolve, the productive tension between its empirical and critical orientations. The concept of perpetrator is simultaneously an analytical tool and a political weapon; it enables inquiry and shapes outcomes. A perpetrator studies that is alert to this dual function will be better equipped to contribute to the understanding of harm in all its forms, old and new, visible and invisible, individual and structural.

Works Cited

- Arendt, Hannah, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Penguin Books, 1963)
- Becker, Howard S., *Outsiders: Studies in the Sociology of Deviance* (The Free Press, 1963)
- Devresse, Marie-Sophie, and Damie Scalia, 'An Outsider's View from Inside: The Experience of Acquittals before International Criminal Tribunals', *Journal of International Criminal Justice*, 17.1 (2019), pp. 179–98
- Hulsman, Louck, 'Critical Criminology and the Concept of Crime', *Crime, Law, and Social Change*, 10 (1986), pp. 63–80
- Lindgren, Sven, 'Social Constructionism and Criminology: Traditions, Problems and Possibilities', *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 6 (2005) pp. 4–22
- Scalia, Damien, *War Criminals on Trial: An Inside View of the International Criminal Justice System* (Routledge, 2026)
- Smeulders, Alette, *Perpetrators of Mass Atrocity, Terribly and Terrifyingly Normal?* (Routledge, 2023)

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