

TUESDAY OCTOBER 12, 1999
AFTERNOON SESSION A 14:00-15:30

**The Role of the Perpetrator and the Bystander
in Human Rights Violations**

by
Fred Grunfeld and Alette Smeulers, Holland

I. GENERAL INFORMATION

a. Methodology

For the last two years, we have been teaching a course entitled *International Relations and the Causes of Gross Human Rights Violations* at Maastricht University. The course is part of a post-graduate program called *Magister Iuris Communis* which has a varied international student body. We teach this course because we think that it is important to give people, who might in their future career have to deal with human rights violations, deeper insight into the causes of this phenomenon.

The course was given in English during an eight week period. Students had to do preparatory reading and were expected to discuss the main topics that they had read. The teachers functioned as a reference point and acted primarily as tutors. In addition to readings and discussion, during some sessions videos were shown to the students.

b. Contents of the course

Following is a very brief outline of the contents of the course, which is part of a larger unit on *World Politics, International Relations, Military Conflicts and Gross Human Rights Violations* with special attention to the role of International Organizations in this regard.

During the fourth session, Amnesty International's video *'Your Neighbour's Son'* on the training of torturers in Greece during the regime of the colonels was shown and discussed by the students. Central themes in these discussions were the selection process and the training of torturers. We also discussed why it is so difficult to maintain moral values in intimidating and powerful environments. A comparison between ordinary military training and the training techniques for torturers was made by the students.

In the fifth session, the Holocaust during the Nazi-regime in WWII was used as an illustration in order to show how, with the support of a bureaucratic system, genocide can be planned, organized and carried out. Bauman's thesis on the uniqueness and normality of the Holocaust was the leading article in this session. Central questions were: what is meant by the compartmentalization of the crime; how is this organized; what are the consequences of strict

division of labour; how is it possible for perpetrators to lose all sense of moral responsibility and replace it by pure technical responsibility? In preparation for this session students read a chapter of Lifton's book on Nazi doctors, in which it was shown that these doctors viewed the extermination of the Jews as a technical problem which needed to be solved and thus successfully denied all moral objections.. Staub has considered the psychology of perpetrators and bystanders. The separation of Jews from the rest of the population, the greater differentiation between "us" and "them" made the bystanders accept the definition of events offered to them and acted accordingly .

During the sixth session students had to read and analyze two articles: one on the massacre in My Lai in Vietnam (1968)and another on the Józefów Massacre in Poland (1942). They had to sum up all factors which they thought had contributed to the massacre and had to try to distinguish several social-psychological mechanisms and group effects which might have played a facilitating role. During this session we deliberately gave students descriptions of the massacres rather than an analysis, in order to give them an opportunity of analyzing the massacre by themselves. During this session we also showed the video on Milgram's experiment *Obedience to authority*. Together we extensively discussed the results and significance of this experiment. We also discussed the experiments of Asch on conformity and Zimbardo's prison experiment.

In the seventh session we focused on the perpetrators. Students were acquainted with social mechanisms such as authorization, routinization and dehumanization as elaborated by Kelman. They describe the social processes facilitating the participation in torture which he sees as a crime of obedience. We also studied Staub's thesis on the continuum of destructiveness. He describes the kind of compartmentalization used by the Nazis which enabled people to focus and act on goals that conflict with important values. By concentrating on immediate tasks, ethical and long-term consequences are ignored. The results are a reversal of morality and relinquishment of the feeling of responsibility for the welfare of the victims. The role of the bystanders should not be underestimated in this regard. The human ability to dissemble and consequences of *doubling* are explained by Robert Lifton who found the above in many Nazi doctors. We also compared the two existing typologies on torturers and at the end of the session we discussed the kind of people who become torturers.

c. Topics for discussion

In class we dealt with the following questions: Who can become a perpetrator? How can ordinary people turn into perpetrators? What is the role of ideology in becoming a perpetrator? Can women also become perpetrators ? How gradual is the process of becoming a perpetrator? How obedient is everyone to any authority? How can a perpetrator justify the atrocities of every day? Wat is the role of the bureaucracy in keeping some ultimate aims secret? How do the perpetrators react to protests from the general public? How much are the perpetrators dependent on the third party? Who benefits from the atrocities? How do human beings become dehumanized? What is meant by distortion of reality? What is the function of distortion of reality? At what point can the continuum of destructiveness be halted? What is the difference between ignorance and indifference in this process? How should successor regimes deal with

the atrocities of the past? What makes a victim become a survivor? How important is it to reveal the truth for society and an enduring democracy?

For the purposes of this conference we highlight two topics - the perpetrator and the bystander - and we will put forward now two propositions:

1. *Most perpetrators are ordinary people and most ordinary people can become perpetrators.*
2. *Bystanders who do not react to gross human rights violations elsewhere and do not act on behalf of the victims become complicitous because they enable the perpetrator to carry out his violation of human rights.*

d. Purposes: Educational Questions and Goals

The aim of this part of the course is to make students aware of the fact that many perpetrators are ordinary people and that given specific circumstances many ordinary people could possibly become perpetrators. The main reason for this is not that people are evil but that it turns out that people find it very difficult to disobey orders from an authority, even if these orders are plainly immoral and go against everything people believe in and desire.. In our opinion it is too easy to see perpetrators as mere sadists, psychopaths or mentally disturbed. Such an opinion is even dangerous. To acknowledge the real pressures and drives which turn ordinary people into perpetrators is the first step in finding an effective means to stop people from becoming perpetrators, to stop them from killing and torturing in the future. Far more effective in preventing future GHRV from occurring than merely blaming and punishing the perpetrators is to make people aware of what really happened, to dismantle torture schools and all other training centres for future perpetrators, to teach people and especially the military and police what their responsibilities are and to make them aware of pressures to obey and pressures from peer groups, and to show to them that their perception of reality can, in an isolated environment, change without them being consciously aware of it. In our eyes, it is important to teach people how social-psychological mechanisms and processes can turn ordinary people into perpetrators.

We are aware that this course can easily be misunderstood because students may get the impression that we are apologizing for the perpetrators and the atrocities they committed by stressing the more or less compelling circumstances in which they operated.

Learning how a person can become a perpetrator, may be shocking to students .It is very uncomfortable to realize that, in specific circumstances, even they themselves could perform those activities. The distinction between "them" and "us" is no longer possible after they have studied the role of the bystander. We know that the removal of a Jewish musician from the front to the back of the orchestra should be a significant warning, which, may eventually result in genocide. Our main purpose in elaborating the role of the perpetrator and the bystander in the process of gross human rights violations is to underline the importance of the early warning and to stress the role of each individual's responsibility to react at an early stage, when it is easier .

II. THE PERPETRATOR

Perpetrators of gross human rights violations are often thought to be inhuman people, cruel, sadistic and sometimes even insane. Some of them are indeed inhuman but many more are very ordinary people whose main driving force is obedience to authority and an urge to follow the masses; to do what they are told to do, and to do what others do. Many scientists and other observers have come to the same conclusion: perpetrators are ordinary people. It is however one thing to understand that perpetrators are in fact ordinary people. It is another to accept that possibly all ordinary people can become perpetrators.

a. Obedience

The most typical characteristic of perpetrators is obedience. The most cruel crimes which history has witnessed are not crimes of sadism or personal gain but 'crimes of obedience'. Most people are inclined to be obedient to what they perceive as authority even if the orders go against their morality, against what they think is right or wrong. When they get orders people often stop to think for themselves; they just follow the orders.:”Whether the reasons behind the extermination of the Jews were necessary or not, was something on which I could not allow myself to form an opinion.” (Hoess)

b. The banality of evil

To view these people as immoral or irresponsible is not wholly correct. It is only that their morality and feeling of responsibility was focused towards their superiors and towards the (as they perceive it) strong pressure to follow orders and do what they were expected to do. This is the phenomenon Hanna Arendt recognized in Adolf Eichmann, which she called *the banality of evil*: “Despite conscientious self-examination. I have to conclude in my own defense that I was neither a murderer nor a mass-murderer ... I carried out with a clear conscience and faithful heart the duty imposed upon me. I was always a good German, I am today a good German and shall always be a good German” (Eichmann).

c. Continuum of destructiveness

Even under these circumstances, most people don't turn into perpetrators in one day. But given certain specific circumstances, and under strong pressure and starting at a far less extreme point, most of us would probably be prepared to at least harm a fellow human being. And once you start hurting people it becomes less and less difficult to hurt more and more. People start moving, as Staub called it, on a continuum of destructiveness. Once perpetrators begin to harm people, the resulting psychological changes make greater harm probable.:

When you see a selection for the first time - I'm not talking about myself I'm talking about the most hardened SS people, ... you, ... how children and women are selected. Then you are so shocked ... that it just cannot be described. And after a few weeks one can be accustomed to it. And that cannot be explained to anybody.(Nazi doctor)

The first time is crucial: all perpetrators, with the possible exception of real sadists, are appalled by their first experience of killing or torturing a fellow human being. But once they have crossed this emotional barrier each next time they do it will be easier.

Perpetrators consciously look for a way to deal with the situation; they try to block out all feelings of shock, horror and doubt and push away their natural feeling of empathy with the victims. Perpetrators who are under the impression that they are forced to torture and kill their victims learn to cope; they learn to live with it. People have a natural ability to adapt to almost all situations. Perpetrators use this natural capacity to get used to their roles. The first time is difficult but after a while they don't feel anything anymore. People learn by doing - they learn to be so cruel and be sadists. In the end, genocide and torture are no longer perceived as something out of the ordinary. It becomes normal, a mere job. Genocide becomes a technical problem to be solved.

d. Separate reality

Perpetrators never talk about what really is going on, but use euphemisms for their crimes and nicknames for themselves and they don't call torture or killing instruments by their real names. All of this is to conceal the truth from others and from themselves. Many perpetrators consciously or unconsciously change their own perception of what happens. They convince themselves that their victims are doomed any way. The victims are no longer seen as human beings. They are dehumanized, insulted, treated as beasts and in the end viewed as mere objects unworthy of human treatment, unworthy of life.

I think it started the day I first saw the Totenlager in Treblinka. I remember Wirth standing there next to the pits full of blue-black corpses. It had nothing to do with humanity - it could not have; it was a mass - a mass of rotting flesh. Wirth said 'What shall we do with this garbage?' I think unconsciously that started me thinking of them as cargo. I rarely saw them as individuals. It was a huge mass. (Stangl)

Apart from the dehumanization process, perpetrators change their perception of the killing and torture that is going on around them. They rationalize their own role. They justify and minimize and sometimes even convince themselves that they are given the circumstances actually good, humane, merciful and caring men.

I must admit that the gassing set my mind at rest, for the mass extermination of the Jews was to start soon and now we had a procedure. I always shuddered at the prospect of carrying out extermination by shooting, when I thought of the vast numbers concerned, and of the women and children. I was relieved to think that the victims too would be spared all these bloodbaths and that the victims too would be spared suffering until their last moment came. (Hoess)

All these rationalizations and justifications make the perpetrator flee to a separate reality, a reality in which their role is not a bad one but a good one. All this is in order to avoid feelings of regret, remorse and guilt.

I made an effort, and it was possible for me, to shoot only children. It so happened that the mothers led the children by the hand. My neighbour then shot the mother and I shot the child that belonged to her, because I reasoned with myself that after all without its mother the child could not live any longer. It was supposed to be, so to speak, soothing to my conscience to release children unable to live without their mothers.. (A member of RBP 101)

and

I must say that at the time we did not reflect about it at all. Only years later did any of us become truly conscious of what happened then ... Only later did it first occur to me that our actions had not been right (A member of RPB 101)

Maybe perpetrators will never, without turning mad, be able to really understand what they have done. Some continue to deny or minimize their roles. Others feel guilt, shame, remorse, some suffer nightmares, depressions or post traumatic stress disorder. Others can't live with the reality of what they have done, of what happened to an ordinary man, and commit suicide.

Our capacity for selective perception, for blocking out emotions, rationalizing doubts and our continuous adaptation to new situations, makes it possible for us to do almost anything, without ever allowing the true meaning to affect us. The reality is as real as we let it be. According to T.S. Elliot: 'Human kind cannot bear very much reality.' Perpetrators, more than anybody else seem to have become masters at protecting themselves from horrible and unbearable realities. Even if they brought these about themselves.

II. THE BYSTANDER

a. Indifferent Bystander and Ignorant Outsider.

My working definition of the bystander is the third party who does not act or does not attempt to act in solidarity with victims of gross human rights violations. I do not distinguish between the indifferent bystander and the ignorant outsider. Perpetrators deliberately try to keep the third party ignorant. Ignorance is in the interest of the perpetrators at all stages during gross human rights violations. In short, *indifferent and ignorant bystanders, who continue their usual work in a reign of terror, can be seen as perpetrators not only because of their activities but because they enable the perpetrators to carry out their violations.* The bystander, the third party, is found at different levels of society: individual, group, state and the international level.

b. Lessons from the Shoah

On the individual level, Elie Wiesel focused on the man who observed from his window the gathering and deportation of the frightened Jews of Sighet. He is the person that typifies the face of the bystander who witnesses these events. In Wiesel's words:

“Since the war that had mainly been what I wanted to understand. Nothing else. How could one remain indifferent. The perpetrators, I could understand them. The victims too, although less easily. But the others, all the others, those who were neither for nor against, who wallowed in a wait’.” Wiesel continues: “He says neither yes, nor no, nor perhaps. He does not utter a word. He is there but acts as if he were not there. Worse: he acts as if we were not there.”

The denial of what happens is a recurrent phenomenon, which is why telling the truth is very important after violations take place. It enables the victims to change their identity from victims into survivors. In Wiesel's opinion it is the duty of the survivors to tell the truth. If not, even the former victims collaborate with the perpetrators because: "he, who forgets, becomes an accomplice to the enemy; he who contributes to oblivion puts the finishing touches to his work. Therefore, testifying was necessary in order not to side with the enemy"

In his book called: *Perpetrators, Victims, Bystanders: the Jewish Catastrophe, 1933-1945*, Raul Hilberg studied the role of individuals and, more particularly, the role collectives played during the Holocaust. According to him, bystanders encompass a broad category. He gives some attention to the very explicit endeavours of the perpetrators to keep the general public silent by hiding the places where the genocides took place. **It was indeed very important for the perpetrators to keep the bystanders in ignorance so that they would not obstruct the planned, bureaucratic process of the Holocaust. At all stages the violations must be kept an important secret and their motto was: don't believe the early warnings. Violations have to take place in remote areas without any possible interference of others and any truth-telling should be hindered by erasing all traces.**

Zygmunt Bauman has studied with more precision the functioning of these bureaucratic processes. He states that it is ordinary men in modern states who commit these genocides, and that it is frightening because cruel, barbarian, racist people can no longer be perceived as the only perpetrators. Everyone is more or less prepared to carry out these horrible deeds. That is why his conclusions are even more frightening than those of Goldhagen who, for instance, argues that only antisemitic German forces were able and willing to perform genocide at the Eastern front during World War II.

Goldhagen rightly observed that it is easier to commit atrocities in a hostile environment, which explains why the extermination camps were mainly located in Eastern Europe. Moreover, the Germans took more heed to keep the process secret in the West than in the East. Note, for instance, the accessible location of the concentration and extermination camp of Majdanek, nearby and visible from, the city of Lublin. Another East European example is the way the non-Jewish population of Lvov (in those days Lemberg) was stimulated to benefit from the misery of the Jews by taking over their homes, goods etc. The Jews, on the other hand, were set apart in Western societies in a gradual way, with very slight measures. Jewish musicians were moved from the front to the back of the orchestra in Amsterdam and The Hague, whereas the ultimate aim had to be kept a great secret. The impact of the attitude of the bystander on the behavior of the perpetrator has also been underlined by Staub. He wrote “A lack of protest (from the bystander FG) confirms the perpetrators’ faith in what they are doing,” whereas....“a refusal

to cooperate can raise questions in the minds of perpetrators.” For instance, after the Bulgarian people protested in the streets, the Bulgarian government refused to hand over its Jewish population to the Nazis, who backed away and did not persist.

The fact that deliberately planned massacres can be performed by ordinary people in a very well organized system bothers us the most. Thus, systematic genocide is not a characteristic of the German Nazi system, but may happen anywhere and has happened since that time in many organized modern states.

d. Conclusions

Is there a possibility of adopting a middle course between the perpetrator and the victim of gross human rights violations.? This intermediate position is that which should be held by the bystander.

The easiest way to become or to pretend to be a bystander has always been lack of knowledge of what is going on. This ignorance, which is coupled with indifference towards the fate of the victims, is an important explanation for the behavior of inactive third parties. **This ignorance, which can be seen as a necessary condition in becoming a bystander, is deliberately promoted by the perpetrators in order to minimize the risk of the solidarity of third parties with the victims. The perpetrator aims to prevent the bystander from acting in the interest of the victims.**

In the aftermath of the event, perpetrators suffer from amnesia. The amnesia is sometimes at the individual level but can also be at the collective level. This might be due to the fact that the perpetrators want to distort history (the so-called Auschwitz-Lüge) or because revelation of the truth may be very uncomfortable for the new regime and is therefore repressed. On the other hand, there are also regimes that expressly distance themselves from the previous one..In these situations truth-telling can maximize the legitimacy of the new government. In short, without truth-telling and knowledge, there can be no accountability, and without accountability there can be no punishment. However, punishment is not the main objective. Truth-telling and accountability are more important. **Real accountability transforms victims into survivors to whom society is indebted and for whom it has the greatest respect.** States, however, are still very reluctant to pay tribute because, in the aftermath, it may emerge that the administration in the past was more inclined to follow the perpetrators than to show solidarity with the victims. Only in 1998, for instance, was the government of the Netherlands charged with having bartered away Jewish goods in the WWII period. A third party that was not directly involved in acts of gross violations but pretends to have been a neutral bystander, should be distrusted because, it may ultimately emerge that he collaborated with the perpetrators.