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TOWARDS A CRIMINOLOGY OF CRIMES AGAINST HUMANITY

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TOWARDS A CRIMINOLOGY OF CRIMES AGAINST HUMANITY

Abstract

Criminology has largely ignored the study of crimes against humanity. This neglect is striking in light of the fact that these behaviors—genocide, murder, rape, torture, the appropriation or destruction of property, and the displacement and enslavement of populations—are criminal under national and international law and are more serious than even the most violent behaviors commonly studied by criminologists. It also is striking in light of the discipline's Enlightenment connections to the development of modern conceptions of democracy, human rights, and the rule of law. We examine why criminology has neglected the study of crimes against humanity, and argue that criminological theorizing will benefit by inclusion of this substantive area within criminology's disciplinary domain. We then put forward a theory of crimes against humanity derived from and expanding on existing criminological theory both to offer a basis for new theoretical and empirical work and to illustrate how criminological theories might be modified to provide more powerful accounts of crime. Throughout the paper we draw on a case study of genocidal mass-murder: Jedwabne, Poland, July 1941.

KEYWORDS: crimes against humanity, genocide, criminology theory, Jedwabne

TOWARDS A CRIMINOLOGY OF CRIMES AGAINST HUMANITY

The literature in criminology has largely ignored war crimes and crimes against humanity. Hagan and Greer (2002) provide an interesting historical note about early work by Sheldon Glueck and Austin Turk, and Hagan et al. (2005) have demonstrated the power of criminological research to describe and characterize acts of genocide. In addition, scholarship addressing white collar crime and organizational deviance has sometimes directed attention to the criminality of governments including accounts of torture and massacres (Ermann and Lundman, 2002). Critical criminology and conflict theorists, as well as proponents of interdisciplinary research (Alvarez, 2001; Woolford, 2006), have directed attention to state crime over the past twenty years, and more recently to the criminological relevance of the new International Criminal Court (Mullins et al., 2004; Mullins and Rothe, 2007; Rothe and Mullins, 2007) but overall there is very little empirical work and even less theory (Alvarez 2001, Cohen 2001; LaFree, 2003; Turk, 1982, 2004; Hagan et al., 2006; Woolford, 2006).

This lacuna is odd in light of the fact that crimes against humanity involve the most extreme types of behavior studied by criminologists. The initial legal formulation of crimes against humanity promulgated at the Nuremburg Tribunals focused on “atrocities and offences, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population” (Control Council, 1945). The most recent formulation, Article Seven of the Rome Statute of the International Criminal Court, adds to this list enforced prostitution, forced pregnancy, enforced sterilization, other comparably severe forms of sexual violence of comparable gravity, the enforced disappearance of persons, apartheid, and other inhumane acts intentionally causing great suffering or serious injury, when such acts are knowingly committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (Rome Statute, 2002).

The silence of mainstream criminology about crimes of such magnitude is particularly

strange in light of the discipline's historic connection to the Enlightenment motif of human rights embodied in fair laws fairly made and humanely enforced (Beccaria, 1995; Radzinowicz, 1996) and the observation that criminologists in their personal and professional lives are often concerned about injustices such as conviction of the innocent and inhumane conditions of confinement.

The most common argument against a criminological focus on crimes against humanity is based on the legal principle of nullum crimen sine lege (no crimes without law): often crimes against humanity are state-sponsored actions occurring under the color of law and therefore may not constitute crimes in the narrowest legal sense. Thus, for example, sixty years ago some criminologists, lawyers, and political leaders argued that the genocidal actions of the Third Reich did not constitute crimes because they were not violations of laws in effect in that place and time. The contrary argument, which in the end prevailed, held that it was more significant that these actions were criminal under Germany's treaty obligations and pre-existing German criminal law than that they were implemented by governmental agencies under the color of law (Glueck, 1944; Persico, 1994; Taylor, 1992; Wechsler, 1961). The first war crimes tribunals at Nuremburg thereby established the legality of their jurisdiction.

Today, criminal court jurisdiction over genocidal acts has been established. These acts are defined in general terms by the Universal Declaration of Human Rights and more precisely in the Geneva Conventions of 1949, and the international conventions for the prevention and punishment of genocide and torture which are now generally recognized as elements of international customary law, as well as the statutes establishing the international tribunals for Rwanda, the former Yugoslavia, and the International Criminal Court (to which the United States is not a party). In addition, the Nuremburg convictions are precedential, and numerous people have since been tried or threatened with trial for crimes against humanity in both international and national tribunals. Thus, the legality principle is not problematic in law, if ever it was, and ought not to be conceived as a barrier to scientific inquiry (Hagan et al., 2005; Sutherland, 1947).

Moreover, from the perspective of developing criminological theory, there are several important reasons for focusing on crimes against humanity: in the 20th century more people died violently as a result of state-sponsored genocide than as a result of all other crimes (Brannigan and Hardwick, 2003); crimes against humanity persist as threats to social stability and individual well-being; and such crimes raise fundamental questions about the role of the state in the administration of justice. Furthermore, criminology has a long tradition of studying different types of crime on the assumption that each may involve different motives and causes. The phenomena associated with crimes against humanity represent an acid test for the generality of existing criminological theories, including the extent to which they can be extended to related and analogous behaviors. In addition, a broader approach that incorporates crimes against humanity into its disciplinary domain may yield reformulated theories about common criminal activities and thus contribute to the overall explanatory power of criminology.

This article calls upon criminology to overcome its historic inattention to crimes against humanity. One way to advance an empirical discipline is through the development of theory, and so we begin by reviewing the progress that has been made in other disciplines towards an explanation of crimes against humanity. Then, after presenting a case example to ground discussion, we examine the potential utility of major theoretical perspectives within criminology and present a theory of crimes against humanity as a starting basis for further scientific work. We conclude with recommendations for research and suggestions for how criminology as a discipline might benefit from increased attention to crimes against humanity.

BACKGROUND: CRIMINOLOGY AND THE STUDY OF CRIMES AGAINST HUMANITY

During and just after the Second World War there was a flurry of criminological interest in Nazi war crimes, but it was more jurisprudential than social scientific. Sheldon Glueck, the Roscoe Pound Professor of Criminology and Criminal Law at Harvard Law School, was a

consultant to the prosecution at Nuremberg (Hagan and Greer, 2002). Herbert Wechsler of Columbia Law School, subsequently the principal architect of the Model Penal Code, served as law clerk to Francis Biddle, the American Judge at the War Crimes Tribunal (Persico, 1994). In Britain, Leon Radzinowicz, who was to establish the Institute of Criminology at Cambridge, worked during the war years with the Justice ministries of governments-in-exile of occupied European countries to document Nazi war crimes and plan for the possibility of post-war trials (Radzinowicz, 1942).

Post war revelations concerning the magnitude and brutality of Nazi abuses led to broad international support for the United Nations' Universal Declaration of Human Rights, which in almost every particular stands as a rejoinder to how the Nazis had treated people. But after this milestone in international law was achieved and the war crimes tribunals concluded, criminological attention turned away from crimes against humanity. Glueck returned to empirical studies of delinquents, Wechsler became a leading authority on federal jurisdiction and constitutional and criminal law, and Radzinowicz undertook a history of English criminal law in the nineteenth century.

From 1948 to 1960, new threats and the structure of international relations diverted focus from the disquieting elements of the recent past. The Cold War and Communism supplanted World War II and Nazi crimes as the pressing intellectual and policy questions of the day. This change was reflected in national priorities and shaped the interests of academic disciplines, including criminology, which turned to the study of local and national crime concerns. In 1961, renewed international discussion of "war crimes" was precipitated by the abduction of Adolf Eichmann from Argentina by Israeli intelligence officers, his trial in Jerusalem, and his later execution. Scholarship on the politics, social structures, and everyday history of the Third Reich, the Holocaust, and other crimes against humanity grew exponentially in the following decades, including first-class scholarship by political theorists, historians, psychologists, and ethicists (Andreopoulos, 1994; Arendt, 1963; Baumeister, 1997; Browning, 1992; Cohen, 2001; Conroy, 2001; Gellately and Kiernan, 2003; Glover, 1999; Gross, 2001; Koonz, 2003; Latane and Barley,

1970; Milgrim, 1974; Staub, 2003; Waller, 2002; Zimbardo et al., 2000). However, with the few exceptions noted above, the unique perspectives and methods of criminology have not been directed towards the topic.

This historical inattention in criminology is rooted in the politics and sociology of the discipline (Alvarez, 2001; Morrison, 2006). The safer course to academic respectability and official support for an aspiring discipline was to focus on the scientific study of agreed-upon national concerns such as violent crime, delinquency, and drug abuse. To the extent that criminologists investigated the behavior of state-sponsored organizations (e.g., Barak, 1991; Chambliss, 1989), it put the discipline at risk of being dismissed as polemical and unscientific.

In addition, to establish itself as an independent discipline, criminology found that academic legitimacy, research funding, and university resources were all tied to student enrollments and to a professional emphasis on the training and education of future criminal justice employees, including police officers (see, however, Blumstein, 1997). As a consequence of this uneasy marriage between criminology and criminal justice, criminologists tended to focus on the concerns of the criminal justice system, such as street crime, rather than the study of crimes against humanity in which agents of the state are from time to time implicated.

Finally, it bears mention that the structures of routine science, including social science, focus empirical work on well-established paths (Kuhn, 1970; Merton, 1968, 1973). Candidates for graduate degrees and tenured positions are advised to stay away from esoteric subjects, to use the most sophisticated quantitative methods currently in vogue, and to stay within the intellectual mainstream (Savelsberg and Flood, 2004; Sjoberg and Vaughn, 1993). The surer path to tenure is to become a specialist in a narrow area; and for tenured, middle-aged scholars, it is difficult to abandon hard-won expertise to take on new and uncharted areas of criminological thought.

In short, there have been many structural disincentives to the incorporation of new, challenging, and contentious areas of such inquiry as the study of crimes against humanity. This situation reflects in part issues of institutional and individual self-interest and power, a phenomenon that appears to be an omnipresent aspect of the human condition. Indeed, group

interests and other forces promote conformity, an observation that anticipates a central feature of our theory, which locates, in part, the causes of crimes against humanity in normative processes of conformity.

MULTIDISCIPLINARY FOUNDATIONS OF A CRIMINOLOGICAL EXPLANATION OF CRIMES AGAINST HUMANITY

Most explanations of crimes against humanity put forward in the last half century have drawn on Hannah Arendt's conception of evil as "banal," involving normal people who exhibit ordinary thoughtlessness and a lack of attention to the well-being of others. Arendt's (1963) seminal study, Eichmann in Jerusalem, asserted the chilling conclusion that even the most awful crimes against humanity have been perpetrated not by psychopaths or zealots but by bureaucrats in the pursuit of their various duties. Of Hitler's henchman, Heinrich Himmler, Arendt (2004:447-48) wrote that he "proved his supreme ability for organizing the masses into total domination (and mass murder) by assuming that most people are neither bohemians, fanatics, adventurers, sex maniacs, crackpots, nor social failures, but first and foremost job holders and good family men." A similar approach is taken by Primo Levi (1988:202), an Auschwitz survivor:

More often and more insistently as time recedes we are asked by the young who our "torturers" were, of what cloth they were made. The term torturer alludes to our ex-guardians, the SS, and is in my opinion inappropriate: it brings to mind twisted individuals, ill-born, sadists, afflicted by an original flaw. Instead, they were made of the same cloth as we, they were average human beings, averagely intelligent, averagely wicked: save the exceptions, they were not monsters. . . . They were, for the greater part, diligent followers and functionaries, some fanatically convinced of Nazi doctrine, many indifferent, or fearful of punishment, or desirous of a good career, or too obedient.

A great many historical case studies reiterate this "ordinary person" or "banal evil" thesis

in descriptions of crimes against humanity, ranging from Melos and Carthage to Cambodia, Yugoslavia, and Rwanda (Chalk and Jonassohn, 1990; Gellately and Kiernan, 2003). A similar dynamic has been noted in American towns in which there were lynchings (e.g., Tolnay and Beck, 1992). In all these case studies, perpetrators of crimes against humanity are “regular,” “normal” citizens, not apparently otherwise criminal.

Among historians of the Holocaust and Third Reich, the early tendency was to focus scholarly attention on the gang of Nazi criminals who were seen as having hijacked the institutions of government and orchestrated the great crimes against humanity. But this gave way in the 1970s and 1980s to scholarship on the complicity of ordinary Germans in all walks of life who supported the regime and implemented its programs (Browning, 1992; Hilberg, 1992; Kershaw, 1999; Koonz, 2003). Even then, debate continued about the extent to which the Holocaust should be understood as a uniquely German cultural phenomenon (Goldhagen, 1996) rather than as a manifestation of universal human potential associated with drift, neutralization, or learning (Browning, 1992). The experiences of recent decades in such places as Yugoslavia and Rwanda make it difficult to characterize crimes against humanity as arising from any particular race, ethnicity, or culture.

Political philosophers, ethicists, and anthropologists have studied cases of crimes against humanity searching for clues to human nature and the relative weight of cooperation and empathy in comparison to dominance and aggression (Glover, 1999; Midgley, 1984). These diverse and sometimes highly abstract bodies of research and theory identify salient factors that influence the commission of crimes against humanity. The factors include economic, military, and psychological strains, group affiliations, moral disengagement, ideology and self-interest, and the dehumanization of enemies. For example, Mamdani’s (2001) study of the genocide in Rwanda as a political event provides a macro-theoretical account, positing post-colonialism as an explanation of group identity and competition for power. However, it largely bypasses any theoretical explanation of individual behavior, save to observe that those to whom evil is done do evil in return. Similarly, Bartov’s (2003:75, 96) essay on the roots of modern genocide ends by

encouraging research on the moment in which the encounter takes place “between the killer and the killed, usually with a fair number of spectators standing by.” For the most part, however, this literature does not put forward a theory to explain how these factors come together to generate the behavior of groups of normal citizens who become perpetrators of evil or, to place it squarely within the purview of criminology, crime.

A different approach has emerged in research from a social psychological perspective, which focuses less on historic events than on the underlying mechanisms of compliance, such as obedience to authority and norms. For example, classic social psychological experiments on authority (Milgram, 1974) and prisonization (Zimbardo et al., 1973) have established the prima facie plausibility of the banal evil thesis. Specifically, humans respond to authority and the expectations associated with various social roles, and both in turn can transform ordinary people into “perpetrators of evil” (Zimbardo, 1999, 2007). These social psychological studies demonstrate the plasticity of human behavior which can be highly variable depending on context, but are not particularly helpful in identifying the range of social conditions that give rise to or encourage compliance with authority or that channel hostilities in certain directions.

Other accounts also tend to focus on particular causal factors to the exclusion of others. For example, although Baumeister (1997) offers a sophisticated analysis of violence and cruelty, he mainly concludes that ordinary, well-intentioned people may perform evil acts under the influence of four root causes: greed, threatened egoism, idealism, or sadism. As with social psychological accounts, such theorizing does not identify how specific causal factors may interact or develop over time, and there is little attention to social structural factors, such as societal economic and political conditions.

Waller (2002) offers a more comprehensive, but still primarily individually-focused theory, beginning with evolutionary psychology and the assertion of an “ancestral shadow” of brain circuitry. Notably, he references a diverse set of such factors as arousal responses and patterns of group affiliation, ethnocentrism, xenophobia, the libidinal desire for comfort, safety, and dominance, cultural belief systems, moral disengagement, and racial self-interest as

ingredients of a theory of aggression and violence. A notable strength of his account lies in the fact that it does not reduce an explanation of crimes against humanity to a specific factor. Yet, it does not provide a clear foundation on which to link these different dimensions and, notably, largely bypasses mainstream criminological theory and research.

A criminologist might well be struck by the extent to which closely related disciplines have advanced a discourse on genocide and crimes against humanity (Alvarez, 2001; Woolford, 2006), and also by the thought that there is much more to be done and that criminology as an intellectual enterprise has much to offer and much to gain by turning an eye towards crimes against humanity. Towards that goal, this article puts forward a theoretical model rooted in criminological discourse. First, however, it will be useful to ground our discussion in a case example of the phenomena we wish to explain. In so doing, we illustrate some of the points already made, and, more importantly, establish an empirical reference to help justify and explain the contours of the theory we put forth.

We offer a single instance of mass murder in Jedwabne Poland on July 10, 1941, as illustrative of one of the ways that crimes against humanity can take place. This case is not put forward as definitive. Other examples of mass murder and crimes against humanity—Nazi death camps, Stalin’s Gulag, the Armenian Genocide, North Atlantic Crossing, Trail of Tears, Bosnia, Rwanda or Dafur or countless other atrocities—could also have been chosen from across the globe and all historical periods (Glover, 1999; Kressel, 1996). Jedwabne has the advantages of being a comparatively small scale incident (albeit imbedded in the Holocaust) involving hundreds not tens or hundreds of thousands or millions of victims perpetrators and bystanders; the perpetrators at Jedwabne (themselves victims of Nazi aggression) were not simultaneously involved in other crimes against peace or war crimes; and the case has been well and thoroughly documented. Our purpose here simply is to provide one of the examples that helped to guide the formation of the theory and to provide texture to, explanations for, and illustrations of the theory’s propositions. Throughout the exercise in theory development that follows the case example the events at Jedwabne will be a touchstone against which the propositions can be

evaluated in relation to known facts. As we discuss in the conclusion, one direction of future research aimed at refining the theory of social conformity presented in this paper will involve testing its applicability to a wide range of other crimes against humanity.

A CASE EXAMPLE: JEDWABNE

No claim is made that this case is representative; the mass murder in Jedwabne is chosen in part because despite its horror it is a comprehensible and manageable event relative to, say, Auschwitz. Although State action, which figures prominently in the Holocaust, is not a central feature of the massacre at Jedwabne, the case permits a focus on the behavior of perpetrators, which is a central concern of criminology, and it has the advantage of being a less complex example than the systematic industrialized killings of the extermination camps which could hardly be dealt with or described comprehensively as a brief component of a theoretical essay.

The facts and circumstances surrounding Jedwabne have been established—albeit with some controversy about the precise numbers of victims and motives of the perpetrators (Polonsky and Michlic, 2003; Stola, 2003)—by the historian Jan Gross (2001), whose work has been largely confirmed by a 1,500 page report by the Polish Government’s Institute of National Memory (2002). On July 10, 1941, half the population of the Polish town, Jedwabne, were principals, accomplices, or by-standers to the pre-meditated murder of the other half—perhaps as many as 1,600 Jewish men, women, and children. Poles and Jews had lived in roughly equal proportion in Jedwabne for more than 200 years. The village was by no means a melting pot; it was more like a segregated American town with Black and White communities on different sides of the tracks. There was anti-Semitism in Jedwabne, but there were also many points of social and commercial contact between individuals in both communities and throughout the region. There was a history of occasional, infrequent murderous pogroms in Jedwabne, as there was all across the region from Russia to France. However, before the Nazis, anti-Semitic uprisings in Europe had always been brought under control fairly speedily by aristocrats and church leaders;

and though the pogroms were brutal, they did not amount to genocide (Abramson, 1999).

Times were hard for everyone in Jedwabne through the first part of the twentieth century, and especially after September 1939, when the Hitler-Stalin Pact and the German-Soviet Boundary and Friendship Treaty put the town under the oppressive and brutal control of the Red Army. Military occupation added to the strain, deprivation, and danger of everyday life of Jews and Slavs alike. Then, in late June 1941, Hitler betrayed Stalin and German troops occupied all of Poland in the initial stages of Operation Barbarossa—the largest land battle in human history.

The massacre at Jedwabne occurred two weeks later. A call went out from the mayor for Poles to meet at the town hall. In addition to town citizens, carts full of people from other hamlets in the Bialystock region assembled. Members of the Mayor's administration—accompanied by German officers, according to some accounts—organized meeting places and a system for distributing clubs, pitchforks, and other implements of destruction. Specific assignments were made to selected individuals and plans were made and implemented to kill a few dozen able-bodied Jewish men to decrease subsequent resistance (Stola, 2003). The Jews were assembled at the town square. Some were beaten or stoned to death on the way. Others tried to run away, but vigilante groups of peasants on horseback combed the surrounding fields, killing Jews where they found them, beating them, or bringing them back to town.

Near the end of the day, the surviving Jews, (there is some disagreement about whether the number was closer to 400 or to 1,000) were marched to a barn. The doors were locked, guards with axes stood outside, and the structure was doused with kerosene and set on fire. The dead were piled up, mostly in the west corner of the barn to which the fire spread last; the bodies on top burned, those below were crushed and asphyxiated. The homes, clothing, and the bodies of the victims were appropriated and plundered for material possessions, including jewelry and gold teeth. Years later, more than one hundred individuals were named in court documents as participants; it is clear that many more went unnamed.

The day after the massacre German officers castigated the Polish authorities for creating a public health hazard by leaving rotting corpses above ground on a hot summer day with dogs

tearing away at them. The Germans ordered the Poles to undertake a mass burial of the charred and decaying human remains, a scene similar to the “grey zone” Primo Levi (1986) described surrounding the gas chambers at Auschwitz. The Nazis seemed intent not only on subjugation and destruction, but also on demonstrating that anyone—in this case, the Polish citizens of Jedwabne—can be made to do anything, a point with significance for theories of crime.

The publication of the Polish edition of Jan Gross’ book Neighbors in 2000 and the official report of the Institute of National Memory in 2002 gave rise to heated discussion in the press about the image of Poles as perpetrators of crimes against humanity, when they have always seen themselves with considerable justification as victims of Nazi and Soviet aggression. Polonsky and Michlic (2003) have translated and organized these responses into a thoughtful overview of the controversy surrounding the Jedwabne massacre. A central argument is that role of Nazi officers in the events at Jedwabne have been underestimated, that the Jews had behaved badly when the Soviets were in power, leading their neighbors to turn on them, that the numbers of victims were not as great as have been claimed, and that the proportion of townspeople who participated in the killing is smaller than has been estimated (Polonsky and Michlic, 2003; Stola, 2003). However, the fundamental fact is not refuted: Polish Christians killed their Jewish neighbors in what might be characterized as a sort of festival of cruelty (Glover, 1999), with a degree of popular participation strikingly similar to the Hutu massacres of Tutsis in Rwanda 60 years later (Mamdani, 2001). The parallel was acknowledged by Aleksander Kwasniewski (2001), the President of Poland, speaking in Jedwabne on July 10, 2001, the sixtieth anniversary of the massacre, when he apologized “in the name of those Poles whose conscience is moved by the crime; in the name of those who believe that one cannot be proud of the magnificent Polish history without feeling simultaneously pain and shame for wrongs that Poles caused to others.”

Indeed, the massacre in Jedwabne, embedded as it was in the larger body of war crimes orchestrated by the Nazis, clearly involved killings that were neither organized nor implemented by SS, Wehrmacht, or Einstazgruppen troops, but by ordinary Polish citizens who brutally massacred their Jewish neighbors. Meanwhile, Germans stood to the side and took pictures that

later showed that Poles had done it (Gross, 2001:49). This point of difference between Jedwabne and Auschwitz adds to the justification for criminological interest in Jedwabne. These killings can not be attributed—as the Holocaust sometimes is—to distinctively German racism, nationalism authoritarianism, or propaganda (Goldhagen, 1996). Rather, they call for an explanation of how ordinary people of all nationalities are able to participate in genocidal mass murder and then return to ordinary lives. In Jedwabne ordinary crime—the everyday stuff of criminology, including, theft, assault, rape, and murder—was co-terminus with a genocidal crime against humanity. No claim is made that Jedwabne is universally representative, but it serves our purpose to keep these well-described events in mind as we review and develop theoretical approaches to explaining the commission of crimes against humanity.

CRIMINOLOGICAL FOUNDATIONS OF A THEORY OF CRIMES AGAINST HUMANITY

Criminological theory may be divided roughly into two perspectives: one focuses on individual characteristics (whether inborn or developed in childhood or adolescence) to explain how some people become criminal; the other looks to social conditions for the causes of criminal behavior (Bernard and Snipes, 1996). The discussion of multidisciplinary foundations and the case study of Jedwabne both point away from individual-level theories, which tend to ignore the context of group, family and community-level structures and processes, and, more generally, societal conditions. However, because individual-level theories constitute a core part of the criminological literature, they bear discussion.

The problem of individual-level theory as an explanation of crimes against humanity can be illustrated by Brannigan and Hardwick's (2003) efforts to construct a theory of genocide based on Gottfredson and Hirschi's (1990) general theory, which proposes low self-control as an explanation of crime. The authors argued that the characteristics of crimes against humanity are similar to those of ordinary crimes—they entail impulsive, exciting risky acts that provide

immediate gratification and require little planning—but the characteristics of people who commit crimes against humanity typically do not fit the “low self-control” profile. In the general theory, low self-control is held to be stable over time and largely produced by inadequate parenting in early childhood. Yet, analyses of crimes against humanity indicate that the perpetrators typically have normal levels of self-control prior to and after the event. To address this issue, Brannigan and Hardwick (2003) argue that temporary low self-control among groups of people contributes to crimes against humanity. However, this argument flatly contradicts the core “stability” assumption of self-control theory, which itself says nothing about social groups or dynamics, and begs the question of why and how temporary low self-control among groups might arise.

In their attempt to modify self-control theory to explain crimes against humanity, Brannigan and Hardwick (2003) consider some of the “hard facts” about genocidal crimes. First, such crimes arise in circumstances of “group conflict” (Vold, 1958); second, they are committed by ordinary people who engage in collective action to express “righteous anger” (Katz, 1988), often believing that their victims are responsible for their situation; and, finally, when official state authorities become parties to social conflict and exacerbate them through the use of propaganda, individuals on the “other side” become “vulnerable targets” (Cohen, 2001).

We agree that these are “hard facts” about crimes against humanity. However, their relevance to Gottfredson and Hirschi’s (1990) theory has little meaning given that the theory is silent on the role of groups and vocal about the stability, not the temporary nature, of self-control. Brannigan and Hardwick (2003) were creative and thoughtful in their effort to derive a theory of genocide from Gottfredson and Hirschi’s (1990) general theory. In our view, however, a more fruitful avenue of theoretical explication involves recognizing, on the one hand, the limits of an individual-level account of crimes against humanity, and, on the other hand, the importance of social interactions, normative influences, and group dynamics, and, by extension, drawing from theories that emphasize such dimensions. In Jedwabne, for example, empirical accounts suggest that the immediate causal mechanism involved conformity to very immediate and powerful social expectations. In particular, a deviant normative order appeared to come into

existence temporarily, after which the conventional normative order reconstituted itself and regained control over individuals. Notably, the situational failure of the conventional normative order did not free individuals to be impulsive and spontaneous. Rather, these individuals appeared to be highly controlled—in no small part through dictates of the groups to which they belonged and the nature of the momentary new normative order—as they systematically set about accomplishing difficult and highly distasteful tasks.

The influence of social interactions, normative systems and group dynamics are, of course, consistent with social learning theory, which describes criminal behavior as inspired, maintained, and reinforced through consequences and as resulting from such consequences, or their lack thereof, over time (Akers, 2003). Like self-control theory, social learning theory describes relative stability in schedules of reinforcement, which leads to relatively stable individual behaviors over time. However, this view does not accord with the theoretical accounts, in other disciplines, of crimes against humanity, which associate genocide with sudden changes in the behavior of ordinary people. In Jedwabne, for example, citizens did not in any obvious way learn the skills or values of genocide gradually through extended social interactions over time; rather, they adjusted to murderous regimes in sudden epistemic changes. Of course, it may be that changes in reinforcements emerge that in turn influence behavior; but the theory is largely silent about what those changes might be and what might influence their effect on behaviors that lead to participation in crimes against humanity. The transient nature of these events poses problems for another prominent individual-level theory of crime—Sutherland's (1947) theory of differential association—which assumes the learning, over time, of attitudes favorable to violations of law.

The momentary, and typically sudden, nature of crimes against humanity, such as occurred in Jedwabne, present challenges to a number of other crime theories, including not only those that focus on individuals but also those that focus on explaining crime differences among groups or ecological units of analysis. To illustrate, Sellin's (1938) theory of culture conflict does not neatly fit with such crimes because the theory contemplates normative influences

deemed to be relatively stable and enduring over time. Similarly, mainstream ecological theories, such as those emphasizing social disorganization and collective efficacy, provide little foundation for explaining the facts surrounding crimes against humanity, not least because they do not focus on the influence of groups or of situationally-induced changes in social order.

With these observations made, we contend that a criminological theory of crimes against humanity should begin with: (1) recognition of the importance of momentary normative orders that arise from the specifics of particular situations, and (2) group-level dynamics and collective action among otherwise normal people. Beyond that, in reviewing scholarship on such crimes, one is struck by the range of factors that appear to be causally relevant and also by how various descriptive accounts suggest complex interactions among these factors. Certainly, given this literature, a linear and single-factor theory—a unit increase in X results in more crimes against humanity—appears on its face to be a less-than-promising approach to explaining such crimes. Parsimony, of course, stands as a classic criterion of theories; all else equal, simpler models are preferable to complex ones. But prediction constitutes an even more important criterion (Gibbs, 1997). So, when we know that an outcome likely results from multiple, interacting factors, then single-factor, linear models are inappropriate (Abbott, 1997; Gould, 1987; Lieberman, 1985; Marini and Singer, 1988).

Although that insight is not new within criminology (Agnew, 2005; Farrington, 2005), it nonetheless remains the case that multiple-factor, non-linear theories of crime remain rare. The theory we present pursues this line of theorizing. In particular, we present a theory that points to several types of non-linear effects, including contingent (two factors need to be present before one or the other can produce an effect), interactive (the effect of one factor may change depending on the level of another), and threshold (a factor may not become causally relevant until they reach a certain level). In addition, the theory incorporates the notion that processes operative within and between small and large groups contribute to criminal behavior and that broader social, economic, and political conditions feature prominently in the etiology of crimes against humanity. We do not introduce complexity for its own sake, but rather argue that it is

needed in this case if criminologists are to provide more accurate accounts of such crimes.

A THEORY OF SOCIAL CONFORMITY AND CRIMES AGAINST HUMANITY

In this section, we present a theory of crimes against humanity that integrates prior work from different disciplines and that, we believe, provides the basic elements of any adequate attempt to explain the occurrence of such crimes. The theory is comprised of six propositions, summarized in Table 1. Collectively, the propositions focus on the salience of (1) societal strain and angry aggression, (2) primary group affiliations, (3) normal processes of socialization within primary groups, (4) group structure and dynamics, (5) ideology and self-interest, and (6) displacement of angry aggression.

Table 1 about here

Proposition 1 (societal strain and angry aggression): Intense and widely prevalent societal-level strain—caused by insecurity, danger, scarcity, deprivation, political and economic oppression, and/or military occupation—is the pre-condition for crimes against humanity, occurring through group and individual-level processes that build on fear, arousal, and angry aggression. A corollary of this proposition is that the more types of strain present, and the greater their magnitude and dispersion, the greater the likelihood that crimes against humanity will occur. Strain and the accompanying angry aggression, is not sufficient for crimes against humanity to occur. Rather, as subsequent propositions convey, a sequence of events must unfold in the context of and through other factors, including group affiliations and particular belief systems.

Agnew's (1992) strain theory offers a general argument that negative social relations and experiences give rise to negative affect states, which then are associated with criminal behaviors.

Both the German experience of hardship and instability in the inter-war years and the events in Jedwabne, as well as most accounts of genocide, are consistent with the idea that strain constitutes a necessary precondition for crimes against humanity. In all these cases, such crimes appear to have origins in the experience of extreme strain caused by insecurity, deprivation, political and economic oppression, and/or military occupation (Kressel, 1996). Individuals who are secure and comfortable with few immediate threats to their well-being are not so easily roused to murder their neighbors.

The greatest degree of strain is experienced in the presence of overwhelming force that threatens humiliation, degradation, suffering, or death. The associated physiological state of arousal and anxiety tilts the body's chemistry and emotions in ways that favor passions over reason. Angry aggression theory (Bernard, 1990, 1992; Griffin and Bernard, 2003; Ogle et al., 1995) is based on biological and psychological research about physiological arousal, which is the body's "flight or fight" response to threat. As these authors note, a large and well-established body of research indicated that people who are chronically aroused tend to interpret a wider variety of events as threatening, see threats everywhere, and respond to them more aggressively than other people. In situations where chronically aroused groups are socially isolated, these views, shared because of close physical proximity and delimited networks of communication, tend to become subcultural. This is the mentality of the lynch mob, witch hunt, and Auto da Fe, and it was an element of the murderous rampage in Jedwabne. This strain, extreme in both magnitude and the universality, touched all members of the community and likely contributed to a group experience of angry aggression mediated at the individual-level by adrenalin, endorphins, and alcohol. But the feelings and behaviors of the individuals were, in turn, shaped and given direction by group structures and processes, as we describe below.

In the case of Jedwabne, the strain produced by imminent danger, brutal military occupation, and economic desperation was exacerbated by political circumstances. The Poles of Jedwabne were aware of anti-Polish resentment among Ukrainian and Lithuanian minorities in surrounding areas, who had already gained favor with the Germans by establishing armed

organizations that took part in the killing of local Jews to fulfill German orders for “self-cleansing.” As a result, the Poles of Jedwabne may have feared that they would be targeted next after the Jews (Stola, 2003). Moreover, local Polish leadership had largely been suppressed during Soviet occupation prior to the 1941 German invasion. Following German entry in that year, anti-Russian leaders emerged among Poles, some of whom were willing at first to collaborate with the Nazis to secure influence. Intense and ubiquitous societal-level insecurity and political oppression over several years, culminating in the Nazi invasion of 1941, provided the foundation upon which individual and group dynamics were built, which in turn, we argue, ultimately contributed to mass murder.

Proposition 2 (primary group affiliations): Per proposition 1, societal-level strain produces widespread individual-level fear, arousal, and angry aggression. These in turn (a) undermine societal-level and inter-group solidarity and (b) drive individuals to rely more heavily on narrowly defined “us versus them” primary-group affiliations.

Pluralism is fundamental to human existence. Humans live together and relationships typically span geographic boundaries and cultural differences. Commerce and curiosity, among other things, connect diverse groups, but strain, fear, and physiological arousal of the magnitude associated with war create fissures between them. It is as if pluralistic societies have fault-lines within them; when a quake hits, these are the seams along which divides—that is, breakdowns in solidarity between groups—occur.

There is a paradoxical quality to the breakdown of solidarity. Groups of people among whom there have been ancient patterns of coexistence, including both cooperation and animosities, are driven apart. At the same time, however, there is often heightened solidarity within groups, as appears to have been the case among the Catholics Poles of Jedwabne. There had been Jews in Poland for centuries, and despite a history of sporadic violent anti-Jewish pogroms, the experience had been sufficiently positive that almost one-third of all the Jews in the world lived in Poland, which in turn had the greatest concentration of Jews in Europe. In the period between 1927 and 1945, all known cases of direct collective Polish collaboration in the

mass killing of Jews were temporally concentrated in a period of a few weeks in the summer of 1941. Prior to this time, few assaults of Jews by the Polish residents were recorded. In the case of Jedwabne, there were well-documented anti-Jewish resentments and traditions of peasant violence that likely were a “necessary but not sufficient condition for Polish participation in the crime of July 10” (Stola, 2003:148). But it appears that heightened insecurity arising from the German invasion in 1941 made primary-group affiliations increasingly more salient as a means of protecting oneself and family, which ultimately undermined inter-group solidarity between the Jews and Poles of Jedwabne.

Strain and fear drive people into proximate groups for security. Self-interest, which is especially close to the surface in times of crisis and danger, recognizes that often there is more safety in groups than alone; but the group must be familiar. Strain, fear, and arousal create suspicion of unknown or little-known others who may be dangerous or expendable. Put differently, they can channel the direction in which affiliations occur.

In the moment of crisis and danger, solidarity appears to dissipate and pluralistic interactions among diverse groups crack along the most obvious fault-lines. Imagine a committed pluralist among the Poles of Jedwabne—a man or woman who traded with the Jews, sometimes shared food and drink with them, and who enjoyed diversity and difference. We know there were such people; some of the Jews were warned by them during the night of July 9 that trouble was brewing. What would have happened to such a person on July 10? Suppose a fleeing victim, running through a field, chased by men on horseback, had looked at him imploringly. Other than exceptional heroism or self-sacrifice, the situation requires individuals to locate themselves within group boundaries, if only to avoid harm to oneself. And when broader social solidarity breaks down and frightened individuals are driven towards cohesive groups, passions run strong and the group takes on increased power over its members. These pressures—to identify and seek safety within a consensus of one group while separating from others—are simultaneous with fear, suspicion, and anxiety.

Hannah Arendt suggests that this in-group solidarity dissipates over time as murderous

totalitarian regimes use systems of informers, disappearances, secret prisons, torture, and death squads to instill fear and distrust and thus alienate people from one another, making them more dependent on state organizations and propaganda (Arendt, 2004:582-584). Whatever the potential of strain and self-interest to eventually drive the individual self away from all others, the first reaction (itself an extension of the dichotomy between self and others) is, we submit, to organize around “us” and “them.”

It is tempting to focus on anti-Semitism as a primary causal force, especially given the long history of animosity towards Jews (Goldhagen, 1996; cf. Arendt, 2004). But, in our view, it is more accurate to recognize it as a historically-located manifestation of the universal tension between the self and the other, which in social terms becomes “us” and “them.” In European history, the Jews of the Diaspora were long the proximate “other.” Thus seen, anti-Semitism is a manifestation of a universal process very much akin to racism. The history and intensity of anti-Semitic violence in the Bialystok region and beyond in Poland and Russia can not be ignored as a factor in the events in Jedwabne. However, it should be emphasized that similar events have since transpired between Bosnian Serbs and Muslims, Hutus and Tutsis, and countless other groups (Glover, 1999; Kressel, 1996), suggesting that anti-Semitism is not an independent factor but an instance of broader xenophobic potentiality and inter-group hatreds among human beings that are intensified by strain, fear, and arousal.

Proposition 3 (primary group socialization): Given the breakdown of societal-level and inter-group solidarity, as well as the pressure to rely more heavily on primary-group affiliations (proposition 2), normal group processes of socialization and conformity to primary-group norms (i.e., socialization in primary groups) will be the principle mechanism by which individuals are brought to participate in crimes against humanity, and perhaps other forms of crime as well.

In Jedwabne, pluralistic society fractured under strain along the most obvious cultural fault-line of Christians and Jews. In that moment, the behavior of perpetrators and accomplices is monstrous, but mostly the people themselves have not behaved that way before, nor so far as we know ever again. It seems less accurate to call them monsters, than to observe that normal,

ordinary individuals—through their primary-group affiliations—can be brought through strain and fear to a murderous state. We theorize that this happens through normal processes of socialization that deemphasize individual conscience in favor of group conformity.

In social theory, group participation is generally conceived as the positive alternative to an anomic, normless state (Durkheim, 1997). Yet, in Jedwabne, participation in the group—and, to some extent, acceptance of its values, attitudes, and beliefs—in the moment of crisis involved participation in mass murder. A similar influence appears to have emerged under the circumstances of the Third Reich, where mass murder arose in part from a normative embrace of Hitler and fascism, albeit it with propaganda and terror in the background. Nevertheless, the fact that groups, not random individuals, engage in crimes against humanity indicates that normative expectations and primary group socialization influence individuals. It bears emphasis that such influences can exist only if there is plasticity of human behavior—that is, individuals are capable of changing their views and behaviors, sometimes quite rapidly.

This insight is further obscured by Merton's (1968) typology of deviance, wherein conformity to societal goals and means to those goals constitutes non-deviant behavior (p. 195) and all other situations (e.g., acceptance of societal goals but rejection of the means to those goals, rejection of societal goals but acceptance of means to those goals, rejection of both societal goals and the means to those goals) are, by definition, deviant. What is lost in Merton's typology is Sutherland's (1947) insight that conformity is important to most if not all people, and contributes to their behavior in most contexts. When conditions of strain, fear, and arousal lead to a breakdown in social solidarity and an increase in tribalism primary group socialization and patterns of conformity within groups takes on elevated importance.

We submit that perpetrators and accomplices in collective violence are best understood as fully socialized individuals who have absorbed immediate, pressing behavioral definitions and social expectations and act according to the normal processes by which ordinary people take up the roles and responsibilities attributed to them in everyday life. In this sense, people become war criminals the same way others become war heroes; some people become politicians,

businessmen, or scholars in the same way that others become Mafioso, con men, or terrorists. The difference, it seems, lies in no small part in the social contexts in which these individuals find themselves, including the strains to which they are exposed or subjected.

Proposition 4 (group structure and dynamics): In times of widespread societal strain ,primary group socialization contributes to crimes against humanity (proposition 3) by producing greater individual submission to authority and acceptance of social roles.

Historical accounts of crimes against humanity often focus on leadership without much attention to the participation of large masses within a population and the resulting patterns of division of labor. Yet, as Mamdani (2001:7) notes of the Rwandan genocide, crimes against humanity do not succeed unless authority from “above” finds “resonance from below.”

In moments of severe societal strain and group- and individual-level fear, group processes establish the normative order at the most intimate level of personal life. After Jedwabne fractured along the cultural fault-lines separating Jews and Christians, both groups were subjected to new formative pressures of personal identity. Facing Blitzkrieg, a campaign of shock and awe involving overwhelming and unpredictable military forces in the air and on the ground, the Poles of Jedwabne retreated into their own ethnic community and the Jews became the other; to the Poles, the Jews were dangerous or expendable if self-interest (or its extension, group well-being) required it.

Within a group that comes together under such circumstances, the radical elements have advantages. In the moment of physiological arousal, they appeal to emotion, especially fear and greed, rather than to reason; and typically the loud are heard over the meek. In such groups, leadership patterns emerge quickly. Perhaps this is a last opportunity for reason to prevail if some calm mind happens to be in a place of influence. In Jedwabne, the formal leadership threw in with radical elements in the mob, and normal nomic processes brought people to murderous rampage. There was a clear division of labor during the pogrom, indicating either that the design proposed by the leadership and radical elements of the mob found resonance within the larger group of Christian Poles or that the radical elements were able to successfully exert their

influence. Individuals were increasingly willing to—or had to (or face sanctions, including being cast out of the group or being killed)—submit to the authority of the leaders, and, in turn, were willing or pressured to accept assigned roles in the killing of the Jews (Stola, 2003).

The fundamental structures and processes of group influence over individuals involve authority and socialization into roles. These interact with human sociability and plasticity to make individuals receptive to carrot-and-stick mechanisms of social control. The Third Reich, the events in Jedwabne, and what is known about the violence associated with gangs and criminal cartels, all suggest that individual sensitivity to authority is heightened when there is danger and fear in a social environment. Authority is based principally on power that operates through hierarchy, the distribution of social roles, ideology, and the looming possibility (emphasized in totalitarian regimes) of terror as an additional inducement to social conformity. Few among us are willing to tell the Emperor, Führer, or gang-leader that he is wearing no clothing; fewer still that he is no better than an ordinary murderer.

Milgram's (1974) studies of authority at Yale—inspired in part by Hannah Arendt's conception of evil as banal—tested the extent to which ordinary people could be induced by the authority of scientists in white lab coats to administer strong and even dangerous electric shocks to other ordinary people who answered questions incorrectly. Complicity to authority was so much greater than anticipated that plans were cancelled to do comparative studies in Germany, a land associated by Adorno (1950) with the concept of authoritarian personality. Zimbardo's "prisonization" research (Haney et al., 1973; see also Heslan et al., 2003)—also drawing on Arendt's paradigm of banal evil as arising out of the routines of daily life—found such disturbing and hostile conformity to ascribed roles that his experiment was cancelled before its conclusion. Zimbardo's (1999) subsequent assessment of his work focuses on the power of social roles into which people are placed to determine their behavior. The Holocaust and the events of July 10, 1941 in Jedwabne both reveal that brutal, murderous violence against defenseless victims involves perpetrators, by-standers, and even victims who assume social roles and act according to the systems of authority that assign those roles. Similar patterns may be seen in the

lynch mob and the violent street-gang, and has been detailed in other genocidal events (see Glover, 1999; Kressel, 1996).

Proposition 5 (ideology and self-interest): Crimes against humanity become likely when group-level dynamics are reinforced by belief systems that dehumanize others, justify or recommend violence, and associate “higher” values with immediate self-interest. The beliefs may partly stem from societal-, group-, or individual-level strain and group-level dynamics, which create pressures to identify salient dimensions of group difference and to legitimize specific goals and policies based upon the use of power.

Strain, fear, arousal, the breakdown of solidarity, and the intensification of within-group affiliations can all be seen to have been predisposing factors in the Jedwabne murders. However, as with other crimes against humanity, the event cannot be said to have been determined by them. There must also have been ideas that guided and motivated behavior. Systems of belief, like the normative order itself, suffuse social life. This is what Foucault (1977) means when he refers to an “episteme of understanding.” The content of a group’s beliefs may change; indeed, the events in Jedwabne demonstrate that ideas and behavior may change quickly and repeatedly. What does not change, however, is the fact that the relationship between the individual and his normative group is mediated by ideologies.

We submit that the content and influence of belief systems becomes especially salient to predicting crimes against humanity when pluralistic solidarity declines in societies. Under such conditions, xenophobia and the belief that violence towards “others” is justified or required, may arise or assume greater importance and provide guidance on how to implement the beliefs into action. The separation of “us” and “them” is particularly important, particularly as the perception of “them” trends toward dehumanization (Chalk and Jonassohn, 1990; Glover, 1999; Kressel, 1996).

Beliefs and ideologies are about ideas, and the content of and commitment to specific ideas—such as anti-Semitism—can easily be influenced by self-interest, especially in an environment dominated by strain, physiological arousal, and fear. Consider, for example, that the

Poles of Jedwabne stood to gain in at least two ways from murdering Jews. First, there was the possibility, already demonstrated by competing ethnic groups (i.e., the Lithuanians and Ukrainians), of making a good impression on the Germans. Second, there were non-trivial material benefits to be had, including land, buildings, and chattel. Activist members of the mob knew they could attain leadership status and would benefit disproportionately from the appropriated wealth of their victims. In addition, the entire community, faced with war and invasion, stood to gain by demonstrating acceptance of Nazi anti-Semitism and a willingness to cooperate by conducting “self-cleansing” (Stola, 2003).

Proposition 6 (displacement of angry aggression): Under conditions of extreme strain and angry aggression (proposition 1), low inter-group social solidarity and high primary-group affiliation (proposition 2), with the concomitant emphasis on primary group socialization (proposition 3) and assignment of specific social roles (proposition 4), and when belief systems, authority, and perceptions of self-interest align with angry aggression (proposition 5), violent acts are likely to be directed at non-threatening targets when the actual source of the threat is not vulnerable to attack.

The strain, fear, arousal, and anger experienced by the perpetrators at Jedwabne cannot be said to have been caused by their victims. It was the Russians, Germans, Ukrainians, and Lithuanians who made Poland a battleground, an occupied country ruled by force and gripped by insecurity. These groups were sources of danger and anger, but could not safely serve as targets of angry aggression. When inter-group solidarity breaks down, solidarity among diverse groups of victims against an overpowering attacker appears to be rare. In these instances, and put simply, when the original sources of strain and arousal are invisible or invulnerable, it is likely that aggression will be displaced onto visible and vulnerable targets in the immediate environment. In Jedwabne, local Catholic Poles, guided by the leaders among them, responded to the strain of insecurity and political oppression by targeting the only group to which they could safely direct their anger and aggression—the local Jews. Notably, if the angry aggression arising under this confluence of circumstances is directed at the cause of strain—at the Nazi invaders of

Jedwabne, for example—it would not constitute a crime against humanity, but rather self-defense, resistance, or martyrdom.

SUMMARY AND CONCLUSION

The theoretical model explicated in these six propositions offers a criminological description and explanation of the dynamics of banal evil. At the center of the theory is the view that it is not personal pathology or an anomic state of affairs but rather normal people and group structures and dynamics—including socialization and conformity to the dominant norms of the moment—through which individuals are brought to participate in crimes against humanity, and perhaps many other forms of crime as well.

The theory is implicitly a multilevel model, referencing societal, local community, group-level, and individual-level factors that come together in a precise sequence to give rise to genocidal acts. Widespread strain and angry aggression constitute the foundation for primary-group affiliations to become especially salient. Strain and group affiliations also create opportunities for ideologies and belief systems to emerge that justify or call for harm to others, and they place considerable pressure on individuals to comply with expected social roles, including those involving the killing of others. Self-interest of several kinds dictates conformity in these instances. Groups that fail to act may themselves become victims, and within groups, individuals who fail to comply may become outcasts or, worse, killed. In such instances, beliefs that dehumanize others emerge or become reinforced, and these in turn justify or call for violence toward others. At the same time, a vulnerable group (“them”) must be available to which aggression from the other group (“us”) can be channeled. In short, many elements must be in place and at sufficient levels before crimes against humanity can occur.

This theory emphasizes the non-deviant aspects of criminality arising from normal processes of socialization that shape human plasticity in all the myriad forms of constructive and destructive behavior of which the human species is capable. It posits that crimes against

humanity are not explained by individual differences associated with those who commit them so much as by “normal” societal- and group-level structures and processes combined with normal affiliative impulses and self-interest. The theory thus provides an explanation, grounded in insights from criminology, for the dynamics of banal evil.

Our goal in writing this essay is to promote scholarship on crimes against humanity within criminology, not only by pointing at what needs to be done but also by trying to do it. We do not view the theory presented here as definitive. Rather, we view it as providing a foundation for a continuing effort at explaining and developing testable hypotheses about crimes against humanity. Although the exercise in theory development presented in this paper drew on a single case study—the genocidal mass-murder that took place on July 10, 1941 in Jedwabne—we recognize that crimes against humanity are manifested in diverse and multi-faceted ways, and that limitations arise from having selected one case as the focal point for theorizing about crimes against humanity. The selection of Jedwabne as an example is justified by the extent to which the killings there are indisputably representative of a category of recurring crimes against humanity involving sudden outbursts of extreme collective violence still evident in such places as Rwanda and Darfur, and the history of which includes pogroms, ethnic cleansing, witch hunts, and lynch mobs. Nevertheless, there may be fundamental differences between this type of violence and crimes against humanity implemented over extended periods of time by military or paramilitary organizations such as the mass murders at Auschwitz organized by bureaucrats at desks: Adolph Eichmann, for example, at whose trial in Jerusalem Hannah Arendt developed her original insight into the banality of evil. This points to one possible direction of future research. A related direction of research involves efforts to explain why particular individuals participate, sometimes in different ways, in crimes against humanity. Our theory points to a range of factors that might push any given individual to participate in such crimes, but an adequate account of individual-level variation in such participation would presumably include a range of additional factors (see, e.g., Waller, 2002; Brannigan and Hardwick, 2003; Morrison, 2006).

In recognition of the causal complexity of crimes against humanity and other social

phenomena, including crime (Agnew, 2005), our theory recognizes non-linear contingencies, thresholds, and interactions of societal-, group-, and individual-level conditions in accounting for crimes against humanity. It is posited, for example, that societal-level strain must be especially intense and widespread for crimes against humanity to become likely and that particular ideologies and vulnerable groups must be present. No doubt it is a challenging matter to establish precise thresholds required in each instance, but this challenge is faced by other criminological theories, which, even if they do not contemplate them, may empirically involve threshold effects (e.g., specific levels of peer association, strain, self-control, social disorganization, and so on, may have differential effects on crime as compared with lower or higher levels of such causal influences).

It is important to emphasize that empirical research focused on crimes against humanity does not have to be historical in nature. Hagan et al. (2005) have demonstrated the relevance of criminological perspective and methods in a ground-breaking study of genocide in Darfur, and it seems clear that current events there and in Iraq and other places offer countless possibilities for testing hypotheses derived from our theory.

The utility of a theory is measured in part by the questions and possibilities it generates (Gibbs, 1997). If the rudimentary explanations we posit for crimes against humanity and other acts of extreme violence are accurate, it suggests a need for integrated theories that can explain how these and other behaviors arise from the nexus of individual-, group-, community-, and societal-level factors. Transcending units of analysis in this way may be more than just generically useful, it may be necessary to the explanation of some types of crime. In particular, our theory calls into question the assertion that a single factor, linear, individual-difference theory, such as Gottfredson and Hirschi's (2000) theory of low self-control, can adequately explain all crimes and analogous behaviors.

There are, we submit, direct benefits for criminology as a discipline in studying crimes against humanity. On the one hand, it simply seems wrong for the discipline to focus on lesser crimes to the exclusion of ethnic cleansing and mass murder, and, on the other hand, a

criminological theory of crimes against humanity has potential to advance criminological theorizing more generally. It points the way towards theories such as Agnew (2005) has called for that can account for factors from multiple units of analysis and that specify, where appropriate, a range of possible types of effects (contingent, interactive, threshold, etc.). Our theory draws loosely on systems-theoretical perspectives, long prominent in sociology (e.g., Parsons, 1968; Gould, 1987) but often absent from criminological theories (see, however, Bernard and Snipes, 1996; Useem, 1998; Bernard et al., 2005). We recognize that such perspectives, and the specification of complex theoretical arguments, are difficult to model quantitatively, but that is no reason not to articulate them. Indeed, without knowing what a model should look like—that is, how it should be specified—it is difficult to imagine how one would ever arrive at even a close approximation, even by accident.

Several additional questions relevant to the study of ordinary crime arise from consideration of the issues and theory we have presented. For example, fear, affiliative impulses, and angry aggression may be causally relevant not only in the commission of crimes against humanity, but also constitute the critical dimensions that tip individuals—or peers and their associates, given that most delinquency occurs in groups (Warr, 2002)—into criminal behavior. If so, they are causal mechanisms that might help to unite different theories of crime. For example, low self-control and high levels of strain might contribute to experiencing social situations as frightening or inhospitable, creating fear—guided in part through group affiliation—and, in turn, crime. Or high levels of strain may induce a stronger-than-average affiliative response sufficient to render, for those subject to the strain, certain previously unacceptable acts, such as murder, acceptable. These hypotheses may not be accurate, but they are plausible and suggest types of inquiry that might lead to more powerful theories of crime.

Finally, we would like to be able to make policy recommendations about strategies that might help to prevent crimes against humanity. However, we think the problem and the arena of international politics in which it is embedded are both too complicated and recalcitrant, and the state of criminological theory and research too preliminary. Our goal here is modest—to help

criminology see the merits of studying crimes against humanity as a significant element of the whole phenomenon of criminal behavior and to suggest the foundations for a theory of such crimes on which a body of empirical research might be based so that there might one day be scientifically-based policy recommendations from which humanity will benefit is. Those, after all, are the sorts of Enlightenment aspirations out of which criminology was born.

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Table 1. Theoretical Propositions Concerning Crimes Against Humanity

Proposition 1 (societal strain and angry aggression): Intense and widely prevalent societal-level strain—caused by insecurity, danger, scarcity, deprivation, political and economic oppression, and/or military occupation—is the pre-condition for crimes against humanity, occurring through group and individual-level processes that build on fear, arousal, and angry aggression. A corollary of this proposition is that the more types of strain present, and the greater their magnitude and dispersion, the greater the likelihood that crimes against humanity will occur. Strain, and the accompanying angry aggression, is not sufficient for crimes against humanity to occur. Rather, as subsequent propositions convey, a sequence of events must unfold in the context of and through other factors, including group affiliations and particular belief systems.

Proposition 2 (primary group affiliations): Per proposition 1, societal-level strain produces widespread individual-level fear, arousal, and angry aggression. These in turn (a) undermine societal-level and inter-group solidarity and (b) drive individuals to rely more heavily on narrowly defined “us versus them” primary-group affiliations.

Proposition 3 (primary group socialization): Given the breakdown of societal-level and inter-group solidarity, as well as the pressure to rely more heavily on primary-group affiliations (proposition 2), primary group socialization—that is, normal group processes of socialization and conformity to primary-group norms—will be the principle mechanism by which individuals are brought to participate in crimes against humanity, and perhaps other forms of crime as well.

Proposition 4 (group structure and dynamics): In times of widespread societal strain, primary group socialization contributes to crimes against humanity (proposition 3) by producing greater individual submission to authority and acceptance of social roles.

Proposition 5 (ideology and self-interest): Crimes against humanity become likely when group-level dynamics are reinforced by belief systems that dehumanize others, justify or recommend violence, and associate “higher” values with immediate self-interest. The beliefs may partly stem from societal-, group-, or individual-level strain and group-level dynamics, which create pressures to identify salient dimensions of group difference and to legitimize specific goals and policies based upon the use of power.

Proposition 6 (displacement of angry aggression): Under conditions of extreme strain and angry aggression (proposition 1), low inter-group social solidarity and high primary-group affiliation (proposition 2), with the concomitant emphasis on the influence of primary group socialization (proposition 3) and assignment of specific social roles (proposition 4), and when belief systems, authority, and perceptions of self-interest align with angry aggression (proposition 5), violent acts are likely to be directed at non-threatening targets when the actual source of the threat is not vulnerable to attack.
