

Preface

This book is the first primer on crimes against humanity aimed at a general audience. Previous efforts have been overwhelmingly legal-philosophical in tone and content. It would hardly make sense to jettison a legal framing for what are, after all, defined as *crimes* against humanity. I devote much of chapter 1 to the subject, and hope that the portrait of legal definitions, mechanisms, and institutions in this short volume is accurate and illuminating. However, I cast a wider net, examining crimes against humanity from a social-scientific perspective, principally a political science and international relations one. In particular, I explore crimes against humanity as a set of *prohibition regimes*: attempts to entrench norms in international politics and society that proscribe a given practice.

A prohibition regime is simply an international or global ‘Thou shalt not’. In this book, the injunctions are along the lines of: Thou shalt not commit torture. Thou shalt not persecute, ethnically cleanse, racially oppress, rape, or forcibly impregnate. These acts are relevant in the present context to the extent that they have prompted a coherent drive to brand them as crimes against humanity, and to outlaw and suppress them.

Like other moral injunctions, prohibition regimes focusing on crimes against humanity vary widely in their effectiveness. Some – against slavery, for example – have established themselves so solidly that a resurgence of the phenomenon as a legal international practice is scarcely conceivable, though illicit pockets exist at the national level, and associated practices (human trafficking, indentured labor, forced labor) are still

widespread. It is likewise unthinkable that apartheid, as a formal structure of rule, could be re-established in South Africa.

In other cases – genocide, say, or forced disappearance, or sexual violence against women – the prohibition regime is at best loosely institutionalized, and relatively weak in capacity. Hands may be wrung and rhetorical energy expended, but policing and practical interventions are limited, and the phenomenon in question remains endemic.

Nonetheless, broadly viewed, the notion that systematic crimes against civilians are atrocities against all ‘humanity’, which is in turn obliged to monitor, suppress, and punish them, has grown incrementally but inexorably, especially in recent decades. That it has done so is the result of coalitions of individuals, mass publics, materially or symbolically powerful states, and various other governmental and nongovernmental agents. The story of how citizens band together into ‘principled issue networks’ to establish or defend a norm is sometimes a story of paternalism or Western neocolonialism. More often, though, it is one of the most inspiring narratives in the human record. Addressing crimes against humanity necessarily forces us into vicarious contact with some of history’s worst atrocities. But it also introduces us to shining inspirations, such as:

- The religious activists and former slaves who organized in the late eighteenth and early nineteenth centuries to abolish slavery as a legal and global trade;
- Raphael Lemkin, the Polish refugee who developed the concept of ‘genocide’ in the early 1940s, and within only a few years persuaded the United Nations to adopt an international convention outlawing the practice;
- Amnesty International, which defends political prisoners against torture and unlawful confinement by relentlessly publicizing the crimes of their persecutors, becoming one of the world’s most influential nongovernmental organizations (NGOs);

x Crimes Against Humanity

- The Mothers of the Disappeared, whose weekly demonstrations in the central square of Buenos Aires for years represented the only visible and public opposition to the Argentine military dictatorship;
- Nelson Mandela and the African National Congress, who led a decades-long struggle to overthrow South African apartheid.

These individuals and organizations offer vivid evidence that, in philosopher John Stuart Mill's dictum, 'one person with a belief is a social power equal to ninety-nine who have only interests'. Or, as the anthropologist Margaret Mead put it: 'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.'

The upheavals that these individuals and institutions sparked have their origins in 'catalyzing ideas' that convey a new sense of what is possible. 'Crimes against humanity', when you consider it closely, is one of the more remarkable notions yet conceived. How does a violent and oppressive action or practice come to be viewed as violating not only the rights and integrity of the direct victim, but indirectly those of all humanity? What is the emergent (cosmopolitan) identity that grants a universal entity – humanity – a capacity to be injured by such acts, and a right to prevent and punish them?

In exploring the catalyzing ideas that helped galvanize movements against torture, apartheid, or women's oppression, I want to attend to *how* those progressive messages have been communicated and disseminated. If one believer can outweigh ninety-nine of the merely interested, then a believer with a megaphone – a way of amplifying his or her public presence – can be even more influential. Campaigns to prohibit abuse and atrocity nearly always have sophisticated outreach and 'marketing' strategies. International organizations, notably the United Nations system, provide vital resources for generating and sharing

information, as well as meeting, interacting, and cross-pollinating. And we will pay special heed to the 'ideational' component of these movements: the media workers, 'public intellectuals', writers, and artists who have broadened the scope of human possibility through their sympathetic engagement with others, real and fictitious. In her incisive recent study, *Inventing Human Rights*, historian Lynn Hunt shows how the eighteenth-century novel allowed readers to transcend traditional barriers of gender and social 'station', arriving at a newly universalistic 'sense of equality and empathy' (see Box below).

The examples could be multiplied. In the 1850s, Harriet Beecher Stowe electrified the English-speaking world with her

'NOVELS AND EMPATHY': LYNN HUNT

Novels like *Julie* [by Jean-Jacques Rousseau] drew their readers into identifying with ordinary characters, who were by definition unknown to the reader personally. Readers empathized with the characters, especially the heroine or hero, thanks to the workings of the narrative form itself. Through the fictional exchange of letters, in other words, epistolary novels taught their readers nothing less than a new psychology and in the process laid the foundations for a new social and political order . . . Novels made the point that all people are fundamentally similar because of their inner feelings, and many novels showcased in particular the desire for autonomy. In this way, reading novels created a sense of equality and empathy through passionate involvement in the narrative. Can it be coincidental that the three greatest novels of psychological identification of the eighteenth century – Richardson's *Pamela* (1740) and *Clarissa* (1747–48), and Rousseau's *Julie* (1761) – were all published in the period that immediately preceded the appearance of the concept of 'the rights of man'?

Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton & Co., 2007), pp. 38–9.

xii Crimes Against Humanity

novel *Uncle Tom's Cabin*, which laid bare the crimes of slavery. In less than two years, 1.5 million copies were in print. E. D. Morel's *Red Rubber* ripped the lid off atrocities in the Belgian Congo in the late nineteenth century and into the twentieth, helping to fuel one of the earliest and most successful international human-rights movements. Nowadays, songs, movies, and media reports are perhaps more significant in 'spreading the word' and helping to forge popular movements. Think of Bob Marley, with his hymns of love and liberation, incarnating the liberation struggle of colonized and once-colonized peoples everywhere. Or the brave reporters who took to the field in Bosnia-Herzegovina during the early 1990s, and brought back indelible images of concentration camps, mass destruction, and haunted refugees that finally prompted a measure of Western intervention (see chapter 3). This book tries to do some justice to these creative works, and reproduces a few eloquent images along the way.

Outline of the book

This book had its beginnings as a proposal from the publisher to write a beginner's guide to genocide. Several short overviews already existed, however, while I had written what sought to be a 'comprehensive introduction' to the subject. I suggested instead a focus on crimes against humanity. One intriguing question, however, is whether genocide itself is to be considered a crime against humanity. I will argue that it should be, and I include it under that rubric here. The treatment of genocide in chapter 2 is twinned with an officially recognized crime against humanity, extermination, which preceded it in international law. (Extermination was used at Nuremberg in 1945–7 to cover many of the crimes that would subsequently be enumerated in the Genocide Convention.)

Preface xiii

The Rome Statute of the International Criminal Court (ICC) occupies a special position in the book. As the best reflection of the prevailing international consensus on crimes against humanity (and war crimes, and genocide), it is a touchstone that will only grow in importance in coming years. The crimes against humanity enumerated in the Statute compose the general structure of this book, and ‘Elements of Crimes’, a supplementary document to the Statute, is also most helpful in illustrating core international-legal understandings. But, to repeat, I use legal materials and framings instrumentally throughout this book, to assist in illuminating more diverse arguments and explorations. There is already a good, albeit small, legal literature on crimes against humanity. It is utilized throughout this text, and referenced in the Further Reading for chapter 1; interested readers should have no trouble tracking down the core works.

In each chapter, I try to present a particular crime as a historical-social phenomenon, an evolving legal concept, and an active site of popular mobilization. I have also sprinkled the volume with box-texts, in which core documents are cited, and useful authorities – whether participants, witnesses, or analysts – are granted a say.

About crimesagainsthumanity.ca

The website crimesagainsthumanity.ca accompanies this book. It features a range of additional materials for students, teachers, and general readers. These include complete references for the volume; an appendix providing excerpts from primary documents (e.g., human rights instruments) cited in the book, with links to their full text; questions for classroom discussion; a filmography of genocide and crimes against humanity; a compendium of current reportage; and other resources.

xiv **Crimes Against Humanity**

References

For reasons of digestibility, references are not included in this volume, beyond the suggestions for further reading compiled at the end. Complete references are available in the notes section of crimesagainsthumanity.ca, or by email from the author at adamj_jones@hotmail.com