

# THE ILLNESS OF REASON AND CRIMES AGAINST HUMANITY: GENOCIDE AS AN IDEOLOGICAL ACT

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*Abstract: the present paper analyses the terrible phenomenon of genocide, which represents a particular case of crimes against humanity. We attempt at accounting for the causes at the root of the phenomenon, starting from two concepts, which we argue as central: the notion of 'type' and its impact to community construction, and the concept of ideology; the latter, understood as a philosophical perversion flourishing in an unprecedented manner in the contemporary world, allows the demonization of a group and the gestation of social processes conducive to destruction, especially because the targeted group is viewed as carrying a particular community 'type'.*

IN THE present paper we examine the origins and causes of genocide, which we construe as one instance of crime against humanity. The result of our analysis will reveal that this terrible phenomenon is rooted in a particular type of intellectual miscomprehension, illness of the reason or philosophical confusion, and we shall try to construe why this miscomprehension takes place and how it can be avoided.

## I. Genocide as crime against humanity and its particular intentionality

Our starting point is the juridical regulation given to the issue of genocide in international right, leading us to a better understanding of the characteristics that are specific and causative of this class of acts.

From a juridical point of view, it is possible to make a distinction, based on the Rome Statute of the International Criminal Court, between 'genocide' discussed in article 6, and 'crime against humanity', tackled in article 7. By this distinction it was decided to use the notion of genocide in relation to a number of very serious criminal acts whose common connection is realized by the idea of total or partial destruction of a group, which is or can be defined in terms of national, ethnic, racial or religious identity. Alternatively, those criminal acts which target civil population and take place in a systematic mode are referred to as crimes against humanity. All these acts are of extreme gravity, whether it may be assassination, deportation, torture, violation, etc., and also, the persecution of one group perceived as having a specific identity, from perspectives that can be political, rational, national, ethnic, cultural, religious or gender-oriented.

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International justice has taken the task to make a distinction between two phenomena that are juridically difficult to differentiate and that, frequently, seem intertwined. This fact pressed jurisprudence to attempt a clear and finely grained definition of the two penal offences, highlighting their particularities. Understanding this one specific difference constitutes a good starting point in the delineation of our object of investigation.

We need to attend to two fundamental elements in our attempt to contradistinguish a particular case of genocide from the more general context of crimes against humanity. These two elements are, following Anglo-Saxon canons of jurisprudence, the *mens rea* or the intentionality of the author, on the one hand, and the *actus reus*, or the committed act, on the other. As we shall see, the category that deserves utmost attention, for its capability to single out genocide, is the former.

When the International Criminal Tribunal for Rwanda examined the case of Georges A. N. Rutaganda, it clearly indicated that the crime of genocide requires intentionality in that sense (*mens rea*), more specifically, the will to destroy a number of people, not for their individual characteristics, but for the fact that they belonged to a specific group, be it ethnic, national or religious<sup>1</sup>. In the case that this very specific intentionality would not exist or could not be demonstrated, albeit dealing with the same type of acts committed, we would have to speak of crime against humanity.

This seems to be the particularity of genocide, that in the end, what is intended is for a whole community to disappear because they possess that one or various qualities which are deemed unacceptable by the stronger group. Deeper still, the fight is against a quality, moral, political or religious, which is perceived as incarnated in a certain community. When we mention one group's persecution against another, a state or a political regime, for reasons that do not essentially have to do with the features that are common to the respective community, we can affirm that the persecution is not aimed at the community, but at individual members of it, in which case we are dealing with a case of 'crime against humanity'.

Before we proceed further, I would like to detain briefly on the etymological load of the term 'genocide'. Raphael Lemkin coined the word in the early 40s, even though we had worked on it ever since 1933, when he was searching for a criminal case capable to approach the attempt to destroy nations on racial grounds (Lemkin 1944, 79). The term derives from the Greek "genos" (which shares origins with, and therefore is semantically related to genealogy), and "-cide", a suffix inherited from the Latin verb *caedo*, "kill" and which adds to the root word it modifies the notion of "he who kills". From this perspective, a genocidal person is one who kills those who have the same derivation, granting that the cause of such assassination is precisely a common origin.

Crimes against humanity have been defined in international jurisprudence in a more precise manner, especially so following the rule of International Criminal Tribunal for the former Yugoslavia against Momcilo Krajisnik<sup>2</sup>. What singles it out

<sup>1</sup> Vid., <http://69.94.11.53/ENGLISH/cases/Rutaganda/judgement/index.htm>

<sup>2</sup> Vid., <http://www.unhcr.org/refworld/publisher>, ICTY, 48ad29642,0.html. Especially paragraphs 705 and following.

from the crimes that are not competence of any International Court, but of courts in their respective countries, is the fact that those crimes are perpetrated on a large scale, viz., carried on systematically, against civilian population and with the awareness that they are indeed taking place systematically. In a nutshell, it is not only the fact that a series of criminal acts are carried on in an unarticulated or unconnected manner, although coincidental in time but most principally the fact that there is a desired reason for which such an act is performed, and which connects them around a common intentionality. There is a certain strategic frame within which large scale criminal acts are anticipated and even thusly desired. However, it is true in the case of the international court earlier mentioned, that, even though the existence of planned attacks constitutes sufficient proof of the systematic character, it is not necessary to demonstrate the existence of such a plan in order to be able to contemplate this criminal type. This rule appears to come in contradiction to the juridical definition of the act, since only a series of acts can be taken as systematic if they are contemplated in a plan or a system, albeit not in an entirely concrete manner. Undoubtedly, the Court did not intend to add to the difficulty of proving this type of acts the supplementary ordeal of having to prove the intellectual authorship also; suffice it to note that in the light of facts, the systematic character of killings could be presupposed or proved as factual evidence. It is beyond the horizon of the current paper to give due elaboration of this specific aspect.

With decisive brushstrokes, the distinction made by the Rome Statute of the International Criminal Court, viz. that between genocide and crimes against humanity and which we find to be based on the self-assumed pretension of the genocidal character to eliminate a certain community simply because it incarnates particular criteria or concepts. This however should not blinds us over it being, undoubtedly and at odds with a diverse set of specific features, an instance of crime against humanity, which enjoys a specific legal approach precisely because its *mens rea* or accredited intentionality. For instance, the Statute of the international Military Court of Nuremberg had already included in its Article 6 three specific criminal cases, viz., "Crimes against Peace", "War crimes" and "Crimes against Humanity", making in the last one a distinction between inhuman acts such as the assassination, deportation, slavery, etc., and the persecution for political, racial and religious reasons.

Before we explore more deeply the philosophical underpinning of genocide, we need to understand why there is a specific concern in the international panorama with the so called 'crimes against humanity'. The first response is closely related to the brutal nature of the acts and the large-scale objective followed, which makes genocide so deviant that it offends humanity in its entirety and not just one person or persons who are material victims thereof. We must say that this appeal to the feeling of offense lacks the precision one would aim at, since other crimes which are not committed on a large scale can, by their cruelty, brutality or other characteristics, turn out to be particularly offensive for those who find out about them, and we do not think it necessary to produce examples of such barbaric acts.

Another possible response reveals other connotations, no less important, would make us consider that not only are these crimes intended to attack one or numerous persons which are labeled as 'enemies', but in the way brutality is carried on, and the

intentionality behind it we are able to see that the victims' humanity has been reduced, and perhaps even disregarded. To a certain extent, the latter development expresses the particularity of genocide, as we shall argue as follows.

## II. The notion of community "type" as a key criterion in the understanding of genocide

We already construed that genocide is, even if defined independently from the framework of the Rome Statute, a particular instance of crime against humanity. What gives it specificity is the intention to exterminate an ethnic, racial or religious group. Therefore, we are not dealing with criminal acts targeting one concrete person by virtue of her/ his individual personality, but rather because of her membership in a group; in other words, it is her particular feature (generally of a national or racial type, but also religious) what leads to her identification as member of a community. What is intentionally left out is thus the community, and more notably, that particular feature which constitutes and defines it.

The first aspect we need to review is what class of particular features can lead to a recognizable identity and, in a sense, exclusive, capable of generating community bonds within the group and external, in the sense that these can be appreciated from outside the group. The second inquiry relates to the social and cultural processes that allow the demonization of this 'typological' trait, and whether or not such processes conduce to the manipulation of social awareness regarding this specific community.

From the very beginning we need to affirm that it is possible to think of an isolated human being, however, the phenomenon lacks correspondence in reality. Individuals share community bonds and their identity is to a great extent constituted by these interconnections, even before they come to realize their own self or biographical identity. The existence of human beings is their presence in the world, and their life is always life in common. The most important thing for the present work is that the social complex that construes the subject is not entirely external, in the sense that it would add like some kind of superstructure to the self. In fact, were it so, genocide would hunt and eliminate the communitarian features with no need for its action to become crime, aiming, that is, to destroy and annihilate people.

When community links are intense, they not only produce a more or less formalized objective organization, in which persons can contribute to the search and realization of common ends. A real community creates inner and intersubjective connections deep enough for its members to conceive themselves and their existence as founded, to a certain degree, in the common belonging.

An excessive substantialism that is blind to the biographical and communitarian constitution of the human being could not comprehend to what point is genocide a serious attack on the very human condition. Conceiving man in terms of pure naturalism, as though he were covered in layers (family, people, group of friends, nation, etc.) hinders the possibility to understand, from a philosophical view point, the seriousness and the consequences of genocide crimes.

An authentic community affects its members deep in their self and leaves an enduring mark. This does not mean that human being is a cultural product, but we

acknowledge that at least some of the relations which have an impact on the self are co-determined by culture, in the sense of configuring identity and that of that identity being perceived outside of the community. It is this specific perception that genocidal authors draw on in order to realize their objectives. When community links are race based, the belonging to a community is not always, nor with every individual, a matter of evidence or openly expressed, and it is so that genocidal projects tend to provoke the visibility of targeted people. As we well know, in the Nazi Germany, Jewish people were made to bear the star of David for identification. In Rwanda, at the end of the twentieth century it was compulsory for the identification card to state the name of the tribe one subject belonged to, in order to detect immediately if one was a Hutu or a Tutsi.

By 'type' we understand the feature that allows us identify community membership with a high impact on the self. The Greek word is applied to objects that have been transformed by external and internal impacts and conduced to them attaining a specific form or shape. If we focus on human beings, the term 'type' would make reference to the influence that external elements, social or environmental, can have on people. We should indicate that the notion we are analyzing draws on Edith Stein, and is thus interested to reveal the way in which the consciousness of the subject grows from his interior (Stein 2010, 134 and ss.)

We can affirm that we are dealing here with something that is neither exclusively nor necessarily, exterior, or acquired at some stage of one's life, but rather an inner axis that is given to the subject and which characterizes him before he can be aware of his own individuality. This notion of 'type' impedes the subject to be understood solely as the product of the community he belongs to, allowing the correspondence with an externally configured nucleus, which, despite everything, is transcended by the subject's own personality, which makes unique not only his own personality, but his personality inside every single community he is a part of. Every individual is, from her/ his birth, a human being, and specifically, a male or a female, offspring of his parents and of his family in the broader sense, of his people and of his race.

The first dispositions that we note in a subject are inbuilt in him from the very beginning, however, how they are developed is highly dependent on the environment in which those potentials unfold and on the subject's free response. An environment-free subject would not develop his capabilities, so the culture in which one lives and grows is essential to the fulfillment of a given potential. Essential is not one particular environment, but being part of one environment, of one culture, is essential to full human development.

In this sense, the unique character of human being cannot be penetrated based only on a typical structure, but undertaking this perspective allows us to understand how membership in specific communities offers the subject a personal and a social identity which can become relevant from a moral, political or religious point of view. In fact, the type of one community may even formalize or manage vital functions, such as how people eat, what they understand by marriage, the concept of justice, of political structure, of sexual morality or intimacy, etc.

Communitarian type requires, thus, two things: first of all, an external element capable of configuring a sense of belonging, that is, the existence of one group or

community sharing at least one singular feature accountable for a specific community ‘type’; secondly, an external element is needed, e.g., the attachment to an external element, co-determinant of the structure type. The result is the existence of a well configured whole, detectable in human behavior, specific to man and common to all men.

Exclusive attention paid to external elements obscures the comprehension of human creatures as beings which incarnate an unrepeatable peculiarity, not just in the metaphysical, even theological sense, but biographical alone, in the sense that it assumes the singularity of a process in which every single external event is assumed, in a constant and unique relation of freedom between the subject and reality. Only a reductive stance on the human being and his life in community enables, as it has, the most terrible crimes against humanity, as what is constantly reviled and exterminated is humanity itself, always debated in the same terms between the subject the world.

In this sense and from a social point of view, we argue that type allows us to identify a subject with such precision that we can single it out from those who do not bear that particular community seal, which can generate - only too easily - a notion of ‘us’ and ‘them’ with the potential to become fertile ground for ideological projects to breed genocidal pretenses.

Ideology, in the sense we wish to delineate here, has the potential to impact on the conscience that the whole society is determined by a ‘communitarian type’, with undesirable consequences of the phenomenon under discussion in the present paper.

## II. Ideology

### a) Ideology as philosophical “illness”

Ideological discourse is one of the most pervading phenomena in our time. Today’s mass society, blazoned out by mass media, need to structure and interchange information that is increasingly wide-ranging and diverse. There is only one way of make sure that those contents are efficiently communicated and assimilated by the possible receptors, which implies adjusting the message to the hermeneutical parameters of the receiver or using those already interiorized by her/ him.

It follows that every message that is transmitted through a mass medium, or, to put it differently, every message that contains information addressed to a considerable amount of people, needs to be comply with a specific structure and contain a number of terms (the so-called *buzzwords*) whose significance is standardized and which open a targeted ‘hermeneutical horizon’. This type of words would generate a semantic field by their belonging to a dichotomy that has a particular social relevance. In the European countries characterized by a strong ‘welfare state’, with a powerful philosophical tradition of social-democratic thinking, the “public/ private” dualism has created one such dichotomy – or dialectic domains around which public discourse is organized. Other similar examples are, conservative/ progressive, religion/ reason, or equality/ inequality.

As these examples illustrate, the *buzzwords* are terms which underpin the discourse and, consequently, the reader, by placing him in a familiar hermeneutical horizon, and which allows him to structure and classify information. If in an

European political context, for instance, a newspaper affirms that a politician is “unfavorable to public healthcare”, or that he “favors private healthcare”, what it is conveying is not limited to that politician’s political preference; in the countries situated in the Centre and South of Europe, the pragmatic meaning of the affirmation would take precedence over the semantic, concretely, an accusation that the politician under discussion lacks solidarity and, and, in a more veiled way, that he is corrupted. This is so due to the fact that social discourse in these countries, with regard to elements valued as fundamental to the welfare state, such as healthcare and education, the possibility that these could be managed by private corporations goes against the most disadvantaged, and as such, threatens social progress. This political stand is, for the greater part of civil society, so irrational that its only explanation can be found in the private interests behind his public actions. At stake it is the principle, otherwise true on too many occasions, which behind totalitarian states lay economic interests disguised by the systematic violence, while a subtler economic violence flows through the veins of liberal democracies.

A similar system of social communication illustrates the power of ideological language in our societies, both in the linguistic architecture of the discourse and in terms of contextual clues, which allow us to process it. We can safely argue that every structure of social communication at global scale in the contemporary world is organized through ideological schemes. This communicative model has a tremendous impact on our worldview and a great potential of message propagation to a huge number of people, as long as they comply with a set of basic guidelines of ideological discourse, which we shall elaborate as follows.

Ideology generates a very particular discourse type, which, we must admit, represents a true counterpoint to philosophy, to the extent to which it is easily mistaken for it; in fact, ideology owes its existence to philosophy, whose organism inhabits as a parasite. In general terms, there are two big theories that account for ideological discourse: the Marxist theory of interest and the theory of despair.

The former favors that all discourse, as well as all aspects of life encrypt ideological considerations, which respond to specific (social) forces and interests and the objective of all ideological discourse is to coerce and prevail. Some authors, following on this conceptualization, consider that all public actors in our contemporary societies have power as their fundamental goal (vid. Vattimo 1989). The latter theory, in turn, represents a natural evolution of the previous, or its immediate consequence. The abundance of reports on the good life, of discourses generating a wealth of images in representation of the world and the society, and the absence of nuclear criteria to structure the practical life and to permit the critique and the choice among the various versions available, have the effect of instilling in the contemporary man (we could well say post contemporary man) a certain despair. In a situation as this, ideology appears as a way out or a refuge, as it sums up, reduces and thusly enables one to understand, and therefore to assume reality. This is the mechanism by which ideology becomes a response to despair (Geertz 1973, 201 and ss).

We are not interested as much in the psychological, political, economic or social origins of ideology, but in its place in the etiology of genocide. We need to note that

the central feature of ideology, essential for the realization of its social function (in any one of the theories mentioned previously), is the fact that it operates a reduction of the reality, a simplification which allows, on the one hand, to manage some parts of it, but this ability is acquired at the expense of consciously leaving aside, eluding or even distorting others.

Ideological discourse seems to offer an explanation of the reality, and through the hermeneutic axes which structure it, if not of all reality, at least of its nucleus, or the essential part of it. Indeed, it does not offer itself as an instrument to help make sense of reality, but as a substitute to reality itself. In other words, by offering the sense of what is real, it comes significantly more necessary in our attempt to live and understand the surrounding world than it is to explain the most heterogeneous data about the world.

In principle, having the hermeneutical key to understand our society, its elements and characteristics, as well as human life and its place in the universe, does not appear as something negative. On the contrary, it is valuable and necessary information, and we cannot do without it. However, ideology insinuates itself as a closed-in on itself type of discourse, that is, an attempt of explanation of the world, which allows one to turn his back on reality. It invites the reduction and transformation of reality so that it always adapts to the respective ideological criteria. This is how it replaces reality or at least aims at succeeding it.

In this capital sense, ideology is the counterpoint of philosophy, some sort of illness, since it promises to deliver those basic notions that are, among others, specific to philosophy (fundamental theoretical and practical data on the quality of being valuable, good, beautiful, etc.), with no concern for reality, without allowing reality to be. Instead, ideology intrudes into what we might consider the fundamental attitude of a philosopher, namely granting that it is always more important that which is given to us as experience, that our prejudgments or previous considerations. Thus, a good philosopher alters her/ his thoughts if his experience and reason proves him wrong, while the ideologue denies the empirical data of experience when those are not attune to his ideology, either by reducing those or otherwise manipulating them at will. Which particular relation between philosophy and ideology allows us to affirm that ideology is an illness, or pathology, affecting philosophy?

If the context specific to Plato, with the conception of desire construed by the world of classic Greek, and his own notion of good, determined him to affirm that Love is the son of Poverty and Abundance, then, in our own context we can affirm that philosophy is the daughter of Admiration and Violence. Admiration is always the vital starting point in philosophy, being the undertaking of every human being when the world “captures his attention”, when he reaches to reality in order to assume it, to remain fascinated by it, so that it offers to us as it is. Nevertheless, admiration presents to us an ever changing and ephemeral world of impressions, individual objects or things concealed in relations still to be determined, faintly shaped, which remain hidden to a great extent. The world that awakens our admiration demands to be systematized, made sense of, comprehended, unveiled.



Understanding the world requires, inevitably, to expose it to a certain violence<sup>3</sup>. Systematizing, adopting one method, analyzing, is imposing violence on the world. Understanding involves establishing hierarchies, differentiating concepts, defragmenting the complexity in an analytical, methodological and hermeneutical pursuit. Comprehending the meaning of reality implies allowing subjectivity to impose itself, in a way, onto that which was received, in order to work on it as well as a surgeon in the surgery room. An adequate philosophy is capable of keeping under control the tension between admiration and violence, in the sense of placing the latter at the service of the former; in other words, it is always willing to cease the use of violence, of its own criteria or method, so that reality can prevail. The philosophy that skillfully uses violence, does so as well as a gardener deals with a plant, propping or fixing it into the ground to prevent them from being uprooted by the strong wind. The philosopher is at the service of reality.

Ideology, instead, exercises a different mechanics. It is not interested in reality unless it can manipulate it, transform it, imposing its own will onto it. In actual truth, what is real constitutes an obstacle in the way of ideology, to the point that, insofar as it is concerned, reality may well die or otherwise disappear. The ideologue would favor that his own will were the only existing reality. With him, violence has taken control, and he stands before reality with the attitude of a murderer. He manipulates the discourse as to what things are with the sole objective of dictating his own version (sometimes one that is far from the crux of reality, that it constitutes a per-version), although that had nothing to do with what is given and, inasmuch as it was given, with experience. Ideology becomes “a way of thinking committed to its own ways” (Stark 1958, 48). An ideology will never allow a truth to ruin its carefully pampered conceptual construction. That is why the ideologue is for the philosopher what the *destitutus* for the idealist.

#### b) Ideology as the root of genocide

Genocide is the most dramatic expression of ideological pretensions. The discourse that accompanies genocidal projects is always an ideological discourse, in that it is always construed with ideological criteria. In fact, the discourse encouraging genocide establishes as a primordial notion that the “type” which constitutes a community contains a series of elements that need to be extirpated from a geographical space, a country or even from the world. However, the “communitarian type” is not an abstract element: even though it is present in people, those people represent more than the “type” which is singled out, and whose presence demonstrates the difficulty of reducing them to that type without exercising violence on reason, on reality.

Ideology then needs to accomplish the ordeal of narrowing down the complex human being who is a member of a given community, the diverse levels on which her/his humanity is revealed (moral, political, religious, etc.), to the simple group

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<sup>3</sup>Such as a romantic garden lies before us with its trimmed hedgerows and rose bushes, trees and other plants perfectly lined, we know that organizing nature requires the use of violence, taming it, dominate, manipulate and shape it, so that it may reach its most resplandescent beauty.

membership; in other words, it intends that this person, his individuality, be constituted by his belonging to a group, and subsequently, by the “communitarian type”, which needs to be demonized. We all agree that in this way, the living subject cannot recognize himself as what he really is, with the rich diversity of his persona and the dignity he is endowed with, but roughly as Armenian, Jewish, Tutsi, to mention but some of the most terrible genocides of the twentieth century.

It is never enough to explain what a genocide is in order to avoid the existence of certain feelings of aversion towards a specific social group nurtured by the rest, or by the greater part of the society, or by the greater part of the individuals who do not belong to the stigmatized group. Such aversion, which may be historically, socially, culturally or religiously motivated, is never an acceptable explanation for genocide (Bauman 1989, 33). Other criteria are necessarily called in to generate a legitimating discourse for the physical elimination or massive deportation of one community. It takes a paradigmatically ideological discourse to catalyze the whole genocidal process. It was not enough that the Jewish people were a group easily recognizable for the specific communal features which the other people found unpleasant, but this type had to be used as a connection with the evils of capitalism which the National Socialist Party strove to eliminate (Bauman 1989, 48).

Neither was it satisfactory that the Hutus had to share a common territory with a Tutsi minority traditionally dominant; a considerable number of mythical narratives has to emerge which reduced the conceptual horizon form which a Tutsi could be perceived, oriented specifically to her/ his Tutsi identity, something that turned him into a carrier of all the negative elements which needed to be eliminated (Taylor 2002, 140).

### III. Conclusion

The present paper has intentionally left out some arguments and perspectives that could be formulated with regard to the crime of genocide. We focused on the influence of ideological discourse on genocidal processes. As we have already affirmed, the logic of genocide requires in the first place that a community be distinguishable through a feature that is construed as significant, in the sense of a potential locus of “anti-value” which shall be later assigned. Being a member of a bridge players’ club, for instance, and except for unusual circumstances, has no sufficient potential to make that individual the carrier of whatever anti-values others would like to assign to him. There is not enough reality to enable negative aspects and anti-values (forcefully the backlog of the corresponding positive aspects and values) to pose. Being a member of a tribe, a race, believer of one religion, etc., are more likely to constitute a “communitarian type” to be used in the identification of members and grant them differential characteristics which will generate an “us” and a “different from us”, both from an internal and an external perspective on the group. However, the “communitarian type” alone does not fully account for genocidal phenomena. The type requires ideological manipulation in order to deliver a discourse in which certain fundamental anti-values are associated to it and which a political project is determined to eliminate; that in turn will require that, to the extent anti-

values are hosted, incarnated – allegedly - in a community, all its members need to be eliminated. This ideological aspect, as well as the presence of a community targeted to be eliminated by virtue of the “communitarian type” emphasized, are fundamental features of the phenomenon of genocide.

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