

CARLOS SANTIAGO NINO

# RADICAL EVIL ON TRIAL



# Radical Evil On Trial

**Liana Georgieva Minkova**



## **Radical Evil On Trial:**

**Radical Evil on Trial** Carlos Santiago Nino, 1996-01-01 Does an emergent democracy have an obligation to prosecute its former dictators for crimes against humanity for what Arendt and Kant called radical evil What impact will such prosecutions have on the future of democracy In this book Carlos Santiago Nino offers a provocative first hand analysis of developments in Argentina during the 1980s when a brutal military dictatorship gave way to a democratic government Nino played a key role in guiding the transition to democracy and in shaping the human rights policies of President Raúl Alfonsín after the fall of the military junta in 1983 The centerpiece of Alfonsín's human rights program was the trial held in a federal court in Buenos Aires in 1985 which resulted in the convictions of five of the leading members of the junta that ruled the country from 1976 to 1983 Placing the Argentine experience in the context of the war crimes trials at Nuremberg Tokyo and elsewhere Nino examines the broader questions raised by human rights trials He considers their political repercussions and their potential for strengthening the new democratic government He explains why prosecutions for human rights violations should be grounded on a theory of the criminal law that emphasizes the preventive rather than retributive functions of punishment Nino rejects the obligation to punish perpetrators of radical evil and argues instead for a more forward looking duty to safeguard democracy This he believes is what ultimately justified the Argentine trials and should be the focus of any international action

**The Disappeared** Sam Ferguson, 2023-07 The Disappeared tells the extraordinary saga of Argentina's attempt to right the wrongs of an unspeakably dark past Using a recent human rights trial as his lens Sam Ferguson addresses two central questions of our age How is mass atrocity possible and What should be done in its wake From 1976 to 1983 thousands of people were the victims of state terrorism during Argentina's so called Dirty War Ferguson recounts a twenty two month trial of the most notorious perpetrators of this atrocity who ran a secret prison from the Naval Mechanics School in Buenos Aires The navy executed as many as five thousand political subversives most of whom were sedated and thrown alive out of airplanes into the South Atlantic The victims of these secret death flights and others who went missing during the regime are known as los desaparecidos the disappeared Ferguson explores Argentina's novel response to mass atrocity the country's remarkable and controversial decisions in 2003 to repeal a series of amnesty laws passed in the 1980s and to prosecute anew the perpetrators of the Dirty War a generation after the collapse of the country's last dictatorship As of 2022 more than one thousand aging military officers have been indicted for their involvement in the Dirty War and hundreds of trials have commenced in the country's civilian courts Among the many facets of the book Ferguson takes an in depth look at allegations that Father Jorge Mario Bergoglio now Pope Francis was involved in the disappearance of two Jesuit priests under his supervision in 1976 Bergoglio was called to testify in a closed chambers session Ferguson reviewed those secret proceedings and uses them as a springboard to explore the Argentine Catholic Church and its broader role in the Dirty War The lingering but acute trauma of the victims who testified at the trial underscores the moral urgency of accountability

When a state strips its citizens of all their rights the only response that approximates reparation is to restore the rule of law and punish the perpetrators Yet the trial also revealed the limits of using criminal law to respond to mass atrocity Justice demands a laser like focus on evidence relevant to a crime but atrocity begs for social understanding Can the law ever bring full justice

*History, Memory, and State-Sponsored Violence* Berber Bevernage, 2013-02-14 Modern historiography embraces the notion that time is irreversible implying that the past should be imagined as something absent or distant Victims of historical injustice however in contrast often claim that the past got stuck in the present and that it retains a haunting presence History Memory and State Sponsored Violence is centered around the provocative thesis that the way one deals with historical injustice and the ethics of history is strongly dependent on the way one conceives of historical time that the concept of time traditionally used by historians is structurally more compatible with the perpetrators than the victims point of view Demonstrating that the claim of victims about the continuing presence of the past should be taken seriously instead of being treated as merely metaphorical Berber Bevernage argues that a genuine understanding of the irrevocable past demands a radical break with modern historical discourse and the concept of time By embedding a profound philosophical reflection on the themes of historical time and historical discourse in a concrete series of case studies this project transcends the traditional divide between empirical historiography on the one hand and the so called theoretical approaches to history on the other It also breaks with the conventional analytical philosophy of history that has been dominant during the last decades raising a series of long neglected big questions about the historical condition questions about historical time the unity of history and the ontological status of present and past programmatically pleading for a new historical ethics

**Atrocities on Trial** Patricia Heberer, Jürgen Matthäus, 2008-04-01 These essays are organised into four sections dealing with the history of war crime trials from Weimar Germany to just after World War II the sometimes diverging Allied attempts to come to terms with the Nazi concentration camp system the ability of postwar societies to confront war crimes of the past and the legacy of war crime trials

**The Psychology of Genocide, Massacres, and Extreme Violence** Donald G. Dutton, 2007-05-30 Chronicling horrific events that brought the 20th century to witness the largest number of systematic slaughters of human beings in any century across history this work goes beyond historic details and examines contemporary psychological means that leaders use to convince individuals to commit horrific acts in the name of a political or military cause Massacres in Nanking Rwanda El Salvador Vietnam and other countries are reviewed in chilling detail But the core issue is what psychological forces are behind large scale killing what psychology can be used to indoctrinate normal people with a Groupthink that moves individuals to mass murder brutally and without regret even when the victims are innocent children Dutton shows us how individuals are convinced to commit such sadistic acts often preceded by torture after being indoctrinated with beliefs that the target victims are unjust inhuman or viral like a virus that must be destroyed or it will destroy society

*The Frankfurt Auschwitz Trial, 1963-1965* Devin O. Pendas, 2006 Drawing on a wide

range of archival sources this book provides a comprehensive history of the Frankfurt Auschwitz trial **The Eichmann Trial Reconsidered** Rebecca Wittmann, 2021-10-01 The Eichmann Trial Reconsidered brings together leading authorities in a transnational international and supranational study of Adolf Eichmann who was captured by the Israelis in Argentina and tried in Jerusalem in 1961 The essays in this important new collection span the disciplines of history film studies political science sociology psychology and law Contributing scholars adopt a wide historical lens pushing outwards in time and space to examine the historical and legal influence that Adolf Eichmann and his trial held for Israel West Germany and the Middle East In addition to taking up the question of what drove Eichmann contributors explore the motivation of prosecutors lawyers diplomats and neighbouring countries before during and after the trial ended The Eichmann Trial Reconsidered puts Eichmann at the centre of an exploration of German versus Israeli jurisprudence national Israeli identities and politics and the conflict between German Israeli and Arab states **Shifting Paradigms of Evil in Philosophy** İmge Oranlı, 2025-09-29 This book develops an interdisciplinary framework rooted in philosophy for addressing the political evils experienced around the world Drawing on resources mainly from philosophy and historical studies it argues for the relationality and continuity between political evils using the Armenian Genocide and the Shoah as main examples The book begins by unpacking a series of limiting assumptions that define the philosophical study of evil These assumptions crystallize in the idea that evil is an inscrutable phenomenon what the author calls the paradigm of evil's inscrutability Tracing this paradigm through the legacies of five key philosophers Plato Augustine Kant Arendt and Levinas the author shows that by the time we arrive at 20th century the framing of political evils like the Shoah as inscrutable and exceptional is profoundly constraining it erases Shoah's continuity and connection with other atrocities including the 1915 Armenian Genocide The book next turns to practices and ideologies that connect the Armenian Genocide to the Shoah to propose an alternative paradigm for thinking about evil a paradigm of the continuity of evils Offering this paradigm to readers in philosophy and adjacent disciplines the author explores the relationality between the Armenian Genocide and the Shoah but also between Turkish genocide denialism and a contemporary case of racist evil doing against Armenians in Turkey shifting the discussion of political evil in a direction that aims to turn overlooked evils around the world into objects of philosophical thinking **Shifting Paradigms of Evil in Philosophy** will appeal to researchers and graduate students working in Continental philosophy social and political philosophy history of philosophy ethics political theory genocide studies and Holocaust studies **The Cultural Revolution on Trial** Alexander C. Cook, 2016-11-07 Introduction Indictment Monsters Testimony Emotions Verdict Vanity Conclusion Index of Chinese terms **Responsibility on Trial** Liana Georgieva Minkova, 2023-02-16 Establishing individual criminal responsibility for mass atrocities is the foundational principle of international criminal justice but this process is highly complex and is accompanied by political and legal dilemmas about its operation The book examines the drafting interpretation and application of the rules for assessing individual criminal responsibility as those rules emerge from the

intense contestations among judges lawyers and academics within the legal field Focusing on the International Criminal Court ICC the book provides a rich analysis of the international debates around questions of criminal responsibility by interrogating formal legal documents and legal scholarship alongside more candid accounts interviews memoirs minutes These debates are of key importance for international criminal law and global justice because how criminal responsibility laws are construed in practice determines which conduct merits punishment and ultimately demarcates the boundaries of what are considered the gravest acts that shock humanity      *Modernity on Endless Trial* Leszek Kolakowski,1997-04-23 Leszek Kolakowski delves into some of the most intellectually vigorous questions of our time in this remarkable collection of essays garnished with his characteristic wit Ten of the essays have never appeared before in English Exemplary It should be celebrated Arthur C Danto New York Times Book Review This book expresses Kolakowski's thought on God man reason history moral truth and original sin prompted by observation of the dramatic struggle among Christianity the Enlightenment and modern totalitarianism It is a wonderful collection of topics Thomas Nagel Times Literary Supplement No better antidote to bumper sticker thinking exists than this collection of 24 appeals for moderation in consistency and never has such an antidote been needed more than it is now Joseph Coates Chicago Tribune Whether learned or humorous these essays offer gems in prose of diamond hardness precision and brilliance Thomas D Evelyn The Christian Science Monitor A Notable Books of the Year 1991 selection New York Times Book Review a Noted with Pleasure selection New York Times Book Review a Summer Reading 1991 selection New York Times Book Review a Books of the Year selection The Times      **Rwanda's Gamble** Peter E. Harrell,2003 Gacaca is an innovative form of justice that the Rwandan government will use to try the more than 100 000 participants in the 1994 genocide Instead of putting suspects before the statutory law courts that existed prior to 1994 the government is establishing 11 000 popularly elected tribunals and charging them with the task of investigating and trying crimes that occurred within their territorial jurisdiction Officials hope that this will help clear the backlog of cases while giving suspects most of whom have spent nearly a decade in prison without a trial a chance finally to have their cases heard This book provides a detailed explanation of how the system will work from the selection and training of the judges to the basics of courtroom procedure It also places gacaca in the context of rapidly emerging restorative theories of justice and argues for gacaca's appropriateness in the Rwandan context Based on interviews training manuals documents never before published in the United States and extensive travels throughout Rwanda this book is an invaluable introductory guide to gacaca and explains why similar forms of justice should be experimented with elsewhere      **The Law and Practice of the International Criminal Court** Carsten Stahn,2015 The International Criminal Court has significantly grown in importance and impact over the decade of its existence This book assesses its impact providing a comprehensive overview of its practice It shows how the Court has contributed to major developments in international criminal law and identifies the ways in which it is in need of reform      **New Critical Spaces in Transitional Justice** Arnaud Kurze,Christopher K. Lamont,2019-01-10

Since the 1980s transitional justice mechanisms have been increasingly applied to account for mass atrocities and grave human rights violations throughout the world. Over time, post conflict justice practices have expanded across continents and state borders and have fueled the creation of new ideas that go beyond traditional notions of amnesty, retribution and reconciliation. Gathering work from contributors in international law, political science, sociology and history, *New Critical Spaces in Transitional Justice* addresses issues of space and time in transitional justice studies. It explains new trends in responses to post conflict and post authoritarian nations and offers original empirical research to help define the field for the future.

**Mass Atrocity, Collective Memory, and the Law** Mark J. Osiel, 2017-07-12. Trials of those responsible for large scale state brutality have captured public imagination in several countries. Prosecutors and judges in such cases, says Osiel, rightly aim to shape collective memory. They can do so in ways as successful as public spectacle and consistent with liberal legality. In defending this interpretation, he examines the Nuremberg and Tokyo trials, the Eichmann prosecution and more recent trials in Argentina and France. Such trials can never summon up a collective conscience of moral principles shared by all, he argues. But they can nonetheless contribute to a little noticed kind of social solidarity. To this end, writes Osiel, we should pay closer attention to the way an experience of administrative massacre is framed within the conventions of competing theatrical genres. Defense counsel will tell the story as a tragedy while prosecutors will present it as a morality play. The judicial task at such moments is to employ the law to recast the courtroom drama in terms of a theater of ideas which engages large questions of collective memory and even national identity. Osiel asserts that principles of liberal morality can be most effectively inculcated in a society traumatized by fratricide when proceedings are conducted in this fashion. The approach Osiel advocates requires courts to confront questions of historical interpretation and moral pedagogy generally regarded as beyond their professional competence. It also raises objections that defendants' rights will be sacrificed, historical understanding distorted and that the law cannot willfully influence collective memory at least not when lawyers acknowledge this aim. Osiel responds to all these objections and others. Lawyers, judges, sociologists, historians and political theorists will find this a compelling contribution to debates on the meaning and consequences of genocide.

**Hannah Arendt and the Jewish Question** Richard J. Bernstein, 2013-05-28. Hannah Arendt is increasingly recognised as one of the most original social and political thinkers of the twentieth century. In this important book, Richard Bernstein sets out to show that many of the most significant themes in Arendt's thinking have their origins in her confrontation with the Jewish Question. By approaching her mature work from this perspective, we can gain a richer and more subtle grasp of her main ideas. Bernstein discusses some of the key experiences and events in Arendt's life story in order to show how they shaped her thinking. He examines her distinction between the Jewish parvenu and the pariah and shows how the conscious pariah becomes a basis for understanding the independent thinker. Arendt's deepest insights about politics emerged from her reflections on statelessness which were based on her own experiences as a stateless person. By confronting the horrors of totalitarianism

and the concentration camps Arendt developed her own distinctive understanding of authentic politics the politics required to express our humanity and which totalitarianism sought to destroy Finally Bernstein takes up Arendt's concern with the phenomenon of the banality of evil He follows her use of Eichmann in order to explore how the failure to think and to judge is the key for grasping this new phenomenon Hannah Arendt and the Jewish Question offers a new interpretation of Arendt and her work one which situates her in her historical context as an engaged Jewish intellectual

**Postmodernism and the Holocaust**, 2021-10-25 This book is the first sustained inquiry into the ways in which postmodern thinkers have grappled with the historical bases implications and methodological problems of the Holocaust The book examines the thinking of Arendt Levinas Foucault Lyotard and Derrida all of whom have recognized the centrality of the Nazi genocide to the epoch in which we live The essays written for this volume constitute a wide ranging study of the efforts of postmodernism to articulate the Holocaust

**Why Punish? How Much?** Michael H. Tonry, 2011 Punishment like all complex human institutions tends to change as ways of thinking go in and out of fashion Normative political social psychological and legal ideas concerning punishment have changed drastically over time and especially in recent decades Why Punish How Much collects essays from classical philosophers and contemporary theorists to examine these shifts Michael Tonry has gathered a comprehensive set of readings ranging from Kant Hegel and Bentham to recent writings on developments in the behavioral and medical sciences Together they cover foundations of punishment theory such as consequentialism retributivism and functionalism new approaches like restorative communitarian and therapeutic justice and mixed approaches that attempt to link theory and policy This volume includes an accessible introduction that chronicles the development of punishment systems and theorizing over the course of the last two centuries Why Punish How Much provides a fresh and comprehensive approach to thinking about punishment and sentencing for a broad range of law sociology philosophy and criminology courses

**The Trial of Innocence** André LaCocque, 2006-10-30 The Adam and Eve narrative in Genesis 2-3 has gripped not only biblical scholars but also theologians artists philosophers and almost everyone else In this engaging study a master of biblical interpretation provides a close reading of the Yahwist story As in his other works LaCocque makes wise use of the Pseudepigrapha and rabbinic interpretations as well as the full range of modern interpretations Every reader will be engaged by his insights

*The Trial That Never Ends* Richard J. Golsan, Sarah Misemer, 2017-03-17 The fiftieth anniversary of the Adolf Eichmann trial may have come and gone but in many countries around the world there is a renewed focus on the trial Eichmann himself and the nature of his crimes This increased attention also stimulates scrutiny of Hannah Arendt's influential and controversial work Eichmann in Jerusalem The contributors gathered together by Richard J. Golsan and Sarah M. Misemer in *The Trial That Never Ends* assess the contested legacy of Hannah Arendt's famous book and the issues she raised the banality of evil the possibility of justice in the aftermath of monstrous crimes the right of Israel to kidnap and judge Eichmann and the agency and role of victims The contributors also interrogate Arendt's own ambivalent attitudes towards



race and critically interpret the nature of the crimes Eichmann committed in light of newly discovered Nazi documents *The Trial That Never Ends* responds to new scholarship by Deborah Lipstadt Bettina Stangneth and Shoshana Felman and offers rich new ground for historical legal philosophical and psychological speculation

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