

CARLOS SANTIAGO NINO

RADICAL EVIL ON TRIAL



Radical Evil On Trial

Sam Ferguson



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 Using an unprecedented human rights trial as its lens *The Disappeared* tells the extraordinary saga of Argentina's attempt to prosecute its aging Dirty Warriors a generation after the collapse of its last military regime

Atrocities on Trial Patricia Heberer, Jürgen MatthÜus, 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

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 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 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 Cultural Revolution on Trial Alexander C. Cook,2016-11-07

The trial of Cultural Revolution leaders including Mao s widow and her Gang of Four was the signal event in China s post Mao transition In its wake Chinese socialism emerged from the rubble of the Cultural Revolution to create the China that we know today This spectacular show trial was a curious example of transitional justice marking a break from the trauma of the past a shift to the present era of reform and a blueprint for building a better future In this groundbreaking reconstruction of the most famous trial in Chinese history Alex Cook shows how the event laid the cornerstone for a new model of socialist justice at the same time a comparison of official political and legal sources with works of popular literature reveals the conflicted cultural dimensions of this justice The result Cook argues saved Chinese socialism as ruling ideology but at the cost of its

revolutionary soul **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 Eichmann Trial Reconsidered Rebecca Wittmann, 2021-10-25 The Eichmann Trial Reconsidered explores the legacy and consequences of the trial of Adolf Eichmann **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 *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 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.

Politics and the Past John Torpey, 2004-09-01 *Politics and the Past* offers an original multidisciplinary exploration of the growing public controversy over reparations for historical injustices. Demonstrating that reparations politics has become one of the most important features of international politics in recent years, the authors analyze why this is the case and show that reparations politics can be expected to be a major aspect of international affairs in coming years. In addition to broad theoretical and philosophical reflection, the book includes discussions of the politics of reparations in specific countries and regions including the United States, France, Latin America, Japan, Canada, and Rwanda. The volume presents a nuanced, historically grounded, and critical perspective on the many campaigns for reparations currently afoot in a variety of contexts around the world. All readers working or teaching in the fields of transitional justice, the politics of memory, and social movements will find this book a rich and provocative contribution to this complex debate.

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, and 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.

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 **Justice Framed** Marcos Zunino,2019-03-14 A new

perspective on the history of transitional justice and why the discourse prioritises particular responses to human rights violations **Law in Transition** Ruth Buchanan,Peer Zumbansen,2014-12-01 Law has become the vehicle by which countries in the developing world including post conflict states or states undergoing constitutional transformation must steer the course of social and economic legal and political change Legal mechanisms in particular the instruments as well as concepts of human rights play an increasingly central role in the discourses and practices of both development and transitional justice These developments can be seen as part of a tendency towards convergence within the wider set of discourses and practices in global governance While this process of convergence of formerly distinct normative and conceptual fields of theory and practice has been both celebrated and critiqued at the level of theory the present collection provides through a series of studies drawn from a variety of contexts in which human rights advocacy and transitional justice

initiatives are colliding with development projects programmes and objectives a more nuanced and critical account of contemporary developments The book includes essays by many of the leading experts writing at the intersection of development rights and transitional justice studies Notwithstanding the theoretical and practical challenges presented by the complex interaction of these fields the premise of the book is that it is only through engagement and dialogue among hitherto distinct fields of scholarship and practice that a better understanding of the institutional and normative issues arising in contemporary law and development and transitional justice contexts will be possible The book is designed for research and teaching at both undergraduate and graduate levels

ENDORSEMENTS An extraordinary collection of essays that illuminate the nature of law in today's fragmented and uneven globalized world by situating the stakes of law in the intersection between the fields of human rights development and transitional justice Unusual for its breadth and the quality of scholarly contributions from many who are top scholars in their fields this volume is one of the first that attempts to weave the three specialized fields and succeeds brilliantly For anyone working in the fields of development studies human rights or transitional justice this volume is a wake up call to abandon their preconceived ideas and frames and aim for a conceptual and programmatic restart Professor Balakrishnan Rajagopal Ford International Associate Professor of Law and Development Massachusetts Institute of Technology This superb collection of essays explores the challenges possibilities and limits faced by scholars and practitioners seeking to imagine forms of law that can respond to social transformation Drawing together cutting edge work across the three dynamic fields of law and development transitional justice and international human rights law this volume powerfully demonstrates that in light of the changes demanded of legal research education and practice in a globalizing world all law is law in transition Anne Orford Michael D Kirby Chair of International Law and Australian Research Council Future Fellow University of Melbourne A terrific volume Leading scholars of human rights development policy and transitional justice look back and into the future What has worked Where have these projects gone astray or conflicted with one another Law will only contribute forcefully to justice development and peaceful sustainable change if the lessons learned here give rise to a new practical wisdom We all hope law can do better the essays collected here begin to show us how David Kennedy Manley O Hudson Professor of Law Director Institute for Global Law and Policy Harvard Law School

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

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