

CRIMES AGAINST HUMANITY AND THE ETHICS OF POWER

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Abstract. This paper consists of four parts: (i) The first part develops a phenomenological description of power as an interpersonal relationship of influence of a human being over some other human being and aim to show that the two fundamentals of any ethics of power are the respect of the recipient of the relationship – which is a human dignity endowed with a dignity - and the intentional and transcendent character of the relation itself. (ii) The second part is dedicated to the question why power is a temptation for man, namely the use of power can easily turned into abuse. (iii) The third part inquires hatred as that specific temptation of power which can motivate some human being to perform criminal acts against humanity. (iv) The fourth and final part of the paper aims to summarize the different moral responsibilities of any human being in the fight against genocide and other crimes against humanity.

ETHICS AS a philosophical investigation can start from the experience of different types of phenomena: the everyday life and the issues raised by social facts, education of children, profession and personal relationships; or it can inquire the great dilemmas that make man to face decisive choices, difficult to be solved and with important consequences, like some political, legal and bioethical questions. But one area in which ethical reflection really comes to its grounds is when the goods or evils involved are extremely serious and crucial. In particular, those facts which reveal the horror of the most evident and radical injustice, and are so wicked that any attempt to minimize them or justify their authors appears as nonsensical and impossible, provoke moral philosophy to inquiry why man can turn into a monster for his fellow men.

The attacks against the dignity of man that for their relevance and extension are called "crimes against humanity" are one of these phenomena. These crimes are the most shocking for their range, especially if you count how many victims have caused over the past 100 years: the number of human beings who have undergone this kind of atrocity is probably greater than the sum of all victims killed by violence throughout all the previous human history: several dozens of millions of people in different parts of our planet have lost their lives because of genocide or other types of extermination; and the number of people who have been injured, tortured, maimed or have experienced some form of physical or moral violence is much bigger.

As mentioned by Josef Seifert in this volume, in 1996, shortly after the genocide in Rwanda, the President of *Genocide Watch*, Gregory Stanton, presented a paper on 'The 8 Stages of Genocide' at the United States Department of State (Stanton 1996). Stanton argues that genocide develops in eight states that are "predictable but not

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inexorable". Consequently, the international institutions should take into account these stages to take preventive measures against this crime.¹

In this paper, I would like to argue that to prevent genocides and other crimes against humanity, one should not only study how one ethnic group or some political system gets from the stage 1 to the stage 8 indicated by Stanton, but must also understand why someone gets to be in the stage 1. It is evident that the formation of a favorable environment for the development of crimes against humanity depends on many historic, economic, political and social conditions. These tragedies usually happen in countries in which there are unstable political situations, conflicts among different ethnic, religious or political groups, widespread poverty, easy access to weapons, and the rulers do not oppose to the use of violence. To prevent crimes against humanity, all these conditions must be investigated by the experts of the corresponding disciplines so that effective remedies to them can be planned by national and international institutions.

The philosopher, however, can also give his contribution by inquiring on the question of why the human being, who may be the seat of the higher feelings, the most heroic sacrifices and wonderful creative works of arts, can also get to pursue so tremendously destructive projects against humanity. The question of why people get to commit crimes like genocide, depends on the question, very easy to be asked, but deeply mysterious to be answered, of why man does evil.

Genocide and crimes against humanity can in fact be seen not only as phenomena in themselves, with an unspeakable relevance and extent, but also as a paradigm of the evil that man, any man, can do. We specifically refer to that kind of evil that is called *moral* evil: that evil which is not a simple ontological deficiency or a material imperfection, but is manifested in human actions and religions call sin. Max Scheler (2000 [1921], p. 229 f.) says that moral evil must have its source in an intelligence which is less perfect than that of God – since he is the Good in itself –, but more perfect than human intelligence: therefore evil must stem from a person who is metaphysically intermediate between God and man and has the power over the world. Man alone would not have been able to come up with something as perverse as the evil that has taken so horrible and shocking semblances throughout our history. In front of the list of the crimes against humanity that have marked the recent history, Scheler's analysis seems to find some arguments which can confirm it.

¹According to Stanton the stages that lead to genocide are: 1) classification, in which people are divided between "us" and "them"; 2) symbolization, where hatred leads to force others into some labels and symbols; 3) dehumanization, in which one group denies the humanity of the other; 4) organization, in which special militias are trained and armed; 5) polarization, in which groups animated by hatred organize a specific propaganda; 6) preparation, in which the victims are identified and isolated from others; 7) extermination and 8) the denial of crimes committed. Only historical investigation can confirm whether these stages were followed by all the genocides of the past and present time. We can just say that there are exterminations in which this was the case. To give just one example, the beginning of the Holocaust in the Ukraine by the Nazis, under the indifferent eyes of Stalin, which is reported for instance by Greg Dawson (2009) clearly developed in these phases.

Nevertheless, my intention is not to address the issue of the metaphysical source of moral evil. I would like to inquire the question of why one group of human beings, is pushed to raise his hand over his fellows, in a manner so determined, systematic and deliberate, to plan and execute genocide or a mass violence on another religious, ethnic or political group, considered as different and enemy.

It seems to me that this issue can be addressed by inquiring four essential aspects. First, one should investigate into the structure of interpersonal relations and in particular of power relationships, namely those in which one or more human beings have the power to affect other people, forcing them to do or suffer something. Only if you know the essential elements of this relation, you can answer the question if there is a good and a bad use of power and if there are criteria to distinguish between the two. Second, one should search the reasons why power can be a temptation for the one who has it, and lead to carry out actions based on the abuse of power. Third, one should try to inquire into that temptation which leads to desire the destruction of other human beings and to plan collective actions to pursue this purpose. Finally, one should consider the question of moral responsibility in these kinds of actions and in the prevention of them.

I. Human Power as an Interpersonal Relationship

Any human action in general involves some power, since action can be defined as the human act which produces some effect in the external world. The phenomenon of power that interests us is that particular human acting that involves affecting other people. Unlike the power of man over nature, this power requires the interpersonal relationship.

In his masterpiece on social philosophy, Dietrich von Hildebrand (1975 [1930], pp. 23-29) provides a detailed analysis of the degrees and types of relationships that can be established among human beings. He says that the interpersonal relationship always starts with a *social act*. Adolf Reinach, one of the earliest and most brilliant students of Husserl, who died during the First World War, defines social act as a conscious act carried out by a subject, therefore intentional (always has a content) and spiritual (immaterial), but that, differently from other intentional relations, has another person as its recipient and some content that is shared by the two partners. (Reinach 1983 [1913]. See also Falcioni 1991; Dubois 1995). Examples of social acts are promise, command, questioning. The presence of another subject as a recipient implies that the social act finds its fulfillment when it is understood and answered by the recipient: the other person can become aware of the act, grasp its meaning, and respond with another social act.

A social act can turn into an *interpersonal relationship* in the proper sense when is reciprocated. A declaration of love that the recipient does not understand or refuses does not produce a relationship, while a declaration to which the beloved responds in turn by declaring his love, is the prerequisite for allowing a love relationship to start. The relationships may then be between peers, such as friendship and spousal love, or between two persons who stay on different levels, like in love between father and son

and in the relationships between teacher and pupil, or between employer and employee (Hildebrand 1975 [1930], p. 29; see also Premoli De Marchi 2013).

We can apply Hildebrand's analysis to the power relationships, that is, as mentioned, to those relationships in which a human being affects other human beings. This relationship may be reciprocal, for example, two people connected by a true friendship acquire both the right and the duty to give advice to the friend and listen to his advice, by virtue of the love and trust that is between them. Each of them therefore has a power over the other one. Or the relationship may be unilateral. Even between two friends, for example when one is very dominant and the other has a weak character, the power relationship can go only in one direction. There are relations of power that are of this kind by their essence, as that between ruler and the citizens, father and son, official and soldier. The asymmetry in these cases involves the obedience of those who are "under" to those who are "above".

Hildebrand also adds that there are two opposite kinds of interpersonal contacts. On the one hand, some relationships as love and other relationships which contain at least a core of love, like veneration, esteem, reverence, joy, imply a "mutual look" which can bring about a real union among persons. They establish relations in the strict sense, links among the persons involved because the two share some common values and recognize each other in their personal dignity. On the other hand the human contacts marked by hate never cause true relationships because they essentially involve separation and make true bonds among persons impossible. (Hildebrand 1975 [1930], ch. 9).

The power relationship is cross over to the distinction between benevolent and hostile relations: there are loving power relations, motivated by the value of the other and based on common values, such as an authentic relationship of paternal love or between master and disciple, just as there are power relations characterized by hatred, bitterness and division, such as that between an extremely authoritative father and his children or a despotic and unjust teacher and his students.

The crucial question, then, is whether the power relationship can be indifferently benevolent or hostile, or if the power should, by its nature and meaning, be carried out in favor of the other, and therefore the power relations based on hatred, conflict, violence, contradict the essence of man's power over man. To answer this question it is necessary to determine whether the power of man over man can be exercised to any purpose, or it assumes its meaning only when it pursues a certain type of goal.

Anselm of Canterbury in his dialogue *On Truth* writes that "we do not will anything at all unless there is a reason why we will it" (Anselm 2002, p. 23). Like every human action, also the actions of a powerful person require a purpose: the ability of the person with power to affect or to obtain obedience from others requires that he has a purpose. Carl Schmitt (1954), for example, identifies the reason of obedience with the possibility of offering protection to those who obey. This reason can well explain the relationships between lord and vassal, father and son, ruler and citizen. For this statement to be true in any case of human power, however, a very broad meaning must be attributed to the term "protection", because the obedience of the patient to the physician who prescribes a therapy is very different to that of the soldier to the general, that of someone who follows an advice of his brother, or that of

a child to his parents. Furthermore, there are many power relationships in which there is not obedience in the strict sense, but a more general kind of influence, like in the case of two friends that decide together where to spend their holidays. However, Schmitt seems to understand that the power relationship only makes sense if it pursues a good for the person who is subjected. Power has no sense as an end in itself, nor if it has as its purpose the mere subjugation and domination of others because in both cases the personal character of the recipient and his value in itself is not considered.

We can then conclude that the possibility to affect other human beings does not have a moral positive or negative connotation in itself. Its moral quality stems by two elements: a) the purpose for which one affects the other man, that is the object of the power relationship, and b) if the addressee of the relationship is respected in its nature as a subject, then as a being capable of knowledge and free decisions.

The first essential aspect of the power relationship, then, is that it has an *intentional* and *transcendent* character. All power only makes sense in virtue of something else than by power itself: the object of the power of parents over children is the children's education and personal development, the power of the ruler over citizens aims to keep the peace and prosperity of the country; the power of the physician over the patient consists in the protection of life, restoration of health, fight against pain, etc. (see Seifert 2004, ch. 1); the power of teacher consists in the development of the person, the transmission of culture, preparing for a job, etc. Power is always "of" something, and this something is different from power itself. If we accept Aristotle's identification of "end" with "good" we can then say that any form of power is justified and finds its ethical limits in the goods that this power is called to serve.

The second essential aspect of the power relationship is the recipient of the relationship. In the power relationship he or she must be always taken into account in his/her personal dignity as a conscious and free subject. Obviously the consideration of the freedom of those who are subjected to a power relationship may vary depending on age, type of relationship and other contingent conditions. However, even when he or she is a newborn whose parents have to take care or a terrible criminal who must be punished by the law, they must anyway be respected in their dignity as a human being. This implies, first of all, to respect the principle already formulated by Kant, according to which to have a dignity means having an intrinsic value but not a price: all rational beings have in themselves the right not to be exploited and to be always an end and never simply a means to get something done (Kant 2012 [1785] ch. II, p. 46).

The most important moral imperative in the power relationships is then the prohibition of exploiting those submitted to power, treating them as objects and not as persons. Those power relations that include obedience may involve a moral obligation to obey on the part of the subjected,² but this duty is never absolute and unconditional, for he who obeys is a subject endowed with moral dignity and moral conscience. On

²In the informal power relations, such as the influence that a friend can have on the other one, there is no moral obligation of obedience in the strict sense, unless specific acts such as the promise to make a favor to a friend are added to the relation.

the other hand, those with power have the moral duty to respect the just mentioned moral imperative, not to objectify those under their power.³

II. The First Three Temptations of Power

We can now turn to investigate into the kind of motivations which drive the man with power to disregard the goods that should be the goal of his actions, and instead to use his position to do evil or even to pursue criminal purposes.

On this regard it is very interesting the analysis made by Vaclav Havel, who was playwright, dissident of the communist regime, protagonist of the Velvet Revolution, first President of the Czechoslovak Republic, and then, after the division Slovakia, of the Czech Republic.⁴ Now, concerning the issue of power and the use of violence are especially interesting the writings of Havel as dissident, above all the famous *The Power of the Powerless*, and the speeches that Havel wrote as President. These works reveal an extraordinary ability to investigate into the motivations that animate the man of power, as well as the attraction that the possession of power exercises on those who possess it, detaching them from their true mission.

In a speech Havel delivered in May 28, 1991, in Copenhagen, when he accepted the Sonning Prize for his contribution to European civilization, he seeks to answer the question why people long for political power and, when they have achieved it, are so reluctant to give it up. He answers that people can be driven into politics by three reasons: first, the desire to turn into reality their ideas about a better way to organize society, because they believe in certain values; second, the desire for self-affirmation, to leave their mark on the world and enjoy the respect which is bestowed upon who has power; and finally, the desire to enjoy the perks that are a necessary part of the life of men with power. He then observes that normally powerful men repeat to themselves and to others to be solely driven by the first motivation and they "care not

³When the power relationship is based on a legitimate authority it assumes a formal, institutionalized character, which may involve a stronger obligation to obedience on the part of those who are subject to the power. Also in the relationship between rulers and citizens, however, the duty to obey may be suspended if power is not exercised for the common good, but it is an excuse to dominate and oppress the citizens or to serve evil or criminal purposes. As already outlined by Seifert in his article, in this case, the subjected men have even a moral obligation to oppose power, even if this imply some sacrifices.

⁴Havel did not receive an academic philosophical training, but was fascinated by the thought of Jan Patocka ever since his student days, and absorbed his view through the friendship that bound the two till Patocka's death. Patocka was one of the last students of Husserl and absorbed by the master, besides the interest in the world of nature, also the principle that inspired the realist phenomenology, expressed in Husserl's *Logical Investigation*, as a call to "return to the things themselves." In Havel we encounter several themes dear to phenomenology, such as the critical attitude to the scientist and technicist attitude of the modern man, and which makes man incapable to listen to the "world of life", namely to what is typical and characteristic of the human. But Havel also shown a particular sensitivity to the phenomenological analysis, namely to the analysis of human acts and the objects to which these acts refer.

about power as such but about certain general values". But in reality the other two are temptations that no powerful man can escape: self-affirmation is an intrinsically human need, and cannot be eliminated, although it is not morally negative in itself; while the attachment to the benefits that power brings with itself is more insidious, because it easily leads to be accustomed to it so that one cannot live without power any more.

It seems to us that this analysis indicates three risks of those who have power, and especially a great political power, corresponding to the three types of motivation: a) the risk of deceiving ourselves about what is the common good, as is the case in systems that sacrifice the attention to reality in favor of a partial and ideological view of man, b) the risk of turning the exercise of power into a frantic race to find one's own exaltation and celebration; and c) the risk of pursuing, through power, only one's own personal interests, such as to gain wealth. In this sense, all the three motivations involve a temptation: taking a step further than Havel, we call these the first three temptations of power.

When a man of power surrenders to these temptations, he makes a common mistake, which is to forget that intentional and transcendent character of power that we already mentioned. Max Scheler in his *Essay on Politics and Morality* (1990, B II) criticized Nietzsche's will to power exactly for this reason: any power searched as an end in itself is senseless. Now, when the man of power, at any level of the hierarchy he may be, forgets this reference of power to something else, he ceases to pursue the common good, and begins to exercise power for his own personal gain. But this, as well highlighted by Havel, has a boomerang effect: the so aimed power, instead of liberating the powerful man and giving him more capacity to influence others, takes over the man of power, who becomes the slave of his own power. Havel says:

There is something treacherous, delusive, and ambiguous in the temptation of power. On the one hand, political power gives you the wonderful opportunity to confirm, day in and day out, that you really exist, that you have your own undeniable identity, that with every word and deed you are leaving a highly visible mark on the world around you. Yet within that same political power and in everything that logically belongs to it lies a terrible danger: that, while pretending to confirm our existence and our identity, political power will in fact rob us of them. [...] There is something deadening about this temptation. Under the mantle of existential self-affirmation, existence is confiscated, alienated, deadened. A person is transformed into a stone bust of himself. The bust may accentuate his undying importance and fame, but at the same time it is no more than a piece of dead stone. (Copenhagen, 28 May 1991)

If we apply what said to the question of crimes against humanity, we can assume that when those with political power forget the end of their public office is to achieve a good that transcend their immediate benefit and the mere statement of their individual vanity, they open the door to the possibility to forget also the dignity of those who are subjected to power. Still, we see that the three temptations are not sufficient to explain the abuse of power and even less the resort to violence. It is also possible that those who yield to the temptations of power and begin to exercise it mainly to affirm

themselves or to keep the benefits that power brings, are very valuable men of power, truly able of pursuing the common good. It is however important to consider that power is something that attracts and fascinates him, and therefore can distract him from the transcendent purposes that constitute its real meaning, because to surrender some of the listed temptations may be the first step to some worse abuse of power, as the use of soft drugs can be the first step towards the consumption of the heavy ones.

III. The Subjective Reasons Why Human Being Can Desire to Perform Crimes against Humanity

To understand what can transform the man of power into a cruel tyrant we need to inquire a second issue, that is which is the source of morally evil actions. Dietrich von Hildebrand says that there are two sources of the moral evil in man: pride and concupiscence.⁵ The first is the illegitimate self-glorification of oneself, which leads to put himself on a pedestal and replace the hierarchy of moral values with a new hierarchy, built according to one's own image and likeness. The second source, on the other hand, is to be carried away by the attraction to what is pleasant, and this leads man to be overpowered, in the control over himself, from his impulses. These two sources can be found in two of the temptations we have already seen: the man of power is always threatened by the danger to pursue his self-affirmation instead of the common good – and in this case he becomes prey of pride –, or to be seduced by the benefits resulting from his office – and in this case he becomes prey of concupiscence. It seems, however, that also Hildebrand's analysis of the sources of moral evil is not sufficient to explain the abuse of power, and especially that outbreak of violence that leads to deliberately kill and torture hundreds, thousands or millions of other human beings.

IV. Anger as temporary Madness with Destructive Effects

As regarding power, some philosophers considered a particular passion, which is anger. The ancient Latin philosopher Seneca, for example, has devoted a masterful analysis on this issue. At the beginning of the work, he writes that anger is “the most hideous and frenzied of all the emotions”, for it is “wholly violent and has its being in an onrush of resentment, raging with a most inhuman lust for weapons, blood, and punishment, giving no thought to itself if only it can hurt another.” And then he continues:

Certain wise men, therefore, have claimed that anger is temporary madness. For it is equally devoid of self-control, forgetful of decency, unmindful of ties, persistent

⁵ Hildebrand 1953, p. 441 says: “Concupiscence refers to a having; pride to a being. Concupiscence is a perversion in the sphere of the possession of a good; pride is a perversion in the attitude toward one's own perfection. In concupiscence man renounces his birthright, as it were, for a mess of pottage; in pride man arrogates to himself a right that is above him; he exalts himself in an illegitimate way.”

and diligent in whatever it begins, closed to reason and counsel, excited by trifling causes, unfit to discern the right and true—the very counterpart of a ruin that is shattered in pieces where it overwhelms. (Seneca 1928, I.I, 1-4)

According to Seneca, anger is the plague which “has cost the human race more dear”, since it caused bloodshed, poisoning, downfall of cities and whole nations, “the gatherings cut down by the sword, the populace butchered by soldiery let loose upon them, and whole peoples condemned to death in common ruin” (Seneca 1928, I-II, 1-5). He defines anger as the desire to punish someone who offended us, as a desire of revenge. Even though all human beings share this passion, Seneca says that it opposes man’s nature.

Whether [anger] is in accordance with nature will become clear if we turn our eyes to man. What is more gentle than he while is in a right state of man? But what is crueller than anger? What is more loving to others man than man? What more hostile than anger? Man is born for mutual help; anger for mutual destruction. The one desires union, the other disunion; the one to help, the other to harm, one would succor even strangers, the other attacks its best beloved ... (Seneca 1928, I.V, 2-3)

Seneca observes that since anger can be useful, for example to rouse the spirit in war, someone suggested to control it, not to banish it. But he replies that all the passions tend to replace the reason from its ruling role in man. Therefore anger one should not accept anger, but must fight it as soon as it arises within oneself, because “it is easier to exclude harmful passions than to rule them, and to deny them admittance than, after they have been admitted, to control them”, and “when they have established themselves in possession, they are stronger than their ruler and do not permit themselves to be restrained or reduced.” Then,

reason herself, to whom the reins of power have been entrusted, remains mistress only so long as she is kept apart from the passions: if once she mingles with them and is contaminated, she becomes unable to hold back those whom she might have cleared from her path. (Seneca 1928, I.VII, 1-2)

Seneca’s analysis can enlighten the role of anger in the desire of revenge which usually is a motivation for the violent crimes and also for those against humanity. Nevertheless, it is still insufficient to explain these kinds of crimes only as surges of anger on a large scale. Genocide, mass rapes, as well as the torture of thousands of innocent people, cannot be explained simply as phenomena of collective irascibility. What these phenomena reveal is something deeper and more perverse, namely the diffusion of a profound and persistent hatred of some human beings to other human groups. We can therefore add a fourth temptation which can threaten the man of power, which is hate.

V. Hate as the Fourth Temptation of the Man of Power

The most important difference between anger and hatred is that anger is a passion, something which arouses in man against his will, while hate is a response of the spiritual center of the person, which causes a lasting "taking position" to someone else. Hate is also a social act which produces a particular kind of human relationship, as we have seen, because can be *between* two or more persons, but does not really link them; rather it involves extraneity and separation among men.

We find a very acute analysis of hatred in a speech Havel read in Oslo, the 28 August 1990, entitled *The Anatomy of Hate*. Here he describes some characteristics of those who hate, which can be summarized as follows.

First, those who hate are not passive or indifferent, but are driven by a "permanently unfulfilled and unfulfillable desire, "a kind of desperate ambition." Hatred leads the person to fixate on an object, to point to it in an invincible way. In this hatred has a lot in common with love, because it implies a self-transcending aspect, "the self-fixation on others, the dependence on them, the delegation of a piece of one's own identity to them". Just as the lover longs for the beloved, also the hater longs for the hatred and cannot get along without him. (Havel, Oslo, 28 August 1990). Then "like love, hatred is ultimately an expression of longing for the absolute, albeit an expression that has become tragically inverted". We might add that hate leads to extreme consequences the second motivation of the man of power, mentioned in the previous section, i.e. the desire to affirm oneself and one's own identity.

Second, those who hate maintain a permanent and radical feeling of injury, out of all proportion to reality. The one who hates want to be honored, loved and respected in an infinite degree, as if he suffered "from the chronic and painful awareness that others are ungrateful and unforgivably and unjust" towards him. Like anger, also hatred stems from a feeling of injustice, and it is perceived as a *justified response* to an injustice.

Third, haters have a subconscious feeling that they alone possess the truth, as if they were superhuman or divine, and therefore deserve the recognition by the world, "even its complete submissiveness and loyalty, if not its blind obedience". Those who hate, in short, "want be the center of the world and are constantly frustrated and irritated because the world does not accept and recognize them as such." They are, in other words, like spoiled and self-centered children who feel as a personal attack when their mother does something else than pay attention to them.

In addition, hatred includes a desperate longing to what is impossible to attain, as well in the unhappy love. Havel writes:

Hatred is a diabolical attribute of the fallen angel. It is a state of the spirit that aspires to be God, which may even think it is God, and is tormented by evidence that it is not and cannot be. It is the attribute of a creature who is jealous of God and eats his heart out because the road to the throne of God, where he thinks he should be sitting, is blocked by an unjust world that is conspiring against him. (Havel, Oslo, 28 August 1990)

From this stems, we could say as a fifth feature, the fact that he who hates does not consider to be limited and fallible. If a failure happens, it is always caused by the outside world and therefore must be objectified in some particular offender to hate. This person can change, but always has the same role: to represent the complex of obstacles "to absolute recognition, absolute power, total identification with God, truth and order of the world". It is therefore not true that hatred stems from an inferiority complex. On the contrary, is based on the "fatal perception that the world does not appreciate the true worth" of the one who hates.

Besides, the one who hates is a very serious person, does not smile, just grins, and do not tolerate irony. Havel said that "only those who can laugh at themselves can laugh authentically. A serious face, quickness to take offence, strong language, shouting, the inability to step outside himself and see his own foolishness these are typical of one who hates." This reveals something very important, namely that the hater "lacks a sense of belonging, of shame, of objectivity". The inability to understand their limits, his own faults, is a sign of a "tragic, almost metaphysical lack of a sense of proportion." Therefore:

The hateful person has not grasped the measure of things, the measure of his own possibilities, the measure of his rights, the measure of his own existence and the measure of recognition and love that he can expect. [...] He does not understand that the right to the miracle of his own existence and the recognition of that miracle are things he must earn through his actions. He sees them, on the contrary, as a right granted to him once and for all, unlimited and never called into question. In short, he believes that he has something like an unconditional free pass anywhere, even to heaven. Anyone who dares to scrutinize his pass is an enemy who does him wrong. If this is how he understands his right to existence and recognition, then he must be constantly angry at someone for not drawing the proper conclusions. (Havel, Oslo, 28 August 1990)

The person who hates, Havel concludes, is unhappy because he spends his existence to destroy those he thinks responsible for his lack of recognition, but he never reaches the absolute success he desires. This description, evidently the result of the experience made by Havel under the totalitarian regime, already helps us to understand the attitude of the person who decides to use the power through violence, with the intention to destroy those he considers as enemies. But one can hate without using violence against the hated people. The passage to the destructive hatred, of which genocide is the most extreme example, still requires some investigation, which we'll show a fifth temptation of power.

VI. The Eros of Destruction as Fifth Temptation of Power

In a recent essay, the Italian philosopher Silvano Petrosino (2010) has tried to answer the question of why man does evil and offered a solution that sheds interesting light on out topic.

He argues that man has various impulses, among them also a tendency to destroy, which he calls *Eros of destruction*. This impulse is triggered when a person is in a

situation of severe need and suffering and, in an attempt to resolve this situation, identifies someone else as responsible for his discomfort. This identification can have an objective cause or be completely groundless. But the very fact that the person finds a scapegoat can lead to unleash the destructive impulse: if one believes that the situation can be solved only by eliminating the other, the only way out is to destroy so-called enemy in the most complete and definitive as possible way. The other is found guilty, then every act of destruction against him is perceived as inevitable and justified, due to the emergency situation in which they are located.

This analysis allows us some further considerations on the question of the temptation which lead man to use power for criminal purposes.

First, who falls prey to destructive impulse is placed in the situation of the ruler who goes to war: he is convinced that the ethical rules that apply in time of peace may be suspended, and new rules can be established, in which the restriction of other's freedom, the judgments without trial and the use of force, all things that are illegal in time of peace, become legal. The use of violence which is illegitimate in time of peace, in war becomes justified as an extreme remedy to extreme conditions.

It is important to note that this attitude does not stem simply from a predominance of concupiscence, which blunts the ability to reflect and to oppose evil with the will. Unlike the evil done because of weakness of will, what comes out of this destructive impulse implies the use of reflection, deliberation and determination. This role of calculation and intentionality can lead to a destructive effect far more systematic, large and long-term than a simple outburst of anger.

At the same time, the Eros of destruction has also an irrational element, like any passion. Like all passions tend to gradually oust the man from his self-control, to become more and more violent, to mitigate the moral inhibitions that show the horrible face of evil, to dominate and produce a destructive effect exceeding what the person initially meant to do.

As Seneca called anger a "temporary madness", one might find also in this process irrational and even psychopathological elements, for example in the disproportionate use of violence as compared to the circumstances, in the sadism of those who feel pleasure in front of other's pain, and in the false perception of reality when others are identified as enemies. However, it would be superficial to believe that such pathological elements are sufficient to make not imputable the actions of those who become the prey of the Eros of destruction. Hildebrand has aptly described the spheres of influence of liberty, by distinguishing between direct, indirect and cooperative freedom. (Hildebrand 1953, pp. 300 ff.). Faced with the rise of a pulse any human being can resort to his direct freedom as the capacity to take position against the temptation to use violence; then he can resort to the indirect freedom to promote conditions which help to oppose the destructive instincts, for example avoiding acquaintances that may incite to violence; finally he has the cooperative freedom, that is the capacity to oppose and disavow himself from the Eros of destruction that he feels in himself. Seneca already understood the importance of fighting anger from its first signals, before that the will lose any power on passion.

The description of the process by which man comes to destructive behaviors towards his neighbor may well explain several violent crimes: the husband who kills his wife's

lover, the employee who removes his boss to rob him, the kidnapper that subtract a child to his family for ransom. It seems, however, that can also be used to understand why the man can get to make crimes against entire groups or populations. Even in these cases criminals show a great egocentrism, and victims are considered as wicked, so their elimination is seen as the only way to restore a situation of justice and peace. The most important prevention against the Eros of destruction, then, is to fight hatred as a perverse attitude of the heart towards the other human beings.

VII. The Collective Hatred as Cause of Crimes against Humanity

The decisive step that can lead to the decision of taking the path of violence is when many people share the same attitude of hatred and at the same time have or are able to obtain sufficient power to implement their criminal intentions. Crimes against humanity are never made by one person. They assume their monstrosity by the fact that more people together plan acts of violence and deliberately bring them to an end. Like Aristotle and Seneca, also Hildebrand recognized that the human being is essentially ordered to live in a community in which he can develop all his personal qualities. Therefore, those interpersonal relationships which are able to link people in communities are necessary not only to satisfy some elementary needs that man alone cannot satisfy, but also for the full actualization of the spiritual capacities of each member. Hildebrand observes that while the relationships between two individuals have a "I-Thou" character, the relationships among people in communities have a "We" character: the individuals do not look each other, but look at a common object and are part of a totality. They can also act together as authors of the same actions (Hildebrand 1975, p. 36). This analysis can help to understand that also in the power relationships there can be groups of people who share the same purposes. And when they are driven by hatred, these purposes become destructive.

In the aforementioned speech about the anatomy of hate, Havel examines the similarities and differences between individual and collective hatred. According to Havel the same kind of men who are inclined to individual hatred, are also capable of group hatred.

Anyone who hates an individual is almost always capable of succumbing to group hatred or even of spreading it. I would even say that group hatred be it religious, ideological or doctrinal, social, national or any other kind is a kind of funnel that ultimately draws into itself everyone disposed toward hatred. In other words, the most proper background and human potential of all group hatred is a collection of people who are capable of hating individuals. (Havel, Oslo, 28 August 1990).

Collective hatred, on the other hand, has a "special magnetic attraction" that is, "the power to draw countless other people in its vortex, people who initially did not seem endowed with the ability to hate". This power influences above all weak and selfish people, susceptible to the influence of those who hate. This attraction is much more dangerous than the hatred between individuals because the group hatred has many advantages.

First, Havel says, it eliminates “loneliness, weakness, a sense of being ignored or abandoned.” It offers a sense of togetherness, a strange kind of brotherhood: to say that some ethnic or religious group is responsible for all the misery of the world is very easy.

Second, the members of the community can reassure one another that they are right and the chosen group of offenders is worth of hatred. They can use uniforms, flags, favorite songs to confirm their identity and increase their own worth.

Third, while individual aggressiveness can be attacked with the claim to individual responsibility, a hating group in some way legitimizes violence, each member can justify the others. In this way each violent person dare to do even worse things.

Finally, group hatred simplifies the lives of the individuals who hate and are incapable of independent thinking, because they find a simple and immediately recognizable object of hatred: the color of the skin, the language, and the religion make the “offender” identifiable.

For all these reasons, Havel notes, collective hatred is much more dangerous than the individual one. And this hatred is facilitated by some antecedent. First, by objective situations of injustice or misery. Second, by the capacity of the human mind to generalize, which is “a fragile gift that has to be handled with great care”, because it can easily lead to attribute some groups a collective responsibility for actions they are not guilty: this is the beginning of racism. Finally by the spontaneous diffidence of man to what is other than itself.

We can thus assume that with the convergence of people around a common object to hate, a collective unleashing of the Eros of destruction can take place. And then the result can be that of planning criminal actions against overwhelming numbers of other human beings, which are perceived as a whole as the enemy to be eliminated in order to achieve a significant improvement of the situation.

At this point the belonging to a group, a party, or even more to a system of government with legislative, military and judiciary power, assumes a particularly important role. Within a system it is easy to form and strengthen a structure of ideal principles that give cohesion to the actions of those who rule, as well as theoretical justification for any kind of action. The human need to justify what you do manifests itself on the collective level as a research for theories and ideologies that make it possible to give some reasonability even to those actions that the individual moral conscience and the common moral sense perceive as unjust. In addition, membership of a group with political or military strength can pursue criminal purposes in a much more efficient, systematic and long lasting way.

VIII. The Question of Moral Responsibility in Crimes against Humanity

Before concluding we can dedicate a few words to the moral responsibility of those who, through the steps that we have tried to reconstruct, enter the path that Gregory Stanton outlined and we set out at the beginning in eight phases.

The reason why man does evil is evidently a mystery. The philosophical investigation will never be able to exhaust it, as no human law, however perfect, or no

police force, however coercive, will ever be able to prevent man to raise his hand against another man. Crimes against humanity are condemned by the laws of the states and by international agencies in defense of human rights because it is believed that man has an inviolable dignity, and therefore absolute rights such as the right to life, bodily integrity, to food, and not to be killed, tortured, mutilated, sold, etc. It is necessary to be aware of the fact that if one embrace a relativistic view and think that there are no rational arguments to demonstrate that man has a dignity and the moral actions which attack this dignity are absolutely wicked, there is absolutely no argument to refute the crimes against humanity.

Aristotle had already observed, however, that man always maintain the awareness of the most basic moral principles, of which the crimes against humanity are the most explicit violation. If there is a perception of evil that does not fail without a fault of the wicked, those who commit crimes against humanity cannot be excused. Any attack against the dignity of the human person implies therefore an objective responsibility of the person or persons who perpetrate it. Such responsibility depends on the extent the authors are capable of discernment, but can never be considered "non-imputable" to those who perform them. As already pointed out by Seifert, those who are on the lower levels of the hierarchy of power will have a lower responsibility than someone who is at the top. But even those who execute orders have the moral duty to oppose the criminal commands of their superiors.

A different issue concerns the subjective assumption of responsibility by those who commit crimes against humanity. The courts have a duty to establish and punish the objective responsibility. The sphere of the recognition and assumption of responsibility of the authors, instead, regards the individual moral conscience. It is a specific moral duty of everyone who comes into contact with these people to help them to understand the gravity of their crimes so that they can embark on a journey of repentance and repair of the harm done.

As Havel in front of the victims of the Holocaust, every man of moral sense is paralyzed in front of such a manifestation of evil like genocide and others crimes against humanity. The former President of Check Republic, however, concluded that this feeling of horror can be the way to discover the co-responsibility which links the human race. In a speech pronounced at a concert in memory of Holocaust victims, he said:

Whenever I am faced with documents about the Holocaust, the concentration camps, the mass extermination of Jews by Hitler, the racial laws and the endless suffering of the Jewish people during World War II, I feel strangely paralyzed. I know I should say something, do something, draw conclusions, yet I feel that any words I could say would be false, inadequate, inept or deficient. I can only stand in silence and incomprehension. I know that one must not remain silent, yet I am desperately speechless. That state of paralysis proceeds from a deep perhaps even a metaphysical feeling of shame. I am ashamed, if I may put it this way, of the human race. I feel that this is man's crime and man's disgrace, and therefore it is my crime and my disgrace too. That paralysis suddenly allows me to perceive the depths of human guilt and my own co-responsibility for human actions and the condition of our world. As a human being, I feel suddenly responsible for humanity

as such and, staring uncomprehendingly at this cruelty, I cease to understand myself, for I, too, am human. (Havel, Prague, 19 October 1991)

It is therefore necessary to consider that all human beings share a responsibility for each other, which for example, requires to worry about future generations, even if they cannot claim rights against us. (See Jonas 1984 [1979]). Each man has, therefore, a moral duty to do everything he can to prevent the crimes against humanity in the present time, but also to promote the conditions that may hinder such crimes to occur in the future.

One can support the pursuit of political, economic and social conditions to make possible a climate of harmony and cooperation among different ethnic political and religious groups, and also can encourage a cultural environment favorable to respect for human beings as such, regardless of sex, age, wealth, state of health, ethnicity or religion is obviously an action of remote preparation necessary. But all this is not sufficient.

Education in the family, in schools and other educational agencies should transmit a deep knowledge of the dignity of every human being as well as a habit of respect for the fundamental rights that flow from this dignity. The investment of the states in education and policies of family support should therefore include the attention to that kind of humanistic and ethical education that gives scarce immediate results in economic terms, but form the cultural environment from which the whole of society can draw nourishment.

We need to rediscover a culture of cooperation, instead of competition, even in the professional preparation, a culture of dialogue instead of resorting to violence, and that tolerate the use of force only in cases where the attacker needs to be put in conditions do no harm. As Havel observes, "a society in which there is cure of relations does not need a lot of rules." And the cure of relations is incompatible with the abuse of power or the hate of some group.

We can therefore share Havel's claim that above all "we must struggle energetically against all the incipient forms of collective hatred, not only on principle, because evil must always be confronted, but in our own interests." In the speech on hate we already mentioned he tells a story that can be our conclusion:

The Hindus have a legend concerning a mythical bird called Bherunda. The bird had a single body, but two necks, two heads and two separate consciousnesses. After an eternity together, these two heads began to hate each other and decided to harm each other. Both of them swallowed pebbles and poison, and the result was predictable: The whole Bherunda bird went into spasms and died with loud cries of pain. It was brought back to life by the infinite mercy of Krishna, to remind people forever how all hatred ends up. We [...] should remind ourselves of this legend each day. As soon as one of us succumbs to the temptation to hate another, we will all end up like the Bherunda bird. (Havel, Oslo, 28 August 1990)

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