Accused for involvement in collective violence:

The discursive reconstruction of agency and identity by perpetrators of international crimes

Mina Rauschenbach

KU Leuven, Belgium

Christian Staerklé

University of Lausanne, Switzerland

Damien Scalia

UC Louvain, Belgium

Word count : 9727

Address for correspondence

Correspondence concerning this article should be sent to Mina Rauschenbach, Leuven Institute of Criminology, Faculty of Law, University of Leuven, Hooverplein 10, 3000 Leuven, Belgium. E-mail: minarau@bluewin.ch

Abstract

This study explores discourses about involvement in violent intergroup conflict and international crimes from the perspective of perpetrators. Through a critical discourse analysis of twelve personal interviews carried out with individuals accused by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes committed during the Yugoslav conflicts, we uncover how their discourse reveals conceptions of lacking agency and powerlessness during the conflict, how it reconstructs power relationships within and between ethnic groups, and how it reflects identity management strategies destined to elude blame and responsibility. Our findings demonstrate how discourses are tainted by the legitimizing framework in which the conflict unfolded, but also how they are shaped by the particular context of the communicative situation. Findings are discussed in terms of their significance for international criminal justice and its stated objectives.

Keywords: collective violence, identity, agency, perpetrators, intergroup conflict, discourse analysis

Accused of involvement in collective violence: The discursive reconstruction of agency and identity by perpetrators of international crimes

A new development in research on collective violence is the study of perceptions, beliefs and discourses about collective violence of people directly involved in conflicts (see Vollhardt & Bilewicz, 2013). Research has for example examined reconciliation in the aftermath of intergroup conflict (Nadler, Malloy & Fisher, 2008), the role of collective memories and historical narratives for present-day conflicts (Volpato & Licata, 2010) and coping strategies of victims to come to terms with traumatic war events (Vollhardt, 2009; 2012; Elcheroth & Spini, 2009). While much of this research is concerned with victims of collective violence, the present research adds a novel perspective by exploring discourses of perpetrators about their involvement in international crimes.

Our focus is on the conflict that took place in the former Yugoslav entities of Croatia (1991-1992), Bosnia-Herzegovina (BiH) (1992-1995) and Kosovo (1998-1999). International crimes were committed during these wars, and as a result seventy-four individuals[1] have been convicted by the *International Criminal Tribunal for the Former Yugoslavia* (ICTY) for the perpetration of these crimes (Calic, 2009). We report findings from a broader project aimed at evaluating the legitimacy of international criminal justice by analyzing the perspective of individuals accused of crimes committed during this war by the ICTY (Scalia, Rauschenbach & Staerklé, 2012). Through personal interviews carried out with them, we explore how twelve direct and indirect perpetrators of collective violence (i.e., who did or did not personally commit murder, rape, or torture) discursively reconstruct the events they were accused of. Such an approach gives perpetrators a voice and the opportunity to tell their version of the

---

[1] As of July 2014, see ICTY website for any updates on this figure: www.icty.org/sections/AbouttheICTY

story without the constraints posed by their legal counsels or by the procedural framework of international criminal justice.

A Discursive Approach to Perpetrator Views of Collective Violence

Our research sets out to understand how individuals accused of having committed international crimes describe and explain their involvement in these events. In line with a critical social constructionist approach (e.g., Jorgensen & Phillips, 2002), we examine how reconstructed power relations within and between national groups orient the discursive accounts of their involvement and the self-presentation strategies of perpetrators. The purpose of this assessment is neither to test theories of collective violence, nor to demonstrate the superiority of one explanation over another, but to explore how perpetrators actively construe these explanations, in and through discourse, in relation to some of the themes traditionally highlighted in accounts of such conflicts. In particular, we focus on discursive reconstructions of ingroup loyalty, mass propaganda, and moral disengagement as broad themes used to describe and explain collective violence and its context. A discursive approach allows examining the extent to which perpetrators spontaneously refer to such themes and how they construe them in relation to their agency and responsibility in intergroup violence. We also explore how these themes are discursively used to justify a position that disassociates the respondent from any personal moral wrong-doing.

A first theme is ingroup loyalty that can be seen as the outcome of the more basic process of ingroup identification (Hogg & Abrams, 1988). Ingroup loyalty refers to strong compliance with ingroup norms and the subordination of individual interests to those of the group. Research has shown that ingroup loyalty is a key resource to regain certainty and control in conditions of uncertainty and chaos (Hogg, 2000) that are typical in situations of armed conflict (Smeulers & Grünfeld, 2011). This may be especially the case if the group is united around a strong and charismatic leader (Haslam, Reicher & Platow, 2011).

In a situation of intergroup conflict, group identification is likely to be fuelled by politically controlled media communication that emphasizes intergroup divisions and exalts ingroup superiority. The mobilizing power of mass media propaganda through the diffusion of distorted or false information, a second theme, is widely documented for the Yugoslav conflicts (Ramet, 2005; Thompson, 1999). The fact that different republics were organized along ethnic lines facilitated the manipulation of public opinion with nationalistic propaganda (Gagnon, 2004). Through propaganda aimed at scapegoating the "other group" as a risk and a threat, opportunistic political elites and other entrepreneurs of identity (Haslam & Reicher, 2007) sought to construe a normative context in line with their political project of intercommunity division, that is, a context where intergroup violence became normal and necessary (see Paluck, 2009). By reviving collective beliefs of victimhood, political discourses united group members around a national identity defined by past oppressions that were reframed into present-day threats (Sémelin, 2007). By persuading ingroup members of the hostile intentions of outgroup members, they legitimized their persecution. Given the importance of mass propaganda in explanations of collective violence in Former Yugoslavia, we will examine the extent to which perpetrators themselves refer to propaganda as a factor explaining their involvement.

One of the key outcomes of sustained propaganda is the creation of a rhetorical environment that facilitates and even promotes moral disengagement, another likely theme of perpetrator discourse. Moral disengagement may be expressed in discourses dehumanizing victims, in rhetorical strategies justifying immoral behavior towards outgroups, or in minimizing and euphemistically labeling one's own harm doing. Such acts are contrary to common norms and therefore require powerful discursive strategies to render them legitimate. Prior research has indeed shown the importance of moral identity concerns (Green, South & Smith, 2006; Presser, 2004) and power interests (O'Connor, 1995; McKendy, 2006; Adams,

Town & Gavey, 1995) in discourses by criminals and prison inmates. The propaganda-driven political discourses in Former Yugoslavia recontextualized violent behavior so that it did not clash with the usual moral censure mechanisms (Bandura, 1999), encouraging violence as a legitimate response against the supposed "threat" posed by outgroups (Sémelin, 2007). In this context of "reversed morality", perpetrators have been said to believe that their behaviors were "authorized, expected, at least tolerated and probably approved by the authorities" (Kelman, 2005, p. 126).

In a normative context that authorizes and legitimizes harm doing, the actors of the conflict are likely to develop discourses of their own and other's *agency* that define their intentions, responsibilities and capacities to act (Kelman, 2007). Following this premise, criminal involvement in such settings can be accounted for with various forms and levels of agency depending on the position of the actors within the balances of power (within groups between leaders and followers, between rival ethnic groups, or between powerful media propaganda and citizens) and how they perceive and make sense of these power configurations (Smeulers & Grünfeld, 2011). Discourse about agency during the conflict is a significant gauge of an individual's inclination to acknowledge responsibility for his acts (O'Connor, 1995). Drawing from these observations, we explore discursive reconstructions of agency and lack of thereof in perpetrator discourse and examine whether and how participants discursively relate their agency to their ingroup and to their positioning within the power structures surrounding their actions.

The Present Study

Empirical research has rarely focused on how individuals involved in collective violence make sense of their experience of the conflict and discursively reconstruct their positions and responsibilities during these events. Drawing on discursive psychology (Wetherell & Potter, 1992) and critical discourse analysis (Fairclough, & Wodak, 1997), we

adopt a critical social constructionist approach (Jorgensen & Phillips, 2002) to investigate respondents' discursive reconstruction of their involvement in the conflict. This perspective is "critical" as discourse about one's involvement in collective crimes reveals subject positions in power relationships and identity networks. According to this view, the individuals accused of international crimes are active agents who discursively produce and negotiate a subjectively valid account of the historical events (Wetherell & Potter, 1992). With respect to the present study, this account is also shaped by the context in which the interviews with perpetrators were carried out, that is, a context defined by their sentence (or acquittal), the incarceration in high-security prisons, and the interview situation itself, with social scientists interested in their story. These conditions define the communicative event between perpetrators and researchers and the ways perpetrators reconstruct their involvement in the conflict (Fairclough & Wodak, 1997). In this process of active identity construction, respondents allocate meaning to their agentic involvement in the conflict with reference to the normative expectations attached to their group memberships at the time of the events under scrutiny and to their persona in the interview situation. Another rational for a critical approach is its value in revealing the discursive strategies of legitimation of intergroup dominance (Wodak, 1989; Van Dijk, 2001), for example through rhetorical injunctions of necessity, duty or self-defense invoked to justify behaviors that violate common moral standards (Opotow, 1990).

To sum up, we explore the following interrelated questions through the analysis of perpetrator discourse:

1) How do respondents understand their involvement in the conflict? How do they describe, explain, and legitimize their actions? Which existing accounts of collective violence (e.g., focusing on ingroup loyalty, outgroup antipathy, propaganda and moral disengagement) can be associated with their discourse?

2) More specifically, how do perpetrators represent their capacity and motivation to act in these discourses? Is their agency described as passive and dependent on others' actions or, on the contrary, do they put emphasis on their own capacity of action?

3) Finally, how do moral identity and dominance concerns (related to the events recounted and the communicative situation) shape recontextualizations of actions? What do discursive strategies and semantic features (e.g., positive self-presentation, negative-other presentation) reveal about perpetrators' position in power relations?

Our analysis does not require that we judge the perpetrator accounts as valid or invalid, or as true and false; we are simply interested in their subjective account of the events they are accused of. Moreover, the selection of our respondents is not predicated on any assumption about their representativeness of perpetrators of international crimes in general.

Method

Sample

The data for this study stems from interviews with twelve individuals accused by the ICTY who went through a lengthy trial process at this jurisdiction[2]. Out of these twelve individuals, three were acquitted and nine were convicted and sentenced to prison. Most sentenced respondents had already been released and were interviewed at their place of residence. Four respondents were interviewed in detention. Out of the twelve participants, four were military-men at commanding levels (high-ranking officers who ordered, planned or omitted to prevent or punish crimes), three were military men coordinating and implementing orders from above and transmitting them to their subordinates in the field (mid-level army officers), three others were civilians who were involved in the political organization or the physical implementation of the deportation of individuals and two were actual perpetrators

---

[2] Six other individuals were interviewed after preparation of this article, but their interviews are not included in the analyses for this paper.

who physically committed crimes. Three participants were Serbs from Serbia, five were Serbs from Bosnia and four were Bosniaks.

Interview Guideline

We developed a semi-structured interview guideline that allowed us to bring to light the interviewees' experience through an interlocutory process that followed their own logic and reasoning (Arksey & Knight, 1999). It included questions and follow-ups pertaining to various themes related to the interviewees' experience of the ICTY, as well as their experience of the conflict and the circumstances surrounding their involvement in it.

Procedure

The sampling method involved a mix between purposive and snow-ball sampling. Preparation for data collection was a lengthy and complicated process that required contacting various persons (e.g., defense counsels, prison authorities, the interviewees themselves) through different channels of communication (e.g., letters, telephone, email, fax).

Interviews were carried out by two experienced researchers (a male and a female) who were accompanied by an interpreter and, in some cases, by the interviewee's counsel. The presence of a male and a female interviewer, with different academic sensitivities (one trained in social psychology and the other in international criminal law), ensured a dynamic and flowing dialogue with the interviewee.

The inclusion of follow-ups for questions in the interview schedule allowed the researchers to reframe the interviewee's discourse. It was assumed that these interviews provided the interviewees with a unique opportunity to express themselves freely without the constraints of a legal setting. As a result, some of them may have considered these interviews as a platform for defending their cause, despite the fact that their case had already been dealt with legally. Yet, interrupting the interviewees to reframe the question if they were straying off topic was often not possible, since all interviews were conducted in collaboration with a

translator. Follow-up questions were mostly used to specify certain points or to pick up on an important theme that the interviewee may have simply mentioned in passing or implied without elaborating on it.

The object of these interviews being sensitive and difficult, it was essential to establish a relationship of trust with the interviewees. Our respondents were aware that they were taking a risk by participating in these interviews, as some of the information they communicated in the interviews could backfire and be used against them legally (e.g., mentioning new information that could relate them to a crime that they were not sentenced for). It was also essential to manage respondents' expectations by stating clearly that these interviews would not serve the purpose of clearing their name or exonerating them in relation to the outside world. Thus, prior to each interview, participants were given a brief overview of the aims of the study and its methodology. Moreover, the procedures ensuring confidentiality and anonymity of the interviews were explained in detail. Participants then had to sign a consent form that was also signed by the two researchers. Interviews lasted between 90 and 150 minutes. The transcribed interviews were edited to make sure that all names and details (locations, dates, and any other specific background information) that could be directly related to the respondent and his identity were deleted from the text.

Data Analysis

A critical social constructionist approach to discourse analysis is used to explore how participants reconstruct their agency in the conflict and in the events they were indicted for. This approach is particularly suited for analyzing discourses about involvement in armed conflict as it relates to issues of dominance and power, ideology, propaganda, identity and control (Wetherell & Potter, 1992; Van Dijk, 1998).

We began the analysis with a detailed idiographic examination of the participants' recounted experience of the conflict, with special attention paid to their subjective

understanding of agency in the unfolding of events. This involved, first, reading through the interviews several times to obtain a holistic perspective of the discourse and to identify initial global themes that provided a rough overview of the range of meanings comprised in the discourse. Once all interviews were read and coded, the themes highlighted were compared in order to identify those which were recurrent across individuals and those which were more specific to particular individuals or forms of involvement. This thematic analysis was done with Atlas.ti software. Themes were then refined, detailed, condensed, and compared to each other in order to check for any connections, contrasts, causal relationships or oppositions between them. In addition, a more fine-grained analysis was then carried out to explore how involvement was recontextualized through various discursive strategies and semantic features. Although most respondents addressed the issue of their agency in the conflict, only the most representative and characteristic excerpts will be used to illustrate our findings.

The necessity to safeguard respondents' anonymity put a constraint on the length of excerpts used to illustrate our findings. Long excerpts from one interview (e.g., describing the crimes they allegedly committed) could make the respondent identifiable, even if all dates, numbers or names were removed. The number of accused being relatively small, their identification, by making the connection between different details, is possible for a reader with knowledge of the specific case.

Results

The analysis of perpetrator discourses yielded three categories reflecting different understandings of the conflict and corresponding conceptions of lacking agency: a) *Uncertainty and decision-making in the chaos of the conflict*; b) *Media and political discourse as powerful forces*; c) *Acting within a group*. While their discourse reveals various discursive strategies of self-presentation and legitimation of lack of agency, we also uncovered semantic

features that reflect subject positions attempting to uphold beliefs in a social order that validates their own reconstruction of involvement in the conflict.

Uncertainty and Decision Making in the Chaos of the Conflict

Most respondents' reconstruction of their conflict experience reveals first of all a sense of powerlessness in relation to the chaotic nature of the conflict situation that concerns: 1) the informational uncertainty they were submitted to and 2) the contextual constraints on actions and decision-making.

Informational uncertainty. A situation of conflict involves a breakdown of social norms where people's everyday life is disrupted, where usual bearings are distorted and where rationales of action and behavior are inverted. One respondent describes the attempts to gain certainty with informers in prison settings. He then evokes violence committed by his subordinates unbeknown to him, describing that information about events is unreliable or simply lacking in such an unstructured context:

"Each prison has its own snitches, we have our informers and any moment, any given moment, we knew what was going on in the very building of the camp. We had X informers, they did not know about each other, we would have X independent stories that would confirm, they would tell us whether they are planning some sort of escape, or get away or to attack the guard. There were also cases when those indicted prisoners, inmates would say: I feel sorry that I did not kill all the Muslims I knew. There were also things that you were not aware of, there were guards and you cannot always influence or tell people how to act, sometimes they act without your knowledge or awareness." (6).

Such discourse justifies lack of agency by highlighting the relationship between missing information, attempts to access relevant information and a limited scope of action of the individual within this setting of uncertainty. The same respondent follows up on the

perspective of informational uncertainty by describing how unverifiable "stories" of ingroup members fuelled the beliefs about threatening outgroups:

"Many people were coming to X. from different sides sharing horrible stories, telling us what horrible atrocities happened"

He reconstructs his reaction at the time:

"What is going on? What will happen? Did you buy firearms, did you buy guns? Tomorrow I will buy it, I have to sell a cow and so on… No food no nothing, 50 kg of flour was 50 KM, it was a horrible situation, you were trying to dodge the bullet, your children were hungry".

This extract shows how informational uncertainty and its impact on capacity of action is also expressed in terms of the difficulty of discerning between various sources of information and knowing with certainty what was actually happening.

The observed escalation in conflict between communities was thus the product of "a security dilemma" (Oberschall, 2000, p. 121) whereby people started arming in reaction to the rumors of violence perpetrated against their community. In the face of such insecurity and contradictory information, individual fears gradually escalated and people braced for a grim future. Behaviors and opinions could not be based on objective and rational facts, but had to rely on simplistic explanations and vague interpretations of the events, as they were relayed by the most immediate sources of information, such as local media and political rallies.

Ingroup communication, as these excerpts convey, is a key factor in the way people understand the environment of conflict. Informational uncertainty has a significant influence on intergroup dynamics as it opens the door to rumors and promotes the use of myths about the outgroup. Individuals in a situation of informational uncertainty are more likely to turn to their own group and its authorities to confirm their knowledge of an event or validate the rumors they heard about it, because their ingroup status makes them trustworthy opinion

sources (Hogg, 2000). Selective exposure to information coming from the ingroup becomes even more likely as polarization progressively sets in and intergroup conflict escalates.

The war context compelled and constrained actions and decisions. As the following example of discourse from a former member of the military illustrates, agency is also described as limited by the fact that decision-making is unavoidably based upon equivocal facts. Such ambiguity can justify their actions and omissions:

"*One cannot always be sure that the aim one is targeting is military and lawful, because preventing the construction of an important strategic target is justified*" (11).

This conflict involved complex political determinants that yielded much ambiguity as to the identity and extent of the threat (Gagnon, 2004). As this respondent describes, the enemy was not clearly defined and the motives of conflict were not explicitly specified and justified:

"*It was not clear whether the fact that some republics wanted to be separated from Yugoslavia in the political sense of meaning was correct or not*" (*7*, a former soldier of the Yugoslav people's army*)*.

Communities once united in a federation were portrayed as suddenly fighting against each other. Armed forces had to act in a context where politics, national affiliations and associations between the different protagonists to the conflict were unclear and unpredictable.

Discourses of those who were involved in the conflict as civilians also express the disappearance of their emotional and intellectual bearings in a situation of total confusion. The following extract describes how, from one day to another, everyone was suddenly caught in a whirlwind of violence:

"*It was utter confusion. My neighbor was no longer my neighbor from a certain point in time, things go haywire; everyone survives.*" (12)

The escalation of events and the structural dynamics of reciprocation of violence between communities are expressed explicitly in many discursive reconstructions of perpetrator involvement. Collective responses to the menacing outgroup are described as unstructured and disorganized. In the face of contradictory information, collective paranoia and anxiety are likely to build up in populations submitted to demonizing and subhuman portrayals of the enemy and their murderous intent (Sémelin, 2007).

In this state of emergency, one respondent, an influential politician, justifies that his capacity of action was determined by the needs of his community. The priority was maintaining order and security for one's community, a stance that supposes solidarity and loyalty to one's ingroup.

"My patriotic duty was to stay in this [political] position during the war and try to maintain peace. I could not run, it was stronger than me and I stayed" (10).

He describes that, in the face of attacks to one's community, as a member of the group, he was morally compelled to fight for the survival of his own people with the goal of maintaining peace. What strikes is the paradoxical nature of this statement which allows reconstructing war involvement as a positive and morally upright act of solidarity towards fellow group members. Connections within the group grew more intense as the process of intergroup differentiation between "them" and "us" became increasingly evident. In this context, distancing oneself from the community one is tied to and not getting involved was considered an act of treason.

In the same line of reasoning, the following discourse illustrates that the moral compass that drove their actions was primarily influenced by what interviewees describe as a natural, irresistible and deeply human need to protect themselves and their ingroup:

"And you find yourself between two doors, the first door, you will defend yourself, the second door, you will let yourself be killed. There is no third door. And my option was to

defend myself. I was aware that if they come into town, they will rape women, they will kill my

father, they will do all those atrocities against us." (6)

The striking feature of these descriptions is the lack of choice and the sense of passiveness they imply. Speakers present themselves as passive puppets submitted to the contingencies of the conflict. Actions are described as necessary, almost automatic reactions to sudden, uncontrollable, unverifiable or unidentifiable elements. Interviewees thus seem to place themselves in a reactive and non-initiating subject position whereby they had no other choice than to act upon obscure facts or unmanageable conducts.

Media and Politics as Powerful External Forces

Recontextualizations of agentic involvement also emphasize the influence of credible and authoritative sources active in propagating fear-raising disinformation and thereby precipitating communities in a cycle of violence. Lack of agency is clearly revealed in discourses describing submission to powerful external forces set to define the direction and the outcome of the conflict. Reflecting this sense of passivity, the following excerpts show how the participants present themselves as mere spectators of a nationalist, conflict-fuelling dynamic operated by influential entrepreneurs of identity that was imposed upon them and that limited their own capacity of action.

"I often said in all the conversations that the biggest evil that happened in this region

was the war which affected my home country. I feel sorry for all the people who died in that

war, and especially innocent people who died in that war. And young soldiers who died only

because they wanted to help to prevent losing lives. I, as a human being, I really miss

Yugoslavia and that all people, of different religions lived together very peacefully in that

country. All together united and free, until the second half of the eighties, when the

nationalism started to take over and the nationalism started to wreck everything that was

good." (3)

This excerpt from a former military-man illustrates the use of nominalizations to emphasize their own passivity (e.g. Billig, 2008) by treating a complex political and rhetorical phenomenon ("nationalism") as an acting subject with intentions ("started to take over"). It is as if "nationalism" could exist without anyone promoting or perpetuating it, as a mysterious, deadly force that just happens to be out there. Nominalization is a powerful discursive strategy to account for injustice and suffering, as it depersonalizes aggressive behavior by attributing it to uncontrollable, external, impersonal forces. It is furthermore also plausible that the interview context facilitates the use of such strategies, as they allow respondents to condone their actions and to present themselves as a victim of circumstances rather than as active perpetrators of inhumane acts. The following excerpt by another former military man has a similar strategy:

"The easiest way to set fire is to count on religious feelings, national feelings, patriotism, ethnic background, etc. (…) This is how these forces operate, they try to pin you down, put you in their own little boxes." (5)

These powerful forces and their ideological stance are represented as normative references that legitimized defensive impulses. The subject position conveyed by respondents explicitly reflects the significance of such relations of dominance in the reconstruction of their involvement. But at the same time, these discourses also reveal a paradoxical stance towards these relations of dominance since the very persons accused of active and deliberate perpetration of international crimes displace the main agency to invisible, impersonal, uncontrollable forces.

The following excerpt illustrates how these influential processes have neutralized the expression of individual agency and compelled people to act in congruence with their group membership:

"And the new leaders' membership they were just viewing that from one nationalist perspective. And it came in between the people, from day to day, we could feel the fear, you could feel the hatred. (...) And that the beautiful country dismantled and unbearable nationalistic and internal relations between us were created. Simple men, simple people were not for it, but nobody asked them for anything at that time. (...).When these divisions took place, when every bird flew to its own nest, there was no way to stop it anymore" (8)

The utterance of "simple people were not for it" underscores the idea that the animosity was forced upon normal, decent people (presumably including the interviewee) from a powerful external agent. This utterance resonates with the self-classification as a "human being" in the excerpt above (respondent) that also emphasizes the moral "normality" of the respondent. "Every bird flew to its own nest", in turn, highlights metaphorically the biological, essentialised nature of the conflict. Such metaphoric language (see Lakoff & Johnson, 2003) allows naturalizing and normalizing behavior: a bird cannot do anything else than "fly to its own nest", it's a biological necessity for survival. The roots of the conflict are thus presented not only as inevitable, but also as being in accordance with natural laws.

These discourses are significantly organized around the power of credible and legitimate sources of influence—political leaders and esteemed intellectuals—acting as entrepreneurs of identity and contaminating shared beliefs held in communities. Such accounts validate Haslam and Reicher's (2007) contention that leadership and shared social identity mutually interact and influence each other: Communities were driven to self-identify along national lines, an act that made them more likely to accept the leadership of institutions and elites who propagated an idealized version of their social identity. This leadership, in turn, mobilized this shared social identity, in order to further their self-interested political agendas that required upholding intergroup conflict.

Instruments under the control of the political leadership (Thompson, 1999), the mass media were also blamed for their role in maintaining the conflict by poisoning peoples' minds and leading them into a frenzy of hatred and aggression. One respondent describes his powerlessness in the face of media propagation of false and distorted information:

"I always said that the main guilt is on the media. Who started war? Media, media, and then all of it. First and foremost the guilt is on the media. Media, all the media were discussing during the war and to this date, they remain discussing and they remain full of poison. I am a very tolerant guy and I do not mind anything, but I feel poisoned by media. So I realized that if I am poisoned, I can imagine how much the other people are poisoned. " (2)

The "poisoning" by media propaganda described here can be related to the conjecture that when information comes from credible ingroup channels of communication, individuals are likely to take such information at face value (Pratkanis & Aronson, 2001), especially if they are validated by fellow community members (Oberschall, 2000). The validity of graphic depictions of the conflict remained unquestioned, their emotional salience thereby heightening risk perceptions (Perse, 2001). Threatening outgroup discourses were then likely to be shared within the community and progressively became part of the social consciousness as an objective truth (Sommer, 1998). Such propaganda also helped to mobilize collectives by strengthening ties within national communities. In resonance with discourse describing the mass media as the main culprit of the conflict, research has shown that media are especially influential in times of rapid social change and pervasive social conflict (e.g., Ball-Rokeach & DeFleur, 1976).

Acting within a Group

Many respondents were mid-level coordinators and tacticians (military-men, policemen or civilians) who were accused of helping their hierarchy to mastermind the social context that allowed immoral actions to be considered necessary and morally right. They

tended to recontextualize their involvement as dependent on the collective they were affiliated to and to frame their agency as a function of their membership in groups.

For example, one respondent presented the scope of his agency as limited to a small part of a large and overwhelming process that functioned thanks to the contribution of many other people like him:

"I was one of the participants in the negotiations, in the agreements, conversations, about the exchanges. I was just one of them. The exchanges took place in all those places." *(2)*

Such a perspective cannot be understood as simple obedience to wrongful orders and conformity with group pressure (following Milgram, 1974), but rather as indicative of deeper processes of social influence, such as identification with the source of influence and internalization of group discourse (Kelman & Hamilton, 1989). The extract by respondent 7, a former military-man, describing this internalization process and its impact on his perceived agency, is particularly telling. He implies that he internalized his group's values and did not question the orders he was given, because they came from authorities and an institution he revered and was loyal to:

"I was a member of the Yugoslav peoples' army. It was a legal institution in ex-Yugoslavia. (...) And I was a part of the state system. I was forced by that system to go there to defend the state attributes that system imposed to me itself. I was of the opinion that what was ordered to me… I never doubted in the legality of that act, what is the reason I was sent to X".

The enterprise he was brigaded in was condoned by authoritative decision-makers and was therefore assumed to be legitimate. He was part of an institution based on discipline and obedience. He felt obliged to meet the requirements of his position, because he had made a moral commitment to fulfill his duty:

"I was a part of the system who executed the task. I did it at the most professional level. (...) I was fighting, but I acted according to all regulations, according to all laws. And I was doing just the things that are actually permitted to be done during combat activities." (7).

Another salient feature in this respondent's discourse is the feeling of being part of a process that was fragmented along the actions of multiple actors operating in the name of a shared collective identity. He stresses that, as a soldier, one does not only integrate loyalty and comradeship related to one's combatant affiliation into one's personal identity, but also the normative framework that is associated with such an affiliation, that is, its beliefs, aims and values:

"If someone is new to the profession, belongs to a professional military personnel, if it is his duty to be loyal to the system to which he belongs to, he has now a lot of opportunity to make a choice. He is a part of the system or he is not a part of the system. Both options could be wrong, (...). If you accept to be loyal to the system, to go to war, you have to take into consideration, to respect and to obey all knowledge that you collected in your life, to prevent to go to the wrong side, to a wrong path to become a guilty one, you have a very narrow path to follow and there is no possibility to make a mistake."

This respondent reconstructs his scope of action as very limited; it is constrained by the norms that dictate the functioning of the system in which he was acting. And, given the subjective importance of his group affiliation, any behavior contrary to group norms becomes betrayal and must be avoided:

"But if you choose not to be a part of this system (...). You have to fight with this decision that you actually betrayed somebody, betrayed the system, the State. You threw away all the manners, the basics of your life, your study, your principles; you are not following your principles. And no matter which path you choose, always there will be some people who will tell you ok you did a wrong choice." (7)

This excerpt further shows that this respondent associates civilized "manners" and moral "principles" with ingroup loyalty. Being faithful to the State and the system is "the basics of your life". This constitutes another utterance that emphasizes the extreme constraint imposed by ingroup loyalty, viewed as an absolute necessity in the face of the imminent danger faced by the group. Ingroup loyalty becomes the expression of an ultimate morality that no other moral instance could question.

This "group action" perspective thus conveys the impression that respondents—in particular those who held a subordinate military or organizational role—were not aware that they were participating in a process based on wrongful objectives and outcomes for which they could be held accountable after the conflict. However, it is also likely that they did not attempt to uncover or explore further the ambiguous or hazy aspects of their involvement. As group members, some internalized their group's actions without critically questioning them or their behavioral consequences. In these conditions of diffused responsibility (Bandura, 1999), it was easy to do like everybody else, to morally validate one's conduct, to turn a blind eye, and to look the other way. Doubts as to the legitimacy of one's actions can indeed be dispelled by conforming to group norms and by convincing oneself that because fellow group members were doing the same thing, their actions had to have a righteous purpose. Moreover, by relinquishing responsibility to the commanding authority, they may simply have felt not obliged to scrutinize the morality of their actions. They were deceiving themselves without being aware of it, because, with time, they came to believe in their subjective interpretation of their role (Arendt, 1965).

In line with the other categories of meaning highlighted here, the "acting within a group" perspective constitutes another dimension demonstrating the prominence of a passive stance in the recounting of involvement and the related construction of one's subject position. However, a detailed examination of respondents' accounts also brought to light the existence

of discursive means employed by the speaker to control the communicative situation and to structure it around specific identity and power constructions.

Outgroups in Perpetrator Discourse

Even though on an explicit level respondents represent themselves as passive actors affected by external factors and subjected to others' actions or behaviors, various semantic devices and strategies denote motivations to control the interlocutory event between researchers and interviewees. This control is exemplified by the way respondents talk (or rather do not talk) about the outgroup. It is, for example, striking that speakers repeatedly drew the attention of the listener to the victimized social identity of the ingroup, while eluding outgroup hardships. This victimhood position is reflected by the expression of strong emotion and vivid detail of ingroup suffering that personalizes events and renders them concrete:

"My sister, my son-in-law, my brother-in-law, my close relatives, (…) were terribly mistreated and tortured in detention and everything was at his account. My sister was burnt, she was tortured to an inhuman limit and they barely survived."(2); "I saw my fellow combatants die and I saw my friends dying (5)".

This construction of involvement stands in stark contrast with the lack of detail, as well as the unemotional and clinical vocabulary used to describe outgroup victims. Repeatedly respondents refer to crimes as *"incidents", "things" or "situations"*:

The indictment says that they are indicting me until the end of the year, whereas the last incident is in [...] August date, so what about the four other months. The last incident was in [...], there were no incidents after [...], but the indictment goes till the end of the year" (9);

"So all these situations I describe where the civilians are portrayed as victims, lining up for bread or whatever, then they are showing that those victims were the ones that the XXX decided to kill in a lot of detail and in over-exaggeration, you cannot believe that this is possible." (9);

It is a detail that concerns my verdict. The things that happened unbeknownst to me and the judges decided that I was aware of these. Because the judges, they thought that I was aware of the things that happened and that I did not take the necessary and appropriate measures" (1).

The use of abstract, ambiguous and imprecise language is a strategy to deflect the interlocutor's attention to ingroup rather than outgroup suffering. It possibly also reflects an attempt to dehumanize the outgroup by refusing to acknowledge its suffering. By not naming them properly, crimes such as deportation, mass murder and collective rape, become trivialized and almost fortuitous events that "just happened" and for which no one in particular is responsible. This absence of precision is therefore also a strategy to elude blame and responsibility.

Another way for respondents to have a discursive hold is to present a positive and virtuous self in order to mitigate the less positive aspects of their identity (Van Dijk, 2000). Some reconstruct circumstances so as to make them appear as Good Samaritans with no harmful intentions. For example, portraying deportation of civilians as the *"only solution"* to save them:

"In date X, the Croats, despite all the agreements, with the international community, arrested Serbs from X. and put them in detention. Those were XXX Serbs detained, women and children, and they were put in all kinds of premises and kept there. When the talks about how to save those people started, the only solution was to transfer those people somehow to the Serbian-held territory. Since there were Croats and Muslims in X. who were in a similar situation, so they would like to go from that war-affected area to anywhere else." (2)

or justifying one's involvement:

"When I was performing my military tasks, I was trying to bring to justice the ones who tried to destroy that country, I begged the opposite side, whenever I could, not to shoot at

each other but to sit and talk, but to no avail. I really think that it was an ugly period in this

region and I really think that it could be avoided. Yugoslav countries could just, each could

live their own way, but we could avoid killing and the war." (3).

Others acknowledge harm doing, but oppose it to righteous actions carried out in parallel, in order to justify wrongdoing by emphasizing the normality of dialectical behaviors. One respondent admits to raping one woman, but adds that he provided basic assistance to another and employs the following rationalization as a disclaimer:

"But at the same time, it is a paradoxical situation: I also helped a Muslim woman

that I found in the street, alone, naked. I brought her to my parents, I gave her clothes and she

slept a night there and I did not do anything. There are bad behaviours, but there are also

good behaviours." (12)

More generally, it is striking to note how little respondents talk about the outgroup and their relationship with it. There is no mention of hate or animosity, and when they talk about it, it is often in this depersonalized and abstract form. They also present their own actions as simple and necessary reactions to outgroup aggressiveness, another strategy to elude responsibility by blaming the outgroup for having started the conflict. One respondent's discourse illustrates this strategy:

"If people were not attacking me or my side, I would not be touching them. But that

fact just does not get validated by anybody. " (9)

The speakers, through logical affirmations presented as indisputable ("does not get validated by anybody"), attempt to impose their reading of the conflict on the listener and to delegitimize other possible versions of their involvement.

Conclusion

The aim of this study was to uncover the various meanings conferred by individuals

accused by the ICTY to agentic involvement in the Yugoslav conflicts against the backdrop of

its collective and normative dynamics. As the rhetorical strategies and semantic devices brought to light in this study suggest, their discourse is structured by attempts to position themselves as the weak side of crushing power relationships, between group authorities and group members, between media propaganda and citizens, and between ingroups and outgroups. At the same time, their discourse reveals identity work as they reconstruct the conflict so as to eschew any direct responsibility for the acts they are accused of. Lack of agency is emphasized with reference to constraints related to an uncertain and often chaotic conflict setting, to authoritative sources of information and group leaders, to ingroup duties and to social roles. Their discursive reconstructions convey an impression that their room for maneuver was severely limited by their affiliation to the collective, as well as by the social reality of the conflict itself and its powerful external determinants. They position themselves as a passive element of a system that operated to attain outcomes way beyond their individual control. Through discursive reconstruction, respondents reveal the person they would like the exterior world to perceive they are. Through their active positioning within various identity and power relations, they expect to regain part of the control they have lost through their experience of the international criminal justice system and subsequent detention (McKendy, 2006).

In line with previous findings (Fuji, 2009), expressions of anger and hate towards the outgroup, as well as reference to the necessity of obedience to orders under duress, are very much absent from the discourses analyzed in this study. Fear and uncertainty, rather than anger and hate, are emphasized as central motives for the involvement in the criminal activities they were accused of. Anger and hate, even though they may have been experienced when faced with violence at the time, may no longer be expressed at present, because these feelings are no longer as vivid and intense. Yet, we cannot exclude that respondents simply suppressed the expression of such negative feelings in the communicative situation so as to

convey the impression of being in presence of a moral being (Presser, 2004). Discourses

justifying actions by the necessity to obey orders due to coercion were also not observed in

this study. Instead, former military-men mostly describe their involvement in criminal

activities as legitimate and internalized as part of a role-based norm (Kelman & Hamilton,

1989). Hence, ingroup loyalty and normative conformity to ingroup values were emphasized,

instead of obedience as such.

The categories of meanings highlighted in these discourses give rise to a number of

questions. For example, in a chaotic setting where norms are blurred and sometimes reversed,

it may be morally challenging to delineate clear boundaries between legitimate violence and

unlawful aggression (May, 2005). The social context (e.g., ingroup norms) has a significant

influence on our capacity to delineate between what is morally acceptable and what is not

(Blum, 1994). Similarly, in the discursive reconstructions studied here, the normative

landmark which shaped respondents' moral compass and gave sense to their actions was a

social identity based on their group identification. This ingroup primacy probably also

encouraged them to exclude rival groups from their moral universe of obligations (Fein, 1979)

and to become ever less concerned about applying moral standards to interactions with the

other group (see Brewer, 1999). The widespread use of abstract terms such as "incidents" and

"events" when talking about outgroup suffering may indicate such a strategic attempt to

exclude these outgroups from a moral community in which common standards of judgments

are applied. In such a context, precautions are more likely to have been taken to ensure the

ingroup's livelihood than to guarantee the respect of the rights of the rival group (e.g., making

sure to shoot combatants rather than civilians).

Another point raised by our findings is that making sense of the legitimacy of conduct

in intergroup conflict cannot be reduced to a binary and arbitrary delimitation between bad

and good. Norms of morality are not rigidly fixed, but can be interpreted flexibly by moral

actors using specific interpretative frameworks (Sykes & Matza, 1957). In that sense, respondents do not deny the raw facts, but invoke various justifications to demonstrate their lack of agency. Perpetrator discourse thus reverses the logic of reasoning applied by international criminal justice and humanitarian norms and reinterprets the situation to fit a morally defensible lens, for example by describing their actions as self-defense rather than as wanton violence, or by emphasizing compliance with ingroup norms rather than breach of legal norms (Cohen, 2001).

Finally, we need to stress that the findings of this study should not be considered as exonerating evidence or proof of diminished responsibility of participants. The focus of this study was never to examine whether the perpetrator discourses fit the objective reality of their actions or match the legal interpretation of these. Our aim was to understand how respondents subjectively construe their involvement and how they relate situation-specific and strategically chosen accounts (Scott & Lyman, 1968) to the collective underpinnings of their experience.

While recognizing that our respondents are not morally ignorant (French, 2001), our findings also bring to question whether their involvement is that far removed from the actions of reasonable human beings confronted with similar normative settings (Tallgren, 2002). When actions are defined as necessary and therefore condoned by a particular social context, immoral behavior can be perceived as a legitimate means to pursue a higher purpose (Bandura, 1999). The social reality of international crimes and the findings of this study beg the question as to the extent international criminal justice can contribute to promote peace and to deter people from engaging in such actions, if more immediate factors such as social ties and group dynamics are more likely to guide their moral compass than norms of international law. Such an interrogation is all the more relevant given that deterrence theory is grounded in the postulate of agency in crime and consequently, in the rationality of human action driven

by intent, motive and voluntariness (Rothe & Mullins, 2010). In that sense, our findings add

elements to the debate about whether international criminal justice should be more concerned

with the social processes leading to the normative changes that facilitate criminal involvement

rather than with the sole focus on individual responsibility for the criminal acts (Osiel, 2008).

References

Adams, P.J., Towns, A. & Gavey, N. (1995). Dominance and entitlement: The rhetoric men use to discuss their violence towards women. *Discourse Society*, 6, 387-406.

Arendt, H. (1965). *Eichmann in Jerusalem: a report on the banality of evil*. New York: Penguin Books.

Arksey, H. & Knight P. (1999). *Interviewing for social scientists: An introductory resource with examples*. London: Sage.

Ball-Rokeach, S.J., & DeFleur, M.L. (1976). A dependency model of mass-media effects. *Communication Research*, 3, 3-21.

Bandura, A. (1999). Moral disengagement in the perpetration of inhumanities. *Personality and Social Psychology Review*, 3, 193-209.

Bar-Tal, D. (2007). Sociopsychological foundations of intractable conflicts. *American Behavioral Scientist*, 50, 1430-1453.

Billig, M. (2008). The language of critical discourse analysis: the case of nominalization. *Discourse and Society*, 19, 783-800.

Blum, L.A. (1994). *Moral perception and particularity*. New York: Cambridge University Press.

Brewer, M. B. (1999). The psychology of prejudice: Ingroup love or outgroup hate. *Journal of Social Issues, 55*, 429-444.

Calic, M.-J. (2009). Ethnic cleansing and war crimes, 1991-1995. In C. Ingrao & A. Emmert (Eds.). *Confronting the Yugoslav controversies: A scholars' initiative* (pp. 114-151). Purdue University Press.

Cohen, S. (2001). *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Polity.

Van Dijk, T. (1998). *Ideology: A multidisciplinary approach*. London: Sage.

Van Dijk, T. (2000). New(s) Racism: A discourse analytical approach. In S. Cottle (Ed.), *Ethnic Minorities and the Media*, (pp. 33-49). Milton Keynes, UK: Open University Press.

Van Dijk, T. (2001). Multidisciplinary CDA: A plea for diversity. In R. Wodak & M. Meyer (Eds.), *Methods of critical discourse analysis* (pp. 95-120). London: Sage Publications.

Elcheroth G. & Spini D. (2009). Public support for the prosecution of human rights violations in the former Yugoslavia. *Peace and Conflict: The Journal of Peace Psychology* 15(2), 189-214.

Fairclough, N. & Wodak, R. (1997). Critical discourse analysis. In T. van Dijk (ed.), *Discourse Studies: A multidisciplinary introduction* (pp. 258-284, Vol. 2). London: Sage.

Fein, H. (1979). *Accounting for genocide*. New York: Free Press.

French, P.A. (2001). Unchosen evil and moral responsibility. In A. Jokić (Ed.), *War crimes and collective wrongdoing* (pp. 29-47). Oxford: Blackwell Publishers.

Fuji, L. A. (2009). *Killing Neighbors: Webs of Violence in Rwanda*. Ithaca: Cornell University Press.

Gagnon, J. (2004). *The myth of ethnic war: Serbia and Croatia in the 1990s*. Ithaca and London: Cornell University Press.

Green, G., South, N., & Smith, R. (2006). They say that you are a danger but you are not: Representations and constructions of the moral self in narratives of dangerous individuals, *Deviant Behavior*, 24, 81-100.

Haslam, S.A., & Reicher, S. (2007). Identity entrepreneurship and the consequences of identity failure: The dynamics of leadership in the BBC prison study. *Social Psychology Quarterly*, 70, 125- 147.

Haslam, S.A., Reicher, S., & Platow, M.J. (2011). *The new psychology of leadership: Identity, influence and power*. Hove: Psychology Press.

Hogg, M.A. (2000). Subjective uncertainty reduction through self-categorization: A motivational theory of social identity processes. In W. Stroebe & M. Hewstone (Eds.), *European review of social psychology* (Vol. 11, pp. 223-255). Chichester, England: Wiley.

Hogg, M.A., & Abrams, D. (1988). *Social identifications. A social psychology of intergroup relations and group processes*. London: Routledge.

Jorgensen, M., & Phillips, L. (2002). *Discourse analysis as theory and method*. London: Sage Publications.

Kelman, H.C. (2005). The policy context of torture: A social psychological analysis. *International Review of the Red Cross*, 87, 123-134.

Kelman, H.C. (2007). Social-psychological dimensions of international conflict. In I.W. Zartmann & J.L. Rasmussen (eds.), *Peacemaking in international conflict. Methods and Techniques* (pp. 191-238). Washington, DC: United States Institute of Peace Press.

Kelman, H.C., & Hamilton, V.L. (1989). *Crimes of obedience: Toward a social psychology of authority and responsibility*. New Haven, CT, Yale University Press.

Lakoff, G. & Johnson, M. (2003). *Metaphors we live by*. London: The university of Chicago press.

May, L. (2005). *Crimes against humanity: A normative account*. Cambridge: Cambridge University Press.

McKendy, J.P. (2006). I'm very careful about that: Narrative and agency of men in prison. *Discourse Society*, 17, 473-502.

Milgram, S. (1974). *Obedience to authority: An experimental view*. New York, Harper-Collins Publishers.

Nadler, A., Malloy, T., & Fisher, J.D. (Eds) (2008). *Social psychology of intergroup reconciliation: From violent conflict to peaceful co-existence*. Oxford, UK: Oxford University Press.

Oberschall, A. (2000). From ethnic cooperation to violence and war in Yugoslavia. In D. Chirot & M. Seligman (eds.), *Ethnopolitical Warfare: Causes, Consequences, and Possible Solutions* (pp. 119-150). Washington: American Psychological Association.

O'Connor (1995). Speaking of crime: `I don't know what made me do it`. *Discourse and Society*, 6, 429-456.

Opotow, S. (1990). Moral exclusion and injustice: An overview. *Journal of Social Issues*, 46, 1-20.

Osiel, M. (2008). Ascribing individual liability within a bureaucracy of murder. In A. Smeulers & R. Haveman (eds.), *Supranational criminology: Towards a criminology of international crimes* (p. 105-130). Antwerpen: Intersentia.

Paluck, E.L. (2009). Reducing intergroup prejudice and conflict using the media: A field experiment in Rwanda. *Journal of Personality and Social Psychology,* 96, 574-587.

Perse, E.M. (2001). *Mass media effects and society*. Mahwah, NJ: Lawrence Erlbaum Associates.

Pratkanis, A. & Aronson, E. (2001). *Age of proganda. The everyday use and abuse of persuasion*. New York: Henry Holt.

Presser, L. (2004). Violent offenders, moral selves: Constructing identities and accounts in the research interview. *Social Problems*, 51(1), 82-101.

Ramet, S. (2005). *Thinking about Yugoslavia. Scholarly debates about the Yugoslav breakup and the wars in Bosnia and Kosovo*. Cambridge. Cambridge University Press.

Rothe, D., & Mullins, C.W. (2010). Beyond the juristic orientation of international criminal justice: The relevance of criminological insight to international criminal law and its control. A commentary. *International Criminal Law Review*, 10, 97-110.

Scalia, D., Rauschenbach, M., & Staerklé, C. (2012). Paroles d'accusés sur la légitimité de la justice internationale pénale. *Revue de Sciences Criminelles et de droit pénal comparé, 3*, 2012, 727-745.

Scott, M.B. & Lyman, S.M., (1968). Accounts. *American Sociological review*, 33 (1), 46-62.

Sémelin, J. (2007). *Purify and destroy. The political uses of massacre and genocide*. New York: Columbia University Press.

Smeulers, A. & Grünfeld, F. (2011). *International crimes and other gross human rights violations. A multi- and interdisciplinary textbook*. Leiden: Martinus Nijhoff Publishers.

Sommer, C.M. (1998). Social representations and media communications. In U. Flick (ed.), *The psychology of the social* (pp. 186-195). Cambridge: Cambridge University Press.

Sykes, G.M. & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*, 22 (6), 664-670.

Tallgren, I. (2002). The sensibility and sense of international criminal law. *European journal of international law*, 13 (3), 561-595.

Thompson, M. (1999). *Forging war: The media in Serbia, Croatia and Bosnia-Hercegovina*. Luton: University of Luton.

Vollhardt, J. R. (2009). The role of victim beliefs in the Israeli-Palestinian conflict: Risk or potential for peace? *Peace and Conflict: Journal of Peace Psychology, 15*, 135-159.

Vollhardt, J.R. (2012). Interpreting rights and duties after mass violence. *Culture and Psychology, 18*, 133-145.

Vollhardt, J.R. & Bilewicz, M. (2013). After the genocide: Psychological perspectives on victim, bystander, and perpetrator groups. *Journal of Social Issues, 69*, 1-15.

Volpato, C. & Licata, L. (Eds.). (2010). Collective memories of colonial violence [Special issue]. *International Journal of Conflict and Violence*, *4* (1).

Wetherell, M. & Potter, J. (1992). *Mapping the language of racism: Discourse and the legitimation of exploitation*. Hemmel Hempstead: Harvester Wheatsheaf.

Wodak, R. (1989). Introduction. In R. Wodak (ed.), *Language, power and ideology* (pp. i-ix). Amsterdam: Benjamins.