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CHAPTER II
DENIALISM AND THE PROBLEM OF INDIFFERENCE

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In Albert Camus' classic novel *La Peste*, a physician diagnoses the plague. Soon, however, he discovers that the people around him refuse to acknowledge the threat of the contagious disease. When, at last, they can no longer deny the fact that an epidemic has infected them, it is too late.[1]

In recent years, *La Peste* has been read as a comment on denialism of the AIDS epidemic.[2] Traditionally, however, Camus' novel was interpreted as an allegory of how the French population responded to the occupation of France by Nazi Germany. At first, they could not imagine that the German army would force the French army to surrender. Then they wanted to believe that it would be best to submit and live with the *in*evitability of a long-term occupation or to even collaborate with the occupational forces.

Obviously, the meaning readers gave this allegory – in 1947, when the novel was first published – is quite different from the meaning the story has for readers today. As historian Carl Becker has noted:

> 'it is well known that every generation writes the same history in a new way, and puts upon it a new construction. The reason why this is so … is that our imagined picture [of a past event] is always determined … by our own present purposes, desires, prepossessions, and prejudices, all of which enter into the process of knowing it.'[3]

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1 The example is taken from C. Hamelton, 'What can history teach us about climate change denial?' in: S. Weintrobe (ed.), *Engaging with Climate Change: Psychoanalytic and Interdisciplinary Perspectives,* Routledge, Sussex 2013, pp. 16-32, at pp. 26-27.

2 The denial, against conclusive scientific evidence, that the human immunodeficiency virus (HIV) is the cause of Acquired Immune Deficiency Syndrome (AIDS).

3 C.L. Becker, 'What are Historical Facts?' in: H. Meyerholtt (ed.), *The Philosophy of History in Our Times,* Doubleday Publications, Garden City, New York 1959, 23-24, at p. 24.

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In other words, even though the past itself does not change, it will be rewritten by every new generation.[4]

An example of rewriting the past is the debate concerning what the general population in the Netherlands 'knew' about the Holocaust.[5] It is a question that even today, 70 years after the war, continues to create conflict and controversy.

In the 1960s, it was argued that, during the war, the general population did not know about the Holocaust because available information was fragmented, inconsistent and, untrustworthy. In the 1980s, that view was challenged by the argument that people *could* have known but did not *want* to know what was going on. Information about large-scale 'extermination' of Jews was available, but many preferred to deny the facts and remain ignorant.

In his prize-winning but controversial book *Wij weten niets van hun lot* (We know nothing of their fate), historian Bart van der Boom has recently challenged the view that the general population looked the other way when their Jewish neighbours were deported, and were, therefore, complicit in their fate.[6] On the basis of his analysis of more than 100 diaries, Van den Boom concludes, that most people could not know what was going on because they just could not *believe* that the deported Jews would be killed in gas chambers upon their arrival in the concentration camps. Their disbelief was not a matter of denial, but of incomprehension.[7] What happened, simply, was beyond their imagination.

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4 In fact, each new generation not only has a need, but also a right, to re-interpret history in its own way.

5 Note that the term 'Holocaust' was not in common usage until well into the 1970. In the 1950s, historians started to apply the term 'holocaust' ('inferno') as an equivalent to the Hebrew term 'shoah' ('catastrophe') when referring to the mass murder of the Jews by the Nazis (1939-1945). However, it was not until well into the 1970s that the term started to become more commonly used. D. Diner, *Beyond the Conceivable: Studies on Germany, Nazism, and the Holocaust*, University of California Press, Berkeley and Los Angeles 2000. Quoted by J.C. Alexander, 'On the Social Construction of Moral Universals: The `Holocaust' from War' (2002) 5 *European Journal of Social Theory* 1, 5-85, at 27.

6 B. Van Der Boom, *Wij weten niets van hun lot*, Boom, Amsterdam 2012.

7 Following influential historians such as A. Herzberg, J. Presser and L. De Jong, F. Bovenkerk has also argued that the existence of extermination camps went beyond the imagination of most of the Dutch population, and that only later, after the war had ended, it became fully clear what had happened in Auschwitz and the other extermination camps. F. Bovenkerk, 'Het Nederlandse aandeel in de jodenvervolging als criminologisch probleem' in: M. Moerings, C.M. Pelser and C.H. Brants (eds.), *Morele kwesties in het strafrecht,* Gouda Quint, Deventer 1999, p. 11-31, at p. 15. E. Moraal, *Als ik morgen niet op transport ga. Kamp Westerbork in beleving en herinnering,* De Bezige Bij, Amsterdam 2014 has shown that the same applies to Dutch Jews. American Jews could also not believe what they heard about extermination because it was, for them, 'unimaginable'. I.L. Horowitz, *Taking Lives: Genocide and state power,* Transaction, New York 1989, p. 26.

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The debate about what the general population 'really knew' about the Holocaust raises many questions[8], including the three which the organisers of this conference on *Denialism and Human Rights* have asked me to address:

1. What exactly is denial?
2. What are the implications of denial concerning human rights violations?
3. And how do we have to deal with them?[9]

1. WHAT IS DENIAL?

As you probably all know, the late Stanley Cohen has been the pioneer in addressing these questions.[10]

In his groundbreaking[11] – and now classic – book *States of Denial. Knowing About Atrocities And Suffering*[12], he notes that 'denial' is a notoriously elusive concept which can mean many things. But the only 'legitimate use' of the term 'denial' is 'when persons, who, as audiences, bystanders, observers, onlookers, spectators or witnesses, have come to see, hear or know what happened or is going on – either at the time or later, for whatever reason – in good or bad faith – claim not to know.'[13]

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8 For example, questions concerning silence and silencing or concerning the difference between disbelief and denial.

9 The conference is based on the assumption that deeply embedded denialism causes and/or facilitates human rights violations, because the true nature of the problems remains fully or partly unacknowledged and as a result appropriate actions remains absent. More ambitious would, therefore, be trying to answer the question: what social, economic, cultural and political structures provide for denialist defence mechanisms in society? And how do we acknowledge and address this problem of denialism and develop strategies to move beyond it? Answering these questions lies, however, beyond the scope of this essay.

10 Re-reading his book for this occasion, has been emotional. It made me aware of how much Stan, who sadly passed away last year (7 January 2013), is missed. I have always deeply admired his work, to begin with his chapter on 'Guilt, Justice and Tolerance: Some Old concepts for a New Criminology' published in 1979 in D. Downes and P. Rock (eds.), *Deviant Interpretations,* Martin Robertson, Oxford 1979, pp. 17-51. This chapter has been a great inspiration for writing my book *The Politics of Redress: Crime, Punishment, and Penal Abolition*, Unwin Hyman, London 1990, for which Stan Cohen, kindly, wrote a wonderful Preface.

11 Not many scholars have tried to develop a more general conceptualisation of denial than Stan Cohen. See R. Moerland, *The Killing of Death. Denying the genocide against the Tutsi,* Diss. Maastricht University, Maastricht 2015, p. 87, note 92. Moerland does not, however, mention Eviatar Zerubavel's effort. See: E. Zerubavel, 'The Social Sound of Silence: Toward A Sociology of Denial' in: E. Ben-Ze'ev, R. Ginio and J. Winter (eds.), *Shadows of War: A Social History of Silence in the Twentieth Century,* Cambridge University Press, Cambridge 2010, pp. 32-46.

12 Polity Press, Cambridge 2001.

13 Ibid., p. 9.

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Denial can be a personal and private state of mind, but also a public, social and cultural phenomenon. At the personal level, the process of denial 'includes *cognition* (not acknowledging the facts); *emotion* (not being disturbed); [and] *morality* (not recognizing wrongness or responsibility). A person who is in denial will refrain from *action* (will not take any steps in response to the unwanted knowledge).'[14]

But, denial is always a collective effort. People learn from one another what they are socially expected to ignore – that is, not look at, not listen to, not speak about. Collective denial is based on a 'shared reconstruction of reality'[15] in which painful realities are not – or only partially – acknowledged.[16]

Collective denial may emerge as a spontaneous social and cultural phenomenon 'when an entire segment of society … turns away from reality in favor of a more comfortable lie. But collective denial can also be officially initiated and organized by the state, for example, as in the concerted covering up a record of genocide or other past atrocities'(p. 12).

A well-known example of state-organised denial is the Armenian genocide that took place between 1915 and 1917. The facts are thoroughly documented in official records, survivors' accounts, witness testimonies and historical research. Yet successive Turkish governments have consistently denied that a genocide took place.

This obliteration of the past is an example of what Cohen has called literal denial: asserting that a statement about past reality is, in fact, untrue. It is perhaps the most obvious form of denial which, in this case, is officially organised and 'built into the ideological façade of the state' (p. 10).

State-organised denial, however, concerns not only *literal* denial. In discourses of official denial, we may also find *interpretive* denial. This form of denial 'concedes that something is happening but that this "something" must be seen in a different light.'[17]

An example of *interpretive denial* would be that during the Second World War concepts like 'annihilation', 'elimination', 'eradication' and 'extinction' – which currently mean 'murder upon arrival in the extermination camps' – were believed to refer to death caused by hard labour, hunger and exhaustion.[18]

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14 Ibid., p. 11.

15 M.A. Milburn and S.D. Conrad, *The Politics of Denial,* MIT Press, London 1996, p. 3.

16 Like, for example, the fact that, from 1945 to 1949, the Dutch military committed 'war crimes' on a considerable scale is still not openly acknowledged. S. Scagliola, 'The Silences and Myths of a "Dirty War": Coming to terms with the Dutch-Indonesian Decolonization War (1945-1949)' (2007) 14(2) *European Review of History* 235-262, 243. Quoted in R. Moerland, *The Killing of Death. Denying the genocide against the Tutsi,* Diss. Maastricht University, Maastricht 2015, p. 97, note 106.

17 S. Cohen, *States of Denial: Knowing About Atrocities and Suffering*, Polity Press, London 2001, p. 22.

18 The example is given by B. Van Der Boom, *Wij weten niets van hun lot*, Boom, Amsterdam 2012. As we have seen, Van den Boom argues that this was not a case of denial but of incomprehension.

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A third form of denial, is what Cohen has called *implicatory* denial. This form of denial is *not* about facts, nor about their interpretation, but rather about the moral significance of what has happened or is happening.

A historical example of implicatory denial is that during the Second World War the majority of population in the Netherlands could see with their own eyes how Jews were removed from their jobs, evicted from their homes and deported from their country. However, even though people knew this was happening, they denied the moral *significance* of these events and their own moral responsibility to intervene by helping their Jewish neighbours or colleagues to survive.[19]

What these forms of denial have – or, at least, should have – in common is that they refer to a state of mind that is, at least in part, unconscious.[20]

The reality of what is happening is both acknowledged and, to some extent, hidden from consciousness. While people are vaguely aware of choosing not to look at the facts, they are not quite conscious of what exactly it is that they are trying to evade. It is this intriguing 'paradox of knowing and not knowing' which – according to Cohen[21] – is at the heart of the concept of denial.

2. WHAT IS DENIALISM?

Unlike 'denial', 'denialism' is not a common term.[22] In Cohen's book *States of Denial* the word 'denialism' is not even used once.[23] And, in fact, I have not been able to find a single scientific publication in which the term was actually properly defined.[24]

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19 This (implicatory) denial of responsibility has been proposed as a possible explanation for the disturbing fact that – of all Western European countries that were occupied by Nazi Germany – the Netherlands had the highest proportion of its Jewish population that did not survive the war. For a scientific explanation of this phenomenon, see P. Griffioen and R. Zeller, *Jodenvervolging in Nederland, Frankrijk en België 1940-1945*, Boom, Amsterdam 2010 (2nd ed.) (1st ed. 2008).

20 Denial in the 'vernacular sense' of declaring something not to be true is not necessarily denial in the 'scientific sense' of an unconscious process. See E.E. Trunnel and W.F. Holt, 'The Concept of Denial or Disavowal' (1974) 22 *Journal of the American Psychoanalytic Association* 775.

21 S. Cohen, *States of Denial: Knowing About Atrocities and Suffering*, Polity Press, London 2001, p. 22.

22 K. Kahn-Harris, 'Unreasonable doubt', *New Humanist* 25.05.2010, pp. 14-17.

23 When Stanley Cohen, in 2011, did use the term in a discussion about climate change, he used it in an ambivalent (or even contradictory) way. On the one hand, he considered denialism as 'yet another variant of generic denial'. But on the other, it was for him 'the polar opposite' of denial'. S. Cohen, 'Climate change in a perverse culture' in: S. Weintrobe, *Engaging with Climate Change: Psychoanalytic and Interdisciplinary Perspectives,* Routledge, Sussex 2013, pp. 72-79.

24 In this respect Roland Moerland's doctoral thesis is no exception. In this thesis, which 'deals with the phenomenon of genocide denialism' at p. 15, the term denialism itself is not defined. In a footnote a reference is made to C. Tatz, *With intent to destroy: Reflections on genocide*, Verso, London 2003. However, in this book the term 'denialism' is not defined either. Tatz

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The 'ism' of 'denialism' would suggest a philosophical, political or moral system of mutually supportive beliefs. In actual fact, however, denialism is more a form of newspeak. It is used as a polemical term in various contexts[25], but most prominently in debates about medical and environmental problems like AIDS[26] and climate change.

In these debates, 'denialism' entails rhetorical arguments to discredit and undermine well-established but unwelcome positions in scientific debates.[27] At first glance, it seems as if scientific truth is itself at stake in these debates. At second glance, however, it becomes clear that the aim of denialism is not to engage in legitimate scientific debate, but merely to create the *appearance* of a scientific debate.[28]

As a social and cultural phenomenon, denialism has not been the subject of any sustained analysis, with one notable exception: the American journalist Michael Spector. In his book *Denialism: how irrational thinking hinders scientific progress, harms the planet, and threatens our lives*[29] he explores the ways in which rigorous and open-minded scientific skepticism is being replaced with the inflexible certainty of ideological commitment and conviction.

The kinds of denialism that Spector is concerned with are less extreme than Holocaust denialism. It is not so much the fanaticism of a small minority of active deniers that concerns him, but rather the vulnerability of the general population to plausible and pervasive forms of denialism concerning, for example, food security, public health and evidence-based medicine.

In these contexts, he understands denialism as a natural response to deep-seated fears of losing control and an attempt to cope with social change in a globalising world. As a coping mechanism, denialism seems similar to denial to the extent that both are based on unintentional and – in many circumstances – understandable, if not entirely forgivable, human shortcomings.

We all have moments where we know what is happening, but cannot resist the wishful thought that this cannot possibly be true. In *States of Denial,* Cohen quotes the writer Saul Bellow as saying that the state of knowing and not knowing is one of the most frequent of human arrangements. Cohen agrees with Bellow, but adds that the mental state of denial serves not only those who

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merely uses it 'to denote a range of denialist and denial-like behaviors' (R. Moerland, *The Killing of Death. Denying the genocide against the Tutsi,* Diss. Maastricht University, Maastricht 2015, note 1).

25 Other than AIDS and climate change, denialism has been related to such different issues as abortion, circumcision, evolution, Lyme Disease, and vaccinations.

26 Early – if not the first – use of the word 'denialism' was made in the struggle to prevent AIDS by E. Cameron, 'The dead hand of denialism', 2003 *Mail & Guardian* Johannesburg.

27 P.A. Diethelm and M. Mckee, 'Denialism: what is it and how should scientists respond?' (2009) 19(1) *European Journal of Public Health* 2-4, 2.

28 S. Cohen, 'Climate change in a perverse culture' in: S. Weintrobe, *Engaging with Climate Change: Psychoanalytic and Interdisciplinary Perspectives,* Routledge, Sussex 2013, p. 76.

29 Penguin Press, New York 2009.

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fear their own suffering (or loss of control). Denial *also* serves perpetrators who inflict suffering on other human beings. And it serves all those who witness or know about the suffering of others but do nothing to intervene.[30] These practices are more pertinent when denialism becomes what Spector calls '*denial writ large*'.

It is in these cases, I would argue, that the term 'denialism' is not very helpful. It is even misleading to suggest that there is an equivalence between debates about the Holocaust and, for example, climate change. It is misleading because, as Cohen has put it, the Holocaust refers to a well-documented set of events that happened in recorded history, while climate change is a scientific prediction of what is likely to happen in the future.[31]

In the case of climate change, there is and ought to be room for respectable scientific skepticism, whereas with regard to the Holocaust there is not and ought not to be room for 'reasonable doubt'. It is in this vein, that – at least in some jurisdictions – Holocaust denial is a criminal offence whereas denial of climate change is, at least legally, legitimate under the principle of freedom of expression.[32]

In sum, denialism is an unclear notion. It has *not* been clearly delineated in scientific discourse and, therefore, easily lends itself to misunderstandings in public debate. I believe that in relation to gross human rights violations, we should have serious doubts about the analytical usefulness and political implications of denialism as a concept.

By applying denialism the way the term is currently used, we run the risk that gross human rights violations and crimes against humanity become an object of pseudo-scientific debate about facts and their interpretation, while – if only as an unintended consequence – the moral dimensions of denial are overlooked, i.e. the moral responsibility of acknowledging the facts and the moral obligation to intervene in order to protect.

If you, nevertheless, persist in using the term denialism with regard to gross human rights violations and crimes against humanity, then use it, at least, in ways that are consistent with how the concept of 'denial' is defined in scientific discourse.[33]

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[30] S. Cohen, *States of Denial: Knowing About Atrocities and Suffering*, Polity Press, London 2001, p. 50.

[31] S. Cohen, 'Climate change in a perverse culture' in: S. Weintrobe, *Engaging with Climate Change: Psychoanalytic and Interdisciplinary Perspectives,* Routledge, Sussex 2013, p. 77.

[32] Incidentally, it has been proposed that denying HIV as a cause of AIDS ought to be criminalised given the harm caused by denial of AIDS.

[33] As 'a mechanism of defense that serves to provide an actor with protection against a reality which is for some reason perceived as too threatening to acknowledge and – when engaged in – results in the paradoxical self-deceptive state of knowing and not knowing at the same time.' R. Moerland, *The Killing of Death. Denying the genocide against the Tutsi,* Diss. Maastricht University, Maastricht 2015, p. 50.

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3. INDIFFERENCE

In the remainder of this article, I will limit myself to *implicatory* rather than literal or interpretive denial. And, rather than on past events, I will be focusing on denial of *actual and ongoing* human suffering and even of 'atrocities and suffering that lie ahead.'[34]

More specifically, I will be looking at what has been called 'perhaps the most overwhelming (and the most overwhelmingly obvious) reaction and response to gross human rights violations and crimes against humanity: indifference.'[35] Indifference may be defined as a form of 'moral disengagement whereby people disavow their responsibility for the problem or the solution.'[36]

With regard to atrocities and gross human rights violations, indifference is 'a lack of concern on the part of those who are not the sufferers towards the abuses and affronts, the insults and miseries that are experienced by others.'[37] In other words, we are indifferent if we know that cruelty is being perpetrated upon others and do not care or feel compelled to do anything about it.

Being indifferent is a state of mind that we are all familiar with, even though we, probably, would rather not admit it. Personally, I often feel totally overwhelmed by the images of human suffering that we are being confronted with day by day. Even though I have a professional interest in these events, there is always more information than one can – cognitively and emotionally – deal with, let alone do something about.

Given that there are always many other things that need to be done, I often feel tempted to ignore – at least part of – the information that – day in, day out – is made available about atrocities and gross human rights violations taking place elsewhere in the world. It is tempting to avoid such disturbing information that invariably feels like an unwelcome interruption of daily life. However, being (half-consciously) aware of the fact that I know but do not (want to) know about what is going on elsewhere in the world also leaves me feeling guilty and, when I look at myself through the eyes of others, even ashamed.[38]

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34 S. Cohen, *States of Denial: Knowing About Atrocities and Suffering*, Polity Press, London 2001, p. 288.

35 K. Tester, *Moral Culture,* Sage, London 1997, p. 16.

36 C. Hamilton, 'Why We Resist the Truth About Climate Change. A Paper to the Climate Controversies: Science and Politics conference Museum of Natural Sciences', Brussels 28.10.2010, p. 5.

37 K. Tester, 'A theory of indifference' (2002) 1, 2 *Journal of Human Rights* 173-186, 175.

38 After the Second World War, German philosopher K. Jaspers (*The Question of German Guilt,* Dial Press, New York 1947) famously distinguished – amongst others – moral and metaphysical guilt. Moral guilt concerned people who, during the Holocaust, went on with their activities as if nothing happened. In the moral sense, we should also be guilty when today in the face of human suffering elsewhere in the world, we carry on with our business as usual where we could, and, indeed, should, do something to stop or prevent it. In the metaphysical sense, however, we are guilty of the suffering of other human beings regardless of whether we have, deliberately or inadvertently, contributed to it or done nothing to stop or

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Uncomfortable feelings of guilt and shame confront us with questions like: how do we decide where and when to look or not to look, to read or not to read, to listen or not to listen and, finally and most importantly, to act or not to act? In other words, how do we maintain a morally viable position *vis-á-vis* an overload of information on human suffering in the world in which we live? Rather than focusing on my own moral inadequacy, I will now turn to a more sociological analysis and critique of indifference.

As social and cultural phenomenon, indifference to the suffering of others is 'an inevitable and inescapable dimension of social relationships and arrangements.'[39] It is a condition, however, that is exacerbated in what sociologist Zygmunt Bauman[40] has called 'liquid modernity', i.e. a world in which social forms and institutions no longer have enough time to solidify and cannot serve as frames of reference for human actions.

Liquid modernity, according to Bauman, 'weakens the pressure of moral responsibility [and] promotes indifference to the plight of the Other which otherwise would be subject to moral evaluation and morally motivated response.'[41] In this context, we all become bystanders of human suffering, while, at the same time, the distinction between bystander and accomplice or accessory becomes increasingly tenuous.[42]

As a result, the phenomenon of indifference becomes 'a serious moral problem'.[43] Not responding to the suffering of others – 'if only by offering them, at least, a spark of hope' – is, in the words of Holocaust survivor Elie Wiesel, to deny their humanity and betray our own.[44]

Most of us are aware of distant human suffering only indirectly, through information provided by the mass media and by professional humanitarian organisations like Amnesty International, Human Rights Watch, and Doctors without Borders (*Médecins Sans Frontières*). As a result of their efforts, our discourse about human suffering 'is largely the product of their moral imagination.'[45]

Sociologists like Stanley Cohen and Zygmunt Bauman are rather pessimistic about the ways in which mass media and human rights organisations are tackling the problem of indifference to human suffering by providing actual information.

prevent it. The other forms of guilt are criminal guilt concerning the responsibility for acts which are 'capable of objective proof and violate unequivocal laws' (p. 31) and political guilt concerning the responsibility for 'the consequences of the state whose power governs me and under whose order I live' (p. 31).

39 K. Tester, 'A theory of indifference' (2002) 1(2) *Journal of Human Rights* 173-186, 175.

40 Z. Bauman, *Liquid Modernity*, Polity, Cambridge 2000.

41 Z. Bauman, 'From bystander to actor' (2003) 1(2) *Journal of Human Rights* 137-151, 199.

42 Ibid., p. 139.

43 K. Tester, 'A theory of indifference' (2002) 1(2) *Journal of Human Rights* 173-186, 175.

44 E. Wiesel, 1999.

45 S. Cohen, *States of Denial: Knowing About Atrocities and Suffering*, Polity Press, London 2001, p. 164.

4. THE MASS MEDIA

While academic research can draw some public attention to atrocities and gross human rights violations, journalists can reach much wider audiences and their reports on atrocities taking place elsewhere in the world, can reach us almost in real time.

Yet, despite the fact that, today, we are better informed about human suffering of distant others than any generation before us, indifference prevails. The mere scale of the atrocities as well as their geographical distance give us a sense that they belong to another world: a 'hyper-reality' which we experience as external and remote. And the constant repetition of images of atrocities by the media only increases our sense of the remoteness of these events from our daily lives.[46]

Instead of becoming consciously engaged with what we see and hear, we tend to sit back and let the images and reports 'wash over us'. And while we sit and watch, we become anaesthetised to any moral impact those images should have upon us.

The main problem with images of human suffering, however, 'is not their multiplicity but their … *moral distance.*'[47] In his book *Moral Culture,* philosopher Keith Tester claims that we experience distant wars and atrocities in the media as 'completely and utterly banal'.[48]

While, undoubtedly, there is some truth to this claim, it is too general for at least two reasons.

The first reason is that members of Muslim communities in Western Europe are far from indifferent to the suffering of distant others in counties like Iraq, Afghanistan or Syria. On the contrary.

Their identification with who they see as their 'brothers and sisters' explains why they identify with victims of bloodshed in ways that most non-Muslims cannot or do not show. For most non-Muslims, distant victims of human suffering tend to be 'othered' as belonging to different cultures and religions and, therefore, excluded from the sphere of universal solidarity and human rights.

Tester's claim is also too general, given that massive mobilisation for humanitarian emergencies through the media *is* occasionally successful. In these cases, television viewers *do* seem to be touched by the sight of human suffering and *do* want 'to do something' about it. Some people, spontaneously, take the initiative to organise help, e.g. by collecting clothing or food and transporting it to emergency situations. This shows that it *is* possible to invoke a moral response to distant human suffering, even though these periodic outbursts of solidarity are seldom and – according to Bauman – a 'sorely inadequate, alternative to the meek acceptance of the state of affairs.'[49]

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[46] Ibid., p. 194.
[47] Ibid., p. 194.
[48] K. Tester, *Moral Culture,* Sage, London 1997, p. 28.
[49] Z. Bauman, 'From bystander to actor' (2003) 1(2) *Journal of Human Rights* 137-151, 148.

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In general, however, public engagement is limited to those victims we can somehow identify with. But even then this engagement goes no further than demanding that 'something must be done' whereby it remains totally unclear what this 'something' is that needs to be done. Actually, this should be no surprise as, in fact, 'it is far from evident what (if anything) can be done by us to make a real difference.'[50]

One of the most popular responses to suffering is 'getting someone else to do it for us' by sending money (or counting on the government to do so). The attraction of this 'monetisation of morality' is, that it allows us to claim – unashamedly – that we did what we had to do, that we could not have done more than we did and that, therefore, we should be absolved from our moral guilt.

5. HUMAN RIGHTS ORGANISATIONS

One reason why professional organisations like Amnesty International, Human Rights Watch, and Doctors without Borders fail in their task to move and mobilise people and to create public pressure in order to stop human rights violations, is that they fail to tackle the problem of indifference adequately.

In *States of Denial,* Cohen analyses how these organisations try to move and mobilise us by making moral appeals and inducing feelings of guilt. Guilt is induced by making us 'feel bad' for living our comfortable life as if we do *not* know – what we obviously *do* know – about horrors taking place elsewhere in the world. This strategy does not work because – as Cohen has pointed out – the 'guilt-induction chain' is weak. Instead of moving people to take action, these moral appeals even seem to have the opposite effect. This is because 'the more responsible and "bad" you feel for not doing anything … the less you feel motivated to absorb more information [and] the more likely you are to shut out and switch off.'[51]

A second reason why these organisations fail to move and mobilise people is that the resources for a moral response to the instances of distant human suffering have been exhausted and 'evacuated of any power'.[52] The routine translation of what Bauman has called 'morally pregnant knowledge' into abstract legal and political discourse fails to mobilise people and passes the ownership of a human rights problems into the hands of a – what Cohen has called – 'bureaucratic cartel' of human rights professionals. It may, therefore, be concluded – with a quote from Lawrence Langer – that: 'Until we find a way of toppling the barrier that sequesters mass suffering in other regions of the world

[50] Ibid., p. 146.

[51] S. Cohen, *States of Denial: Knowing About Atrocities and Suffering*, Polity Press, London 2001, p. 216.

[52] K. Tester, *Moral Culture,* Sage, London 1997, p. 28.

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from the comfort and the safety we enjoy far from its ravages, little will be done to rouse the attention of our political and professional leaders, to say nothing of our own.'[53]

6. TACKLING THE PROBLEM OF INDIFFERENCE

If providing actual information about atrocities is not effective in rousing the attention of people and ending their indifference to human suffering, then what is?

A possible remedy, is to try make people feel ashamed about being uninformed about the suffering of distant others. In *States of Denial*, Cohen has noted that the moral appeal to shame is used much less than the appeals made to guilt which, as we have seen, do not work or even are counterproductive. Instead of inducing guilt feelings, it would, therefore, make more sense to try to induce feelings shame.[54] Shame is a highly uncomfortable feeling to be sure. However, it can make us aware of our indifference and motivate us to do something about it.[55]

It is an uncomfortable feeling that should be welcomed also because it, paradoxically, shows that we are not totally indifferent and, in principle at least, are willing to consider and maybe even do something about the human suffering of distant others. Shame is, therefore, essential in ways that guilt is not.

As a socially productive emotion, shame also appeals to a sense of community and moral interdependence rather than to personal responsibility alone.

The public shaming of indifference does not allow us to 'feel good' about ourselves, individually and collectively. Our feelings of shame challenge us and force us to re-evaluate our ideas and assumptions about ourselves and the world we live in.

Although, as citizens, we tend to defer our judgments on atrocities and gross human rights violations by arguing 'that nothing we can do will make much difference anyway'.[56] Morally, this is, of course, hardly a sustainable position.

As the American philosopher Michael Walzer has noted in his book *Just and Unjust Wars,* when we – as ordinary citizens – 'go along with' the policies and human rights violations that our governments commit, support or condone,

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[53] L.L. Langer, 'The Alarmed Vision: Social Suffering and Holocaust Atrocity' (1996) 125(1) *Daedalus* 47-65, 47.

[54] S. Cohen, *States of Denial: Knowing About Atrocities and Suffering*, Polity Press, London 2001, p. 11.

[55] This is why indifference can be considered as a form of denial. Avoiding information without acknowledging that we are actually doing so would be an example of 'meta-denial'. Our moral (or metaphysical) is then neutralised by denying the denial. E. Zerubavel, 'The Social Sound of Silence: Toward A Sociology of Denial' in: E. Ben-Ze'ev, R. Ginio and J. Winter (eds.), *Shadows of War: A Social History of Silence in the Twentieth Century,* Cambridge University Press, Cambridge 2010, pp. 32-46, at p. 69.

[56] M. Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations,* Basic Books, New York 2000, p. 301.

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we are 'collectively liable' for the crimes against humanity that are committed, supported or condoned 'in our name'.[57]

Of course, as ordinary citizens we do not – in any way – cause these crimes and – as such – we are not legally liable for them. But '[w]hile passivity … is too diffuse to give rise to any meaningful form of legal responsibility, it nonetheless has consequences which raise important issues about [moral] responsibility.'[58] As citizens, we have a collective moral responsibility to ensure that our governments are not a source of unjust harm to others.[59] By remaining passive (or failing to protest), we risk – albeit in only a small way – supporting such wrongdoings and adding to the appearance of their legitimacy.

This also applies when our government supports or condones human rights violations committed by others or fails to comply with the international 'responsibility to protect.'

In these cases, the responsibility to protect, which is usually used as an argument for justified military interventions, may just as well be used as an argument to justify 'a responsibility to protest'[60] against unjustified military interventions in order to prevent the human rights violations that are committed during these interventions and cause human suffering elsewhere in the world.

And this is *exactly* what millions of people in more than 600 cities in 60 countries around the world did on February 16, 2004. They were ashamed of and protested against crimes that were being committed – as they put it – '*Not in Our Name*'. This was a global political protest against the military intervention in Iraq, against the way in which that intervention had been decided, and against the lack of accountability the governments of the US and the UK had demonstrated toward the citizens in whose name these decisions were taken.[61]

It is in this same vein that Crawford[62] argues that, as ordinary citizens we always have a *collective* moral responsibility to deliberate, monitor, and make judgments about such issues. And, I may add, we have a collective moral responsibility to counter the denialism of our governments if they try to deny atrocities and gross human rights violations that are currently occurring or that have occurred in the past.

57 In K. Jaspers, *The Question of German Guilt,* Fordham University Press, New York 2002, p. 55, German philosopher Karl Jaspers has argued that the German people were collectively liable for the acts committed by their state. He wrote that: 'we are politically responsible for our regime, for the acts of the regime, for the start of the war in this world historical situation.'

58 L. Farmer (2007) 1 *Criminal Law and Philosophy* 151-156, 154.

59 J. Mcmahan, *Killing in War*, Oxford University Press, Oxford 2009, p. 215.

60 N.C. Crawford, '*War "In Our Name" and Responsibility to Protest: Ordinary Citizens, Civil Society, and Prospective Moral Responsibility*' (2014) 38 *Midwest Studies in Philosophy* 138-170, 148.

61 J. Williams, '"Not in My Name"? Legitimate Authority and Liberal Just War Theory' in: A.F. Lang Jr., C. O'driscoll and J. Williams (eds.), *Just War, Authority, Traditions and Practice,* Georgetown University Press, Washington DC 2013, p. 75.

62 N.C. Crawford, '*War "In Our Name" and Responsibility to Protest: Ordinary Citizens, Civil Society, and Prospective Moral Responsibility*' (2014) 38 *Midwest Studies in Philosophy* 138-170.

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7. DENIALISM AND CRITICAL CRIMINOLOGY

Finally, I would like to address the question of what role criminology could play in countering indifference and mobilising support for human rights interventions.

Within the field of criminology, it has been argued that an 'engagement' with human rights is a 'scholarly and moral responsibility'[63] and, as such, 'essential for 21th century criminology'.[64] It is the only way to ensure that the 'next generation' of criminologists 'need never again be bystanders to genocide'.[65]

The call for criminologists to become engaged in this kind of work is, however, based on the presumption that criminology can provide the knowledge of how to create public awareness of atrocities and gross human rights violations and of how to make sure that these crimes against humanity will not happen again.[66]

In his book *Just and Unjust Wars,* Michael Walzer raises the issue of how to get one's fellow citizens to think seriously about these issues, even though he notes that it is 'not easy to know' what sort of actions would need to be taken in order to achieve this.

Although academic research cannot draw as much public attention to atrocities and human rights violations as journalists who reach much wider audiences, at least, 'there is intellectual work to do'.

We must describe, as graphically as we can, the reality of atrocities and human rights violations, what it means to be a victim of these crimes. And we must analyse the nature of our moral and democratic responsibilities to respond to them.

These are not only feasible tasks, but they are morally required of those academics and public intellectuals who are trained to perform the role of what philosopher Herman Shue has called the 'citizen expert'.

The task of the citizen expert – and, thus, the critical criminologist – is to try to develop a consensus on questions of how to respond to atrocities and gross violations of human rights and how to prevent such crimes against humanity from ever occurring again.[67]

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63 J. Hagan and W. Rymond-Richmond, 'Criminology Confronts Genocide: Whose side are you on?' (2009) 13 *Theoretical Criminology* 503-511, 509.

64 D. Garland in a blurb on the back of J. Savelberg, *Crime and Human Rights: Criminology of Genocide and Atrocities*, Sage, London 2010.

65 J. Hagan and W. Rymon-Richmond, *Darfur and the Crime of Genocide*, Cambridge University Press, New York 2009, p. 222.

66 Ibid., p. 221.

67 N.C. Crawford, *'War "In Our Name" and Responsibility to Protest: Ordinary Citizens, Civil Society, and Prospective Moral Responsibility'* (2014) 38 *Midwest Studies in Philosophy* 138-170, 165.

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This work is essential because, ultimately, the key to mobilising public support is to 'have … good arguments, intelligently and energetically advanced.'[68]

Developing these arguments and publicly defending them is what critical criminologists can and should do in order to counter denialism and tackle the problem of indifference to human suffering of distant others.

68 G. Evans, 'Crimes against humanity: overcoming indifference' (2006) 8(3) *Journal of Genocide Research* 325-339.

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