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*We live in the present,  
we dream of the future  
and we learn  
eternal truths  
from the past.*

*Madame Chiang Kai-Shek*



# THE HOLOCAUST: Lessons Not Learned

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*Steps down to the gas chambers at the psychiatric hospital at Hadamar. Over 10,000 psychiatric patients (children and adults) were killed in this gas chamber.*

**T**he Holocaust remains the worst case of industrialized genocide in history. Between 1939 and 1945, the Nazis killed millions of Jews, Roma/Sinti (Gypsies), and individuals hospitalized with physical and mental disabilities/illnesses. These individuals were systematically murdered through a variety of means such as starvation, excessive work, shooting, lethal injection, and, of course, death by carbon monoxide or cyanide gas (Zyclon-B). The Nazis also persecuted other groups such as Jehovah's Witnesses and homosexuals—persecutions that led to the deaths of thousands.

For the past sixty years, much has been written and discussed about the Holocaust. We hear the outcry of "Never Again!" spoken at remembrances and herald the dawning of international law sparked out of atrocity. And yet, have the lessons of the Holocaust really been learned? It would seem that "Never Again" has turned into "Ever and Ever and Ever Again" regardless of whether one is discussing genocide or other systematic human rights violations practiced during the Holocaust such as torture. So where have we failed, what lessons should we have learned, and how does all of this relate to the current issue of torture and other world events? Although, there are many lessons that can be examined in this article, I'll focus on two: Ideology and International Law.

## The Danger of the Ideological "Greater Good"

The Holocaust kindles images of extraordinary acts of atrocity committed by the Nazis and their collaborators. Unfortunately, one of the most important lessons of the Holocaust is lost if we simply chalk up these horrific acts to the actions of madmen or some notion of evil. Rather,

history teaches us that most vile actions taken by governments and their citizens are for the "greater good" with ideological rationales. Individuals are often motivated to murder, torture, or commit other crimes against humanity not because they are evil but rather because they believe their actions to be honest, honorable, and just.

In 1939, the process of systematic murder began in Nazi Germany and Austria (recently annexed). Six psychiatric hospitals began killing children diagnosed with severe physical disabilities, mental retardation, schizophrenia, alcoholism, epilepsy, and other illnesses. These "useless eaters" not only were deemed to be a drain on the resources of society but also a threat to the genetic stock of the German people. These killings followed years of forced sterilization of "inferiors," a process begun not in Germany but in the United States. Sterilizations, immigration quotas, fitter family contests, a host of social programs, and talks of euthanasia all begun under the guise of creating a more utopian society through the use of eugenics in the U.S.

Eugenics, or racial hygiene as it was known in Germany, was grounded in the idea that mental abilities were just as heritable as physical characteristics. Therefore, the genes for goodness, honesty, intellectual abilities could be selectively breed for in progeny and societies could remove social ills such as "feeble-mindedness," alcoholism, insanity, sloth, and crime by carefully controlling the breeding of those with such characteristics. Toward the end of the 1800s, North Dakota and Michigan passed laws criminalizing marriage to individuals diagnosed with alcoholism, insanity, or tuberculosis. Indiana became the first state

to pass a forced sterilization law in 1907, and the U.S. Supreme Court in 1927 upheld the right of states to forcibly sterilize individuals against their will in *Buck v. Bell*. In the words of Oliver Wendell Holmes, “Three generations of imbeciles are enough” (274 U.S. 200, 1927). Discussions of euthanasia also began. Nobel Prize winner for medicine, Alexis Carrel (inventor of the iron lung), asserted that criminals and the insane could be “humanely and economically disposed of in small euthanasia institutions supplied with proper gases” (p. 319). Dr. Foster Kennedy wrote in the *American Journal of Psychiatry*, “I am in favor of euthanasia for those hopeless ones who should never have been born—Nature’s mistakes” (p. 14) and “I believe it is a merciful and kindly thing to relieve that defective—often tortured and convulsed, grotesque and absurd, useless and foolish, and entirely undesirable—of the agony of living” (p. 14).

The Germans applauded the actions of the Eugenics Record Office in the United States and early U.S. legislation. Under the Nazis, the programs of racial hygiene and mutated social Darwinistic ideas were implemented in a fashion that resulted in the sterilization of hundreds of thousands and the deaths of millions. Jews, Roma/Sinti, and psychiatric patients were all viewed as genetically defective and thus, they needed to be alleviated from their suffering. Hospital and camp “selections” conducted by medical doctors was designed to replace “natural selection.” From moving individuals into ghettos (quarantine) to the gas chambers, all tasks were viewed as medical procedures designed to remove “the tumor from the body of Germany.” As such,

the Nazis, from doctors to soldiers, considered their actions honorable and good, despite the repugnant nature of the task itself.

The pull of the greater good is magnified when individuals, communities, and governments feel that their actions will protect their friends, family, traditions, and people from an identified “other” associated with a perceived or real threat/crisis. But does this only happen to misguided or “evil” governments? Certainly, it is easy to find examples from history associated with “evil” governments committing actions based on what we might argue to be flawed ideologies in relation to genocide (e.g., the Cambodia genocide grounded in the ideals of communism and the vision of a renewed Angkor empire fighting the evils of the West) or oppressive prisons (e.g. the use of Gulags against those with “threatening” political ideas in the former Soviet Union). But, what about “good” countries with espoused traditions of fairness and democracy?

Unfortunately, the United States has also been subject to the allure of the “greater good” and engaged in acts of atrocity throughout its history, particularly when threatened. Certainly, a case can be made for both ethnocide and genocide against the First Peoples of the New World early in the founding of the United States. In addition, the U.S. has been complicit in genocidal actions in other arenas around the globe (e.g., in East Timor as part of the fight against communism). During World War II (WWII), the Japanese were interred in relocation camps as part of national security

efforts. Additionally, researchers, particularly in the 1950s, conducted destructive medical experiments on prisoners and soldiers without their knowledge or informed consent for Cold War military purposes. The United States has offered apologies for these actions and for the forced sterilizations of the early 20th century.

Unfortunately, the United States has again fallen into the trap of the greater good when threatened following the attacks of September 11, 2001. Due in part to fear and faulty intelligence, the U.S. engaged in a preemptive war in Iraq. Moreover, the “global war on terror” has opened the door to abuses at Abu Ghraib, Guantanamo Bay, and related sites, as well as the use of torture and extraordinary renditions. These are all actions that would not have been acceptable prior to the attacks on the World Trade Center, the Pentagon, and Flight 93 which crashed in Pennsylvania on 9/11. Yet, these actions became acceptable for many and considered to be just and honorable as part of the “global war on terrorism.” Evidence for the acceptability of such practices within the population of the U.S. can be found in the upsurge in the “positive” use of torture in popular television programs such as “Lost” and “24.”

## Problems with International Law

The Holocaust highlighted the need for more comprehensive international law and punishment of those who commit war crimes and crimes against humanity extending beyond national borders. First, international law was designed to end the atmosphere of impunity that existed around the globe. Impunity implies a freedom or exemption from harm, retribution, or justice regardless of the actions taken by an individual. This is imperative otherwise, according to Roth, Bolton, Slaughter, and Wedgwood (1999), an atmosphere of impunity increases the probability of violence. Hitler pointed to the Armenian genocide as an example of impunity in response to genocide. Indeed, he just as easily could have pointed to the destruction of the Hereros in Namibia at the hands of the German military to make a similar case. International law is designed to establish a rule of law, create an atmosphere of justice, stay the hand of vengeance, provide a means of deterrence, and create a historic record (Minow, 1998). These are indeed worthy and lofty goals but they have been selective in their practice and are weakened by passive world response and problems with application.



*Medical experimentation room at Sachsenhausen, a concentration camp north of Berlin.*



*Hartheim Castle was as a psychiatric hospital near Linz, Austria. Over 18,000 psychiatric patients (children and adults) were killed in the gas chambers located in the basement as part of the Nazi “euthanasia” program.*

History has always included wars where the winners determined justice and potential losers feared great harm to themselves and their communities through vengeance. No doubt that the Nazis feared for their safety upon losing the war, not from a tribunal but by angry mobs and governments. However, the Nuremberg Trials were established to bring the leaders of the Nazis and those complicit with the greatest atrocities to justice. In the words of Justice Robert H. Jackson of the U.S. Supreme Court, lead prosecutor at Nuremberg, “we have set up an International Tribunal and have undertaken the burden of participating in a complicated effort to give them fair and dispassionate hearings. That is the best-known protection to any man with a defense worthy of being heard” (Nuremberg Trial Proceedings, vol. 2).

Although the Nuremberg Trials were a bright moment in judicial history, the trials highlight the flaws in the system of international law. First and foremost, the law is used selectively. If the Nazi government had dropped an atomic weapon on a civil-

ian target, they would have been brought to account for such actions. Yet, the bombings of Hiroshima and Nagasaki have largely been heralded as unfortunate but necessary attacks to bring the war to an end. This is despite the fact that the Japanese had tried to surrender in the months prior to the bombings—they only requested that their Emperor not be killed. Another example is the disparity of treatment between the Nazi and Japanese medical doctors who engaged in gruesome experimentation during WWII. The Nazi doctors were held accountable at Nuremberg for their actions related to medical experiments conducted at Dachau, Auschwitz, and other concentration camps. The Japanese also engaged in gruesome medical experimentation that involved vivisections, hypothermia studies, infectious disease studies, and traumatic injury studies, and it is thought that some of this experimentation was conducted on U.S. prisoners of war. The extent of Japanese experimentation exceeds that of the Nazis as they conducted experiments not just in a laboratory setting (no known survivors) but also field studies testing dispersal methods throughout rural China of plague, anthrax, and other forms of biochemical weaponry. Yet, despite these crimes against humanity, no one involved in these projects was ever prosecuted. Why? The United States granted the Japanese doctors and military full immunity in exchange for their data. The winners often get to selectively

decide who is or who is not prosecuted under international law.

A second problem with international law is inherent in the wording of the law. The Convention Against Genocide is written in such a way that almost all instances of genocide written about in history from Armenia to Darfur are not technically defined as genocide under international law. For example, one of the issues is the word “intent” and there has to be a clear indication that individuals are not dying as a result of unintended consequences of war, civil war, famine, or displacement. Second, only specific categorizations such as race, ethnicity, or religion are protected under the Genocide Convention. Third, how many of a group must be killed before it becomes classified as a genocide? The United Nations and member states have avoided mandatory intervention in instances of genocide by coyly using the phrase “acts of genocide” to forestall action. The most embarrassing exchanges during the Rwandan genocide were between reporters and Christine Shelly, then a spokesperson for the State Department, in response to queries about the genocide:

CHRISTINE SHELLY: Well, as I think you know, the use of the term “genocide” has a very precise legal meaning, although it’s not strictly a legal determination. There are other factors in there, as well. When—in looking at a situation to make a determination about that—before we begin to use that term—we have to know as much as possible about the facts of the situation and...

CHRISTINE SHELLY: We have every reason to believe that acts of genocide have occurred.

REPORTER: How many acts of genocide does it take to make genocide?

CHRISTINE SHELLY: That’s just not a question that I’m in a position to answer.

REPORTER: Is it true that you have specific guidance not to use the word “genocide” in isolation, but always preface it with these words “acts of”?

CHRISTINE SHELLY: I have guidance which—which—to which I—which I try to use as best as I can. I’m not—I have—there are formulations that we are using that we are trying to be consistent in our use of. I don’t have an absolute categorical pre-



*The medical experimentation block at Auschwitz.*

scription against something, but I have the definitions. I have a phraseology which has been carefully examined and arrived at to... (Frontline, Triumph of Evil, 1999).

There are also significant problems in relation to the application of international law. Bystander effects and moral exclusion play a role in whether a matter even comes to the attention of the international community. This pattern of inaction historically has led to an escalation of atrocity and impunity for those who commit atrocities. Moreover, international law still tends to remain secondary to national law. Human rights abuses are routinely committed within nation-states including nation-states who were original signatories to the Universal Declaration for Human Rights. Additionally, mass violence against civilian populations continues unabated. The UN remains reticent to act against sovereign nations and most nation-states are reticent to complain as their own houses are not completely clean.

The problems associated with international law in terms of selectivity, definition, and application all apply to the current issue of torture. The United Nations Convention Against Torture provides a definition of torture that is problematic (e.g., the problem of defining “severe pain or suffering”) but more importantly, excludes any definition of “cruel, inhuman, or degrading.” This

leaves the international community with a struggle to identify abusive behaviors that rise to the level of international law. It is not enough to be able to “know it when I see it” when making legal distinctions and policy and this has allowed cruel, inhuman, or degrading behavior and indeed torture to continue unfettered. Moreover, the definition applies to a narrow setting and includes the caveat “It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” These problems are exacerbated when national law is written to circumvent international law. For example, the Military Commissions Act of 2006 further opened the door to the use of “enhanced interrogation techniques,” provided protections for interrogators retroactively, increased the perception of impunity, and expanded the power of the President.

### Conclusions

Much of what we know about human behavior and atrocity is grounded in research begun as psychologists and others attempted to understand what led one of the most civilized nations in the world, Germany, down a path to the Holocaust. Psychologists understand that we need to be aware of the effect of various factors that lead good people to commit great harm as none of us are immune to these factors. Certainly, the Holocaust has taught us that destructive

ideologies hidden in sheep’s clothing and propelled by fear often lead individuals to commit atrocity. Only in hindsight, do we sometimes become aware of the damage we have caused and consequently, our guilt. Additionally, history following the Holocaust has reinforced the need for the further development of international law. Impunity is currently served by the aspirational but not practical nature of much of international law. Of course, there are many additional factors that play a role in systematic human rights violations such as the effects of the situation on an individual’s behavior, the dangers of propaganda, the role of bystander effects, moral exclusion, the effect of crisis on individuals and their level of fear and prejudice, leadership factors including the problems associated with both charismatic and authoritarian leaders—too many to discuss in this short article. Fortunately, research continues in psychology and the fields of comparative genocide studies and human rights studies are grounded in an examination of the commonalities and differences in various atrocities with an eye towards prevention.

However, it isn’t enough for us as psychologists to be aware of the factors or to research the effects on individual and group behavior. We must also be vigilant to insure that we as individual psychologists and as a profession do not fall into the trap associated

with all of these influences. During the current “global war on terror,” the profession of psychology has found itself embroiled in a debate over psychologist involvement in interrogations at sites such as Guantanamo Bay and elsewhere. These interrogations have been conducted for the “greater good” and within the shifting nature of international law. The Executive Committee of the Society for the Study of Peace, Conflict, and Violence (Division 48), Psychologists for Social Responsibility (PsySR), Psychologists for an Ethical APA, withholddues.org, and other groups/individuals have uniformly spoken out against psychologist involvement in such interrogations and called for the closing of Guantanamo, ending the practice of extraordinary renditions, and the restoration of human rights protections to prisoners. These efforts have resulted in the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the 2007 APA Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as “Enemy Combatants” (and 2008 Amendments), and the recent Referendum Petition written and spearheaded by Dan Aalbers, Ruth Fallenbaum, and Brad Olson. These are all great achievements and each represents a step in the right direction toward holding psychologists to international human rights standards.

However, our work is not done. Psychologists, particularly those not affiliated with APA, continue to work at Guantanamo assisting with interrogations. I’m sure that they believe that they are making an important contribution to saving the lives of not only potential victims of terrorism but also of the prisoners themselves. The power of the ideology of the “greater good” is incredibly strong. Thus, it is important to understand their perceptions and reach solutions with these goals in mind. Additionally, no Resolution or Referendum written to date corrects or can be expected to correct the flaws in international law. There will always be loopholes written in any APA policy that grounds itself in such law. Therefore, the best solution for psychologists, U.S. citizens, and prisoners is the closing of Guantanamo Bay, the cessation of torture,

the ending of extraordinary renditions, and the restoration of human rights protections to prisoners. This not only serves the function of ending psychologist involvement in abusive interrogations but ironically also reduces the risk of terrorism as Guantanamo, Abu Ghraib, extraordinary renditions, and torture have become rallying cries for future terrorists. Kimmel and Stout (2006) have edited a text based on the work of the APA Task Force on the Psychological Effects of Efforts to Prevent Terrorism, which outlines more effective ways to keep us safe in the current global environment.

Finally, I would note that the APA has a long history of addressing issues of human rights and proposing progressive agendas. For example, the APA has addressed issues related to nuclear weapons, the Equal Rights Amendment, homelessness, domestic violence, gay and lesbian rights, etc. However, these have all represented individual initiatives. It is time for the APA to stand up and formalize their interest and concern for human rights. First, the APA Ethics Code should be examined to make it consistent with United Nations Human Rights Conventions and Human Rights should be considered fundamental to the Ethics Code. Second, the APA should establish a standing Committee on Human Rights. The APA as a professional organization would not be alone in the creation of such a committee as organizations such as the American Academy of Arts and Sciences, American Anthropological Association, American Association for the Advancement of Science, Association of American Geographers, American Chemical Society, American Educational Research Association, American Mathematical Society, American Physical Society, American Political Science Association, American Society of Civil Engineers, American Statistical Association, National Academies of Science, and the New York Academy of Sciences all have human rights committees. As recent events in history have shown us, psychology as a profession can no longer afford to remain outside the efforts toward human rights both nationally and internationally, with only a reactive as opposed to proactive response.

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