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Massacre: An Analytical Approach towards Legal, Social, and Psychological Aspects

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Abstract

The fields of sociology, law, and psychology have paid little consideration to the subject of mass killings of civilians. Without a doubt, this fact is influenced by the topic matter. Researchers who study mass killings face three distinct challenges. Studying something that makes you feel fear and loathing is quite normal. In this process of studying mass killings reasons, civilians are murdered and injured. It is possible that populations are at the heart of their reasoning. A conflict's psychological and political dynamics may be profoundly altered by mass killings, which are not just marginal or collateral incidents. As a result, it is appropriate to treat it as a distinct topic. Mass murder may be studied in three different ways by the social sciences. The organization's strategic functions are examined first. Our CERI colloquium focused on methods, and I've discussed them here to demonstrate both their importance and their limits. One of the main goals of this method is to find out how individuals, due to their own personal reasons and feelings, are able to participate in the perpetration of mass murders. This is a worthy research path as long as it is backed by scientific evidence: It's a common misconception that the torturers' camp is a single group, although this is seldom the case. As a result, of the widespread usage and regularity of massacres, civilized civilizations see them as an illness, and an undesirable quality.

Keywords: massacre, mass murder, legal and psychological research slaughter, social aspect

Introduction

The study of the massacre of civilian populations has received little attention in the field of socio-legal and psychological research. No doubt, the nature of the subject influences this fact. Faced with the subject of massacres, the researcher is confronted with three problems. It is natural to shun a study subject that causes one to feel contempt and dread. The second



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is moral: how can "scientific neutrality" be shown in the face of acts of unmitigated brutality? Compassion for the victims naturally leads to condemnation of the offenders of their crimes. The third obstacle is more cerebral in nature: comprehension is defined by the massacre phenomena. Sense and purpose seem to be missing from this. It is easy to dismiss it as a man's foolishness. It is crucial, however, to grasp the political, economic, and cultural contexts in which such collective behaviour is produced, regardless of our moral judgement. Certain studies, particularly in modern and current history, have laid the groundwork (Aarstad, 2013).

The term "massacre" raises a number of semantic conundrums. The Latin word matteuca, which means bludgeon, is the root word for massacre. A butcher shop or abattoir is sometimes referred to as a butcher shop by this name. Since the eleventh century, the term massacre has evolved to mean the systematic killing of both animals and people. Since the method of killing animals also applies to humans, historically, it seems that massacres presuppose close contact between the assassin and his victim. Slitting someone's throat, a technique that emerged from peasant knowledge has been utilized in the atrocities during civil wars in Algeria and Greece.

Additionally, the massacred are often seen as victims and even innocent by the general public. The term one-sided slaughter has been used by numerous writers to describe genocide. Massacre, on the other hand, is a term that can be used interchangeably with genocide, at least according to international law. Massacre and genocide are never the same things, despite the fact that genocide invariably involves one or more massacres. Taking this into consideration raises another query: under what conditions does a scenario that involves massacres prone to turn into genocide? In the past, this has been the case, too. Massacres are morally reprehensible when perpetrated by groups of people, therefore, they are referred to as such. in a likewise manner, there are several equivalents for the term butchery. It's impossible to define massacre since there is no such thing. The term "crimes against humanity" has been defined by several international organizations to include acts of persecution and abuse, even if they are not lethal. A massacre is not invariably a crime against humanity. It's not uncommon for these terms to be used in the same context, such as war crime, pogrom, mass murder, massacre, and unjustified killing. A slaughterhouse or butcher shop, massacre, or macule, is the source of the term massacre when it refers

to indiscriminate slaughter or carnage. Macellum's provisions store, butcher shop may be the origin of the phrase massacre (Green, 2013).

Review of literature

There is a detrimental influence on the well-being of a society and a country when there are massacres and other violent crimes. More than half a million people were killed by massacres in 2012 alone, according to the global average of the purposeful number of killings per 100,000 people worldwide. It is criminal to commit murder with malice in mind in a massacre. Every physical act of a crime, which must be accompanied by the intent of accusing him of the crime, and the same holds true for massacres as well. The law mandates that a death be the result of the criminal's intentional actions and attempt to commit such an offence. All of the following must be proven: physical injury, the sort of damage caused, and a definite aim for inflicting the harm—not incidental or accidental (Dutton et al., 2005). Then the injury must be sufficient to cause death in the regular course of nature.

Massacres utilize murder as a means of avoiding justice and forewarning prospective victims of their murderous ambitions. As a result of its prevalence, a massacre is considered an illness and an undesirable feature in civilized societies. For destroying evidence of a crime, such as a victim's corpse or other evidence, violators face up to seven years in prison and a fine. Criminals have been found to utilize massacre concealing and other crime scene changes to dodge convictions and redirect the investigation in order to fool law enforcement and investigators. It has been normal practice in the past but massacres are increasingly disguising their victims, making it impossible to identify them at the scene of the crime and to delay the justice. Depending on the situation, the degree of deception and deformation associated with a massacre may range from complete nonconcealment to complete disfigurement. Murderers typically take precautionary precautions during investigations but the psychological components of hiding a massacre remain unknown. According to this argument, it may be possible for a country's method of operation to alter as a result of its demographic characteristics (Aarstad, 2013).

When the Jallianwala Bagh massacre happened on April 13, 1919, it was referred to as the Amritsar massacre. Dr Saifuddin Kitchlew and Dr Satya Pal were arrested at Amritsar's Jallianwala Bagh in protest over the arrest of pro-independence political leaders. In response to the public



assembly, Brigadier-General R. E. H. Dyer surrounded the Bagh with his soldiers. It was only possible to leave one side of the Jallianwala Bagh open owing to the presence of buildings on the other three sides. His troops blocked the exits with their weapons in order to prohibit demonstrators from leaving. He then ordered the soldiers to begin fire on the crowd. These soldiers continued to shoot as long as they could until their bullets ran out. Additionally, more than 1,200 people were hurt in the attack and 192 of them were gravely injured. Responses from British and Indian people polarized one another. In the words of Rudyard Kipling, Dyer had "done his duty as he saw fit." Tagore withdrew his knighthood and claimed that "such mass murders aren't worthy of giving any title to anybody." as a consequence of this tragedy. A historian pointed out that British military activities in Kenya, including the death of a large number of people by the Mau Mau guerrilla organizations, led to a rethinking of the military role of the British Army in relation to civilians (Tuteja, 2019).

Throughout the Second Sino-Japanese War (1937–45), Japanese soldiers massacred and raped citizens in the Chinese capital of Nanjing (then known as Nanking), leading to the so-called "Nanking Massacre." December 13, 1937 marked the beginning of the six-week massacre in Nanjing. Thousands of unarmed Chinese citizens and disarmed combatants were massacred by Imperial Japanese Army soldiers during this time period. They also carried out a large number of rapes and thefts. Controversy about the event persists and is a major impediment to Sino-Japanese relations. South Korea's relationship with Japan is still marred by the controversy surrounding the incident. Since most Japanese army files recording the crimes were either destroyed or secretly destroyed soon after Japan's surrender in 1945, it has been impossible to establish an accurate death toll from the massacre. In 1946, the Tokyo-based International Military Election tribunal estimated that more than 200,000 Chinese had been killed in the massacre. In 1947, China's Nanjing War Crimes Tribunal estimated that "more than 300,000" people were slain in the country's civil war, according to the report. At least since the 1980s, scholars have been disputing the death toll (Wakabayashi, 2001).

The Soviet Government's NKVD (People's Commissariat for Internal Affairs), which was the Communist secret police, killed Polish army members and intellectuals at Katyn. Although the mass graves were uncovered in the Katyn Forest, where most of the killings took place, it is

known as the Katyn Forest. When Lavrentiy Beria, a member of Stalin's Soviet Politburo, recommended that Stalin executed all Polish commanders in captivity, Stalin agreed, and the massacre began (Kunzle, 2002). The Nazi government announced the discovery of mass graves in the Katyn Forest in April 1943. After the Polish government-in-exile in London sought an investigation by the International Red Cross and Red Cross, Stalin severed diplomatic relations with the country. Even after the NKVD's participation in atrocities and Soviet government cover-ups was ultimately acknowledged and denounced in 1990, the Soviet Union continued to assert that Nazis were responsible for all the victims' deaths. Investigators from both countries concluded that Russia was responsible for crimes but they refused to label it as a war crime or a mass massacre because they didn't think it warranted it. Due to the fact that the perpetrators had already died, posthumous rehabilitation programmers were deemed impossible by the Russian government. In November of that year, the Russian State Duma blamed the massacre on Stalin and other Soviet officials. An alternative to the "Auschwitz lie," the "Katyn lie" refers to the Soviet account of the Holocaust, which has been misrepresented (Kwon, 2006).

The Primacy of Politics and Strategy

Explanations given by the media for mass killings are generally ethnic, religious, or ancestry based. At the CERI colloquium, participants mainly rejected these methods of culturalism. Given the breadth of their fields, it is remarkable that they have come to this conclusion that religious or ethnic issues might have a role, which is evident from the past incidents. However, leaders and organizations use these variables more as a way to justify their political actions than as a way to explain the slaughter as a result of religion or race. Scholars at Warwick University share this sentiment: "ethnic or cultural antipathy may exist without ever resorting to slaughter." 17 A area's religious or ethnic strife does not explain why, when, or how massacres occur in the region. Cause and effect are not linked in any way. Culturalism methods are relegated to a secondary role in favour of political or strategic ones. In light of K. Holsti's study, is it possible that a massacre might reveal a system of power's deep crisis? 18 This form of violence is more likely to arise in the context of dissolving an empire, for example, which allows for the reorganization of stronger nationalist or communitarian identities (Lang, 2006).

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The fall of the Ottoman Empire at the start of the twentieth century and the subsequent fall of the Soviet empire in the Balkans are noteworthy examples from the history. When the legitimacy of a State's authority is fiercely questioned, such a political scenario is favourable for the emergence of significant social violence that may lead to massacres. "Precariousness of the State" in Colombia, which was proven by the lack of a national judicial institution, enabled rival factions to execute reciprocal measures of retribution, as Daniel Pe'caut demonstrated in his essay. 19 According to Luis Martinez, the situation in Algeria after the government's refusal to accept the results of the 1991 elections, which led to civil war, is another example of this. 20 It is only when the social compact is ruptured that organizations and movements are encouraged to redistribute the power to use violence and establish justice. Prioritizing their strategic significance as a tool of gaining and maintaining power necessitates a political perspective on massacres (Lansing, <u>2008</u>).

In order to gain or preserve power, one must resort to extreme measures such as massacring populations. Every aspect of this operation is managed as if those who show most solid commitment to murder, including the killing of civilians, would be able to assert their influence over the survivors. A hamlet might be made an example by a guerrilla organization in order to assure the support of the people around it. In contrast, when a state's authority is threatened, it may create massacres in order to disseminate an ideology of security, which in turn strengthens the authority of the state. Such methods are utilized by a wide range of state terrorism. As Charles Tilly puts it, if war produces the state to the degree that the state makes war, the same may be true of massacres. Rather than an act of power by a strong government, a massacre in this context represents the ambition of a weak regime to gain strength or regain its former position of authority (Levene & Roberts, 2019).

A massacre would not be a sign of strength but rather a sign of weakness that would be absorbed by the use of massacre in this context. As soon as this power is able to take control of the government, massacres would no longer be necessary. Violent tactics of gaining power, however, are not the only means of obtaining the wealth of the people they target. The brutality of the massacre tactic makes this possible. In a short amount of time, the slain group may be robbed of their wealth and their land can be seized. Many studies pointed towards the economic importance of mass killings, such as the control of mining areas and wealth in numerous conflicts in Africa and Central America, or notably in Colombia, which is redirected into drug-trafficking routes (Maeterlinck, <u>1914</u>).

There is a wide range of interpretations of massacres, but this should not impede the development of a sociology of massacres. Some aspects of the preconditions, the players, and the setting of massacres are discussed here. When it comes to massacres, do there always have to be preconditioned in order for them to occur? Several studies supported this idea by emphasizing the significance of destroying potential victims' social ties beforehand. Xavier Bougarel demonstrated, that the Ottoman legacy of Komsiluk, the custom of communality between diverse ethnicities, was severely weakened before the operation of ethnic cleansing was launched in Bosnia. Victimization and the formation of propaganda geared at disqualifying prospective victims go hand-in-hand in this process of victimhood. This desertion of social ties, however, is not always apparent, especially in times of civil conflict, when mass killings occured without the implementation of safeguards to protect people from becoming victimized before they occur. In spite of this, the weight of anxiety and the imagination seem to be constantly present, inciting the perpetration itself. Denis Crouzet, historian of Saint-Barthelemy, and anthropologist Ve'ronique Nahoum-Grappe, anthropologist of Serbia under Milosevic, have both done extensive studies into the history of the groups in conflict in order to grasp this imagination. A memory of previous massacres may be modified to prepare for the future ones and thus allows for a better understanding of the term massacre. A group segmentation along the us vs. them axis is clearly linked to the role performed by fear and imagination in this phenomenon. So, the sociology of massacre may benefit from the techniques of social movement sociology in this regard. This delusional division of identity is the driving force behind the plan to carry out a massacre. However, after the slaughter has been carried out, it just serves to exacerbate this division. A massacre is both a product and a driving force behind this kind of catastrophic mobilization around identity.

The issue of who kills? is frequently impossible to answer with any degree of certainty. There are two degrees of analysis: Preparation: a massacre seldom occurs without a plan. Organizers are virtually usually present. Those who thought through mass crime and put it into effect by exploiting the imaginations of people are the ones who are responsible.

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There is no guarantee that personnel in charge of carrying out instructions have the same motives as their bosses. Execution: they may, of course, share their ideological values but they may also be driven by other considerations, such as the promise of financial rewards (the theft and pillage of all types of goods from their victims). Male, young, and unmarried are the most common characteristics of these people.

The problem of children and adolescents being enrolled remains largely unstudied, as it was in the case in Sierra Leone. A mass killer's metamorphosis into a mass murderer is clearly a major psychological shift. It is easier to overcome inhibitions when hierarchical superiors tell their recruits that they are not concerned about what they are planning to do. At the very least, the criminal's sense of impunity serves as a motivating factor. It's understandable why there isn't more study in this area. In any event, the basic phenomena of becoming used to murdering should not be denied, as evidenced by the statement of the following murderer in Indonesia: It is not tougher than killing a goat. The study of a massacre should not be reduced to a list of commands to be executed. Additionally, it's crucial that we take into consideration any surrounding communities' involvement or apathy. In some cases, significant swaths of society are either in favour of or involved in these killings themselves. Described by Jean-Louis Margolin, this "Communist-hunt, in the evening when guests are brought over, thereby displaying the courtesy of the Indonesians," in Indonesia. Stathis Kalyvas's research in Greece also showed that the closest family members of victims have an active part in either giving them over or trying to rescue them.

A massacre is a crime committed behind closed doors, which is made possible by the shutting off of the area in which the crime is committed. This enclosed environment makes everything possible: violence might go beyond the boundaries. You must be in front of the lens to do heinous acts. Due to this, war and revolution are ideal environments for massacres to take place. Furthermore, war and revolution generate scenarios of tampering with and isolating the locations where they are promoted by invoking a severe division of allies and opponents at a higher level. From a broader viewpoint, the international environment's apathy or inactivity is an asset for the development of a massacre scenario (Portelli, <u>2003</u>). For Pierre Hassner, in his work on the Yugoslavian crisis, demonstrated how Milosevic's harsh approach against Croatia in 1991 was seen by Belgrade as a green light for the same sort of operation in Bosnia in 1992. International order based on non-interference with internal problems of nations, as stated by NATO's 1999 operation in Kosovo, is an exception rather than a norm. In his groundbreaking comparative study of genocide, Leo Kuper argues that states have the authority to commit genocide because of this principle of territorial state sovereignty. A country experiencing a massacre does not necessarily fit into any specific international arrangement that makes violence more likely. As an example, can the Greek killings of 1943 be understood independently of their setting in the Second World War? It is also vital to understand the 1965 atrocities in light of this indirect assistance from the United States to Indonesia's leadership. If feasible, it is worthwhile to examine the probable convergence between an international setting and a certain country's current situation. For extreme aggression to take hold, there must be a connection between internal and external variables.

Legal Actions on Massacres

At the moment, when the international legal system founded only on the sovereignty of individual states, this system continued, in which all states were treated equally in terms of their legal standing. Every state had complete autonomy over its domestic affairs and its position in the international arena is solely determined by its own decision to be a member of the international community, according to this structure's core legal precept. Under a case involving the repatriation of captured slaves to foreign traffickers 125 years ago, Chief Justice Marshall stated that, despite the fact that the slave trade was outlawed in the United Nations, the slave trade continued to exist. Only the explicit or tacit consent of nations can be traced back to the beginnings of international law (Heinze et al., 2016). People have been reduced to the status of objects in this world's legal system and their rights can only be protected by the will of the government. The way things have traditionally been done, according to Professor Lauterpacht, is as follows: States are allowed, at their own discretion, to treat nationals and non-nationals similarly; nevertheless, the manner in which they are handled is not an issue of interest to International Law. This fundamental concept is not adhered to by all decentralized international law systems, however, before World War II, humanitarian intervention was the most significant exception to a government's wholesale slaughter of its own people.. Traditionally, international humanitarian intervention has been defined as the use of force for justifiable purposes of protecting the inhabitants from

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treatment that is so arbitrary and persistently abusive as to exceed the limits of the authority within which a sovereign is presumed, to act with reason and justice (Hafez, 2004).

This concept includes state engagement in the protection of its nationals who are living abroad as well as, less often, in the protection of people from the activities of their own governments, among other things. The right of a state to act for the protection of its own people who are being injured on the territory of another state is referred to as humanitarian intervention in certain circles. For example, the Israeli invasion of Uganda to free the Israeli and other hostages held at Entebbe International Airport is a current example of this kind of operation. That a state commits mass slaughter of its own citizens is not considered humanitarian action under this definition. The intervention of a state to safeguard the population of another state from the conduct of that state has been proposed to be lawful under international law. Cruelty against and persecution of its citizens in a way that violates their fundamental human rights and shocks the conscience of mankind. Despite the fact that this kind of government action against its citizens is prevalent, humanitarian intervention to prevent it is uncommon. Humanitarian interventions are uncommon in a world governed by a decentralized global legal system, which strives to maintain international peace and stability by maintaining a balance of power. However, they disrupt this equilibrium, humanitarian interventions are rare. Despite the fact that human rights have not been totally ignored under the decentralized system, they have been dealt with democratically rather than legally. Others believe that when human rights are repressed in today's global system, international law is being broken, and they argue that this is a violation of international law (Haskell, 2013).

This view, on the other hand, is built on the assumption that human rights violations are detrimental to world peace rather than being criminal in and of themselves. These writers do not argue for a one-on-one humanitarian intervention but rather for a collective response via the United Nations or another regional organization. Even the most steadfast believers in the decentralized system were shaken by the Nazi atrocities that occurred shortly after World War II. Recent allegations of mass murder in Cambodia and Uganda have elicited no response, suggesting that these tremors have subsided. The decentralized global legal system does not recognize a unilateral humanitarian action to safeguard the human rights of the people of another state as acceptable, even if the intervention seems to be effective in protecting the citizens' human rights. This view is supported by the nonintervention article of the United Nations Charter as well as the concept of collective enforcement.

However, isn't this political or strategic attitude to the killing too rational? Stathis Kalyvas is correct in his criticism of emotive narratives of massacres that obscure their explication. The inherent logic of massacre can only be decoded via such subjective impressions. It is thus possible to give massacres meaning by studying their strategic logic; this essentially demands the identification of their aims. There are two primary sorts of mass murder: those that attempt to establish political dominance (the case of submission) or those that want to eliminate the group as a whole (the case of extermination) (the case of eradication). Based on historical precedent, one or the other of these logic is likely to win out. This paper's examples of Greece, Indonesia, and Algeria are based on the dynamic of submission (although Jean-Louis Margolin mentions the tendency towards eradication in the Indonesian case). Eradication, on the other hand, gives rise to ethnic cleansing politics. In this manner, the goals of a massacre may be understood, showing how they are derived from the calculations of those who decide to carry it out (Rai & Fiske, 2011).

According to the notion that massacres are designed to either avoid or encourage this happening, it is necessary to link the massacre to a specific political event. When Luis Martinez pointed out that there was an attempt to prevent a revival of massacres in Algeria, he implied that the two were connected. As Steven Wilkinson pointed out in a fascinating analysis of the violence between Hindus and Muslims in India, assaults appear to increase shortly before election days, precisely because those who perpetrate them expect to gain a foothold in the polls. 22 But some writers who advocated a strategic rationality approach to the murders run the danger of providing an objectivist interpretation of the atrocities. Using mathematical formulas based on rational choice theory, these frightening theoretical models attempt to explain the ethnic cleansing of the former Yugoslavia and the Rwandan genocide, both of which took place in the 1990s. A further issue with the logical approach to the massacre is that it fails to take into account the impact that mass murder has a conflict with the overall dynamic (Remy, 2018).



There are many examples of disproportionately large responses and counter reactions in civil wars, which distort the boundaries of the fight. To put it another way, the initial reason for the massacre eventually leads to irrationality. There must be even more murders committed in order to further terrify the opposing camp. To be sure, rationalise thinking may still be able to be inserted at this point. Because of the need to manufacture horrors for people's defense, it may be feasible to accept this. Aside from the fact that repeated massacres "deregulate" those responsible, their acts take on a more barbaric and irrational dimension since they are not just barbaric, but also insane. Yvon Le Bot asks about this topic in his study of the massacre of a Guatemalan community (San Francisco) during the onset of the 1980s civil war. According to a survivor who saw the massacre, the troops were like madmen. He then raises the excess of the killing by providing an example. The way they murdered some youngsters and elderly people, their insensitivity-during the massacre, they eat, they sing, and they laugh-is horrific, he said. So why segregate men and women (and their children) since all will be killed? Yvon Le Bot asked this question. What is the purpose of these bizarre rites on the corpses? If the murderer's goal is to terrify the local populace in order to induce them to see, why do they kill two days' later women and children that they observe heading towards Mexico? The line is tight between reason and irrationality, as shown by the massacre's outrages, suggesting its pathological nature. Anthropology, ethnology, and psychology are among the fields that may assist in the understanding of these activities (Rodogno, 2011).

The charge of impurity is a "universal allegation," as Mark Levene pointed out, against those who are to be slaughtered. Anxiety and fear after the first killings resulted in the populace's desire to purify society from the hostile forces for which they have been blamed, resulting in a nebulous feeling of revenge. A purifying process may be accelerated by eliminating all persons who are thought to be bearers of this hazard. As Jean-Louis Margolin himself pointed out in the instance of the killings in Indonesia, these events are carried onward by a particularly cathartic communal response. Operation success, measured in terms of the number of fatalities, is made possible by the confluence of organization will and societal impetus; an operation that takes place over a relatively short period of time owing to its cathartic dynamic (Shaw, 2002).

Conclusion

There has been less attention given to massacres, which involved killing of civilians in the realm of political science up to this point. Without a doubt, the nature of the issue has an impact on this fact. Whenever a researcher face such issues of massacres, he or she is faced with three difficulties. The tendency to avoid a study topic that makes one feel scorn and fear is very understandable. The second question is one of morality: how can "scientific neutrality" be shown in the face of actions of unmitigated heinousness? Compassion for the victims inevitably leads to criticism of those who perpetrated the offences that led to their deaths. The massacre phenomenon defines the third hurdle as being more intellectual in nature, which is understanding the massacre phenomenon. There seems to be a lack of sense and meaning in this. Although we may disagree with the morality of such collective behaviour in certain cases, understanding the political, economic, and cultural settings in which it occurs is very critical. Several studies have set the framework for this development, notably in modern and contemporary history.

To completely grasp the murder of the Jewish people during the Holocaust, Christopher Browning's essays are essential to understanding. When massacres and other violent crimes take place, they have a negative impact on the well-being of a society and a nation as a whole. According to the global average of the number of intended murders per 100,000 people globally, over half a million people were murdered in massacres in 2012. To commit murder with malice in mind during a massacre is a criminal offence. Every physical act committed by a criminal must be accompanied by the desire to implicate him in the crime and this is true for massacres as well as other types of crimes. Death must be the outcome of the criminal's deliberate activities and attempts to commit a crime in order for it to be considered a death under the law. All of the following must be established bodily injuries, the kind of damage inflicted, and a specific intent to cause the harm—not something that happened by chance or accident. When this occurs, the harm must be severe enough to induce death in the normal course of nature. The use of murder as a strategy for evading prosecution and informing future victims of their deadly intentions is commonplace in mass murders (The Geneva Convention, 1949).

Massacres are seen as a disease and an unpleasant trait in civilized cultures, as a consequence of their widespread use and frequency. At the

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time of this writing, unofficial statistics indicated that Malaysia had an average of 2.11 deliberate murders per 100,000 people. Murderers' level of cruelty often goes beyond the act itself in many nations, such as Malaysia (Section 302, Penal Code (Act 574) 2015), where post-murder behaviours such as murder deceit are the rule rather than the exception, such as the United States. Violators who destroy evidence of a crime, such as a victim's body or other evidence, incur a maximum sentence of seven years in jail and a fine of up to \$10,000. Criminals have been discovered to use massacre concealment and other crime scene adjustments to avoid prosecutions and refocus the inquiry in an attempt to deceive law enforcement and investigators, according to recent research. Historically, this was a standard practice but massacres are increasingly concealing their victims, making it hard to identify them at the site of the crime and, as a result, delaying the delivery of justice (The International Covenant on Civil and Political Rights [ICCPR], <u>1966</u>).

References

- Aarstad, J. (2013a). Implicit attitudes turned upside down: how the utøya massacre may have affected Norwegians' perceptions of the "Hussein" word. *SAGE Open*, 3(1), 1–7. <u>https://doi.org/10.1177/2158244013481479</u>
- Dutton, D. G., Boyanowsky, E. O., & Bond, M. H. (2005). Extreme mass homicide: From military massacre to genocide. *Aggression and Violent Behaviour*, *10*(4), 437–473. <u>https://doi.org/10.1016/j.avb.2004.06.002</u>
- Green, P. (2013). Alexander of Macedon, 356–323 BC: A historical biography (Vol. 11). University of California Press.
- Hafez, M. M. (2004). From marginalization to massacres. In Q. Wiktorowicz (Ed.), *Islamic activism: A social movement theory approach* (pp. 37–60). Indiana University Press
- Haskell, Y. (2013). Child murder and child's play: The emotions of children in Jakob Biermann's epic on the massacre of the innocents (Herodias's libri iii, 1622). *International Journal of the Classical Tradition*, 20(3), 83–100. <u>https://doi.org/10.1007/s12138-013-0323-x</u>
- Heinze, J., Seifert, B., & Zieschank, V. (2016). Massacre of the innocents in Cardiocondyla thoracica: Manipulation by adult ant males incites

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workers to kill their immature rivals. *Entomological Science*, 19(3), 239–244. https://doi.org/10.1111/ens.12194

- Kunzle, D. (2002). Two massacres of the innocents and a census in Bethlehem by Pieter Bruegel the elder. In *From criminal to courtier* (pp. 103–112). Brill. https://doi.org/10.1163/9789004475687_008
- Kwon, H. (2006). *After the massacre: Commemoration and consolation in Ha My and My Lai* (Vol. 14). University of California Press.
- Lang, J. (2006). THE psychology of military massacre. Nanking, My Lai, and the Concept of Individual Responsibility in the Midst of Organised Slaughter. *Psyke & Logos*, 27(2), 16–16.
- Lansing, C. (2008). *Passion and Order: Restraint of Grief in the Mediaeval Italian Communes*. Cornell University Press.
- Levene, M., & Roberts, P. (Eds.). (1999). *The massacre in history* (Vol. 1). Berghahn Books.
- Maeterlinck, M., & Carte, A. (1914). *The Massacre of the innocents*. Allen & Unwin.
- Portelli, A. (2003). *The order has been carried out: History, memory, and meaning of a Nazi massacre in Rome* (p. 14). Palgrave Macmillan.
- Rai, T. S., & Fiske, A. P. (2011). Moral psychology is relationship regulation: moral motives for unity, hierarchy, equality, and proportionality. *Psychological Review*, 118(1), 57– 75. <u>https://doi.org/10.1037/a0021867</u>
- Remy, S. P. (2018). *The Malmedy massacre: The war crimes trial controversy.* Harvard University Press. https://doi.org/10.4159/9780674977242
- Rodogno, D. (2011). Against Massacre: Humanitarian interventions in the Ottoman Empire, 1815-1914. Princeton: Princeton University Press. https://doi.org/10.1515/9781400840014
- Shaw, M. (2002). Risk-transfer militarism, small massacres and the historic legitimacy of war. *International Relations*, 16(3), 343–359. <u>https://doi.org/10.1177/0047117802016003003</u>

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- The Geneva Convention, 1949. (1949). <u>https://www.icrc.org/en/doc/assets/files/publications/icrc-002-</u> <u>0173.pdf</u>
- The International Covenant on Civil and Political Rights (ICCPR), 1966 (1966). <u>https://www.ohchr.org/sites/default/files/Documents/ProfessionalInter</u>est/ccpr.pdf
- Tuteja, K. L. (2019). Remembering Jallianwala Bagh massacre. *Marxist, XXXV*, *1*(January-March), 8–27.
- Wakabayashi, B. T. (2001). The Nanking Massacre: Now You See It, ...
 [Review of What Really Happened in Nanking: The Refutation of a Common Myth; The Alleged "Nanking Massacre": Japan's Rebuttal to China's Forged Claims/ Saishin "Nankin daigyakusatsu": Sekai ni uttaeru Nihon no enzai; Nanking: Anatomy of an Atrocity, by T. Masaaki, T. Tadao, Ō. Yasuo, & M. Yamamoto]. Monumenta Nipponica, 56(4), 521–544. <u>https://doi.org/10.2307/3096672</u>