The Persecutory Civilization

Jeremy Adler

INTRODUCTION

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I. INTRODUCTION

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Persecution is among the vilest acts that any person or group can perform on another: the persecutor is always in a more powerful position than the victim, and for the victim there is no escape from the tormentor. It is unfair, unjust, and cruel. In this respect it negates natural law. It is often legally sanctioned but always associated with suffering. In that regard it can be called a crime against life. However, the emphasis on the contrast between persecution and tolerance has led to a general stress on encouraging toleration, and writing the history of toleration, to the neglect of correcting persecutory behaviours as such.

The histories in this field examine the growth of toleration, but largely ignore the proscription of persecution. Indeed, the act of persecution had practically no place in law until after the Second World War.

The role of what may be called the persecutory mentality is crucial in ancient Rome, at the time of the Crusades, in the period of the Witch Craze, and in the epoch of the Huguenots. In each instance the victim is demonized by the perpetrator. Yet the histories of these cruel practices tend to dwell on specific prejudices, of which anti-Semitism is the most egregious; but they thereby ignore the common factor of the longue durée, the persecutory habit, the persecutory mentality. Yet this mentality underlies a multitude of prejudices and crimes that scar the character of the West. This trajectory helps to explain the atavistic nature of the Shoah.

The criminalization of persecution by legal instruments backed up by the authority of an international criminal court is perhaps the most signal event in the long history of western persecutory acts. This, then, is the line here taken: from the beginning of the persecutory civilization about two-and-a-half millennia ago to its recent prohibition by legal instruments. Just as persecution is generally undertaken to achieve a dubious form of social purity, its curtailment leads to a new quest for international concord. It is not toleration which defines the opposite of persecution but concord -- not a negative act, but a positive value -- and the display of human sympathy.

Given its serial ramifications, the complexities of this topic defy the kind of linear method proposed by Descartes.[1] Instead of his standard, undeviating approach, a multidirectional style seems more apposite; and I will therefore revert *to Montaigne's advice:*[2] *"When collating objects, no*

[1] Descartes. *Règles pour la direction de lesprit*. Trans. J. Sirvin. Libraire Philosophique, Paris. 2012: 30; 39.
[2] Michel de Montaigne. *The Complete Essays*. Trans M.A. Screech. Penguin. London. 1987: 1207.

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quality is more universal as diversity and variety". For to understand the intricate nature of victimisation, it will be necessary to travel back and forth in time, and farther afield across different dimensions in space, but also to supplement historical facts with reflections, in order to discover how to define and how to curtail the persecutory mentality.

The persecutory mentality could well be singled out as a defining feature of what Max Weber calls "a universal history of culture".[3]Although other cultures – the Muslim world; Japanese culture; Cambodia; Rwanda; Myanmar; China – afford strong illustrations of persecution, and might provide illuminating examples of this most cruel form of behaviour, this essay will focus almost exclusively on the West, and the Shoah in particular, in order to develop as clear a picture as possible of this most widespread phenomenon. Yet as will emerge, the Shoah continues to spawn its offspring, and to cast a shadow over the world to come.

II. THE PERSECUTORY SOCIETY

In spite of our trust in the rule of law, we live in a persecutory civilization. The number of individuals who have been persecuted throughout the ages because of the colour of their skin, their religious affiliation, or their philosophical views is legion. These are the tyrannized victims upon whose shattered existences the contemporary world is erected. No wonder that John Stuart Mill described the act of persecution as:[4] "one of the most tragical facts in all history."

Our mythology enshrines persecution in the myth of Prometheus: for the sake of a noble, life-enhancing act, when he robbed the fire from the sun and brought the flame to earth, Prometheus was punished by a repetitive act of cruelty, such that his punishment became the inferno of eternal persecution. His fate inscribed persecution in our foundation myth: through his flame, the martyrs have been immolated down the ages, and even the victims of the camps were burned to cinders. As Montesquieu observed,[5] three crimes – witchcraft, heresy, and the crime against nature – were all punishable by fire. Fire is the element of persecution, whether in the bonfires of the saints, or the insatiable ovens of the Shoah.

For the purposes of this study, I understand "western civilization" to mean the Graeco-Hebraic-Christian heritage which stretches back for about two-and-a-half millennia.[6] This concept maps onto the history of the West understood as a single diverse culture created by independent states focussed on political economy, agriculture, trade, colonialism, and warfare and given to such major pursuits as religion, intellectual enquiry, the arts, exploration, and the inventions of science and technology – in short, the civilization Fernand Braudel calls the *longue durée*. This fits the well-known political structure isolated by Samuel P. Huntington: his idea of civilization signifies widely shared practices, modes of thinking, norms, and values.[7] The persecutory mentality is one such propensity. Persecution is its practice. Within any country in any given civilization, massive divisions may occur, which give rise to aggressive acts such as forced migrations and genocide[8]. This means that the persecutory mentality is a consequence of the heterogeneous structure of a civilization; hence, at its most comprehensive, persecution expresses a persistent intra-civilizational conflict. It was

[3] Max Weber. *The Protestant Ethic and the Spirit of Capitalism,* Trans Talcott Parsons, Routledge. London and New York.1992. XXXVI.

[4] John Stuart Mill. 'On Liberty.' *On Liberty and Other Essays*. Ed. John Gray. Oxford University Press. Oxford. . 1991. 1-128. 31.

[5] Montesquieu. *The Spirit of the Laws*. Trans. And Ed. Anne M. Cohler, Basia C. Miller and Harold S. Stone. Cambridge Texts in the History of Political Thought. Cambridge University Press. Cambridge. 1989. XXI. vi.

[6] Joshua Cole and Carol Symes. *Western Civilizations*. Two Vols. Norton. New York. 2020. Mark Kishlansky, Patricia O'Brien, and Patrick Geary. *A Brief History of Western Civilization. The Unfinished Legacy*. Two Vols. HarperCollins. London. 2007. Marvin Perry. et.al. *Western Civilization: Ideas, Politics, and Society*. Cengage. Boston. MA. 2016.

[7] Samuel P. Huntington. *The Clash of Civilizations and the Remaking of World Order*. Free Press. New York. 2002. 40-55.

[8] Op. cit. 137.

recognised as early as Rousseau that there is a direct correlation between divided states and religious persecution. This disjuncture, on his account, inaugurated the systematic abuse of the Jews.[9] The countries that Huntington describes as "torn", as Russia has been for centuries,[10] possess a greater bias towards such maltreatment. Contrary to the general view of civilization as a growing array of peaceful achievements, therefore, I regard violence in general and persecution in particular as intrinsic to social life. This contrasts with the overriding position adopted by Norbert Elias, who traces the increase in civilization since the Middle Ages, attributing it to the growth in individual self-control;[11] however, it conforms with his subsidiary argument, which regards violence as integral to mankind's "unending and constantly endangered process of civilization."[12] The West is never free from persecution, either in a real or in a symbolic form. The persecutory mentality is a constant.

Against Durkheim's belief that persecution is to be regarded as "abnormal", I argue that it must be understood as a normal social form.[13] This is confirmed by Siniša Malešević who claims:[14] "the last 2,000 years of human history would show that if there were any near universal processes that have shaped our global past, these must have been collective violence and social exclusion". To this pattern we should add persecution. There is hard evidence for this hypothesis. In their keynote publication *Religious Freedom Denied*, Brian J. Grim and Roger Finke reach the astounding conclusion that religious persecution is as ubiquitous as it is pernicious in the modern world:[15] "Of the 143 countries with populations of two million or more, between July 1 2000, and June 30 2007, 86 percent (123 countries) have documented cases of people being physically abused or displaced because of a lack of religious freedom, that is *religious persecution*." This confirms H. G. Adler's thesis that persecution is a universal.[16] It may be called the *persecutory constant*: some or other form of persecution may be regarded as constant throughout the world at any given moment in time. Other authors have lent historical depth to this paradigm. In their study of the persecution of the Jews in Germany, Nico Voigtländer and Hans-Joachim Voth have shown that the same patterns of persecution lasted for 600 years in Germany – including *auto da fés* – from the medieval pogroms to the Shoah.[17] This is perhaps the greatest continuity in the history of persecution that has been empirically verified. But the indications support the opinion that the period in question is appreciably more extensive. This is suggested by Alphonse Dupront's classic study, *Le Mythe de Croisade*,[18] which demonstrates that the myth of the crusades, a cognate notion to persecution, lasted rather longer. The earliest persecutions can be dated to the Babylonian era of around 600 BCE which is defined by the earliest deportations of the Jews. The milder kinds of persecution are well-nigh omnipresent. Only the most virulent are rare. In the words of David Nirenberg:[19] "after its

[9] Jean-Jacques Rousseau. *The Social Contract*. Penguin. Harmondsworth. 1968. IV. viii. 177-178.

[10] Op. cit. 139-144.

[11] Norbert Elias. *Über den Prozeß der Zivilisation*. Two Vols. Bern and Munich. 1969. II: 135.

[12] Jonathan Fletcher. *Violence and Civilization. An Introduction to the Work of Norbert Elias*. Polity. Cambridge. 1997. 184.

[13] W. S. F. Pickering. 'Does Durkheim Make a Contribution to Understanding Of Alleged Cause of Persecution?' *Durkheimian Studies*. 9. 2003. 40-57: 46.

[14] Siniša Malešević. *The Sociology of War and Violence*. Cambridge University Press. Cambridge. 2010: 399.

[15] Brian J. Grim and Roger Finke. *The Price of Freedom Denied. Religious Persecution and Conflict in the 21st Century*. Cambridge University Press. Cambridge. 2011. 18.

[16] H.G. Adler ‚Zur Morphologie der Verfolgung' (1960). In: H.G. Adler. *Nach der Befreiung. Ausgewählte Essays zur Geschichte und Soziologie*. Ed. Peter Filkins with Jeremy Adler. Konstanz University Press. Konstanz. 2013: 159-170. 159.

[17] Nico Voitglander and Hans-Joachim Voth. 'Persecution Perpetuated: The Medieval Origins of Anti-Semitic Violence in Germany. *The Quarterly Journal of Economics*. 127. 2012. 1139-1392.

[18] Alphonse Dupront. *Le Mythe de Croisade*. Four Vols. Gallimard. Paris. 1997.

[19] David Nirenberg. *Communities of Violence: Persecution of Minorities in the Middle Ages*. Princeton. Princeton. 1996. 5.

birth the persecuting mentality seems to transcend particularities of time and place." Persecution became ubiquitous. There is, therefore, a persecutory continuum that stretches from the earliest phases of civilization right down to the Shoah and beyond, and which is characterised by its cyclical recidivism.

This essay will confine itself to the West, which like so many other collectives deserves to be recognised as a persecutory civilization. The greatest minds of western civilization have been demonized and subjected to persecution: Socrates was poisoned by drinking hemlock in 399 BCE; Jesus was crucified for his views around 33 CE; Boethius was executed in 524; Jan Hus was burnt at the stake for defending the truth in 1415; William Tyndale was strangulated in 1538; Giordano Bruno was immolated in 1600 for his heretical beliefs; Galileo was sentenced to life imprisonment for his scientific views in 1633; Spinoza was excommunicated from the Jewish community in 1656; the poet Quirinus Kuhlmann was burned at the stake in 1689; Jean-Jacques Rousseau was hounded from place to place in his native land for his revolutionary writings from 1763; Fichte was driven out of his university Chair at Jena in 1799 for alleged atheism; Dostoyevsky was exiled to Siberia in 1849; Bakunin was imprisoned for his political views for seven years from 1851; Alfred Dreyfus was wrongfully convicted of treason and exiled in 1894, causing one of the biggest scandals in modern French history; the revolutionary Rosa Luxemburg was summarily dispatched in 1919; the leader of the German Jewish community Leo Baeck -- like so many others -- was victimized by the Gestapo in the 1930's; the poet Osip Mandelstam was systematically persecuted from 1933 until his death from cold and starvation in 1938; the Spanish poet and playwright Federico Garcia Lorca was assassinated in 1936; Primo Levi was incarcerated in Auschwitz from 1944-1945; in 1947 Bert Brecht was grilled by the Un-American Activities Committee; Alan Turing committed suicide on account of his homosexuality in 1954; Martin Luther King was mown down in 1968; the Nobel peace laureate Andrei Sakharov was harassed by the Soviet authorities on account of his libertarianism from 1972 until his death in 1989; the Ukrainian filmmaker Oleg Sentsov was arrested by the Russian authorities in 2014 and sentenced to twenty years imprisonment for alleged terrorism offences; the Anglo-Iranian Nazanin Zaghari-Radcliffe was detained in Iran from 2016-2022; Osman Kavala was arrested and subsequently imprisoned in Turkey in 2016; and Alexei Navalny was unjustly convicted in 2021.

These actions evince "systemic violence":[20] the aggressive and more subtle form of coercion that is inherent to society. Ideals like those of Sakharov represent the antithesis of persecution: intellectual freedom, cosmopolitanism -- which he calls rapprochement -- and world peace.[21] Sakharov's brave stance and his maltreatment by the state demonstrate the lasting relevance of the martyr as a symbol of civic virtue. The killers always believe that by destroying their enemies they can do away with their ideas, although the opposite is the case. Strangely, Carlyle omits the martyr as hero in his celebration of great figures, albeit he venerates Jesus as the greatest of all heroes.[22]

In order to understand persecution among social relations in general, it needs to be seen as a form of *conflict*, which, as Simmel argues, is essential to the formation of society.[23] Persecution arises where there is a competition between different groups:[24] a competition of economic riches, a competition of territory, a competition of beliefs, a competition of values. Where the ruling class experiences competition from a rival in the quest for religious truth, say, the latter will incur retribution. However, under certain

[20] Systemic and Structural Violence in College - Criminal Justice - IresearchNet

[21] Andrei D. Sakharov. *Progress, Coexistence and Intellectual Freedom*. Penguin. Harmondsworth. 1968: 23-25.

[22] Thomas Carlyle. *On Heroes, Hero-Worship and the Heroic in History*. Ed. David R. Sorensen and Brent E. Kinser. Yale University Press. New Haven and London. 2013: 28.

[23] Georg Simmel. *Conflict and the Web of Group-Affiliations*. Trans. Kurt H. Wolff and Reinhard Bendix. The Free Press. New York. 1955: 25.

[24] Op. cit. 58-67.

circumstances, as Augustine held, such action may be vital to the proper operation of society. There are various forms of aggression in society; but it needs to be stressed that among the various kinds of antagonism, persecution represents an *extreme*:[25] it admits neither mediation nor reconciliation. Warfare may cease; hostility may abate; but persecution usually only ceases with the extinction of the injured party, who is hated even unto death. The persecutor's hatred for his prey is ineradicable. This explains the unremitting hunger of the mass murderer: the inexorable lust for blood which exhibits that denial of guilt and the self-righteous assertion of innocence which is so typical of killers like Karadžić. Bloodlust, hatred and jealousy lend persecution its unremitting ferocity. But apart from conflict, the act of persecution resembles Durkheim's understanding of *punishment* among primitive peoples.

There are several schools of thought on persecution which have largely led separate lives: the historical, the legal, and the sociological. In what follows I will attempt to fuse these traditions. The lawyers particularly stress the difficulty of defining persecution. Even in refugee law there is little agreement. It appears to be undefinable by definition. Alice Edwards sums up the position today:[26] "There is no internationally accepted definition of what constitutes 'persecution'." Authorities call the concept both "elusive"[27] and "protean"[28]and Jean-Pierre Cavaillé claims that there is a "woeful lack of definition" of the term.[29] The leading thinkers tend to stress the fact that there is too great a variety of persecutory acts to define it properly.[30] Thus Jaya Ramji-Nogales et al. leave the matter unclear:[31] "There has never been a succinct, definitive definition of 'persecution' because the nature of persecution and our understanding of it keep changing." But the opposite is true. Examining the changing nature of persecution across the ages it is possible to determine numerous constants. From Golgotha to Bucha, just as Kant's concept of "radical evil"[32] – *radix malorum* -- remains the same, the essential character of persecution never alters; for if humanity is typified by its tendency for evil, it will always tend towards persecutory behaviours, too.

In the absence of a consensus, I will recall some of the most useful examples. The legal school offers the most creative, innovative approach on offer. We owe one of the most exhaustive legal analyses to James Hathaway and Michelle Foster in their standard reference work on *The Law of Refugee Status*.[33] They conclude that a "human rights-based framework" offers the best standard. This opinion is endorsed by UNHCR and is "overwhelmingly approved" by scholars.[34] Despite its value for the courts, the principle has less to offer a historian. It may work as a legal instrument. But it cannot serve as a universal category suitable for the *longue durée*. Furthermore, Hathaway and Foster stress the "failure of state protection"[35] as a critical factor in causing harm, which is to beg the question. In sum, this formula is too limited to reflect historical reality. It has little to say about the mechanism, structure, or causes of persecution.

[25] Op. cit.

[26] Alice Edwards. 'Age and Gender Dimensions in International Refugee Law'. Erika Feller, Volker Türk and Frances Nicholson. Eds. *Refugee Protection in International Law*. Cambridge University Press. Cambridge. 2003. 46-80. Supra Note 11. At 50 and 80.

[27] Pathmakanthan v. Holder 612 F.3d 618

[28] Bocova v. Gonzales 412 F 3d 257

[29] Francesco Maiani. 'The Concept of "Persecution" in Refugee Law: Indeterminacy, Context-Sensitivity, and the Quest for a Principled Approach.' *Les Dossiers du Grihl*. 4. 2022. 1.

[30] Katherine L. Vaughns. 'Taming the Asylum Adjudication Process. An Agenda for the Twenty-First Century'. *San Diego Law Review*. 1.63.1993.

[31] Jaya Ramji-Nogales, Andrew I. Schoenholtz and Philip G. Schrag, 'Refugees Roulette. Disparities in Asylum Adjudication'. *Stanford Law Review*. 60. 2007. 295-411: 379

[32]Immanuel Kant. *Religion innerhalb der Grenzen der bloßen Vernunft*. (1793-1794). AA. VI. 37.

[33] James C. Hathaway and Michelle Foster. *The Law of Refugee Status*. Second Edition. Cambridge University Press. Cambridge. 2015. Esp. 14.25-14.37; 182; 196.3-198.6; 199.14-200.16.

[34] Op. cit. 194-196.

[35] Op. cit. 288-361.

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For this reason, the legalistic approach cannot be used as the dominant paradigm outside of the legal context, but needs to be set within a wider frame of reference. Yet it cannot be sufficiently stressed that the legal approach sets a new standard of accuracy and has also introduced actions for a definition of persecution – such as the invasion of privacy by surveillance[36] – which are not to be found in traditional explanations. It has brought some sharp distinctions. For example, Jaakko Kuosmanen[37] argues persecution has three components: "asymmetrical and systemic threat, severe and sustained harm, and unjust discriminatory targeting." This is illuminating, if not entirely satisfactory. It could apply to many unpleasant situations, such as child molestation, the harassment of young military recruits, or the exploitation of prostitutes. A similarly profound attempt to define the point in law is Scott Rempell's essay,[38]although this, too, does not offer a definition suitable for a full analysis. Like Hathaway and Foster and other legal minds he is guided by the contemporary concern with human rights. But by concentrating on rights and the plight of refugees, he too overlooks the ubiquitous nature of persecution; and his attempt to define persecution as "the illegitimate infliction of sufficiently severe harm"[39] is too wide for a historical understanding: it includes isolated acts such as a single rape or murder that cannot conceivably be regarded as persecution: and a car crash, a street fight, and a poisoning, would also fall within his determination. This cannot be right. Whereas he gives a fine account for modern law, he misses the actual quiddity of persecution.[40]Moreover, it is questionable whether the widespread stress on "harm"[41] can provide a sufficiently exclusive category for persecutory actions. The emphasis on the effect of persecution is ultimately too one-sided. However, Rempell's adduction of factors like "psychological harm"[42] and "mental suffering"[43] does add an essential dimension to our knowledge. In light of such differing views, it is possible to arrive at a working definition: *Persecution may be summarised as the systematic violation of an individual or collective by a more powerful individual or a larger and more powerful collective within a given society in a methodical series of actions ranging from prejudice and torture to murder and genocide; it is perpetrated on grounds of nationality, belief, religion, race, colour, gender orientation or similar characteristics in order to achieve the solidarity and purity of the host community. The character of the victims does not matter; it is only their attachment to a particular group or their beliefs that count. The entire procedure involves breaching the victim's rights, to cause their maximum suffering, and to achieve their irrevocable exclusion from the host collective.* This definition affirms that persecution is a process; that it is systemic to western societies; that it is systematic; that it is persistent; that it is violent; that it intends to isolate, harm and destroy; that it depends on stereotyping individuals – to use Walter Lippmann's term[44] -- on grounds of race, colour, creed, class, or nationality;[45] that it typically attacks collectives

[36] Op. cit.284-287.

[37] Jaakko Kuosmanen. 'What's So Special About Persecution?' *Ethical Theory and Moral Practice*. 17. 2014. 129-140: 131.

[38] Scott Rempell. 'Defining Persecution.' *Utah Law Review*. Social Science Research Network. 2013. 283-344: 343-344.

[39]Scott Rempell. 'Defining Persecution'. 283; 286.

[40] W. S. F. Pickering. 'Does Durkheim Make a Contribution to Understanding One Alleged Cause of Persecution?' *Durkheimian Studies*. 9. 2003. 40-57: 40-41.

[41] Scott Rempell. 'Defining Persecution'., 288; 292-319; 327-330.

[42] Op. cit., 297. Swiss law recognises "unbearable psychological pressure" as a form of persecution. The Concept of "Persecution" in Refugee Law: Indeterminacy, Context-sensitivity, and the Quest for a Principled Approach (openedition.org). 26.

[43] Scott Tempell. 'Defining Persecution.' 303.

[44] Walter Lippmann. *Public Opinion*. (1922). Transaction. New York.79-156.

[45] The determination in refugee law is in terms of race, religion, nationality, membership of a particular social group or political opinion. See James C. Hathaway and Michelle Foster. 'The Causal Connection (Nexus) to a Convention Ground. Discussion Paper No. 3. Advanced Refugee Workshop. International Association of Refugee Law. Auckland. New Zealand. October 2002'.

linked by networks; that despite its emphasis on the category of the victim, specific individuals frequently attract the ire and hatred of the agent; that it is driven by the so-called contagion of belligerence,[46] or what Simmel has called the "suggestibility" which promotes hostility;[47] that it is internal to a society – the great exception being the Final Solution or other cases like the monstrosities of Bucha in Ukraine: here the state exports its own internal persecutory acts; and that it resembles Durkheim's view of punishment, which is both an act of vengeance and one of expiation, by means of which the perpetrator – in the throes of "passionate feeling" – makes the victim "suffer for the sake of suffering."[48]

Persecution is thus an arbitrary and unjustifiable form of primitive punishment. As such, its essence is to inflict the maximum of suffering on an innocent person. Major legal accounts also rest on the recognition of suffering.[49] Such suffering, according to Nietzsche, is a virtue. For the purpose of suffering, as Franz Baermann Steiner maintains following Nietzsche, is to establish value:[50] "A life without suffering is valueless." Hence the aim of persecution is to create value. Just as a legal process generates value by upholding justice, persecution is intended to bring a world of value into being at the expense of the victim's existence. The irony of this strategy is that it usually does create value, as can be seen in the case of Socrates and Jesus or that of Levi and Havel.

Furthermore, persecution is a religious rite insofar as it aims at martyrdom; and – as will be seen -- it infringes natural law[51] as understood from Plato[52] and Cicero[53] to Cassirer[54]and Rommen.[55] By perpetrating moral injury, moreover, it breaches the principle of no-harm. All advocates of natural law agree on this point, namely the right to be a person,[56] which is trashed by persecution. In every instance, too, persecution involves the abuse of human rights.[57] Since the twentieth century when persecution was first incorporated into international legal instruments, it has often been defined in legal terms. It is now accordingly interpreted as being in conflict with UDHR;[58] and the human rights perspective has latterly also been adopted by UNHCR.[59] In short, persecution is a systematic infringement of natural law and human rights, which is today regarded as a violation of universally valid legal codes. Its procedures amount to various forms of torture which inflict an arbitrary, systematic, and severe degree of suffering on the victim, making their existence unbearable.

International Journal of Refugee Law. 15. 2003. 461-476: 461.

[46] Randall Collins. *Violence. A Micro-sociological Theory*. Princeton University Press. 2008.11.

[47] Georg Simmel. *Conflict and the Web of Group-Affiliations* 30.

[48] Emile Durkheim. *The Division of Labour in Society*. 67-74.

[49] James C. Hathaway and Michelle Foster. *The Law of Refugee Status*. 186; 212.

[50]Franz Baermann Steiner. *Orientpolitik, Value, and Civilization*. Selected Writings II, ed. Jeremy Adler and Richard Fardon. Berghahn Books. Oxford and New York. 1999. 116.

[51] On this vast field, see e.g. John Finnis. 'Natural Law Theories'. *Stanford Encyclopaedia of Philosophy*. https://plato.stanford.edu/entries/natural-law-theories/ 2007. Revised 2020.

[52] C. M. Chilcott. 'The Platonic Theory of Evil'. *The Classical Quarterly*. 17. 1923. 27-31; 27.

[53] Cicero. *De Legibus*. II.11. Paul Meany 'Cicero's Natural Law and Political Philosophy'. *Libertarianism*. 31 August 2018. https://www.libertarianism.org/columns/ciceros-natural-law-political-philosophy

[54] Pellegrino Faruzzi. 'Han's Kelsen's and Ernst Cassirer's Conception of Natural Law' .Peter Longford and Ian Bryan, ed.s, *Hans Kelsen and the Natural Law Tradition*. Brill. Leiden. 2019. 327-371.

[55] Patricia Birnie, Alan Boyle and Catherine Redgwell. *Principles of Public International Law*. Oxford University Press. Oxford. 2009. 143-152.

[56] Heinrich Rommen. *The Natural Law. A Study in Legal and Social History and Philosophy*. Liberty Fund. Indianapolis. 1998: 205.

[57] James C. Hathaway. *The Law of Refugee Status*. Butterworths. Vancouver. 1991. 104-105.

[58] The Concept of "Persecution" in Refugee Law: Indeterminacy, Context-sensitivity, and the Quest for a Principled Approach (openedition.org). 31.

[59] Op. cit. 33.

Several writers have sought to contextualise persecution in the *longue durée*, notably Norman Cohn.[60] However this is contested ground. David Nirenberg has set out to refute Cohen's position.[61] He accuses historians of stringing together episodes over time to create a false impression of continuity.[62] His approach is, however, inconsistent. For example, he treats an assault on the Jews of Girona in 1331 which resembled an earlier one in Gina of 1285 as if this were part of the same history. Contrary to his own theory, he accepts a structural continuity in historical time.[63] Sociological method is more appropriate: fragmentary events can be connected into a pattern -- what I call the cycle of persecution.[64] This is an "ideal type" in Weber's sense. On such an interpretation, the emergence of a tolerant society does not actually refute the continuity of persecution, as has been claimed,[65] it merely marks the end of a cycle. Hence, to reject "the linear narratives of escalating hatred", in Nirenberg's scheme, does not entail embracing historical fragmentariness,[66] but accepting a more complex narrative than the binary typology of "cataclysm" and "stability".[67] The processual character of persecution envisages a gradualist set of changes.

A sociological analysis reveals a scheme of victimization that extends over time, and a martyr-like response that continues over the millennia, from Masada to Babi Jar. Isolated periods, such as the Great Persecutions, like that from 950-1250 analysed by Robert Moore, or Restoration England, which Mark Goldie calls "a persecuting society", constitute individual episodes in a wider, deep-rooted culture.[68] Yet none of these important studies matches Gordon Allport's masterpiece on prejudice.[69] His study suggests how a formal scheme could also be devised to explain persecution. That would clearly differentiate persecution from prejudice, cruelty, harassment, and other forms of violence. sociological framework provides the best method for analysing persecution in general and the Shoah in particular. There are several different strategies on offer. An early approach was devised by the Jewish historian Simon Dubnow, who advocated a -- non-Weberian -- sociology of Jewish history. This involves a synthesis of the nation's development.[70] His Approach is close to Fernand Braudel's historical programme, which asserts the identity of history and sociology.[71] Yet there was also a significant cluster of analyses in the era of the Shoah itself. The earliest attempt to subject the National Socialist state to sociological analysis arose as early as 1939 with Talcott Parsons'[72]keynote essays on the Nazi State. More remarkably still, various inmates in the ghettos and camps resorted to sociological analyses in order to make sense of their ordeal and preserve

[60] Norman Cohn. *Warrant for Genocide: The Myth of the Jewish World-Conspiracy and the "Protocols of the Elders of Zion."* Harper and Row. New York and Evanston. 1967: 16.

[61] David Nirenberg. *Communities of Violence. Persecution of Minorities in the Middle Ages.* Princeton University Press. Princeton. 1996: 5.

[62] David Nirenberg. *Communities of Violence:* 7.

[63] David Nirenberg. *Communities of Violence:* 213-214.

[64] Cf. Brian J. Grim and Roger Finke. *The Price of Freedom Denied*. 21; 71-73; 79-80;.217.

[65] David Nirenberg. *Communities of Violence:* 9; 38-40.

[66] David Nirenberg. *Communities of Violence:* 246.

[67] David Nirenberg. *Communities of Violence:* 248.

[68] Mark Goldie. 'The Theory of Religious Intolerance. In Restoration England.' In Ole Peter Grell, Jonathan Israel and Nicholas Tyacke, eds, *From Persecution to Toleration: The Glorious Revolution and Religion in England*. Oxford University Press. Oxford. 1991: 331-368; 331.

[69] Gordon W. Allport. *The Nature of Prejudice*. 25th Anniversary Edition. Basic Books. New York. 1979.

[70] Simon Dubnow. 'The Sociological View of Jewish History'. In Dubnow. *Nationalism and History*. Ed. Koppel S. Pinson. The Jewish Publication Society of America. Philadelphia. 1958: 336-353.

[71] Fernand Braudel. 'History and Sociology'. In *On History*. Trans. Sarah Matthews. The University of Chicago Press. Chicago. 1980: 64-82; 69.

[72] Uta Gerhardt, ed., *Talcott Parsons on National Socialism*. Routledge. London and New York. 2017.

the record for the future. This was the case with the so-called *Oneg Shabbat* put together in the Warsaw Ghetto, which survived the hostilities against all the odds, and now provides a unique record of life under duress.[73] Without necessarily relating back to these pioneering studies, scholars adopted sociological concepts after the Shoah in the 1940's. The chief exponents of this approach were either former camp inmates, such as David Rousset,[74] Eugen Kogon,[75] and H.G. Adler;[76] or scholars in exile such as Max Horkheimer, T.W. Adorno and Hannah Arendt.[77] For these brilliant theorists, sociology provided the intellectual precondition for defining the Shoah.

As W.S.F. Pickering observes, virtually nothing has been written on persecution from a sociological point of view.[78] Perhaps the most comprehensive attempt at a sociology of persecution is that by my late father, H.G. Adler, in two weighty essays titled: 'On the Morphology of Persecution', and 'The Experience of Powerlessness: Towards a Sociology of Persecution'. [79] He begins with Weber's idea by distinguishing two basic social patterns, "inclusion" and "exclusion".[80] These are determined by the two values of "equality" and "inequality",[81]and from these polar constructs he derives a morphology of persecution. The social polarity leads directly to "oppression", and the intensification of oppression ultimately produces "persecution."[82] This more intense social form is marked by a release from moral boundaries on the part of the persecutor,[83] and by actions on his part that in essence resemble insanity.[84] This violent process ultimately aims at the extinction of the victim:[85] the final objective of persecution is the victim's "slaughter".[86] According to this viewpoint, the act of persecution, as opposed to mere oppression, is characterised by its "systematic" character.[87] Adler is perhaps the first to have recognised the systematic nature of acts of persecution. But he also notes a wild, dynamic side to the process, which leads to "anarchy" and "nihilism"[88] when persecution reaches its climax. This entails the annihilation of both the victim

[73] Samuel D. Kassow. Ed. *Who Will Write our History? Rediscovering a hidden archive from the Warsaw Ghetto*. Penguin Books. London. 2007.

[74] David Rousset. *L'Univers Concentrationnaire*. Éditions du Pavois. Paris. 1946.

[75] Eugen Kogon. *Der SS Staat. Das System der deutschen Konzentrationslager*. Tempelhof. Berlin. 1947.

[76] H. G. Adler. *Theresienstadt 1941-1945. Das Antlitz einer Zwangsgemeinschaft*. (1955). Second Edition. Mohr Siebeck. Tübingen. 1960. *Theresienstadt 1941-1945. The Face of a Coerced Community*. Trans. Belinda Cooper. Cambridge University Press. New York. 2017. ‚Zur Morphologie der Verfolgung'. (1960). In: *Nach der Befreiung*. Ed. Peter Filkins with Jeremy Adler. Konstanz University Press. Konstanz. 2013: 158-170. ‚Die Erfahrung der Ohnmacht'. (1961): 170-187.

[77] Hannah Arendt. *The Origins of Totalitarianism*. Harcourt Brace. New York. 1951.

[78] W. S. F. Pickering. 'Does Durkheim Make a Contribution to Understanding One Alleged Cause of Persecution?' *Durkheimian Studies*. 9. 2003. 40-57: 40-41.

[79] H.G. Adler ‚Zur Morphologie der Verfolgung' (1960) and 'Die Erfahrung der Ohnmacht: Zur Soziologie der Verfolgung (1961)'. In: H.G. Adler. *Nach der Befreiung. Ausgewählte Essays zur Geschichte und Soziologie*. Ed. Peter Filkins with Jeremy Adler. Konstanz University Press. Konstanz. 2013: 159-170 and 171-187.

[80] Adler. 2013: 171.

[81] Adler. 2013: 173.

[82] Adler. 2013: 180.

[83] Adler. 2013: 181.

[84] Adler. 2013: 181.

[85] Adler. 2013: 180.

[86] Adler. 2013: 182.

[87] Adler. 2013: 183.

[88] Adler. 2013: 184.

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and – ultimately -- the perpetrator.[89] This commentary recalls Durkheim's "effervescence". Adler's inclusion of the perpetrator and his fate in his model is an unusual element in his theory. The three examples he has in mind in creating this model are the French Revolution, Stalinist Russia and the Third Reich. A similar scheme to the arc he describes can be seen in the persecution of the Huguenots. Here, one can observe a trajectory from 1545, the Massacre of Mérindol, 1572, the climactic St Bartholomew's Day Massacre, 1598, the Edict of Nantes, and 1787, the Edict of Tolerance. In both instances historical waves occur, inspired by a recollection of the past, whose purpose it is to manipulate the future: every act of persecution has its own telos and seeks to shape an impending reality. In contrast to Rempell's thesis, it can be affirmed that persecution is legitimized, in order that the perpetrator may establish a new world order. What can be noted here – not considered by Adler -- is the positive resolution often attempted or attained. This feature is also typical for the Shoah in the years immediately following the end of the Second World War.

The incisive analyses of Adler's close friend and intellectual collaborator Franz Baermann Steiner complement this approach. His short essay 'On the Process of Civilization' written in 1944,[90] five years after the publication of Norbert Elias's *magnum opus*, which Steiner may have known. Steiner reverses the trajectory proposed by Elias and resolves the long-standing paradox which has consistently perplexed interpreters of the Shoah: the occurrence of the most unimaginable evil in the seemingly most highly civilized society. The solution stems from his anthropological take on the Shoah as a result of civilization:[91]

> The demonic sphere lies within our own society. Would anyone who has been in a concentration camp believe that wild animal are worse than a human torturer? This form of torment is new: trapping human masses in close-knit nets, building gigantic cages past which 'healthy' life floods by. This is more demonic than the torments of slavery, more horrible than the worst that ever happened before: the religious wars of European Christendom. For the captive does not know why he is captured, the guard does not know why he should torment him -- and the people outside -- alas, what do they know?
>
> The process of civilization is the conquest of man by the natural forces, the demons. It is the march of danger into the heart of creation.

Schooled in history, sociology and anthropology, but avoiding psychology, Steiner's conspectus fuses the history of the West with its religious wars to his analysis of modern society. This enables him both to grasp the continuity of persecutory behaviour and the insidious novelty of the cruelty devised by the National Socialists. By recognising the role of the introjection of what he calls "the demons" as the decisive characteristic of modernity -- the opposite of Norbert Elias's account -- Steiner not only reveals the metamorphosis of persecutory behaviour over the ages, but resolves the long-standing paradox of persecution and civilization: they are not incompatible, but mutually embedded.

Adler and Steiner's viewpoint marries with that of Steiner's most famous pupil, Mary Douglas.[92] As emerged from H.G. Adler's account, persecutory events are cyclical, and the cyclical character of these operations accounts for their perennial occurrence. This is Douglas's understanding, too. The issue lies less in the continual persecution of specific groups – such as Jews or Roma -- than in the eternal return of the same persecutory rhythms.[93] And yet, as in the rituals examined so

[89] Adler. 2013. 185f.

[90] Jeremy Adler and Richard Fardon. *Franz Baermann Steiner. A Stranger in the World*. Berghahn Books. Oxford and New York. 2022. 179-190.

[91] Franz Baermann Steiner. *Orientpolitik, Value, and Civilization*. Selected Writings II. : 123-128; 127-128.

[92] Jeremy Adler and Richard Fardon. *Franz Baermann Steiner. A Stranger in the World*. 100; 117-118.

[93] Stanley Cohen. *Folk Devils and Moral Panics*: 172.

closely by Mary Douglas,[94] the ultimate persecution leads to a rebirth: what she calls the "ritual cycle". This is the paradoxical unity of death and life. Ultimately, as she recognises, life reigns supreme. In this secular cycle, the rebirth I am talking about may occur in restitution or the enactment of new customs or laws as occurred with Westphalia or UDHR. On Steiner and Douglas's account, the cycle of persecution does not remain attached to history, but becomes elevated to myth.

The history of persecution is closely entwined with the history of violence, the history of warfare, and the history of genocide: Persecution is a form of violence, it often occurs under cover of war, and genocide is its most extreme form. It can be assumed that anywhere that atrocities occur, persecution may also figure. As to conflict in general, Randall Collins was among the first to attempt its history in sociological terms, but whether we should look to the origins of our subject in ancient Mesopotamia between 3900 and 3000 CE, as he seems to believe, is questionable. In focussing on a clash of city civilizations in this period he has nothing to say about intra-state conflicts. His history wants a sharper focus on hierarchies, strata, and internal affairs.[95]

The archaeologists have more to say here. As inequalities and aggression can be traced back to the earliest prehistoric societies, a topic which has been much debated since Elman Service,[96] Morton Fried,[97]and Peter Bogucki,[98] it may be assumed that persecution originated in prehistory, too, which is a hypothesis that is confirmed by the evidence for bondage and slavery several thousands of years ago. With the emergence of agriculture, modes of inequality arose, defined by lineage and kinship.[99] If Harry Turney-High was correct in his landmark monograph on *Primitive Warfare* that combat was universal, if not inevitable,[100] the same might be true of persecution. The thesis is confirmed by John Keegan's conclusion that:[101] "The written history of the world is largely a history of warfare." If an argument by analogy is valid here, persecution has existed in some form throughout history. It would be a task worth pursuing to document this claim.

The most radical expression of a persecutory society, namely genocide, also emerged in prehistory.[102] The *locus classicus* in antiquity occurs in *The Iliad*. It is Agamemnon who invokes the deed:[103]

'Dear brother, o Menelaos, are you concerned so tenderly with these people? Did you in your house get the best of treatment

from the Trojans? No, let not one of them go free of suddendeath and our hands; not the young man child that the mother carriesstill in her body, not even he, but let all of Illion'speople perish, utterly blotted out and unmourned for.'

[94] Mary Douglas. *Purity and Danger*: 174-177.

[95] Randall Collins. *Conflict Sociology. Towards an Explanatory Science*. Academic Press. New York. 1976. 402-408.

[96] Elman Service. *Primitive Social Organisation*. Random House. New York. 1962.

[97] Morton Fried. *The Evolution of Political Society*. Random House. New York. 1967.

[98] Peter Bogucki. *The Origins of Human Society*. Blackwell. Oxford. 1999. 205-329

[99] Peter Bogucki. *The Origins of Human Society*.206.

[100] Harry Turney High. *Primitive War. In Practice and Concepts*. Columbia University Press. New York. 1971. 142.

[101] John Keegan. *A History of Warfare*. Pimlico. London. 2004. 386.

[102] I am here following the succinct analysis by Hans van Wees.' Genocide in the Ancient World.' Donald Bloxham and A. Dirk Moses, Eds. *The Oxford Handbook of Genocide Studies*. Oxford University Press. Oxford. 2013. 239-258.

[103] Homer. *The Iliad*. Trans. Richmond Lattimore. Chicago University Press. Chicago. 1961. VI. 55-60.

Inasmuch as this genocide was typical for the 'ancient world it represented an act of conspicuous destruction':[104] by asserting the victor's absolute show of force, the act – as in more recent times – served to demonstrate the power and superior status of the perpetrator. It was a typical act of social closure as defined by Weber. Whether such bestial acts as intra-uterine nfanticide actually occurred remains open: they may have been intended as admonitory horrors, designed to shock, and to demonstrate the absolute power of the perpetrator's gods. An even more radical example of genocide features in Deuteronomy, where genocide serves to enable]he Israelites' appropriation of the promised and:[105]

> You shall save alive nothing that breathes, but you shall utterly destroy them, the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites, as the Lord your God has commanded, lest they lead you into doing all the abhorrent things that they all have done for their gods and you stand guilty before the Lord your God.

Such serial genocide, involving the extinction of six entire peoples, can hardly have been intended literally:[106] the magical incantation of so many names has a distinctive aim, which is to magnify the glory of Yahwe; altogether, the purpose of this biblical hyperbole must surely have been to demonstrate His absolute power, and thereby to prove the incontrovertible superiority of the Israelites. In this case, we would be dealing with an early example of symbolic persecution. The aim was simple: to empty a homeland for the Israelites. However, given that the ideology of legitimate genocide did exist, it may have been put into practice.[107] The specific purpose named in the text is to maintain the purity of the Israelites. What is at stake is the maintenance of their belief. Here too, then, in the biblical account, serial genocide represents a typical act of Weberian social closure. One of the most seminal analyses of genocide is that by Christopher Powell. Whatever the merits of Powell's thesis that genocide is a product of civilization,[108] his argument supports the view that genocide and civilization are coterminous: this discovery of "civilizing genocide"[109] resolves the enigma of the Shoah's contiguity with the apex of German culture – a thesis earlier developed by Franz Baermann Steiner.[110] Persecution represents the actor's response to danger – the perceived danger symbolized by the victim – and treats that victim reciprocally to the same violence which he represents for the perpetrator.[111]Persecution is a form of danger behaviour. Ironically the act of persecution is intended as an act of danger limitation: the agent seeks to neutralize the – either real or imagined – threat represented by his enemy. But in seeking to limit the danger, the agent absorbs the danger into himself. By an extreme paradox, the introjection of danger by means of the moral restraint which typifies the development of civilization also promotes the emergence of disorder, brutality, and genocide. The more advanced and sophisticated a civilization, the greater its power, the more violent its impact.

[104] Hans van der Wees. 'Genocide in the Ancient World'. 240.
[105] Deuteronomy 20.16-18.
[106] Op. cit. 241-242.
[107] Op. cit. 242.
[108] Christopher Powell. *Barbaric Civilization. A Critical Sociology of Genocide*. McGill-Queen's University Press. Montreal, 2011. 11; 126-162.
[109] Op. cit. 126.
[110] Jeremy Adler and Richard Fardon. *Franz Baermann Steiner. A Stranger in the World*. 179-190.
[111] Franz Baermann Steiner. 'Taboo'. In *Taboo, Truth, and Religion. Selected Writings*. Vol. I, Ed. Jeremy Adler and Richard Fardon. Berghahn Books. Oxford and New York. 1999. 101-214. 213-214

The atavistic nature of the Shoah is often apparent intuitively; but by recognising the milestones of persecution, it can be understood as an age-old phenomenon, which reached its climax in the Final Solution. The full force of this persecution derives in part from its place at the climax of a trajectory of horrors. As not all of these monstrosities are empirically linked, they can only be connected in structural terms. Thus, the atavistic character of the Shoah is not an impression, but a fact, which can best be grasped not by history but by the social sciences. From the very outset of scholarship on the Shoah, it has been recognised by a handful of theorists that it can only be properly understood by means of sociology, albeit there has yet to be a formal classification. Indeed, from Zygmunt Bauman[112] to Alex Alvarez[113] it was fallaciously maintained that sociology had shown no interest in the Shoah. Why this misunderstanding should have taken place is hard to understand. For, as I have shown, sociologists have never ignored the nature of the Shoah; yet the academic community misrepresented the situation, and ignored or perhaps even suppressed the existing sociological explanations. One reason for this curious state of affairs may be that the sociologists constructed an alternative world view which suppressed the role of persecution in the Shoah. Instead, they either relied on historical accounts, or introduced alternative models of their own, such as the Marxist explanation, according to which the Shoah was brought about by exploitation.

Looking back at the history of sociology, there are several kinds of approach to the Shoah on offer. Talcott Parsons introduced some of Durkheim and Weber's chief categories to analyse Nazism, notably "anomie" and "charisma".[114] The categories which best account for the Nazi's persecution of the Jews can indeed be found in the works of the founding fathers: Durkheim's concepts of "solidarity",[115] "anomie",[116] "effervescence",[117] and "punishment";[118] Weber's seminal category of "social closure";[119] and Simmel's schema of "conflict"[120] and "unity."[121] It is hard to see why historians grappling with the causes of the Final Solution should expend so much effort on defining new explanations when the conceptual framework already exists in the works of these great sociologists. Weber regards "social closure" as the exclusion by one group of another group on some pretext such as race, language, religion, local or social origin, descent, residence etc.[122] This leads to the formation of "interest groups" and ultimately to a "legal order", whereby the interest group becomes a "legally 'privileged' group" (*Rechtsgemeinschaft*). Such closure is "an ever-recurring process." Weber's analysis provides a model for the exclusion of a specific group on grounds of race or religion or some other difference in a perceived competition

[112] Zygmunt Bauman. *Modernity and the Holocaust*. Polity Press. 1989: 3.
[113] Alex Alvarez. *Governments, Citizens and Genocide: A Comparative and Interdisciplinary Approach*. Indiana University Press. Bloomington. 2001: 1.
[114] Uta Gerhardt, ed., *Talcott Parsons on National Socialism*. 40; 178; 204-205.
[115] W. S. F. Pickering. 'Does Durkheim Make a Contribution to Understanding One Alleged Cause of Persecution?' *Durkheimian Studies*. 9. 2003. 40-57.
[116] Emile Durkheim. *Suicide. A Study in Sociology*. Trans. John A. Spaulding and George Simpson. Routledge & Kegan Paul. London. 1952: 241-276.Stephen Adair. 'Status and Solidarity. A Reformulation of Early Durkheimian Theory'. *Sociological Enquiry*. 78 (1). 2008: 97-120.
[117] Scott Daper. 'Effervescence and Solidarity in Religious Organizations.' *Journal for the Scientific Study of Religion*. 53. 2014: 229-248.
[118]Emile Durkheim. Emile Durkheim. *The Division of Labour in Society*. Ed. Steven Lukes.Trans. W. D.Halls. Palgrave Macmillan. London. 1984. 67-70.
[119] Max Weber. *Wirtschaft und Gesellschaft*. Studienausgabe. Mohr Siebeck. Tübingen. 1972: 201-203.
[120] Georg Simmel. *Conflict and the Web of Group-Affiliations*: 13-56..
[121] Op. cit. 16-20.
[122] Max Weber. *Economy and Society. An Outline of Interpretative Sociology*. Part II. Chapter II. Ed. Guenther Roth and Claus Wittich. Trans. Ephraim Fischoff et al. California University Press. Berkeley. 1968: 339.

for economic goods.[123] This enables one to understand the constant emphasis on the financial exploitation supposedly practiced by the Jews which is frequently rehearsed in anti-Semitic literature, not to mention the broadsides of the Nazis. Hitherto, Weber's concept has been largely used for class analysis, but it also provides an excellent tool for studying persecution. Frank Parkin, the foremost social closure theorist after Weber, emphasises that closure is used for "the monopolization of specific, usually economic opportunities."[124] Parkin recognises that all stratified societies establish closure that "is experienced through a myriad of direct personal degradations and affronts to human dignity."[125] This comes close to recognising closure as persecution. He cites blacks under *apartheid* and racial and religious ghettos as examples of persecuted groups.[126] He might have added that the Shoah arose from the most extreme act of social closure.

Weber's model can easily be linked to Durkheim's concept of solidarity.[127] Weber defines the mechanism by which society excludes the other. Durkheim explains the internal or psychological character of the process:[128] "all that societies need in order to be united is that their members fix their eyes on the same end and come together in the same faith." According to David Lockwood, this understanding of solidarity is fundamental to societies as such:[129] "To the extent that societies may be thought of as systems, they are surely distinguished by their peculiar need for solidarity." It follows – however unpleasant the thought -- that persecution needs to be understood as an elementary tool with which society structures itself as a social system. According to Durkheim, social solidarity manifests in religion as what he calls "effervescence";[130] and the self-same phenomenon emerges in persecution. Religion involves the refinement of evil into the ideal. Hence acts of rage and evil such as violence and persecution exhibit the same characteristics as are contained in religion. Durkheim describes the emergence of religious effervescence as follows:[131]

> We have seen, in fact, that if collective life awakens religious thought when it rises to a certain intensity, that is because it brings about a state of effervescence that alters the conditions of psychic activity. The vital energies become hyperexcited, the passions more excited, the sensations more powerful; there are indeed some that are produced only at this moment. Man does not recognize himself; he feels somehow transformed and in consequence transforms his surroundings. To account for the very particular impressions he receives, he imputes to the things with which he is most directly in contact properties that they do not have, exceptional powers and virtues that the objects of ordinary experience do not possess. In short, upon the real world where profane life is lived, he superimposes another that, in a sense, exists only in his thought [...]

Durkheim's model is not just a picture of religion; it is far more wide-ranging. What he calls "effervescence" is essentially the same as the hysteria engendered by an ideology. Durkheim's French term also means "turmoil" or "ferment". The false reality prompted by an ideology follows the same pattern as defined by a religion. The superimposition of a pseudo-reality on the world

[123] For further categories see Alexander Laban Hinton. 'The Dark Side of Modernity: Toward an Anthropology of Genocide.' In Alexander Laban Hinton. Ed. *Annihilating Difference. Anthropology of Genocide*. Berkeley. University of California Press. 2002. 1-42: 4.

[124] Frank Parkin. *Marxism and Class Theory: A Bourgeois Critique*. Columbia University Press. New York. 1979: 44.

[125] Frank Parkin. *Marxism and Class Theory*: 69.

[126] Frank Parkin. *Marxism and Class Theory*: 68.

[127] Emile Durkheim. *The Division of Labour in Society*. 57-157. Alexander Gofman. 'Durkheim's Theory of Social Solidarity and Social Rules.' Vincent Jeffries. Ed. *The Palgrave Handbook of Altruism, Morality, and Social Solidarity*. Palgrave Macmillan. New York. 2014. 45-69.

[128] Emile Durkheim. 'Individualisme et les intellectuels.' *Revue Blanche*. 4e. 1898. X:7-13: 9.

[129] David Lockwood. *Solidarity and Schism*. Clarendon Press. Oxford. 1992: 3.

[130] Scott Draper. 'Solidarity in Religious Organizations'. 231-232.

[131] Emile Durkheim. *The Elementary Forms of Religious Life*. Trans. Karen E. Fields. The Free Press. New York. 1995: 424.

is as typical of an ideology as of a religion. Mary Douglas has noted the proclivity of effervescence to give rise to sectarianism,[132] and this would appear to confirm its propensity to segue into persecution. In short, the fantasy world created by "effervescence" is like that engendered as a motive for persecution; and persecution is both a religious act – for example, in the hounding of the Christians by the pagans – and a secular deed modelled on a religious rite.

It will be helpful to link Durkheim, Weber and Simmel's views with an anatomy of persecution devised by Richard Fardon.[133] In what follows, I shall supplement his account with categories borrowed from the founding fathers of sociology as well as several of my own. Persecution is an overarching category, being far wider, more inclusive, than torture, slavery, or genocide. It can be characterised as follows:

1. Persecution tends to occur in riven countries;
2. It may be initiated by a ruler or by a collective;
3. It is commonly inaugurated by an edict or a command;
4. It is internal to a social formation that displays a self-conscious identity;
5. It is systematic;
6. It is sustained;[134]
7. It has an explicit history;
8. It is directed against an internal collective identity in a plural society;
9. It is systemic in hierarchical societies;
10. It originates in prejudice and stereotyping;
11. It employs organised violence;
12. The degree of physical violence in particular varies over time;
13. Its violence intensifies to a climax;
14. Its violence is both symbolic and physical;
15. It is actualised in relationships of unequal power;
16. It operates by means of social closure;
17. Its victims may be individuals or collective;
18. It is typified by anomie in the host collective;
19. It is theorised in terms of "purity" or similar images with respect to race, nationality, philosophy or religion;
20. Hence it tends towards eradication or purification;
21. It is enacted by means of "effervescence";
22. This process requires the suffering of the persecuted victims;
23. Therefore, it has a strongly ritualised and performative element;
24. In its western form it has a necessary relationship with victimhood and cults of martyrdom;
25. Its framework oscillates between "subhuman" and "exemplary";
26. It has no room for the "ordinary" or "mundane" in human affairs;
27. It is cyclical;
28. It enhances solidarity in the collective;
29. It concludes with rapprochement.

The persecutory complex draws upon pre-persecutory violence, including:

1. The enslavement or execution of external enemies;
2. The persecution of individuals with identities considered deviant;
3. The genocide of collectives considered hostile.

This pattern holds good for the two-and-a-half millennia which I am treating as a persecutory civilization in which specific individuals or collectives are regularly demonized.

Two key sources for the history of persecution with a strong mythic turn are ancient philosophy and the Bible. Socrates and Jesus are the fountainheads of victimhood. They are the archetypal individual victims. The typical elision of myth into history which often defines the act of persecution is evident in both cases. Socrates had a clear understanding of his fate, as emerges from *The Apology*:[135] "I would have you know, that if you kill such a one as I am, you will injure yourselves more than you injure me." He was

[132] Mary Douglas. *Natural Symbols. Explorations in Cosmology*. Routledge. London and New York.1996. 79.
[133] Richard Fardon. Personal Communication. 15 November 2022. I have emended this typology and added various categories, some of them from Durkheim, Weber and Simmel.
[134] Jaakko Kuosmanen. 'What's So Special About Persecution.' 135.
[135] Plato. Apology. 30. c. *The Dialogues*. Trans. Benjamin Jowett. I. Sphere Books. London. 1970: 73.

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accused of two main crimes: atheism and the corruption of youth. This reflects the religious dimension of persecution. Although given the chance to escape from Athens, Socrates chose to remain, and suffer the death penalty. At the end he displays the equanimity of true martyrdom. The experience of suffering propels him to moral victory:[136]

> Wherefore, O judges, be of good cheer about death, and know of a certainty that no evil can happen to a good man, either in life or after death, and that he and his are not neglected by the gods. Nor has my own approaching end happened by mere chance; I see clearly that the time had arrived when it was better for me to die and be released from trouble; therefore the oracle gave no sign, and therefore also I am not angry with my condemners or my accusers. But although they have done me no harm, they intended it; and for this I may properly blame them.

The martyrdom wrought by persecution elevates the victim to the transcendent sphere of the gods: he exhibits the "exemplary" behaviour characteristic of the victim of persecution. Thus, by his superior action, Socrates became a martyr to wisdom. However, as Debra Nails argues, it is in *Phaedo* that the highest form of his life is depicted insofar as this dialogue reflects on the soul's escape from the body and its entrance to the afterlife.[137] Here, too, persecution transcends to myth. By this fickle persecution, the Athenians heightened the solidarity of the state: this was an emblematic act of social closure, which had far-reaching consequences in the historical age. In the Middle Ages, the Christians regarded Socrates as a saint, a model for their behaviour, and so his exemplary action became a model to follow.[138] Like many heretics, therefore, he displayed pure goodness and nobility: the inferior proves to be the better man, for the victim is superior to his executioner.

In modernity, thinkers from Ficino[139] to Voltaire and from John Stuart Mill to Nietzsche[140] invoked Socrates, too. In the Renaissance, the image of Socrates as Christ became widespread;[141] and Ficino bequeathed a picture of Socrates as Jesus to future generations, shaping the image of martyrdom both for Catholics and for Protestants.[142] Voltaire himself was hymned as a modern Socrates.[143] likewise, Voltaire's play *Socrates* of 1759 extols the Athenian as a martyr to philosophy.[144] By the eighteenth century, he had become "a proto-Christian martyr for the godhead."[145] More generally, as John Stuart Mill put it, Socrates was "a man unique in history, of a kind at all times needful, and seldom more needful than now."[146] Socrates' tragedy evolved from myth until it became a historical force and reflected the simple dialectic of persecution: every victim is a moral victor.

The Bible is the second source for persecutory thinking of this kind. It is also a myth in essence. The subject of biblical persecution is treated in numerous works, notably in two standard monographs: William Friend's *Martyrdom and*

[136] Loc. Cit., 84.
[137] Debra Nails, 'The Trial and Death of Socrates', Sara Ahbel-Rappe and Rachana Kamtekar, *A Companion to Socrates*. Blackwell. Oxford. 2009: 5-20: 16-17.
[138] Henk A. Bakker, 'Beyond the Measure of Man: About the Mystery of Socratic Martyrdom', *Church History and Religious Culture*, 95, 2015: 391-407.
[139] John Hankins, 'Socrates in the Italian Renaissance'. *A Companion to Socrates*. 337-352: 346.
[140] James L. Porter, 'Nietzsche and "the Problem of Socrates"'. *A Companion to Socrates*. 406-425. Werner I. Dannhauser. *Nietzsche's View of Socrates*. Cornell University Press. Ithaca and London. 1974: 176-259.
[141] James Hankins. 'Socrates in the Italian Renaissance'. Michael Trapp. Ed. *Socrates from Antiquity to the Enlightenment*. Routledge. London. 2007. 179-208:196.
[142] Op. Cit. 350.
[143] Russell Goulbourne. 'Voltaire's Socrates'. Op. Cit.. 229-247: 229-231.
[144] Voltaire. *Socrates*. Trans. Frank J. Morlock. Amazon. N.p. 2006: 33.
[145] K.J.H. Berland. 'Dialogue into Drama: Socrates and Eighteenth-Century Verse Drama', *Themes in Drama. Drama and Philosophy*. 12. 1990. 127-141: 130.
[146] John Stuart Mill, 'Grote's *History of Greece* [II]', *Collected Works of John Stuart Mill*, ed. J. M. Robson, Toronto University Press, Toronto, 1963-1991, XI: 309. See *John Stuart Mill. A British Socrates*, ed. Kyriakos N. Demetriou and Antis Loizides, eds, Palgravve Macmillan, Basingstoke, 2013.

accused of two main crimes: atheism and the corruption of youth. This reflects the religious dimension of persecution. Although given the chance to escape from Athens, Socrates chose to remain, and suffer the death penalty. At the end he displays the equanimity of true martyrdom. The experience of suffering propels him to moral victory:[136]

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Persecution in the Early Church;[147] and James Kelhoffer's *Persecution, Persuasion and Power in the New Testament*.[148] These two authorities show how the theme of persecution appears in the Pauline Letters, in Peter, Hebrews, and the Revelation of John as well as in Mark. These Biblical portrayals of persecution established a model for Christianity, which is a world religion focussed on individual victimhood. A key insight that Kelhoffer pursues in this regard is the redemptive power of suffering: to withstand persecution is a mark of legitimacy. This kind of view is evidenced by the elevation of Socrates and Jesus to the highest position in the western pantheon – an insight maintained down the years to the Enlightenment and into the thought of the philosopher-scientist Joseph Priestley.[149] Both Socrates and Jesus became models to imitate: persecution as an ideal entered the core of western thinking.

Western civilization -- as George Steiner observes[150]-- began with two deaths: those of Socrates and Jesus. Each of these was preceded by a ceremonial meal. What does this signify? In its origins, western persecution takes the form of a sacrament. For the metaphysical aspect of eating food can also symbolise an act of persecution: the devouring of the earth's fruits may also mirror the massacre of man. The ritual meal signifies a rite of passage whereby Socrates and Jesus translated to a higher existence. They proceeded to their death by taking the sacrament of persecution. Both victims accepted their fate stoically in their closest circle. Their death became the defining feature of their life. But that is not all. As the twinned avatars of the modern spirit,[151] they jointly figure the idea that the West should be understood as a persecutory civilization, albeit the act itself is not always active. Their roles are cognate: the figureheads of modern western civilization were martyrs to goodness and truth; their martyrdom was symbolized in a mythic ceremony whose universal acceptance shaped historical reality.

This can easily be seen in contemporary writing. Among the modernist writers, Mikhail Bulgakov recognised the trajectory that led from the persecution of Jesus to the cruelty in a modern totalitarian state. This is the theme of his novel *The Master and Margarita*:[152] here, the montage of scenes in Communist Russia with episodes involving Pilate and Jesus evokes a parallel between antiquity and modernity. The dialogue between Jesus and Pilate anticipates the Communist state:[153] "'Among other things I said' … 'that all power is a form of violence exercised over people and that the time will come when there will be no rule by Caesar …'." In this fantastic montage, the persecution perpetrated by the NKVD recalls the martyrdom of Jesus Christ. Both the world that sprang from Golgotha and the Marxist-Leninist State is riven by cruelty. Authors like Bulgakov develop the history of persecution into ever more unlikely directions. Yet its function remains constant. Punishment is tied to our highest ideals. It is the price of value – what Bulgakov calls "'The kingdom of truth.'"[154]

Persecution often depends on mythical foundation acts which are subsequently translated into historical time. The origins of western acceptance of persecution have also been traced back to the Maccabees in Roman times who made a willing and unresisting sacrifice:[155] "we are ready to die rather than transgress the laws of our fathers." The siege of Masada in 73 CE has gone down as the symbol of Jewish resistance. Eleazar the leader of the Jews, as recounted by the historian Josephus, gave a rousing speech in

[147] W. H. C. Frend. *Martyrdom and Persecution in the Early Church. A Study of a Conflict from the Maccabees to Donatus*. Blackwell. Oxford. 1965.

[148] James A. Kelhoffer. *Persecution, Persuasion and Power. Readiness to withstand hardship* …. Mohr. Siebeck. Tübingen. 2010.

[149] Carl Sundell, 'Joseph Priestley on Jesus and Socrates Compared', *Catholic Insight*, 25 September 2022.

[150] George Steiner.' Two Suppers'. *No Passion Spent. Essays 1978-1996*. Faber and Faber. London. 1996. 390-419: 391-2;

[151] William F. Bostick ,'Jesus and Socrates', *The Biblical World*, 47, 1916: 248-252.

[152] Mikhail Bulgakov. *The Master and Margarita*. Trans. Michael Glenny. The Harvill Press. London. 1986.

[153] Op. cit., 39.

[154] Op .cit., 40.

[155] II. Macc. 7.ix-xxxi. See W. H. C. Frend. *Martyrdom and Persecution in the Early Church:* 46-47.

which he treats the people's fate as a special gift of the Lord who enabled them to sacrifice themselves and die as "free men": "Our wives shall die unsullied, our children free from slavery. And when they have gone before us in death, we will perform the loving deed upon each other."[156] The Maccabees became a mythic symbol for their brethren. The very same soteriological suicide defines the origin of the modern persecution of the Jews during the First Crusade when the Jews of Mainz were slaughtered.[157] The image recurred almost a millennium later at Babi Jar. Mythical persecutions travel through the centuries when they lend succour to the descendants. The persecutory myth revives as a historical fact.

The same is true in Christianity. As Jesus says in the Sermon on the Mount:[158] "Blessed are they who are persecuted for righteousness' sake, for theirs is the kingdom of heaven." It cannot be ruled out that the early Christians modelled their image of Jesus on Socrates, although the opposite is more likely. What the two men share is a philosophical martyrdom.[159] Life does not just depend on sacrifice, but on *reflected sacrifice*. The Church is created by consciously surviving persecution. In Tertullian's words: "The blood of the martyrs is the seed of the Church."[160] From here it is but a short step to Augustine's idea in a letter to St Boniface where he speaks of a "righteous persecution".[161] The progressive radicalization evident in Augustine's theory is typical of all forms of persecution, right down to the collective persecution of the Shoah: it extends from opposition to coercion, to the acceptance of chastisement and finally to the belief in "strong measures" against heresy.[162] Augustine aspires to a form of social closure to achieve the unity of the Church in the City of God.

The place of two individual victims, the victim as hero, at the fountainhead of Western history supports my contention that our civilization may be called a civilization of persecution. In a typical fashion, Socrates and Jesus inaugurate the history of persecution. Their two doctrines, philosophy relating to truth and religion to God, provided the spiritual preconditions for the western persecutory mind-set. The same symbolism of victimhood is associated with one of the most widely read works of the Middle Ages, Boethius's *Consolation of Philosophy*, written during the author's imprisonment, shortly before his execution in the year 524.[163] Boethius was regarded as a notable thinker in the circle around Alcuin at the Court of Charlemagne; and no less a poet than Dante regarded him as an example in his banishment.[164] Thus Boethius in his relationship of unequal power enters history as a victim. Martyrs were models.

Via Dante and others, exile[165] came to be regarded as a form of persecution in the west. Here, too, social closure operates, inasmuch as the expulsion of the exile heightens the cohesion of the community. Dante's heart-rending evocation of his banishment is the epitome of exilic persecution:[166]

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[156] Flavius Josephus. *Geschichte des jüdischen Krieges*. Trans. Heinrich Clementz. Benjamin Harz. Berlin and Vienna. 1923: 658-659.

[157] Robert Chazan. *In the Year 1096. The First Crusade and the Jews*. The Jewish Publication Society. Philadelphia. 1996: ix-xi.

[158] Matthew. V. x.

[159] Candida Moss. *The Myth of Persecution*. HarperCollins. 2013: 60.

[160] Tertullian. *Apologeticus*. 50, 13. See Joshua J. Congrove. 'Preface'. Herbert B. Workman. *Persecution in the Early Church*. Clearnote Press. Bloomington. 2014: xv.

[161] Jean-Pierre Cavaille. 'The Notion of Persecution': 2.

[162] Ronald Christenson. 'The Political Theory of Persecution: Augustine and Hobbes.' *Midwest Journal of Political Science*. 12. 1968: 419-438; 423-424.

[163] John Marenbon. 'Anicius Manlius Severinus Boethius'. *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition). Ed. Edward N. Zalta.<https://plato.stanford.edu/archives/win2016/entries/boethius/>.

[164] Gian Martinelli. 'The Consolation of Boethius for Dante the Poet and Pilgrim.' *Proceedings of Great Day*. 2010. VII. https://knightscholar.geneseo.edu/cgi/viewcontent.cgi?article=1196&context=proceedings-of-great-day

[165] Catherine Keen. 'The Language of Exile in Dante.' https://www.reading.ac.uk/web/files/GCMS/RMS-2001-03_C._Keen,_The_Language_of_Exile_in_Dante.pdf

[166] Anne Paolucci. 'Exile among Exiles: Dante's Party of One'. *Mosaic*. 8. 1975. 117-125; 119.

Alas, would it had pleased the Dispenser of the Universe that I should never have had to make excuses for myself; that neither others had sinned against me, nor I had suffered this punishment unjustly, the punishment I say of exile and poverty! Since it was the pleasure of the citizens of the fairest and most renowned daughter of Rome, Florence, to cast me out from her most sweet bosom (wherein I was born and brought up to the climax of my life, and wherein I long with all my heart, and with their good leave, to repose my wearied spirit, and to end the days allotted me), wandering as a stranger through almost every region to which our language reaches, I have gone about as a beggar, showing against my will the wound of fortune, which is often wont to be imputed unjustly to the fault of him who is stricken. Verily I have been a ship without sails and without rudder, driven to various harbours and shores by the parching wind which blows from pinching poverty. And I have appeared vile in the eyes of many, who, perhaps from some report of me, had imagined me in a different guise.

Dante's banishment had a geopolitical cause. The city was divided into Whites and Blacks. He belonged to the former. The Pope threatened to excommunicate the city if it did not restore the latter to power. The matter was complicated by the Pope's invitation to Charles de Valois to enter Florence. Upon his violent entry, the Blacks returned to power, and Dante was expelled. This narrative is typical of persecution as a consequence of what Huntington calls a "torn" collective. For his alleged corruption Dante was banished and condemned to death *in absentia* by the Blacks. The means was as cruel as it was symbolic: vivisepulture.[167] The man who was excluded from his homeland was to be suffocated in its soil. He never saw his wife again and never again entered his native Florence. The agony of the exile who can no longer exercise his human freedom results in a desolate condition: through his suffering Dante is condemned to statelessness and enters the anguished pantheon of victimhood.

Thus, he becomes a dominant figure in the history of persecution since antiquity and reinforces the western image – inaugurated by Ovid -- of the poet- victim as hero.

[167] https://www.theguardian.com/books/2021/feb/01/dante-descendant-seeks-to-overturn-poets-1302-corruption-conviction