

BEYOND THE BANALITY OF EVIL. CRIMINOLOGY AND GENOCIDE

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At about the same time as I began writing the review for this book BBC News announced the death of Erich Priebke at the age of 100. For almost 20 years Priebke had been held under house detention after being convicted of ordering the massacre of 335 civilians in Italy in 1944. (Priebke's role in the mass killings is well documented in Stephen Walker's book, *Hide and Seek*). Priebke had fled to Argentina at the end of the war and lived there for 40 years until his extradition to Italy.

Priebke was just one more whose crimes committed during the Second World War have caught up with them in the twilight years of their lives. They parade before us, sunken shouldered or infirm as they stand in the dock: Anton Ipsling; John Demjanuk; Fritz Hildebrand; Anthony Sawoniuk are just a few of the more recent cases. But, if there is one name which stands out among this infamous list it is that of Adolf Eichmann. Eichmann did not live to old age. He was tried, convicted and hanged in 1961 in Ramla, Israel. His trial was covered for the New Yorker newspaper by Hannah Arendt who went on to write a book based on her coverage of the trial, *Eichmann in Jerusalem*. In her book Arendt concluded that the Holocaust arose from 'the banality of evil' and that Eichmann, the bureaucrat who was simply following orders, was its embodiment.

Brannigan, like Arendt, regards the trial of Eichmann as a milestone in how the Holocaust has become to be viewed. The trial received widespread coverage with more reporters present than had been at the Nuremberg trials. It put a human face on the Holocaust that had never been aired so publicly. However, in applying an analysis from a criminological perspective to the Holocaust and later genocide atrocities in Rwanda and the former Yugoslavia, Brannigan offers a point of departure from 'the banality of evil' thesis. The architects of genocide are not simply dull 'desk murderers carrying out the instructions of their superiors with little choice in the matter'. Brannigan rejects the notion that people become automatons in bureaucracies, subjecting their will to total obedience and submission to authority. Neither are they, as we might expect by applying a criminological perspective, "outcasts or dysfunctional villains with histories of developmental problems and sociopathic relationships that made them outsiders in their community" (pp 41). Indeed the SS were recruited from among the best and brightest applicants. The notion of complete obedience based on fear of consequences is also challenged. Eichmann, like many others in the Nazi hierarchy, enjoyed a degree of personal autonomy. In his case Eichmann exercised some discretion helping some Jews, including a relative, to escape. In another demonstration of

personal discretion Eichmann overrode Himmler's orders at one point to delay the transportation of Hungarian Jews until the position on the Eastern front became more stable by pressing on with the deportations regardless.

Eichmann, like Priebke many years later, refused to acknowledge personal guilt and according to Brannigan this is one of the paradoxes that a criminological approach needs to recognise. The genocidal crimes against humanity are truly breath taking in scale but in the past have been conventionalised as part of the activity of the sovereign state. By viewing genocide in the terms of ordinary men carrying out the will of the state and therefore lacking the guilty conscience that makes them accountable, the *mens rea*, then the enormity of genocide as a political crime is simply not recognised.

The political crime of genocide is characterised by a succession of collective events that put individual choices at the disposal of the sovereign, the leader, or the larger social collective. Rather than attributing this, as Arendt did, to the banality of evil Brannigan suggests that a more accurate epithet would be '*the splendour of evil*'. The holocaust thus did not demonstrate that Germany was a barbaric state; rather a state with over-control of its citizenry who in turn had an over-identification with the political leadership at the time which cultivated a powerful sense of duty, characterised by pathological altruism and a sense of fatalism.

This volume does not address a mainstream or perhaps even a popular topic for criminologists. By applying a criminological, sociological and philosophical framework Brannigan does a very good job of advancing our understanding of the crimes of genocide. Eric Priebke, like many others guilty of mass murder in the 20th century lived to an old age and died peacefully. A privilege actively denied of their victims. Brannigan states that there is no easy fix to genocide and does not attempt to put forward a solution that would bring an end to mass crimes against humanity. The author does however suggest that if the world wishes to create effective social responses to violations of international humanitarian law, then the remedies cannot be confined to the tools of criminal law. Imprisoning the perpetrators does not by itself heal the damage to the societies that the atrocities have produced. For example, the Nuremberg trials would not have been enough. Success in Europe depended on massive reconstruction of the social and political framework and fostering responsible government. Brannigan argues for a renegotiation of the supremacy of the state and to lay the foundations for more open governance, nationally and globally. The creation of such an environment would thus make politically motivated mass murder ideologically indefensible and strategically impossible. This state of affairs cannot be achieved overnight although continuing globalisation makes it a very real possibility if not an inevitability.