

Beyond the Banality of Evil: Criminology and Genocide. By Augustine Brannigan.

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A widely researched and carefully argued intervention in genocide studies from the perspective of criminology, Augustine Brannigan's *Beyond the Banality of Evil* is an important book, not least because the intersection between these two fields seems so obviously illuminating yet is so little investigated. Reviewing and analyzing a vast array of research on criminality, violence and atrocity, Brannigan engages work from multiple disciplines, drawing on, for example, the experiments of social psychologist Stanley Milgram; contemporary criminological literature on control theory; Norbert Elias's analysis of the civilizing process; Durkheimian sociology; the arguments of Holocaust scholars Christopher Browning and Daniel Goldhagen; international legal theory; Brannigan's own fieldwork in Rwanda; and, as his title adumbrates, the philosophy of Hannah Arendt.

Brannigan helpfully disentangles discussions of "the constitutive problem" of genocide (how genocide is terminologically and legally constituted) from the "causal problem" (how genocide happens), examines the vexed agentic roles of "bystanders," catalysts and accomplices, and isolates key ways in which criminology, focused on individual crimes, leaves genocide inadequately explained. The "paradoxes" that Brannigan identifies as emerging from the contrast between perpetrators of genocide and the "life criminal" as understood by criminology are, in my view, among his most significant insights. Equally salutary are his careful comparative analyses of varying legal responses to genocide including criminal prosecution, civil remedies and truth commissions. Comprised of a preface, ten chapters, a very useful bibliography and index, *Beyond the Banality of Evil* is a valuable book and highly recommended reading for scholars of genocide and post-conflict justice.

In his first two chapters, Brannigan juxtaposes the pivotal works of Browning and Goldhagen with the consensus in North American criminology around "control theories" of criminal behavior; the latter suggests that "crimes arise when the individuals' attachment to the community becomes undermined" (2) but, he argues, control theory provides inadequate explanation for state-initiated mass atrocity. Brannigan pursues his critique through assessments of Milgram's obedience paradigm and Arendt's conception of the "banality of evil," both of which he contends have unduly conditioned our understanding of the Holocaust. Elucidating egregious differences between the criminological model of the socially deviant and transgressive "life criminal" and perpetrators of large scale atrocities—who largely prove to be conformist, law-abiding and otherwise "ordinary"—Brannigan identifies three important "paradoxes:"

- 1) The perpetrators of genocide "typically act without evidence of psychopathology, evil, provocation, or a guilty conscience" (28); they are, by and large, ordinary individuals that willfully undertake or abet atrocities and very rarely display any subsequent sense of individual or subjective guilt.

- 2) The acts that constitute genocide have frequently been conventionalized as legitimate and necessary on behalf of a leader, nation or ethnic group in a manner that de-criminalizes atrocity and enables the mass mobilization of ordinary people who conceive their participation as just retaliation or defense.
- 3) As is the case with violent crime, there remains a “dark unreported figure” beneath official rates of crime—numerous acts of wrongdoing and harm that escape the net of legal terminology and accountability. In the case of genocide, this discrepancy between accountable and actual harm is vastly magnified due to the conventionalization of atrocity, lack of judicial mechanisms of accountability, and the often elite status of primary perpetrators.

Brannigan returns to contemporary control theory in his fourth chapter, this time in light of the work of Norbert Elias and, in his fifth chapter, adopts Elias’s terminology in his analysis of the Rwandan genocide. Brannigan contends that Elias’s early work complements control perspectives by correlating psychogenetic and sociogenetic transformations and, specifically, situating technologies of self-control within larger social and historical contexts. In chapter 4, he juxtaposes this early work with Elias’s *The Germans* and argues, via Durkheim, that the Germans’ compliance with mass murder was less a matter of deficient self-control than of over-control, that Nazi followers were “swept up” by a seductive political rhetoric of noble aspirations that urged them to surrender control of the self to the regime, a phenomenon that, he argues, is less aptly described as “the banality of evil” than the “*splendour of evil*” (85). Turning to Rwanda, Brannigan argues that two salient features of the genocide—the large-scale mobilization of perpetrators with no previous history of violence and the marked absence of remorse or contrition among *génocidaires*—are the result of a colonial legacy of over-control manifested in what he calls “racial closure” (the psychogenic aspect) and “administrative closure” (the sociogenic aspect). “Racial closure” names the process by which Hutus and Tutsis, long interdependent, were transformed into discrete, racialized and alienated groups. “Administrative closure” designates the colonial transformation of hierarchical traditions within Rwandan society into a pervasive system of political control.

In chapter 6, Brannigan pursues a deeply significant and illuminating analysis of the broad spectrum of complicity that makes genocide possible. The *mens rea* requirement of the Genocide convention, he posits, does not account for the vast mechanism of participation by those “in the periphery of genocidal intent” (112)—those with diverse intentions and varying levels of knowledge about a genocidal master plan. Assessing a spectrum of culpability with which legal terminology is ill-equipped to contend, Brannigan opens up crucial questions about how to respond to, intervene in or forestall genocide, recognized as a joint criminal enterprise comprised of the coordinated actions of multiple agents with varying motives, levels of knowledge and forms of participation—without whom genocide would not be possible. He explores three modes of complicity: that of deputy perpetrators (who carry out the orders of others), of experts (e.g.,

technicians, engineers, military advisors, businesspeople), and of ideological accomplices (e.g., propagandists, diplomats, politicians, journalists, academics).

In chapters 7, 8 and 9, Brannigan considers three alternative and potentially complementary responses to genocide: criminal law, civil remedies and truth commissions. International criminal tribunals and courts, he concludes, have had some successes in punishing high level perpetrators, but are exceedingly costly and slow, function with lower standards of evidence than desirable, impose legal traditions that are often foreign and irrelevant to indigenous populations, and do not adequately serve the victims of mass atrocities. Civil remedies for genocide, which might include various forms of compensation, reparation or rehabilitation, may entail broader societal benefits, particularly when utilized in conjunction with prosecutorial approaches. Civil remedies also coincide with the consensus among criminologists that unofficial modes of social control (e.g. exercised through families, communities or schools) are essential to regulating violent behavior. Truth commissions represent a significant response to political crimes but are more suited to those that do not entail mass murder or genocide; they are valuable for documenting the truth of the past and have provided an important forum for validating the experience of victims, but may also establish an new official narrative impervious to minority experiences, ideological differences or revision.

Brannigan concludes in his final chapter with five ambitious but eminently sensible recommendations: 1) work towards constructing responsible governments that restrain sovereigns and distribute authority across multiple stakeholders; 2) grant the International Court wider powers; 3) curtail the international arms trade; 4) encourage Western nations to hold truth commissions confronting their own histories of atrocity; and 5) move toward preventative responses that make politically motivated mass murder ideologically indefensible and strategically impossible.

Because a number of Brannigan's insights are so compelling, I find it unfortunate that, as per his title, he has posed them as a rebuttal to Arendt—an emphasis he returns to throughout the book, albeit without undertaking a close reading of Arendt's work as he does with other sources. He repeatedly refers to a "banality of evil thesis" that is ill-defined and lumps together Milgram and Arendt, whose conclusions differ significantly. He contends that Arendt attributed no agency to Eichmann, seeing him merely as an effect of a totalitarian state, which is simply not the case; while recognizing the perverse context created by the Nazi state, Arendt insists that Eichmann was still "a willing instrument in the organization of mass murder," who "carried out and therefore actively supported, a policy of mass murder" (279). She expressly rejects the defense's suggestion that Eichmann was a "tiny cog" in the machinery of the Final Solution—as well as the prosecution's opposing contention that "it had discovered in Eichmann the actual motor" (289). Moreover, she emphasizes that bureaucracies, even of the most totalitarian states, are invariably imperfectly efficient and that humans always have choices; the lesson is clear, she

contends, that “under conditions of terror most people will comply but *some people will not*” (233, italics in original).

Concluding his second chapter, Brannigan reiterates that he has “rejected the banality of evil thesis because it suggested that people become automatons in bureaucracies” and because the “paradoxes of genocide,” which he has elaborated, “suggest a different picture” (41). But Brannigan’s first paradox—concerning the ordinariness of those who become perpetrators of genocide—seems fully consonant with Arendt’s view that “the trouble with Eichmann was precisely that so many were like him, and that the many were neither perverted nor sadistic, that they were, and still are, terribly and terrifyingly normal” (276). His second paradox, concerning the conventionalization of atrocity (which might well be termed “banalization”) also seems to correspond to Arendt’s insights and indeed might be profitably developed by her discussions of the “elating clichés” to which Eichmann clings, the “language rules” employed by the Nazi regime, the substitution of conscience with a new set of German values (103), or the strategy of “inverting victimhood.” At times Brannigan’s fixation on debunking Arendt seems to hinder potentially important insights. For example, his proposal for replacing the concept of the “banality of evil” with the “splendour of evil” prevents him from recognizing that *both* might be crucial causal components of genocide: one can be seduced by the grandiose rhetoric of ethnic or national ideology but still recoil from engaging in slaughter; the process of rendering such actions banal would thus be necessary for that ideological commitment to be translated into killing. While Arendt’s often provocative arguments are certainly subject to debate, I find Brannigan’s contrarian position curious and regrettable not only because he might find in Arendt a productive ally, but because his many incisive conclusions—impoverished by being reduced to refutations of Arendt—are significant in their own right.

Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin, 1994.

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