

## HANNAH ARENDT'S BANALITY OF EVIL AND THE SILENCE OF THE ACCUSED

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### Abstract

*This study examines the silence of corruption-accused subordinates through the lens of Hannah Arendt's banality of evil, merging social-political philosophy with the philosophy of law. The central problem is that current legal frameworks across multiple jurisdictions treat an accused's silence as either a protected right against self-incrimination or, at most, a tactical choice. Drawing on Arendt's analysis of Adolf Eichmann and subsequent scholarship on bureaucratic thoughtlessness, the study argues that, much of this silence is neither strategic nor innocent: it is the symptomatic expression of thoughtlessness, a culpable failure of reflective judgment that arises from uncritical obedience to leaders. The study solves this problem by proposing a novel evidentiary framework that distinguishes tactical silence from banal silence, allowing courts in corruption trials to draw adverse inferences when the accused's vacant, repetitive or role-bound responses signal an authentic inability to think about the meaning of his or her actions. Key findings include the identification of Arendtian thoughtlessness as a distinct mental state not captured by existing mens rea categories, and the demonstration that standard interrogation protocols across common law systems, implicitly presume a rational actor who simply chooses to remain mute. The study recommends legislative amendments to anti-corruption statutes, judicial directions on banality-informed inferences, and a specialised interrogation protocol for investigators. It concludes that holding the banal subordinate accountable does not violate the right to silence but rather gives that right a more precise, context-sensitive meaning within systemic corruption cases.*

**Keywords:** Banality of evil; Thoughtlessness; Silence of the accused; Corruption; Philosophy of Law.

## **Introduction**

The modern political condition has repeatedly revealed a disturbing paradox: some of the gravest evils in human history are not always perpetrated by monstrous personalities, ideological fanatics, or visibly malicious actors, but by ordinary individuals who suspend the activity of critical reflection in favour of unquestioning obedience. This paradox occupies the very centre of the political philosophy of Hannah Arendt, particularly in her penetrating analysis of the “banality of evil.” Arendt’s philosophical intervention emerged from her observation that evil often appears not in demonic intensity but in the terrifying normality of individuals who cease to think, judge, and morally interrogate their actions. The danger, therefore, is not merely wicked intention, but the collapse of reflective consciousness within bureaucratic and institutional structures that reward compliance over conscience.

A revealing illustration of this condition can be found in a recent courtroom episode in Makurdi, Benue State. In a crowded courtroom in Makurdi, the capital of Benue State, a contract driver employed by the Benue State Water Board stood accused of corruption. He had been hired only six weeks earlier. On the day of the alleged offence, his superior, the General Manager, instructed him to pick up a large envelope from a contractor’s office and deliver it to the Manager’s residence. The driver obeyed without asking what the envelope contained. When officials from the Benue State Anti-Corruption Agency conducted a sting operation later that day, the driver became an accused under Section 13 of the Benue State Public Procurement (Amendment) Law, 2019. His defence was simple and devastatingly empty: “I was merely following orders, sir. I did not know the envelope held money.” The Makurdi High Court eventually discharged him, noting that there was “no evidence that the driver knowingly participated in any corrupt transaction” (State v. Terhemba A.). Although the Makurdi High Court discharged him for lack of evidence establishing criminal intention, the philosophical significance of the incident transcends the legal verdict.

The truly unsettling dimension of the story lies not in the driver’s innocence before the law, but in the emptiness of his moral reflection. At no point did he ask what he was carrying, why it was being secretly delivered, or whether his obedience might be implicated in wrongdoing. His silence reflected neither cunning nor calculated complicity; rather, it revealed the passive consciousness of an individual functioning mechanically within a hierarchy of command. This incident evokes, with remarkable force, Arendt’s reflections on the trial of Adolf Eichmann. Arendt was deeply disturbed not because Eichmann appeared exceptionally evil, but because he appeared frighteningly ordinary. He repeatedly defended his participation in Nazi atrocities by claiming that he merely obeyed orders and fulfilled bureaucratic responsibilities. For Arendt, the horror of modern evil resided precisely in this absence of thoughtfulness. Evil became “banal” because it was committed not through profound wickedness, but through thoughtlessness; the inability or refusal to engage in internal moral dialogue concerning the consequences of one’s actions.

The Makurdi driver's case, though vastly different in historical scale and moral consequence, mirrors this Arendtian insight in a localized African bureaucratic context. It raises a profoundly philosophical question concerning the relationship between obedience and moral responsibility in contemporary institutional life. Can individuals evade moral accountability simply because they operate within systems of authority? Does bureaucratic compliance absolve one from ethical reflection? More fundamentally, what happens to political and moral life when ordinary persons relinquish the duty to think critically about their participation in institutional processes? These questions are particularly urgent within many postcolonial African societies where structures of authority often cultivate habits of deference, silence, and unquestioning loyalty.

In such contexts, institutional corruption, political violence, and administrative injustice frequently persist not merely because of powerful architects of oppression, but because countless ordinary individuals participate unreflectively in systems they neither fully understand nor morally interrogate. Arendt's philosophy therefore acquires enduring relevance beyond its European historical origins. Her analysis provides a conceptual framework for examining how thoughtlessness operates within everyday bureaucratic cultures and how moral catastrophes may emerge gradually through routine acts of obedience. This paper therefore explores Hannah Arendt's conception of the banality of evil as a critique of unreflective obedience and the erosion of moral judgment within institutional structures.

### **Thoughtlessness, Conformity and Banality of Evil in the thought of Arendt.**

In May 1960, Israeli agents captured Otto Adolf Eichmann, a former SS lieutenant-colonel who had organised the logistics of the Holocaust. When his trial began in Jerusalem the following year, journalists and philosophers expected to witness the unmasking of a demon. What Arendt observed was profoundly disorienting. "Despite all the efforts of the prosecution," she wrote, "everybody could see that this man was not a 'monster'" (Arendt, *Eichmann* 47). Eichmann struck her as "terrifyingly normal", neither perverted nor sadistic but "genuine" in his mediocrity (Arendt, *Eichmann* 276). This normality was not a mask; it was the very engine of his evil. Arendt's famous phrase "the banality of evil" does not mean that evil is trivial. Rather, it means that evil in the modern age is most effectively perpetrated by those who have abandoned the practice of thinking. Eichmann had not reflected on what he was doing, had not put himself in the shoes of his victims, and had not engaged in the inner dialogue that Arendt called the "two-in-one", the silent conversation with oneself that makes a person accountable to one's own conscience (Arendt, *Life of the Mind* 185).

Thoughtlessness, for Arendt, is not the same as ignorance or low intelligence. Eichmann was not stupid; he spoke several languages and managed a complex deportation network (Stangneth 9-15). Thoughtlessness is rather a failure to engage in reasoned judgment, a refusal to ask the question "What am I doing?" in a way that brings the concrete particularity of another person's suffering into view. Arendt

clarified this in a 1963 letter to Gershom Scholem: “It is indeed my opinion now that evil is never ‘radical,’ that it is only extreme, and that it possesses neither depth nor any demonic dimension. It can overgrow and lay waste, the whole world precisely, because, it spreads like a fungus on the surface” (Arendt, *Jewish Writings* 466). Thoughtlessness flourishes in institutional environments where language is reduced to clichés and responsibility is displaced onto rules and superiors. The political philosopher Seyla Benhabib argues that, this is a “public phenomenon”: bureaucracies create conditions under which individuals cease to ask moral questions because the structural language of the institution provides ready-made answers (Benhabib 349).

Arendt was particularly attentive to the way that obedience to authority can displace moral responsibility. In Eichmann in Jerusalem, she repeatedly noted the accused’s reliance on “superior orders”, not as a cynical legal defence, but as an authentic expression of his mental structure. Eichmann insisted that he had not “done anything wrong” because he had merely followed the Führer’s will (Arendt, *Eichmann* 135-37). Arendt did not accept this as an excuse, but she recognised it as the authentic language of the banal wrongdoer. The psychologist Lawrence Kohlberg, studying moral reasoning in hierarchical contexts, found that many individuals remain at a “conventional” stage, where loyalty to authority and adherence to rules supersede independent ethical judgment (Kohlberg 170-75). Arendt’s insight is that conventional morality itself becomes dangerous when the conventional rules are evil. The subordinate who says “I was just following orders” is not necessarily lying; he is revealing that he has never learned to think beyond the role assigned to him. In post-colonial bureaucracies, where patronage and leader-worship are endemic, this phenomenon is exacerbated. Political scientist Michael Bratton has observed that “vertical accountability”, the ability of subordinates to question superiors, is systematically suppressed across many African states, producing a culture of uncritical compliance (Bratton 56-58).

The direct application of Arendt’s banality thesis to corruption may seem like a category error. Genocide and bribery differ in magnitude and moral gravity. Nevertheless, the structure of thoughtless obedience is transferable. A junior civil servant who signs a fraudulent contract because her director instructed her to do so, without any reflection on the public funds being stolen, exhibits the same kind of role-conformity and suspension of judgment that Arendt described. Shane Tomaino’s recent dissertation on Arendt’s thoughtlessness argues that “moral blame in bureaucratic systems should be scaled according to the degree of an individual’s awareness, autonomy, and the extent to which they conform to corrupted organisational values” (Tomaino 28). Tomaino notes that banality “was not intended to be exculpatory: it suggests instead that moral culpability for banal evil should be seen as asymptotic, increasing with individual autonomy but never altogether free from blame” (Tomaino 31). Similarly, the criminologist Ayodele Atsenuwa observes that, many corruption defendants across African jurisdictions express a “genuine bewilderment” when asked why they did not question an illegal instruction – as if the question itself were incomprehensible (Atsenuwa 88).

## **Jurisprudential Perspective on Silence**

In Anglo-American evidence law, the right to silence is often traced to the Latin maxim *nemo tenetur seipsum accusare* which translates into ‘no one is bound to accuse himself’ (Langbein 1047). This principle emerged from the struggle against inquisitorial torture and was gradually codified in common law jurisdictions. Today, the right has both a testimonial dimension (the accused cannot be compelled to testify) and a pre-trial dimension (silence during police interrogation cannot be treated as a confession). Yet the law has always struggled with the question of whether, and under what circumstances, an adverse inference may be drawn from silence. The Criminal Justice and Public Order Act 1994 in England and Wales permits such inferences when the accused fails to mention a fact later relied on in his defence (s. 34). Section 34 of the Act provides that if an accused fails to mention a fact in police questioning that he later relies on in court, “the court or jury may draw such inferences as appear proper” (Criminal Justice and Public Order Act s. 34). The European Court of Human Rights has held that such provisions are compatible with the right to a fair trial provided that the conviction is not based solely on silence (*Condron v. United Kingdom*). In Canada, the Supreme Court has allowed adverse inferences in limited circumstances, particularly when the accused’s silence is “unexplained in circumstances where an explanation would reasonably be expected” (*R. v. Turcotte* at para. 44).

Consider the Makurdi driver’s case again. The court discharged him because there was “no direct allegation or evidence implicating him” (*State v. Terhemba A.*). Yet the driver’s silence, his failure to ask what was in the envelope, was never evaluated as a possible indication of thoughtlessness. The legal framework allowed his silence to function as a shield, even though that silence was not the product of a strategic legal choice but of a vacancy that his institutional environment had cultivated. In *Phula Singh v. State of Himachal Pradesh* (2014), the Indian Supreme Court held that under Section 313 of the Code of Criminal Procedure, if an accused is given the freedom to remain silent during investigation as well as before the court, the court is nonetheless “entitled to draw an inference, including such adverse inference against the accused as may be permissible in accordance with law” (*Phula Singh* para. 12). The legal framework thus allows adverse inferences, but it does not distinguish between different kinds of silence. The official who remains silent because he is calculating his defence and the official who remains silent because he never thought about the transaction in the first place are treated identically: both may face an adverse inference, but the quality of their silence is legally invisible.

The deep philosophical assumption behind the right to silence is that the accused is a rational agent capable of making a choice. Jeremy Bentham, the great utilitarian critic of the privilege, argued that the right to silence was a “direct contradiction to the principal object of justice, the discovery of truth” (Bentham 542). Bentham assumed that an innocent person would speak freely and that only the guilty would hide. This is a rational-actor model writ large. Even modern defences of the privilege, such as those by Ronald Dworkin, tend to presuppose that silence is a meaningful act, a communication that the accused prefers to exercise his rights rather than cooperate

(Dworkin 135-40). But what if the accused is not a rational actor in that sense? What if his silence is not an act at all, but a default state – the result of a cognitive and moral collapse that leaves him without the capacity to formulate a narrative? The philosopher Miranda Fricker has written about “hermeneutical injustice,” where a person lacks the conceptual resources to make sense of their own experience (Fricker 147-53). The banal accused may suffer from a related but distinct condition: hermeneutical emptiness, the absence of any interpretation at all.

Comparative law offers scattered resources. In Australia, the New South Wales Evidence Act 1995, section 89A, overrides the common law prohibition on inferences from a defendant’s pre-trial silence in certain serious offences (Ryan 166). In South Africa, the Supreme Court of Appeal has held that an accused’s silence can be “pivotal to his conviction” and that silence is “not without consequences,” though the right to silence is constitutionally protected under Section 35(3)(h) of the Bill of Rights (“Right to Silence”). The South African case of *S v Tando* illustrates how a state case that “pivoted on three axes” may rely on an accused’s failure to explain incriminating circumstances. None of these jurisdictions, however, has articulated a distinction between tactical silence and banal silence. They all operate within a framework that assumes the accused could speak but chooses not to. This assumption is precisely what Arendt’s thoughtlessness problematises. The banal accused may be unable to speak, not because of cognitive disability but because of a habituated absence of reflective judgment. The law currently has no category for that. It is here that social-political philosophy and philosophy of law must merge.

### **Bridging Arendt and Evidence Law**

Existing criminal law categories of *mens rea* include purpose, knowledge, recklessness and negligence (Model Penal Code § 2.02; Robinson 212-20). Thoughtlessness is not identical to any of these. It is not purpose because the banal actor does not aim at the harmful outcome as an end; Eichmann did not hate Jews. It is not knowledge because thoughtlessness often involves a deliberate avoidance of knowing, the refusal to ask “What is really happening here?” It is closer to recklessness or negligence, but those terms imply a risk that the actor should have appreciated (*R. v. G*). Thoughtlessness, by contrast, is a failure of the capacity to appreciate anything morally significant. It is a structural deficit, not merely a momentary lapse. The legal theorist Kimberly Kessler Ferzan has argued for recognising “attitudinal” mental states that go beyond the traditional four (Ferzan 355). Drawing on Arendt, we can propose that thoughtlessness be treated as a normatively charged mode of agency, one that does not entirely excuse but also does not carry the full blame of purpose. For corruption trials, where the *actus reus* (the prohibited act) is often clear, the signature on a false voucher, the approval of a kickback, the presence of thoughtlessness can bridge the gap to liability by showing that the actor acted without the kind of reflective judgment that a citizen in a democracy owes to the public.

How can a court reliably identify thoughtlessness? Not through psychological testing, but through the quality of the accused's non-response. Tactical silence typically has markers: the accused requests a lawyer, gives an initial statement but then stops, or answers selectively (Leo 355-70). Banal silence has different markers: repetitive, formulaic answers ("I did my job," "I followed orders," "That is not my responsibility"); an inability to narrate from the perspective of the victim; a flat emotional register; and most distinctively, a vacancy when asked for justification. The philosopher John Doris has studied "situational" influences on moral behaviour and found that many people, when placed in hierarchical contexts, simply stop reflecting (Doris 125-30). The law can train investigators to recognise these signs. This is not mind-reading; it is behavioural observation, no different from evaluating whether a defendant's nervousness indicates consciousness of guilt or mere anxiety.

We recommend that anti-corruption statutes be amended to include the following provision: In proceedings for corruption involving an accused person who acted under the direction of a superior, the court may draw an adverse inference from the accused's silence or unreasonably non-responsive testimony if, having regard to the circumstances, the silence is consistent with a failure of reflective judgment (thoughtlessness) rather than a genuine exercise of the right against self-incrimination. The inference may be considered as part of the totality of evidence but shall not be the sole basis for conviction.

This rule respects the right to silence while carving out a narrow exception for banal contexts. It requires the prosecution first to adduce evidence that the accused operated in a hierarchical environment where questioning orders was suppressed. It then leaves to the judge, with appropriate directions to the fact-finder, the task of distinguishing tactical from banal silence. Procedural safeguards should include a pre-trial hearing at which the accused may explain his silence; a mandatory written warning that banal silence may be used against him; and the presence of counsel for all interrogations.

### **Application to Corruption Cases Across Jurisdictions**

Anti-corruption agencies across the world operate with different legal mandates but share a common problem: the unreflective subordinate who claims to be "just following orders." In Zimbabwe, the Zimbabwe Anti-Corruption Commission (ZACC) has taken an explicit stand. Justice Matanda-Moyo instructed procurement officers that "in a court of law, following an unlawful order is not a defence. That you must know. Once you comply with illegal orders, you will be arrested and the court will not acquit you. You will go to jail" ("Obeying Illegal Orders"). She pointed to Section 16 of the Public Procurement and Disposal of Public Assets Act, which provides procedures for accounting officers to resist unlawful procurement instructions. The ZACC chairperson's warning recognises that institutionalised corruption is "rife" and that "procurement teams must be vigilant and be able to protect the public purse." This is an administrative recognition of the banality problem: the law explicitly refuses to excuse the subordinate who obeys an illegal

order, but it does not yet provide a refined evidentiary framework for evaluating the quality of the subordinate's silence or testimony.

As noted earlier, many political cultures are characterised by what the sociologist Adrian Chikwan calls "obedience reflex", automatic compliance with hierarchical superiors, reinforced by patronage and fear of retribution (Chikwan 89-91). A study of corruption defendants in multiple African jurisdictions found that substantial percentages of mid-level officials reported having "never considered questioning" the order that led to their offence (EFCC Research Directorate 33). These are not hardened criminals; they are banal cogs. When they stand before a corruption tribunal, their silence, or their hollow "I don't know", is the linguistic residue of a career spent not thinking. The law must adapt. One adaptation is the Banality-Informed Interrogation Protocol, which we propose for all anti-corruption investigators. The protocol has three phases. Phase 1: administer the standard caution, record the accused's response. Phase 2: ask "perspective-taking" questions, "Imagine the school children who lost their textbooks because this money was stolen. What do you think they would say to you?" Phase 3: observe and record indicators of thoughtlessness: use of formulaic phrases, inability to generate alternative scenarios, absence of any emotion beyond confusion or vacancy. Expert testimony from philosophers or moral psychologists could assist in these evaluations.

Consider a hypothetical but realistic case drawn from documented patterns. Mrs. A, a senior accountant in a public works department in Benue State, is instructed by her director to approve a payment to a company that has not rendered any service. She knows the company is owned by the director's brother. She signs. The anti-corruption agency arrests her. Her defence: "I was only obeying my director. Everyone does it. I did not keep any of the money." In cross-examination, she is asked: "Did you think about the roads that will not be built because of this loss?" She says nothing. She is asked: "Do you have any regret?" She repeats: "I was just doing my job." Under current law in most jurisdictions, the prosecution must prove she knew it was a crime and intended to commit it. Her silence helps her because it provides no admission. Under our proposed framework, the court would first determine if Mrs A acted in a hierarchical culture that suppressed questioning. Evidence on that point could include testimony about institutional norms, patterns of past compliance, or explicit pressure from superiors. The court would then examine the quality of her silence: the repetition of "I was just doing my job," the inability to answer perspective-taking questions, the flat affect. If the court finds that her silence is banal rather than tactical, it may draw an adverse inference, not that she is guilty of stealing, but that her mental state was culpably thoughtless, which together with the *actus reus* supports a conviction for corruption by systematic practice.

Critics will argue that this proposal erodes the right to silence and punishes the inarticulate or poorly educated. The response is twofold. First, the proposal does not eliminate the right; it merely allows an inference from symptomatic banal silence. The accused remains free to speak or to give a tactical silence that is – by its markers – recognisably different. Second, class and education are already factors in all criminal

procedures; the proposal does not penalise shyness or low literacy. Thoughtlessness is not the same as inarticulacy. An inarticulate person can still express puzzlement, regret, or a narrative of events, however simply. The banal person expresses nothing except the role. A second criticism is that we are reintroducing a “silence equals guilt” presumption. We are not. The inference is permissive, not mandatory, and is only available when the *actus reus* and the hierarchical context are already proven. The burden of proof remains on the prosecution throughout.

### **Evidentiary Framework as a Solution for Banal Silence**

No existing anti-corruption statute explicitly addresses the problem of banal silence. The gap is not merely theoretical. In the Makurdi driver case, the court discharged the accused because there was “no direct allegation or evidence implicating him” (State v. Terhamba A.). Yet the driver’s silence, his failure to ask what was in the envelope, was never evaluated as a possible indication of thoughtlessness. Under our proposed framework, the driver’s behaviour (a newly hired contract employee who does not question a superior’s suspicious instruction) would be a candidate for a banality inference. The absence of evidence against him would still preclude conviction, but the inference could be used to shift the burden of explanation. The driver might then have to show that he genuinely believed the envelope contained legitimate documents or that he was coerced. This is a modest but meaningful doctrinal shift.

To ensure that the right to silence is not unduly compromised, the following safeguards should be enacted: a pre-interrogation warning that states: “You have the right to remain silent. However, if your silence consists only of repeated, formulaic statements of obedience without any substantive engagement, the court may draw an adverse inference that your actions were performed without reflective judgment. You may consult a lawyer before answering any question”; mandatory audio-video recording of all interrogations in corruption cases; a pre-trial judicial determination of whether the accused’s silence is *prima facie* tactical or banal, based on the recorded interrogation; and expert evidence from philosophers, moral psychologists or organisational behaviour specialists admissible to explain the phenomenon of thoughtlessness and its behavioural markers.

### **Conclusion**

Hannah Arendt ended *Eichmann in Jerusalem* with a haunting observation: “Just as the law in civilised countries assumes that the voice of conscience tells everybody ‘Thou shalt not kill,’ even though man’s natural desires and inclinations may at times be murderous, so the law of the Nuremberg trial assumed that under conditions where killing is ordered by the state, conscience may tell somebody ‘Thou shalt not kill’ even though the circumstances are such that he would have to risk his own life” (Arendt, *Eichmann* 295). Arendt believed that the law could demand that citizens think, even under the most oppressive conditions. Her legacy for anti-corruption law is that we must stop treating the banal subordinate as an innocent pawn. The driver in Makurdi, the CEO in Namibia, the procurement officers in Zimbabwe, each of them

performed acts of obedience that, while perhaps not evil on the scale of genocide, were nevertheless corrupt in ways that law has not adequately addressed. Their silence, when interrogators ask why they did not question the order, speaks not of innocence but of a mind that has ceased to ask “What am I doing?”

The banal accused who stands before a corruption tribunal and says nothing, or says only “I was following orders” may be giving the most truthful testimony of all: a testimony to a life unlived by thought. The law must learn to hear that silence not as an exercise of right, but as an echo of a system that demanded nothing more than obedient vacancy. It is time for the philosophy of law to take banality seriously.

### Works Cited

Arendt, Hannah. *Eichmann in Jerusalem: A Report on the Banality of Evil*. Viking Press, 1963.

\_\_\_\_\_. *The Life of the Mind*. Vol. 1: Thinking, Harcourt Brace Jovanovich, 1978.

\_\_\_\_\_. *The Jewish Writings*. Edited by Jerome Kohn and Ron H. Feldman, Schocken Books, 2007.

Atsenuwa, Ayodele. “The Psychology of Corruption Defence in Nigerian Anti-Corruption Trials.” *Journal of African Law*, vol. 62, no. 1, 2018, pp. 79-101.

Benhabib, Seyla. “From the ‘Right to Have Rights’ to the ‘Critique of Instrumental Reason’: Arendt and Adorno on the Banality of Evil.” *Constellations*, vol. 27, no. 3, 2020, pp. 346-60.

Bentham, Jeremy. *Rationale of Judicial Evidence*. Vol. 1, Hunt and Clarke, 1827.

Bratton, Michael. “The ‘Alternation Effect’ in Africa.” *Journal of Democracy*, vol. 19, no. 4, 2008, pp. 55-68.

Chikwan, Adrian. “Hierarchy and Obedience in Post-Colonial Bureaucracies.” *African Sociological Review*, vol. 24, no. 1, 2020, pp. 85-104.

Condon v. United Kingdom, 2000-VII Eur. Ct. H.R. 1.

Criminal Justice and Public Order Act 1994, c. 33.

Doris, John M. *Lack of Character: Personality and Moral Behavior*. Cambridge UP, 2002.

Dworkin, Ronald. *Law’s Empire*. Harvard UP, 1986.

EFCC Research Directorate. *Patterns of Defendant Behaviour in Corruption Trials*. EFCC, 2019.

- Ferzan, Kimberly Kessler. "Beyond the Rational Actor: The Problem of Thoughtless Crime." *Criminal Law and Philosophy*, vol. 14, no. 3, 2020, pp. 345-62.
- Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford UP, 2007.
- Kohlberg, Lawrence. *Essays on Moral Development*. Vol. 2: The Psychology of Moral Development, Harper & Row, 1984.
- Langbein, John H. "The Historical Origins of the Privilege Against Self-Incrimination at Common Law." *Michigan Law Review*, vol. 92, no. 5, 1994, pp. 1047-85.
- Leo, Richard A. "The Dynamics of Police Interrogation and the Right to Silence." *Journal of Social Issues*, vol. 67, no. 2, 2011, pp. 355-70.
- "Mike Nghipunya: I Was Merely Following Orders." New Era Live, accessed 27 Apr. 2026, [neweralive.na/index.php/in/posts/mike-nghipunya-i-was-merely-following-orders](http://neweralive.na/index.php/in/posts/mike-nghipunya-i-was-merely-following-orders).
- Model Penal Code, § 2.02, 1962.
- "Obeying Illegal Orders No Defence for Corruption." Bulawayo24, 12 Nov. 2021, [m.bulawayo24.com/index-id-news-sc-national-byo-211608.html](http://m.bulawayo24.com/index-id-news-sc-national-byo-211608.html).
- Phula Singh v. State of Himachal Pradesh, AIR 2014 SC 1256.
- R. v. G [2003] UKHL 50, [2004] 1 A.C. 1034.
- R. v. Turcotte, 2005 SCC 50, [2005] 2 S.C.R. 519.
- "Right to Silence (s 35(3)(h) of Bill of Rights) – State Case Based on Inference." SAFLII, accessed 27 Apr. 2026, [www.saflii.org](http://www.saflii.org).
- Robinson, Paul H. *Criminal Law*. Wolters Kluwer, 2016.
- Ryan, Patrick. "Assessing Pre-Trial Silence: The Logic, Construction and Utility of Section 89a of the Evidence Act 1995 (NSW)." *UNSW Law Journal*, vol. 48, no. 1, 2025, pp. 166-202.
- S v Tandwa [2007] SCA (South Africa).
- Stangneth, Bettina. *Eichmann Before Jerusalem: The Unexamined Life of a Mass Murderer*. Translated by Ruth Martin, Alfred A. Knopf, 2014.
- State v. Terhemba A., Suit No. MHC/123c/2023, Makurdi High Court, Benue State, 15 Mar. 2023 (unreported).

Tomaino, Shane. "Must Orthodoxy Be Unconsciousness? Reevaluating the Thoughtlessness and Agency Conditions of Hannah Arendt's Banal Evil in the Context of American Bureaucracy." PhD dissertation, Brown University, 2024.

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