

# The Banality of Evil, COVID-19 Edition

As the COVID-19 pandemic ran its deadly course in New York, governor Andrew Cuomo affirmed a state policy forbidding nursing homes to reject suffering from the disease.

At least partially as a result (Cuomo himself acknowledged early on that the virus spreads through such facilities “like fire through dry grass”), nearly 6,000 long-term care residents have died so far.

Cuomo, of course, denies any personal responsibility in the matter. He blames the homes (“Do you believe a nursing home operator would accept a patient who they knew they couldn’t care for? Why would a nursing home operator do that?”). He blames the CDC. He blames US president Donald Trump.

Cuomo’s usual “large and in charge” act seems to be crumbling under the weight of the body count. Suddenly, he was “just doing his job,” maybe even “just following orders.” Sound familiar?

Hannah Arendt, Stanley Milgram observes in his classic study of obedience to authority, “contended that the prosecution’s effort to depict [Adolf] Eichmann as a sadistic monster was fundamentally wrong, that he came closer to being an uninspired bureaucrat who simply sat at his desk and did his job. ... This is, perhaps, the most fundamental lesson of our study: ordinary people, simply doing their jobs, and without any particular hostility on their part, can become agents in a terrible destructive process.”

The policies Eichmann executed and enforced — policies aimed at the extermination of the Jews — were intentionally murderous.

The policies Cuomo executed and enforced were deadly too, but in a grossly negligent rather than openly intentional, way.

That’s the DIFFERENCE between Cuomo and Eichmann.

The SIMILARITY between the two is in their shared defense: The idea that those who execute and enforce state policy aren’t responsible for their actions BECAUSE they are executing and enforcing state policy.

The Nuremberg trials — and Eichmann’s later trial in Israel — quashed such defenses when it came to German war crimes in general and the Holocaust in particular.

Unfortunately, US law lags the Nuremberg/Eichmann precedents by decades: “Sovereign immunity” and “qualified immunity” shield governments, and those who act on their

behalfes, from liability for their actions.

The worst punishment Andrew Cuomo likely faces for killing thousands of New Yorkers is maybe — just maybe — not getting re-elected governor of New York, or promoted to a cabinet position, or ever winning the presidency.

If there's any justice in the world at all, he'll suffer at least THOSE penalties.