

Eichmann in Jerusalem



INTRODUCTION

BRIEF BIOGRAPHY OF HANNAH ARENDT

Hannah Arendt was born to a prominent, politically active Jewish merchant family in the Prussian city of Hanover and raised mostly in Königsberg (now Russian Kaliningrad). She studied philosophy at the University of Marburg (where she studied under Martin Heidegger and met Günther Stern, whom she later married), the University of Freiburg, and the University of Heidelberg (where she completed her PhD in 1929 with a dissertation on St. Augustine's concept of love). Later that year, she moved to Berlin and married Stern, who wrote for a left-wing paper and soon fled to Paris. But Arendt decided to stay in Berlin and become active in Jewish politics; she worked for the Zionist Federation of Germany until the Gestapo briefly imprisoned her for anti-state propaganda. Realizing that she, too, was threatened, she fled Germany without papers, joined Stern in Paris, and began working at a Zionist group to help Jews resettle in Israel. In 1936, Stern again fled, this time to the United States, and left Arendt behind—they soon divorced, and Arendt remarried the poet and philosopher Heinrich Blücher. In 1940, the Nazis began interning Jews in France, and Arendt and Blücher were not spared; they were detained in separate camps in the south of France, but they escaped, reunited, and obtained papers to move to New York, where they went on to live the rest of their lives. Arendt rose to international fame in the 1950s with *The Origins of Totalitarianism* (1951) and *The Human Condition* (1958); she wrote for magazines and newspapers as well as in book format, and taught at various universities throughout the United States until her death of a heart attack at age 69. She remains one of the 20th century's most prominent political theorists, one of the most important women in the history of philosophy, and likely the most influential scholar of totalitarianism the world has ever seen.

HISTORICAL CONTEXT

Adolf Eichmann joined the Nazi Party in 1933, shortly after it seized control of Germany. Eichmann was likely drawn to the Nazi Party by its newfound power and its emphasis on cultural renewal, particularly given his strong desire to belong to a larger organization and find a fresh start. Arendt covers most of the major events of the following decade in the book—including the German annexation of Poland and the Holocaust. During or immediately after the war, Hitler, Himmler, and a handful of other Nazi leaders committed suicide, while 24 others were tried for their crimes by the Allies in 1945 and 1946 at the Nuremberg Trials, which set an important precedent in

international law. These trials created a distinctive procedure for addressing “crimes against humanity,” and they also created a model for a number of “successor trials” of other Nazi officials and collaborators (including Eichmann) in the countries where they committed their crimes. Unfortunately, at least a dozen genocides occurred in the remaining years of the 20th century (although none as severe as the Holocaust), and while international courts addressed many of them, there was no consistent protocol for this purpose until 2002. Finally, the foundation of the Israeli state is a crucial background issue to the Eichmann trial, both because the trial took place under the Israeli government and because so many of Eichmann's activities during the war contributed to Jewish settlement in territory in Palestine that ultimately became Israel. Jewish and Arab nationalists both agitated for control of the territory until the UN recommended partitioning the territory into two states in 1947, and a civil war broke out between Jews and Arabs. David Ben-Gurion announced the formation of the Israeli state in May 1948, but war continued for another year, and the area has been riven with conflict ever since. The violent and impassioned circumstances surrounding Israel's formation loom large in the background of Eichmann's trial under questionable jurisdiction, and help explain why Israel would seek to use the trial as a means of demonstrating power and consolidating a narrative about its legitimacy, which remains contested into the 21st century.

RELATED LITERARY WORKS

Besides the still-controversial *Eichmann in Jerusalem*, the author's only book aimed at a popular audience, Hannah Arendt's most influential works include *The Origins of Totalitarianism* (1951), which theorized totalitarian government through a comparison between Nazism and Stalinism; *The Human Condition* (1958), in which she develops her central philosophical theories of politics, work, and action; and her posthumous *The Life of the Mind* (1978), which focuses on the concepts of thinking, willing, and judging. Although *Eichmann in Jerusalem* is not a work of philosophy, Arendt was primarily a philosopher, and her central influences include her two main teachers—the existential phenomenologist Martin Heidegger, best known for *Being and Time* (1927), and the philosopher-psychiatrist Karl Jaspers, whose central work was *Philosophy of Existence* (1938)—as well as St. Augustine, on whom she wrote her dissertation. Her main historical sources for *Eichmann in Jerusalem* are Gerald Reitlinger's *The Final Solution* (1953) and especially Raul Hilberg's seminal *The Destruction of the European Jews* (1961). In her Postscript, Arendt also mentions three other reports on the trial: Harry Mulisch's *Criminal Case 40/61* (1962), Joachim Fest's *The Face of the Third Reich* (1963),

and a book by Robert Pendorf that has regrettably never been translated into English. Since *Eichmann in Jerusalem*, many more books have focused variously on Eichmann's life, capture, and trial. Several, including Deborah Lipstadt's 2011 book *The Eichmann Trial* (which includes a picture of Arendt on the cover) and David Cesarani's 2004 *Eichmann: His Life and Crimes* (published in the United States as *Becoming Eichmann*), have been particularly critical and dismissive of Arendt's take on the Eichmann trial.

KEY FACTS

- **Full Title:** *Eichmann in Jerusalem: A Report on the Banality of Evil*
- **When Written:** 1962
- **Where Written:** Jerusalem, New York City
- **When Published:** 1963, second edition 1965
- **Literary Period:** Post-War
- **Genre:** Journalistic Nonfiction
- **Setting:** The Jerusalem Courtroom, Nazi Germany and Nazi-occupied Europe
- **Climax:** Eichmann is hanged for his crimes
- **Antagonist:** Eichmann, Nazism, the Israeli prosecution and Prime Minister
- **Point of View:** Journalistic third-person

EXTRA CREDIT

International Criminal Court. The International Criminal Court that Arendt called for in the book's Epilogue was finally established in 2002. As she hoped, it convenes in the Netherlands to prosecute genocide and crimes against humanity (in addition to war crimes).

Relationship with Heidegger. At age 18, Arendt studied under the esteemed philosopher Martin Heidegger, now often considered the most influential thinker of the 20th century, at the University of Marburg. Although he was married and twice her age, they famously had a four-year affair—her first husband was, incidentally, also one of Heidegger's students. A few years later, after Arendt had left Marburg, rumors emerged that Heidegger had become an avowed Nazi and even started speaking at Party meetings; this horrified Arendt, who wrote asking him to deny the allegations—but he did not. They lost contact until after the war, when they briefly resumed their affair.

covers the trial of Nazi official Adolf Eichmann before an Israeli court 17 years after his crimes. In his 10 years at the S.S., Eichmann became a resident expert on Jewish affairs and ended up coordinating the deportations of millions of Jews to concentration camps in Eastern Europe, where the vast majority were murdered. After the war, although he was detained by American forces, he managed to conceal his identity until he could escape and flee to Argentina, where he lived a modest life—but didn't try to cover up his past—until the Israeli intelligence service kidnapped him in 1960 and brought him to trial the following year. Arendt argues that, while Eichmann's sentence—death by hanging—was a just punishment for his crimes, the court missed “the central moral, political, and even legal problems” raised by his trial. Led by Israeli Attorney General Gideon Hausner, the prosecution claimed that Eichmann was a bloodthirsty, anti-Semitic murderer who was not merely responsible for the Final Solution policy that left six million Jews dead, but in fact one of its primary architects. Arendt repudiates this narrative and suggests that it is unfaithful to the facts of the case, serves as a propaganda tool for Israel to claim it has achieved vengeance on behalf of the Jewish people, and—most importantly—hides the horrifying truth: that Eichmann was not a criminal mastermind but a thoughtless, loyal bureaucrat who sought to impress his superiors and simply “*never realized what he was doing*” (in a moral sense, not a technical one). According to Arendt, Eichmann participated in horrendous crimes—and is guilty for his contributions—because he shut down his conscience and refused to ethically reflect on his actions. This was compounded by the Nazi regime's commitment to eroding moral values and replacing them with the singular value of blind obedience, which transformed German law into the inverse of morality. Arendt ultimately takes Eichmann's trial as demonstrating not only the profound value of moral conscience and resistance to totalitarianism, but also the international community's obligation to develop unprecedented criteria and procedures for responding to unprecedented crimes like the Holocaust.

The book begins with a court usher's shout: “Beth Hamishpath,” or “the House of Justice.” Despite this pretense, the courtroom is more like a theater and the trial more like a show orchestrated by Israeli Prime Minister David Ben-Gurion, who ensures that the Jewish people's suffering—not merely during the Holocaust but in fact throughout the entire historical record—and the Israeli state's heroism are aired for the world to see. Fortunately, the court's three judges—all German Jews, led by Moshe Landau—easily see past the prosecution's ulterior motives and do their best to ensure that the trial focuses on justice alone.

In the second chapter, Arendt notes that Eichmann's indictment prosecution and defense focus on seemingly irrelevant questions—whether Eichmann killed anyone with his



PLOT SUMMARY

Eichmann in Jerusalem, an expanded version of the serialized report Hannah Arendt produced for “The New Yorker” in 1963,

own hands and whether his crimes can be excused as “acts of state”—because the indictment requires him to have acted “out of base motives and in full knowledge of the criminal nature of his deeds.” But evaluating psychiatrists saw him as “normal,” and indeed, his early life was mundane: he failed out of multiple schools and had a lackluster career as a traveling salesman, then joined the Nazi Party on a whim simply because he wanted to “start from scratch” and feel like he belonged to an organization.

In Arendt’s third chapter, she explains how Eichmann rose up in the S.S. to become an expert on Jewish affairs, in large part because of his love for Zionism and early success coordinating Jewish emigration from Vienna. But, despite his belief that Jews should have a homeland, he was unable to see their point of view—or, indeed, that of anyone else at all. He was confined to speaking in clichés and forgot almost everything that happened during the Third Reich, except for his own career landmarks. In the fourth chapter, Arendt explains how he worked with Zionists to grant Jews safe passage to Israel, which also gave the Nazis what they wanted: fewer Jews in Europe. But, with so many Jews emigrating, other countries were decreasingly willing to accept them, and Arendt then traces Eichmann’s naïve attempts to actually create a Jewish homeland in Poland, Madagascar, and then the Czech village of Theresienstadt, which instead became a concentration camp under his command.

With the Nazis increasingly eager to rid Europe of Jews but Eichmann’s resettlement plans untenable, in the sixth chapter Arendt recounts how the defendant learned about Hitler’s new plan for a “Final Solution to the Jewish question”: mass murder. While Eichmann was taken aback at first, especially when he visited the killing centers firsthand, by 1942 he had given up on his conscience and doubled down on his absolute loyalty to the Nazi Party. In her seventh chapter, Arendt covers this transformation, which largely took place at the Wannsee Conference, where Eichmann acted as secretary while the Nazi leadership planned out its genocide in detail. Realizing that none of his respected superiors had any moral qualms about their plans, Eichmann set aside his reservations—as did much of Europe, including the Jewish Councils that drew up rosters of potential deportees and helped the Nazis round them up. In chapter eight, Arendt shows that Eichmann actually believed blind obedience was the right thing to do. The disturbing fact that he saw himself as a “law-abiding citizen” even led him to continue carrying out the Final Solution even once the head of the S.S., Heinrich Himmler, ordered it to stop: Eichmann conceived Hitler’s word as law and refused to follow orders that contradicted it. While he had long abandoned his moral conscience, his insistence on continuing to murder Jews was actually a direct result of the legal conscience he adopted instead.

After covering Eichmann’s character and mindset up to the end

of the war, in the next five chapters Arendt turns to the consequences of his actions. She moves region by region, starting with the Reich itself, where the Nazis tested their transport infrastructure and other countries’ willingness to step in and save their Jewish citizens living abroad. In the German-occupied parts of Europe, Jews’ fate varied widely, depending on their home countries’ degree of political autonomy and national values. Some countries, like France and Hungary, had no problem with Nazis deporting foreign Jews from their territory but drew a line as soon as Eichmann tried to deport citizens; others, like Croatia and Greece, dutifully complied with the Nazis’ orders and remained indifferent toward their Jewish residents’ fate; others still, like Italy and Belgium, resisted the Nazis passively, by ensuring that orders were not followed, deportees could escape, or most Jewish residents were exempted from deportation because of technicalities. The most horrifying turn of events was in Romania, whose extremely anti-Semitic government murdered 300,000 Jews in their own territory before Eichmann could even plan their deportation to extermination camps. The most extraordinary stories were those of Norway, Bulgaria, and especially Denmark, which managed to save nearly all of their Jewish residents through impassioned campaigns of popular protest. Arendt sees this as proof that totalitarianism cannot overcome organized moral resistance; in fact, even some Nazi officials in these countries resigned their posts when faced with objections from the native population. This suggests that such moral resistance can even show the agents of totalitarian evil the conscience their ideology has instructed them to ignore.

Arendt deliberately looks at “the East” last, in order to show the prosecution’s remarkable disconnect from the truth. For the enormous initial portion of the trial, Hausner called various witnesses to testify about their suffering in Eastern Europe—where Eichmann had no jurisdiction or influence. By instead examining Eastern Europe last in their decision, the judges showed that they knew this was irrelevant and propagandistic—but they also inexplicably decided to find Eichmann guilty of crimes in “the East,” which Arendt thinks should have had no bearing on his ultimate punishment.

In the penultimate chapter, Arendt gives a bird’s-eye view of the trial’s timeline: despite the prosecution’s procession of irrelevant witnesses, who usually told stories about their suffering and seldom mentioned Eichmann, the defendant himself was the most important witness, and the judges gained the most by simply questioning him directly. But she also notes the “dramatic moment” that fell over the courtroom when one of the prosecution’s witnesses mentioned a German Army officer named Anton Schmidt, who secretly helped Jews escape from Poland until he was executed, and emphasizes “how utterly different everything would be today [...] if only more such stories could have been told.” Resistance, she holds, is never “practically useless.” When it lives on in stories, it can

prove that totalitarianism is never total, that some people will always fight injustice, and that everyone is capable of taking the moral stand necessary to do so.

In her final chapter, Arendt summarizes Eichmann's life after the war and escape to Argentina, where he openly talked about his past and even interviewed with a prominent Dutch Nazi journalist before Israeli agents kidnapped him in 1960. In fact, this kidnapping poses difficult legal questions, since in undertaking it Israel violated Argentina's sovereignty and therefore international law. Ironically, Arendt notes, Argentina only looked the other way because Eichmann was not a citizen—like his victims, he could be deported against his will only because he was stateless. She then turns to the decision: Eichmann is found guilty of “crimes ‘against the Jewish people,’” “crimes against humanity,” and membership in Nazi “criminal organizations.” The court had little interest in the prosecution's insistence that Eichmann killed with his own hands: the Nazi regime and Holocaust, it explained, were unique because responsibility was diffused through a bureaucracy and so “*the degree of responsibility increases as we draw further away from the man who uses the fatal instrument with his own hands.*” But, when Eichmann appealed his case, the Israeli Supreme Court threw out Judge Landau's logic and agreed wholeheartedly with the prosecution's false claims that Eichmann was secretly at the top of the Nazi hierarchy. Of course, it upholds Eichmann's death sentence, and he is executed soon thereafter.

Much of Arendt's most insightful and original commentary comes in her Epilogue, which directly addresses the Eichmann trial's inadequacies and consequences for the law and the future. Most importantly, she argues that the Jerusalem court, just like at the Nuremberg Trials, failed to grasp the unique character of “crimes against humanity.” She sees crime not as a targeted harm done to a victim but rather as the violation of a community's moral order; the attempt to exterminate a whole people is a crime against human diversity as such, and therefore against the entire community of humanity. But the Israeli court, she suggests, was regrettably more willing to follow than set precedents. The court identified the unique horror of genocide but did not establish that it violated the moral order of humanity, for this would mean that trying such a crime would require an international court, and Israel wanted to claim jurisdiction for itself. Since genocide has unfortunately become a precedented and increasingly likely possibility in the future, however, establishing such an international court is imperative. In failing to see the unique character of “crimes against humanity,” the court also failed to see the horrifying fact that Eichmann committed such crimes despite being “terribly and terrifyingly normal.” As a thoughtless bureaucrat, he may have lacked the intention to harm that is central to most normal concepts of criminal behavior, but this is yet another reason to think in terms of a moral order, for Eichmann's acts, not his intentions, are what make him guilty.

In her Postscript to the second edition, Arendt responds to the enormous uproar her book created among critics and especially the global Jewish diaspora. She insists that her focus is Eichmann alone—the singular trial of a singular man—and criticizes readers for trying to generalize her notion of the “banality of evil” into a broad theory or explanation, when it is really just a *lesson*: “that such remoteness from reality and such thoughtlessness can wreak more havoc than all the evil instincts taken together which, perhaps, are inherent in man.” She sees the courts' refusal to develop a new framework for addressing genocide and the public's reluctance to place individual moral blame as symptoms of the same moral erosion that allowed Nazi extermination policies to continue while the German public turned a blind eye.



CHARACTERS

Adolf Eichmann – The central figure of Arendt's book, Eichmann spent 12 years working in the S.S., primarily coordinating European Jews' deportation to Nazi extermination camps in the Gestapo division of the R.S.H.A. He then went into hiding in Argentina for more than a decade before being kidnapped by Israeli agents, who brought him to trial in Jerusalem. In his youth, Eichmann was a mediocre and unmotivated student until his father found him a sales job; after his firing, he joined the S.S. at the urging of family friend, Ernst Kaltenbrunner, and quickly moved up the ranks as he became his office's resident expert on “the Jewish question.” Despite his early affinity for Zionism and failed efforts to establish a homeland for the Jewish people, he quickly signed onto the Final Solution and began traveling around Europe to help ensure that as many Jews as possible were sent to their deaths; even after Heinrich Himmler ordered the Final Solution to end, Eichmann continued enthusiastically carrying it out. While the prosecution portrays Eichmann as a bloodthirsty, anti-Semitic killer, Arendt suggests that the reality is far more mundane—but also more terrifying. Eichmann was not an unfathomable incarnation of pure evil, she argues, but merely a thoughtless and status-obsessed bureaucrat whose blind obedience to his superiors and inability to see the moral horror of what he was doing led him to play a central role in the murder of millions of people. Throughout his trial, during which he sits inside and is framed by a **glass booth** next to the witness stand, Eichmann seems to expect sympathy from his victims and speaks in canned Nazi clichés that betray his inability to understand the reality of his actions. After the three judges, led by Moshe Landau, sentence him to death (and the Israeli Supreme Court upholds the verdict), Eichmann writes a plea for mercy to the President of Israel—something he promised he would never do, as he claimed not to regret his actions—and is summarily hanged after flaunting his banality one last time, by jovially declaring that he does not believe in an afterlife and

immediately promising that “we shall all meet again.”

Moshe Landau – The presiding judge at Eichmann’s trial, a German Jew who insisted on putting justice above the prosecution’s theatrics, which led him to frequently question the relevance and purpose of Hausner’s witnesses’ testimony. According to Arendt, the judgment Landau and the two other judges produced focused on Eichmann’s actions rather than the Jewish suffering the prosecution continually emphasized, but failed to define the nature of Eichmann’s crimes and guilt adequately enough to show that his lack of authority over German extermination camps did not render him innocent. Ultimately, in responding to Eichmann’s appeal, the Israeli Supreme Court threw out Landau and his colleagues’ impartial judgment and fully agreed with the prosecution’s exaggerated narratives about Eichmann.

Gideon Hausner – The charismatic and loquacious Israeli Attorney General who prosecuted Eichmann and, according to Arendt, worked with Prime Minister David Ben-Gurion to turn the case into political propaganda for the Israeli government. He spoke frequently to the press, claiming that his office “made no ethnic distinctions” about Eichmann’s crimes—before emphasizing how those crimes uniquely targeted the Jewish people. Hausner also tried to hide Zionists’ complicity with Nazism and Israeli ally West Germany’s failure to prosecute Nazis who remained in its government, and called 100 irrelevant “background witnesses” to testify about their experiences of suffering during the Holocaust before repeatedly asking them why they did not rebel against the Nazis. Arendt sees Hausner as trying to prove that Israel was a heroic savior for the long-suffering, persecuted, meek Jewish people, and thus indirectly win support for his country’s violence against its territory’s native Arab population.

Robert Servatius – Eichmann’s often incompetent and insensitive attorney, who had previously defended Nazi war criminals at the Nuremberg Trials. His motives for taking Eichmann’s case are mysterious—he was underpaid and knew he would face an uphill battle, given the prosecution’s relative abundance of resources and manpower—and, in addition to blaming Jews for their own persecution and calling mass murder a mere “medical matter,” he tended to miss obvious opportunities to challenge the legitimacy or validity of testimony by the prosecution’s witnesses. His case rested primarily on his claim that the Jerusalem court could not legitimately try Eichmann because it lacked jurisdiction over him, his crimes were “acts of state,” and judge Moshe Landau and his colleagues, as Jews, were supposedly incapable of impartially rendering judgment about the Holocaust.

David Ben-Gurion – A leader in the Israeli independence movement and the first Prime Minister of Israel, Ben-Gurion orchestrated Eichmann’s kidnapping in Argentina and, according to Arendt, served as the “invisible stage manager” for the “show trial” in Jerusalem, helping the prosecutor Gideon

Hausner turn Eichmann’s case into a referendum on the power and legitimacy of the Israeli state.

Adolf Hitler – The notorious autocratic leader of the totalitarian Third Reich, who ordered the massacre of millions of people (most notably the majority of Europe’s Jewish population) and started World War Two in his attempt to create more “living space” for the German people, which he considered racially superior to other groups.

Heinrich Himmler – The leader of the S.S. and one of the most powerful officials in the Nazi regime, Himmler primarily but indirectly determined Eichmann’s orders. Himmler was the pioneer of Nazi “language rules” that solved officers’ “problems of conscience” by teaching them to downplay their actions’ moral consequences, and at the end of World War Two, he began to disobey the increasingly unhinged Hitler, most notably by ordering the Final Solution to stop—but Eichmann refused to violate Hitler’s will and obey these orders.

Heinrich Müller – The chief of the Gestapo and Eichmann’s admired immediate superior. He coordinated Eichmann’s trips to negotiate deportations with the governments and Jewish Councils in various occupied countries. Although he was present for Hitler’s suicide in Berlin, he was never seen or heard from again, and his fate remains a mystery; at trial, Eichmann claimed Müller was still alive.

Reinhardt Heydrich – The head of the S.D. and later R.S.H.A., as well as the central organizer of Kristallnacht, the Wannsee Conference, the Einsatzgruppen, and ultimately the Final Solution, Heydrich was Eichmann’s second-order superior (after Heinrich Müller, head of the R.S.H.A. Gestapo bureau) and answered only to Himmler and Hitler. He was also the one to inform Eichmann of Hitler’s plan for the Final Solution, and Eichmann was elated when he seemed to open up to him in a meeting. He was assassinated in Prague in 1942.

Ernst Kaltenbrunner – A Nazi official who helped Eichmann join the S.S. and later took charge of the R.S.H.A. after Reinhardt Heydrich’s assassination. Eichmann and Kaltenbrunner’s fathers were friends, but during their entire relationship Kaltenbrunner looked down on Eichmann, to the latter’s chagrin. He was convicted and executed at the Nuremberg Trials, where he was the highest-ranking official made to answer for his crimes.

Rudolf Kastner – A Hungarian Jewish community leader who collaborated with Eichmann and other S.S. officials to save prominent Jews—ultimately by paying a price for each head—and secure their passage to Palestine. After the war, Kastner moved to Israel, where his work with Nazis led to a public controversy and then a libel trial against his critics, which he lost; he was assassinated in 1957, before the court posthumously overturned its judgment on his trial in 1958.

TERMS

Zionism – The movement to create a state for the Jewish people, which now more generally refers to supporters of Israel. Although Zionism is Israel’s founding ideology, Arendt soon reveals that **Eichmann** was something of a Zionist himself while working for the S.S.; after one of his first bosses made him read the foundational Zionist text *Der Judenstaat*, Eichmann began to revere Zionists because of the similarities between their nationalism and that of the Nazis. Both ideologies, in his terms, were “idealist”—they were willing to sacrifice in pursuit of an idea. While only a small minority of Jews were Zionists before World War Two, the ideology grew rapidly, in part because of the Nazi preference for Zionists—they would not negotiate with anyone else—and of course Jews’ experiences of persecution during the war. Yet a number of Zionist groups and officials, like the Hungarian **Rudolf Kastner**, actually helped the Nazis ship fellow Jews to concentration camps in exchange for letting a few, generally privileged Jews escape to Palestine. Arendt was a Zionist herself in her youth and arguably even when she wrote this book, although the term is insufficient to capture her evidently complex views of Israel.

Third Reich – The Third Reich (meaning the “Third Realm”) refers to the Nazi government that ruled much of Europe from 1933-1945, and also the geographical territory that it formally ruled. At its greatest extent, this included much of Western Poland and Prussia, the Czech Protectorate of Moravia and Bohemia, and Germany and Austria.

S.S. – The “Schutzstaffel” or S.S. (“Protective Echelon”) was the enormous force of German “political soldiers” under **Heinrich Himmler**, tasked with enforcing racial policies, the surveillance of Germans and potential enemies to the Nazis, managing concentration and extermination camps, and numerous other duties. **Eichmann** joined the S.S. in 1933 and worked for it until the end of the war.

S.D. – The “Sicherheitsdienst” or S.D. was the “Security Service” within the S.S., run by **Reinhardt Heydrich** and specifically responsible for gathering intelligence on the Nazis’ enemies (including possible opponents within the Party). **Eichmann** joined the S.D. in 1934 and worked for it until it was combined with the Gestapo and Criminal Police into the R.S.H.A. in 1939.

R.S.H.A. – In 1939, **Heinrich Himmler** created the S.S.’s Head Reich Office for Reich Security, one of its 12 primary branches, by combining the S.D. with the state Security Police (which itself included the Gestapo and the Criminal Police). **Eichmann** spent the rest of his time in the Nazi Party working for the R.S.H.A.’s Gestapo bureau (headed by **Heinrich Müller**), Section IV-B (the desk covering Jewish affairs). **Reinhardt Heydrich** ran the R.S.H.A. until his assassination in 1942, at which point **Ernst Kaltenbrunner** took over.

Einsatzgruppen – S.S. “task forces” or execution squads that

massacred roughly two million civilians during World War Two, particularly in Poland.

Gestapo – An abbreviation for the “Geheime Staatspolizei,” or Secret State Police within the S.S.. The Gestapo employed **Eichmann** after 1939, when it was combined into the R.S.H.A. with the S.D., its sister organization. Led by **Heinrich Müller**, the immensely powerful Gestapo operated without judicial oversight, rounding up Jews and the Nazis’ opponents throughout Europe.

German Foreign Office – The Third Reich’s diplomatic arm, which negotiated with occupied countries throughout Europe to push the deportation of Jews to extermination camps.

Nuremberg Trials – The 1945-46 trials of 24 high-ranking Nazi criminals by the Allies’ International Military Tribunal. At the time, **Eichmann** was detained in an American camp but still anonymous; his name arose frequently at Nuremberg (this was in part, Arendt suggests, because he was absent, and so blame could be shifted onto him) and he decided to flee to Argentina to avoid recognition. The Nuremberg Trials set an important precedent for a series of other postwar trials, including **Eichmann’s**, in part by introducing the concept of “crimes against humanity” (although Arendt argues that it failed to adequately define this concept). **Eichmann’s** defense lawyer, **Robert Servatius**, also defended war criminals at the Nuremberg Trials, which Arendt argues were similarly biased against the defense as **Eichmann’s** (in terms of the resources available to each side). Unrelated to the Nuremberg Laws.

Nuremberg Laws – The 1935 Nazi legislation that deprived Jews (and, later, also Romani and Black people) of citizenship and intermarriage rights in Germany. Unrelated to the Nuremberg Trials.

Kristallnacht – A major 1938 pogrom against German Jews, named after the broken glass that covered streets across the country after the windows of Jewish establishments were shattered on the night of November 9. It was nominally a response to the assassination of a German diplomat in Paris by the Polish Herschel Grynszpan (whose father testified at the **Eichmann** trial), and it marked a turning point in Nazi policy toward the Jews, from disenfranchisement to outright violence and persecution. About 100 Jews died in the violence, but many thousands were deported to concentration camps.

Wannsee Conference – The 1942 meeting, led by **Reinhardt Heydrich**, at which Nazi ministers planned the Final Solution. **Eichmann** was the conference’s secretary and lowest-ranking participant; to Heydrich’s surprise, no one had any qualms about or objections to his plans for genocide.

The Final Solution – Short for “the Final Solution to the Jewish Question,” the Nazi code word for the plan to systematically murder European Jews, originally formulated at the 1942 Wannsee Conference.

Judenrein – German for “clean of Jews.”

Vichy France – A puppet regime, loyal to Germany and led by Marshal Philippe Pétain, that governed the unoccupied Southern portion of France from 1940-1944.

Theresienstadt – A concentration camp, the only one run by **Eichmann**, located in what is now the northwestern Czech Republic. Originally proposed as a homeland for German Jews, the small town instead came to house “privileged” Jews from around Europe. Ultimately, it was the only camp that foreign observers were allowed to visit—Eichmann gave the International Red Cross a tour in 1944.

Auschwitz – The largest and deadliest system of Nazi concentration and extermination camps, located in what is now southern Poland.

Totalitarianism – A contested term with various definitions, but generally referring to governments that concentrate all political power in the hands of their leaders (usually a dictator) and try to control every aspect of their people’s lives. The Third Reich is perhaps the quintessential example of totalitarianism. Arendt remains one of the most important contributors to scholarly understandings of totalitarianism, particularly because of her landmark book *The Origins of Totalitarianism*.

the prosecutor’s insistence that he was a bloodthirsty psychopath, stems precisely from her insistence on this kind of radical empathy.

Eichmann was not evil *per se*, in any conventional sense: astonishingly, he helped perpetrate the Holocaust despite never truly wanting to kill anyone. Psychiatrists who evaluated Eichmann considered him “normal” and found that he took no discernible pleasure from knowing his job was to ship millions of Jews to their deaths; instead, he was merely proud to have done his job well and impressed his superiors, and he simply ignored the moral consequences of his work. He originally joined the Nazi Party for the sake of a job and social status, without reading Hitler’s *Mein Kampf* or even the party’s platform. He was a social climber, not an ideologue.

Astonishingly, Arendt does not even believe that Eichmann was an anti-Semite. In fact, throughout World War Two’s early years, he was an enthusiastic Zionist who hoped to find land for a Jewish nation-state—precisely like the Israelis who ultimately captured and executed him. Further, Eichmann was originally devastated to hear that Hitler had ordered the mass murder of Europe’s Jews and horrified when he observed burials firsthand—he even insisted that he was “incapable of killing,” at least for a few weeks. Of course, he abandoned his moral opposition once he saw his superiors enthusiastically defend their “Final Solution” at the Wannsee Conference.

Arendt’s work argues that Eichmann failed to see that he was tasked with doing evil because he was unable to imagine the perspective of anyone else—that is, he acted not out of malice but because “he *merely* [...] *never realized what he was doing*.” The strongest evidence of his thoughtlessness was his inability to speak for himself; he undertook a “heroic fight with the German language, which invariably defeat[ed] him.” He only spoke “Officialese” and repeated the same meaningless clichés over and over. He could not even remember basic dates and facts about his administration—only details about his career, for he worried endlessly about getting promoted and appeasing his bosses. He was delighted to see Heydrich’s “more human side” and felt honored when the (Nazi-controlled) Slovakian government invited him to Bratislava; he saw his superiors as superhuman but could not bring himself to see his victims as human at all.

He repeatedly incriminated himself while immersed in pride or self-pity, as when he emphasized how much he wanted a higher role in the S.S. or declared himself proud to have five million murders on his conscience (but then emphasized how many Jewish lives he saved and declared his delight at the prospect of “making peace” with his “enemies”). He insisted that he deserved execution and would not repent before delivering a handwritten letter asking precisely for mercy. His contradictions and canned remorse prove that he never grasped the gravity of his actions and only ever said what he believed would please his audience and make him feel “elated”



THEMES

In LitCharts literature guides, each theme gets its own color-coded icon. These icons make it easy to track where the themes occur most prominently throughout the work. If you don’t have a color printer, you can still use the icons to track themes in black and white.



THE BANALITY OF EVIL

Hannah Arendt’s *Eichmann in Jerusalem: A Report on the Banality of Evil* recounts the 1961 trial of Nazi official Adolf Eichmann, who worked in the S.S.’s

Gestapo division coordinating the trains that forcibly transported Jews to the Third Reich’s extermination camps in Eastern Europe. While it may be comfortable to believe that evil people are aberrations of human nature, the most troubling part of Eichmann’s story is that he *did* unspeakable, horrific evil but did not seem to *be* an evil man. He was, in Arendt’s telling, simply an unoriginal and predictable bureaucrat, incapable of thinking for himself or seeing the evil that he committed: he was, in a word, *banal*. Arendt’s horrifying portrait of Eichmann as an unexceptional man guilty of exceptional crimes forces readers to revise conventional, storybook conceptions of evil. By suggesting that the capacity for evil is altogether mundane, Arendt’s goal is not to minimize Eichmann’s actions, but rather to demonstrate how thinking from the perspective of others—including those one takes as enemies—is a necessary component of a moral life. And her unpopular and uncomfortable portrait of Eichmann, which runs contrary to

because he appeared to be having an appropriate emotional reaction.

Eichmann's case shows how thoughtlessness can be as dangerous as evil intentions. In one sense, the "banality" of Eichmann's "terribly and terrifyingly normal" character suggests that everyone is a *potential* Eichmann—but Arendt emphasizes that she was there to understand "the guilt or innocence of one person" rather than take Eichmann as a scapegoat for all Nazis or even all human evil. Eichmann's banality does not alleviate him of moral responsibility for his actions, as finding an "Eichmann in every one of us" would make "every one of us" horrendously guilty. After all, Arendt thinks most people have enough of a moral conscience to recognize the evil in mass murder—at least, they do under ordinary situations; Arendt believes most of Germany suffered from the same thoughtlessness as Eichmann during the war and even after it, when Nazi leaders continued their lives without punishment and Nazi judges even remained on the bench. (The difference between their guilt and Eichmann's was that they merely failed to resist the Third Reich, while Eichmann actively advanced its genocidal campaign.)

By choosing to conveniently declare Eichmann an "abnormal monster" without looking at the facts, however, the prosecutor Gideon Hausner actually committed the same error as his defendant: he refused to see the (uncomfortable, troubling, even terrifying) humanity in another. While taking on this perspective is not morally equivalent to undertaking evil actions, it is a prerequisite for doing so and reflects the insistent denial of Nazi Germany's citizens.

Through Eichmann's case, Arendt shows that the capacity for evil, particularly under a totalitarian government, is often as connected to thoughtlessness, gullibility, and a lack of empathy as it is to sadistic malice. She does not mean to suggest that *all* evil results from thoughtlessness, nor does she try to weigh these kinds of evil against one another; she insists that she is more concerned with Eichmann's case than with grand theories. Nevertheless, Eichmann's apparent innocuousness suggests that people must actively insist on moral thought—must reflect on their actions and their consequences, and particularly consider the experiences and suffering of others—lest they become unwitting agents of evil.



CONSCIENCE, AUTHORITY, AND TOTALITARIANISM

Arendt argues that, paradoxically, Eichmann (like other seemingly "normal" Germans) facilitated genocide *because*, rather than in spite, of his conscience. This is because his superiors' authority and approval structured this conscience; instead of relying on personal moral conviction, he placed absolute faith in his country's leader. Arendt demonstrates that conscience is not a reliable basis for

morality because it often hinges on ideas received from those that surround an individual—in Eichmann's case, from his Nazi superiors—and suggests that totalitarianism functions precisely by setting entirely new rules for what counts as commendable and criminal behavior.

The Nazi regime inverted the usual notions of criminality and wrongdoing, in the sense that criminal acts became normal and normal acts criminal. Under normal conditions, murder is criminal; under the Third Reich, *refusing* to commit murder was a criminal violation of the law. Dr. Servatius, Eichmann's defense lawyer, argued that his client should not have been held liable for his behavior because he simply considered himself "a law-abiding citizen" enforcing orders. Indeed, Eichmann's apparent normalcy under the conditions of the Third Reich—as when he was delighted to meet an old Jewish friend whom he had deported to a concentration camp—demonstrates his lack of *normal* human response (outrage, fear, or pity) to the *exceptional* situation Europe was in. And, in turn, this "normal" reaction in an inhuman situation of his own making demonstrates his inability to recognize a standard for good and evil outside the law.

This inability was shared with many Nazi officers, whose consciences were remarkably flexible depending on whom they answered to: after the war, the Nazi factions that previously competed to murder as many Jews as possible switched to diverting as much responsibility as possible, proving that they had managed to switch back from their obedient Nazi consciences to the regular framework of law and order. (Indeed, Propaganda Minister Joseph Goebbels recognized that "we [Nazis] will go down in history as the greatest statesmen of all times or as their greatest criminals.")

This inversion was only possible because Nazism replaced a moral conscience with a legal conscience based on obedience to authority. Disturbingly, despite the prosecution's claims that Eichmann masterminded the Final Solution, in fact he was more like an ordinary citizen concerned with obeying the law than a statesman who legislated it. Eichmann joined the Nazi Party because he saw a path to glory, power, and legacy. Even after his capture and trial, Arendt suggests, he would have still chosen the path he did. But, despite the circumstances of his entry into Nazi politics, Eichmann was not merely a cog in the machine nor a driving architect of that machine; rather, he always wanted to go above and beyond in his job to prove his loyalty and ability (and perhaps to win a promotion) because negotiation and organization were the first things he ever discovered he was good at. In short, the Third Reich won his loyalty merely by rewarding him.

What's more, Eichmann was absolutely loyal not to his supervisors' direct orders but to the word of Hitler alone, which he took as law. Indeed, when S.S. chief Heinrich Himmler secretly ordered an end to the Final Solution, Eichmann refused to stop sending Jews to their deaths because it was

contrary to Hitler's will. And, throughout the Third Reich, the government retroactively passed laws to legitimate Hitler's words, which shows that the law became a tool to defend and propagate Hitler's power rather than a set of rules to regulate and check the functioning of government—unlike Eichmann, Himmler turned this around and began to resist the criminal Nazi rule of law only when he realized it would no longer rule over him in the near future.

The disturbing fact that a sense of conscience *contributed* to Eichmann's evil actions, rather than deterring him from them, demonstrates how people often erroneously make judgments based on the expectations and norms of those around them rather than based on their individual moral judgments. Totalitarianism exploits people's desire to fulfill their duties in order to make citizens absolutely loyal to their rulers; conscience only deters immoral behavior when it is original rather than received. Eichmann believed that he followed the philosopher Immanuel Kant's moral law, which is conventionally formulated as the golden rule—one should only act in a way such that one's principles for actions can become a general law for human action—but he misinterpreted the concept of law at stake here. Instead of thinking about universal, rational principles for action that all humans could follow without contradiction, he thought about the legal system: he believed he must act in accordance with the "general laws" of the Nazi state—his sense of ethical duty came purely from authority.

Arendt argues that the Nazi ideology systematically controlled Germans in the same way, particularly by making usual moral rules irrelevant and replacing them with the value of absolute loyalty to Hitler. Throughout his postwar years and even the Jerusalem trial, Eichmann never abandoned this ideology: Arendt claims he flaunted his role in the Third Reich in Argentina, which exposed his identity and led to his capture. But he was elated to hear that the Israelis held him responsible for the actions of the Reich as a whole because this confirmed that he truly fulfilled his superiors' will.

Altogether, these bizarre inversions of morality in Nazi Germany demonstrate that conscience must be grounded in individual moral judgment rather than social pressures. Arendt offers a robust defense of this notion at the end of her *Postscript*, in which she repudiates the popular sentiment "that no one has the right to judge someone else," and that instead people should only judge broad movements or offer psychological explanations rather than moral blame—this too, she argues, simply involves people bending to social pressure out of fear, letting their moral consciences erode and social consciences take their place, just as under the Third Reich.



JUSTICE AND LEGAL RESPONSIBILITY

Because the scale and form of its crimes were so unprecedented, the Holocaust posed enormous legal problems for the international community.

The Jerusalem court was accordingly faced with difficult questions about the character of Eichmann and his Nazi collaborators' crimes: first, in what respect, and to what degree, were the Holocaust's perpetrators responsible; and secondly, whose job was it to hold them accountable? Arendt was deeply critical of virtually all the postwar trials of Nazi officials, including the famous Nuremberg Trials, because they failed to come to terms with these new legal challenges. She sees one of the Eichmann trial's greatest failures as its reluctance to develop a new vocabulary for distinguishing "crimes against humanity" from more conventional forms of evil, like murder. Yet she also considers one of its greatest successes the judges' immunity to conceiving of Eichmann's guilt in terms of legal precedent. She aims to show that the law must be subservient to universal morality, not vice-versa, especially when it comes to meting out justice in response to unprecedented crimes like state-sponsored genocide. And her own condemnation of Eichmann in the *Epilogue* shows how a novel account of "crimes against humanity" might allow the judges to solve both problems—intention and jurisdiction—while ensuring that the law can reshape itself in the image of morality whenever it faces unprecedented crimes like Eichmann's.

The first problem the Holocaust posed to conventional legal mechanisms was that of intention and accountability: the indictment declared that Eichmann needed to have acted "on purpose" (which he admitted), "out of base motives" (which he denied), and "in full knowledge of the criminal nature of his deeds" (which he also denied, because he was carrying out the law). But none of these standards are fully adequate to prosecuting state-sponsored mass murder.

Eichmann insisted that he had no "base motives" and never killed anyone with his own hands, and so was guilty only of "aiding and abetting" murder. In order to prove intention and base motives, the prosecution repeatedly tried to show that Eichmann killed a Jew with his own hands—but there was no evidence supporting its theory. Instead, Arendt and the three judges, led by Moshe Landau, rejected the notion that this was necessary to prove Eichmann's unique kind of crime: in fact, the further a Nazi official stood from on-the-ground killings, the *greater* their responsibility, because an enormous bureaucracy was implicated in the murder of each victim; as such, the traditional concept of murder could not grasp the gap between who decided that victims were to die and those who actually carried out the killing (in most instances, Jews themselves were forced to run the gas chambers at Auschwitz and the other extermination centers).

Eichmann's attorney Robert Servatius also argued that the defendant's deeds were not criminal because he was

undertaking “acts of state,” carrying out the law rather than violating it. Of course, Arendt thought it would obviously be unjust for a man not to suffer for committing egregious crimes only because he’d held political power at the time, but she also examined the legal basis for the “acts of state” claim. This claim relies on the notion that a criminal “act of state” is necessary for the continuation of the entire legal system and, therefore, the predominance of non-criminal behavior in society. But because the Nazi state was founded precisely on criminality, it could not appeal to “acts of state;” it had already violated the jurisdiction of other nations and peoples by invading and slaughtering them, and so Servatius could not legitimately appeal to the purity of Germany’s jurisdiction.

While Arendt’s rebuttal to “acts of state” began to address the second problem, that of jurisdiction, there was also the question of whether (insofar as Eichmann had to be tried) *Israel* had a right to try him. While individual nations usually tried the Nazis who operated in their territory during World War Two, the Jewish people did not have a nation until the foundation of Israel, and so Arendt thinks it is legitimate, according to this precedent, for him to stand trial in Jerusalem. But Israel also kidnapped him illegally, violating Argentina’s sovereign jurisdiction just as the Nazis had done to so many European countries. Clearly, the legal framework around Eichmann’s trial—which still took assumptions of sovereignty as absolute on face value while violating them in myriad ways—was insufficient to deal with the fact that genocide and global war broke down the boundaries of sovereignty to begin with.

In her Epilogue, Arendt proposes a better way forward: an international tribunal dedicated to trying crimes like Eichmann’s, which crucially fit a new category: *crimes against humanity*. By trying to destroy an entire group of people, she argues, he violated the very *moral order* of humanity by attacking human diversity (crime violates a community’s moral order and not just the victim, which is why criminal trials are always prosecuted by “the people” or “the state”). Accordingly, Israel alone is insufficient to try Eichmann—rather, an international court is the only way for perpetrators of genocide to answer for their crimes in front of the universal human community they have violated.

This clearly resolves the problem of jurisdiction, for the international court would have the right to try people from any nation, especially if they carried out their atrocities through the government; it also resolves the problem of intention, because Eichmann violated the moral order whether he acted in “base motives” or not. Ultimately, then, Arendt concludes that other Germans’ complicity, Eichmann’s middling role in the Nazi bureaucracy, and Israel’s questionable jurisdiction do not change the fact that Eichmann merits punishment for supporting genocide. The court’s attempt to judge Eichmann’s crimes in the same terms it used to judge individual acts of murder, or one-off violations of jurisdiction within a context of

otherwise stable sovereignty, reflects that it has not truly come to terms with the precedent-shattering nature of the Nazi crimes. Eichmann’s guilt is fundamentally a moral matter and, even if its procedures were illegitimate, Israel did mete out just punishment by giving Eichmann the death sentence.

Arendt saw Eichmann’s trial as a watershed moment in the history of international law because it put legal actors in a difficult bind: they recognized the moral necessity of punishing perpetrators of genocide, but also could not reasonably prove why they themselves, of all people, should have the authority to do so. While the moral justifications for hanging Eichmann were sufficient to ultimately make the legal minutiae of intention and jurisdiction inconsequential for Arendt—she sees the law’s job as fundamentally providing justice rather than blindly carrying out whatever is on the books (which was precisely what led Eichmann to support a policy of mass murder)—she also proposes a bold way forward by arguing that the only way to address unprecedented crimes is with unprecedented forms of justice: an international procedure for trying crimes against humanity.



ZIONISM AND NAZISM

Arendt’s report on Eichmann’s trial obviously critiqued the nationalistic thinking that led Germans to endorse the Third Reich’s campaign of war and mass murder across Europe. But, more subtly and far more controversially, *Eichmann in Jerusalem* also rejected the Israeli state’s incorporation of Eichmann’s trial into a nationalist narrative: it portrayed Eichmann’s punishment as retribution for all Jews against all Nazis. The egregious lies on the part of the Israeli prosecutor and press—as well as the latter’s unabashed attacks on Arendt, a former Zionist, after she initially published this book—demonstrate that Eichmann’s story became a tool for Israel to justify its own existence, its occupation of Palestinian Arabs’ land, and even many of its people’s cooperation with the Nazi regime and surprising contributions to the Holocaust. Arendt’s critique of Germany and Israel intersect in her skepticism of both nationhood defined on ethnic grounds and especially of their propagandistic campaigns to win popular support for their rulers’ absolute authority. One of her central, although more covert, aims in *Eichmann in Jerusalem* was to warn Israelis against the possibility that their own government was arcing toward totalitarianism.

The Eichmann trial was a litmus test for Israel’s political authority to speak for all Jews. Its function was fundamentally propagandistic: to consolidate the Israeli state’s power by showing that it had defeated its greatest enemy. From the start, Arendt declared Eichmann’s appearance a “show trial” orchestrated by Israeli Prime Minister David Ben-Gurion with the help of the prosecutor and Israeli Attorney General, Gideon Hausner, who gave an inordinate number of press conferences.

Everything about the proceedings, from the usher's shout at the beginning of each session to the **glass box** in which Eichmann sat, seemed theatrically coordinated to maximize the trial's dramatic effect on the audience.

Israeli public opinion strongly favored trying Eichmann in Jerusalem over in an international court; because his crime was chiefly against the Jews, Israelis believed that only an Israeli court with Israeli judges could render judgment on him. But Israel also blocked many potential defense witnesses from testifying and prevented Eichmann's lawyer Robert Servatius from accessing important documents, which meant that—even though the evidence against Eichmann was damning—the trial was still far from fair. According to Arendt, Ben-Gurion wanted to blame “the nations of the world” for the Holocaust and not just Germany; he aimed to position the Holocaust not as a unique horror but as the latest in a long legacy of anti-Semitic persecution, and Israel as the Jewish people's only legitimate chance of salvation. Hausner emphasized the “heroism” of Israel, arguing that European Jews died silently and without rebellion in order to suggest that Israel has transformed Jews.

The prosecution's desire to speak with a unified voice on behalf of all Jews led it to numerous lies, omissions, and distortions of the truth that ultimately did a disservice to the trial's only true aim: justice. Throughout the trial, Hausner foregrounded Jewish suffering—as when the first 53 witnesses described their experiences in Eastern concentration camps where Eichmann had no authority—but ignored stories of resistance, as well as the suffering of other groups persecuted during the Holocaust. Yet he still claimed to “make no ethnic distinctions” with regard to Eichmann's crimes; Arendt points out that Israel gives Jews disproportionate rights, even forbidding marriage to Gentiles, which ironically mirrors a provision in the Nazis' Nuremberg Laws.

The prosecution's relentless anti-German tirades also hid the troubling connection between Nazism and Zionism: many of the first Jews who illegally settled in Palestine were wealthy or privileged Europeans who bought their freedom from the Nazis; indeed, Eichmann—an enthusiastic Zionist himself—helped coordinate passage for many of these early migrants, who sold out poorer Jews in exchange for their freedom. In fact, the prosecution consistently tried to hide Jewish Councils' cooperation with the Nazis: these organizations of prominent and powerful community members drew up lists of people for deportation and were rewarded by the Nazis for their assistance, which Arendt calls “undoubtedly the darkest chapter of the whole dark story.” And, most significantly, Hausner continually inflated Eichmann's responsibility for the Holocaust, painting him as its chief engineer even though his job mostly involved coordinating train schedules.

Arendt's criticisms of Israel are often remarkably similar to hers of Nazi Germany, suggesting that she sees traces of

totalitarian governance in the Jewish state she previously spent decades fighting for. She draws clear parallels between Ben-Gurion and Hausner's rhetorical strategies and the propagandistic “language rules” that Nazis used to win the support of the German population. Israel's capture of Eichmann in Buenos Aires was also unquestionably illegal under international law, but Arendt suggests that the prosecution and judges might have considered it an “act of state”—the same principle used in Eichmann's defense—and that Eichmann could ultimately be extradited only because of his “de facto statelessness”—the same principle the Nazis used to decide which Jews to send directly to extermination camps.

Ultimately, Israel's deepest perversion of justice for Arendt reflects its insistence on putting politics above truth: the Israeli Supreme Court threw out Judge Moshe Landau's balanced decision that Eichmann was guilty, even if not the Holocaust's mastermind, and writes a new decision that parrots the prosecution by claiming that he “gave all orders in matters that concerned Jewish affairs,” “eclipsed in importance all his superiors,” and singlehandedly caused the deaths of millions through his “fanatical zeal” and “unquenchable blood thirst.” This uncannily mirrors the way German courts eagerly changed their interpretations and standards to match Hitler's most recent declarations and expand his power.

Despite Arendt's criticisms of Israel (which were even more prominent in her later work), she obviously never argued or implied that its misdeeds in any way approached those of Nazi Germany. However, she did show parallels that suggested a deeper, underlying problem in the power structure and ideology of contemporary, ethnically defined nation-states that protect their “own” people at the expense of the rest of humanity. Ultimately, for Arendt, only one factor saved the Jerusalem trial from becoming a complete ideological farce: the remarkable evenhandedness and humanity of the judges, led by Moshe Landau, who remained loyal to justice and the truth above the Israeli state. But, with their judgment overturned and replaced with nationalist propaganda, Israel clearly showed that it was more interested in flexing its power and proclaiming Jews liberated from their persecution than building a new, more humane form of governance than the one that subjected them to the worst genocide the world had ever seen.



STORYTELLING AND RESISTANCE

During Eichmann's trial, the prosecution continually emphasized the unfathomable suffering and desperation that European Jews faced during the Holocaust. Arendt (like the judges) agreed that these stories needed to be told but believed that Eichmann's trial was the wrong forum—not only were these stories irrelevant to the question of Eichmann's guilt, but they also reinforced the sense that there was nothing to be done in the face of Nazism's unspeakable evil. Rather, Arendt preferred to center stories of

resistance in her own account of the Holocaust to show that individuals and institutions fought for justice even in the darkest imaginable times, against monumental odds, or when they lacked a personal stake in the matter. These stories demonstrate the resilience and power of moral thinking even when morality is deliberately erased from the public sphere, and reveal how totalitarianism is never total and always vulnerable to protest.

The most salient, improbable, and uncomfortable stories of resistance (especially to the Israeli public, which conceived all German Gentiles as collaborators) are those of individual Germans who, recognizing that their voices would be taken more seriously than those of groups declared enemies of the state, risked their own safety to protest the Nazis and rescue Jews from extermination camps. In her sixth chapter, Arendt contrasts the “conspirators,” who were usually praised for resisting Nazis from within Germany—but really wanted to save Germany from the credibility crisis that Hitler’s anti-Semitism created and improve their chances at winning the war—with the “completely silent” dissenters who resisted the Nazi regime on *moral* grounds. The most salient story was that of Anton Schmidt, a German soldier who helped Jews escape from Poland, which Arendt includes at the end of the fourteenth chapter.

Arendt also focused on the incredible resistance that Nazi deportation campaigns faced from the people and governments of occupied nations around Europe. These stories, too, are often forgotten when stories of suffering take center stage. Slovakia and France were initially cooperative but eventually refused to let the Nazis deport more people from their countries; in Belgium, Italy, and Bulgaria government officials and private citizens simply tried as hard as possible to hamper the Nazis’ goals. But Denmark and Sweden were the most extraordinary examples of organized resistance: Sweden never fell to the German military and offered asylum to Jews from Norway and Denmark, while Denmark openly protested the Third Reich’s policies. Danes refused to identify foreign-born Jews and even convinced S.S. officials stationed there to resign or feed information to underground resistance groups. Danish citizens of all religious and class backgrounds helped Jews hide from the Gestapo and put enough pressure on the German government to ensure that Danish Jews who were deported received special treatment. Ultimately, less than 10% of Jews in Denmark were deported and less than 10% of these deportees died.

While it is important to record Holocaust survivors’ horrifying tales of deportation, forced labor, and their fellow deportees being gassed and shot, Arendt believed that stories of resistance have the essential and neglected political function of demonstrating that “most people will comply but *some people will not*,” that “‘it could happen’ in most places but *it did not happen everywhere*.” For one, these stories serve as inspirational

models for citizens who want to resist totalitarianism. Anton Schmidt, for instance, demonstrated that no resistance is “practically useless” even when everyone else seems resigned to cooperate with violence. Arendt wonders “how utterly different everything would be today ... if only more such stories could be told.”

Astonishingly, all these forms of resistance were reasonably successful despite the immense ideological power of Hitler’s regime: Germany “possessed neither the manpower nor the will power to remain ‘tough’ when they met determined opposition.” One reason that totalitarianism may be so vulnerable to protest is that, as Eichmann’s banality demonstrates, its success depends primarily on suppressing critical thought and normalizing violence; it is a centrally ideological project, and protest offers a counter-ideology that challenges the notion that violence and extermination could ever be an acceptable, normal order of things. This forces people to evaluate their governments as moral actors rather than absolute legal authorities—which even convinced Nazis in Denmark to abandon their beliefs.

Ultimately, Arendt’s discussion of resistance shows that she managed to at once confront the gruesome and inconvenient realities raised at the trial—Eichmann was banal, Jewish Councils cooperated with the Nazis, and Israel was more interested in justifying its own existence than truly pursuing justice—while also maintaining a deep optimism about the human tendency to pursue freedom and ensure that the world remains “fit for human habitation.” Stories of resistance, like those that she foregrounded whenever possible, serve to remind readers that moral behavior leaves a legacy—and organized moral behavior can block the advance of evil—even if everyone else seems to have resigned themselves to the inevitability of totalitarianism.



SYMBOLS

Symbols appear in **teal text** throughout the Summary and Analysis sections of this LitChart.



THE GLASS BOOTH

In the Jerusalem courtroom, Eichmann sits beside the witness box in a glass booth designed especially for the occasion. More than a simple security measure, the glass booth also frames Eichmann as a spectacle for the trial’s expansive audience. Further, the wall of glass separating Eichmann from everyone else in the trial gestures to the invisible wall of words and ideology that, Arendt argues, prevents him from confronting the reality of his actions. Even though the consequences of his actions are right in front of him—the audience of Holocaust survivors in Jerusalem—he still fails to recognize his victims’ humanity and suffering. More

than 50 years later, the booth remains a salient symbol of Eichmann's trial and continues to be displayed in museums and other exhibits around the world.



QUOTES

Note: all page numbers for the quotes below refer to the Penguin edition of *Eichmann in Jerusalem* published in 1963.

Chapter 1 Quotes

Justice demands that the accused be prosecuted, defended, and judged, and that all the other questions of seemingly greater import—of “How could it happen?” and “Why did it happen?,” of “Why the Jews?” and “Why the Germans?,” of “What was the role of other nations?” and “What was the extent of co-responsibility on the side of the Allies?,” of “How could the Jews through their own leaders cooperate in their own destruction?” and “Why did they go to their death like lambs to the slaughter?”—be left in abeyance. Justice insists on the importance of Adolf Eichmann, son of Karl Adolf Eichmann, the man in the glass booth built for his protection: medium-sized, slender, middle-aged, with receding hair, ill-fitting teeth, and nearsighted eyes, who throughout the trial keeps craning his scraggy neck toward the bench (not once does he face the audience), and who desperately and for the most part successfully maintains his self-control despite the nervous tic to which his mouth must have become subject long before this trial started. On trial are his deeds, not the sufferings of the Jews, not the German people or mankind, not even anti-Semitism and racism.

Related Characters: Moshe Landau, Gideon Hausner, Adolf Eichmann

Related Themes:   

Related Symbols: 

Page Number: 5

Explanation and Analysis

After introducing the courtroom where Eichmann's “show trial” takes place, Arendt contrasts the prosecutor, who serves Israel, with the judges, who serve Justice alone. Clearly, she argues, the trial's purpose is solely the latter, no matter how hard the prosecution tries to turn it into a referendum on the entirety of the Holocaust. In fact, by putting politics above Justice, Hausner replicates the error that led the Nazis turn the legal system into a means of retroactively legitimating and enforcing Hitler's violence,

rather than a check against it. Fortunately, Landau and the other judges prevent this twisted logic from taking over in the trial, but Hausner's attempt reflects the similarities in form between Israeli and Nazi nationalist propaganda.

Additionally, Eichmann's innocuous and vaguely disheveled appearance underlines the fact that, despite his horrific crimes, he seems to be an unremarkably “normal” man—or even a vaguely pathetic one who does not seem uncomfortable in his own body and, more understandably, in the courthouse. It also contrasts almost comically with the glass cage that encloses him, protecting him but also turning him into something like an exhibit, made to stand for all Nazi evil and not merely for his own crimes.

In this respect, perhaps even more significantly than in others, the deliberate attempt at the trial to tell only the Jewish side of the story distorted the truth, even the Jewish truth. The glory of the uprising in the Warsaw ghetto and the heroism of the few others who fought back lay precisely in their having refused the comparatively easy death the Nazis offered them—before the firing squad or in the gas chamber. And the witnesses in Jerusalem who testified to resistance and rebellion, to “the small place [it had] in the history of the holocaust,” confirmed once more the fact that only the very young had been capable of taking “the decision that we cannot go and be slaughtered like sheep.”

Related Characters: David Ben-Gurion, Gideon Hausner

Related Themes:  

Page Number: 12

Explanation and Analysis

The prosecution not only prioritized Jewish experiences of the Holocaust despite claiming to make no “ethnic distinctions;” it also specifically prioritized stories of Jewish suffering over stories of Jewish resistance. By asking individual survivors on the witness stand why they did not rebel against the Nazis—even though nobody who rebelled would have lived to testify—the prosecutorial team diverts attention from the heroic organized rebellions that demonstrated people's power to resist totalitarianism from within as well as the existence of Jewish heroism and strength before the foundation of Israel.

This is because, rather than recognizing some Jews' genuine heroism during the Holocaust, Israel wants to portray itself as the Jewish people's first and only hero: it has created a state for them and, of course, even managed to bring one of

their greatest persecutors to trial. This nationalist propaganda rewrites history in an attempt to consolidate global Jewish support for Israel (amidst its territorial disputes with neighboring Arab states). In fact, Israel mimics the propaganda strategies of Nazi totalitarianism precisely by insisting that it was so entrancing that nobody thought to resist it—Ben-Gurion seems to want the same absolute power over Jews’ beliefs that the Nazis seemed to secure over Germans’.

Chapter 2 Quotes

☛☛ Alas, nobody believed him. The prosecutor did not believe him, because that was not his job. Counsel for the defense paid no attention because he, unlike Eichmann, was, to all appearances, not interested in questions of conscience. And the judges did not believe him, because they were too good, and perhaps also too conscious of the very foundations of their profession, to admit that an average, “normal” person, neither feeble-minded nor indoctrinated nor cynical, could be perfectly incapable of telling right from wrong. They preferred to conclude from occasional lies that he was a liar—and missed the greatest moral and even legal challenge of the whole case. Their case rested on the assumption that the defendant, like all “normal persons,” must have been aware of the criminal nature of his acts, and Eichmann was indeed normal insofar as he was “no exception within the Nazi regime.” However, under the conditions of the Third Reich only “exceptions” could be expected to react “normally.” This simple truth of the matter created a dilemma for the judges which they could neither resolve nor escape.

Related Characters: Moshe Landau, Robert Servatius, Gideon Hausner, Adolf Eichmann

Related Themes:   

Page Number: 26-7

Explanation and Analysis

Arendt introduces the moral paradox created by Hitler’s government: legality and criminality were reversed, so that acting “normally” meant acting criminally while upholding normal morality meant violating the law of the state. This inversion meant that, whenever Eichmann sought explanations or justifications for his actions, in fact everything around him pushed him toward criminal evil; as such, he would have needed to be “exceptional” to disobey orders by acting morally. To the psychiatrists who evaluated him, it seems, Eichmann is not “normal” because he

possesses the usual capacity to discern between good and evil; he is “normal” because he blindly followed orders, conformed to the Nazi common wisdom, and refused to think for himself.

The prosecution refuses to consider him “normal,” however, because they want to show that he had the “base motives” required by the indictment; while moral and legal codes of action were switched under the Third Reich, the judges continue to think in moral terms, since the notion that the law should necessarily uphold morality stands at “the very foundations of their profession.” “The greatest moral and even legal challenge” posed by Eichmann’s obvious guilt is that he managed to violate basic moral principles precisely by carrying out the law to its fullest extent, and the court evades the question of how to deal with legal regimes that go awry, becoming wildly detached from their intended function.

☛☛ From a humdrum life without significance and consequence the wind had blown him into History, as he understood it, namely, into a Movement that always kept moving and in which somebody like him—already a failure in the eyes of his social class, of his family, and hence in his own eyes as well—could start from scratch and still make a career.

Related Characters: Adolf Hitler, Ernst Kaltenbrunner, Adolf Eichmann

Related Themes:  

Page Number: 33

Explanation and Analysis

After outlining Eichmann’s early life, Arendt explains his motivations for joining the S.S. and Nazi Party. He failed out of school twice, to his privileged family’s chagrin, and then managed to lose his sales job at the Vacuum Oil Company after losing all motivation—meaning his primary motivations for joining the Nazis were threefold: it offered him the chance to “start from scratch” after his past failures, the chance to become a part of “History,” and the chance to find acceptance in an organization that could value him regardless of his class status (especially since, at least outwardly, Hitler so idolized German commoners and folk culture).

Strangely, then, politics did not motivate Eichmann to thoughtfully enter politics; he read neither the Nazi Party’s platform nor Hitler’s *Mein Kampf* before joining (arguably, the only books he read in his entire life were about

Zionism). In other words, Eichmann's motivations were entirely mundane—he wanted status and fame, and his obsession with achieving these goals led him to disregard morality and enforce a policy of mass murder. Ironically, of course, he never achieved either while actually working for the S.S.—he complained endlessly about his inability to win promotions—and only won his notorious place in “History” through his escape and trial in Jerusalem.

Chapter 3 Quotes

☝☝ This supposition seems refuted by the striking consistency with which Eichmann, despite his rather bad memory, repeated word for word the same stock phrases and self-invented clichés, (when he did succeed in constructing a sentence of his own, he repeated it until it became a cliché) each time he referred to an incident or event of importance to him [...] The longer one listened to him, the more obvious it became that his inability to speak was closely connected with an inability to think, namely, to think from the standpoint of somebody else. No communication was possible with him, not because he lied but because he was surrounded by the most reliable of all safeguards against the words and the presence of others, and hence against reality as such.

Related Characters: Adolf Eichmann

Related Themes:  

Page Number: 49

Explanation and Analysis

Arendt sees Eichmann's “inability to think [...] from the standpoint of somebody else” as the core of his banality: because he had no ability or drive for empathy, he never considered his victims as human, even while he pitied himself and admired his superiors to no end; because he could not imagine what it would have felt like to suffer extrajudicial deportation, concentration in death camps, and the mass murder of one's entire community during the Holocaust, he failed to understand the gravity of his trial, the moral consequences of his actions, or the motivations of his audience. His occasional claims to have repented for or acknowledged his evil actions—which were as numerous as were his declarations that he was proud and unremorseful about facilitating mass murder—were not sincere expressions of conscience but rather canned exclamations designed to “elate” himself and, occasionally, appease his audience.

Perhaps most horrifically of all, Eichmann did not even

realize that he was parroting rather than authoring his words, because “language rules” were a cornerstone of the Nazi conscience-busting strategy: by teaching people to view their duties in objective and not “moral” terms, and to only reference morality in ways that evaded the question of moral responsibility, the Nazi Party leadership managed to fully replace officers' capacity for moral reflection with a premium on blind obedience. The fact that Eichmann still has not broken out of Nazi ideology and into reality, even 17 years after the war, demonstrates totalitarianism's frightening staying over its subjects' mindsets.

☝☝ In his mind, there was no contradiction between “I will jump into my grave laughing,” appropriate for the end of the war, and “I shall gladly hang myself in public as a warning example for all anti-Semites on this earth,” which now, under vastly different circumstances, fulfilled exactly the same function of giving him a lift.

Related Characters: Adolf Eichmann (speaker)

Related Themes:    

Page Number: 53-4

Explanation and Analysis

This section offers a more precise picture of how Nazi “language rules” functioned to blind Eichmann from reality. Instead of truth, Nazis chose language for its convenience—in fulfilling the Third Reich's goals and in deflecting normal emotional responses. Because he fails to seek out the truth—even under oath, in a court designed to draw out the truth—Eichmann freely contradicts himself depending on whatever he finds most exciting to believe and thinks others want to hear in the moment. At the end of the war, he sees his role in the Holocaust as cause for pride because his entire self-worth depended on his participation in German History and rank in the Nazi regime; at the trial, he claims he wants to be hanged not because he feels guilt (indeed, he insists just after that he has no interest in repentance), but because this would turn him into another kind of famous exemplar, this time one of evil. Of course, he does not consider the possibility that such an admission of guilt might hurt his defense, or indeed actually lead to his execution; he has no concept of words as anything more than a cover for actions.

The prosecution, in its own dishonest attempt to portray Israel as redeeming Jews by hanging their greatest enemy, actually plays into Eichmann's narrative and thirst for fame: there is no doubt that, had the trial foregrounded his

banality and middling role in the Nazi hierarchy (while maintaining his guilt), he likely would not have achieved the notoriety that turned him into a household name.

consciences have nonetheless been eroded and redirected by social forces.

Chapter 6 Quotes

☛☛ Thus, we are perhaps in a position to answer Judge Landau's question—the question uppermost in the minds of nearly everyone who followed the trial—of whether the accused had a conscience: yes, he had a conscience, and his conscience functioned in the expected way for about four weeks, whereupon it began to function the other way around.

Related Characters: Moshe Landau, Adolf Eichmann

Related Themes:  

Page Number: 95

Explanation and Analysis

Although Eichmann was initially disgusted upon hearing about the Final Solution and visiting the killing infrastructure designed to carry it out, he soon buried his reservations, replacing the momentary clarity of his moral conscience with a legal or social conscience, based on carrying out his superiors' orders and performing his job as well as possible. Instead of pushing him to act morally, his conscience "began to function the other way around" and draw him to conform with and then enforce unspeakable evil.

The moral question of Eichmann's conscience is related to, but subtly distinct from, the legal question of whether he killed knowingly—somehow, he managed to knowingly commit mass murder without knowing that doing so was evil (or at least remembering his initial instinct that it was). Conscience was relevant for the prosecution because it would determine whether Eichmann was "normal" or psychopathic, and for the judges and Arendt because it had immense bearing on whether totalitarian political regimes need to find heartless bureaucrats to carry out their will or can create them as needed.

Arendt's answer to this question, of course, is that the Nazi Party managed to do the latter by prioritizing expediency over truth, loyalty over morality and basic humanity. But this does not alleviate Nazis' responsibility or guilt; rather, it shows that the conventional legal concept of guilt, grounded in individual intention and based on that individual violating their moral conscience, cannot suffice to judge criminals who are clearly guilty but whose

☛☛ In actual fact, the situation was just as simple as it was hopeless: the overwhelming majority of the German people believed in Hitler—even after the attack on Russia and the feared war on two fronts, even after the United States entered the war, indeed even after Stalingrad, the defection of Italy, and the landings in France. Against this solid majority, there stood an indeterminate number of isolated individuals who were completely aware of the national and of the moral catastrophe; they might occasionally know and trust one another, there were friendships among them and an exchange of opinions, but no plan or intention of revolt. Finally there was the group of those who later became known as the conspirators, but they had never been able to come to an agreement on anything, not even on the question of conspiracy.

Related Characters: Adolf Hitler

Related Themes:  

Page Number: 98-9

Explanation and Analysis

Eichmann's reverence for Hitler was by no means unique: according to Arendt, the Nazi campaign of nationalist propaganda and coerced indifference led the majority of the German people to abandon their moral consciences and proclaim their loyalty to the Reich—apparently the government ideology was so powerful that few abandoned it even when the highest-ranking Nazi officials realized they were bound to lose the war. (Of course, since this majority did not actively participate in the genocide, their complicity does not make them legally liable for it.) The "conspirators," too, managed to oppose the Nazis from within Nazi ideology—they still wanted German domination over Europe and opposed Hitler only because they thought he would lose the war.

Astonishingly, totalitarianism managed to completely erode public morality in a society of millions by reorganizing the hierarchy of values and suppressing vocal or moral dissent—this is a warning for the postwar world, and perhaps for Israel in particular, as Arendt sees it drift gradually toward propaganda.

By and large, Nazism eroded private morality, too: the silent, "isolated individuals" who opposed the regime but could not fight it are perhaps the unsung heroes of the German people during World War Two, but only because their

ethical sensibilities stayed intact and not because they acted against Nazism. This proves that, despite its horrifying power, totalitarianism can never entirely control people's thought or capacity for moral reflection; the real challenge is transforming that private ethical resistance into collective action against the state.

Chapter 7 Quotes

☛ True it was that the Jewish people as a whole had not been organized, that they had possessed no territory, no government, and no army, that, in the hour of their greatest need, they had no government-in-exile to represent them among the Allies (the Jewish Agency for Palestine, under Dr. Weizmann's presidency, was at best a miserable substitute), no caches of weapons, no youth with military training. But the whole truth was that there existed Jewish community organizations and Jewish party and welfare organizations on both the local and the international level. Wherever Jews lived, there were recognized Jewish leaders, and this leadership, almost without exception, cooperated in one way or another, for one reason or another, with the Nazis. The whole truth was that if the Jewish people had really been unorganized and leaderless, there would have been chaos and plenty of misery but the total number of victims would hardly have been between four and a half and six million people.

Related Themes:  

Page Number: 125

Explanation and Analysis

Arendt's examination of the Jewish Councils' collaboration with Nazi deportation policies is perhaps the most shocking and certainly the most controversial section of *Eichmann in Jerusalem*. These Councils compiled lists of (usually poorer) people to deport, lied to them about their fate, and often even corralled them directly onto the trains that brought them to concentration camps; the Councils' leaders often profited, either directly or by saving themselves and their "prominent" friends from deportation. Israel's claim that the Jewish people had a singular, uniform experience of persecution and loss during the Holocaust seems to paper over the community's internal fractions over class and power differences, and especially the deployment of those divisions (particularly by Zionists) to save the powerful. Even if Jewish leaders thought they were acting in their community's self-interest by saving some people (i.e. in their own self-interest by saving themselves), they would have hampered the Nazis' attempts to find and deport Europe's

Jews had they simply refused to cooperate. They directed their power toward self-destruction rather than resistance.

Israel also clearly lingers in the background of this paragraph—the first sentence clearly contrasts the situation of Jews during the Holocaust with the territory, government, army, weapons, and military training that Israel has by the 1960s. While Israel's independence is a formal victory for Jews in terms of sovereignty, Arendt is clearly warning about the dangers of organization and power: it can be deployed to various ends, across the moral spectrum, and Israel's rhetoric seems to suggest that it is veering toward evil.

Chapter 8 Quotes

☛ Eichmann, much less intelligent and without any education to speak of, at least dimly realized that it was not an order but a law which had turned them all into criminals. The distinction between an order and the Führer's word was that the latter's validity was not limited in time and space, which is the outstanding characteristic of the former. This is also the true reason why the Führer's order for the Final Solution was followed by a huge shower of regulations and directives, all drafted by expert lawyers and legal advisers, not by mere administrators; this order, in contrast to ordinary orders, was treated as a law.

Related Characters: Heinrich Himmler, Reinhardt Heydrich, Adolf Hitler, Adolf Eichmann

Related Themes: 

Page Number: 149

Explanation and Analysis

This distinction between orders and the law is central to both the character of the Nazi legal regime and Eichmann's ability to defend his crimes as "acts under superior orders." Arendt is contrasting Eichmann's attitude toward the Nazi regime at the end of the war with that of the Nazi generals tried at Nuremberg: while the generals claimed that their job was simply to follow orders rather than make moral judgments, Eichmann believed that Hitler's words counted as law, over and above any orders he received from Heydrich or Himmler.

Orders are "limited in time and space" because they command the recipient to take some specific action, and no longer apply once that action is taken; but laws apply continuously after they are passed, governing conduct indefinitely and in all instances. Eichmann believed the Final

Solution was a law, for Hitler demanded it, and so he continued to carry it out even against Himmler's order to stop exterminations. The generals, on the other hand, merely believed they were following orders to fight enemies or exterminate people; this is a problem because, while the principle "acts on superior orders" can mitigate punishment, it cannot establish innocence: Israeli, German, and most other bodies of law provide that "manifestly unlawful" orders should not be followed. Paradoxically, Eichmann actually refused to stop the Final Solution because he thought that Himmler's order was "manifestly unlawful" vis-à-vis Hitler's law: to kill as many people as possible. This reflects a fundamental problem with statutes that elevate lawful over moral action.

It is also crucial that the Nazi legal system consistently and retroactively codified Hitler's declarations through legislation; this demonstrates that Eichmann's apprehension of the situation was more accurate (for, under the shifty totalitarian regime, Hitler could change laws and standards on a whim) but also reveals how the law—and powerful, systematic institutions more generally—can turn sinister and, when politics (rather than truth) determines their judgments, begin enforcing injustice rather than seeking justice. Of course, the Israeli prosecutor and judges' struggle over the significance of Eichmann's trial represents precisely this fight over whether the legal system should be a tool of politics or justice.

Chapter 9 Quotes

●● Eichmann himself, after "consulting Poliakov and Reitlinger," produced seventeen multicolored charts, which contributed little to a better understanding of the intricate bureaucratic machinery of the Third Reich, although his general description—"everything was always in a state of continuous flux, a steady stream"—sounded plausible to the student of totalitarianism, who knows that the monolithic quality of this form of government is a myth.

Related Characters: Heinrich Himmler, Adolf Eichmann

Related Themes:   

Page Number: 152

Explanation and Analysis

The Nazi regime's bureaucracy was extremely complex: even just within the S.S., various parallel offices—all ultimately controlled by Himmler—performed similar duties, spied on one another, and competed to take charge

of the Final Solution. Eichmann's position was in part unique because he was largely responsible for coordinating among all these various departments in order to ensure that deportations went smoothly.

Arendt's point here is that this messy structure was no accident. Rather, it has an important function and reflects an important truth about totalitarianism. The function is to distribute responsibility and foster inter-departmental competitiveness over internal divisions: nobody could feel wholly responsible or guilty for the actions toward which they contributed, few could know precisely where they stood in the Party hierarchy, and so everyone would work harder in an effort to rise up the ranks and prove their department's prowess, ignoring the moral consequences of their actions because everyone else seems to be doing the same thing. The truth this reveals about totalitarianism is that, even though it often seems to impose a firm, singular law, about which all the organs of government agree and for the implementation of which they all function efficiently, in fact it is internally inconsistent, secretive, and confusing even to some of its highest officers.

Totalitarianism consolidates its power, then, because it is a moving target. Hitler was able to move from a plurality in parliament to absolute power in just a few years by taking incremental steps toward his ultimate form of radical fascism, changing his policies and attitudes every few months, as people forgot what they used to consider politically reasonable. Indeed, the Nazis never even pretended to follow their own platform—like the illusion of an efficient bureaucracy, the illusion of a definitive platform suggested that the Nazis were organized and intentional rather than flying by the seat of their pants.

●● What for Hitler, the sole, lonely plotter of the Final Solution (never had a conspiracy, if such it was, needed fewer conspirators and more executors), was among the war's main objectives, with its implementation given top priority, regardless of economic and military considerations, and what for Eichmann was a job, with its daily routine, its ups and downs, was for the Jews quite literally the end of the world.

Related Characters: Adolf Hitler, Adolf Eichmann

Related Themes: 

Page Number: 153

Explanation and Analysis

Arendt draws out the astonishing contrast between the

weight of the Final Solution for Eichmann and his victims: as she has already established, the defendant was not motivated by any murderous or hateful desires, but rather by the prospect of advancing in his career; he failed to fully realize that in his petty games of office politics he was playing with people's lives. His evil stems directly from his blindness and thoughtlessness: by cultivating these attributes widely, the Nazis were able to murder millions with essentially one "conspirator" and droves of thoughtless "executors" who never stopped to question what they were doing. While Eichmann's defense relies in part on his claim that he was merely carrying out the law, in fact this is the most morally horrifying dimension of his crimes—he did not relish in killing like an ordinary murderer; he simply did not think about what he was doing at all.

the Third Reich. It also points indirectly to what silent German dissenters or Jewish Councils might have done to slow the tide of Nazi violence and what, perhaps, Israelis can do to prevent their own government from collapsing into blind self-aggrandizing nationalism.

Politically and psychologically, the most interesting aspect of this incident is perhaps the role played by the German authorities in Denmark, their obvious sabotage of orders from Berlin. It is the only case we know of in which the Nazis met with open native resistance, and the result seems to have been that those exposed to it changed their minds. They themselves apparently no longer looked upon the extermination of a whole people as a matter of course. They had met resistance based on principle, and their "toughness" had melted like butter in the sun, they had even been able to show a few timid beginnings of genuine courage. That the ideal of "toughness," except, perhaps, for a few half-demented brutes, was nothing but a myth of self-deception, concealing a ruthless desire for conformity at any price, was clearly revealed at the Nuremberg Trials, where the defendants accused and betrayed each other and assured the world that they "had always been against it" or claimed, as Eichmann was to do, that their best qualities had been "abused" by their superiors. (In Jerusalem, he accused "those in power" of having abused his "obedience." "The subject of a good government is lucky, the subject of a bad government is unlucky. I had no luck.") The atmosphere had changed, and although most of them must have known that they were doomed, not a single one of them had the guts to defend the Nazi ideology.

Chapter 10 Quotes

The story of the Danish Jews is *sui generis*, and the behavior of the Danish people and their government was unique among all the countries of Europe—whether occupied, or a partner of the Axis, or neutral and truly independent. One is tempted to recommend the story as required reading in political science for all students who wish to learn something about the enormous power potential inherent in non-violent action and in resistance to an opponent possessing vastly superior means of violence.

Related Themes: 

Page Number: 171

Explanation and Analysis

In this book, the story of Denmark is a rare, or perhaps the singular, moment of genuine optimism. Arendt sees this as the paradigmatic story of resistance, an example of how people can genuinely block the seemingly insurmountable power of totalitarianism through moral indignation and effective political organizing. Throughout the book, Arendt laments the erasure of stories like Denmark's from the trial and popular narratives of the Holocaust; while the unimaginable suffering of Europe's persecuted peoples is obviously worth honoring and empathizing with, Arendt believes that narrating resistance to totalitarianism is a crucial investment in the future of humanity. This is because it creates models for people to resist genocide in the future and reminds them about the stubborn power of individual moral judgment even amidst the large-scale erosion of conscience characteristic of totalitarian governments like

Related Characters: Adolf Eichmann

Related Themes:  

Page Number: 175

Explanation and Analysis

Not only did Danish resistance prevent the Nazis from killing 99% of Denmark's Jews, but in fact it even *convinced some of those Nazis to change their minds*. The same simple mechanism that made Nazi ideology an unstoppable force within Germany—firm and widespread social pressure—functioned in exactly the opposite way in Denmark. There, the Danish people educated avowed Nazis out of their beliefs, retaught them how to consider the moral consequences of their actions, and most importantly showed them that they had some power over what course the government they worked in would take, while officials like Eichmann still lamented their bad "luck" for having to

push the policies of a murderous fascist regime. “Toughness” largely meant refusing to question or fight orders—it taught people to withstand the moral turmoil of fulfilling orders, but took for granted the notion that people should fulfill all orders, that their moral qualms were wrong rather than the orders themselves.

Chapter 14 Quotes

●● It quickly turned out that Israel was the only country in the world where defense witnesses could not be heard, and where certain witnesses for the prosecution, those who had given affidavits in previous trials, could not be cross-examined by the defense. And this was all the more serious as the accused and his lawyer were indeed not “in a position to obtain their own defense documents.”

Related Characters: Gideon Hausner, Adolf Eichmann, Robert Servatius

Related Themes:  

Page Number: 221

Explanation and Analysis

One of Arendt’s central issues with the Jerusalem trial was that it deprived Eichmann of due process. Because it was inconceivable that the prosecution could lose no matter how much evidence Servatius piled up, this seems like an enormous tactical error on Israel’s part, since it hurt the trial’s credibility (and bolstered the case for trying crimes like Eichmann’s before an international court). While it likely made the show trial much more spectacular, it also revealed deep biases in Israel’s judicial system and demonstrated that, structurally (if not in terms of the judges), the “court of the victors” had depressingly little interest in genuinely seeking truth and upholding justice.

The “witnesses could not be heard” because most were war criminals in their own right, so were either imprisoned or would have been subject to prosecution themselves if they tried to testify in Jerusalem. Likewise, the Israeli archives were understandably biased toward the evidence sought by the prosecution, and Servatius had to operate alone, facing Hausner and his team of assistants.

●● It is true that totalitarian domination tried to establish these holes of oblivion into which all deeds, good and evil, would disappear, but just as the Nazis’ feverish attempts, from June, 1942, on, to erase all traces of the massacres—through cremation, through burning in open pits, through the use of explosives and flame-throwers and bone-crushing machinery—were doomed to failure, so all efforts to let their opponents “disappear in silent anonymity” were in vain. The holes of oblivion do not exist. Nothing human is that perfect, and there are simply too many people in the world to make oblivion possible. One man will always be left alive to tell the story. Hence, nothing can ever be “practically useless,” at least, not in the long run. It would be of great practical usefulness for Germany today, not merely for her prestige abroad but for her sadly confused inner condition, if there were more such stories to be told. For the lesson of such stories is simple and within everybody’s grasp. Politically speaking, it is that under conditions of terror most people will comply but *some people will not*, just as the lesson of the countries to which the Final Solution was proposed is that “it could happen” in most places but *it did not happen everywhere*. Humanly speaking, no more is required, and no more can reasonably be asked, for this planet to remain a place fit for human habitation.

Related Themes: 

Page Number: 232

Explanation and Analysis

Considering the remarkable story of Anton Schmidt, a German Army Sergeant who secretly forged papers and provided transportation out of Poland for Jewish deportees, Arendt refutes the understandable but shortsighted notion that German resistance to the Nazis would have been “practically useless” because anyone who refused to obey orders would be disappeared and forgotten. Beyond the straightforward usefulness of sacrificing one’s life to save many others’, Arendt emphasizes that one’s contribution to the world can be a story: just like learning about Denmark successfully blocking deportations and convincing Nazi officials to recant their beliefs, learning about people like Schmidt can break down the assumption that normal people are *completely* powerless in the face of totalitarianism, and indeed that totalitarianism necessarily causes a *complete* moral breakdown in society. Arendt’s deep, stubborn faith in freethinking individuals—who can always insist on moral judgment and always act in opposition to even the most overwhelming power—shows that, no matter how much totalitarianism pressures people to discard their humanity, it can never completely deprive anyone of it.

Chapter 15 Quotes

☞ In other words, and despite pages and pages of legal argument, based on so many precedents that one finally got the impression that kidnaping was among the most frequent modes of arrest, it was Eichmann's de facto statelessness, and nothing else, that enabled the Jerusalem court to sit in judgment on him. Eichmann, though no legal expert, should have been able to appreciate that, for he knew from his own career that one could do as one pleased only with stateless people; the Jews had had to lose their nationality before they could be exterminated.

Related Characters: David Ben-Gurion, Adolf Eichmann

Related Themes:  

Page Number: 240

Explanation and Analysis

Arendt continues to draw deep, disturbing parallels between Nazi Germany and Ben-Gurion's Israel. By kidnaping Eichmann, Israel exploits the same legal loophole that he exploited in order to ready people for deportation: statelessness. Arendt's lifelong concern with citizenship and statelessness in part stems from her own experience as a stateless refugee after fleeing Germany in the 1930s; if people formally belong to no state, they are in fact subject to the unilateral actions of *any* state because they have no nation to protect them by asserting its legitimate jurisdiction.

Although Arendt's revelations about statelessness here aim to show the hypocrisy in Israel's actions and legal system, and in turn support her argument for a legitimate international tribunal to address crimes like Eichmann's, she still thinks that the kidnaping is theoretically justifiable given that all the countries of Europe tried the Nazis who committed crimes in their territories, Israel has finally given the Jewish people the chance to prosecute crimes against them, and of course there was as yet no international court with the jurisdiction to extradite Eichmann—in short, the injustice of the kidnaping is far less than would be the injustice of letting him go unpunished. Yet the fact that the legal system has to choose between two competing injustices shows that it fails to meet its foundational aim and needs to be significantly reconceived in light of the Nazis' crimes—something Arendt deeply criticizes the judges for failing to do.

☞ “I, the undersigned, Adolf Eichmann, hereby declare out of my own free will that since now my true identity has been revealed, I see clearly that it is useless to try and escape judgment any longer. I hereby express my readiness to travel to Israel to face a court of judgment, an authorized court of law. It is clear and understood that I shall be given legal advice [thus far, he probably copied], and I shall try to write down the facts of my last years of public activities in Germany, without any embellishments, in order that future generations will have a true picture. This declaration I declare out of my own free will, not for promises given and not because of threats. I wish to be at peace with myself at last. Since I cannot remember all the details, and since I seem to mix up facts, I request assistance by putting at my disposal documents and affidavits to help me in my effort to seek the truth.” Signed: “Adolf Eichmann, Buenos Aires, May 1960.”

Related Characters: Adolf Eichmann

Related Themes:  

Page Number: 241

Explanation and Analysis

This is the text of Eichmann's declaration that he was willing to stand trial in Jerusalem. Functionally, it served only to help the Israelis show that, since he ostensibly came to Jerusalem of his own free will, Argentina had no legitimate basis for demanding his return. Arendt suggests that the letter was not necessarily written in Buenos Aires; since he signed it with the month but not the date, it could easily have actually been written in Jerusalem. Yet she gives convincing evidence that Eichmann was probably actually willing to stand trial—in short, he was tired of being anonymous and miserable in Argentina; he saw the trial as a way of claiming his rightful place in history.

A close-reading of this letter reveals a number of the essential traits Arendt sees in Eichmann. The shift to less formal language in the middle of the letter, in part, leads Arendt to think the linguistically challenged Eichmann began writing it for himself (e.g. the redundant “this declaration I declare...”), and most of the rest consists of his trademark, evasive clichés. Surprisingly, he seems fully aware of the faulty memory Arendt so endlessly criticizes; he also insists on speaking the truth he neither remembers nor manages to keep straight across his testimony, and ridiculously promises not to embellish anything—even though he continually boasts about his power and influence in the Nazi bureaucracy, even when it hurts his case. Unfortunately, though, he never obtained many of the “documents and affidavits” he sought to support his

defense.

“Expressing his activities in terms of Section 23 of our Criminal Code Ordinance, we should say that they were mainly those of a person soliciting by giving counsel or advice to others and of one who enabled or aided others in [the criminal] act.” But “in such an enormous and complicated crime as the one we are now considering, wherein many people participated, on various levels and in various modes of activity—the planners, the organizers, and those executing the deeds, according to their various ranks—there is not much point in using the ordinary concepts of counseling and soliciting to commit a crime. For these crimes were committed en masse, not only in regard to the number of victims, but also in regard to the numbers of those who perpetrated the crime, and the extent to which any one of the many criminals was close to or remote from the actual killer of the victim means nothing, as far as the measure of his responsibility is concerned. On the contrary, *in general the degree of responsibility increases as we draw further away from the man who uses the fatal instrument with his own hands.*”

Related Characters: Moshe Landau (speaker), Adolf Eichmann

Related Themes: 

Page Number: 246-7

Explanation and Analysis

To Arendt’s relief, Eichmann’s judges understand the central problem his crimes pose to the conventional definition of murder, and they ignore the prosecution’s insistence that he must have killed someone by his own hand to be guilty. Instead, they begin developing a new concept of the crime of genocide, commensurate with the way the Nazi bureaucracy diffused responsibility and guilt for its violence. Because a central authority delegated the entire program of mass murder, the planners, and not the killers, were most responsible—in fact, many of the immediate killers were Jews themselves, coerced into running gas chambers under the threat of death—and so “aiding and abetting” the genocide, as Eichmann claims to have done, is actually worse than committing it on the ground.

Arendt would likely add that, insofar as the Holocaust was a “crime against humanity,” the leaders who ordered the wholesale slaughter of other groups were the ones to violate the human moral community. In fact, she clearly thinks the judges do not go far enough—while they

reconstrue the conditions for responsibility in the sentence she italicizes, they do not make the necessary sharp distinction between genocide as mass murder and genocide as a crime “against the human status.”

The judges now stated that “the idea of the Final Solution would never have assumed the infernal forms of the flayed skin and tortured flesh of millions of Jews without the fanatical zeal and the unquenchable blood thirst of the appellant and his accomplices.” Israel’s Supreme Court had not only accepted the arguments of the prosecution, it had adopted its very language.

Related Characters: Moshe Landau, Adolf Eichmann

Related Themes:   

Page Number: 249

Explanation and Analysis

The Israeli Supreme Court’s response to Eichmann’s weak appeal may be the most discouraging moment in the entire text; while Landau and his fellow judges noticed the unique character of Eichmann’s crimes and began to address the legal challenges it posed, the Supreme Court threw out Landau’s more impartial perspective and copied the prosecution’s propaganda. According to Arendt, nothing suggested that Eichmann had an “unquenchable blood thirst” and there was strong evidence against the notion that he gave all orders about the Final Solution (like the fact that he learned about the plan relatively late and was horrified).

While this judgment could theoretically be the result of incompetence, Arendt clearly thinks it came from a political bias troublingly similar to the kind that corrupted the judicial system of the Third Reich. By portraying Eichmann as a sadistic criminal mastermind, the Supreme Court gives Israel credit for something it did not do: avenging the Jewish people’s suffering by executing their greatest persecutor, uncovering the singular source of evil behind the entire Holocaust, and proclaiming the grand historical achievement of absolute Jewish sovereignty and perhaps even the defeat of anti-Semitism. For Arendt, this covers up (and proves) the fact that ignorance and compliance are greater dangers than any instinct of “pure evil.” Like the Nazi laws that enforced racial supremacy and revoked Jewish Germans’ citizenship, the Israeli court seems to shut down its moral conscience and put political narratives—propaganda, in Arendt’s eyes—above truth and justice, which are the only legitimate aims of a legal system.

●● Adolf Eichmann went to the gallows with great dignity. He had asked for a bottle of red wine and had drunk half of it. He refused the help of the Protestant minister, the Reverend William Hull, who offered to read the Bible with him: he had only two more hours to live, and therefore no “time to waste.” He walked the fifty yards from his cell to the execution chamber calm and erect, with his hands bound behind him. When the guards tied his ankles and knees, he asked them to loosen the bonds so that he could stand straight. “I don’t need that,” he said when the black hood was offered him. He was in complete command of himself, nay, he was more: he was completely himself. Nothing could have demonstrated this more convincingly than the grotesque silliness of his last words. He began by stating emphatically that he was a Gottgläubiger, to express in common Nazi fashion that he was no Christian and did not believe in life after death. He then proceeded: “After a short while, gentlemen, we shall all meet again. Such is the fate of all men. Long live Germany, long live Argentina, long live Austria. I shall not forget them.” In the face of death, he had found the cliché used in funeral oratory. Under the gallows, his memory played him the last trick; he was “elated” and he forgot that this was his own funeral.

It was as though in those last minutes he was summing up the lesson that this long course in human wickedness had taught us—the lesson of the fearsome, word-and-thought-defying *banality of evil*.

Related Characters: Adolf Eichmann

Related Themes: 

Page Number: 252

Explanation and Analysis

Eichmann can die with “great dignity,” it quickly becomes clear, not because he has solemnly accepted his fate but because he denies it at all costs. In his last moments, he remains caught up in cliché—never in his life does he reach out to reality and truly understand what he has done or been sentenced to suffer. He proclaims his atheism and appeals to religion in the same breath, somehow expecting to “meet [his audience] again” in the afterlife; his inability to come to terms with death is absurd given the amount of death he inflicted, and his flight to clichéd optimism about the afterlife further suggests that he never even got close to understanding the gravity of the Final Solution. Similarly, in proclaiming that *he* “shall not forget” the nations that sheltered him, he seems not to realize that he will no longer have the capacity to remember once he is hanged.

Epilogue Quotes

●● In the eyes of the Jews, thinking exclusively in terms of their own history, the catastrophe that had befallen them under Hitler, in which a third of the people perished, appeared not as the most recent of crimes, the unprecedented crime of genocide, but, on the contrary, as the oldest crime they knew and remembered. This misunderstanding, almost inevitable if we consider not only the facts of Jewish history but also, and more important, the current Jewish historical self-understanding, is actually at the root of all the failures and shortcomings of the Jerusalem trial. None of the participants ever arrived at a clear understanding of the actual horror of Auschwitz, which is of a different nature from all the atrocities of the past, because it appeared to prosecution and judges alike as not much more than the most horrible pogrom in Jewish history. They therefore believed that a direct line existed from the early anti-Semitism of the Nazi Party to the Nuremberg Laws and from there to the expulsion of Jews from the Reich and, finally, to the gas chambers. Politically and legally, however, these were “crimes” different not only in degree of seriousness but in essence.

Related Characters: Adolf Eichmann, Adolf Hitler, David Ben-Gurion, Gideon Hausner

Related Themes: 

Page Number: 267

Explanation and Analysis

At Jerusalem, from the start, history was as much on trial as Eichmann: Hausner began his opening statement with stories of persecution from the Torah, and Ben-Gurion’s desire to portray Israel as offering a clean break from a continuous history of persecution drove the prosecution to label Eichmann the mastermind of the Final Solution. While Israel seems to see the Holocaust as continuous with the past, Arendt sees them as radically discontinuous, for the genocide was no longer primarily a crime against *the Jewish people* but now a crime against *humanity*. Whereas the past was full of violent persecution within particular socio-historical and territorial contexts—one group or another wanted to banish Jews from a particular place but had little interest in their going elsewhere—the Nazis wanted to destroy the Jewish people *as a whole*. Perhaps counter-intuitively, to Arendt, it is the precise attempt to destroy the Jewish people as a whole that makes the crimes of the Third Reich properly *against humanity* and not *against the Jewish people*.

While the Nazis’ original crime was the same as

history's—expulsion—and reflected Hitler's criminal desire to "purify" his territory, the crime of Auschwitz was Hitler's desire to "purify" humanity altogether, i.e. to attack the very diversity foundational to the human species as such. While the crime of the Holocaust was directed against Jews, Arendt sees anti-Semitism as only the route along which this broader attack on human diversity was directed, rather than the distinctive feature of the Nazis' crimes.

●● Just as a murderer is prosecuted because he has violated the law of the community, and not because he has deprived the Smith family of its husband, father, and breadwinner, so these modern, state-employed mass murderers must be prosecuted because they violated the order of mankind, and not because they killed millions of people. Nothing is more pernicious to an understanding of these new crimes, or stands more in the way of the emergence of an international penal code that could take care of them, than the common illusion that the crime of murder and the crime of genocide are essentially the same, and that the latter therefore is "no new crime properly speaking." The point of the latter is that an altogether different order is broken and an altogether different community is violated.

Related Characters: Adolf Eichmann

Related Themes:  

Page Number: 272

Explanation and Analysis

Arendt's crucial argument is that crime violates a *community*—which is why perpetrators are prosecuted by the *state* and cases often called *People v. Defendant*—and not merely particular victims (as in civil cases). This helps her condemn Eichmann in a handful of ways that the court cannot. First, it explains how the genocide of Jews can fundamentally be a crime against *humanity* and not merely against the Jewish people, because the destruction of an entire group of people is an affront to the humanity of all people, which is founded on recognizing the value of others despite their difference from one's own group. In turn, this explains why a targeted genocide is qualitatively different from just murdering millions of people. And, crucially, it also explains how Eichmann could be guilty even if he lacked evil intentions: the *fact* of his crime is all that matters, for he has violated the moral order whether he realizes it or not. His "acts of state" should not be excused either, then, for his crimes should be on trial before all of humanity and not just

a national community—in which case it would have been arguable whether legitimate "acts of state" can ever violate that community's interest. Of course, Arendt accordingly thinks his case requires an international court, although she agrees that Israel's is a reasonable substitute insofar as none existed at the time.

●● It is essentially for this reason: that the unprecedented, once it has appeared, may become a precedent for the future, that all trials touching upon "crimes against humanity" must be judged according to a standard that is today still an "ideal." If genocide is an actual possibility of the future, then no people on earth—least of all, of course, the Jewish people, in Israel or elsewhere—can feel reasonably sure of its continued existence without the help and the protection of international law. Success or failure in dealing with the hitherto unprecedented can lie only in the extent to which this dealing may serve as a valid precedent on the road international penal law.

Related Characters: Adolf Eichmann

Related Themes: 

Page Number: 273

Explanation and Analysis

In the closing pages of her Epilogue, Arendt begins to call explicitly for the formation of an international court to try crimes against humanity, like those of the Nazis. While the Nuremberg Trials were international and set a precedent—much more important than any that came out of the Eichmann trial—for future international responses to crimes against humanity, it was nevertheless *ad hoc*, designed specifically for the Nazis' crimes and not for genocide broadly. It therefore set precedent only because no other precedent was available; for too long, jurists were afraid to explicitly develop a consistent general framework for such crimes—indeed, the International Criminal Court was not founded for decades after the Eichmann trial and Arendt's death.

In addition to her specific call for creating a legal precedent to try genocides, however, Arendt also advances a profound theory of the law's role in preempting future crime: an unprecedented crime poses a challenge to a legal system unprepared to deal with it, and (no matter how *morally* criminal) is not legally a "crime" until an unprecedented law is created to deal with it. In other words, Arendt sees it as the law's responsibility to define what precisely is criminal

about unprecedented evil acts—to absorb them, as it were, into the realm of illegality and make it clear that they will remain such in the future. And in turn, a court’s ability to develop an unprecedented law in response to an unprecedented crime also sets a precedent for future courts to do the same. Ultimately, her notion that certain acts require this kind of judicial activism, much like her emphasis on remembering stories of resistance to totalitarianism, is intended as a sort of best practice for preventing atrocities in the future.

“You yourself claimed not the actuality but only the potentiality of equal guilt on the part of all who lived in a state whose main political purpose had become the commission of unheard-of crimes. And no matter through what accidents of exterior or interior circumstances you were pushed onto the road of becoming a criminal, there is an abyss between the actuality of what you did and the potentiality of what others might have done. We are concerned here only with what you did, and not with the possible noncriminal nature of your inner life and of your motives or with the criminal potentialities of those around you. You told your story in terms of a hard-luck story, and, knowing the circumstances, we are, up to a point, willing to grant you that under more favorable circumstances it is highly unlikely that you would ever have come before us or before any other criminal court. Let us assume, for the sake of argument, that it was nothing more than misfortune that made you a willing instrument in the organization of mass murder; there still remains the fact that you have carried out, and therefore actively supported, a policy of mass murder. For politics is not like the nursery; in politics obedience and support are the same. And just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations—as though you and your superiors had any right to determine who should and who should not inhabit the world—we find that no one, that is, no member of the human race, can be expected to want to share the earth with you. This is the reason, and the only reason, you must hang.”

Related Characters: Adolf Eichmann

Related Themes:   

Page Number: 278-9

Explanation and Analysis

This is Arendt’s own version of the judgment, her speech to Eichmann were she to have presided over the court. While the Jerusalem court convicted him on the obvious evidence but failed to fully explain the extraordinary character of his crimes (beyond denying the prosecution’s assumption that he needed to have killed someone with his own hands), and the Supreme Court simply rejected his appeal by choosing to turn away from the facts and accept that Eichmann was the Holocaust’s architect, Arendt gives a consistent theory of why—regardless of his intent and others’ potential guilt—he deserved his death penalty *specifically for his crimes against humanity*.

Arendt justifies hanging Eichmann by turning the principle underlying his own violence. Insofar as Eichmann chose to police which groups got to live and die, he was first a threat to the human community that had to be eliminated in order to preserve its diversity, and, secondly, he was no longer able to claim any right to his own life, since he never honored anyone else’s. While Arendt no doubt thinks these are both legitimate reasons to hang Eichmann, her phrasing in this passage is actually closer to the second: she says that nobody “can be expected to want to share the earth with you”; since Eichmann does not honor other people’s right to share the earth with him, nobody has to honor his right to the same, and therefore, it seems, he could be justly executed even arbitrarily or extrajudicially.

Finally, Arendt’s notion of human agency stands at the core of her argument that “obedience and support are the same” in politics; while one may be forced to obey one’s parents or teachers without agreeing with them, Eichmann freely chose to work for Hitler’s regime and could have freely chosen to resign. This is, of course, why the rest of Germany was not executed for the Holocaust even if they were morally complicit in it.



SUMMARY AND ANALYSIS

The color-coded icons under each analysis entry make it easy to track where the themes occur most prominently throughout the work. Each icon corresponds to one of the themes explained in the Themes section of this LitChart.

NOTE TO THE READER

Arendt explains that the revised second edition of *Eichmann in Jerusalem* is slightly enlarged and revised from the original. All these changes are technical and do not affect the book as a whole; reliable data about the Nazis is hard to come by and new evidence continued to surface in the decades after World War Two.

Arendt received extensive criticism from Israeli and American Jews concerned about her depiction of Israel; she wants to confirm that she stands by her original critiques of the trial, Israel, and Zionist collaborators and has not tried to appease her critics in this edition.



CHAPTER 1: THE HOUSE OF JUSTICE

An usher shouts “Beth Hamishpath” (“the House of Justice”) as Eichmann’s three judges walked to their seats on the courthouse’s highest tier, above translators who convey the Hebrew proceedings in “excellent” French, “bearable” English, and “frequently incomprehensible” German—which is strange, since the defendant, all the judges, and a large portion of the Israeli population are native German speakers. Below are the witness box and the accused, in a **glass booth**, and below them are the prosecutorial team and Eichmann’s lone defense attorney, Robert Servatius.

From the start, the usher’s cry announces the Eichmann trial’s true motive—justice—while showing that the trial is nonetheless also a public show. The courtroom is organized hierarchically in tiers, with the judges (and therefore justice) at the top. Eichmann’s glass box at once protects him from potential threats and frames him as a spectacle. The court’s peculiar linguistic politics—everything has to be in Hebrew, even though all the trial’s major actors are German-speakers—show Israel’s attempt to define Jewish identity on its own nationalist terms.



The judges, unlike the usher and prosecution, are not theatrical at all; they are sober and impartial, “obviously three good and honest men.” They do not pretend to wait for the Hebrew translation; presiding judge Moshe Landau even corrects the German translator and encourages the others to address Eichmann in German, which proves his “remarkable independence of current public opinion in Israel.” Despite Landau’s authority and best efforts, Arendt says, the trial sometimes lapses into showmanship—the courthouse is built like a theater, and Prime Minister David Ben-Gurion is the trial’s “invisible stage manager.” He speaks through the obedient prosecutor, Attorney General Gideon Hausner, who serves the Israeli government as loyally as judge Landau serves Justice.

Arendt draws out more explicitly the tension she has already introduced: the court is caught between the judges’ quest for just punishment and the Israeli state’s desire to make a political statement. While the judges have control over the courtroom, Ben-Gurion has control over how the trial is interpreted throughout Israel and the world; it seems that, without the judges’ resolute impartiality, the trial would serve as a propaganda tool much like the Nazi legal propaganda Arendt addresses in subsequent chapters.



“Justice demands” that the trial set aside “the other questions of seemingly greater import” that involve the causes, effects, and responsibility of various parties for the Holocaust, and instead focus singularly on the actions and guilt of the diminutive and awkward defendant. Ben-Gurion, contrary to Justice, allows Hausner to speak endlessly with the press and put on a show for the audience, which is supposed to stand in for the world at large. Hausner claims to “make no ethnic distinctions” in Eichmann’s crimes, which is the prosecution’s “key sentence” because its case is founded precisely on Jewish suffering. After the Nuremberg Trials, Hausner and seemingly “everyone else in Israel” insisted that a Jewish court had to try crimes against Jews, and opposed the prospect of an international court.

Despite the claim of “no ethnic distinctions,” Israel certainly makes them: Jews and non-Jews cannot marry in Israel—which was one of the Nazi policies from the Nuremberg Laws denounced by the prosecution. And the trial is, at first, a grand show of Jewish suffering for the world, and also for an audience of Israelis who are supposed to see “what it meant to live among non-Jews” and thus consider Israel their only chance at safety and honor. But the audience members are mostly Holocaust survivors who already “knew by heart all there was to know” and merely want the opportunity to relive their painful private stories in a public forum.

The “show trial” begins collapsing precisely because of the prosecution’s focus on the victims over the accused. But the defense’s refusal to challenge any testimony does not help the judges’ attempt to rein the trial back in. Ben-Gurion explains even before the trial that he ordered Eichmann’s kidnapping in order to expose the truths of Nazi anti-Semitism. Of course, this is a paltry justification—Hitler already discredited anti-Semitism, and the world’s Jews hardly need a reminder of the Holocaust. In fact, the Zionist belief in ubiquitous anti-Semitism actually led many Zionist groups to collaborate with the Nazis in the early years of the Third Reich.

Hausner emphasizes “the contrast between Israeli heroism and the submissive meekness with which Jews went to their death,” conveniently forgetting that all the Nazis’ other victims did the same. The court also never remembers instances like the Dutch Jewish revolt against the German police in 1941. Ultimately, the prosecution inadvertently distorts “even the Jewish truth.”

Clearly, Israel wants the trial to represent the Jewish people finally rising up against and defeating the forces of their oppression; in the process, it seems to forget the various other victims of Nazi crimes and wants to speak with a single voice for all Jews of all persuasions in all places. The conflict over who should try Nazi war criminals shows that there is no clear precedent for one state to address obviously criminal actions by the agents of another state. The Nuremberg Trials’ apparent leniency and the Eichmann trial’s showmanship demonstrates how a legal system charged with upholding a universal concept of justice nevertheless operates within the particular political context and demands of a state and era.



Arendt already accuses Israel of echoing Nazi policy: both states conceived themselves as the protectors of a certain ethnic group, and protected marriage in order to ensure a sort of ethnic purity. By focusing on stories of suffering and death that had little to do with the defendant, Ben-Gurion could consolidate Jews’ loyalty by arguing that only Israel righted the wrongs of the entire Holocaust, for which Eichmann is made to stand. The audience Arendt describes—survivors who want to see their suffering acknowledged—suggests that the international public has failed to address or come to terms with the Holocaust’s moral complexity.



The prosecution seems to undermine its stated purpose: instead of presenting evidence against Eichmann (who everyone seems to know is clearly guilty), it uses its airtime and attention to try and recast Zionism as Jews’ only way out of persecution (and erase its astonishing contributions to the Holocaust). Ben-Gurion needs to justify Eichmann’s kidnapping precisely because there is no clear reason for Israel to lead his prosecution.



In his attempt to present Israel as a heroic force, Hausner triply dishonors Holocaust victims and covers up the truth: he insults people who were understandably too afraid to resist, portrays this “submissive meekness” as a uniquely Jewish trait, and erases stories of resistance, which demonstrate that totalitarianism is not always total.



On the other hand, Ben-Gurion’s campaign does successfully help the Israelis find other Nazis and criminals—not in the Arab world that collaborated with the Nazis and offered them shelter, but in West Germany, which scarcely prosecuted its remaining Nazis. Hausner scarcely mentions West Germany, however, on account of its close ties to Israel. Although West Germany reserved its harshest punishment for offenders who openly admitted and denounced their actions at the Nuremberg Trials, in 1962, almost half of West Germany’s active judges have worked under the Nazis, and Germans remain largely indifferent about their history of mass murder.

Fearing backlash from the international community, West Germany begins zealously prosecuting Nazi criminals in the months leading up to the Eichmann trial. Despite Hausner’s insistence on making the trial about the totality of Jewish suffering during the Holocaust, he never points out “the almost ubiquitous complicity” of German citizens and public officials with the Nazi regime, instead preferring to focus on Eichmann.

The centerpiece of the trial is not Eichmann and not merely the Holocaust, but rather the history of anti-Semitism, starting with stories of persecution from the Hebrew Bible. Astonishingly, Servatius responds by blaming Jews for the violence committed against them and suggests that the Nazis, by failing to entirely destroy the Jews, allowed Israel to be formed. Despite all these diversions, “there remained an individual in the dock, a person of flesh and blood,” and the court’s job is to deliver a verdict.

CHAPTER 2: THE ACCUSED

Eichmann was captured on May 11, 1960 outside Buenos Aires and brought to trial exactly 11 months later, on fifteen counts encompassing “crimes against the Jewish people, crimes against humanity, and war crimes.” Each of these carried the death penalty, and Eichmann cryptically pleaded “not guilty in the sense of the indictment” to each of them. No one bothered to ask him what this meant, but Servatius explains this to the press by claiming that “Eichmann feels guilty before God, not before the law.”

Servatius’s own explanation centers on the notion that Eichmann was committing “acts of state,” not crimes, because he was quite literally carrying out the law. Eichmann insists that he never killed anyone, nor ordered anyone to kill anyone, and so was only guilty of “aiding and abetting” the Holocaust, which he admits was “one of the greatest crimes in the history of Humanity.” The defense ignores this question.

Ben-Gurion’s emphasis on Arab collaborators shows how Israel’s narrative of the Holocaust is deeply affected by its own political concerns and conflicts. The greatest horror for Arendt is not Arab countries’ open (and, she implies, politically understandable) anti-Semitism, but rather the complacency of German people and institutions that prefer to forget rather than come to terms with their nation’s violent past.



Hausner emphasizes the magnitude of Jewish suffering, but not the magnitude of the Nazi bureaucratic regime or German citizens’ collaboration with it; he wants Eichmann to stand singularly for the entire Holocaust and cover up the broader attitude of complacency that allowed Nazi crimes to go unchallenged.



In fact, Arendt argues, Hausner and Ben-Gurion want Eichmann to stand for the entire history of anti-Semitism, which Israel presents itself as having magically and single-handedly defeated. Arendt will soon show that Servatius is partially correct about the Nazi role in Israel’s establishment, but his argument is horrifying and tone-deaf precisely because he uses the prosecution’s portrayal of Israel to justify the Holocaust.



From the moment of his capture, the legal challenges surrounding Eichmann’s trial are obvious and multiple: there is the legality of his kidnapping, the nature of and relationship among the kinds of crimes for which he faces charges, whether a conventional indictment is sufficient for his extraordinary crimes, and the difference between moral and legal guilt (if there is, or should be one).



The defense’s argument is essentially about jurisdiction: one government cannot prosecute the agents of another. Of course, he leaves open the question of whether such “acts of state” could ever warrant punishment by another body.



Meanwhile, the prosecution tries endlessly to prove that Eichmann had indeed killed people, and they end up focusing on a dubious handwritten note by a German official reading, “Eichmann proposes shooting.” In reality, the eight thousand Jews in question were already being shot, and when asked whether he would coordinate their deportation instead, Eichmann refused. Inexplicably, at the trial, he claims the document was forged; regardless, he clearly had no power to order around the Army generals who coordinated the shootings on the ground. Eichmann considers himself “a law-abiding citizen” following the Nazi regime’s highest law of all: Hitler’s orders. He never pretends to have opposed the Holocaust or to regret his actions, but does suggest he might “hang myself in public as a warning example for all anti-Semites on this earth.”

Eichmann tries to explain why he did not meet the indictment, which suggested that he acted “out of base motives and in full knowledge of the criminal nature of his deeds.” He believes he had no base motives and in fact would have had a bad conscience had he refused to follow his orders “to ship millions of men, women, and children to their death.” The half-dozen psychiatrists who interview him consider him remarkably “normal,” indeed psychologically healthy (even though the prosecution later claims he is a bloodthirsty sadist). He also clearly has no particular hatred for Jews.

The court finds this all remarkably difficult to stomach—it seems impossible that a “normal” person “could be perfectly incapable of telling right from wrong.” This draws them into a dilemma: Eichmann was “normal” because he followed the Nazi law, but “normal” also implies that he should have realized he was acting criminally—in fact, under the Third Reich, “only ‘exceptions’ could be expected to react ‘normally.’”

Eichmann was born in 1906; in his memoirs, despite his professed atheism, he credited “a higher Bearer of Meaning,” a term that echoes the language of Nazi military ranks. While his four siblings did fine in school, Eichmann failed out of both high school and the vocational school he attended instead. He finally admits this during his interview with the Israelis, which is remarkable, given how eagerly he tends to bend the truth. His father gave him a job at his mining company, and then in sales at the Austrian Elektrobau Company. Through Jewish relatives, Eichmann then found work as a traveling salesman for the Vacuum Oil Company. Indeed, he never forgot their contributions and emphasizes that he “never harbored any ill feelings against his victims”—he even had a Jewish mistress for a time in Vienna.

The prosecution’s insistence that Eichmann personally killed or ordered killings demonstrates its inability to grapple with the especially frightening character of Eichmann’s crimes: he facilitated murder at a distance, from behind a desk, by following orders. The conventional concept of murder as one individual killing another is obviously inadequate to address Nazi crimes. Within a few lines, Eichmann claims to be intensely remorseful and then not regret his actions at all; this inconsistency, and his inability to see a clear chance to exonerate himself on the prosecution’s claim to connect him directly with murder, shows his incompetence.



Arendt introduces the paradox of conscience under the Nazi regime: Eichmann appeared psychologically “normal” and believed he was following the law, not committing crimes. This means that, technically, he probably does not meet the indictment, but this fact also proves the indictment’s inadequacy to deal with the special character of his horrendous crimes. The prosecution seemed unwilling to come to terms with this moral conundrum, and instead suggests he was like any other murderer.



It seems that being “normal” no longer requires moral common sense: Eichmann’s normalcy lay in his willingness to follow orders instead of thinking for himself. Indeed, the Nazi regime seems to have inverted the structure of normal conscience, so that anyone who followed their moral sense and spoke out would be considered an enemy of the state.



Early in his life, Eichmann was apparently completely unable to do anything for himself: his family supported him through all his failures and despite all his incompetence. He somehow managed to participate in the extermination of Europe’s Jews despite his personal ties with them; he not only put his job duties above his private moral sense, but also seemed not to realize that the latter could meaningfully bear on the former.



Although Eichmann was happy and enthusiastic in his job for some time, after being transferred from Linz to Salzburg in 1932 he suddenly “lost all joy” in work and was fired soon thereafter. He joined the Nazi Party and S.S. in the same year. Ernst Kaltenbrunner invited him, as the two men’s fathers were friends—but Kaltenbrunner treated Eichmann as a social inferior, which showing his demotion from his middle-class upbringing.

From his childhood until the end of World War Two, Eichmann was a “joiner,” always a member of some organization or another—in fact, in 1932 he was forced to choose between the Nazis and a Freemasons’ club organized “to cultivate merriment and gaiety,” but the latter kicked him out after he invited older members for a drink. He joined the Nazi Party without reading its platform or Hitler’s *Mein Kampf*; he joined the S.S. because, “why not?” Frustrated with his job, the Nazis offered him a chance to become part of History and, in particular, to “start from scratch and still make a career” despite his earlier failures. He says he likely would have preferred to be hanged as a high-ranking Nazi official than to die an irrelevant traveling salesman.

After Hitler’s election in 1933, Austria banned the Nazi Party, so Eichmann went to Germany, where he still had citizenship, and started military training with the S.S. But he hated “the humdrum of military service” and decided to apply for a job at the Reichsführer’s Security Service, or S.D.

CHAPTER 3: AN EXPERT ON THE JEWISH QUESTION

When Eichmann joined the S.D. in 1934, Reinhardt Heydrich was its head, and its mission was to spy on other Nazis for the S.S. Eichmann was disappointed—he thought it was the personal security service for Nazi officials, and he returned to the bottom of the hierarchy. He was assigned to research Freemasons and then Jews, although well before the Nazis had begun persecuting them openly. They had, however, excluded Jews from the Civil Service, public offices, and universities, and small-scale Jewish emigration was beginning. Anti-Jewish policy did not accelerate until Kristallnacht in 1938; the 1935 Nuremberg Laws “deprived the Jews of their political but not of their civil rights,” making them noncitizens but still *Germans*, but Jews largely thought themselves safe and independent under their separate law.

After working at the Vacuum Oil Company, Eichmann also stumbled into the Nazi Party through family connections. His incompetence clearly disappointed his family; it already seems astonishing that such a mundane and directionless man could have become one of history’s greatest war criminals.



Eichmann’s tendency toward “joining” shows his difficulty conceiving his identity independently from membership in a larger group, and his ill-fated sojourn in the Freemasons’ club shows how little he actually thought through joining the Nazis. He did so in order to find acceptance, rather than out of any political motives or inclinations. With his life characterized perpetual failure, the Nazis offered Eichmann the prospect of a job as mundane and unremarkable as his personality. He seems to have ultimately come into his prominent role through no fault or intention of his own.



Eichmann quickly realized he had stumbled into an unsatisfactory job, and so stumbled his way into another part of the enormous Nazi bureaucracy.



Eichmann again realized that his position in the Nazi Party was not what he anticipated, and he found his role in Jewish affairs entirely by accident. Notably, Germany’s legal system became a tool for disenfranchisement and persecution, not for the administration of justice or protection of people’s rights. Of course, this gradually expanded over the years, and it underlines the importance of the Israeli judges’ insistence on impartiality and seeking justice over twisting the law to political ends. It is also worth mentioning that Arendt was part of this earliest wave of Jewish emigration from Germany.



In his new job, Eichmann was required to read Theodor Herzl's crucial Zionist text *Der Judenstaat* and became an avowed Zionist himself, seeking to find land for the establishment of a Jewish state. He learned some Hebrew so that he could understand Yiddish, and continued to read about Zionism (which was remarkable, because he almost never read prior to this in his entire life) before starting to spy on Zionist groups and meetings.

Zionism appealed to Eichmann because he considered Zionists just as "idealist" as himself—meaning they would live and die for their ideas. One such Zionist "idealist," Dr. Rudolf Kastner, later worked with Eichmann to deport hundreds of thousands of Jews to Auschwitz in exchange for a few thousand winning free passage to Palestine.

In 1938, Eichmann went to Vienna to begin coordinating Jewish emigration, which was—in violation of the official Nazi Party platform, that the Party never followed regardless—no longer voluntary but now *forced*. His expulsion policy was remarkably successful, but only because of Heydrich's plan to make rich Jews pay a fee that could be used to fund poor Jews' emigration. Here Eichmann also learned about his own "special qualities"—he was a good organizer and negotiator. He created "an assembly line" of bureaucrats to speed up the process of obtaining emigration papers. Jewish organizations obtained the foreign currency emigrants needed to enter other countries, sold it to them at exorbitant exchange rates, and used the profits to fund their own activities and help poorer Jews emigrate.

One of Eichmann's vices is bragging: he boasted about his role in the Holocaust and claimed responsibility for ideas that surely were not his. This is why he was captured and became seen as a central figure in the Nazi regime.

While Hausner and Ben-Gurion portray Zionism and Nazism as irreconcilable opponents, in fact Eichmann favored the creation of Israel in the early years of the Third Reich, and seemed genuinely eager to learn about Judaism and Jews' prospects for self-determination before he ended up participating in the Holocaust.



To Eichmann, "idealism" means using imagined ends to justify cruel means; his praise for "idealism" recalls Servatius's dubious argument that the Nazis should be credited with Israel's creation. While Israel may not have formed except in response to the Nazi regime, during the war it actually served as an excuse to justify deportations rather than as a counterweight to them.



The professed Nazi platform was a convenient political tool rather than a sincere commitment to principles. By pointing to its defined policy goals, the Nazi regime could reassure its opponents that they were not to be targeted before ignoring their platform and targeting them anyway. Eichmann's success in his job, for the first time ever, likely cemented his unquestioned allegiance to the Nazi hierarchy, irrelevant of policy or ideology. Heydrich's fee policy not only made emigration easier, but also allowed Jewish organizations to expand—not in order to fight the Nazis, but to help facilitate further deportations.



Caught up in his desire for status, Eichmann failed to see what he was falsely claiming responsibility for. Since his role in the Nazi regime was his only source of identity and pride, he overplayed his contributions without fully realizing that he was bragging about committing mass murder.



Eichmann's "more specific" and "more decisive" issue, however, is "his almost total inability ever to look at anything from the other fellow's point of view." He seems to think he was helping the Jewish community, which genuinely wanted to emigrate. The lengthy police examination is "a veritable gold mine" on this matter, and indeed "outright funny" in some cases, like "Eichmann's heroic fight with the German language, which invariably defeats him." He cannot speak except in received clichés, which may be why the psychologists consider him normal and the judges think he's lying.

Arendt insists, however, that Eichmann is simply unable to think from anyone else's perspective: he thought it wise to complain to a Jewish police officer about his inability to get promoted in the S.S., and seems to expect sympathy from the world for his difficulties and failures. Meeting an old friend who was detained in a concentration camp, Eichmann told him, "What rotten luck!" and says he felt "a great inner joy" to have seen the man and assigned him slightly less backbreaking labor. (The man was shot dead six weeks later.)

Eichmann is no "ordinary criminal," Arendt says; whenever he was unsure of himself, he would think back to the Nazi regime's slogans and lies, shielding himself from reality and deceiving himself out of his guilt. In fact, this was so common and ingrained in the German public that, in many ways, "mendacity has become an integral part of the German national character." This allowed him to boast about his actions even after fleeing to Argentina, but also proclaim that he hoped "to find peace with [his] former enemies." This was a stock phrase, frequently spoken among Nazi officials and one among many that Eichmann repeats throughout his interview and trial.

Eichmann's memory is also horrible: he forgets most of the main events of the Nazi regime but always remembers important dates from his own career and, of course, the Nazis' stock phrases, which give him a "sense of elation" no matter how inconsistent they are. This makes it hard to take him seriously in trial, for he is not only obviously ludicrous but also incompetent about "everything that was not directly, technically and bureaucratically, connected with his job." He seems like a clown, not a monster, and contradicts himself recurrently throughout his trial.

Eichmann's incredible failure of empathy is already apparent in his obviously inconsistent claims to be proud of, but also need to repent for, his role in mass murder. His clichés are tools for him to regulate his own emotions in the moment and avoid confronting the truth. Not only does he fail to take "the other fellow's point of view," but he is also unable to form a coherent viewpoint of his own, as he becomes literally unable to speak for himself and simply parrots received Nazi ideology.



Eichmann's incompetence is almost more horrifying than the possibility that he is simply evil. He could not realize that people were suffering because of the job he cherished, and seemed to see his friend's detention as an unfortunate act of the universe over which he had no control. He clearly never considered the man's horror at his impending death or feelings about seeing his former friend as a Nazi officer, not to mention the morality of his own actions.



Eichmann's criminality, Arendt suggests, was unique because he failed to see that he was a criminal: the totalitarian Nazi regime so carefully cultivated moral blindness that he never considered the possibility that his government might not need to commit a genocide. The horrendously insulting notion of "find[ing] peace" with Jews as "former enemies" shows Eichmann's failure to recognize the magnitude of Jewish suffering and the one-sidedness of Nazi violence against them.



Again, Eichmann focused on his own professional advancement; he had no holistic perspective on the Nazis' broad political and military goals. This creates a problem for the prosecution: Eichmann was too ignorant about his own party's strategy and actions to have plotted or coordinated the Holocaust.



CHAPTER 4: THE FIRST SOLUTION: EXPULSION

In a normal trial, Arendt suggests, she could turn to the defense's case. But the facts of Eichmann's guilt were well-established, and even though the prosecution mostly fails in its attempts to show Eichmann as guiltier than he actually was, the defense never addresses or challenges the basic facts of the matter. It never mentions Eichmann's distorted belief that he was working in Jews' self-interest in the early days of the Third Reich, saving them by helping them leave Germany, perhaps because this would have proven that he was more than a "small cog" in the Nazi Party. But this kind of ignorant distortion remains popular in the German public, and even among German intellectuals.

Before the War, the Nazis were closely allied with the growing Zionist movement. Ninety-five percent of German Jews belonged to the Central Association of German Citizens of Jewish Faith, which dedicated itself to the "fight against anti-Semitism"—this Association was considered an enemy of the State, leaving the small Zionist minority the only group willing to negotiate with the Nazis. While the Nazis were outwardly anti-Semitic, they secretly appreciated Zionists' nationalist thinking and made it easier for Jews to migrate to Palestine, ensuring the easy transfer of currency and negotiating with emissaries who came from Palestine seeking "suitable material" for settlements.

Eichmann remembers almost none of this, however—besides one functionary who invited him to Palestine (from which he was promptly deported). The fact that he so fondly recalls his time in Vienna after this trip suggests that this truly was one of the happiest periods in his life, even if the Nazis had already given up their Zionism by then. Eichmann remembers Jewish leaders who collaborated with him, but never those who dissented, such as Dr. Franz Meyer, who (like the prosecution and judges) noticed Eichmann's "genuine and lasting personality change" after his promotion in 1939. Indeed, he was promoted four times from 1937 to 1941 and, although he could rise no higher, was considered an expert on "the Jewish question" and matters of emigration. The Reich Center for Jewish Emigration, established in 1938 and headed by Heinrich Müller, was based on Eichmann's Vienna office.

In the trial, neither side actually worried much about the truth of Eichmann's guilt. The prosecution was focused on exaggerating Eichmann's responsibility to suggest that Israel successfully avenged the Jews against the Nazis, and the defense's case was almost entirely about questions of jurisdiction. Arendt thus thinks both sides missed the most interesting dimensions of the case, which revolve around Eichmann's distorted mindset regarding his work with Jews and ultimate inability to recognize what he was doing.



Although Israel tries to push Zionism as the only paradigm for Jewish identity after World War Two, in fact it was a fringe movement before the war, and troublingly, the Nazi willingness to collaborate with and spare Zionists likely led to its relative expansion among Jews who survived the war. The parallel between German and Jewish nationalist ideologies of ethnic purity is clear, as is Ben-Gurion's motivation for doing whatever he can to cover up Zionism's early alliance with Nazism.



Again, Eichmann undermines his own case by failing to remember the early work that he believed he was doing on behalf of Jews. His happiness, however, was completely unrelated to the substance of his work: he was delighted to finally win power and recognition within his organization, and quickly began imitating the mannerisms of someone as powerful as he seemed to have become. The internal structure and ideology of the Nazi bureaucracy entirely determined his personality, motivations, and actions; beyond his apparent inability to think from other people's perspectives, he was also unable to think for himself.



In March 1939, Eichmann was sent to Prague, where he implemented the same system as in Vienna and confronted a world decreasingly willing to accommodate more Jewish emigrants after hundreds of thousands had already fled Germany, Poland, and Rumania. The Second World War began six months later, in September, and Eichmann returned to Berlin to take over Müller's post at the Reich Center for Jewish Emigration, just as the Nazis were giving up on emigration as a possible solution to "the Jewish question."

Beyond threatening Eichmann's role, which depended on his expertise in matters of emigration, this turn of events reflects the international community's unwitting complicity in the Third Reich's shift toward a policy of mass murder, as other countries refused to take in more refugees (and often gave horribly anti-Semitic justifications for doing so).



CHAPTER 5: THE SECOND SOLUTION: CONCENTRATION

Soon after the beginning of the war, Heinrich Himmler combined the S.S. Security Service (S.D.) with the state police (including the Gestapo) into the Head Office for Reich Security (R.S.H.A.), headed by Reinhardt Heydrich (and later Ernst Kaltenbrunner), which became one of the S.S.'s twelve main offices. The Nazis were sure to talk about concentration and extermination "objectively," in the unemotional terms of "administration" and "economy." Servatius is the most objective of all: he insists that mass murder was "a medical matter."

By sanitizing their language, Nazis could disconnect emotionally and systematically from what they were doing. They refused to see their victims as humans with moral worth and instead confined themselves to bureaucratic language. The bureaucracy's massive size and distance from the violence on the ground were key factors in the unique form of state-sponsored mass extermination the Nazis seemed to pioneer, since they dispersed and displaced blame.



Heinrich Müller headed the R.S.H.A. Gestapo bureau, Section IV. Eichmann worked directly for him in Subsection IV-B, dealing with Jewish matters. Müller answered to Heydrich (later Kaltenbrunner), who answered to Himmler, who directly carried out Hitler's orders. Himmler also directed the separate regional S.S. and Police Leaders, who also outranked Eichmann—ultimately, Eichmann's rank was not particularly high, and his importance relied only on his oversight of Jewish affairs. This "absurdly complicated" structure of "parallel institutions" competed over their shared goal: "to kill as many Jews as possible." After the war, they instead started competing to exonerate themselves and blame the others, which explains high-ranking Nazis' eagerness to blame Eichmann for crimes that were not his.

The Nazi bureaucracy's complex organization also prevented people from thinking in moral terms. In their focus on self-promotion and competition, Nazi officers lost track of their actions' moral consequences and felt their roles insignificant enough that they didn't need to blame themselves for the actions of a larger apparatus whose orders they were merely carrying out. The prosecution clearly played into Eichmann's self-promotion and other officers' eagerness to blame him by treating this as proof of his substantial role in coordinating the Holocaust.



When Eichmann took his new post, "forced emigration" was the official policy but clearly no longer possible on a mass scale. So Eichmann came up with three ideas—none of which worked and two of which were certainly not originally his. The one that may have been original was to create a Jewish state in Poland; he found some land and began deporting Jews there, but his deportees started escaping across the border to the Russian-occupied half of Poland and the Governor General of (German) Poland, Hans Frank, put a stop to the plan and sent them back. This was clearly also a way for Eichmann to gain power in the Nazi regime—presumably by overseeing the new Jewish state—and its failure probably convinced him to set aside his private motives.

Eichmann's plans were clearly influenced by the Zionist call for a Jewish homeland, and remarkably similar to the Israeli government's portrayal of its role for the Jewish people—but this irony seems mostly lost on everyone involved in the trial. Again, although the Nazi regime is generally conceived as a strict hierarchy, infighting among officers was actually an enormous obstacle to Eichmann's plan, and this shows that, no matter how unified and coherent it may seem, totalitarianism often includes competing and dissenting factions.



Eichmann's second idea was his plan to move Jews to Madagascar, which was occupied by the French, and which Eichmann tended to confuse with Uganda. He quickly discovered that it would be impossible to ship millions of people there, and his serious work on the Madagascar plan was actually a front for other Nazi officials to start preparing for the policy everyone knew would come next: mass murder. (This was already happening in Poland.) Eichmann did not realize at the time that the Madagascar idea was a farce, but he jeopardizes himself at trial by claiming to have known all along.

Before the invasion of Russia, different offices had different policies and proposals for addressing "the Jewish question," but Eichmann believed his efforts to unify them all by creating a Jewish state failed because of infighting among the various Nazi agencies. As killing squads took over responsibility for dealing with Europe's Jews, Eichmann's job became the coordination of shipments to various camps depending on their killing capacity and need for labor. He was frustrated, since his former expertise became obsolete.

Three months after the invasion, in September 1941, Eichmann tried his third plan: to create a homeland for German Jews inside Nazi territory. Someone proposed Theresienstadt, and Eichmann went to investigate. It was much too small and instead became "a special ghetto for certain privileged categories of Jews," as well as the only camp under Eichmann's jurisdiction.

In telling his story, Eichmann disregards the chronological order of events and instead jumps around among "human-interest stories of the worst type," like the time he first saw Heydrich's "more human side" and the time the Slovakian government invited him to Bratislava, where he bowled and learned about Heydrich's assassination. He does not remember even the year of this latter story, nor does he remember that Theresienstadt was opened after "the era of the 'physical solution' had begun." He also could not have anticipated that Theresienstadt would become "a showpiece for the outside world" and host International Red Cross visitors.

The notion of shipping millions of Jews to an already-populated French island off the East African coast is so comically improbable that it seems only Eichmann would be stupid enough to defend it. Instead, he again tries to save face, when admitting his incompetence would have demonstrated his diminished role in the Nazi hierarchy. In a sense, he seems to want the fame associated with being considered the Holocaust's mastermind.



Although Eichmann still dealt with transportation matters, he was frustrated not because he failed in his mission to create a Jewish state but simply because his job became easier: he no longer had to convince Jews to emigrate (of course, they took little convincing in the first place). In fact, while infighting was a complicating factor in the Nazi regime, Eichmann simply failed to realize that Hitler had already determined that extermination would become official policy.



Although Eichmann's final plan was just as naïve as his first two and fundamentally motivated by his desire for professional advancement (rather than his genuine interest in creating a Jewish state), it did nevertheless lead to his only really powerful position, his oversight of Theresienstadt.



Eichmann continues to seem entirely bogged down in his own emotions and unable to recognize the broader national and global context in which he was operating throughout his time in the German government. He was flattered at any sign of his superiors' humanity—the Nazi hierarchy seemed to entirely determine people's value and attention-worthiness—but never thought about Jews' humanity, except that of friends or acquaintances.



CHAPTER 6: THE FINAL SOLUTION: KILLING

A few weeks after Germany attacked the Soviet Union in June 1941, Hitler tasked Heydrich with “the implementation of the desired final solution of the Jewish question” and Heydrich informed Eichmann that the Nazis’ new policy would be extermination. At first, Eichmann was shocked, and at trial he fails to remember that Heydrich also told him that this “Final Solution” would not be his office’s responsibility. Eichmann was one of the first lower-ranking Party members to learn about the Final Solution, but by no means early in the Party as a whole; besides occasionally among the so-called “bearers of secrets” who knew about the program’s details, extermination was only ever discussed in coded language that prevented officers from connecting their actions with “their old, ‘normal’ knowledge of murder and lies.”

Eichmann was mostly uninvolved in the details of the gassing. Although the prosecution falsely claims that he informed many higher-ranking officers about the Final Solution, they certainly knew before him, and when one of these officers described the gassing process to him, Eichmann left horrified, overcome with “a certain inner trembling.” He inspected various killing centers before they became active and observed some of the earliest methods of extermination—gassing in vans (he looked away) and firing squads (he turned around upon seeing bodies and was comforted by the sight of a beautiful railway station on the way home). He saw one group go to their deaths at Treblinka, but never visited the Auschwitz gas chambers or actually watched people being gassed. He merely saw and knew all he needed to understand “the destruction machinery.”

The defense never challenges any of these facts, which were established and are certainly enough to warrant the death penalty, especially since Eichmann’s visits to the killing centers proves his knowledge of and legal responsibility for his deeds. He was not acting “to save himself from the danger of immediate death” and did nothing “to avert consequences more serious than those which resulted,” so the laws based on those principles cannot acquit him. There is the “remote possibility” that his punishment could be reduced because of “acts done under superior orders,” but the defense does not make this argument and instead appeals to “acts of state,” a principle which would have made no Nazi liable to stand trial.

Eichmann’s relatively insignificant role in the Final Solution’s planning demonstrates that he is by no means the high-ranking, sadistic mastermind the prosecution makes him out to be. Again, the manipulation of language is perhaps totalitarianism’s most powerful tool: it ensures that people put their legal conscience as a loyal citizen above their moral conscience as a rational human being. Nazi “language rules” prevented officials from seeing their role in the Holocaust as anything beyond their desk jobs, and made it far too easy for them, like Eichmann, to decide not to look at the bigger picture.



Once again, in its quest to make Eichmann stand for the totality of the Nazis’ crimes, the prosecution covers up the truly horrific nature of totalitarianism—its ability to corrupt average, even well-meaning people. Eichmann’s horror at witnessing the means of genocide illustrates his unrealized capacity for moral judgment. It is far scarier that the Nazis managed to shut this conscience down than it would have been if they merely picked people who were already amoral criminals. Eichmann’s wonder at the beautiful train station shows how tempting distractions (much like his cliché stock phrases) prevented him from confronting the reality of his job.



The defense’s strategy continues to seem bizarre and incoherent. This may be because of its lack of resources relative to the prosecution, or the fact that only “acts of state,” unlike “acts done under superior orders,” could have fully acquitted Eichmann. The “acts of state” defense is clearly unpalatable here—although Arendt does not fully explain why Eichmann fails to meet the principle until much later, it seems untenable to exempt all government actors from prosecution, which reflects the problem of jurisdiction and responsibility raised by a bureaucratic, state-run policy of mass murder. If another state does not have jurisdiction over Eichmann’s crimes, what kind of court could, and how would it differ from the Nuremberg Trials?



There is also the legally irrelevant but morally interesting question of whether and when Eichmann managed to “overcome his innate repugnance toward crime.” Interestingly, in September 1941, Eichmann uncharacteristically disobeyed orders and sent a shipment of Jews to the Łódź ghetto instead of straight to extermination in Russian territory, but was reprimanded by his superiors. “This was clearly the only instance in which he actually had tried to save Jews,” however, proving that he abandoned his conscience after four weeks at his new post, “whereupon it began to function the other way around.”

Eichmann mostly worried about German Jews getting killed, and paid no attention to Jews from other countries—a worldview that, Arendt says, continues to be common in Germany, where many falsely claim that no German Jews were murdered in the Holocaust. In fact, Israel echoes this attitude by claiming that the murder of Jews was uniquely horrifying because of their cultural achievements.

The Nazis were more worried about “this question of conscience” than they needed to be—even the anti-Hitler “conspirators” were mostly Nazis worried about preventing civil war within Germany; they paid no attention to the plight of Germany’s victims. Up to the end of the war, the majority of Germans supported Hitler, and the few who did oppose the Nazis on moral grounds were never organized enough to act. The “conspirators” merely saw the Nazis’ mass murder policies as potentially hurting Germany’s postwar negotiations with the Allies, and many wanted to continue the war after deposing Hitler. Eichmann, of course, considers all these men “traitors and scoundrels,” although he might have agreed with their leader Goerdeler’s desire to create a Jewish state. The real dissenters, who opposed Hitler consistently from day one, never acted and “were never heard” even though their consciences remained intact.

Himmler was the “most gifted at solving problems of conscience,” and he invented many of the slogans Eichmann loved. These slogans needed no ideological justification; they simply reminded functionaries that they were “involved in something historic, grandiose, unique.” Himmler encouraged them to turn their pity at their horrible deeds into self-pity: “What horrible things I had to watch!” “The simple fact of war” also solved the “problem of conscience” by making everyone accustomed and indifferent to death.

This question is morally interesting because it demonstrates how easily ordinary citizens with ordinary moral consciences—even relatively inept ones like Eichmann—can transform into ruthless monsters. His inability to think and lack of moral sense seem as much cultivated by the Nazi state as inherent to his person. After his reprimand, Eichmann’s conscience “began to function the other way around” because it encouraged him to follow his superiors rather than his moral sense.



Eichmann’s preference for German Jews shows that he continued to think in national terms, even against the Nazi ideology that Jews were a separate group and could never be Germans. The persistence of this mindset after WWII shows that nationalistic and ethnic-supremacist sentiments remain latent in the population, and are more likely amplified and exploited than outright created by fascism.



The Nazi leaders’ great anxiety about conscience proves that they fully understood that their policies were antithetical to the most basic universal dictates of human morality. Still, most “conspirators” worried about Hitler’s means only because they thought they might jeopardize his ultimate goal of German supremacy over Europe (and perhaps the world). Totalitarianism not only shut down conscience, but also portrayed moral dissent as untenable and criminal. Arendt nevertheless praises these silent moral dissenters, who in different circumstances might have reached the critical mass necessary to oppose Nazi policies—as she later illustrates through the examples of various occupied countries that refused to deport their Jews.



Perhaps surprisingly, Arendt argues that the slogans were not ideological: while they made Germans declare their unflinching loyalty to the Nazi regime, they never tried to justify, explain, or win support for the Nazi extermination policy. Rather, they were primarily distractions, designed to prevent thought by controlling emotions rather than redirecting thought toward the Nazis’ party line.



Unlike the early massacres conducted by Einsatzgruppen with the backing of the German army, the Final Solution was not associated with the war effort but rather with the “euthanasia program” that initially offered “a mercy death” to “incurably sick persons” in Germany. Soon, this stopped, and gassing began in the Eastern concentration camps. The crucial “language rule” was replacing “murder” with “to grant a mercy death,” and Eichmann seemed to internalize this; he believed it was better for Jews to die immediately than suffer, and he grows agitated when S.S. torture comes up at trial.

There were some protests against euthanasia before the war, but by its end, it seemed a welcome alternative to the possibility of violent death. One observer recalled a town of Bavarian peasants dutifully listening to a woman who promised them a peaceful death by euthanasia if Germany lost a war; another remembered a woman enthusiastically declaring that Hitler “will gas us” before he lets the Russians “get us.”

Nazis selectively defined Jews as either enemies or as an incorrigibly sick population to be “cured” through euthanasia, depending on what was convenient. While Eichmann formerly declared European Jews “enemies,” here, by treating mass murder as a benevolent medical matter rather than a component of the war, the Nazis justified their own behaviors without having to consider the morality of killing noncombatants.



Nazi propaganda, it seems, was so effective at making German domination seem an all-or-nothing, life-or-death proposition that it convinced ordinary citizens with little stake in the war that they should die before accepting Hitler’s defeat. Like Eichmann, they learned through Nazi “language rules” to see gassing as benevolent rather than murderous.



CHAPTER 7: THE WANNSEE CONFERENCE, OR PONTIUS PILATE

Arendt explains that Eichmann forgot most of the evidence she has presented so far; the crucial moment in his mind was the January 1942 Wannsee Conference, at which various Ministers in the Nazi government assembled at Heydrich’s request to plan the Final Solution. Heydrich was understandably worried about their willingness to participate, since many of the most irreplaceable ministers were not lifelong Party members, but “he could not have been more wrong.” Everyone was enthusiastic and offered various propositions about how to deport and exterminate Europe’s Jews.

Eichmann was mostly excited at the opportunity to mingle with so many of his superiors, since he was the meeting’s lowest-ranked member and secretary. After seeing his bosses praise the Final Solution, he quickly abandoned all his reservations about it and set about his new job of coordinating “forced evacuation” to concentration camps.

The German Foreign Office negotiated with occupied countries to evacuate their Jews, and legal experts ensured that these deportees were made stateless, so that no government could seek to defend them, and their property could be confiscated. Jewish Councils oversaw registration and drew up lists of deportees, who boarded trains to the camps. The operation was well-planned and efficient; few of its functionaries resigned until it became clear that Germany would lose the war.

Eichmann’s faulty memory has forced Arendt to reconstruct his trajectory in the Nazi party for herself. He seems to have remembered the Wannsee Conference because it represented a transformation in his own career and function, rather than because of its historical importance in the development of the Final Solution. Again, Nazi leaders were over-prepared for the possibility that they might face moral objections, but underestimated the power of their ideology to shut down others’ sense of morality.



Eichmann’s obsession with social status, always conceived in terms of the Nazi hierarchy, overrode his moral reservations. By creating an opposition between his social and moral consciences, the Nazis ensured that he could be trusted to carry out murder.



Under the Third Reich, the law became a convenient tool for Nazi leaders to legitimate their unjust policies; even the system designed to preserve justice became unmoored to its moral values (much as the Israeli government hopes for the Jerusalem court). The Jewish Councils, too, inverted the normal purpose of their local jurisdiction. Instead of protecting Europe’s Jewish populations, they made it even easier for them to die in concentration camps.



Most of all, Eichmann “could see no one, no one at all, who actually was against the Final Solution.” He was surprised when the Hungarian Jewish leader Dr. Kastner asked him to stop the exterminations—but this was outside his power. For the most part, Jewish organizations were incredibly cooperative and efficient at facilitating deportations, which Arendt considers “undoubtedly the darkest chapter of the whole dark story.” Throughout Europe, they compiled lists, confiscated property to hand over to the Nazis, selected a few dedicated and prominent Jews to save at the expense of thousands of others, and never told the victims that they were headed to their deaths. Unsurprisingly, the prosecution tries to avoid this question as much as possible, but it is baffling that the defense never brings it up.

For the most part, the prosecution lets its witnesses say whatever they like, for as long as they like. One after another, they talk endlessly about conditions at the camps, which had nothing to do with Eichmann. They also mention resistance by Jews of all persuasions. This backfires on the prosecution, which hopes to establish that only Zionists resisted. The testimony of resisters themselves also “dissipated the haunting specter of universal cooperation.” People already know that the Nazis made Jews build and run the gas chambers, usually picking “the criminal elements” to do so.

The real “moral problem,” Arendt says, is that no one testifies about the Nazi cooperation with Jewish authorities. One of these Jewish authorities is called to the stand, and the audience heckles him as he suggests there was nothing to be done, and escape would not have been worth it—even though, due to his connections, he was able to escape himself. The judges twice ask witnesses about it, but the prosecutor instead asks them, “why did you not rebel?” Had European Jews “really been unorganized and leaderless,” Arendt declares, nowhere near as many would have died.

This episode, Arendt argues, proves “the totality of the moral collapse the Nazis caused in respectable European society.” Of course, Eichmann was always “overawed by ‘good society’” and reverent toward his social superiors (especially Hitler), who controlled his conscience and led him to the same moral collapse. In Nazi society, there was no way to resist except to withdraw, no matter how many war criminals claimed to be “inwardly opposed” to their orders or merely staying in their jobs to “mitigate” the risk of a “real Nazi” taking over their role.

Eichmann felt he could not resist the Final Solution because he lost all sense that an alternative would be possible. The terrifyingly mundane fact that he simply mimicked the beliefs of those around him shows the critical importance of independent moral judgment under totalitarianism, as well as the unreliability of socialized values. While it might be comfortable to think that groups of people tend toward better judgment, it seems that (at least within the structures of the Nazi bureaucracy and Jewish Councils) they instead led to groupthink and shut down moral conscience. Arendt’s argument about the Jewish Councils is the most controversial part of her book, since it threatens Israel’s claim to guard the best interests of the Jewish people (as it shows Jewish leaders’ willingness to betray their most disadvantaged community members, but also Zionism’s direct contributions to the Nazi extermination policy).



By transforming the trial into a theater of suffering, Israel again set aside the question of justice in order to push its propagandistic claims of power; but its desire to let the truth come out ended up undermining its own narrative that only Zionism could save Jews from the world’s persecution. Instead, the true stories of resistance show that it fundamentally stemmed not from “idealism” but from individual moral judgment, even if it occasionally turned into collective political action.



The audience’s reaction, likely frightening to the prosecution, reveals that Holocaust survivors can easily see through Israel’s distorted narrative and bolsters Arendt’s argument. The witness’s hypocritical justification for sending people to their deaths while he escaped the Nazis suggests that he, like Eichmann, chose to believe obvious lies in order to avoid confronting the moral horror that he sent the weak to their deaths in order to save himself.



Arendt is arguing that a sense of moral responsibility collapsed even amidst the Jewish community; “the Jewish people” ceased to act as a unitary collective or look out for one another’s interests, but rather fragmented along lines of power, wealth, nationality, and proximity to the Nazis. Horrifyingly, poorer Jews’ trust in their leaders led them to extermination camps, proving the dangers of prioritizing the “social conscience” just as clearly as Eichmann’s blind trust in Hitler.



One peculiar witness is the Protestant minister Propst Heinrich Grüber, who negotiated with Eichmann to secure the safety of World War I veterans and their widows, then tried to help Jews escape from a concentration camp and became imprisoned himself. At trial, Servatius asks Grüber whether he tried to morally influence Eichmann, and he says that he did not. Arendt calls the protection of certain exceptional categories of Jews—including Grüber’s attempts to save only designated groups—a moral disaster, because it tacitly accepted and therefore justified the general rule of extermination. The Nazis even saved certain prominent and friendly Jews—Hitler exempted 340 people, and Heydrich was actually half-Jewish. even after the war, Germans commonly lament the fates of “prominent” and famous Jews, while forgetting the comparatively better treatment they received.

Arendt never questions Grüber’s incredible courage and selfless motivation to save people arbitrarily condemned to death. At the same time, she shows that even he—a heroic minister—underestimated the power of moral courage and failed to see that, by choosing to save privileged categories of people (of whom he thought the Nazis would be more forgiving), he was actually falling into the Nazi ideology that valued human life differently based on race, religion, and power. Those resisting totalitarianism must sustain their unflinching moral judgment by insisting that all lives are absolutely and equally worth saving.



CHAPTER 8: DUTIES OF A LAW-ABIDING CITIZEN

Eichmann conceives himself “as a law-abiding citizen” doing his duty to obey his orders as well as the law. No one raises the question of whether these are truly the same thing, and the attorneys continue to argue about “superior orders” and “acts of state,” if only because “they gave the illusion that the altogether unprecedented could be judged according to precedents and the standards that went with them.” Surprisingly, Eichmann justifies his sense of duty by citing the famous German philosopher Immanuel Kant. Kant’s concept of duty relies on acting in accordance with individual moral judgment and not at all on blindly following orders. Arendt adds that Eichmann began eagerly following not universal moral laws but the laws of Nazi Germany—and, specifically, Hitler’s will.

The difference between orders—which rely on context—and laws—which hold regardless of context—becomes central to Eichmann’s decision-making at the end of the war and proves that he was not merely following “superior orders” but in fact acting in accord with his conscience. This poses an enormous legal challenge for the prosecution. In a conventional murder case, the criminal must be capable of realizing that their actions were morally wrong (i.e. have acted against their moral conscience), but Eichmann actually followed his legal conscience despite willfully abandoning his previous sense of morality. This does not alleviate him of responsibility, but it does mean that the court needs to develop unprecedented criteria for determining his responsibility.



Eichmann was so dedicated to performing his legal duties that, when he occasionally made exceptions for family members, he was uncomfortable. Later, near the end of the war, Himmler ordered the end of the Final Solution and Eichmann was similarly uncomfortable with the break from the Nazis’ previous policy.

Eichmann’s sense of duty was so strong that it actually prevented him from adapting to new policies. Whereas the Nazi regime’s platform was in fact an incredibly flexible farce, Eichmann followed it with an orthodox rigidity.



In 1944, Eichmann was sent along with three other officials to coordinate mass deportations from Hungary, which began swiftly and efficiently. However, trouble soon arose between Eichmann and Kurt Becher, the S.S.'s main horse buyer. Becher is called as a defense witness, but has his testimony dismissed. While Becher claimed to be in Budapest on horse-related business, he was clearly sent by Himmler to ensure that wealthy Jewish business owners could escape Hungary and take over their assets, and he soon began working with Dr. Kastner to save Jews, each for a fixed price. Eichmann resented this “moderate wing” of S.S. officers who prioritized money and connections over the body count (but were “well-educated upper-middle-class ‘gentlemen’” and would never have accepted him). So, he began sabotaging Himmler’s orders and even made a point of voicing his disagreement with the Red Cross when it came to visit Theresienstadt.

There is thus no question “that Eichmann had at all times done his best to make the Final Solution final.” However, although the Jerusalem court never raises the matter, this proves not his fanatical anti-Semitism but merely his reverence for Hitler and dedication to carrying out the Final Solution (Himmler kept his order for its end a secret from Hitler). Eichmann lost to the “moderate wing,” though: in the war’s closing days, Becher was promoted and Eichmann reassigned to the irrelevant “Fight Against the Churches.”

At trial, Eichmann emphasizes the difference between Hitler’s orders, which were law, even if only spoken, and Himmler’s, which Eichmann demanded in writing. And so Eichmann believed he was putting the true law first, above Himmler’s unlawful orders contrary to Hitler’s will. The court’s failure to come to terms with this fact “signifies a deliberate refusal to take notice of the central moral, legal, and political phenomena of our century.” In Nazi Germany, the usual moral laws (like “thou shalt not kill”) were inverted: evil was no longer tempting, but mandatory; and Nazis clearly resisted any temptation they felt to act morally.

Eichmann tried to stop the other officers in Hungary because, even though they were actually carrying out orders, he saw them as pursuing their self-interest in conflict with the interests of the German state. Perversely, he believed he was putting the common good first by continuing the Final Solution, which shows that Nazi ideology had completely displaced any elementary moral judgment he may have previously been capable of. This becomes extraordinarily relevant in the final portion of the Postscript, where Arendt talks about the Nazis’ inversion of the legal exception and rule, in context of the broader inconsistencies in the “superior orders” defense.



Eichmann’s continual attempts “to make the Final Solution final” and fight the “moderate wing” are alone sufficient to establish his extraordinary and unforgivable guilt. However, contrary to the prosecution’s narrative and perhaps the reader’s usual conception of evil, he did so out of blindness, obedience, and ignorance rather than hate. Despite the terms of the indictment, Arendt shows that Eichmann was extraordinarily guilty and yet without evil motives; his ultimate demotion in the hierarchy shows that he was not even strictly pursuing his self-interest, but in fact following his values and conscience, which pushed him to absolute obedience.



Arendt returns to the distinction between orders and laws that she introduced at the beginning of the chapter. Astonishingly, Eichmann in fact thought he was following universal laws rather than contingent orders. The court also refused to see that Nazi totalitarianism did not merely deny the validity of moral laws and encourage people to pursue their self interest but, at its most sinister, also created a parallel and opposite system of values that people like Eichmann followed much in the way ordinary people follow religious doctrines or the values of their communities—which included deriding those who only pursue self-interest.



CHAPTER 9: DEPORTATIONS FROM THE REICH—GERMANY, AUSTRIA, AND THE PROTECTORATE

Eichmann faced “no questions of conscience” between the 1942 Wannsee Conference and the end of the Final Solution in 1944; he was focused on organizing and coordinating deportations across the massive, complex Nazi bureaucracy. Himmler made all the important decisions, which he disseminated down the chain of command; Eichmann determined how many Jews to ship from each region and coordinated train schedules to ensure that they went wherever he was ordered to send them. Eichmann’s job was thus “for the Jews quite literally the end of the world,” an unprecedented genocide for a people used to seeing their history as one of suffering. The genocide looked vastly different throughout Europe—this surprised the Nazis, who expected anti-Semitism to be a universal and uniting force. Eastern Europe was much more “radical” than the West—Scandinavians, on the other hand, were rather “deficient in proper hostility toward the Jews.”

The German Reich, where deportations began, included Germany, Austria, the Czech Protectorate of Moravia and Bohemia, and annexed parts of Western Poland. Eichmann began coordinating the earliest deportations in the Reich before the Final Solution was even official, sending German Jews to Poland and Vichy France. These were designed to test “general political conditions”—whether Jews would cooperate without complaint, whether others would respond to their disappearance, and whether foreign governments would accept “refugees.” Everything went remarkably well, which convinced the Nazis “that Jews were ‘undesirables’ everywhere and that every non-Jew was an actual or potential anti-Semite”—and later left them surprised when other countries criticized their “‘radical’ measures.”

After some years, once the Final Solution had become official policy but Eichmann had not yet been informed about it, he was transferred to primarily coordinating deportations, and the top priority was making the Reich “judenrein” (“clean” of Jews). The Nazis first passed legislation forcing Jews to wear yellow stars, depriving them of German nationality once they left the Reich’s borders (i.e. were deported to a camp), and permitting the confiscation of their property once they lost German nationality. Separate laws and Berlin’s cooperative Jewish Association ensured that those sent to Theresienstadt, inside the Reich, also lost their rights and property. While the Order Police (in Germany) and Security Police (in the East) were specifically responsible for guarding the trains and ensuring that Jews ended up in killing centers, virtually all the public institutions in Germany helped out with the deportations.

Now that the central questions of Eichmann’s sense of morality and understanding of his own actions have been taken care of, Arendt turns to surveying what he actually did throughout Europe. Following Himmler’s orders, Eichmann was clearly nowhere near as powerful as the prosecution alleged—but, while he was seldom giving orders, he quite clearly did have enough power to make or break the deportations that resulted in the murder of millions. In other words, Arendt wants the reader to see that he is clearly guilty of genocide even if he was not its mastermind. The different outcomes throughout Europe, it soon becomes clear, show that Nazi power was not truly total—it relied on cooperation with, and often met significant resistance from, people throughout Europe.



Before exporting their model of genocide throughout Europe, the Germans tested it in the region where they did have absolute jurisdiction. In fact, their unchallengeable power in the Reich and other countries’ misunderstanding of what was happening, while horrifying and somewhat representative of subsequent events, led the Nazis to an ultimately self-undermining overconfidence. They assumed that anti-Semitism was a self-evident truth, or at least contagious, and failed to anticipate the resistance they would face from certain morally steadfast nations they occupied.



As before, once the Nazis took control of the German state, the law became a way to justify and conceal violence rather than a countermeasure to it. Morality, Arendt suggests, always stands above and before the law, but people tend to confuse them and treat the law as a substitute for independent moral thought. Citizenship emerges as a crucial domain of power and protection: because it confers jurisdiction on the state to which one belongs, by depriving Jews of citizenship the Germans were able to exclude them from the law and turn them into a population with absolutely no rights, able to be legally executed. This is a crucial point, as Arendt argues that one of the Holocaust’s most horrifying features was that it was not illegal but rather condoned and supported by German law.



There were two lingering issues for the Nazis: half-Jews and foreign Jews in Germany. Nothing was ultimately done about the former, and the latter were used to test how their countries of citizenship would react: the Nazis wrote their home countries demanding that they call back their Jews, and “we shall see shortly” what became of them. Ultimately, Hitler declared the Reich judenrein in 1943; 265,000 were deported, and few escaped.

The Nazis' trouble labeling people who straddled their systems of racial and national classification demonstrates that, at base, the national and racial identities on which states and genocides are founded are social constructs rather than biological realities. While race and ethnicity can never have rigid boundaries, the Jewish people's lack of a nation-state hampered their chances of political protection against Nazi violence.



CHAPTER 10: DEPORTATIONS FROM WESTERN EUROPE—FRANCE, BELGIUM, HOLLAND, DENMARK, ITALY

The Nazi value of “ruthless toughness” lives on in postwar Germany, which equates it with “lacking goodness” and seems to forget its dimension of pure evil. This was a main criterion by which Eichmann’s office chose officials to oversee deportations in other countries around Europe.

“Objective” language continues reducing evil to “lacking goodness” even after the war. Not only have Germans seemingly failed to come to terms with the evil committed by their parents’ generation, but they also continue thinking in the terms that enabled that evil to flourish.



France was Himmler’s top priority, and 100,000 foreign Jews were expeditiously deported from both the Occupied Zone and Vichy France, with enthusiastic cooperation from the French government and police. There were not enough foreign Jews in Bordeaux to fill a train Eichmann sent, and Eichmann later coordinated the deportation of 4,000 children to concentration camps after their parents had already been sent there, but the court exaggerates Eichmann’s power over both decisions. With 70,000 stateless Jews remaining in France and news of the previous deportees’ fate finally reaching the country, the Germans requested permission to deport French Jews as well. The French government immediately stopped cooperating and did whatever possible to complicate the deportation proceedings; the Nazis quickly had to give up on their plans, and at the end of the war, more than half of France’s Jews—250,000—had survived.

While the French ultimately resisted the Nazis, their main motive for doing so was their insistent national pride, which earlier led them to ignore and sacrifice Jews of foreign origin. This story certainly shows the monumental power of organized resistance to even the most cruel and unyielding totalitarianism, but it also shows how that resistance can be catalyzed by the same factors that motivate nationalist and totalitarian violence in the first place. There is a clear parallel between France and Israel, whose nationalism similarly leads to resistance on self-interested political rather than moral grounds.



In response to the unexpectedly low deportation rate from France, the Nazis insisted on deporting more Jews from Belgium and Holland than originally planned. Belgium was controlled by the German military, but the Belgian police refused to cooperate, and Belgian rail workers helped Jews escape the deportation trains. At the start of the war, 80,000 of Belgium’s 90,000 Jews were refugees, and about half of them fled again in the war’s first year, including most of the Jewish Councils’ leaders. Many foreign Jews were “easily recognizable and most difficult to hide,” and accordingly about 25,000 were deported and killed.

In Belgium, unlike in France, it seems that a sense of independent morality led people to use what resources and power they had at their disposal to secretly resist the deportations of nationals and foreign Jews alike. Clearly, the Nazis’ expectation that anti-Semitism would easily catch on throughout Europe was naïve and overestimated the hold of Nazism’s inverted morality on those who could still ethically deliberate for themselves. Troublingly, the lack of active Jewish Councils in Belgium also probably contributed to its higher rate of survivors.



Like elsewhere, in Holland stateless Jews (almost all German refugees) were deported first; they were 35,000 of the total 140,000. Ruled by a German civil government and with its own cabinet and royal family exiled in London, Holland “was utterly at the mercy of the Germans,” whom the prosecution falsely claims were all following Eichmann’s orders. In fact, Himmler mostly gave the S.S. and Police priority in Holland, to Eichmann’s chagrin, since they seemed most able to quash the Dutch population’s extensive protests, strikes, and journalistic backlash to the Nazis. Nevertheless, the formidable Dutch Nazi movement and Dutch Jews’ insistence on distinguishing themselves from foreigners created “a catastrophe unparalleled in any Western country.” Between 20-25,000 Jews went into hiding, but about half were found through informers, and by the end of the war $\frac{3}{4}$ of Holland’s Jews, mostly native-born, had died.

Scandinavia posed significant trouble for the Nazis. They never occupied Sweden, and Hitler so respected Finland that he did not even try to deport its Jews. Denmark retained its independent government and had no significant Nazi movement. But Norway did have enthusiastic fascists, and most of its 1,700 Jews were rapidly interned in the Fall of 1942. Yet many Norwegian officials immediately resigned, and Sweden offered Norwegian Jews asylum and sometimes nationality; about 900 were smuggled across the border.

Denmark “was unique among all the countries of Europe,” Arendt says, an extraordinary and instructive case “for all students who wish to learn something about the enormous power potential inherent in non-violent action and in resistance.” More than anywhere else, Danes openly refused to even consider Nazi anti-Jewish policies, and government officials immediately threatened resignation. Denmark even insistently protected stateless Jews, and when the Nazis tried to begin deportations in 1943, Danish shipyard workers went on strike and even German government and S.S. officials refused to carry out their orders.

When the Nazis tried to seize Jews for deportation to Theresienstadt that October, they were prevented from breaking into apartments (lest the Danish police fight back) and only ultimately found 477 of the more than 7,800 Jews living in Denmark. Danish officials and Jewish communities publically announced the Nazis’ intentions and “all sections of the Danish people” were willing to help Jews hide out. Wealthy Danes paid for Jews to be transported to Sweden—almost 6,000 went—and the few hundred Jews who went to Theresienstadt, mostly elderly or poor, were given special privileges. Only 48 of them died.

Again, various members of the Nazi bureaucracy shared responsibility for coordinating deportations from Holland. This was, in part, why Nazi policy proved so effective, but also problematizes the court’s desire to draw definitive causal lines between individual actions and the fate suffered by Europe’s Jews. Unlike in most of the rest of Europe, more native than foreign Jews died in Holland, likely because they lacked a state infrastructure to legislate on their behalf—but also because they may have overestimated the nevertheless formidable power of Dutch resistance to the Nazi regime. More than anywhere else, Holland saw impassioned conflict between pro- and anti-Nazi forces, and resistance was only sparingly successful.



Surprisingly, just as the Nazis spared their Jewish friends, Hitler spared Finland because he admired it. This reinforces the notion that, at the very top, totalitarianism is farcically but horrifyingly arbitrary; rules and values were only later created to retroactively justify Hitler’s seemingly random decisions.



For the first time, Arendt openly explains why she chooses to foreground stories of resistance to the Nazis when the Eichmann trial instead foregrounded Jewish suffering. Denmark was unique because its people never even pretended to cooperate with the Nazis. Danes proudly and openly unified to block every stage of the deportation process, and this resolutely disproves the prosecution’s notion that Jews meekly went to their deaths throughout Europe, with only occasional Zionist groups resisting.



The Danes’ remarkable efforts to stop Nazi deportations, even at their own expense, led them to save almost the entirety of their nation’s Jewish population. Like the story of Anton Schmidt in Chapter 14, Danish resistance exemplifies the moral fortitude and collective action that Arendt sees as the only way to counteract totalitarianism’s impulses toward destruction and the erosion of individual judgment.



The resistance of German officials in Denmark, Arendt argues, was particularly extraordinary: when confronted with the native population’s resistance, they gave up their “toughness” and Nazi ideology.

The fact that even avowed Nazis could change their minds shows the tremendous power of protest—which, like Nazi ideology in the first place, changed people’s minds by surrounding them with a community of shared values.



Although “Italy was Germany’s only real ally in Europe,” by the time of the war Hitler and Mussolini no longer saw eye-to-eye. Italy sabotaged the Final Solution, not only by offering Jews a sort of *de facto* asylum in Italian-occupied areas, but also by convincing other European Fascist countries that they need not collaborate with the Nazis. Mussolini would publicly agree to carry out deportations, but his generals seldom did so.

Despite its military and ideological alliance with Germany, Italy simply refused to actually put deportation policies into practice. This shows how the Holocaust was fundamentally disconnected from the war, and (as Arendt later argues) constituted not “war crimes” but “crimes against humanity.”



At one point, German pressure did convince Italy to round up 22,000 Jews in the Italian-occupied region of southern France, but by the time Eichmann’s officials arrived there, “the French police had destroyed all the lists of the registered Jews.” Later, the Italians insisted that thousands of Jews were hiding out in tiny Monaco—and by the time the Germans were done with their research, they were no longer there. There was also “an element of farce” in Mussolini’s willingness to impose nominal anti-Jewish laws but exempt all former Fascist Party members and their families, certainly including “the great majority of Italian Jews.” Even the main Italian anti-Semitic organization openly employed Jews.

Italians, like Germans, outwardly professed a horrid anti-Semitism. But, unlike Germans (and especially Eichmann), they lacked the mindset of blind obedience. Italians’ passive resistance thus saved Jews and wasted German resources by sending the Nazis on wild goose chases, all without compromising the countries’ military alliance. While the German people’s passivity made them complicit in the Holocaust, the Italian government used passivity to its (and Jews’) advantage.



Italian Jews were already remarkably assimilated and ultimately saved by “the almost automatic general humanity of an old and civilized people.” Even after the Germans sent a ruthless administrator and the German police to take over, the Italians helped most of Rome’s Jews escape and insisted that the rest of its Jews would stay in Italian territory; 7,500 ended up in camps only because Germany broke its promises. But more than 90% of Italy’s Jews survived unscathed.

Again, German officials found their own anti-Semitism unexpectedly stronger than that of other nations. They only began breaking their promises and deporting Italian Jews after they realized Italy was not serious about the “Final Solution,” for in Italy, as in France, national identity superseded ethnic or religious identities.



CHAPTER 11: DEPORTATIONS FROM THE BALKANS—YUGOSLAVIA, BULGARIA, GREECE, RUMANIA

Surprisingly, the court never mentions the distinctive situation in the ethnically-mixed Balkan states. Many minority groups celebrated Germany’s invasion because it promised them political rights, and Hitler won loyalty from Hungary, Rumania, and Bulgaria by promising to expand their territories and deport their Jews. Eastern European Jews were less assimilated than in Western and Central Europe, although a small upper class mixed intensely with Gentile society.

Arendt argues that the Balkan states are unique because, whereas Western European countries are largely ethno-states founded on cultural, religious, linguistic, and historical group identity, Eastern European states were rather arbitrarily created after World War One, and so already included various groups competing for power and fighting for recognition.



Croatia, carved out by the Nazis, eagerly imposed anti-Jewish legislation and deported its Jewish population, paying the Nazis for the deportees' property. Many also escaped to Italy. 30,000 were sent to killing centers, but the Croatian government spared 1,500 prominent, assimilated Jews for political reasons.

In Serbia, deportation was not the main policy; rather, Jewish men were shot on the spot, and women and children murdered in gas vans. 5,000 escaped by joining the resistance movement, the Partisans, but 6,280 were murdered, and the orchestrator of the killings faced only six years and six months in prison in Germany.

Bulgaria grew substantially in territory thanks to the Nazis, but only sparingly cooperated with deportations. Bulgaria's Fascist movement was small, and its government was reluctant to fight with the Germans. Although many Bulgarians were anti-Semitic, they did not understand "what 'resettlement in the East' actually signified." The government created myriad exceptions to anti-Jewish legislation and many Bulgarians were sympathetic to Jews forced to wear yellow star badges. The Bulgarian government then decided to disperse Jews to rural areas, which made them harder to catch, and even after Germany assassinated and replaced the King, the Parliament and politically-active public remained staunchly opposed to deportation. Jewish community leaders refused to cooperate with the Nazis and, as in Denmark, even some German officials stopped carrying out their orders. Ultimately, "not a single Bulgarian Jew had been deported or had died an unnatural death" by the end of the war.

Greece was divided between the Germans (in the north) and Italians (in the south). In 1943, the two-thirds of Greek Jews who lived in Salonika were sent to a ghetto, then deported to Auschwitz. Some escaped to the Italian-occupied region, but the Italian Army soon collapsed and German deportations began in southern Greece. Many Greek Jews worked in the gas chambers and crematoria at Auschwitz, but a revolt near the end of the war left all but one dead. The Greek people were—and largely remain, according to Arendt—indifferent to the suffering of their Jewish neighbors.

Croatia seems to be a textbook example of collaboration: the Nazis found precisely the enthusiastic collaborators they originally expected, but largely because they helped the Croats achieve a sense of national independence from Yugoslavia.



This terrifying Serbian policy raises the interesting question of why Germany insisted on concentrating Jews in camps before murdering them. Although Arendt has already mentioned the ties between the gassing program and the euthanasia program, secrecy was also another important component, since Jewish Councils seldom told deportees about their fate. Had these councils not existed, or had knowledge of what "resettlement" meant been more widespread, the successful escape of many Serbian Jews might have been the paradigm for the Holocaust throughout Europe.



Surprisingly, while Croatia's gratitude to the Nazis led it to enthusiastically cooperate with deportation policies, Bulgaria managed to both win the expanded territory the Nazis brought them and resist deportations with unparalleled success. Like in Italy, the government actually hindered Nazi deportations under nominally anti-Semitic laws that prevented Germany from absolutely taking over until it was too late. As in Denmark, once the resistance movement reached a critical mass among the population, the Nazis simply lost their power because they lost the consent of the people whose land they were occupying.



Without a functional native government, Greece had no chance of preventing deportations without substantial resistance from the population, which failed to materialize. The crematorium workers' revolt is particularly tragic not only because of their horrible positions, but also because they would perhaps have been liberated had they stayed quiet. This may be the only example in the book of a time that resistance was actually counterproductive—though this was likely because of the approaching Allies. It is uncertain whether the Nazis actually would have massacred the crematorium workers before the camp's liberation.



Although Eichmann often claims that his proclivity for organization and coordination made Jews' fate easier—and the court understandably ignores this absurd claim—the events in Rumania make his suggestion vaguely probable. “Even the S.S. were taken aback” by Rumania’s enthusiasm for killing Jews, and often tried to ensure that they would die more “civilized” deaths in gas chambers. Indeed, Rumania was “the most anti-Semitic country in prewar Europe” and had long deprived its Jews of political rights. The government quickly made them stateless after the war began—even Hitler complained at Rumania’s “far more radical” policies—and began massacring them at a horrific speed, mostly by shoving thousands into train cars and sending them aimlessly around the countryside until they suffocated. Rumanian concentration camps were far crueler than Germany’s, and Eichmann even sent encouraged the German Foreign Office to shut them down.

By August 1942, with 300,000 Rumanian Jews already massacred by their countrymen, the Germans made provisions to deport the remaining 200,000 to extermination camps—but then the Rumanian government suddenly decided that selling exemptions would be more profitable. Soon, it preempted even Himmler’s order to stop exterminations by simply setting them free. Many Rumanian Jews ended up in Israel, including a number of the roughly half (425,000) who survived.

Besides the Jewish Councils’ cooperation with the Nazis, the massacres in Rumania (now spelled Romania) are likely the most horrifying episode from the Holocaust. Eichmann’s surprising insistence that Jews die in a more “civilized” way, even though he later tried to push the Final Solution past its designated end date, shows that his motivations and values were far more complex than the prosecution wanted to suggest (even if his actions were essentially just as evil). The fact that even Hitler was surprised at the Rumanians’ cruelty shows that the Nazis truly had disconnected murder from any concept of morality, while undue suffering still managed to evoke an emotional response.



Rumania’s zealous persecution of Jews and independence from Germany’s will ultimately, if perversely, turned out to be an asset: Rumanians shifted from slaughtering Jews out of hatred, to selling Jews for the sake of self-interest, to mysteriously giving up on the whole endeavor. Again, Arendt reminds the reader how many Israelis—likely many in the trial’s audience—managed to escape the Holocaust only because they were privileged enough to buy their way out.



CHAPTER 12: DEPORTATIONS FROM CENTRAL EUROPE—HUNGARY AND SLOVAKIA

Hungary, formally a kingdom, lacked a king but was ruled by the Regent Nikolaus von Horthy. It was starkly divided between a rich aristocracy and an impoverished peasantry, and despite its robust history of Fascism, Jews remained in Parliament and even the Army during World War Two because Hungarians sharply distinguished between native and foreign Jews. The Nazis mostly left Hungary alone, so it became “an island of safety” for Jews until 1944, when Germany ordered 950,000 Jews (and converted Jews) evacuated to camps.

Eichmann brought his whole staff to Budapest and convened a Jewish Council, but its members knew what was happening at the concentration camps. Remarkably, they council decided that bribery would be the best way to go, and Eichmann set about offering them gifts in the hopes of proving his team’s corruption. After the Jewish Council found its huge payments unappreciated, it started directly buying Jews’ freedom and forging baptism papers. Zionist leaders like Dr. Kastner began negotiating with Eichmann and the various other German officials in Budapest; they were well-connected and largely exempt from the usual restrictions against Jews.

In Hungary, as in France, nationality took precedence over race or religion. By 1944, the Nazis were definitively losing WWII, and the Final Solution had been carried out to its logical end—nearly all Jews in the Reich and Eastern Europe were murdered, and governments throughout the rest of Europe had ceased or blocked deportations—so the Hungarian case is particularly unique.



Because it was already so late in the war, Hungary’s Jewish leaders could not be as easily deceived as those in other countries; the Nazis were also more worried about resources and money than continuing to increase the Jewish body count. Even in the war’s closing days, the Nazis continued to treat Zionists preferentially and receive deportees in exchange—their “idealism” led them to sacrifice thousands in order to send a few to Israel.



Eichmann tried to coordinate deportations from Hungary with “lightning speed,” and officers at Auschwitz prepared to gas Hungarian Jews as soon as they arrived. This continued for two months until, thanks to “protests from neutral countries and from the Vatican” as well as pressure from the Allies, Horthy ordered the end of deportations (even though Eichmann stubbornly insisted on sending one more train). With the Soviet Army approaching and the rail infrastructure no longer functional at the end of the war, Eichmann began marching Jews on foot towards the Reich, but was ordered to stop by Himmler. Less than 160,000 of Hungary’s 800,000 Jews survived.

Surprisingly, while Zionist leaders collaborated with the deportations, they stopped in response to international pressure and administrative action. While Hungary was going through the early stages of coming to terms with Nazi policy, it seems, the rest of Europe had already fought it off and so helped expedite Hungary’s response. Arendt has said that the prosecution was unfair to ask witnesses why they did not rebel, but if Hungarian Jewish Councils had even cooperated less enthusiastically (rather than outright rebelling), many Hungarian Jews would have been saved. Eichmann’s last desperate attempts to carry out Hitler’s orders are damning, and can also support the prosecution’s narrative that he was a radical anti-Semite.



Slovakia, governed independently of the Czech Republic by Germany, was a “primitive, backward, and deeply Catholic” country, Arendt says—anti-Semitic in the traditional sense, eager to deport Jews (because of their wealth, which could be seized) but reluctant to kill them. In March 1942, Eichmann and then Heydrich came to coordinate deportations, and the Slovak government duly agreed, so long as they “would not be given an opportunity of returning to Slovakia.” Eichmann returned in June, the same time Heydrich was assassinated in Prague, and with 35,000 Jews remaining in the country and 52,000 already deported, he learned that the Vatican had told the Slovak Catholic clergy what “resettlement” really meant. The Slovak government refused further deportations until the closing days of the war, when the R.S.H.A. sent 12-14,000 more Slovak Jews to concentration camps, leaving about 20,000 survivors.

Slovakia was as anti-Semitic as the Germans hoped; like Croatia, it was grateful to be treated as independent by Germany and eager to establish its ethnic purity by ejecting outsiders. Religion, although originally a means of distinguishing Slovaks from outsiders, ultimately led Slovakia to refuse the Nazis’ mass murder policy. At the same time, its flexibility meant it took a different form of opposition than that which succeeded in Denmark and Bulgaria: it stemmed from shared social values, not moral judgments. This becomes a crucial distinction for Arendt later on, because the former also allowed the Nazis to eliminate conventional morality in Germany.



CHAPTER 13: THE KILLING CENTERS IN THE EAST

“The East” was divided into four territories: the annexed regions of Western Poland, the Baltic States, “the rather indefinite area of White Russia,” and the Ukraine. The prosecution testifies about these areas first, but the judgment addresses them last, for while it “was the central scene of Jewish suffering,” there was little evidence that Eichmann had any power in the region. Indeed, for 23 of the trial’s 121 sessions, 56 “sufferings-of-the-Jewish-people witnesses” for the prosecution testify about their experiences in Eastern camps, although the judges throw out much of their testimony because it was uncorroborated.

Arendt’s treatment of “the East” in this chapter is strategic: like the judges, she has put this region last because Eichmann had the least involvement there. While she has covered the horrors and death tolls in almost every country in Central, Western, and Southern Europe (since Eichmann was involved in them all), she deliberately does not do so here, because the prosecution used victims’ testimony about “the East” to push Israel’s propagandistic narrative that Eichmann was responsible for suffering everywhere.



The judges have “a highly unpleasant dilemma.” Servatius attacks the possibility that Jewish judges can be impartial, and they declare that they are professional and obligated to treat the case in a balanced manner. Yet Hausner’s “tragic multitude of sufferers” feel they deserve the chance to testify about their experiences. Eichmann is also clearly presumed guilty—otherwise Israel never would have kidnapped him or been able to justify illegally doing so, even though he turned out to be much less responsible for the Holocaust than even he liked to claim. The court’s dilemma, then, is that because the prosecution so exaggerated Eichmann’s role, the judges end up having to defend him, even though this has no bearing on the judgment or his sentence.

Even though much of their judgment is simply “a rewriting of the prosecution’s case” by putting the East last, the judges declare that “they intended to concentrate on what had been done instead of on what the Jews had suffered.” They also confirm that much of the testimony on the East was irrelevant and “a matter for ‘great authors and poets,’” not a court. Yet the prosecution’s case would have been entirely destroyed “if the judges had not found reason to charge Eichmann with some responsibility for the crimes in the East,” although obviously his main crime was knowingly sending people to their deaths.

There are four points in question. The first involves Eichmann’s role in the Einsatzgruppen’s mass murders. He was present at the planning meeting but not even connected to the command structures that ordered and carried them out; he received documentation about them, as did dozens of other officials, and although one Nazi declared at the Nuremberg Trials that Eichmann ran the whole operation, the judges reasonably throw this claim out, since no other evidence of any sort corroborated it.

The second point involves Eichmann’s role in deportations from Polish ghettos to extermination camps. While his main job was transportation, this did not fall under his purview, even if he did ship Jews from other parts of Europe to Auschwitz. Yet without any discernible evidence, the court rules “*in dubio contra reum*” (*in doubt, against the accused*).

The judges’ “unpleasant” but necessary decision to defend Eichmann with regard to the prosecution’s allegations about “the East” reflects that, despite Hausner and Ben-Gurion’s best efforts, the judges managed to put justice before politics and prove that the legal system can remain a legitimate domain for necessary moral judgments even when it faces the most evil kind of criminal. Eichmann’s obvious guilt meant the prosecution could have offered a simple, straightforward moral condemnation instead of its political theatrics; without a doubt, Arendt thinks this would have been a more effective and honest response to the Holocaust than its ultimate decision to offer witnesses unlimited time to testify about events unrelated to Eichmann.



The judgment’s structure, according to Arendt, reveals the judges’ investment in clearly defining the legal system’s role—and limits—when it comes to addressing Nazi crimes. Arendt suggests that the prosecution’s case is so divorced from Eichmann’s actual crimes that it ended up relying on showing him guilty in the one place where he actually did not commit crimes.



While the judges clearly see past the prosecution’s circumstantial evidence, Hausner’s attempt to connect Eichmann to Einsatzgruppen massacres reveals the prosecution’s damaging insistence on going beyond the (completely sufficient) facts. Other Nazi officials blamed Eichmann because he was still in hiding during the Nuremberg Trials.



For the first time, Arendt accuses the judges of a legal error: inverting the presumption of innocence in order to appease the prosecution. This point is complicated and confusing but ultimately irrelevant to Eichmann’s guilt, since he was still sending Jews from the rest of Europe to a more-or-less certain death.



The third question involves Eichmann's responsibility for the camps themselves; despite the prosecution's claims that "he had enjoyed great authority" in them, the judges throw out this claim and show "their true understanding of the whole situation." They explain that Eichmann knew that the vast majority of the people he was transporting would be killed, but he did not choose who among them lived and died; still, the prosecution focuses on proving that he personally killed someone, for it was "unable to understand a mass murderer who had never killed."

The final question is about Eichmann's authority over the ghettos' horrible conditions and ultimate liquidation. "Again," Arendt explains, "Eichmann had been fully informed, but none of this had anything to do with his job." While he occasionally made decisions about foreign Jews in Poland and transmitted orders for superiors, he had no real authority in the ghettos.

And so "the truth of the matter was even worse than the court in Jerusalem assumed." According to the court's judgment, Heydrich was in charge of the Final Solution; Eichmann was "his chief deputy in the field" and so responsible everywhere. But, in fact, the East was not under the purview of the Final Solution because killings there had started two years earlier, in 1939, and in fact targeted native Poles as well as Jews in its attempt to create "empty space" for Germans to take over. All the documentary evidence showed that Eichmann's role in the East was only transportation-related. There were no exceptions, even for prominent Jews, in the East; all were murdered, and this decision was made independently of Eichmann.

If Eichmann were cleared on these charges, Arendt concludes, he still would have been found guilty and sentenced to death—but the prosecution's case would have been completely destroyed.

Arendt's claim that Eichmann was "a mass murderer who had never killed" captures the central problem with the prosecution's mindset and the law under which Eichmann was tried: he was guilty despite never killing anyone personally, and his guilt should lead to a new, adequate concept of criminality rather than attempts to make his actions fit a conventional, inadequate one.



The prosecution again unrealistically inflates Eichmann's authority—just like he did for years after the war—and confuses the very straightforward fact that he was guilty simply because he knowingly sent people to their deaths. According to Arendt, no further justification or explanation is necessary.



While the court decided that Eichmann was guilty for crimes in the East because of his role in the Nazi hierarchy, Arendt reminds the reader that guilt is about what he did, not where he stood in the regime. The "truth of the matter was even worse than the court in Jerusalem assumed" because in the East, the Nazis never bothered to use the normal mechanisms of the Final Solution—negotiating with local authorities to "purify" regional populations. Instead, it ignored existing systems of governance and just massacred people outright.



Arendt explicitly shows the enormous gulf between the prosecution's case and the true grounds for condemning Eichmann, as well as completing the transition into her examination of the judgment, which comprises the remainder of the book.



CHAPTER 14: EVIDENCE AND WITNESSES

The S.S. spent the war's final weeks forging papers for themselves and destroying evidence of their crimes. While Eichmann's office did this successfully, many of the people who received his correspondence did not, and so the documentary evidence of his actions lived on to be corroborated by witness testimony. The defense witnesses could not come to Israel, lest they be arrested and tried themselves. This puts significant pressure on Servatius, as does his inability to access most of the documents he wanted. Like at the Nuremberg Trials, the defense also lacks the prosecution's advantage of research assistants.

In fact, Servatius was also a defense attorney at the Nuremberg Trials, which makes his willingness to defend Eichmann strange—he claims he's in it for the money, but the Israeli government and Eichmann's family pay him a "ridiculously inadequate" sum.

The trial's most important evidence is Eichmann's own long statement to the Israeli police, over the eleven months he spent in detention. He testified for 33½ sessions, from June 20 to July 20, but ultimately the judges "got more out of him in two and a half short sessions than the prosecution had been able to elicit in seventeen."

The prosecution's hundred witnesses spend 62 sessions, more than half the trial, talking about "their tales of horrors." Many more had applied, quite a few share ridiculously polished stories—one even faints when told to listen to the judges and answer some questions—and a number are prominent in Israel, but the majority of the stories are muddled, both narratively and in the witnesses' memories. More than half of the 100 witnesses are "from Poland and Lithuania, where Eichmann's competence and authority had been almost nil." Only four testify about Theresienstadt, which Eichmann actually ran, and "the right of the witnesses to be irrelevant" is well-established.

The final prosecution witness, an Israeli lawyer and former British Army officer, speaks of his efforts to find surviving Jews and convince them to come to Israel instead of returning to their homes in Europe. His testimony is blatant propaganda for Israel, a way of suggesting that survivors "had only one wish, to go where they would never see a non-Jew again." Arendt declares that "every once in a long while one was glad that Judge Landau had lost his battle" to keep the witnesses relevant.

The bureaucracy's great advantage for the Nazis—it dispersed responsibility to make individuals feel redundant, incapable of shutting down the genocide, and unable to see any moral alternative—was also its legal downfall, since it made proof of the Nazis' crimes redundant as well. Although Eichmann was obviously guilty, the defense's restricted resources in Jerusalem were a problem because they hurt the trial's credibility, opening Israel to the objection that justice could not be carried out in the victors' court.



Arendt suggests that Servatius's true motives for defending Eichmann remain mysterious, since he understood he would be at a disadvantage and likely lose the case.



The most relevant facts were established by Eichmann himself even before the trial started. This further attests to his lack of self-awareness, as well as the prosecution's ulterior motives and dedication to irrelevance.



Even though the judges recognized that the prosecution's case was more about Israeli nationalist politics than achieving justice, Hausner managed to get his message out by simply overwhelming the defense and shifting the trial's focus to Jewish suffering. In fact, Arendt seems to think Israel exploited this suffering for its own ends, even though it outwardly pretended to be honoring the victims.



Arendt is glad about Landau "los[ing] his battle" not because she agrees with the witness's argument—which was demonstrably false in places—but because the testimony was so obviously nationalistic that perhaps it would point observers to the prosecution's true motives.



A more serious instance of this is the first prosecution witness, the elderly and frail Zindel Grynszpan, whose son assassinated a German secretary in Paris in 1938—which triggered the Kristallnacht pogrom. The prosecution portrays Grynszpan's son as a hero, but he was in fact a psychopath, and his victim was famously opposed to the Nazis and sympathetic to Jews. Grynszpan himself had moved from Poland to Germany in 1911 and never naturalized. He recounts being approached by the police, ordered to sign documents at the police station, and then deported on a train to a village back in Poland. His eloquent and honest story suggests to the audience that “everyone should have his day in court,” but no subsequent witnesses live up to him.

There is “a ‘dramatic moment’” some weeks later, when a self-described poet and author mentions the German sergeant Anton Schmidt, who helped Jews escape by forging identity papers and providing transport out of Poland, until the Nazis executed him. Other witnesses testify that Christian families and the Polish underground helped them hide and escape, but Schmidt's story is the only about a German. The courtroom falls silent when he tells it, and Arendt can only think “how utterly different everything would be today in this courtroom, in Israel, in Germany, in all of Europe, and perhaps in all countries of the world, if only more such stories could have been told.”

There are many explanations for the lack of such stories; a representative one comes from the German Army physician Peter Bamm. Bamm argues that anyone who dared to protest “would have disappeared” because Nazi totalitarianism refused to hear its critics, so protest would be “practically useless” and therefore not worthwhile even “for the sake of a higher moral meaning.”

Schmidt's example disproves Bamm's perspective, though. “Totalitarian domination tried to establish these holes of oblivion in which all deeds, good and evil, would disappear,” but it could never succeed. There are too many people for resistance to amount to naught, Arendt says; it is never “practically useless,” and telling more stories about it would prove to the world that “under conditions of terror most people will comply but *some people will not*,” that the genocide “‘could happen’ in most places but *it did not happen everywhere*.” This is all that is necessary, Arendt says, “for this planet to remain a place fit for human habitation.”

While the prosecution means to portray Grynszpan's son as a Jewish hero, Arendt shows Israel's distance from the truth by demonstrating that he was the opposite, and that his actions actually contributed to the Nazi persecution of Jews (much like Zionists), both by eliminating one of the most prominent anti-Nazi German diplomats and by allowing the Reich to justify violence. Grynszpan's story was useful for the prosecution because, beyond his character setting an exemplar for the stories to follow, he had no idea what was happening to him during his interactions with Nazis, which feeds the prosecution's story that Jews were helpless until Israel gave them strength.



Schmidt's story proves that, even in the most brainwashed society imaginable, where all social pressure to act morally evaporates, people are still able to resist evil because of their individual capacity for moral judgment. While the prosecution's focus on stories of suffering suggests that Europeans of all stripes were powerless in the face of Nazi violence, Schmidt's story shows that totalitarianism is never truly total, and that nothing can revoke this most basic human freedom: to stand up for values and resist by taking a moral stance, even if it means sacrificing one's life.



While Bamm's hopelessness in the face of totalitarianism is understandable, it does not excuse Nazis who nevertheless actively agreed to carry out murderous duties. Unfortunately, by picking self-preservation above “a higher moral meaning,” Bamm exemplifies the attitude that led most Germans to choose complicity with the Nazis: prioritizing agreement with one's social group over one's ethical conscience.



Arendt's perspective is remarkably and stubbornly optimistic. Not only is resistance to totalitarianism inevitable, but by learning about the history of resistance, people can recognize their own potential for action in the face of unspeakable evil—people can be inspired to choose morality over resignation. Since totalitarianism depends on suppressing critical thought, it is no wonder that a movement of open moral opposition—like the ones that saved thousands in Denmark and Bulgaria—is an effective way to resist it.



CHAPTER 15: JUDGMENT, APPEAL, AND EXECUTION

At the end of the War, Eichmann had “nothing to do” and was even excluded from the R.S.H.A. officials’ daily lunch. His only remaining duty was overseeing Theresienstadt, and when the Red Cross visited it, he complained “about Himmler’s new ‘humane line’ in regard to the Jews.” Himmler told him to pick prominent Jews as a bargaining chip in postwar negotiations. Kaltenbrunner had redirected Eichmann to build a commando force, but as soon as they were ready, the war was declared over. Eichmann’s testimony to the police examiner ends here, but a book published just before the trial by Moshe Pearlman, who worked for the Israeli government, can help fill in the details of Eichmann’s life after the war.

Eichmann first went to Kaltenbrunner, who rebuked him, and then was caught by Americans and interned. They could not figure out who he was, however, and he did not even contact his family. Starting in November 1945, his name arose repeatedly at the Nuremberg Trials, and the next January he managed to escape the camp. He worked for four years as a lumberjack near Hamburg, “probably bored to death,” and soon contacted an underground organization that brought him to Italy, from which a Franciscan priest sent him to Buenos Aires under the name of Richard Klement.

By July, Eichmann had fully adopted his new identity in Argentina, where he finally wrote to his family and began working a series of odd jobs. His wife and children came over in 1952, and Eichmann soon found steady employment in a Mercedes-Benz factory. He was not at all sly about his identity: his newborn son took the surname “Eichmann” and his wife never dropped it. With his sons, he built a house in a poor Buenos Aires suburb that lacked electricity or running water. He was quite poor, and his children were scarcely motivated by the prospect of upward mobility. He also socialized openly and widely with Argentina’s other Nazis, eventually even interviewing with Dutch Nazi journalist Willem S. Sassen, which when published (while anonymously) obviously gave away his identity.

In fact, Arendt wonders how the Israelis did not find him out much sooner. While Ben-Gurion argues that Eichmann was “found out” but not necessarily kidnapped by Israeli agents, clearly this is an inversion of the truth: the Israelis learned his identity elsewhere and then “only picked him up.” Eichmann knew he was being pursued, but decided to “let things catch up with [him].”

Eichmann’s radical insistence on following Hitler’s “law” and carrying out the Final Solution even after Himmler ordered it to stop left him powerless and irrelevant in the Nazi bureaucracy at the end of the war. The prosecution’s insistence that he was all-powerful hides the truth that he failed to win even the status and recognition he always sought from his co-conspirators—that his thoughtless evil did not even get him what he wanted.



Eichmann’s improbably clever escape, while so many high-ranking Nazis faced judgment at Nuremberg, likely contributed to his notoriety and the international attention surrounding his trial. In fact, there was nothing glamorous or fulfilling about his life, especially since his status in organizations had long been his only metric of self-worth.



Living in such uncomfortable conditions, it is no wonder that Eichmann continued to base his life around the Nazi Party. Notably, even though he became more or less open about his identity, he never claimed to regret or repent for his crimes until he arrived in Jerusalem. He continued to rely on the clichéd Nazi promise that he would be remembered forever as a great agent of History, but of course he could not do so anonymously, and the trial—especially the prosecution’s inflation of his guilt—seems to have perversely given him the recognition he sought.



As when the prosecution lied about Eichmann’s role in the Holocaust to suggest that he personally committed murder, Ben-Gurion inverted the truth about the kidnapping to suggest that Israel acted within the conventions of international law, instead of admitting that a new framework was necessary to address the unprecedented evil of the crimes in which Eichmann participated.



Although he was clearly willing to stand trial in Israel, the defense did not want to admit this because its case centered on the legality of the Israeli kidnapping. Israel neither confirmed nor denied that it was an “act of state,” but Argentina and Israel declared that they agreed to view the matter “as settled.” Arendt notes that this would never have happened were Eichmann a full citizen of Argentina. While he was still technically German, he certainly could not appeal to Germany for help, so he was effectively stateless, much like the millions of Jews he shipped to their deaths.

Eichmann was kidnapped when he returned home from work on May 11, 1960 and brought to a house elsewhere in the Buenos Aires suburbs, where he immediately confessed his identity and said he knew his captors were Israelis. He signed a prepared statement claiming that he was prepared to be tried in Israel, but added that he wanted “to be at peace with myself at last” and noted his difficulty remembering details. The statement omitted the day—meaning Eichmann might have signed it in Jerusalem—but this was already irrelevant by the time of the trial. Ten days after his capture, he was flown to Israel. His “astounding cooperation with the trial authorities” had two motives: he was tired of being anonymous, and he did not want Germany’s youth to feel guilty for his generation’s crimes. Of course, he could have gone to Germany for trial, so these statements were clearly more examples his usual empty but elating talk, as was his unemotional declaration that he knew he would face the death sentence.

Three counselors volunteered to defend Eichmann, but he immediately chose Servatius (who had directly contacted his stepbrother) and signed papers before realizing that his newly-retained lawyer might lack the resources of the prosecution. Servatius promised to employ “a group of attorneys” but did not, and Eichmann became his own lawyer’s main assistant.

After four months of trial and four months of deliberations, the judges deliver their judgment on December 11-12, 1961. Eichmann is found guilty on all 15 counts (but “acquitted on some particulars”). Four counts are “crimes ‘against the Jewish people’” (but restricted to the period after 1941, when he learned about the Final Solution). Eight counts are “crimes against humanity,” which oddly include genocides against other groups and all other violence that was not specifically motivated by ethnicity, and so these are in many respects redundant with the first set of counts. The last three counts are for belonging to “criminal organizations”: the S.S., S.D., and Gestapo (but not the Nazi leadership in which the prosecution wanted to prove his membership). Each of the first twelve charges is punishable by death.

Arendt continues to suggest that Israel and Germany manipulate the law in parallel ways. Ironically, Arendt implies that the “act of state” argument with which the defense challenged Israel’s jurisdiction over Eichmann is the only way that Israel can itself justify violating international law. Eichmann’s vulnerability because of his statelessness is more ironic still—but it also demonstrates that the loopholes the Nazis exploited to bring genocide in line with German law have still not been closed.



While Eichmann’s coerced statement was intended as a way for Israel to (illegally) circumvent the legal challenges raised by its (illegal) kidnapping of Eichmann in Argentina, Eichmann essentially turned it into a voluntary statement by appending his own language to it. Arendt wants to imply that his desires to find “peace” and absolve Germany’s youth of its guilt are clear fronts for the fact that he just thought global notoriety would be preferable to his miserable, irrelevant life in Argentina, in which he was just as unexceptional and powerless as he had been before joining the Nazi Party. Like this desire for fame, his empty talk shows that he failed to break the spell of amoral Nazi ideology even after 17 years.



Eichmann’s immediate decision to hire Servatius shows not only his thoughtlessness but also his initial blindness to how consequential the trial could be (for him and for the world).



Arendt seems to think that the court had two important responsibilities to the world: first, impartially pursuing the truth and enforcing justice, and second, making sense of Eichmann’s unique and unprecedented crimes. The judges’ refusal to convict Eichmann for membership in the Nazi Party elite or his actions before 1941 shows that they saw past the prosecution’s rhetoric—that they fulfilled their first responsibility—but the charges they did convict him on are muddled and overlapping, which suggests that they failed to achieve the second.



The court recognizes Eichmann’s argument that he was only “aiding and abetting” crimes, but responds that these concepts cannot apply in their ordinary form to the Nazis’ crimes, “for these crimes were committed en masse” in terms of both victims and perpetrators. In fact, the court concludes, “in general *the degree of responsibility increases as we draw further away from the man who uses the fatal instrument with his own hands.*”

After the judgment, the prosecution again calls for the death penalty; Servatius again talks about “acts of state,” calls Eichmann a “scapegoat,” and argues that he should have been tried in Germany or Argentina (where there is no death penalty and his crimes were older than the statute of limitations, respectively). Eichmann then gives his final statement: he claims that the court did injustice by him, and he was never “a Jew-hater” or true murderer but merely the obedient subordinate—the victim, even—of his criminal superiors. Two days later, he receives the death sentence.

Eichmann appeals before the Israeli Supreme Court three months after his sentencing. Servatius appears with the same arguments and a new, badly fact-checked list of witnesses who are mostly irrelevant, absent, or even, in one case, dead. Along with the numerous errors in Servatius’s appeal, his careful return to treating gassing as a “medical matter” and attacks on the credibility of Israel do little to persuade the court. In fact, the Supreme Court’s judgment—shorter than the earlier one but still substantial—almost entirely agrees with the prosecution, claiming that Eichmann “gave all orders in matters that concerned Jewish affairs” and “eclipsed in importance all his superiors.” It even claims that Eichmann’s “fanatical zeal” and “unquenchable blood thirst” were crucial to the initial plan for the Final Solution.

Later that day, Eichmann sends the Israeli President a handwritten “plea for mercy,” as do hundreds of people worldwide, including Jewish leaders in the United States and Israel. Less than two hours after learning that the President has rejected all these pleas, Eichmann is hanged. Perhaps this quick turnaround is an effort to stop Servatius’s two last appeals, Arendt says; regardless, after Eichmann’s death, protests against the sentence arise around the globe. Some think that “Eichmann’s deeds defied the possibility of human punishment”—while his actions were unimaginably worse, Arendt argues, this does not mean he should escape punishment. Others find the sentence “unimaginative” and fantasize about torturing Eichmann. The only consistent argument against Eichmann’s punishment comes from anti-death penalty activists.

The court clearly progressed toward some understanding of what made the Nazi genocide unique—its bureaucratization and the diffused responsibility that it engendered—as well as the inadequacy of conventional definitions of murder that rely on “us[ing] the fatal instrument” (which fueled the prosecution’s obsession with proving that Eichmann personally killed someone or ordered a specific person killed).



Servatius’s last speech is, in a word, pathetic: he repeats arguments that the court has already rejected. Eichmann’s final defense centers on the notion of “base motives” in the indictment—in other words, on his intentions rather than his actions. The court seems to have rightly rejected this aspect of the indictment as illegitimate. Perhaps, it seems, he actually was “not guilty in the sense of the indictment”—but, of course, he was still guilty nonetheless.



Servatius’s comically self-defeating incompetence seems almost like an echo of his client’s carelessness and inability to ever give up Nazi ideology, even more than a decade later. Arendt clearly finds the Supreme Court’s judgment profoundly discouraging, since it blatantly disregarded what seemed like undeniable facts in order to retrofit Eichmann’s actions to the inadequate terms under which he was indicted. The Israeli Supreme Court, just like the Nazis, distorted the law and truth to fit its political goals (although it achieved justice rather than injustice as a byproduct).



Eichmann’s previous insistence that he would face a just sentence and not repent for his actions was clearly an opportunistic cliché, and he forgot it as soon as repentance became his only opportunity to escape death. The global response to his punishment reflects the public’s difficulty in coming to terms with the sheer magnitude of his crimes, which were necessarily worse than any punishment that could be inflicted on a single person. While no justice system can inflict as much suffering on an individual as that individual can inflict on the world, this relies on a concept of punishment as proportional retribution for crime rather than the theory Arendt develops in the Epilogue, which considers punishment a way of restoring moral order.



Jewish philosopher Martin Buber offers Eichmann's own justification in reverse: he fears that the death penalty will make Germans lose their sense of guilt. Arendt thinks this misses the point, for in fact many Germans have continued their lives unimpeded despite their profound guilt, and so the outward expression of guilt is a "cheap sentimentality" compared to the active indignation Germans should feel and the political response they should demand. Buber's claim to feel "no pity at all," Arendt continues, ignores the deepest problem Eichmann poses to the law: recognizing our "common humanity with those whom we accuse and judge and condemn."

"With great dignity," Eichmann drinks half a bottle of wine, refuses to talk to a minister, and refuses to wear a black hood for his execution. "Completely himself," he speaks his final words with "grotesque silliness"—he proclaims that he does not believe in an afterlife and then says, "after a short while, gentlemen, we shall all meet again. Such is the fate of all men." Elated as though giving a funeral oratory, "he forgot that this was his own funeral." His words also summarize his trial's greatest lesson: "the lesson of the fearsome, word-and-thought-defying *banality of evil*."

EPILOGUE

Arendt explains that the trial's "irregularities and abnormalities" tended to make people forget "the central moral, political, and even legal problems" it created. Israel pursued "ulterior purposes" to the trial's singular mission: "to render justice, and nothing else." The court made this abundantly clear in its judgment. There were three kinds of objections to Eichmann's trials: first, that (like the defendants at the Nuremberg Trials) "Eichmann was tried under a retroactive law and appeared in the court of the victors"; secondly, that the Jerusalem court was incompetent or Eichmann's kidnapping illegal; and finally, that Eichmann was guilty not of "crimes against humanity" but merely of "crimes 'against the Jewish people,'" so the law governing his trial was illegitimate—and he should have faced an international court instead of an Israeli one.

To the first kind of objection, the court responded that the Nuremberg Trials set the only valid precedent to Eichmann's kind of unprecedented crime. Such laws "had to be" retroactive, but their adequacy was up for debate. Unlike the "crimes against peace" and "war crimes" outlined in the Nuremberg Trials' Charter—of which the Allies were also guilty—"crimes against humanity" was a truly unprecedented category. While this category erroneously came to include many elements that properly belonged to "war crimes," its true subject was the Nazis' "policy of systematic murder to be continued in time of peace."

Arendt's discussion of the difference between responsibility and guilt at the end of the Postscript helps clarify her argument here: only Nazis are guilty for their crimes, but other Germans should feel a responsibility to address them (rather than guilt because their countrymen committed them). The law, it seems, is the most important site for the kind of independent moral reflection of which Eichmann was incapable, precisely because he failed to recognize his victims' humanity.



Eichmann's banality is on full display as he follows his declaration of atheism with a religious platitude and blocks out the reality of his impending death with his canned speech. Even 17 years after the end of World War Two, it seems that nothing could break him out of his thoughtless commitment to Nazi ideology and into reality.



Despite the court's best efforts, it seems that the prosecution's attempt to divert the conversation around Eichmann's trial successfully distracted the public from its only true purpose. Arendt still sees the trial as raising important questions about the nature of crime and punishment, though, so she has dedicated this Epilogue to addressing them. None of these objections question Eichmann's guilt, but the first two were raised in a limited form by the defense. The third objection is curious, since one central justification for Israel's jurisdiction over Eichmann was that he specifically committed crimes against Jews.



The court worried about ruling on unprecedented grounds—perhaps in part because of public doubts about its legitimacy—but Arendt thinks the Nuremberg Trials also failed to set a sufficient precedent. This is particularly true of the "crimes against humanity" charge, which is doubly important because it appears to be the only grounds on which Israel could distinguish the Allies' actions from the Nazis' obviously worse crimes. Arendt's discussion of the Nazi euthanasia program in the sixth chapter showed that the Holocaust was merely justified by the war, but conceptually distinct from it.



At the Nuremberg Trials, the judges were hesitant to convict Nazis of “crimes against humanity,” but reserved the worst punishments for those found guilty of them. And, while many observers celebrated the fact that Eichmann’s trial finally focused on Jewish suffering, this was precisely what had led to the new category of “crimes against humanity” at Nuremberg, and it took center stage in many other Nazi officials’ trials throughout Europe. Since Jews now had a state, however, Arendt thinks it just as appropriate that they try crimes committed intently against the Jewish people as it would be for Poland to try crimes against Polish people. It was also ridiculous to argue that Jewish judges could not be impartial to Eichmann—they may, in the prosecutor’s words, “hate the crime and yet be fair to the criminal.”

The Jerusalem court based its jurisdiction on two irrelevant principles. The first was “passive-personality,” meaning only Israel could speak for Eichmann’s victims. Yet crimes do not primarily violate victims, but rather “the community,” which means the court does not speak for the victims but for “the general public order,” *the law* itself. The second principle was “universal jurisdiction,” which relies on a false comparison between piracy and “crimes against humanity.” Eichmann committed, and was on trial for, his crimes against Jews. Universal jurisdiction only applies to piracy because it happens on “the high seas,” where no law applies, and positions the criminal “outside all organized communities”—neither of which apply to Eichmann, whose crimes were “committed under a criminal *law* and by a criminal *state*.” The Genocide Convention even explicitly rejects the comparison between piracy and genocide.

Israel could have created an international court or tried to redefine territorial jurisdiction in order to claim the right to try Eichmann—but it did neither, for it was remarkably afraid to “break fresh ground and act without precedents.” It could have redefined territory as a cultural and political rather than only geographical concept, but instead spent 53 sections in its judgment listing off various precedents.

Much like Eichmann’s judges, the Nuremberg judges seemed conflicted about the terms of their convictions. They tacitly recognized that “crimes against humanity” were uniquely horrific, but failed to adequately define them. Notably, while she frequently criticizes the Israeli state’s desire to speak as the savior of all Jews after a long history of persecution, Arendt does think the Israeli legal system best represents the interests and will of the Jewish collective, so long as it sticks closely to justice. Yet she soon argues for an international court, and her careful wording implies that she may simply be arguing that this lines up with the precedent of European countries trying Nazis who operated in them.



The passive-personality argument again relies on a view of the law as an institution for revenge on victims’ behalf—but the proper centrality of “the community” explains why trials should be about the defendant and not the victim. The universal jurisdiction argument fails for the same reason that Servatius can argue “acts of state”—Eichmann was part of a legal community and in fact, he was carrying out the law. While the “acts of state” defense requires that government agents act out of necessity to preserve peace and order in their community, the universal jurisdiction claim requires that the defendant lie outside all communities whatsoever, i.e. be stateless and have committed a crime under no state’s particular jurisdiction.



The court’s refusal to “break fresh ground” was perhaps its greatest failure, precisely because this was the only way to address Eichmann’s groundbreaking crimes. Ironically, Arendt’s argument that territory can be a cultural category fits perfectly with Israel’s actual motivation for holding Eichmann’s trial in Jerusalem: it believed that it alone could speak for the Jewish nation.



Ultimately, Eichmann’s trial was no different than the other trials that were modeled after the Nuremberg Trials and followed the war, except that his kidnapping was “a clear violation of international law.” But there was also no legal way to bring him to justice given Argentina’s laws and persistent refusals to extradite Nazi criminals. And so, in the name of justice, the kidnapping might be defended “as a desperate, unprecedented and no-precedent-setting act.” The Israelis could have killed Eichmann on the spot—in two similar cases, people assassinated genocide perpetrators, presented themselves for trial, and were acquitted after proving their victim’s horrible deeds. But in these cases, unlike in Eichmann’s, the assassins had no recourse besides taking the law into their own hands.

Jews were largely unwilling to see Eichmann’s crime as unprecedented, for they see the Holocaust as another version of “the oldest crime they knew and remembered.” “This misunderstanding,” Arendt argues, is responsible for all the problems with the Eichmann trial. Namely, Jews failed to see the difference between the early forms of discrimination and the ultimate turn to mass murder. The Nuremberg Laws surely violated Jews’ due rights within Germany, but they were not yet a crime in the eyes of the international community. Expulsion, on the other hand, was an international crime because it forced other countries to deal with refugees. Neither was unprecedented.

The unprecedented “crime against humanity” began when the Nazis determined “to make the entire Jewish people disappear from the face of the earth.” This is a “crime ‘against the human status,’ or against the very nature of mankind,” and not merely against other countries. If the court had grasped this fact, then it would have been able to see the attempted extermination of a whole population as “a crime against humanity, perpetrated upon the body of the Jewish people.” While the Jerusalem court could legitimately try Eichmann’s “crimes against the Jewish people,” only an international court could fairly address his “crimes against humanity.”

Unfortunately, by failing to set new precedents, the Jerusalem trial wasted its opportunity to set clear prohibitions against future state-sponsored genocides. Arendt’s insistence on setting precedents may make her treatment of the kidnapping look hypocritical, but she is appealing to the ultimate supremacy of morality over social codes, justice over the existing law. Eichmann’s kidnapping was acceptable only because it was necessary for justice, and the only precedent this would set is that kidnapping (like anything else) is permitted when there is no better way to achieve justice.



Arendt does not mean to deny the storied history of anti-Semitic persecution, but only to make a crucial and much-needed distinction between all the Jews’ prior sufferings and the unique, unprecedented cruelty of the Nazis’ concentration and extermination policies. The prosecution’s emphasis on history showed how integral the apparent continuity between past and present anti-Semitism was to Israel’s narrative about its own apparently unprecedented role for Jews.



While certain groups of Jews had certainly faced limited political rights and expulsion campaigns before, the Nazis were trying to destroy all Jews everywhere, and this attempt at eliminating an entire facet of human diversity is genocide’s characteristic condition. If attacking individual Jews violates the Jewish community, then attacking an individual population violates the whole human community—and can therefore only be tried before representatives of this whole community, for (as Arendt has established) Israel cannot speak on behalf of human diversity as such.



The philosopher Karl Jaspers called for the court to publically declare this after hearing its evidence, and to show the United Nations that it absolutely needed to create a new “permanent international criminal court.” This could create a counterweight to future genocides; indeed, as Jaspers argued, trying the genocide in a single state “minimized” its horrors and scale. The other (much worse) arguments for an international court met impassioned resistance from Israel, which felt that “for the first time [...] Jews were able to sit in judgment on crimes committed against their own people.” Along these lines, Ben-Gurion refused “the protection of an International Court.”

In fact, Israel tried Eichmann under an erroneous law: genocide is not like murder, because in genocide “an altogether different order is broken and an altogether different community is violated.” But Ben-Gurion lashed out against Israel’s critics, and so the Eichmann trial threw away its opportunity to set a valid precedent to fight “the rather uncomfortable but hardly deniable possibility that similar crimes may be committed in the future.” Between the inevitable failure of deterrence and improvements in technology, this possibility “should be enough to make us tremble.” Heretofore unprecedented, genocide can now become a precedent, and the legal community needs to set its own precedent for addressing genocide as a counterweight.

This requires that judges act as legislators, however, and the Eichmann trial’s judges refused to do this just like numerous other Successor trials’ judges before them. The Jerusalem trial was no greater failure than the Nuremberg Trials, but its central failures were threefold. The first was that Jerusalem provided imperfect justice because it tried Eichmann in “the court of the victors.” It failed to admit defense witnesses or neutral countries into the proceedings.

The Jerusalem court’s second failure lay in its shortsighted concept of “crimes against humanity.” It improved significantly on the Nuremberg Charter’s definition of such crimes as “inhuman acts,” in no meaningful way different from war crimes, because it finally focused on the Nazis’ attempts to destroy the Jewish people as a whole. But it did not understand this as a crime against the entirety of humankind.

Jaspers offers a more intuitive version of this argument: genocide is so unparalleled that the entire human community, rather than merely the survivors of the targeted group, should take part in condemning perpetrators and restoring justice to humanity. Here, he and Arendt are both primarily concerned with preventing future atrocities in the future by setting a precedent for a court representing the human community, but Israel was simply too excited to set the precedent of a court representing the Jewish people.



By seeing crime as about violating a community and not just a victim, Arendt clearly distinguishes murder from genocide and avoids the question of intention on which the prosecution remained so fruitlessly fixated. An unprecedented legal body and ruling would have been justified simply because the crime was unprecedented; Arendt envisions a law with universal jurisdiction to counter attacks on universal human rights.



Beyond the biases raised in the “court of the victors,” the issue of jurisdiction can now be understood on another level: only a universal, international criminal court representing all of humanity would have jurisdiction over Germans as well as Jews, trying a violation of the order to which the victim and perpetrator alike belonged.



The Jerusalem court’s concept of the “crime against humanity” is still closer to that of a crime against a certain human group; it does not recognize the scale of the human community violated. Victims do not judge or prosecute trials against their perpetrators because all justice systems are founded on the authority of a community to which both parties belong.



The court's third failure was its inability to conceptualize the new kind of criminal who committed these "crimes against humanity." While it would have been comfortable to think Eichmann "the most abnormal monster the world had ever seen," like the prosecution portrayed him, in fact he and most of the other Nazi criminals were "terribly and terrifyingly normal," simply unable to "know or feel that he [was] doing wrong." This crushes the conventional assumption that a crime requires the "intent to do wrong." Rather, jurisprudence must return to the ostensibly "barbaric," "long-forgotten" notion that Eichmann was a criminal simply because he violated the moral order of the world; he openly tried "to eliminate forever certain 'races' from the surface of the earth," and so in turn "he had to be eliminated."

In closing, Arendt suggests what justice would have required the judges to have said to Eichmann: that he admitted his participation in "the greatest crime in recorded history" and that, even if he had no "base motives" and merely fell into his role by accident, his guilt has nothing to do with those of his co-conspirators or countrymen, but merely comes from the actual matter of fact that he "carried out, and therefore actively supported, a policy of mass murder." Because he refused to "share the earth with the Jewish people and the people of a number of other nations," she declares, "no one [...] can be expected to want to share the earth" with Eichmann, and so he must hang.

POSTSCRIPT

Arendt emphasizes that her book is a "trial report" based on the Jerusalem trial's English translations and sometimes German transcripts (for matters conducted in that language). Other clearly reliable sources were the transcript of Eichmann's interrogation, the prosecution's documents, the 16 defense witnesses' affidavits, and Eichmann's 70 pages of notes for the Sassen interview. While she regrets that she only included cited materials in her bibliography (as opposed to all background reading), she explains that she has added a handful of new sources that appeared after the first edition of *Eichmann in Jerusalem*. Her chapters of historical background information are also based on two respected and exhaustively-researched histories of Holocaust.

Beyond failing to see genocide as anything more than large-scale murder directed at a people (rather than an attack on human diversity), the court also failed to see the perpetrators of genocide as anything more than perpetrators of many murders. State-sponsored genocide requires a new kind of organization that distributes power in order to engender a horrifying new kind of blind evil, entirely unrelated to questions of intent and increasingly likely to materialize in the future.



In her own version of the judgment, Arendt emphasizes all the theoretical innovations she has introduced in the book's final chapters and Epilogue: that Eichmann's guilt is entirely about his deliberate actions and not at all his character or potentially innocent intentions; that responsibility for genocide is shared equally, not diffused, among perpetrators; and that Eichmann's great crime was not merely leading to people's deaths but in fact supporting the planned extermination of an entire people and their way of life.



As Arendt shortly reveals, she wrote this postscript for the second edition in order to respond to the enormous controversy that Eichmann in Jerusalem created in the international intellectual world (and particularly its Jewish corners). Accordingly, she first emphasizes her sources in order to prove that even her most criticized arguments are verifiable and shared by other well-informed scholars.



Arendt continues that, even before it came out, *Eichmann in Jerusalem* faced a controversy and “an organized campaign” that overshadowed it, leading reviews to repeat the same criticisms verbatim even in different countries and contexts. She sees this as reflecting the worlds’ inability to fully come to terms with, but initial attempts to finally address, the Nazis’ horrific crimes against the moral order of humanity. This controversy largely surrounded Jews’ (lack of) resistance to the Nazis, which was completely understandable given their situation, but got unfairly exploited in insensitive popular explanations based on the “ghetto mentality” or traits somehow specific to Jews (like “self-hatred”).

The Jewish leadership’s complicity in Nazi crimes has been well-established and was important to the substance of Eichmann’s trial. Most vocal Jewish Holocaust survivors have recognized their leadership’s moral failure, but this leadership’s defenders have lampooned Arendt’s book for mentioning it. Others have absurdly argued that Arendt left out certain resistance movements (which had nothing to do with Eichmann) or even that Eichmann had no right to speak at trial (meaning “that the trial should have been conducted without any defense”).

Some intellectuals have exploited the trial as data for their grand theories, but “the book itself dealt with a sadly limited subject”—a single trial about a single man, along with the historical circumstances that surrounded it. *Eichmann in Jerusalem*, Arendt emphasizes, is not a history of the Holocaust or Nazi regime, “nor is it, finally and least of all, a theoretical treatise on the nature of evil.” While such general questions are important, the attempt to see “an ‘Eichmann in every one of us’” does precisely what the defense alleged: it turns Eichmann into a scapegoat for all Nazis, all totalitarianism, all anti-Semitism, and perhaps even all human evil. Arendt, on the other hand, knows that Eichmann’s trial was solely about justice.

The Epilogue took up some of the general legal and moral problems that emerged from the trial, but Arendt never meant to argue that all evil was banal, only that Eichmann “merely, to put the matter colloquially, never realized what he was doing.” He was thoughtless, not stupid; the book offered not an explanation or theory of Eichmann’s banality, but merely the lesson “that such remoteness from reality and such thoughtlessness can wreak more havoc than all the evil instincts taken together which, perhaps, are inherent in man.”

Arendt attributes both the controversy and campaign to the same problem on which she blames Eichmann and the German people’s participation in the Holocaust: the insistence on putting collective moral norms above individual moral judgments. While the “campaign” was driven by moral outrage, this outrage was in turn driven by the same political considerations that motivated the prosecution’s biased case against Eichmann. The tendency to blame inherent “Jewish” traits for Jews’ failure to resist, beyond blaming the victims, perpetuating anti-Semitism, and falsely assuming that community norms drive all behavior, also reflects a refusal to attempt empathy or confront the possibility that, from the standpoint of the Holocaust’s Jewish victims, rebellion may have made less sense than hopeful waiting.



While Holocaust survivors see how the Nazis created fractures within the Jewish community, Jewish leaders try to erase these differences and insist that there was only one Jewish experience under the Third Reich. This parallels how Israel argues that all Jews were passive victims who went meekly to their deaths, but now all Jews are powerful because they are protected by the heroic Zionist state.



Like the Eichmann trial according to the prosecution, Arendt’s book is called to stand for much more than it is meant to. Just as the judges insisted on restricting the scope of their judgment to the question of justice, Arendt insists on restricting the scope of her book to the trial in order to prevent it from being twisted to unintended and unproductive purposes through generalizations.



The distinction between stupidity and thoughtlessness is that Eichmann understood what he was doing but did not realize it; he consciously knew how the concentration camps and gas chambers worked, but never consciously or morally connected the horror he felt upon observing them to the day-to-day work he did for the R.S.H.A. While technical knowledge can remedy stupidity, only moral reflection can remedy thoughtlessness, forcing people to think through and take accountability for the consequences of their actions.



The nature of Eichmann's crime was also important: it was not merely genocide, for "massacres of whole peoples are not unprecedented" and indeed are "quite conceivable" in the near future; the Nazis' "sort of killing can be directed against any given group." It does not matter if Eichmann was only "a 'tiny cog' in the machinery of the Final Solution," for he was still in part responsible, and totalitarianism functions precisely by making its perpetrators "mere cogs in the administrative machinery." Psychological or sociological explanations that seek to ascribe responsibility for actions elsewhere are incompatible with a justice system that must be based solely on *what* was actually done (and not *why* it was).

The legal system can deal with the problem of bureaucracy through the concepts "acts of state" and "acts on superior orders." The former makes little sense—"the most elementary sense of justice" requires that Hitler stand trial for his actions, and indeed the "acts of state" justification is meant to protect illegal actions that are *necessary* to sustain the normal rule of law and peace within a state, but the Nazi regime was "founded upon criminal principles" and had already violated the rule of law to begin with.

"Acts on superior orders" further shows the inadequacy of conventional legal concepts. German and Israeli law agree that "manifestly criminal orders must not be obeyed." Israel convicted its own soldiers for following orders to massacre a village of Arab civilians, since their order was an exception to the normal rule of law, but Eichmann in fact *followed* the normal rule of law in Nazi Germany by ignoring Himmler's order to stop the Final Solution.

In fact, the Israeli law states that someone should disobey orders because they are *unlawful*, not because they violate one's conscience, for it assumes that these two will always coincide. And, according to this Israeli law, Eichmann therefore "acted fully within the framework of the kind of judgment required of him," following the law even when it meant ignoring Himmler's unlawful orders. Under "superior orders," Eichmann's sentence would have had to be as drastically reduced as those of the Israeli soldiers who committed a massacre under orders.

Although she is subtle about this distinction, Arendt thinks the Nazis' actions exceed genocide because they reflect a totalitarian attempt to maintain power through death, fear, and the instrumentalization of others. While anti-Semitism led the Nazis to direct their violence against Jews, the principle of their violence was the notion that murder can be a regular principle of government and not merely a principle of war—indeed, they often "euthanized" their own citizens. As in the Epilogue, Arendt insists that too many observers conveniently replace action-based explanations with motivation-based ones. If, as she has argued, legal punishment is designed to correct violations of a moral order, then they rely not on intent but on acts, even if performed thoughtlessly.



"Acts of state" cannot simply mean that governments may do whatever they wish; the very concept of justice requires that no one stand above the law. The question is not whether "acts of state" excuses state crimes, but rather who has the legitimate authority to try state crimes; Arendt has already argued that this requires an international tribunal. A curious related question is whether "acts of state" can legitimately excuse Israel for kidnapping Eichmann. While this was not strictly necessary to maintain peace in Israel, it was necessary for the sake of justice, i.e. to maintain the moral order.



There are two senses of the word "criminal" at play here. Morally "criminal" acts, like Eichmann's, should not be obeyed, but under Nazi Germany legally "criminal" acts, like anything that contradicted Hitler's will, were in fact morally correct.



Conventional laws like Israel's seem to think in terms of legal, not moral, criminality. Arendt obviously thinks this must change—Israel gave Eichmann just punishment only by twisting its own unjust laws to stick him with the death penalty he deserved. In fact, the Nazi regime should prove that moral rules must always supersede a state's law, because the laws of the Third Reich operated in polar opposition to morality.



Conventional laws and legal structures thus simply cannot “deal with the facts of administrative massacres organized by the state apparatus.” The judges clearly ruled against Eichmann because of his “monstrous deeds,” according to precedent (as in the Nuremberg Trials), and not because of his unprecedented crimes against humanity.

Conventional law also holds that people must be able to distinguish right and wrong according to their own judgment, even when everyone around them disagrees. But under the Third Reich, the usual “moral maxims which determine social behavior” had disappeared. Similarly, in the public controversy over *Eichmann in Jerusalem*, commentators seem to have an “extraordinary confusion over elementary questions of morality.”

For one, Arendt claims, temptation does not excuse evil. It is also useless to say that people cannot morally judge others whose shoes they have not filled, for this would make both justice and history impossible. Even if someone who condemns another’s evil realizes their own capacity for evil, this does not make their condemnation any less valid. Unlike mercy, justice is about judgment, “and about nothing does public opinion everywhere seem to be in happier agreement than that no one has the right to judge someone else.”

Popular general theories that “‘explain’ everything by obscuring all details” are attractive but useless when they dissuade people from making necessary moral judgments. There can also be *political* responsibility—like that of a government on behalf of its predecessors—without people who did not commit a crime needing to feel guilty for others’ actions. Criminal trials, however, are about “individual guilt or innocence” and just punishment in response to the former. Despite its failures, Eichmann’s trial was one such proceeding, and “the present report deals with nothing but the extent to which the court in Jerusalem succeeded in fulfilling the demands of justice.”

For Arendt, it is insufficient that the court arrived at the right sentence by the wrong laws; its convoluted judgment proves that crimes against humanity require an entirely new legal framework, and one great moral challenge posed by the Holocaust is coming up with an adequate one.



Arendt sees the characteristic features of totalitarianism as latent in the modern world at large. The erosion of morality, she believes, was not unique to the Nazi state; rather, it seems to be a general trend, and the law’s increasing failure to live up to morality threatens to accelerate this erosion. While stories of resistance prove that individual moral judgment is always possible for some people in some contexts, it seems decreasingly common.



People’s increasing opposition to targeted moral judgment is central to the broader erosion of morality. Justice, it turns out, rests firmly on something of a paradox: people need not be morally pure to render proper moral judgment on others. As part of moral judgment, Arendt certainly values empathy—imagining oneself in another’s shoes—but saying that one must occupy another’s position would mean people can only ever judge themselves.



Arendt points to the distinction between guilt and responsibility. For reasons of historical accident, one can be responsible for something one is not guilty of causing, but generally not vice-versa. Germans are responsible for addressing the Nazis’ crimes; a doctor is responsible for treating their patient’s illnesses; both are guilty only if they fail, and then only of their failure and not of the original offense. The law is where these two combine: courts take responsibility for determining guilt. But the Jerusalem court was also responsible for determining the criteria for guilt in a case like Eichmann’s, and while its determination of guilt was correct, its failure was its blindness to the proper criteria for it.





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