

Hannah Arendt,  
*Eichmann in  
Jerusalem: A Report  
on the Banality of Evil*



Perhaps the greatest political philosopher of the twentieth century, Hannah Arendt was not a system builder. Rather, she was a thinker, who thought things through carefully, making illuminating distinctions. Ideologies deaden thought. If we do not think, we cannot judge good and evil, and become easier prey to participating in the brutalities made possible by the massive concentration of bureaucratic and technocratic power in the nation-state. And thinking should be set on common ends. Arendt holds before us the civic republican ideal of political action as the highest flourishing of human existence: not labor, which merely meets biological needs, nor the fabrication of objects, but the deeds and speeches performed in the public realm to secure the common good. Both liberal capitalism and communism instead reduce politics to economics. Modernity promised democratic participation in self-government, and what we have instead is a reduction of human intellect to instrumental rationality serving material ends. How did reform and enlightenment lead to ideology and not emancipation? Because the social question overwhelmed the political question: the *oikos* (the household) swallowed the *polis*.

An only child, Hannah Arendt was born in Wilhelmine Germany (in present-day Hanover) in 1906, though she grew up in Kant's city of Königsberg, at the time an important center of the Jewish Enlightenment. The family was progressive and secular; they were thoroughly assimilated Jews, though Jews still lacked full citizenship rights there. Her father died when she was seven. Her mother was a committed social democrat and became a follower of Rosa Luxemburg. She raised Hannah according to a Goethean pedagogy.

Romano Guardini taught her Kierkegaard at the University of Berlin, and she wanted to pursue theology at that point. She went on to Marburg (1924-26), where she studied with Martin Heidegger, who had an affair with her. Heidegger was preparing *Being and Time* (published in 1927). This crucial text shifted the center of gravity from Husserl's phenomenology towards existentialism. Under the direction of the existentialist Karl Jaspers, Arendt wrote her dissertation at Heidelberg on *Love and Saint Augustine* (published in 1929). There she was initiated into Jewish politics by the Zionist Kurt Blumenfeld. After Hitler took power in 1933, she had to trick the police to escape with her mother to Paris, where she became friends with Walter Benjamin and Raymond Aron. After France fell, she and her husband fled to the U.S., eventually settling in New York. She became senior editor at Schocken Books in 1950 and a U.S. citizen in 1951. She taught at many universities, but refused tenure-track positions. In 1961, Arendt covered the trial of Adolf Eichmann for *The New Yorker*, publishing her account in 1963 to great controversy. She died in 1975, in Manhattan.

## II : The Accused

Otto Adolf, son of Karl Adolf Eichmann and Maria née Schefferling, caught in a suburb of Buenos Aires on the evening of May 11, 1960, flown to Israel nine days later, brought to trial in the District Court in Jerusalem on April 11, 1961, stood accused on fifteen counts: “together with others” he had committed crimes against the Jewish people, crimes against humanity, and war crimes during the whole period of the Nazi regime and especially during the period of the Second World War. The Nazis and Nazi Collaborators (Punishment) Law of 1950, under which he was tried, provides that “a person who has committed one of these . . . offenses . . . is liable to the death penalty.” To each count Eichmann pleaded: “Not guilty in the sense of the indictment.”

In what sense then did he think he was guilty? In the long cross-examination of the accused, according to him “the longest ever known,” neither the defense nor the prosecution nor, finally, any of the three judges ever bothered to ask him this obvious question. His lawyer, Robert Servatius of Cologne, hired by Eichmann and paid by the Israeli government (following the precedent set at the Nuremberg Trials, where all attorneys for the defense were paid by the Tribunal of the victorious powers), answered the question in a press interview: “Eichmann feels guilty before God, not before the law,” but this answer remained without confirmation from the accused himself. The defense would apparently have preferred him to plead not guilty on the grounds that under the then existing Nazi legal system he had not done anything wrong, that what he was accused of were not crimes but “acts of state,” over which no other state has jurisdiction (*par in parem imperium non habet*), that it had been his duty to obey and that, in Servatius’ words, he had committed acts “for which you are decorated if you win and go to the gallows if you lose.” (Thus Goebbels had declared in 1943: “We will go down in history as the greatest statesmen of all times or as their greatest criminals.”) Outside Israel (at a meeting of the Catholic Academy in Bavaria, devoted to what the Rheinischer Merkur called “the ticklish problem” of the “possibilities and limits in the coping with historical and political guilt through criminal proceedings”), Servatius went a step farther, and declared that “the only legitimate criminal problem of the Eichmann trial lies in pronouncing judgment against his Israeli captors, which so far has not been done” - a statement, incidentally, that is somewhat difficult to reconcile with his repeated and widely publicized utterances in Israel, in which he called the conduct of the trial “a great spiritual achievement,” comparing it favorably with the Nuremberg Trials.

Eichmann's own attitude was different. First of all, the indictment for murder was wrong: "With the killing of Jews I had nothing to do. I never killed a Jew, or a non-Jew, for that matter - I never killed any human being. I never gave an order to kill either a Jew or a non-Jew; I just did not do it," or, as he was later to qualify this statement, "It so happened . . . that I had not once to do it" - for he left no doubt that he would have killed his own father if he had received an order to that effect. Hence he repeated over and over (what he had already stated in the so-called Sassen documents, the interview that he had given in 1955 in Argentina to the Dutch journalist Sassen, a former S.S. man who was also a fugitive from justice, and that, after Eichmann's capture, had been published in part by *Life* in this country and by *Der Stern* in Germany) that he could be accused only of "aiding and abetting" the annihilation of the Jews, which he declared in Jerusalem to have been "one of the greatest crimes in the history of Humanity." The defense paid no attention to Eichmann's own theory, but the prosecution wasted much time in an unsuccessful effort to prove that Eichmann had once, at least, killed with his own hands (a Jewish boy in Hungary), and it spent even more time, and more successfully, on a note that Franz Rademacher, the Jewish expert in the German Foreign Office, had scribbled on one of the documents dealing with Yugoslavia during a telephone conversation, which read:

"Eichmann proposes shooting." This turned out to be the only "order to kill," if that is what it was, for which there existed even a shred of evidence.

The evidence was more questionable than it appeared to be during the trial, at which the judges accepted the prosecutor's version against Eichmann's categorical denial - a denial that was very ineffective, since he had forgotten the "brief incident [a mere eight thousand people] which was not so striking," as Servatius put it. The incident took place in the autumn of 1941, six months after Germany had occupied the Serbian part of Yugoslavia. The Army had been plagued by partisan warfare ever since, and it was the military authorities who decided to solve two problems at a stroke by shooting a hundred Jews and Gypsies as hostages for every dead German soldier. To be sure, neither Jews nor Gypsies were partisans, but, in the words of the responsible civilian officer in the military government, a certain Staatsrat Harald Turner, "the Jews we had in the camps [anyhow]; after all, they too are Serb nationals, and besides, they have to disappear" (quoted by Raul Hilberg in *The Destruction of the European Jews*, 1961). The camps had been set up by General Franz Bohme, military governor of the region, and they housed Jewish males only.

Neither General Bohme nor Staatsrat Turner waited for Eichmann's approval before starting to shoot Jews and Gypsies by the thousand. The trouble began when Bohme, without consulting the appropriate police and S.S. authorities, decided to deport all his Jews, probably in order to show that no special troops, operating under a different command, were required to make Serbia judenrein. Eichmann was informed, since it was a matter of deportation, and he refused approval because the move would interfere with other plans; but it was not Eichmann but Martin Luther, of the Foreign Office, who reminded General Bohme that "In other territories [meaning Russia] other military commanders have taken care of considerably greater numbers of Jews without even mentioning it." In any event, if Eichmann actually did "propose shooting," he told the military only that they should go on doing what they had done all along, and that the question of hostages was entirely in their own competence. Obviously, this was an Army affair, since only males were involved. The implementation of the Final Solution in Serbia started about six months later, when women and children were rounded up and disposed of in mobile gas vans. During cross-examination, Eichmann, as usual, chose the most complicated and least likely explanation: Rademacher had needed the support of the Head Office for Reich Security, Eichmann's outfit, for his own stand on the matter in the Foreign Office, and therefore had forged the document.

(Rademacher himself explained the incident much more reasonably at his own trial, before a West German court in 1952: "The Army was responsible for order in Serbia and had to kill rebellious Jews by shooting." This sounded more plausible but was a lie, for we know - from Nazi sources - that the Jews were not "rebellious.") If it was difficult to interpret a remark made over the phone as an order, it was more difficult to believe that Eichmann had been in a position to give orders to the generals of the Army.

Would he then have pleaded guilty if he had been indicted as an accessory to murder? Perhaps, but he would have made important qualifications. What he had done was a crime only in retrospect, and he had always been a law-abiding citizen, because Hitler's orders, which he had certainly executed to the best of his ability, had possessed "the force of law" in the Third Reich. (The defense could have quoted in support of Eichmann's thesis the testimony of one of the best-known experts on constitutional law in the Third Reich, Theodor Maunz, currently Minister of Education and Culture in Bavaria, who stated in 1943 [in *Gestalt and Recht der Polizei*]: "The command of the Führer . . . is the absolute center of the present legal order.") Those who

today told Eichmann that he could have acted differently simply did not know, or had forgotten, how things had been. He did not want to be one of those who now pretended that “they had always been against it,” whereas in fact they had been very eager to do what they were told to do. However, times change, and he, like Professor Maunz, had “arrived at different insights.” What he had done he had done, he did not want to deny it; rather, he proposed “to hang myself in public as a warning example for all anti-Semites on this earth.” By this he did not mean to say that he regretted anything: “Repentance is for little children.” (Sic!)

Even under considerable pressure from his lawyer, he did not change this position. In a discussion of Himmler’s offer in 1944 to exchange a million Jews for ten thousand trucks, and his own role in this plan, Eichmann was asked: “Mr. Witness, in the negotiations with your superiors, did you express any pity for the Jews and did you say there was room to help them?” And he replied: “I am here under oath and must speak the truth. Not out of mercy did I launch this transaction” - which would have been fine, except that it was not Eichmann who “launched” it. But he then continued, quite truthfully: “My reasons I explained this morning,” and they were as follows: Himmler had sent his own man to Budapest to deal with matters of Jewish emigration. (Which, incidentally, had become a flourishing business: for enormous amounts of money, Jews could buy their way out. Eichmann, however, did not mention this.) It was the fact that “here matters of emigration were dealt with by a man who did not belong to the Police Force” that made him indignant, “because I had to help and to implement deportation, and matters of emigration, on which I considered myself an expert, were assigned to a man who was new to the unit. . . . I was fed up. . . . I decided that I had to do something to take matters of emigration into my own hands.”

Throughout the trial, Eichmann tried to clarify, mostly without success, this second point in his plea of “not guilty in the sense of the indictment.” The indictment implied not only that he had acted on purpose, which he did not deny, but out of base motives and in full knowledge of the criminal nature of his deeds. As for the base motives, he was perfectly sure that he was not what he called an innerer Schweinehund, a dirty bastard in the depths of his heart; and as for his conscience, he remembered perfectly well that he would have had a bad conscience only if he had not done what he had been ordered to do - to ship millions of men, women, and children to their death with great zeal and the most meticulous care. This, admittedly, was hard to take. Half a dozen psychiatrists had certified him as “normal”



- "More normal, at any rate, than I am after having examined him," one of them was said to have exclaimed, while another had found that his whole psychological outlook, his attitude toward his wife and children, mother and father, brothers, sisters, and friends, was "not only normal but most desirable" - and finally the minister who had paid regular visits to him in prison after the Supreme Court had finished hearing his appeal reassured everybody by declaring Eichmann to be "a man with very positive ideas." Behind the comedy of the soul experts lay the hard fact that his was obviously no case of moral let alone legal insanity. (Mr. Hausner's recent revelations in the Saturday Evening Post of things he "could not bring out at the trial" have contradicted the information given informally in Jerusalem. Eichmann, we are now told, had been alleged by the psychiatrists to be "a man obsessed with a dangerous and insatiable urge to kill," "a perverted, sadistic personality." In which case he would have belonged in an insane asylum.) Worse, his was obviously also no case of insane hatred of Jews, of fanatical anti-Semitism or indoctrination of any kind. He "personally" never had anything whatever against Jews; on the contrary, he had plenty of "private reasons" for not being a Jew hater. To be sure, there were fanatic anti-Semites among his closest friends, for instance Lászlo Endre, State Secretary in Charge of Political (Jewish) Affairs in Hungary, who was hanged in Budapest in 1946; but this, according to Eichmann, was more or less in the spirit of "some of my best friends are anti-Semites."

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.

He was born on March 19, 1906, in Solingen, a German town in the

Rhineland famous for its knives, scissors, and surgical instruments. Fifty-four years later, indulging in his favorite pastime of writing his memoirs, he described this memorable event as follows: “Today, fifteen years and a day after May 8, 1945, I begin to lead my thoughts back to that nineteenth of March of the year 1906, when at five o’clock in the morning I entered life on earth in the aspect of a human being.” (The manuscript has not been released by the Israeli authorities. Harry Mulisch succeeded in studying this autobiography “for half an hour,” and the German-Jewish weekly *Der Aufbau* was able to publish short excerpts from it.) According to his religious beliefs, which had not changed since the Nazi period (in Jerusalem Eichmann declared himself to be a *Gottgläubiger*, the Nazi term for those who had broken with Christianity, and he refused to take his oath on the Bible), this event was to be ascribed to “a higher Bearer of Meaning,” an entity somehow identical with the “movement of the universe,” to which human life, in itself devoid of “higher meaning,” is subject. (The terminology is quite suggestive. To call God a *Heren Sinnesträger* meant linguistically to give him some place in the military hierarchy, since the Nazis had changed the military “recipient of orders,” the *Befehlsempfänger*, into a “bearer of orders,” a *Befehlsträger*, indicating, as in the ancient “bearer of ill tidings,” the burden of responsibility and of importance that weighed supposedly upon those who had to execute orders. Moreover, Eichmann, like everyone connected with the Final Solution, was officially a “bearer of secrets,” a *Geheimnisträger*, as well, which as far as self-importance went certainly was nothing to sneeze at.) But Eichmann, not very much interested in metaphysics, remained singularly silent on any more intimate relationship between the Bearer of Meaning and the bearer of orders, and proceeded to a consideration of the other possible cause of his existence, his parents: “They would hardly have” been so overjoyed at the arrival of their first-born had they been able to watch how in the hour of my birth the Norn of misfortune, to spite the Norn of good fortune, was already spinning threads of grief and sorrow into my life. But a kind, impenetrable veil kept my parents from seeing into the future.”

The misfortune started soon enough; it started in school. Eichmann’s father, first an accountant for the Tramways and Electricity Company in Solingen and after 1913 an official of the same corporation in Austria, in Linz, had five children, four sons and a daughter, of whom only Adolf, the eldest, it seems, was unable to finish high school, or even to graduate from the vocational school for engineering into which he was then put. Throughout his life, Eichmann deceived people about his early “misfortunes” by hiding behind the more honorable financial misfortunes of his father. In Israel, however, during his first sessions with

Captain Avner Less, the police examiner who was to spend approximately 35 days with him and who produced 3,564 typewritten pages from 76 recorder tapes, he was in an ebullient mood, full of enthusiasm about this unique opportunity “to pour forth everything . . . I know” and, by the same token, to advance to the rank of the most cooperative defendant ever. (His enthusiasm was soon dampened, though never quite extinguished, when he was confronted with concrete questions based on irrefutable documents.) The best proof of his initial boundless confidence, obviously wasted on Captain Less (who said to Harry Mulisch: “I was Mr. Eichmann’s father confessor”), was that for the first time in his life he admitted his early disasters, although he must have been aware of the fact that he thus contradicted himself on several important entries in all his official Nazi records.

Well, the disasters were ordinary: since he “had not exactly been the most hard-working” pupil - or, one may add, the most gifted - his father had taken him first from high school and then from vocational school, long before graduation. Hence, the profession that appears on all his official documents: construction engineer, had about as much connection with reality as the statement that his birthplace was Palestine and that he was fluent in Hebrew and Yiddish - another outright lie Eichmann had loved to tell both to his S.S. comrades and to his Jewish victims. It was in the same vein that he had always pretended he had been dismissed from his job as salesman for the Vacuum Oil Company in Austria because of membership in the National Socialist Party. The version he confided to Captain Less was less dramatic, though probably not the truth either: he had been fired because it was a time of unemployment, when unmarried employees were the first to lose their jobs. (This explanation, which at first seems plausible, is not very satisfactory, because he lost his job in the spring of 1933, when he had been engaged for two full years to Veronika, or Vera, Liebl, who later became his wife. Why had he not married her before, when he still had a good job? He finally married in March, 1935, probably because bachelors in the S.S., as in the Vacuum Oil Company, were never sure of their jobs and could not be promoted.) Clearly, bragging had always been one of his cardinal vices.

While young Eichmann was doing poorly in school, his father left the Tramway and Electricity Company and went into business for himself. He bought a small mining enterprise and put his unpromising youngster to work in it as an ordinary mining laborer, but only until he found him a job in the sales department of the Obersterreichischen Elektrobau Company, where Eichmann remained for over two years. He was now about twenty-two years old and without any prospects

for a career; the only thing he had learned, perhaps, was how to sell. What then happened was what he himself called his first break, of which, again, we have two rather different versions. In a handwritten biographical record he submitted in 1939 to win a promotion in the S.S., he described it as follows: "I worked during the years of 1925 to 1927 as a salesman for the Austrian Elektrobau Company. I left this position of my own free will, as the Vacuum Oil Company of Vienna offered me the representation for Upper Austria." The key word here is "offered," since, according to the story he told Captain Less in Israel, nobody had offered him anything. His own mother had died when he was ten years old, and his father had married again. A cousin of his stepmother - a man he called "uncle" - who was president of the Austrian Automobile Club and was married to the daughter of a Jewish businessman in Czechoslovakia, had used his connection with the general director of the Austrian Vacuum Oil Company, a Jewish Mr. Weiss, to obtain for his unfortunate relation a job as traveling salesman. Eichmann was properly grateful; the Jews in his family were among his "private reasons" for not hating Jews. Even in 1943 or 1944, when the Final Solution was in full swing, he had not forgotten: "The daughter of this marriage, half-Jewish according to the Nuremberg Laws, . . . came to see me in order to obtain my permission for her emigration into Switzerland. Of course, I granted this request, and the same uncle came also to see me to ask me to intervene for some Viennese Jewish couple. I mention this only to show that I myself had no hatred for Jews, for my whole education through my mother and my father had been strictly Christian; my mother, because of her Jewish relatives, held different opinions from those current in S.S. circles."

He went to considerable lengths to prove his point: he had never harbored any ill feelings against his victims, and, what is more, he had never made a secret of that fact. "I explained this to Dr. Lenherz [head of the Jewish Community in Vienna] as I explained it to Dr. Kastner [vicepresident of the Zionist Organization in Budapest]; I think I told it to everybody, each of my men knew it, they all heard it from me sometime. Even in elementary school, I had a classmate with whom I spent my free time, and he came to our house; a family in Linz by the name of Sebba. The last time we met we walked together through the streets of Linz, I already with the Party emblem of the N.S.D.A.P. [the Nazi Party] in my buttonhole, and he did not think anything of it." Had Eichmann been a bit less prim or the police examination (which refrained from cross-examination, presumably to remain assured of his cooperation) less discreet, his "lack of prejudice" might have shown itself in still another aspect. It seems that in Vienna, where he was so extraordinarily successful in arranging the "forced emigration" of

Jews, he had a Jewish mistress, an “old flame” from Linz. Rassen-schande, sexual intercourse with Jews, was probably the greatest crime a member of the S.S. could commit, and though during the war the raping of Jewish girls became a favorite pastime at the front, it was by no means common for a Higher S.S. officer to have an affair with a Jewish woman. Thus, Eichmann’s repeated violent denunciations of Julius Streicher, the insane and obscene editor of *Der Stmer*, and of his pornographic anti-Semitism, were perhaps personally motivated, and the expression of more than the routine contempt an “enlightened” S.S. man was supposed to show toward the vulgar passions of lesser Party luminaries.

The five and a half years with the Vacuum Oil Company must have been among the happier ones in Eichmann’s life. He made a good living during a time of severe unemployment, and he was still living with his parents, except when he was out on the road. The date when this idyll came to an end - Pentecost, 1933 - was among the few he always remembered. Actually, things had taken a turn for the worse somewhat earlier. At the end of 1932, he was unexpectedly transferred from Linz to Salzburg, very much against his inclinations: “I lost all joy in my work, I no longer liked to sell, to make calls.” From such sudden losses of *Arbeitsfreude* Eichmann was to suffer throughout his life. The worst of them occurred when he was told of the Führer’s order for the “physical extermination of the Jews,” in which he was to play such an important role. This, too, came unexpectedly; he himself had “never thought of . . . such a solution through violence,” and he described his reaction in the same words: “I now lost everything, all joy in my work, all initiative, all interest; I was, so to speak, blown out.” A similar blowing out must have happened in 1932 in Salzburg, and from his own account it is clear that he cannot have been very surprised when he was fired, though one need not believe his saying that he had been “very happy” about his dismissal.

For whatever reasons, the year 1932 marked a turning point of his life. It was in April of this year that he joined the National Socialist Party and entered the S.S., upon an invitation of Ernst Kaltenbrunner a young lawyer in Linz who later became chief of the Head Office for Reich Security (the *Reichssicherheitshauptamt* or R.S.H.A., as I shall call it henceforth), in one of whose six main departments- Bureau IV, under the command of Heinrich Müller - Eichmann was eventually employed as head of section B-4. In court, Eichmann gave the impression of a typical member of the lower middle classes, and this impression was more than borne out by every sentence he spoke or wrote while in prison. But this was misleading; he was rather the *déclassé* son of

a solid middle-class family, and it was indicative of his comedown in social status that while his father was a good friend of Kaltenbrunner's father, who was also a Linz lawyer, the relationship of the two sons was rather cool: Eichmann was unmistakably treated by Kaltenbrunner as his social inferior. Before Eichmann entered the Party and the S.S., he had proved that he was a joiner, and May 8, 1945, the official date of Germany's defeat, was significant for him mainly because it then dawned upon him that thenceforward he would have to live without being a member of something or other. "I sensed I would have to live a leaderless and difficult individual life, I would receive no directives from anybody, no orders and commands would any longer be issued to me, no pertinent ordinances would be there to consult - in brief, a life never known before lay before me. When he was a child, his parents, uninterested in politics, had enrolled him in the Young Men's Christian Association, from which he later went into the German youth movement, the Wandervogel. During his four unsuccessful years in high school, he had joined the Jungfront-kämpferverband, the youth section of the German-Austrian organization of war veterans, which, though violently pro-German and anti-republican, was tolerated by the Austrian government. When Kaltenbrunner suggested that he enter the S.S., he was just on the point of becoming a member of an altogether different outfit, the Freemasons' Lodge Schlaraffia, "an association of businessmen, physicians, actors, civil servants, etc., who came together to cultivate merriment and gaiety. . . . Each member had to give a lecture from time to time whose tenor was to be humor, refined humor." Kaltenbrunner explained to Eichmann that he would have to give up this merry society because as a Nazi he could not be a Freemason - a word that at the time was unknown to him. The choice between the S.S. and Schlaraffia (the name derives from Schlaraffenland, the gluttons' Cloud-Cuckoo Land of German fairy tales) might have been hard to make, but he was "kicked out" of Schlaraffia anyhow; he had committed a sin that even now, as he told the story in the Israeli prison, made him blush with shame: "Contrary to my upbringing, I had tried, though I was the youngest, to invite my companions to a glass of wine."

A leaf in the whirlwind of time, he was blown from Schlaraffia, the Never-Never Land of tables set by magic and roast chickens that flew into your mouth - or, more accurately, from the company of respectable philistines with degrees and assured careers and "refined humor," whose worst vice was probably an irrepressible desire for practical jokes - into the marching columns of the Thousand-Year Reich, which lasted exactly twelve years and three months. At any rate, he did not enter the Party out of conviction, nor was he ever convinced

by it - whenever he was asked to give his reasons, he repeated the same embarrassed clichés about the Treaty of Versailles and unemployment; rather, as he pointed out in court, “it was like being swallowed up by the Party against all expectations and without previous decision. It happened so quickly and suddenly.” He had no time and less desire to be properly informed, he did not even know the Party program, he never read *Mein Kampf*. Kaltenbrunner had said to him: Why not join the S.S.? And he had replied, Why not? That was how it had happened, and that was about all there was to it.

Of course, that was not all there was to it. What Eichmann failed to tell the presiding judge in cross-examination was that he had been an ambitious young man who was fed up with his job as traveling salesman even before the Vacuum Oil Company was fed up with him. 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. And if he did not always like what he had to do (for example, dispatching people to their death by the trainload instead of forcing them to emigrate), if he guessed, rather early, that the whole business would come to a bad end, with Germany losing the war, if all his most cherished plans came to nothing (the evacuation of European Jewry to Madagascar, the establishment of a Jewish territory in the Nisko region of Poland, the experiment with carefully built defense installations around his Berlin office to repel Russian tanks), and if, to his greatest “grief and sorrow,” he never advanced beyond the grade of S.S.

Obersturmbannführer (a rank equivalent to lieutenant colonel) - in short, if, with the exception of the year in Vienna, his life was beset with frustrations, he never forgot what the alternative would have been. Not only in Argentina, leading the unhappy existence of a refugee, but also in the courtroom in Jerusalem, with his life as good as forfeited, he might still have preferred - if anybody had asked him - to be hanged as Obersturmbannführer a.D. (in retirement) rather than living out his life quietly and normally as a traveling salesman for the Vacuum Oil Company. The beginnings of Eichmann’s new career were not very promising. In the spring of 1933, while he was out of a job, the Nazi Party and all its affiliates were suspended in Austria, because of Hitler’s rise to power. But even without this new calamity, a career in the Austrian Party would have been out of the question: even those who had enlisted in the S.S. were still working at their regular jobs; Kaltenbrunner was still a partner in his father’s law firm. Eichmann

therefore decided to go to Germany, which was all the more natural because his family had never given up German citizenship. (This fact was of some relevance during the trial. Dr. Servatius had asked the West German government to demand extradition of the accused and, failing this, to pay the expenses of the defense, and Bonn refused, on the grounds that Eichmann was not a German national, which was a patent untruth.) At Passau, on the German border, he was suddenly a traveling salesman again, and when he reported to the regional leader, he asked him eagerly "if he had perhaps some connection with the Bavarian Vacuum Oil Company." Well, this was one of his not infrequent relapses from one period of his life into another; whenever he was confronted with telltale signs of an unregenerate Nazi outlook, in his life in Argentina and even in the Jerusalem jail, he excused himself with "There I go again, the old song and dance [die alte Tour]." But his relapse in Passau was quickly cured; he was told that he had better enlist for some military training - "All right with me, I thought to myself, why not become a soldier?" - and he was sent in quick succession to two Bavarian S.S. camps, in Lechfeld and in Dachau (he had nothing to do with the concentration camp there), where the "Austrian Legion in exile" received its training. Thus he did become an Austrian after a fashion, despite his German passport. He remained in these military camps from August, 1933, until September, 1934, advanced to the rank of Scharführer (corporal) and had plenty of time to reconsider his willingness to embark upon the career of a soldier. According to his own account, there was but one thing in which he distinguished himself during these fourteen months, and that was punishment drill, which he performed with great obstinacy, in the wrathful spirit of "Serves my father right if my hands freeze, why doesn't he buy me gloves." But apart from such rather dubious pleasures, to which he owed his first promotion, he had a terrible time: "The humdrum of military service, that was something I couldn't stand, day after day always the same, over and over again the same." Thus bored to distraction, he heard that the Security Service of the Reichsführer S.S. (Himmler's Sicherheitsdienst, or S.D., as I shall call it henceforth) had jobs open, and applied immediately.

## VII : The Wannsee Conference, or Pontius Pilate

My report on Eichmann's conscience has thus far followed evidence which he himself had forgotten. In his own presentation of the matter, the turning point came not four weeks but four months later, in January, 1942, during the Conference of the Staatssekretäre (Undersecretaries of State), as the Nazis used to call it, or the Wannsee



Conference, as it now is usually called, because Heydrich had invited the gentlemen to a house in that suburb of Berlin. As the formal name of the conference indicates, the meeting had become necessary because the Final Solution, if it was to be applied to the whole of Europe, clearly required more than tacit acceptance from the Reich's State apparatus; it needed the active cooperation of all Ministries and of the whole Civil Service. The Ministers themselves, nine years after Hitler's rise to power, were all Party members of long standing - those who in the initial stages of the regime had merely "coordinated" themselves, smoothly enough, had been replaced. Yet most of them were not completely trusted, since few among them owed their careers entirely to the Nazis, as did Heydrich or Himmler; and those who did, like Joachim von Ribbentrop, head of the Foreign Office, a former champagne salesman, were likely to be nonentities. The problem was much more acute, however, with respect to the higher career men in the Civil Service, directly under the Ministers, for these men, the backbone of every government administration, were not easily replaceable, and Hitler had tolerated them, just as Adenauer was to tolerate them, unless they were compromised beyond salvation. Hence the undersecretaries and the legal and other experts in the various Ministries were frequently not even Party members, and Heydrich's apprehensions about whether he would be able to enlist the active help of these people in mass murder were quite comprehensible. As Eichmann put it, Heydrich "expected the greatest difficulties." Well, he could not have been more wrong.

The aim of the conference was to coordinate all efforts toward the implementation of the Final Solution. The discussion turned first on "complicated legal questions," such as the treatment of half- and quarter-Jews - should they be killed or only sterilized? This was followed by a frank discussion of the "various types of possible solutions to the problem," which meant the various methods of killing, and here, too, there was more than "happy agreement on the part of the participants"; the Final Solution was greeted with "extraordinary enthusiasm" by all present, and particularly by Dr. Wilhelm Stuckart, Undersecretary in the Ministry of the Interior, who was known to be rather reticent and hesitant in the face of "radical" Party measures, and was, according to Dr. Hans Globke's testimony at Nuremberg, a staunch supporter of the Law. There were certain difficulties, however. Undersecretary Josef Bler, second in command in the General Government in Poland, was dismayed at the prospect that Jews would be evacuated from the West to the East, because this meant more Jews in Poland, and he proposed that these evacuations be postponed and that "the Final Solution be started in the General Government, where

no problems of transport existed.” The gentlemen from the Foreign Office appeared with their own carefully elaborated memorandum, expressing “the desires and ideas of the Foreign Office with respect to the total solution of the Jewish question in Europe,” to which nobody paid much attention. The main point, as Eichmann rightly noted, was that the members of the various branches of the Civil Service did not merely express opinions but made concrete propositions. The meeting lasted no more than an hour or an hour and a half, after which drinks were served and everybody had lunch - “a cozy little social gathering,” designed to strengthen the necessary personal contacts. It was a very important occasion for Eichmann, who had never before mingled socially with so many “high personages”; he was by far the lowest in rank and social position of those present. He had sent out the invitations and had prepared some statistical material (full of incredible errors) for Heydrich’s introductory speech - eleven million Jews had to be killed, an undertaking of some magnitude - and later he was to prepare the minutes. In short, he acted as secretary of the meeting. This was why he was permitted, after the dignitaries had left, to sit down near the fireplace with his chief Müller and Heydrich, “and that was the first time I saw Heydrich smoke and drink.” They did not “talk shop, but enjoyed some rest after long hours of work,” being greatly satisfied and, especially Heydrich, in very high spirits.

There was another reason that made the day of this conference unforgettable for Eichmann. Although he had been doing his best right along to help with the Final Solution, he had still harbored some doubts about “such a bloody solution through violence,” and these doubts had now been dispelled. “Here now, during this conference, the most prominent people had spoken, the Popes of the Third Reich.” Now he could see with his own eyes and hear with his own ears that not only Hitler, not only Heydrich or the “sphinx” Müller, not just the S.S. or the Party, but the elite of the good old Civil Service were vying and fighting with each other for the honor of taking the lead in these “bloody” matters. “At that moment, I sensed a kind of Pontius Pilate feeling, for I felt free of all guilt.” Who was he to judge? Who was he “to have [his] own thoughts in this matter”? Well, he was neither the first nor the last to be ruined by modesty.

What followed, as Eichmann recalled it, went more or less smoothly and soon became routine. He quickly became an expert in “forced evacuation,” as he had been an expert in “forced emigration.” In country after country, the Jews had to register, were forced to wear the yellow badge for easy identification, were assembled and deported, the various shipments being directed to one or another of the extermi-

nation centers in the East, depending on their relative capacity at the moment; when a trainload of Jews arrived at a center, the strong among them were selected for work, often operating the extermination machinery, all others were immediately killed. There were hitches, but they were minor. The Foreign Office was in contact with the authorities in those foreign countries that were either occupied or allied with the Nazis, to put pressure on them to deport their Jews, or, as the case might be, to prevent them from evacuating them to the East helter-skelter, out of sequence, without proper regard for the absorptive capacity of the death centers. (This was how Eichmann remembered it; it was in fact not quite so simple.) The legal experts drew up the necessary legislation for making the victims stateless, which was important on two counts: it made it impossible for any country to inquire into their fate, and it enabled the state in which they were resident to confiscate their property. The Ministry of Finance and the Reichsbank prepared facilities to receive the huge loot from all over Europe, down to watches and gold teeth, all of which was sorted out in the Reichsbank and then sent to the Prussian State Mint. The Ministry of Transport provided the necessary railroad cars, usually freight cars, even in times of great scarcity of rolling stock, and they saw to it that the schedule of the deportation trains did not conflict with other timetables. The Jewish Councils of Elders were informed by Eichmann or his men of how many Jews were needed to fill each train, and they made out the list of deportees. The Jews registered, filled out innumerable forms, answered pages and pages of questionnaires regarding their property so that it could be seized the more easily; they then assembled at the collection points and boarded the trains. The few who tried to hide or to escape were rounded up by a special Jewish police force. As far as Eichmann could see, no one protested, no one refused to cooperate. "Immerzu fahren hier die Leute zu ihrem eigenen Begräbnis" (Day in day out the people here leave for their own funeral), as a Jewish observer put it in Berlin in 1943.

Mere compliance would never have been enough either to smooth out all the enormous difficulties of an operation that was soon to cover the whole of Nazi-occupied and Nazi-allied Europe or to soothe the consciences of the operators, who, after all, had been brought up on the commandment "Thou shalt not kill," and who knew the verse from the Bible, "Thou hast murdered and thou hast inherited," that the judgment of the District Court of Jerusalem quoted so appropriately. What Eichmann called the "death whirl" that descended upon Germany after the immense losses at Stalingrad - the saturation bombing of German cities, his stock excuse for killing civilians and still the stock excuse offered in Germany for the massacres - making an everyday ex-

perience of sights different from the atrocities reported at Jerusalem but no less horrible, might have contributed to the easing, or, rather, to the extinguishing, of conscience, had any conscience been left when it occurred, but according to the evidence such was not the case. The extermination machinery had been planned and perfected in all its details long before the horror of war struck Germany herself, and its intricate bureaucracy functioned with the same unwavering precision in the years of easy victory as in those last years of predictable defeat. Defections from the ranks of the ruling elite and notably from among the Higher S.S. officers hardly occurred at the beginning, when people might still have had a conscience; they made themselves felt only when it had become obvious that Germany was going to lose the war. Moreover, such defections were never serious enough to throw the machinery out of gear; they consisted of individual acts not of mercy but of corruption, and they were inspired not by conscience but by the desire to salt some money or some connections away for the dark days to come. Himmler's order in the fall of 1944 to halt the extermination and to dismantle the installations at the death factories sprang from his absurd but sincere conviction that the Allied powers would know how to appreciate this obliging gesture; he told a rather incredulous Eichmann that on the strength of it he would be able to negotiate a Hubertusburger-Frieden - an allusion to the Peace Treaty of Hubertusburg that concluded the Seven Years' War of Frederick II of Prussia in 1763 and enabled Prussia to retain Silesia, although she had lost the war. As Eichmann told it, the most potent factor in the soothing of his own conscience was the simple fact that he could see no one, no one at all, who actually was against the Final Solution. He did encounter one exception, however, which he mentioned several times, and which must have made a deep impression on him. This happened in Hungary when he was negotiating with Dr. Kastner over Himmler's offer to release one million Jews in exchange for ten thousand trucks. Kastner, apparently emboldened by the new turn of affairs, had asked Eichmann to stop "the death mills at Auschwitz," and Eichmann had answered that he would do it "with the greatest pleasure" (*herzlich gern*) but that, alas, it was outside his competence and outside the competence of his superiors - as indeed it was. Of course, he did not expect the Jews to share the general enthusiasm over their destruction, but he did expect more than compliance, he expected - and received, to a truly extraordinary degree - their cooperation. This was "of course the very cornerstone" of everything he did, as it had been the very cornerstone of his activities in Vienna. Without Jewish help in administrative and police work - the final rounding up of Jews in Berlin was, as I have mentioned, done entirely by Jewish police - there

would have been either complete chaos or an impossibly severe drain on German manpower. (“There can be no doubt that, without, the cooperation of the victims, it would hardly have been possible for a few thousand people, most of whom, moreover, worked in offices, to liquidate many hundreds of thousands of other people. . . . Over the whole way to their deaths the Polish Jews got to see hardly more than a handful of Germans.” Thus R. Pendorf in the publication mentioned above. To an even greater extent this applies to those Jews who were transported to Poland to find their deaths there.) Hence, the establishing of Quisling governments in occupied territories was always accompanied by the organization of a central Jewish office, and, as we shall see later, where the Nazis did not succeed in setting up a puppet government, they also failed to enlist the cooperation of the Jews. But whereas the members of the Quisling governments were usually taken from the opposition parties, the members of the Jewish Councils were as a rule the locally recognized Jewish leaders, to whom the Nazis gave enormous powers - until they, too, were deported, to Theresienstadt or Bergen-Belsen, if they happened to be from Central or Western Europe, to Auschwitz if they were from an Eastern European community.

To a Jew this role of the Jewish leaders in the destruction of their own people is undoubtedly the darkest chapter of the whole dark story. It had been known about before, but it has now been exposed for the first time in all its pathetic and sordid detail by Raul Hilberg, whose standard work *The Destruction of the European Jews* I mentioned before. In the matter of cooperation, there was no distinction between the highly assimilated Jewish communities of Central and Western Europe and the Yiddish-speaking masses of the East. In Amsterdam as in Warsaw, in Berlin as in Budapest, Jewish officials could be trusted to compile the lists of persons and of their property, to secure money from the deportees to defray the expenses of their deportation and extermination, to keep track of vacated apartments, to supply police forces to help seize Jews and get them on trains, until, as a last gesture, they handed over the assets of the Jewish community in good order for final confiscation. They distributed the Yellow Star badges, and sometimes, as in Warsaw, “the sale of the armbands became a regular business; there were ordinary armbands of cloth and fancy plastic armbands which were washable.” In the Nazi-inspired, but not Nazi-dictated, manifestoes they issued, we still can sense how they enjoyed their new power - “The Central Jewish Council has been granted the right of absolute disposal over all Jewish spiritual and material wealth and over all Jewish manpower,” as the first announcement of the Budapest Council phrased it. We know how the Jewish officials felt when

they became instruments of murder - like captains “whose ships were about to sink and who succeeded in bringing them safe to port by casting overboard a great part of their precious cargo”; like saviors who “with a hundred victims save a thousand people, with a thousand ten thousand.” The truth was even more gruesome. Dr. Kastner, in Hungary, for instance, saved exactly 1,684 people with approximately 476,000 victims. In order not to leave the selection to “blind fate,” “truly holy principles” were needed “as the guiding force of the weak human hand which puts down on paper the name of the ‘unknown person and with this decides his life or death.” And whom did these “holy principles” single out for salvation? Those “who had worked all their lives for the zibur [community]” - i.e., the functionaries - and the “most prominent Jews,” as Kastner says in his report.

No one bothered to swear the Jewish officials to secrecy; they were voluntary “bearers of secrets,” either in order to assure quiet and prevent panic, as in Dr. Kastner’s case, or out of “humane” considerations, such as that “living in the expectation of death by gassing would only be the harder,” as in the case of Dr. Leo Baeck, former Chief Rabbi of Berlin. During the Eichmann trial, one witness pointed out the unfortunate consequences of this kind of “humanity” - people volunteered for deportation from Theresienstadt to Auschwitz and denounced those who tried to tell them the truth as being “not sane.” We know the physiognomies of the Jewish leaders during the Nazi period very well; they ranged all the way from Chaim Rumkowski, Eldest of the Jews in Łódź, called Chaim I, who issued currency notes bearing his signature and postage stamps engraved with his portrait, and who rode around in a broken-down horse-drawn carriage; through Leo Baeck, scholarly, mild-mannered, highly educated, who believed Jewish policemen would be “more gentle and helpful” and would “make the ordeal easier” (whereas in fact they were, of course, more brutal and less corruptible, since so much more was at stake for them); to, finally, a few who committed suicide - like Adam Czerniakow, chairman of the Warsaw Jewish Council, who was not a rabbi but an unbeliever, a Polish-speaking Jewish engineer, but who must still have remembered the rabbinical saying: “Let them kill you, but don’t cross the line.”

That the prosecution in Jerusalem, so careful not to embarrass the Adenauer administration, should have avoided, with even greater and more obvious justification, bringing this chapter of the story into the open was almost a matter of course. (These issues, however, are discussed quite openly and with astonishing frankness in Israeli schoolbooks - as may conveniently be gathered from the article “Young Is-

raelis and Jews Abroad - A Study of Selected History Textbooks" by Mark M. Krug, in *Comparative Education Review*, October, 1963.) The chapter must be included here, however, because it accounts for certain otherwise inexplicable lacunae in the documentation of a generally over-documented case. The judges mentioned one such instance, the absence of H. G. Adler's book *Theresienstadt 1941-1945* (1955), which the prosecution, in some embarrassment, admitted to be "authentic, based on irrefutable sources." The reason for the omission was clear. The book describes in detail how the feared "transport lists" were put together by the Jewish Council of Theresienstadt after the S.S. had given some general directives, stipulating how many should be sent away, and of what age, sex, profession, and country of origin. The prosecution's case would have been weakened if it had been forced to admit that the naming of individuals who were sent to their doom had been, with few exceptions, the job of the Jewish administration. And the Deputy State Attorney, Mr. Ya'akov Baror, who handled the intervention from the bench, in a way indicated this when he said: "I am trying to bring out those things which somehow refer to the accused without damaging the picture in its entirety." The picture would indeed have been greatly damaged by the inclusion of Adler's book, since it would have contradicted testimony given by the chief witness on Theresienstadt, who claimed that Eichmann himself had made these individual selections. Even more important, the prosecution's general picture of a clear-cut division between persecutors and victims would have suffered greatly. To make available evidence that does not support the case for the prosecution is usually the job of the defense, and the question why Dr. Servatius, who perceived some minor inconsistencies in the testimony, did not avail himself of such easily obtainable and widely known documentation is difficult to answer. He could have pointed to the fact that Eichmann, immediately upon being transformed from an expert in emigration into an expert in "evacuation," appointed his old Jewish associates in the emigration business - Dr. Paul Eppstein, who had been in charge of emigration in Berlin, and Rabbi Benjamin Marmorstein, who had held the same job in Vienna - as "Jewish Elders" in Theresienstadt. This would have done more to demonstrate the atmosphere in which Eichmann worked than all the unpleasant and often downright offensive talk about oaths, loyalty, and the virtues of unquestioning obedience.

The testimony of Mrs. Charlotte Salzberger on Theresienstadt, from which I quoted above, permitted us to cast at least a glance into this neglected corner of what the prosecution kept calling the "general picture." The presiding judge did not like the term and he did not like the picture. He told the Attorney General several times that "we

are not drawing pictures here,” that there is “an indictment and this indictment is the framework for our trial,” that the court “has its own view about this trial, according to the indictment,” and that “the prosecution must adjust to what the court lays down” - admirable admonitions for criminal proceedings, none of which was heeded. The prosecution did worse than not heed them, it simply refused to guide its witnesses - or, if the court became too insistent, it asked a few haphazard questions, very casually - with the result that the witnesses behaved as though they were speakers at a meeting chaired by the Attorney General, who introduced them to the audience before they took the floor. They could talk almost as long as they wished, and it was a rare occasion when they were asked a specific question.

This atmosphere, not of a show trial but of a mass meeting, at which speaker after speaker does his best to arouse the audience, was especially noticeable when the prosecution called witness after witness to testify to the rising in the Warsaw ghetto and to the similar attempts in Vilna and Kovno - matters that had no connection whatever with the crimes of the accused. The testimony of these people would have contributed something to the trial if they had told of the activities of the Jewish Councils, which had played such a great and disastrous role in their own heroic efforts. Of course, there was some mention of this - witnesses speaking of “S.S. men and their helpers” pointed out that they counted among the latter the “ghetto police which was also an instrument in the hands of the Nazi murderers” as well as “the Judenrat” - but they were only too glad not to “elaborate” on this side of their story, and they shifted the discussion to the role of real traitors, of whom there were few, and who were “nameless people, unknown to the Jewish public,” such as “all undergrounds which fought against the Nazis suffered from.” (The audience while these witnesses testified had changed again; it consisted now of Kibbuzniks, members of the Israeli communal settlements to which the speakers belonged.) The purest and clearest account came from Zivia Lubetkin Zuckerman, today a woman of perhaps forty, still very beautiful, completely free of sentimentality or self-indulgence, her facts well organized, and always quite sure of the point she wished to make. Legally, the testimony of these witnesses was immaterial - Mr. Hausner did not mention one of them in his last plaidoyer - except insofar as it constituted proof of close contacts between Jewish partisans and the Polish and Russian underground fighters, which, apart from contradicting other testimony (“We had the whole population against us”), could have been useful to the defense, since it offered much better justification for the wholesale slaughter of civilians than Eichmann’s repeated claim that “Weizmann had declared war on Germany in 1939.” (This was sheer nonsense. All



that Chaim Weizmann had said, at the close of the last prewar Zionist Congress, was that the war of the Western democracies “is our war, their struggle is our struggle.” The tragedy, as Hausner rightly pointed out, was precisely that the Jews were not recognized by the Nazis as belligerents, for if they had been they would have survived, in prisoner-of-war or civilian internment camps.) Had Dr. Servatius made this point, the prosecution would have been forced to admit how pitifully small these resistance groups had been, how incredibly weak and essentially harmless - and, moreover, how little they had represented the Jewish population, who at one point even took arms against them.

While the legal irrelevance of all this very time-consuming testimony remained pitifully clear, the political intention of the Israeli government in introducing it was also not difficult to guess. Mr. Hausner (or Mr. Ben-Gurion) probably wanted to demonstrate that whatever resistance there had been had come from Zionists, as though, of all Jews, only the Zionists knew that if you could not save your life it might still be worth while to save your honor, as Mr. Zuckerman put it; that the worst that could happen to the human person under such circumstances was to be and to remain “innocent,” as became clear from the tenor and drift of Mrs. Zuckerman’s testimony. However, these “political” intentions misfired, for the witnesses were truthful and told the court that all Jewish organizations and parties had played their role in the resistance, so the true distinction was not between Zionists and non-Zionists but between organized and unorganized people, and, even more important, between the young and the middle-aged. To be sure, those who resisted were a minority, a tiny minority, but under the circumstances “the miracle was,” as one of them pointed out, “that this minority existed.”

Legal considerations aside, the appearance in the witness box of the former Jewish resistance fighters was welcome enough. It dissipated the haunting specter of universal cooperation, the stifling, poisoned atmosphere which had surrounded the Final Solution. The well-known fact that the actual work of killing in the extermination centers was usually in the hands of Jewish commandos had been fairly and squarely established by witnesses for the prosecution - how they had worked in the gas chambers and the crematories, how they had pulled the gold teeth and cut the hair of the corpses, how they had dug the graves and, later, dug them up again to extinguish the traces of mass murder; how Jewish technicians had built gas chambers in Theresienstadt, where the Jewish “autonomy” had been carried so far that even the hangman was a Jew. But this was only horrible, it was no moral problem. The

selection and classification of workers in the camps was made by the S.S., who had a marked predilection for the criminal elements; and, anyhow, it could only have been the selection of the worst. (This was especially true in Poland, where the Nazis had exterminated a large proportion of the Jewish intelligentsia at the same time that they killed Polish intellectuals and members of the professions - in marked contrast, incidentally, to their policy in Western Europe, where they tended to save prominent Jews in order to exchange them for German civilian internees or prisoners of war; Bergen-Belsen was originally a camp for "exchange Jews.") The moral problem lay in the amount of truth there was in Eichmann's description of Jewish cooperation, even under the conditions of the Final Solution: "The formation of the Jewish Council [at Theresienstadt] and the distribution of business was left to the discretion of the Council, except for the appointment of the president, who the president was to be, which depended upon us, of course. However, this appointment was not in the form of a dictatorial decision. The functionaries with whom we were in constant contact - well, they had to be treated with kid gloves. They were not ordered around, for the simple reason that if the chief officials had been told what to do in the form of: you must, you have to, that would not have helped matters any. If the person in question does not like what he is doing, the whole works will suffer. . . . We did our best to make everything somehow palatable." No doubt they did; the problem is how it was possible for them to succeed.

Thus, the gravest omission from the "general picture" was that of a witness to testify to the cooperation between the Nazi rulers and the Jewish authorities, and hence of an opportunity to raise the question: "Why did you cooperate in the destruction of your own people and, eventually, in your own ruin?" The only witness who had been a prominent member of a Judenrat was Pinchas Freudiger, the former Baron Philip von Freudiger, of Budapest, and during his testimony the only serious incidents in the audience took place; people screamed at the witness in Hungarian and in Yiddish, and the court had to interrupt the session. Freudiger, an Orthodox Jew of considerable dignity, was shaken: "There are people here who say they were not told to escape. But fifty per cent of the people who escaped were captured and killed" - as compared with ninety-nine per cent, for those who did not escape. "Where could they have gone to? Where could they have fled?" - but he himself fled, to Rumania, because he was rich and Wisliceny helped him. "What could we have done? What could we have done?" And the only response to this came from the presiding judge: "I do not think this is an answer to the question" - a question raised by the gallery but not by the court.

The matter of cooperation was twice mentioned by the judges; Judge Yitzak Raveh elicited from one of the resistance witnesses an admission that the “ghetto police” were an “instrument in the hands of murderers” and an acknowledgment of “the Judenrat’s policy of cooperating with the Nazis”; and Judge Halevi found out from Eichmann in cross-examination that the Nazis had regarded this cooperation as the very cornerstone of their Jewish policy. But the question the prosecutor regularly addressed to each witness except the resistance fighters which sounded so very natural to those who knew nothing of the factual background of the trial, the question “Why did you not rebel?” actually served as a smoke screen for the question that was not asked. And thus it came to pass that all answers to the unanswerable question Mr. Hausner put to his witnesses were considerably less than “the truth, the whole truth, and nothing but the truth.” 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. (According to Freudiger’s calculations about half of them could have saved themselves if they had not followed the instructions of the Jewish Councils. This is of course a mere estimate, which, however, oddly jibes with the rather reliable figures we have from Holland and which I owe to Dr. L. de Jong, the head of the Netherlands State Institute for War Documentation. In Holland, where the Joodsche Raad like all the Dutch authorities very quickly became an “instrument of the Nazis,” 103,000 Jews were deported to the death camps and some five thousand to Theresienstadt in the usual way, i.e., with the cooperation of the Jewish Council. Only five hundred and nineteen Jews returned from the death camps. In contrast to this figure, ten thousand of those twenty to twenty-five thousand Jews who escaped the Nazis - and that meant also the Jewish Council - and went underground survived; again forty to fifty per cent. Most of the Jews sent to Theresienstadt returned to Holland.)

I have dwelt on this chapter of the story, which the Jerusalem trial failed to put before the eyes of the world in its true dimensions, because it offers the most striking insight into the totality of the moral collapse the Nazis caused in respectable European society - not only in Germany but in almost all countries, not only among the persecutors but also among the victims. Eichmann, in contrast to other elements in the Nazi movement, had always been overawed by "good society," and the politeness he often showed to German-speaking Jewish functionaries was to a large extent the result of his recognition that he was dealing with people who were socially his superiors. He was not at all, as one witness called him, a "Landsknechtsnatur," a mercenary, who wanted to escape to regions where there aren't no Ten Commandments and a man can raise a thirst. What he fervently believed in up to the end was success, the chief standard of "good society" as he knew it. Typical was his last word on the subject of Hitler - whom he and his comrade Sassen had agreed to "shirring out" of their story; Hitler, he said, "may have been wrong all down the line, but one thing is beyond dispute: the man was able to work his way up from lance corporal in the German Army to Führer of a people of almost eighty million. . . . His success alone proved to me that I should subordinate myself to this man." His conscience was indeed set at rest when he saw the zeal and eagerness with which "good society" everywhere reacted as he did. He did not need to "close his ears to the voice of conscience," as the judgment has it, not because he had none, but because his conscience spoke with a "respectable voice," with the voice of respectable society around him.

That there were no voices from the outside to arouse his conscience was one of Eichmann's points, and it was the task of the prosecution to prove that this was not so, that there were voices he could have listened to, and that, anyhow, he had done his work with a zeal far beyond the call of duty. Which turned out to be true enough, except that, strange as it may appear, his murderous zeal was not altogether unconnected with the ambiguity in the voices of those who at one time or another tried to restrain him. We need mention here only in passing the so-called "inner emigration" in Germany - those people who frequently had held positions, even high ones, in the Third Reich and who, after the end of the war, told themselves and the world at large that they had always been "inwardly opposed" to the regime. The question here is not whether or not they are telling the truth; the point is, rather, that no secret in the secret-ridden atmosphere of the Hitler regime was better kept than such "inward opposition." This was almost a matter of course under the conditions of Nazi terror; as a rather well-known "inner emigrant," who certainly believed

in his own sincerity, once told me, they had to appear “outwardly” even more like Nazis than ordinary Nazis did, in order to keep their secret. (This, incidentally, may explain why the few known protests against the extermination program came not from the Army commanders but from old Party members.) Hence, the only possible way to live in the Third Reich and not act as a Nazi was not to appear at all: “Withdrawal from significant participation in public life” was indeed the only criterion by which one might have measured individual guilt, as Otto Kirchheimer recently remarked in his *Political Justice* (1961). If the term was to make any sense, the “inner emigrant” could only be one who lived “as though outcast among his own people amidst blindly believing masses,” as Professor Hermann Jahrreiss pointed out in his “Statement for All Defense Attorneys” before the Nuremberg Tribunal. For opposition was indeed “utterly pointless” in the absence of all organization. It is true that there were Germans who lived for twelve years in this “outer cold,” but their number was insignificant, even among the members of the resistance. In recent years, the slogan of the “inner emigration” (the term itself has a definitely equivocal flavor, as it can mean either an emigration into the inward regions of one’s soul or a way of conducting oneself as though he were an emigrant) has become a sort of a joke. The sinister Dr. Otto Bradfisch, former member of one of the *Einsatzgruppen*, who presided over the killing of at least fifteen thousand people, told a German court that he had always been “inwardly opposed” to what he was doing. Perhaps the death of fifteen thousand people was necessary to provide him with an alibi in the eyes of “true Nazis.” (The same argument was advanced, though with considerably less success, in a Polish court by former Gauleiter Arthur Greiser of the Warthegau: only his “official soul” had carried out the crimes for which he was hanged in 1946, his “private soul” had always been against them.) -

While Eichmann may never have encountered an “inner emigrant,” he must have been well acquainted with many of those numerous civil servants who today assert that they stayed in their jobs for no other reason than to “mitigate” matters and to prevent “real Nazis” from taking over their posts. We mentioned the famous case of Dr. Hans Globke, Undersecretary of State and from 1953 to 1963 chief of the personnel division in the West German Chancellery. Since he was the only civil servant in this category to be mentioned during the trial, it may be worth while to look into his mitigating activities. Dr. Globke had been employed in the Prussian Ministry of the Interior before Hitler’s rise to power, and had shown there a rather premature interest in the Jewish question. He formulated the first of the directives in which “proof of Aryan descent” was demanded, in this case of persons

who applied for permission to change their names. This circular letter of December, 1932 - issued at a time when Hitler's rise to power was not yet a certainty, but a strong probability - oddly anticipated the "top secret decrees," that is, the typically totalitarian rule by means of laws that are not brought to the attention of the public, which the Hitler regime introduced much later, in notifying the recipients that "these directives are not for publication." Dr. Globke, as I have mentioned, kept his interest in names, and since it is true that his Commentary on the Nuremberg Laws of 1935 was considerably harsher than the earlier interpretation of Rassenschande by the Ministry of the Interior's expert on Jewish affairs, Dr. Bernhard Lsener, an old member of the Party, one could even accuse him of having made things worse than they were under "real Nazis." But even if we were to grant him all his good intentions, it is hard indeed to see what he could have done under the circumstances to make things better than they would otherwise have been. Recently, however, a German newspaper, after much searching, came up with an answer to this puzzling question. They found a document, duly signed by Dr. Globke, which decreed that Czech brides of German soldiers had to furnish photographs of themselves in bathing suits in order to obtain a marriage license. And Dr. Globke explained: "With this confidential ordinance a three-year-old scandal was somewhat mitigated"; for until his intervention, Czech brides had to furnish snapshots that showed them stark naked.

Dr. Globke, as he explained at Nuremberg, was fortunate in that he worked under the orders of another "mitigator," Staatssekretär (Undersecretary of State) Wilhelm Stuckart, whom we met as one of the eager members of the Wannsee Conference. Stuckart's attenuation activities concerned half-Jews, whom he proposed to sterilize. (The Nuremberg court, in possession of the minutes of the Wannsee Conference, may not have believed that he had known nothing of the extermination program, but it sentenced him to time served on account of ill health. A German denazification court fined him five hundred marks and declared him a "nominal member of the Party" - a Mitläufer - although they must have known at least that Stuckart belonged to the "old guard" of the Party and had joined the S.S. early, as an honorary member.) Clearly, the story of the "mitigators" in Hitler's offices belongs among the postwar fairy tales, and we can dismiss them, too, as voices that might possibly have reached Eichmann's conscience.

The question of these voices became serious, in Jerusalem, with the appearance in court of Propst Heinrich Grer, a Protestant minister, who had come to the trial as the only German (and, incidentally, except for Judge Michael Musmanno from the United States, the only

non-Jewish) witness for the prosecution. (German witnesses for the defense were excluded from the outset, since they would have exposed themselves to arrest and prosecution in Israel under the same law as that under which Eichmann was tried.) Propst Grer had belonged to the numerically small and politically irrelevant group of persons who were opposed to Hitler on principle, and not out of nationalist considerations, and whose stand on the Jewish question had been without equivocation. He promised to be a splendid witness, since Eichmann had negotiated with him several times, and his mere appearance in the courtroom created a kind of sensation. Unfortunately, his testimony was vague; he did not remember, after so many years, when he had spoken with Eichmann, or, and this was more serious, on what subjects. All he recalled clearly was that he had once asked for unleavened bread to be shipped to Hungary for Passover, and that he had traveled to Switzerland during the war to tell his Christian friends how dangerous the situation was and to urge that more opportunities for emigration be provided. (The negotiations must have taken place prior to the implementing of the Final Solution, which coincided with Himmler's decree forbidding all emigration; they probably occurred before the invasion of Russia.) He got his unleavened bread, and he got safely to Switzerland and back again. His troubles started later, when the deportations had begun. Propst Grber and his group of Protestant clergymen first intervened merely "on behalf of people who had been wounded in the course of the First World War and of those who had been awarded high military decorations; on behalf of the old and on behalf of the widows of those killed in World War I." These categories corresponded to those that had originally been exempted by the Nazis themselves. Now Grer was told that what he was doing "ran counter to the policy of the government," but nothing serious happened to him. But shortly after this, Propst Grber did something really extraordinary: he tried to reach the concentration camp of Gurs, in southern France, where Vichy France had interned, together with German Jewish refugees, some seventy-five hundred Jews from Baden and the Saarpfalz whom Eichmann had smuggled across the German-French border in the fall of 1940, and who, according to Propst Grer's information, were even worse off than the Jews deported to Poland. The result of this attempt was that he was arrested and put in a concentration camp - first in Sachsenhausen and then in Dachau. (A similar fate befell the Catholic priest Dompropst Bernard Lichtenberg, of St. Hedwig's Cathedral in Berlin; he not only had dared to pray publicly for all Jews, baptized or not - which was considerably more dangerous than to intervene for "special cases" - but he had also demanded that he be allowed to join the Jews on their journey to the

East. He died on his way to a concentration camp.)

Apart from testifying to the existence of “another Germany,” Propst Grer did not contribute much to either the legal or the historical significance of the trial. He was full of pat judgments about Eichmann - he was like “a block of ice,” like “marble,” a “Landsknechtsnatur,” a “bicycle rider” (a current German idiom for someone who kowtows to his superiors and kicks his subordinates) - none of which showed him as a particularly good psychologist, quite apart from the fact that the “bicycle rider” charge was contradicted by evidence which showed Eichmann to have been rather decent toward his subordinates. Anyway, these were interpretations and conclusions that would normally have been stricken from any court record - though in Jerusalem they even found their way into the judgment. Without them Propst Grer’s testimony could have strengthened the case for the defense, for Eichmann had never given Grber a direct answer, he had always told him to come back, as he had to ask for further instructions. More important, Dr. Servatius for once took the initiative and asked the witness a highly pertinent question: “Did you try to influence him? Did you, as a clergyman, try to appeal to his feelings, preach to him, and tell him that his conduct was contrary to morality?” Of course, the very courageous Propst had done nothing of the sort, and his answers now were highly embarrassing. He said that “deeds are more effective than words,” and that “words would have been useless”; he spoke in clichés that had nothing to do with the reality of the situation, where “mere words” would have been deeds, and where it had perhaps been the duty of a clergyman to test the “uselessness of words.”

Even more pertinent than Dr. Servatius’ question was what Eichmann said about this episode in his last statement: “Nobody,” he repeated, “came to me and reproached me for anything in the performance of my duties. Not even Pastor Grber claims to have done so.” He then added: “He came to me and sought alleviation of suffering, but did not actually object to the very performance of my duties as such.” From Propst Grber’s own testimony, it appeared that he sought not so much “alleviation of suffering” as exemptions from it, in accordance with well-established categories recognized earlier by the Nazis. The categories had been accepted without protest by German Jewry from the very beginning. And the acceptance of privileged categories - German Jews as against Polish Jews, war veterans and decorated Jews as against ordinary Jews, families whose ancestors were German-born as against recently naturalized citizens, etc. - had been the beginning of the moral collapse of respectable Jewish society. (In view of the fact that today such matters are often treated as though there existed a



law of human nature compelling everybody to lose his dignity in the face of disaster, we may recall the attitude of the French Jewish war veterans who were offered the same privileges by their government, and replied: “We solemnly declare that we renounce any exceptional benefits we may derive from our status as ex-servicemen” [American Jewish Yearbook, 1945].) Needless to say, the Nazis themselves never took these distinctions seriously, for them a Jew was a Jew, but the categories played a certain role up to the very end, since they helped put to rest a certain uneasiness among the German population: only Polish Jews were deported, only people who had shirked military service, and so on. For those who did not want to close their eyes it must have been clear from the beginning that it “was a general practice to allow certain exceptions in order to be able to maintain the general rule all the more easily” (in the words of Louis de Jong in an illuminating article on “Jews and Non-Jews in Nazi-Occupied Holland”).

What was morally so disastrous in the acceptance of these privileged categories was that everyone who demanded to have an “exception” made in his case implicitly recognized the rule, but this point, apparently, was never grasped by these “good men,” Jewish and Gentile, who busied themselves about all those “special cases” for which preferential treatment could be asked. The extent to which even the Jewish victims had accepted the standards of the Final Solution is perhaps nowhere more glaringly evident than in the so-called Kastner Report (available in German, *Der Kastner-Bericht er Eichmanns Menschenhandel in Ungarn*, 1961). Even after the end of the war, Kastner was proud of his success in saving “prominent Jews,” a category officially introduced by the Nazis in 1942, as though in his view, too, it went without saying that a famous Jew had more right to stay alive than an ordinary one; to take upon himself such “responsibilities” - to help the Nazis in their efforts to pick out “famous” people from the anonymous mass, for this is what it amounted to - “required more courage than to face death.” But if the Jewish and Gentile pleaders of “special cases” were unaware of their involuntary complicity, this implicit recognition of the rule, which spelled death for all non-special cases, must have been very obvious to those who were engaged in the business of murder. They must have felt, at least, that by being asked to make exceptions, and by occasionally granting them, and thus earning gratitude, they had convinced their opponents of the lawfulness of what they were doing.

Moreover, Propst Grer and the Jerusalem court were quite mistaken in assuming that requests for exemptions originated only with opponents of the regime. On the contrary, as Heydrich explicitly stated during the

Wannsee Conference, the establishment of Theresienstadt as a ghetto for privileged categories was prompted by the great number of such interventions from all sides. Theresienstadt later became a showplace for visitors from abroad and served to deceive the outside world, but this was not its original *raison d'être*. The horrible thinning-out process that regularly occurred in this “paradise” - “distinguished from other camps as day is from night,” as Eichmann rightly remarked - was necessary because there was never enough room to provide for all who were privileged, and we know from a directive issued by Ernst Kaltenbrunner, head of the R.S.H.A., that “special care was taken not to deport Jews with connections and important acquaintances in the outside world.” In other words, the less “prominent” Jews were constantly sacrificed to those whose disappearance in the East would create unpleasant inquiries. The “acquaintances in the outside world” did not necessarily live outside Germany; according to Himmler, there were “eighty million good Germans, each of whom has his decent Jew. It is clear, the others are pigs, but this particular Jew is first-rate” (Hilberg). Hitler himself is said to have known three hundred and forty “first-rate Jews,” whom he had either altogether assimilated to the status of Germans or granted the privileges of half-Jews. Thousands of half-Jews had been exempted from all restrictions, which might explain Heydrich’s role in the S.S. and Generalfeldmarschall Erhard Milch’s role in the Luftwaffe, for it was generally known that Heydrich and Milch were half-Jews. (Among the major war criminals, only two repented in the face of death: Heydrich, during the nine days it took him to die from the wounds inflicted by Czech patriots, and Hans Frank in his death cell at Nuremberg. It is an uncomfortable fact, for it is difficult not to suspect that what Heydrich at least repented of was not murder but that he had betrayed his own people.) If interventions on behalf of “prominent” Jews came from “prominent” people, they often were quite successful. Thus Sven Hedin, one of Hitler’s most ardent admirers, intervened for a well-known geographer, a Professor Philippsohn of Bonn, who was “living under undignified conditions at Theresienstadt”; in a letter to Hitler, Hedin threatened that “his attitude to Germany would be dependent upon Philippsohn’s fate,” whereupon (according to H. G. Adler’s book on Theresienstadt) Mr. Philippsohn was promptly provided with better quarters.

In Germany today, this notion of “prominent” Jews has not yet been forgotten. While the veterans and other privileged groups are no longer mentioned, the fate of “famous” Jews is still deplored at the expense of all others. There are more than a few people, especially among the cultural élite, who still publicly regret the fact that Germany sent Einstein packing, without realizing that it was a much greater crime

to kill little Hans Cohn from around the corner, even though he was no genius.

### VIII: Duties of a Law-Abiding Citizen

So Eichmann's opportunities for feeling like Pontius Pilate were many, and as the months and the years went by, he lost the need to feel anything at all. This was the way things were, this was the new law of the land, based on the Führer's order; whatever he did he did, as far as he could see, as a law-abiding citizen. He did his duty, as he told the police and the court over and over again; he not only obeyed orders, he also obeyed the law. Eichmann had a muddled inkling that this could be an important distinction, but neither the defense nor the judges ever took him up on it. The well-worn coins of "superior orders" versus "acts of state" were handed back and forth; they had governed the whole discussion of these matters during the Nuremberg Trials, for no other reason than that they gave the illusion that the altogether unprecedented could be judged according to precedents and the standards that went with them. Eichmann, with his rather modest mental gifts, was certainly the last man in the courtroom to be expected to challenge these notions and to strike out on his own. Since, in addition to performing what he conceived to be the duties of a law-abiding citizen, he had also acted upon orders - always so careful to be "covered" - he became completely muddled, and ended by stressing alternately the virtues and the vices of blind obedience, or the "obedience of corpses," Kadavergehorsam, as he himself called it. The first indication of Eichmann's vague notion that there was more involved in this whole business than the question of the soldier's carrying out orders that are clearly criminal in nature and intent appeared during the police examination, when he suddenly declared with great emphasis that he had lived his whole life according to Kant's moral precepts, and especially according to a Kantian definition of duty. This was outrageous, on the face of it, and also incomprehensible, since Kant's moral philosophy is so closely bound up with man's faculty of judgment, which rules out blind obedience. The examining officer did not press the point, but Judge Raveh, either out of curiosity or out of indignation at Eichmann's having dared to invoke Kant's name in connection with his crimes, decided to question the accused. And, to the surprise of everybody, Eichmann came up with an approximately correct definition of the categorical imperative: "I meant by my remark about Kant that the principle of my will must always be such that it can become the principle of general laws" (which is not the case with theft or murder, for instance, because the thief or the murderer cannot con-

ceivably wish to live under a legal system that would give others the right to rob or murder him). Upon further questioning, he added that he had read Kant's *Critique of Practical Reason*. He then proceeded to explain that from the moment he was charged with carrying out the Final Solution he had ceased to live according to Kantian principles, that he had known it, and that he had consoled himself with the thought that he no longer "was master of his own deeds," that he was unable "to change anything." What he failed to point out in court was that in this "period of crimes legalized by the state," as he himself now called it, he had not simply dismissed the Kantian formula as no longer applicable, he had distorted it to read: Act as if the principle of your actions were the same as that of the legislator or of the law of the land - or, in Hans Frank's formulation of "the categorical imperative in the Third Reich," which Eichmann might have known: "Act in such a way that the Führer, if he knew your action, would approve it" (*Die Technik des Staates*, 1942, pp. 15-16). Kant, to be sure, had never intended to say anything of the sort; on the contrary, to him every man was a legislator the moment he started to act: by using his "practical reason" man found the principles that could and should be the principles of law. But it is true that Eichmann's unconscious distortion agrees with what he himself called the version of Kant "for the household use of the little man." In this household use, all that is left of Kant's spirit is the demand that a man do more than obey the law, that he go beyond the mere call of obedience and identify his own will with the principle behind the law - the source from which the law sprang. In Kant's philosophy, that source was practical reason; in Eichmann's household use of him, it was the will of the Führer. Much of the horribly painstaking thoroughness in the execution of the Final Solution - a thoroughness that usually strikes the observer as typically German, or else as characteristic of the perfect bureaucrat - can be traced to the odd notion, indeed very common in Germany, that to be law-abiding means not merely to obey the laws but to act as though one were the legislator of the laws that one obeys. Hence the conviction that nothing less than going beyond the call of duty will do.

Whatever Kant's role in the formation of "the little man's" mentality in Germany may have been, there is not the slightest doubt that in one respect Eichmann did indeed follow Kant's precepts: a law was a law, there could be no exceptions. In Jerusalem, he admitted only two such exceptions during the time when "eighty million Germans" had each had "his decent Jew": he had helped a half-Jewish cousin, and a Jewish couple in Vienna for whom his uncle had intervened. This inconsistency still made him feel somewhat uncomfortable, and

when he was questioned about it during cross-examination, he became openly apologetic: he had “confessed his sins” to his superiors. This uncompromising attitude toward the performance of his murderous duties damned him in the eyes of the judges more than anything else, which was comprehensible, but in his own eyes it was precisely what justified him, as it had once silenced whatever conscience he might have had left. No exceptions - this was the proof that he had always acted against his “inclinations,” whether they were sentimental or inspired by interest, that he had always done his “duty.”

Doing his “duty” finally brought him into open conflict with orders from his superiors. During the last year of the war, more than two years after the Wannsee Conference, he experienced his last crisis of conscience. As the defeat approached, he was confronted by men from his own ranks who fought more and more insistently for exceptions and, eventually, for the cessation of the Final Solution. That was the moment when his caution broke down and he began, once more, taking initiatives - for instance, he organized the foot marches of Jews from Budapest to the Austrian border after Allied bombing had knocked out the transportation system. It now was the fall of 1944, and Eichmann knew that Himmler had ordered the dismantling of the extermination facilities in Auschwitz and that the game was up. Around this time, Eichmann had one of his very few personal interviews with Himmler, in the course of which the latter allegedly shouted at him, “If up to now you have been busy liquidating Jews, you will from now on, since I order it, take good care of Jews, act as their nursemaid. I remind you that it was I - and neither Gruppenführer Müller nor you - who founded the R.S.H.A. in 1933; I am the one who gives orders here!” Sole witness to substantiate these words was the very dubious Mr. Kurt Becher; Eichmann denied that Himmler had shouted at him, but he did not deny that such an interview had taken place. Himmler cannot have spoken in precisely these words, he surely knew that the R.S.H.A. was founded in 1939, not in 1933, and not simply by himself but by Heydrich, with his endorsement. Still, something of the sort must have occurred, Himmler was then giving orders right and left that the Jews be treated well - they were his “soundest investment” - and it must have been a shattering experience for Eichmann.

Eichmann’s last crisis of conscience began with his missions to Hungary in March, 1944, when the Red Army was moving through the Carpathian Mountains toward the Hungarian border. Hungary had joined the war on Hitler’s side in 1941, for no other reason than to receive some additional territory from her neighbors, Slovakia, Rumania, and Yugoslavia. The Hungarian government had been outspokenly

anti-Semitic even before that, and now it began to deport all stateless Jews from the newly acquired territories. (In nearly all countries, anti-Jewish action started with stateless persons.) This was quite outside the Final Solution, and, as a matter of fact, didn't fit in with the elaborate plans then in preparation under which Europe would be "combed from West to East," so that Hungary had a rather low priority in the order of operations. The stateless Jews had been shoved by the Hungarian police into the nearest part of Russia, and the German occupation authorities on the spot had protested their arrival; the Hungarians had taken back some thousands of able-bodied men and had let the others be shot by Hungarian troops under the guidance of German police units. Admiral Horthy, the country's Fascist ruler, had not wanted to go any further, however - probably due to the restraining influence of Mussolini and Italian Fascism - and in the intervening years Hungary, not unlike Italy, had become a haven for Jews, to which even refugees from Poland and Slovakia could sometimes still escape. The annexation of territory and the trickle of incoming refugees had increased the number of Jews in Hungary from about five hundred thousand before the war to approximately eight hundred thousand in 1944, when Eichmann moved in.

As we know today, the safety of these three hundred thousand Jews newly acquired by Hungary was due to the Germans' reluctance to start a separate action for a limited number, rather than to the Hungarians' eagerness to offer asylum. In 1942, under pressure from the German Foreign Office (which never failed to make it clear to Germany's allies that the touchstone of their trustworthiness was their helpfulness not in winning the war but in "solving the Jewish question"), Hungary had offered to hand over all Jewish refugees. The Foreign Office had been willing to accept this as a step in the right direction, but Eichmann had objected: for technical reasons, he thought it "preferable to defer this action until Hungary is ready to include the Hungarian Jews"; it would be too costly "to set in motion the whole machinery of evacuation" for only one category, and hence "without making any progress in the solution of the Jewish problem in Hungary." Now, in 1944, Hungary was "ready," because on the nineteenth of March two divisions of the German Army had occupied the country. With them had arrived the new Reich Plenipotentiary, S.S. Standardenträger Dr. Edmund Veessenmayer, Himmler's agent in the Foreign Office, and S.S. Obergruppenführer Otto Winkelmann, a member of the Higher S.S. and Police Leader Corps and therefore under the direct command of Himmler. The third S.S. official to arrive in the country was Eichmann, the expert on Jewish evacuation and deportation, who was under the command of Müller and Kaltenbrunner of the R.S.H.A.

Hitler himself had left no doubt what the arrival of the three gentlemen meant; in a famous interview, prior to the occupation of the country, he had told Horthy that “Hungary had not yet introduced the steps necessary to settle the Jewish question,” and had charged him with “not having permitted the Jews to be massacred” (Hilberg).

Eichmann’s assignment was clear. His whole office was moved to Budapest (in terms of his career, this was a “gliding down”), to enable him to see to it that all “necessary steps” were taken. He had no foreboding of what was to happen; his worst fear concerned possible resistance on the part of the Hungarians, which he would have been unable to cope with, because he lacked manpower and also lacked knowledge of local conditions. These fears proved quite unfounded. The Hungarian gendarmerie was more than eager to do all that was necessary, and the new State Secretary in Charge of Political (Jewish) Affairs in the Hungarian Ministry of the Interior, László Endre, was a man “well versed in the Jewish problem,” and became an intimate friend, with whom Eichmann could spend a good deal of his free time. Everything went “like a dream,” as he repeated whenever he recalled this episode; there were no difficulties whatsoever. Unless, of course, one calls difficulties a few minor differences between his orders and the wishes of his new friends; for instance, probably because of the approach of the Red Army from the East, his orders stipulated that the country was to be “combed from East to West,” which meant that Budapest Jews would not be evacuated during the first weeks or months - a matter for great grief among the Hungarians, who wanted their capital to take the lead in becoming judenrein. (Eichmann’s “dream” was an incredible nightmare for the Jews: nowhere else were so many people deported and exterminated in such a brief span of time. In less than two months, 147 trains, carrying 434,351 people in sealed freight cars, a hundred persons to a car, left the country, and the gas chambers of Auschwitz were hardly able to cope with this multitude.)

The difficulties arose from another quarter. Not one man but three had orders specifying that they were to help in “the solution of the Jewish problem”; each of them belonged to a different outfit and stood in a different chain of command. Technically, Winkelmann was Eichmann’s superior, but the Higher S.S. and Police Leaders were not under the command of the R.S.H.A., to which Eichmann belonged. And Veessenmayer, of the Foreign Office, was independent of both. At any rate, Eichmann refused to take orders from either of the others, and resented their presence. But the worst trouble came from a fourth man, whom Himmler had charged with a “special mission” in the only country in Europe that still harbored not only a sizable number of

Jews but Jews who were still in an important economic position. (Of a total of a hundred and ten thousand commercial stores and industrial enterprises in Hungary, forty thousand were reported to be in Jewish hands.) This man was Obersturmbannführer, later Standartenführer, Kurt Becher. Becher, an old enemy of Eichmann who is today a prosperous merchant in Bremen, was called, strangely enough, as a witness for the defense. He could not come to Jerusalem, for obvious reasons, and he was examined in his German home town. His testimony had to be dismissed, since he had been shown, well ahead of time, the questions he was later called on to answer under oath. It was a great pity that Eichmann and Becher could not have been confronted with each other, and this not merely for juridical reasons. Such a confrontation would have revealed another part of the “general picture,” which, even legally, was far from irrelevant. According to his own account, the reason Becher joined the S.S. was that “from 1932 to the present day he had been actively engaged in horseback riding.” Thirty years ago, this was a sport engaged in only by, Europe’s upper classes. In 1934, his instructor had persuaded him to enter the S.S. cavalry regiment, which at that moment was the very thing for a man to do if he wished to join the “movement” and at the same time maintain a proper regard for his social standing. (A possible reason Becher in his testimony stressed horseback riding was never mentioned: the Nuremberg Tribunal had excluded the Reiter-S.S. from its list of criminal organizations.) The war saw Becher on active duty at the front, as a member not of the Army but of the Armed S.S., in which he was a liaison officer with the Army commanders. He soon left the front to become the principal buyer of horses for the S.S. personnel department, a job that earned him nearly all the decorations that were then available.

Becher claimed that he had been sent to Hungary only in order to buy twenty thousand horses for the S.S.; this is unlikely, since immediately upon his arrival he began a series of very successful negotiations with the heads of big Jewish business concerns. His relations with Himmler were excellent, he could see him whenever he wished. His “special mission” was clear enough. He was to obtain control of major Jewish business concerns behind the backs of the Hungarian government, and, in return, to give the owners free passage out of the country, plus a sizable amount of money in foreign currency. His most important transaction was with the Manfred Weiss steel combine, a mammoth enterprise, with thirty thousand workers, which produced everything from airplanes, trucks, and bicycles to tinned goods, pins, and needles. The result was that forty-five members of the Weiss family emigrated to Portugal while Mr. Becher became head of their business. When Eichmann heard of this Schweinerei, he was outraged; the deal threat-



ened to compromise his good relations with the Hungarians, who naturally expected to take possession of Jewish property confiscated on their own soil. He had some reason for his indignation, since these deals were contrary to the regular Nazi policy, which had been quite generous. For their help in solving the Jewish question in any country, the Germans had demanded no part of the Jews' property, only the costs of their deportation and extermination, and these costs had varied widely from country to country - the Slovaks had been supposed to pay between three hundred and five hundred Reichsmarks per Jew, the Croats only thirty, the French seven hundred, and the Belgians two hundred and fifty. (It seems that no one ever paid except the Croats.) In Hungary, at this late stage of the war, the Germans were demanding payment in goods - shipments of food to the Reich, in quantities determined by the amount of food the deported Jews would have consumed.

The Weiss affair was only the beginning, and things were to get considerably worse, from Eichmann's point of view. Becher was a born businessman, and where Eichmann saw only enormous tasks of organization and administration, he saw almost unlimited possibilities for making money. The one thing that stood in his way was the narrow-mindedness of subordinate creatures like Eichmann, who took their jobs seriously. Obersturmbannführer Becher's projects soon led him to cooperate closely in the rescue efforts of Dr. Rudolf Kastner. (It was to Kastner's testimony on his behalf that Becher later, at Nuremberg, owed his freedom. Being an old Zionist, Kastner had moved to Israel after the war, where he held a high position until a journalist published a story about his collaboration with the S.S. - whereupon Kastner sued him for libel. His testimony at Nuremberg weighed heavily against him, and when the case came before the Jerusalem District Court, Judge Halevi, one of the three judges in the Eichmann trial, told Kastner that he "had sold his soul to the devil." In March, 1957, shortly before his case was to be appealed before the Israeli Supreme Court, Kastner was murdered; none of the murderers, it seems, came from Hungary. In the hearing that followed the verdict of the lower court was repealed and Kastner was fully rehabilitated.) The deals Becher made through Kastner were much simpler than the complicated negotiations with the business magnates; they consisted in fixing a price for the life of each Jew to be rescued. There was considerable haggling over prices, and at one point, it seems, Eichmann also got involved in some of the preliminary discussions. Characteristically, his price was the lowest, a mere two hundred dollars per Jew - not, of course, because he wished to save more Jews but simply because he was not used to thinking big. The price finally arrived at was a

thousand dollars, and one group, consisting of 1,684 Jews, and including Dr. Kastner's family, actually left Hungary for the exchange camp at Bergen-Belsen, from which they eventually reached Switzerland. A similar deal, through which Becher and Himmler hoped to obtain twenty million Swiss francs from the American Joint Distribution Committee, for the purchase of merchandise of all sorts, kept everybody busy until the Russians liberated Hungary, but nothing came of it.

There is no doubt that Becher's activities had the full approval of Himmler and stood in the sharpest possible opposition to the old "radical" orders, which still reached Eichmann through Müller and Kaltenbrunner, his immediate superiors in the R.S.H.A. In Eichmann's view, people like Becher were corrupt, but corruption could not very well have caused his crisis of conscience, for although he was apparently not susceptible to this kind of temptation, he must by this time have been surrounded by corruption for many years. It is difficult to imagine that he did not know that his friend and subordinate Hauptsturmführer Dieter Wisliceny had, as early as 1942, accepted fifty thousand dollars from the Jewish Relief Committee in Bratislava for delaying the deportations from Slovakia, though it is not altogether impossible; but he cannot have been ignorant of the fact that Himmler, in the fall of 1942, had tried to sell exit permits to the Slovakian Jews in exchange for enough foreign currency to pay for the recruitment of a new S.S. division. Now, however, in 1944, in Hungary, it was different, not because Himmler was involved in "business," but because business had now become official policy; it was no longer mere corruption.

At the beginning, Eichmann tried to enter the game and play it according to the new rules; that was when he got involved in the fantastic "blood-for-wares" negotiations - one million Jews for ten thousand trucks for the crumbling German Army - which certainly were not initiated by him. The way he explained his role in this matter, in Jerusalem, showed clearly how he had once justified it to himself: as a military necessity that would bring him the additional benefit of an important new role in the emigration business. What he probably never admitted to himself was that the mounting difficulties on all sides made it every day more likely that he would soon be without a job (indeed, this happened, a few months later) unless he succeeded in finding some foothold amid the new jockeying for power that was going on all around him.

When the exchange project met with its predictable failure, it was already common knowledge that Himmler, despite his constant vacillations, chiefly due to his justified physical fear of Hitler, had decided

to put an end to the whole Final Solution - regardless of business, regardless of military necessity, and without anything to show for it except the illusions he had concocted about his future role as the bringer of peace to Germany. It was at this time that a “moderate wing” of the S.S. came into existence, consisting of those who were stupid enough to believe that a murderer who could prove he had not killed as many people as he could have killed would have a marvelous alibi, and those who were clever enough to foresee a return to “normal conditions,” when money and good connections would again be of paramount importance.

Eichmann never joined this “moderate wing,” and it is questionable whether he would have been admitted if he had tried to. Not only was he too deeply compromised and, because of his constant contact with Jewish functionaries, too well known; he was too primitive for these well-educated upper-middle-class “gentlemen,” against whom he harbored the most violent resentment up to the very end. He was quite capable of sending millions of people to their death, but he was not capable of talking about it in the appropriate manner without being given his “language rule.” In Jerusalem, without any rules, he spoke freely of “killing” and of “murder,” of “crimes legalized by the state”; he called a spade a spade, in contrast to counsel for the defense, whose feeling of social superiority to Eichmann was more than once in evidence. (Servatius’ assistant Dr. Dieter Wechtenbruch - a disciple of Carl Schmitt who attended the first few weeks of the trial, then was sent to Germany to question witnesses for the defense, and reappeared for the last week in August - was readily available to reporters out of court; he seemed to be shocked less by Eichmann’s crimes than by his lack of taste and education. “Small fry,” he said; “we must see how we get him over the hurdles” - *wie wir das Wrstchen fiber die Runden bringen*. Servatius himself had declared, even prior to the trial, that his client’s personality was that of “a common mailman.”)

When Himmler became “moderate,” Eichmann sabotaged his orders as much as he dared, to the extent at least that he felt he was “covered” by his immediate superiors. “How does Eichmann dare to sabotage Himmler’s orders?” - in this case, to stop the foot marches, in the fall of 1944 - Kastner once asked Wisliceny. And the answer was: “He can probably show some telegram. Müller and Kaltenbrunner must have covered him.” It is quite possible that Eichmann had some confused plan for liquidating Theresienstadt before the arrival of the Red Army, although we know this only through the dubious testimony of Dieter Wisliceny (who months, and perhaps years, before the end began carefully preparing an alibi for himself at the expense of Eich-

mann, to which he then treated the court at Nuremberg, where he was a witness for the prosecution; it did him no good, for he was extradited to Czechoslovakia, prosecuted and executed in Prague, where he had no connections and where money was of no help to him). Other witnesses claimed that it was Rolf Günther, one of Eichmann's men, who planned this, and that there existed, on the contrary, a written order from Eichmann that the ghetto be left intact. In any event, there is no doubt that even in April, 1945, when practically everybody had become quite "moderate," Eichmann took advantage of a visit that M. Paul Dunand, of the Swiss Red Cross, paid to Theresienstadt to put it on record that he himself did not approve of Himmler's new line in regard to the Jews.

That Eichmann had at all times done his best to make the Final Solution final was therefore not in dispute. The question was only whether this was indeed proof of his fanaticism, his boundless hatred of Jews, and whether he had lied to the police and committed perjury in court when he claimed he had always obeyed orders. No other explanation ever occurred to the judges, who tried so hard to understand the accused, and treated him with a consideration and an authentic, shining humanity such as he had probably never encountered before in his whole life. (Dr. Wechtenbruch told reporters that Eichmann had "great confidence in Judge Landau," as though Landau would be able to sort things out, and ascribed this confidence to Eichmann's need for authority. Whatever its basis, the confidence was apparent throughout the trial, and it may have been the reason the judgment caused Eichmann such great "disappointment"; he had mistaken humanity for softness.) That they never did come to understand him may be proof of the "goodness" of the three men, of their untroubled and slightly old-fashioned faith in the moral foundations of their profession. For the sad and very uncomfortable truth of the matter probably was that it was not his fanaticism but his very conscience that prompted Eichmann to adopt his uncompromising attitude during the last year of the war, as it had prompted him to move in the opposite direction for a short time three years before. Eichmann knew that Himmler's orders ran directly counter to the Führer's order. For this, he needed to know no factual details, though such details would have backed him up: as the prosecution underlined in the proceedings before the Supreme Court, when Hitler heard, through Kaltenbrunner, of negotiations to exchange Jews for trucks, "Himmler's position in Hitler's eyes was completely undermined." And only a few weeks before Himmler stopped the extermination at Auschwitz, Hitler, obviously unaware of Himmler's newest moves, had sent an ultimatum to Horthy, telling him he "expected that the measures against Jews in

Budapest would now be taken without any further delay by the Hungarian government.” When Himmler’s order to stop the evacuation of Hungarian Jews arrived in Budapest, Eichmann threatened, according to a telegram from Veessenmayer, “to seek a new decision from the Führer,” and this telegram the judgment found “more damning than a hundred witnesses could be.” Eichmann lost his fight against the “moderate wing,” headed by the Reichsführer S.S. and Chief of the German Police. The first indication of his defeat came in January, 1945, when Obersturmbannführer Kurt Becher was promoted to Standartenführer, the very rank Eichmann had been dreaming about all during the war. (His story, that no higher rank was open to him in his outfit, was a half-truth; he could have been made chief of Department IV-B, instead of occupying the desk of IV-B-4, and would then have been automatically promoted. The truth probably was that people like Eichmann, who had risen from the ranks, were never permitted to advance beyond a lieutenant colonelcy except at the front.) That same month Hungary was liberated, and Eichmann was called back to Berlin. There, Himmler had appointed his enemy Becher Reichs-sonderkommissar in charge of all concentration camps, and Eichmann was transferred from the desk concerned with “Jewish Affairs” to the utterly insignificant one concerned with the “Fight Against the Churches,” of which, moreover, he knew nothing. The rapidity of his decline during the last months of the war is a most telling sign of the extent to which Hitler was right when he declared, in his Berlin bunker, in April, 1945, that the S.S. were no longer reliable.

In Jerusalem, confronted with documentary proof of his extraordinary loyalty to Hitler and the Führer’s order, Eichmann tried a number of times to explain that during the Third Reich “the Führer’s words had the force of law” (*Führerworte haben Gesetzeskraft*), which meant, among other things, that if the order came directly from Hitler it did not have to be in writing. He tried to explain that this was why he had never asked for a written order from Hitler (no such document relating to the Final Solution has ever been found; probably it never existed), but had demanded to see a written order from Himmler. To be sure, this was a fantastic state of affairs, and whole libraries of very “learned” juridical comment have been written, all demonstrating that the Führer’s words, his oral pronouncements, were the basic law of the land. Within this “legal” framework, every order contrary in letter or spirit to a word spoken by Hitler was, by definition, unlawful. Eichmann’s position, therefore, showed a most unpleasant resemblance to that of the often-cited soldier who, acting in a normal legal framework, refuses to carry out orders that run counter to his ordinary experience of lawfulness and hence can be recognized by him as criminal. The

extensive literature on the subject usually supports its case with the common equivocal meaning of the word “law,” which in this context means sometimes the law of the land - that is, posited, positive law - and sometimes the law that supposedly speaks in all men’s hearts with an identical voice. Practically speaking, however, orders to be disobeyed must be “manifestly unlawful” and unlawfulness must “fly like a black flag above [them] as a warning reading: ‘Prohibited!’ ” - as the judgment pointed out. And in a criminal regime this “black flag” with its “warning sign” flies as “manifestly” above what normally is a lawful order - for instance, not to kill innocent people just because they happen to be Jews - as it flies above a criminal order under normal circumstances. To fall back on an unequivocal voice of conscience - or, in the even vaguer language of the jurists, on a “general sentiment of humanity” (Oppenheim-Lauterpacht in *International Law*, 1952) - not only begs the question, it signifies a deliberate refusal to take notice of the central moral, legal, and political phenomena of our century.

To be sure, it was not merely Eichmann’s conviction that Himmler was now giving “criminal” orders that determined his actions. But the personal element undoubtedly involved was not fanaticism, it was his genuine, “boundless and immoderate admiration for Hitler” (as one of the defense witnesses called it) - for the man who had made it “from lance corporal to Chancellor of the Reich.” It would be idle to try to figure out which was stronger in him, his admiration for Hitler or his determination to remain a law-abiding citizen of the Third Reich when Germany was already in ruins. Both motives came into play once more during the last days of the war, when he was in Berlin and saw with violent indignation how everybody around him was sensibly enough getting himself fixed up with forged papers before the arrival of the Russians or the Americans. A few weeks later, Eichmann, too, began to travel under an assumed name, but by then Hitler was dead, and the “law of the land” was no longer in existence, and he, as he pointed out, was no longer bound by his oath. For the oath taken by the members of the S.S. differed from the military oath sworn by the soldiers in that it bound them only to Hitler, not to Germany.

The case of the conscience of Adolf Eichmann, which is admittedly complicated but is by no means unique, is scarcely comparable to the case of the German generals, one of whom, when asked at Nuremberg, “How was it possible that all you honorable generals could continue to serve a murderer with such unquestioning loyalty?,” replied that it was “not the task of a soldier to act as judge over his supreme commander. Let history do that or God in heaven.” (Thus General Alfred Jodl, hanged at Nuremberg. ) 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. Needless to add, the resulting legal paraphernalia, far from being a mere symptom of German pedantry or thoroughness, served most effectively to give the whole business its outward appearance of legality.

And just as the law in civilized countries assumes that the voice of conscience tells everybody "Thou shalt not kill," even though man's natural desires and inclinations may at times be murderous, so the law of Hitler's land demanded that the voice of conscience tell everybody: "Thou shalt kill," although the organizers of the massacres knew full well that murder is against the normal desires and inclinations of most people. Evil in the Third Reich had lost the quality by which most people recognize it - the quality of temptation. Many Germans and many Nazis, probably an overwhelming majority of them, must have been tempted not to murder, not to rob, not to let their neighbors go off to their doom (for that the Jews were transported to their doom they knew, of course, even though many of them may not have known the gruesome details), and not to become accomplices in all these crimes by benefiting from them. But, God knows, they had learned how to resist temptation.

