

A NEW LOOK AT

THE EICHMANN TRIAL

*And
the crooked
shall be made
straight*

JACOB ROBINSON

AND
THE CROOKED
SHALL
BE MADE
STRAIGHT

*The Eichmann Trial, the Jewish Catastrophe,
and Hannah Arendt's Narrative*

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Jacob Robinson

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1

Adolf Eichmann: The Man and His Work

HANNAH ARENDT's account of Adolf Eichmann's background and character, his authority and activities, his attitude toward his work, and the functioning of his conscience—in her book titled *Eichmann in Jerusalem*—portrays him as a powerless product of a totalitarian system which could corrupt any "average person" with an "innate repugnance toward crime" (pp. 87-88). The present chapter reveals in detail how Miss Arendt has ignored evidence concerning Eichmann, and how in so doing she ends up with a portrait of the man in no way resembling reality.

Background and Character

Adolf Eichmann was born on March 19, 1906, to a Protestant family in Solingen, Germany. After the death of his mother and his father's remarriage the family moved to Linz, Austria, where Adolf completed his studies in public school and attended high school (*Oberrealschule*). He did not graduate, but enrolled in a school for machine-building, which he left after two years, also without graduating. After being unemployed for a few years, he became a salesman for an Austrian firm in 1925. Two years later he was a traveling salesman for the Vacuum Oil Company, a position he retained till 1933. He joined the National Socialist Party in 1932, and the Elite Guard (SS) at the same time. Following a period of military training and service in Dachau, he was attached on October 1, 1934, to the Main Office of the Security Service (*Sicherheitsdienst*, or SD), where he remained until the end of the war. By November 1941 he had reached the rank of *Obersturmbannführer* (Lieutenant Colonel, in the SS). His department, designated in turn by the symbols II-112, IVD4, IVB4, and IVA4(b), had the

principal jurisdiction in Jewish Affairs (*Judenangelegenheiten*). As head of this office he was in charge of activities against Jews, beginning with intelligence, subsequently going over to compulsory emigration, and culminating with the physical destruction of most of European Jewry.¹

According to Miss Arendt, the story of Adolf Eichmann is "a hard-luck story, if there ever was one" (p. 67; see also pp. 45, 255), the story of a "life . . . beset with frustrations" (p. 30). But when she comes to recite its details, they seem ordinary, especially in the early days, which she stresses. The only misfortune that she specifies in Eichmann's boyhood is his failure to graduate from high school (p. 24); a page later this misfortune is described as something "ordinary" (p. 25). His later "hard luck" ranges from his having become a member of the Security Service (SD) through a "misunderstanding" (pp. 32 f.) to such events as the collapse of his "cherished" plans for a Jewish territory in Nisko and Madagascar² (pp. 29 f.), or the loss of satisfaction with his job (*Arbeitsfreude*, which he seems to have recovered with remarkable rapidity) on receiving the *Führer's order for the physical extermination of the Jews* (p. 27). As further evidence of bad fortune, Miss Arendt adduces Eichmann's statement at the conclusion of his trial that he was "the victim of a fallacy"—the nature of which is never indicated—and that he "must suffer for the acts of others" (p. 226). The final disappointment mentioned is Eichmann's lack of "time for a last meal" before his execution (p. 228).

She describes his "unhappy existence of a refugee" (p. 30; a strange characterization of a fugitive from justice) and his "dreary life" in Argentina (p. 216); how in court "not once does he face the audience" (p. 3); how "for the most part [he] successfully maintains his self-control" (p. 3) in the face of what she says he referred to as "a cross-examination that lasted longer than any known before" (p. 203); and how he was able "to look upon death with remarkable equanimity" (p. 221).

In speaking of Eichmann's abilities, Miss Arendt is careful to belittle his intelligence. Comparing him with General Alfred Jodl (the German Chief of Operations, one of the defendants in the trial of the major war criminals), she writes that he was "much less intelligent and without any education to speak of" (p. 133). She considers Eichmann's reading of Adolf Böhm's *Die zionistische Bewegung* (*The Zionist Movement*—not, as she calls it, *History of*

Zionism) "a considerable achievement" for someone unaccustomed to reading books (p. 37). She discounts his ability to read Yiddish newspapers "haltingly" as "not a very difficult accomplishment, since Yiddish, basically an old German dialect written in Hebrew letters, can be understood by any German-speaking person who has mastered a few dozen Hebrew words" (pp. 36 f.).³ Although she believes Eichmann's claim to have read Kant's *Critique of Practical Reason*, and even admits that he "came up with an approximately correct definition of the categorical imperative" (p. 121), she finds him incapable of understanding "the [Foreign Office] method" which "though simple, was somewhat subtle, and was certainly quite beyond Eichmann's mental grasp and political apprehension" (p. 144).⁴

Despite her low opinion of Eichmann's intelligence, Miss Arendt asserts that "he was recognized not merely as an expert on 'the Jewish question,' the intricacies of Jewish organizations and Zionist parties, but as an 'authority' on emigration and evacuation, as the 'master' who knew how to make people move" (p. 60). In addition, we are told that "there were two things he could do well, better than others: he could organize and he could negotiate" (p. 40)—considerable talents which we would hardly expect to find in an average man. She also asserts that "now [at his trial] he knew how to read documents, something he had not known during the police examination, and he could do it better than his lawyer" (p. 202). For this half-educated "déclassé" (p. 28) to do in eight months what students of law and history spend years to attain is no small achievement.

Miss Arendt devotes a good deal of time to an examination of Eichmann's manner of expressing himself. She accepts his claim that "officialese [*Amtssprache*] is my only language" (pp. 43-44) and goes on to generalize that he "was genuinely incapable of uttering a single sentence that was not a cliché" (p. 44). Later she adds, "this horrible gift for consoling himself with clichés did not leave him in the hour of his death" (p. 50). But, of the many examples offered of Eichmann's expressions, virtually none can be considered as governmental *Amtssprache*, and only some of them as "clichés." For example, the following specimens, brought out in Miss Arendt's book, hardly qualify as "officialese": "I will jump into my grave laughing" (p. 42); Europe would be "combed from West to East" for Jews (p. 123), an expression used for the first time in the min-

Handwritten notes on the left margin of page 2:
- Top: "2. hat die (VCL) 16 60 233: p. 67: 'Acht. 20 00' ..."
- Middle: "all this is in the next page"
- Bottom: "this is vulgar! I would say with he was stupid, but showed what kind of his talk. he said: ..."

Handwritten note on the right margin of page 3: "quotes"

Handwritten note on the right margin of page 3: "Acht. 20 00"

utes of the Wannsee Conference, which had been prepared by Eichmann; "forest of difficulties" (p. 144); "yawning emptiness" (p. 62); "death whirl" (p. 102); "the old song and dance" (p. 30), in his words *die alte Tour*; "apathy of an ox being led to his stall" (p. 52); "allowed his tongue to run away with him" (p. 74); "drunkenness of their power" (p. 74); "like pulling teeth" (p. 61); and Eichmann's claim that he had been "grilled until the steak was done" (p. 203). Expressions like "this [extermination] must be done in a more elegant way," attributed by Eichmann to the circles of the Ministry for the Occupied Eastern Territories;⁵ "I have to clean the Jewish filth out of the provinces" (*Ich muss diesen jüdischen Dreck aus der Provinz ausräumen*), told to Kasztner and repeated more than once⁶—are these expressions clichés? Is his courtroom use of cardplayers' jargon (*Skat*), referred to by Miss Arendt on page 43, "officialese"? In the Sassen Papers (see Chapter 3, Note 52), we find phrases such as "material for heating ovens," referring to people burned in the gassing installations,⁷ and "the only good 'enemy of the Reich' [Jew, in this context] is a dead one."⁸ Are these common sayings? A German author, Joachim Schwelien, in his study *Jargon of Violence*, has presented a far more discerning analysis of Eichmann's language:

Eichmann does not suspect that he is actually revealing the full truth whenever, obstinately or with sly cunning, he tries to falsify the truth about events or deeds by lying, glossing, or concealing. Not *what* he says is important, but *how* he says it, for just as language itself mirrors the truth buried in thought, so the jargon of violence unavoidably reflects sinister inhumanity in spite of all attempts to hide it. Let us, therefore, listen to Eichmann—"heartily merry and lively . . . at any rate open and honest" (*frisch-fröhlich und munter . . . jedenfalls offen und ehrlich*)⁹—as he tries to whitewash himself and his kind. No defendant provided with all possible legal means ever condemned himself and his era more clearly than did Adolf Eichmann through his revealing jargon. For every accusation (*Vorhalt*) he had a ready answer, but he was unable to rid himself of the vocabulary of the murder trade practiced by him and by his sinister accomplices.¹⁰

Miss Arendt hops back and forth between Eichmann the modest and trustworthy man and Eichmann the forgetful braggart. Those of his admissions which contradict her version of his activities she invalidates as bragging, while she explains away his sudden reticences as "faulty memory" (p. 57). "Bragging," she says, "had

always been one of his cardinal vices" (p. 25). Eichmann had a great inclination "to deck himself in borrowed plumes" (p. 40). "Bragging was the vice that was Eichmann's undoing" (p. 41)—as if not what he did, but what he said, had brought him to the gallows. Miss Arendt continues: "What eventually led to his capture was his compulsion to talk big—he was 'fed up with being an anonymous wanderer between the worlds'—and this compulsion must have grown considerably stronger . . . because the postwar era had bestowed so much unexpected 'fame' upon him" (pp. 42-43).¹¹ This bragging, offered as an alibi, is, however, incompatible with another quality she bestows on Adolf Eichmann when she asserts that in relation to higher Nazi officials "he was . . . ruined by modesty" (p. 101).

Miss Arendt frequently finds him trustworthy where there is evidence to the contrary. She explicitly denies that Eichmann was "a clever, calculating liar" (p. 49). Elsewhere she exclaims "Alas, nobody believed him" (p. 23), and proceeds to analyze in psychological terms why the prosecutor, the counsel for defense, and the judges did not take his word: ". . . 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."¹² 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" (p. 23).

On the other hand, Miss Arendt also charges Eichmann with distorting the truth. She writes about his own statement on his trustworthiness: "His own convictions in this matter were far from modest: 'One of the few gifts fate bestowed upon me is a capacity for truth insofar as it depends on myself' (p. 49). She condemns as an "outright lie" his claim made in the period 1937-1945 that "his birthplace was Palestine and that he was fluent in Hebrew and Yiddish" (p. 25). Eichmann's statement that he was dismissed from the Vacuum Oil Company because unmarried employees were losing their jobs is presented by her as "not the truth either" (p. 25) and she goes on to suggest that "one need not believe his saying that he had been 'very happy' about his dismissal" (p. 27). She charges him with lying about his profession (p. 25), with not telling the whole truth in his biography (p. 25), with contradictions in "several

No book no one would have found below!
Even further the evidence —

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important entries in all his official Nazi records" (p. 25). She notes the contradiction between his statement to Police Superintendent Avner Less in the pretrial interrogation that he had "asked to be sent to active military duty" in order "to attain a higher grade in the S.S.," and the court testimony that "he had asked to be transferred because he wanted to escape his murderous duties" (p. 44).¹³ Relating the story of Eichmann's alleged effort to direct German Jews to Lodz instead of Russia, she brands his version as "not true" (p. 89). She refers to Eichmann's "foolish and stubborn contention that he had saved the lives of hundreds of thousands of Jews through 'forced emigration'" (p. 172). The account he gave, during the pretrial interrogation, of his appointment to the Jewish department is characterized by Miss Arendt as "distorted, of course, but not wholly devoid of truth" (p. 36). She also states that "he once said his only alternative would have been suicide," but she calls this "a lie" and adds, "he did not mean to be taken literally" (p. 86). She says that Eichmann "repeatedly visited Auschwitz" (p. 84), though he admitted after some hedging to only five or six times.¹⁴ One more instance of lying is offered by Miss Arendt: During the discussion of the so-called *Erschiessen* episode (see Chapter 5, under Yugoslavia), Eichmann categorically denied that he ever killed or gave an order to kill. Here she comes up with a euphemism: his denial was "very ineffective" (pp. 19-20).

Nevertheless, despite her repeated admission of Eichmann's lying, Miss Arendt frequently accepts his version of disputed events. Thus she finds that he told his version of the reasons for his involvement in the "blood for goods" episode¹⁵ "quite truthfully" (p. 21), and, discussing his version of Nisko—embellished by herself—she claims that "Eichmann's version of the Nisko adventure is true . . . there is no reason not to believe him" (p. 68). She finds Eichmann's Storfer story¹⁶ "presumably true enough" (p. 45) and considers it a "normal human encounter" (p. 46). She even promotes Eichmann to "the rank of the most cooperative defendant ever," though he needed the aid of "irrefutable documents" (p. 24) to be reminded of the truth, as in the case of his visit to Bratislava (p. 76).

The Jerusalem District Court considered Eichmann untruthful, for reasons spelled out in the judgment. There the court said:

The evidence of the defendant in this case was not truthful evidence, in spite of his repeated declarations that he was reconciled to his fate, knowing the gravity of the deeds to which he had confessed of his own

free will, and that now his only desire was to reveal the truth in order to set straight in the eyes of his countrymen and of the whole world the wrong impression that had been created, in the course of time, concerning his activities. Throughout this judgment we have pointed out a variety of instances in which the defendant was discovered to have been testifying falsely. We now add that his entire testimony was nothing else than a consistent, continuous effort to contradict the truth in order to deny his proper share of responsibility, or at least to reduce it as much as possible. He maintained this effort not without skill, with the aid of the same characteristics in which he excelled during the time he had been active: an alert mind; the ability to find his bearings in any difficult situation; cunning; and a smooth tongue. But he did not have the courage to admit the truth, not about the way things had really occurred and not about his inner feelings toward what he had done. We saw him over and over again weaving back and forth under the pressure of cross-examination, retreating from complete denial to partial denial and, when no alternative was left, to admission; but of course always falling back on the explicit order he was obeying, as it were, every time he did anything, great or small.

The question arises: Why did the defendant confess before Superintendent Less to a number of incriminating matters for which, on the face of it, no proof could have been provided except for his confession—in particular, his trips to the East, where he saw the atrocities with his own eyes? We cannot investigate the mazes of the defendant's soul now, when he is in confinement, in order to find out what moved him to do so. It is possible to make a variety of speculations in explanation of these partial admissions, but there is no point in doing this for the sake of a juridical evaluation of his evidence. Suffice it to say that these admissions did not lend credibility in our eyes to his testimony before us concerning matters about which he was found to be lying.¹⁷

Miss Arendt argues that the whole of German society had become so practiced in self-deception, so "shielded against reality and factuality" that "the same self-deception, lies, and stupidity . . . had now become ingrained in Eichmann's mentality" (p. 47). This self-deception, she continues, had become so embedded in Germans during the Nazi era that she finds it hard even now not to believe that "mendacity has become an integral part of the German national character" (p. 47). She concludes: "Eichmann's astounding willingness, in Argentina as well as in Jerusalem [where? certainly not in court], to admit his crimes was due less to his own criminal capacity for self-deception than to the aura of systematic mendacity that had constituted the general, and generally accepted, atmos-

phere of the Third Reich" (p. 47). She nowhere explains how his alleged willingness to admit his crimes follows from his mendacity, whatever its origin.

An interesting exhibition of her reliance on preconceptions is her discussion of Eichmann's "extraordinarily faulty memory" (pp. 49, 56, 57, 79, 88, 93, 183). Only in a few cases was the excuse of forgetfulness used by Eichmann; in the majority of cases it is used by Miss Arendt on Eichmann's behalf. The question arises: How does she know that Adolf Eichmann "forgot"? She states, for example, that Eichmann would readily forget his routine activities. All his actions against Jews were routine and thus forgotten (p. 137), but not so his meetings with persons of higher status. Let us examine a case in point.

Eichmann visited the Slovak Minister of the Interior, Sano Mach, in Bratislava, in 1942. When first questioned about this visit, he described vividly how he was invited to bowl with Mach. He insisted this was merely a social visit, absolutely no business was discussed. Later, when confronted with documents that showed he had been sent to Bratislava to talk over "the current evacuation action against Jews from Slovakia," he replied: "Clear, clear,¹⁸ that was an order from Berlin, they did not send me there to go bowling" (p. 76). Instead of drawing the obvious conclusion in regard to Eichmann's credibility, Miss Arendt considers that the first statement was an error on his part and continues: "Had he lied twice, with great consistency? Hardly. To evacuate and deport Jews had become routine business; what stuck in his mind was bowling, being the guest of a minister, and hearing of the attack on Heydrich" (p. 76). Two years after this incident, in July 1944, when Hungary's ruler Admiral Horthy ordered all deportations of Jews to be discontinued—a perfect opportunity for Eichmann to stop his activities—Eichmann managed, by duplicity, to apprehend and deport to Auschwitz the 1,500 Jews from the Kistarcsa camp. This act is well remembered not only by Jewish leaders¹⁹ but also by Nazi Foreign Office officials such as Horst Grell.²⁰ Eichmann, however, while not denying the fact, pretended that he could not remember. Miss Arendt has this to say: "Although the judges were 'convinced that the accused remembers his victory over Horthy very well,' this is doubtful, since to Eichmann Horthy was not such a great personage" (p. 183). (This explanation is offered not by Eichmann but by Miss Arendt, who does not reveal her source.) She apparently

finds it reasonable that Sano Mach, a Cabinet Minister in Slovakia, was a memorable person to Eichmann, while Horthy, the ruler of Hungary, was of little account.

Miss Arendt says that Eichmann even forgot facts "that might have supported" his story (p. 56). As an example, she notes that he "had forgotten in Jerusalem, much to his disadvantage" that Heydrich allegedly told him in a personal interview in 1941 "that the whole enterprise [the actual killing process] had been 'put under the authority of the S.S. Head Office for Economy and Administration' [WVHA]—that is, not of his own R.S.H.A." (p. 79). Eichmann knew well the division of functions between the WVHA and the RSHA. Had Miss Arendt consulted Raul Hilberg's *The Destruction of the European Jews*,²¹ listed in her Bibliography, she would have discovered on page 572 that the extermination camps of Chełmno, Bełżec (not "Belzek," as she has it on pp. 96, 265), Sobibór, and Treblinka were under the jurisdiction of the Higher SS and Police Leaders, while only Lublin and Auschwitz, which were extermination and labor camps, were under the jurisdiction of the WVHA. The Pohl trial cleared up the responsibility of the WVHA. Pohl himself, chief of the WVHA, was condemned to death, but not for the murder of victims of concentration camps. In the words of the judgment delivered at the Pohl trial: "Neither Pohl nor any other member of the WVHA had authority to order the execution of concentration camp prisoners. Nor is there any evidence that he, or they, attempted to exercise any such prerogative. The order for executions originated between the Secret State Police and Himmler personally."²² The department responsible for the "executions" was IVB4 under Adolf Eichmann, the competent *Referent* ("Specialist"). No wonder Eichmann "forgot" the statement of Heydrich; in light of the realities of the situation, it could never have been made.

The fact is, Eichmann had an unusually good memory for autobiographical details. He remembered, when he wanted to remember, in minutest detail, names, dates, and occurrences. Only when he was questioned about having taken part in important conferences and activities concerning the Final Solution (the euphemism for the murder of the Jews) did he plead lack of memory, and here his recollections could be refreshed only when the relevant documents were shown to him.

The first seventy pages of his statement to the police are a demonstration of Eichmann's excellent memory. A quarter of a century

by knowledge of the SS

indeed because he was one of the 'Specialist'

46/13 a fact?

after the events described he could remember details of conversations. He was able, without any notes or other aids, to give a detailed picture of his service in the Nazi movement up to the period of extermination. He could describe in detail the offices and the furniture, documents, and files. He remembered well hundreds of persons, their appearance and character. He even remembered—twenty-three years afterward—his salary in Dachau, and the title of the Hebrew textbook from which he studied. But he did not remember the facts of his involvement in the supply of gas for the extermination camps, the date when he was told about the Final Solution, the liquidation of the ghettos, whether he inspected the loading of the deportees in the cars, what he did in the East, and other similar data. Eichmann's memory, it would appear, served him well in trivial matters but failed him in significant ones. It just happened that the significant ones were unfavorable to him.

Miss Arendt writes: "Had his memory served him better, he would never have told the Theresienstadt story at all. For all this happened when the time of 'political solutions' had passed and the era of the 'physical solution' had begun" (p. 76). It is interesting to observe her concern with Eichmann's defense. But here she omits one detail: Eichmann's part in the foundation and supervision of Theresienstadt had been established beforehand by irrefutable documentary proof, and the record of the decisive conference in this connection, which took place in Prague on October 10, 1941, in which both Heydrich and Eichmann are mentioned as active participants,²³ had already been shown to Eichmann during his pretrial interrogation.²⁴ Eichmann, therefore, had no choice but to remember.

Perhaps the best examples of Miss Arendt's efforts to tell the Eichmann story according to her preconceptions are the numerous instances where she freely supplements his evidence in court with her own interpretations, and even fashions a mental state for him from her own imagination. According to her, Eichmann "had been an ambitious young man who was fed up with his job as traveling salesman" (p. 29). "Thus bored to distraction, he heard that the Security Service of the Reichsführer S.S. . . . had jobs open, and applied immediately" (p. 31). But, alas, "the trouble was that things were again very, very boring, and he was greatly relieved when . . . he was put into the brand-new department concerned with Jews" (p. 33). Orthodox Jews "bored him" (p. 37). After the

end of the war, when he stayed in the Lüneburger Heide for four years, "he was probably bored to death" (p. 215). All these interpretations emanate not from Adolf Eichmann but from Miss Arendt.

She goes on: "Would he [Adolf Eichmann] then have pleaded guilty if he had been indicted as an accessory to murder?" (p. 21); Adolf Eichmann did not like "dispatching people to their death by the trainload" (p. 29); "he might still have preferred . . . to be hanged as *Obersturmbannführer a. D.* . . . rather than living out his life . . . as a traveling salesman" (p. 30). She also asserts (p. 160) that "he was told—and believed" the fantastic story of fifteen thousand Jews hiding in Monaco, without naming her source. She knows too that Adolf Eichmann "was not serious when he threatened that he would refuse to answer any more questions" (p. 203), but the source of this information also remains a mystery. In another telepathic reading, Miss Arendt says "it is more than likely that he saw himself as the future Governor General, like Hans Frank in Poland, or the future Protector, like Heydrich in Czechoslovakia, of a 'Jewish State'" (p. 70). This, and the reference to the unprecedented case of "repatriation," are almost all she has to say concerning the notorious Nisko episode.

The Nisko operation (October 1939 to the spring of 1940), a brainchild of Eichmann's, began with the first mass expulsion of Jews from their native region (Czechoslovakia) to another (the Government-General, formerly part of Poland). What happened to these people, who were transported with complete disregard for their life and health, we learn from the succinct summary presented in the judgment:

Of the one thousand people who departed . . . from Moravska Ostrava, 300 returned. The others were expelled or fled across the demarcation line into the Soviet zone, and most of them were caught there by the Germans after the German-Russian war broke out. . . .²⁵

The same, if not a worse, fate befell the subsequent transports. Miss Arendt is too busy explaining the reasons for the origin and failure of the project (pp. 68-70) to pay much attention to the Jews, the victims. She does, however, mention the fact that "some [of the Jews] were even repatriated," adding that Eichmann's order to camouflage the returnees in the police records as "returning from vocational training" (*Umschichtung*) was "a curious relapse into

the pro-Zionist stage of the [Nazi] movement" (p. 70). The fact is that the camouflage of the status of returnees from the Nisko project was not motivated by any desire to protect them; it was a result of the fact that the entire operation had been undertaken by Eichmann and Stahlecker without authorization, as Miss Arendt herself realizes (p. 70).

At every turn Miss Arendt explains what Eichmann *really* meant, what we should believe and what we should not believe of what he says, as if she had looked into his mind and could see through to a meaning contradicting much that he had said previously, that was said of him, or that he did.

Authority and Activities

The limits Miss Arendt arbitrarily imposes on Eichmann's authority and activities lead her to exclude Eichmann from the class of major war criminals. She writes: "Only the 'major war criminals' had acted without territorial limitations, and Eichmann certainly was not one of them" (p. 237). Immediately afterward she adds a contradictory statement: "If Eichmann's activities had spread all over occupied Europe, this was so not because he was so important that territorial limits did not apply to him but because it was in the nature of his task, the collection and deportation of all Jews, that he and his men had to roam the continent" (p. 237). Even though she herself writes that "he [Eichmann] was to play such an important role" in the Final Solution (p. 27), she is ready to characterize his mission as not a major one. We know, however, that if Eichmann had been found, he would have stood trial before the Nuremberg Military Tribunals as a major war criminal (in the sense of the statute of the International Military Tribunal and the Control Council Law No. 10). In this connection, Telford Taylor, United States Chief of Counsel at the Subsequent Trials, had the following to say: "After the victory, when his [Eichmann's] apparent role in the business of mass extermination became known, Eichmann's name rose nearly to the top of the allied 'wanted' list, beneath only those of Martin Bormann, who is now believed to have survived Hitler by only a few hours, and 'Gestapo Mueller,' Eichmann's superior, whose fate is still unknown."²⁶ The Deputy Chief of Counsel, Robert M. W. Kempner, also stated clearly that "Eichmann would have certainly been indicted for war crimes

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8. "He was quite capable of sending millions of people to their death" (p. 129).

9. "The enormity of the [his] crime" is expressly admitted (p. 87).

This is a formidable indictment. To be sure, the emphasis on transportation creates the impression that Eichmann's was the technical job of supplying the means of transportation, whereas this was actually the function of his assistant Franz Novak.²⁹ Eichmann's "main work lay," as the judgment made clear, "not in obtaining the railroad cars, but in obtaining the Jews with whom he would fill the railroad cars, in order to transport them to their extermination—and in doing everything connected with that."³⁰ But even the part of his work that dealt with transportation was far from innocent. As the judgment put it:

It is no exaggeration to say that the very transportation under such conditions had the elements of a first step in the process of exterminating the deportees. And indeed it happened more than once that when a transport reached its destination, or at one of the stations along the way, corpses of people who had died en route were removed from the railroad cars. This applies not only to the stage of the Final Solution, but also to the second [i.e., previous] stage, in which the Jews were deported from the Warthe District, etc., and from Stettin under murderous conditions of transportation.³¹

Yet, in keeping with her belittlement of Eichmann's abilities, Miss Arendt takes pains, even in undisputed cases, to minimize his role, his sphere of influence, his personal responsibilities, and his function. Thus, when mentioning his earlier service in Dachau, she observes that "he had nothing to do with the concentration camp there" (pp. 30-31). Indicating that the Mobile Killing Units (*Einsatzgruppen*) "were under the command of Heydrich and the R.S.H.A." (p. 65), she adds "which, of course, does not mean that Eichmann necessarily had anything to do with them." Mentioning the violent outbreaks against Jews in Germany during the night of November 9-10, 1938—the so-called *Kristallnacht* (the Crystal Night pogrom)—she points out that Eichmann had nothing to do with it (p. 206). She writes that in the period of the Final Solution "his department had become merely instrumental," and continues: "Hence he had every reason to be very 'embittered and disappointed' . . ." (p. 74).

quoted
by me?

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Immortal

"And with the use of gas Eichmann had nothing whatever to do" (p. 81). In the serial version (II, 82) she says that Eichmann "probably" had nothing to do with the use of gas. Elsewhere, she declares that Eichmann's involvement in what she calls *Gasgeschichten* "is unlikely, . . . though one of his men, Rolf Günther, might have become interested of his own accord" (p. 95). Günther's involvement is a matter of record,⁴⁸ and it is difficult to understand how anyone can seriously maintain that in Nazi Germany Günther, Eichmann's deputy, could have undertaken an assignment of such magnitude as ordering and supplying poison gas for the murder of millions of people "of his own accord," without the knowledge of the man in charge. Even Eichmann never stated that the use of gas was kept a secret from him. Miss Arendt's own Bibliography lists a book by Rudolf Höss, the commandant of Auschwitz, which contains the following passage: "Eichmann told me about the method of killing people with exhaust gases in trucks . . . Killing with showers of carbon monoxide while bathing, as was done with mental patients in some places in the Reich, would necessitate too many buildings. . . We left the matter unresolved. Eichmann decided to try and find a gas which was in ready supply, and which would not entail special installations for its use."⁴⁹

Miss Arendt states that "the extermination program in the Eastern gas factories grew out of Hitler's euthanasia program, and it is deplorable that the Eichmann trial, so concerned with 'historical truth,' paid no attention to this factual connection. This would have thrown some light on . . . whether Eichmann . . . was involved in *Gasgeschichten*" (p. 95). This statement calls for three corrections: (1) The Final Solution, as a program, did not "grow" out of the euthanasia program; the latter only supplied the Final Solution with personnel and with certain technical procedures, which were later perfected in the extermination process. (2) The connection with euthanasia *is* mentioned, both in documents submitted in evidence⁵⁰ and in two passages in the judgment.⁵¹ (3) "Light" *was* thrown on Eichmann's involvement in *Gasgeschichten* by substantive documentation.⁵²

In general, Miss Arendt maintains throughout her book that Eichmann was merely a passive receiver of orders (e.g., pp. 57, 101, 120). This evaluation overlooks the hierarchical setup in the RSHA⁵³ (particularly the administrative regulations governing its

were to be exempted from the deportation from France, Belgium, and The Netherlands.⁵⁹ Later, in January 1943, Eichmann and Hunsche prepared a nine-page memorandum detailing plans for the treatment of Jews having foreign citizenship.⁶⁰ On July 5, 1943, Eichmann again wrote to the Foreign Office on this matter, this time to Eberhard von Thadden.⁶¹ In this letter he suggested that the Foreign Office inform the governments of Italy, Switzerland, Spain, Portugal, Denmark, Sweden, Finland, Hungary, Romania, and Turkey that the final date for obtaining exit visas for their Jewish nationals would be July 31, 1943, and that those Jews who had not left Germany by August 3, 1943, would be on the same footing as Jews in the areas under German control. Characteristic of Eichmann's attitude is the concluding sentence of the letter: "Finally, it is requested that in the interest of the final solution of the Jewish question all possible scruples be set aside in view of the fact that the Reich has shown generous consideration to these foreign governments." The Foreign Office accepted Eichmann's suggestion with slight modification.⁶² In a circular letter signed by Müller, official notification was given that the procedure had been accepted, with a somewhat later deadline.⁶³ Thus the chief architect of German policy toward foreign Jews was Eichmann, at all times.

As for the signatures appearing on letters sent from the RSHA to the Foreign Office, due account must be taken of the fact that there existed in Germany rules about the signatures that had to appear on official letters.⁶⁴ Letters written to von Thadden or to Franz Rademacher, whose rank in the Foreign Office corresponded to that of Eichmann in the RSHA, were generally signed by Eichmann,⁶⁵ while Müller's or Heydrich's signatures had to appear on letters directed to the heads of departments. But this was a mere formality, and in his pretrial interrogation Eichmann admitted that although these letters carried the signatures of his superiors, they were in fact written by him, as is evident from the IVB4 symbol appearing at the head of the stationery.⁶⁶

In other passages minimizing Eichmann's role, Miss Arendt depicts him as merely one of an "army of 'Jewish experts'" (p. 67) who competed with him, and she speaks of "innumerable intrigues . . . among . . . offices that were busy 'solving the Jewish question'" (p. 135). She complains on behalf of Eichmann about the "never ending interference from other offices" (p. 72), and about the "perpetual conflict over jurisdiction in Jewish matters" (p. 146). All

Goebbels—and Heydrich too; that's five. That Wisliceny is just a little swine who looks like a big one because Eichmann isn't here. . . .⁷⁷ In testimony before the court Gilbert quoted Höss to the effect that "Eichmann was the only SS officer who was permitted to keep lists with regard to the aforesaid operations [extermination in Auschwitz], and this in pursuance of orders given him by the *Reichsführer-SS*."⁷⁸ Gilbert testified that Höss repeatedly mentioned "Eichmann as the man who was the kingpin in the machinery, or you might say the driving shaft in the whole machinery, without which the machinery could not work." Miss Arendt's theory (p. 66) that Höss obviously had no hope of saving his own life and wanted to exculpate his own outfit, the Head Office for Economy and Administration, at the expense of the RSHA, does not stand up. If that was his intention, why should he have invented detailed stories about his friend Adolf Eichmann, instead of blaming Eichmann's commanders, like Gestapo chief Müller, who had also disappeared, or Heydrich and Kaltenbrunner, the heads of the RSHA, who were dead?

6. László Endre and László Baky, two notorious anti-Semites who were high officials of the Hungarian Ministry of the Interior, both stated before they were hanged that Eichmann was the man chiefly responsible for the murder of Hungarian Jewry.⁷⁹ Although we can suspect these two men of trying to shift the blame from the Hungarian Fascists to the Nazis, the question still remains: Why charge Eichmann, with whom they had most friendly relations? Why not pick on Veessenmayer, who was far superior in rank? Why not mention Winkelmann, the Higher SS and Police Leader in Hungary and Himmler's personal representative there? Gábor Vajna, Hungarian Minister of the Interior in the Szalasi Government, described the impertinent way in which Eichmann tried to force the pace during the final stages of deportation, claiming that he had the full authority of Kaltenbrunner behind him.⁸⁰ Vajna, though mentioning Kaltenbrunner and Winkelmann as well, made a point of stressing Eichmann's extreme demands and impertinence.

Miss Arendt raises the following objection to these charges: "No doubt one of the chief objective mistakes of the prosecution at Jerusalem was that its case relied too heavily on sworn or unsworn affidavits of former high-ranking Nazis, dead or alive; it did not see, and perhaps could not be expected to see, how dubious these documents were" (p. 67). The majority of documents bearing on Eich-

Eichmann in Theresienstadt on April 6 and again on April 21, 1945. They had the following to say: "Eichmann is there introduced as 'specialist for all Jewish questions' . . . He had played a leading role in the concentration camps of Lublin and Auschwitz. According to his own word, he was the direct plenipotentiary of the *Reichsführer-SS* for all Jewish questions." At the same time Eichmann had also stated to them his dissatisfaction with Himmler's desire for "humane methods."⁸⁶

Eichmann stated, and Miss Arendt agrees, that he had no power to initiate any program relating to the annihilation of the Jews. This evaluation is incompatible with her own account elsewhere. In reference to Nisko and Madagascar she says: "For the first (and almost the last) time in his life in the S.S. he was compelled by circumstances to take the initiative, to see if he could not 'give birth to an idea'" (p. 67). She follows with two contradictory statements: First we are told that Stahlecker and Eichmann went off "on their own initiative, without orders from anybody" (p. 69), but twenty-one lines later she retreats and claims that their initiative "amounted to no more than a concrete plan for carrying out Heydrich's directives."⁸⁷ Later the same "initiative" is described as "private" (p. 70). On subsequent pages we read that "the last time Eichmann recalled having tried something on his own was in September, 1941" (p. 74); that Eichmann "for the first and last time" took an initiative contrary to orders" (p. 88); that Eichmann "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" (p. 122). Behind this statement lies one of the most brutal crimes committed by Eichmann, described in the judgment as follows:

In the middle of October 1944 the wheel of fate turned again: The Germans intervened anew in order to prevent Horthy's surrender to the Allies, and forced him to appoint Szalasi, the extremist leader of the "Arrow Cross," as Prime Minister. With this, the way was again open for deporting the Jews from the country. Horthy gave in to the Germans on October 16 (evidence of von dem Bach-Zelewski, p. 13), and two days later the defendant returns to Budapest and starts negotiations for the surrender of more Jews to the Germans. Veessenmayer's telegram sent on the same day to the German Foreign Ministry states that the defendant "started negotiations with the Hungarian authorities for the deportation of 50,000 able-bodied male Jews on foot (*im Fusstreck*) to work in Germany" (T/1234). On the same day Veessenmayer wires again

Miss Arendt herself writes that in 1939 "Eichmann's solution was a police state" (p. 73), which is hardly compatible with Zionist ideals. She alleges that Eichmann had Zionist "relapses" (p. 59): In March 1945 he "again showed himself to be very interested in Zionist matters" in an interview with one of the inmates of Theresienstadt. Note the date and her use of the plural "relapses." She reproaches the counsel for the defense for not having mentioned this in his *plaidoyer*.

Eichmann's Conscience and the "New Type of Criminal"

Eichmann at the Jerusalem court is described by Miss Arendt as an almost inanimate figure: "And the more 'the calamity of the Jewish people in this generation' [Hausner's words] unfolded . . . the paler and more ghost-like became the figure in the glass booth, and no finger-wagging . . . could shout him back to life" (p. 6). (Few found him lacking "life" during the twenty-six sessions of cross-examination.¹²⁵) His feelings are also described: "During the trial, he showed unmistakable signs of sincere outrage when witnesses told of cruelties and atrocities committed by S.S. men—though the court and much of the audience failed to see these signs . . . and it was not the accusation of having sent millions of people to their death that ever caused him real agitation but only the accusation . . . of one witness that he had once beaten a Jewish boy to death" (p. 96). This appears on the same page as "he had also sent people into the area of the *Einsatzgruppen*, who . . . killed by shooting" and "he was probably relieved when . . . this [the shooting] became unnecessary because of the ever-growing capacity of the gas chambers."

Miss Arendt claims that it "had been said at Nuremberg over and over again by the defendants and their counsels" that a "new type of criminal" came into being who "commits his crimes under circumstances that make it well-nigh impossible for him to know or to feel that he is doing wrong," and she puts Eichmann into this category (p. 253).¹²⁶ However, the final pleas of the defense counsels on behalf of the individual defendants and Professor Jahrreiss's speech on the legal aspects of breach of peace, as well as the final statements of the defendants themselves, contain no such statement or plea.¹²⁷ With certain variations, the defendants and their counsels argued the noncriminality of the acts charged to them and,

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subsidiarily, the implacable consequences of the *Führerprinzip*. There is nothing concerning the "new type of criminal." Moreover, some defendants admitted the criminality of their acts.¹²⁸

Somewhat inconsistently Miss Arendt quotes with approval Eichmann's statement that he "never thought of . . . a solution through violence" (p. 27, also on p. 79), and writes that he never "suspected the existence of such sinister plans" (p. 72). Two questions arise in regard to these statements: (1) Did Eichmann really never suspect the existence of such sinister plans? (2) When was he formally advised of the decision on the Final Solution?

As to the first question, an unequivocal answer was given by Eichmann in the following circumstance: On September 21, 1939, a meeting was held of top SS men concerned with the Jewish question, with Eichmann in attendance. A record of this meeting was discovered by the Israel police and submitted to the court.¹²⁹ In the record the expression *Endziel* (final aim) is used with reference to the Jews. Asked by Superintendent Less in the pretrial interrogation how he interpreted the expression *Endziel*, Eichmann replied without a moment's hesitation, "It means physical extermination," and added that "this basic idea was already rooted in the minds of the higher leaders, or the men at the very top . . ." (quoted by Miss Arendt on p. 72). From this it becomes clear that at least as early as September 1939 he was aware of what was in store for the Jews. Miss Arendt herself adds a second case that proves his knowledge of "a solution through violence" before he was officially advised of this solution by Heydrich in 1941: "Moreover . . . a few weeks before he was called to Heydrich, he had received a memorandum from an S.S. man . . . submitting for his consideration a proposal as to 'whether it would not be the most humane solution to kill those Jews who were incapable of work through some quicker means' . . . Eichmann . . . probably had not been in the least shocked by it" (pp. 89-90).¹³⁰

As to the second question, the court painstakingly investigated it and came to the conclusion that Eichmann had already been formally notified of the Final Solution as early as the summer of 1941.¹³¹

Although Miss Arendt insists that Eichmann had no inkling of the Final Solution before the late spring of 1941, she writes that the Madagascar plan, conceived by Eichmann one year earlier, "in the summer of 1940 . . . was always meant to serve as a cloak

not at all but that the higher leaders were involved in the summer of 1941! I had no inkling

Madagascar plan taken very seriously by P. L. -
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under which the preparations for the physical extermination of all the Jews of Western Europe could be carried forward" (p. 71). She makes several comments concerning this project (pp. 70 ff.), but she does not relate many details of the plan, which included the deportation of four million Jews within four years; their complete isolation from the outer world; a provision that Madagascar would be a "police state" supervised by the RSHA (not an independent "Jewish State," for the plan explicitly stated that no independent state was envisaged); employment of the Jews in forced labor under the supervision of German masters; financing of the project out of the property of expelled Jews and by a special tax to be paid by the Jewish citizens in vanquished Western countries as "reparations for damage caused to the German nation by the Jews economically and otherwise as a result of the Versailles Treaty."¹³²

In discussing the Madagascar plan, Miss Arendt speaks of Eichmann's "dream once dreamed by the Jewish protagonist of the Jewish State idea, Theodor Herzl," but she is not bothered by Eichmann's linking himself with Herzl. The court, however, expressed its indignation that Eichmann "dared mention in one and the same breath his plan with the name of Herzl from whom, so he says, he drew inspiration."¹³³

in any sense of the word

Miss Arendt states that "the Madagascar project was top secret" (p. 42) and that it was supposed to have been implemented "in the midst of war" (p. 71), except that lack of time "brought the . . . enterprise to naught" (p. 72). It is difficult to see how one top secret plan could serve as a "cloak" for another, the Final Solution. The plan was actually intended for the period after ultimate victory over France, when France had ceded Madagascar to Germany, and when the seaways to Africa would be open.¹³⁴ The plan was shelved because the Vichy regime was unable either to conclude a peace treaty with Germany or to cede Madagascar to her.

With reference to the Wannsee Conference—a meeting held in January 1942, at which were present some top civil servants in Ministries, whose cooperation was sought by the RSHA for the implementation of the Final Solution—Miss Arendt stresses that what was being accomplished at the Wannsee Conference was being done by an elite.¹³⁵ "His conscience was indeed set at rest when he saw the zeal and eagerness with which 'good society' everywhere reacted as he did" (p. 111). Why did Eichmann have to wait to be impressed at Wannsee? Had he been unimpressed by

Hitler, Himmler, and Heydrich, from whom he knew (much earlier) about the Final Solution? Miss Arendt accepts Eichmann's excuse "that there were no voices from the outside to arouse his conscience" (p. 112) and his statement that "he could see no one, no one at all, who actually was against the Final Solution" (p. 103). And she considers "pertinent" Eichmann's words: "Nobody came to me and reproached me for anything in the performance of my duties" (p. 116). "No one at all" against the Final Solution! What of the officials of such occupied countries as France, Italy, Denmark, and others with whom Eichmann had to fight because of their opposition to the Final Solution;¹³⁶ the Allies' protests and warnings, which were well known to Eichmann;¹³⁷ and the victims and their representatives, such as Kasztner,¹³⁸ who requested "to stop the death-mills" at Auschwitz? Indeed, "no one at all" is far from the truth. We find Eichmann resorting to a system of deception even in regard to Reich offices.¹³⁹

According to Miss Arendt, stopping "the death mills at Auschwitz" was "outside his [Eichmann's] competence and outside the competence of his superiors" (p. 103). How then did it happen that they were stopped after all? Was it not because Eichmann's "superior," Himmler, so ordered?¹⁴⁰ Did not Hitler himself consent to exclude from the Final Solution some 40,000 Hungarian-Jewish men, women, and children?¹⁴¹ In arguing that no one opposed the Final Solution she states that the top men in the Civil Service in Nazi Germany, "the under-secretaries [among whom were the active participants at Wannsee] . . . were frequently not even Party members" (pp. 99-100). This is not true. All the participants at Wannsee were party members, and more than half of them were even members of the SS.¹⁴² On the other hand, there is no evidence that "the élite of the good old Civil Service were vying and fighting with each other for the honor of taking the lead in these 'bloody' matters" (p. 101).

Miss Arendt can write: "So Eichmann's opportunities for feeling like Pontius Pilate were many" (p. 120). And she can consider him sincere when he declared in Jerusalem that the annihilation of the Jews was "one of the greatest crimes in the history of Humanity" (p. 19). Yet this same man, as late as 1957, declared before Sassen¹⁴³ that he was sorry only that he had not succeeded in exterminating all the eleven million European Jews (the figure appearing in the Wannsee minutes).

The question asked by the judges "whether the accused had a conscience" (p. 89) is criticized by Miss Arendt for introducing a moral issue that "may not have been legally relevant" (p. 85). She herself deals with the problem of Adolf Eichmann's conscience at length (e.g., pp. 120 ff.). She writes that his conscience functioned "within rather odd limits" (p. 89). What does she mean? In the period during which the *Einsatzgruppen* were active in the East, Eichmann was charged with transporting Jews into the area in which these killing units operated. Regarding this, he said—and Miss Arendt quotes him—"I never denied that I knew that the *Einsatzgruppen* had orders to kill" (p. 90). Yet he denied knowing that Jews from the Reich whom he had transported to the East were also being killed. Surely, if he knew what the *Einsatzgruppen* were doing in the East and persisted in shipping German Jews into their area of operations, his statement cannot possibly be truthful. But Miss Arendt accepts his denial when she observes, "his conscience rebelled not at the idea of murder but at the idea of German Jews being murdered." In line with this, she devotes much space (pp. 88-89) to Eichmann's allegation that he tried to ship German Jews to Lodz, where presumably they were safe, instead of to Riga, where they would have been exterminated. While claiming on behalf of Eichmann (who "had forgotten all about it") that here "he actually had tried to save Jews," Miss Arendt admits that even those Jews were after all shipped to Riga. In fact, not Eichmann but Himmler had decided to ship the German Jews to Lodz.¹⁴⁴

It should be noted that Miss Arendt was not unaware of the deportation of thirteen hundred German Jews from Stettin to the Lublin area in February 1940 (p. 139). What happened to these men of "German culture" is told in the judgment:

The expulsion from Stettin was carried out in a single night, that of February 13, 1940. The Jews were forced out of their apartments. They were allowed to take one suitcase with them. The head of each family had to sign a waiver declaration with respect to all his property. They were not allowed to take any food for the way. Thirteen hundred persons were removed, among them infants and aged people. Those who could not walk were carried to the railway station on stretchers. After only twenty-four hours the first corpses were taken off the train. The deportees were transported to Lublin and from there, all of them—men, women, and children—were conducted on foot to villages 26-30 kilometers away from the city, with the temperature 22 degrees [centigrade] below zero

because of the lack of truth

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cf. Killing
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2 Himmler
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performed by Eichmann, we are told: "Yes, he had a conscience, and his conscience functioned in the expected way for about four weeks [II, 94: "three weeks"], whereupon it began to function the other way around" (p. 89). But she adds that during the time the Jews were shipped into the area of *Einsatzgruppen* operations "his conscience functioned normally." Further on she says "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" (p. 131). She is undecided whether his conscience was awake and directing his attitudes or had been put to sleep by those attitudes.

She suggests that in both his silenced conscience and in his uncompromising attitude he was guided by Kant's categorical imperative. Yet she admits that the equation of Eichmann's behavior with that demanded by Kant's categorical imperative is "outrageous, on the face of it" (p. 120), in view of the fact that "Kant's moral philosophy is so closely bound up with man's faculty of judgment, which rules out blind obedience" (p. 121). Still, she maintains that criminals of Eichmann's sort "in one respect" indeed followed Kant's precept: "a law was a law, there could be no exceptions" (p. 122). This is in contradiction to what she says on the previous page—namely, that the Kantian philosophy demands "that a man do more than obey the law," and that this demand in Eichmann's "household use" of Kant meant that one must "identify his own will with . . . the will of the Führer" (pp. 121-122). To be sure, she reports that "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 . . ." (p. 121). But she explains what went on in Eichmann's mind: "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'" (p. 121). This is incredible. In the first place, Hans Frank's speech, made at the Munich Technological Institute at the annual academic celebration,¹⁵⁰ was delivered in such complex legal German (*Juristendeutsch*) that it could hardly have been read—or understood—by the nonexpert. Moreover, Miss Arendt's application of the

Germany Jews were being reduced to the state of pariahs, those living in Upper Silesia continued to enjoy equal rights, to practice medicine and law, and to hold office.⁶⁰

The Nuremberg Laws were also a violation of the unanimous *voeu*⁶¹ of the Assembly of the League of Nations on September 21, 1922, which declared that "the States not bound by international obligations should, nonetheless, observe in the treatment of their racial, religious or linguistic minorities at least as high a standard of justice and tolerance as was required by the Minorities Treaty and the decisions of the Council."⁶²

Miss Arendt's views on what is of international concern do not conform with the ruling of the Permanent Court of International Justice in the case of the Nationality Decrees issued in Tunis and Morocco, which declared: "The question whether a certain matter is or is not solely within the jurisdiction of a State is an essentially relative question; it depends upon the development of international relations."⁶³

Her argument is based on a legal misconception. She writes: "According to international law, it was the privilege of the sovereign German nation to declare to be a national minority whatever part of its population it saw fit, as long as its minority laws conformed to the rights and guarantees established by internationally recognized minorities treaties and agreements" (p. 246). She nowhere indicates her source for any such international law. There are no cases or procedures in the practice of international law for declaring a group to be a national minority. A la rigueur, it can be claimed that there is no prohibition or restriction in international law to declare part of a population a national minority. Moreover, in the positive law of the then valid European regional system for protection of minorities, the object and beneficiary of international protection was an individual citizen (not a group of citizens) of a country whose race, language, or religion differed from that of the majority.⁶⁴ Finally, there is no evidence that Nazi Germany declared or intended to declare German Jewry to be a national minority. The exact opposite is true. When the first anti-Jewish measures appeared in Nazi Germany, they caused a commotion among German minorities in the rest of Europe who had cooperated for years with the Jewish minorities, particularly in the so-called Nationalities Congresses. The leaders of these German minority groups realized that their position as spokesmen for minorities was being undermined, and they went to Berlin in order

nized high standards in their legal tradition, did not consider abduction a defect which deprives a court of its jurisdiction. On the basis of these considerations the court held itself competent to try the defendant.

Miss Arendt demonstrates a lack of care in reading the precedents cited by the court by claiming (p. 242) that "None of the . . . precedents applied, because they invariably concerned a fugitive from justice who was brought back not only to the place of his crimes but to a court that had issued, or could have issued, a valid warrant of arrest—conditions that Israel could not have fulfilled." As can be seen from the judgment, the *forum deprehensionis* has not always and everywhere been subject to the two conditions which Miss Arendt believes govern the application of this rule. In spite of this criticism, she finally states, "those who are convinced that justice, and nothing else, is the end of law will be inclined to condone the kidnaping act" (p. 243).

Miss Arendt reproaches the court (p. 242) for not mentioning the "relevant" Berthold Jacob case in connection with the Eichmann abduction. Jacob was a German political émigré who was very active in exposing Nazi Germany's massive rearmament. He was lured by Nazi agents to Basel, on the frontier of Germany and Switzerland, and abducted in March 1935 to Nazi Germany under conditions which caused the Federal Government of Switzerland to take a grave view of the incident. Public opinion in Switzerland and France was outraged. Under the threat of the arbitration and conciliation treaty between the two States being invoked, and fearful of public revelation of his secret rearmaments, Hitler ordered Jacob's return.⁵ Unlike Eichmann, however, Berthold Jacob was no fugitive from justice, there were no proceedings against him anywhere, and the Jerusalem court had no reason to discuss his case.

Another irrelevant digression is Miss Arendt's account of the assassinations of Talaat Bey (Talât Paşa) and Simon Petlyura. She devotes two pages to these two acts of individual terror (pp. 243-245). Talât Paşa was Grand Vizier of Turkey during World War I. He was assassinated on March 15, 1921, in Berlin-Charlottenburg (Germany), where he lived in exile, by an Armenian student named Sogomon Teilyan, in revenge for the Turkish massacre of the Armenians during World War I.⁶ Simon Petlyura, a Ukrainian leader, who lived in exile in Paris, was assassinated on May 25, 1926, by Sholom Schwartzbard in revenge for the pogroms against Jews of

the Ukraine during the civil war following the October Revolution in Russia.⁷ Miss Arendt states (p. 244) that similarities exist between these cases and the Eichmann case. In fact, there are none.

In her attempt to discredit Israel's search for Eichmann, Miss Arendt goes so far as to express doubts about the Israel Government's account of the abduction. She proceeds on the unproved assumption that "Eichmann had made many efforts to break out of his anonymity," which in her view is "the truth of the matter" (p. 217). She finds it "rather strange that it took the Israeli Secret Services several years . . . to learn that Adolf Eichmann was living in Argentina under the name of Ricardo Klement" and expresses doubt "that the Israelis had indeed pursued this search through the years. Which, in view of the facts, seems doubtful" (p. 217). She further claims that the process of testing the information available to the Secret Service "was not done very expertly" (p. 218). One page later, speaking for Adolf Eichmann as if she had consulted him privately—for there is no recorded statement on the subject—she says that "Eichmann immediately recognized that this was professional work."

In connection with the abduction, Miss Arendt reports on the first encounter of the Israel public with the presence of Eichmann in Israel. She states that Prime Minister Ben-Gurion "announced to Israel's wildly cheering Knesset that Eichmann had been 'found by the Israeli Secret Service'" (p. 217). The official record of the Israel Knesset reports the following statement made by Prime Minister David Ben-Gurion at the meeting of May 23, 1960:

I have to inform the Knesset that a short time ago one of the greatest Nazi war criminals, Adolf Eichmann, who was responsible together with the Nazi leaders for what they called "The Final Solution of the Jewish Question," that is, the extermination of six million of the Jews of Europe, was discovered by the Israel Security Services. Adolf Eichmann is already under arrest in Israel and will shortly be placed on trial in Israel under the terms of the law for the trial of Nazis and their helpers 5710-1950.⁸

There is not a word about cheers. The correspondent of the *New York Times* noted that the announcement of Ben-Gurion was made "with dramatic understatement" and continued: "Members were startled by the news."⁹ The *Herald Tribune* wrote: "The news hit Israel . . . like a thunderbolt. The Knesset was too surprised to react."¹⁰ *Haaretz* (Tel-Aviv) carried the following report:

The first moment everybody remained frozen to his chair. No one believed his ears. When they had recovered from the staggering blow, a wave of agitation engulfed the hearers—agitation so deep, that its likes had never before been known in the Knesset. Their faces pale, people jumped from their places and asked each other whether they had really heard what they did. The parliamentary reporters rushed in from their booths in order to obtain details or exchange information and opinion. The members of the Knesset also left their places, in order to “digest” the government’s statement. In this electrified atmosphere the subsequent survey by the Minister of Foreign Affairs found no listeners in the Knesset.¹¹

Nor are cheers to be heard on the tape recording of this session of the Knesset.¹²

Israel never tried to deny that Eichmann’s abduction was in violation of Argentine law. Miss Arendt omits mention of the diplomatic negotiations with Argentina and of the most significant aspect of the Israel-Argentine conflict—the debate and resolution in the Security Council.¹³ It is well worth noting that the Israel-Argentine conflict is one of the few in the long history of conflicts between States caused by irregular seizures for purpose of trial that have ended in a formal agreement between the parties. The moment the “inexigibility”—a term introduced by Helen Silving in her remarkable article in the *American Journal of International Law*¹⁴—of his return became clear to Argentina, the case was settled. In Felix Luna’s published conversations with Arturo Frondizi, President of Argentina at the time of Eichmann’s abduction, the following dialogue occurs on the Eichmann case:

Felix Luna: “The abduction of the Nazi official [jerarca] Adolf Eichmann, had—you surely remember it—international repercussions, because of the event itself, as well as for the Argentine protest to Israel. However, this protest got diluted, without obtaining, apparently, the demanded satisfaction. Was that so?”

Mr. Frondizi: “The abduction of the Nazi Eichmann was a clear violation of international norms on the part of Israel. That is the way Argentina stated it. My Government did its duty, but had to face two kinds of [local] pressures: the one of those who considered that no claim was to be formulated because such a claim would mean that we protect a criminal like Eichmann, and the pressure of those who wanted to transform the problem into a matter of persecution against the Jews.”¹⁵

The fact is that Eichmann’s was one of the few cases of abduction where there was no real conflict of jurisdiction. Not a single

state, not even Germany or Argentina, asked for the extradition of Adolf Eichmann.¹⁶

In another attack on Israel’s competence to try Eichmann, Miss Arendt asserts that the absence of German and Austrian defense witnesses “served to refute Israel’s claim that an Israeli court was, at least technically, the ‘most suitable for a trial against the implementers of the Final Solution,’ because documents and witnesses were ‘more abundant than in any other country’” (p. 201). She continues: “the claim with respect to documents was doubtful in any event, since the Israeli archive Yad Vashem was founded at a comparatively late date and is in no way superior to other archives” (p. 201).

A discussion of defense witnesses and their function at the trial follows later in this chapter. First let us examine Miss Arendt’s claim regarding the archives of *Yad Washem Martyrs’ and Heroes’ Memorial Authority* in Jerusalem. Though it is true that *Yad Washem* was officially incorporated only in 1953, important archival collections destined for the institution were brought to Israel years before. Among them are such valuable collections as those of Upper Bavaria, Munich, Slovakia, Austria, and Poland, of the Displaced Persons Camps (*Sheerit Hapleita*), and many others. Moreover, *Yad Washem* is foremost among the extant archives which concentrate on material of Jewish origin regarding the Catastrophe, without limiting themselves to particular areas of persecution and extermination. *Yad Washem* possesses at present the most complete and most extensively catalogued collection available anywhere of documents relevant to the internal history of European Jewry under Nazi impact.¹⁷

The overwhelming majority of captured documents of Jewish interest—e.g., the exhibits of the various Nuremberg Trials, the Foreign Office Archives in Bonn, the German *Bundesarchiv* in Koblenz, and the records of the *Institut für Zeitgeschichte* in Munich—are available, in photocopies or on microfilm, in Jerusalem. Moreover, the collection of German documents in *Yad Washem* is actually superior to that contained in other archives. For example, unpublished material of Jewish interest from the German Foreign Office (*Auswärtiges Amt*), kept originally in Whaddon Hall, England, was available in photocopy in *Yad Washem* even before it was returned to Bonn, and it played an important part in the Eichmann Trial.

In addition, *Yad Washem* has a rich collection of material from archives in Eastern Europe, unavailable elsewhere. Finally, there is the fact that documents discovered in the 1950's were not yet available to the Subsequent Trials, but were collected by *Yad Washem* and made available to the Eichmann trial.

Conduct of the Trial

According to Miss Arendt, the Prime Minister of Israel, David Ben-Gurion, "had in mind" a "show trial" in Jerusalem (p. 2). She also says that he was the "invisible stage manager of the proceedings" (p. 3). She offers no support for these serious accusations, beyond the descriptive statement that the proceedings took place "on a stage before an audience" (p. 2), that the auditorium was planned with "a theater in mind" (p. 2), and that the judges were "seated at the top of the raised platform, facing the audience as from the stage in a play" (p. 4). Actually, the arrangement in Israel was standard. Nowhere are the judges seated below the level of the public; nowhere does the public face the judges from a raised platform.

Continuing her attack on Ben-Gurion, she imputes to him, without evidence, a desire for a trial "with its stress on general issues to the detriment of legal niceties" (p. 15), as if such a desire would have been binding on the judges. Ben-Gurion, however, at no time voiced anything like this sentiment. She disparages (p. 249) his well-reasoned objections to demands for international jurisdiction.¹⁸ In another place, she states that Ben-Gurion and the prosecutor "probably" expected the witnesses of the resistance to testify that only Zionists resisted the Nazis (p. 108), implying that they were disappointed when it appeared from the testimony that *all* groups participated in the resistance. The accusation is absurd. The Attorney General did not hesitate to call to the witness stand a Communist leader in Israel, Dr. Adolf Berman (a former resident of Warsaw).¹⁹ On the other hand, Professor David Wdowski, of the New School for Social Research (New York), was called to testify on the activities of the Revisionists.²⁰ Incidentally, a large part of the testimony of Abba Kovner dealt with the tragic fate of the Jewish Communist resistance leader Izhak Witenberg.²¹ Under the rules of procedure, the prosecutor was obliged to interrogate his witnesses *before* they took the stand. He knew beforehand what

information they had to offer, and it was precisely for this reason that he called them; their testimony could hardly have been unexpected.

In her paradoxical style, Miss Arendt also writes that "the trial never became a play" (p. 7); nor does she deny the "scrupulous fairness of all technical arrangements" (p. 1). But the very first paragraph of her book characterizes the German translation of the proceedings in the Jerusalem court as "sheer comedy, frequently incomprehensible," and leaves the reader with the impression that this characteristic is applicable to the trial as a whole. She suggests that the selection of the German-Hebrew translators from the "high percentage of German-born people" was made according to the principle of "the . . . very powerful 'Vitamin P,' as the Israelis call protection [i.e., pull] in government circles and the bureaucracy" (p. 1). No proof is offered. The fact is that there was more than one German translator, and what fault she may have found in one of them does not necessarily apply to all of them. Moreover, a translation of the Attorney General's opening statement was available to the defendant in writing; the overwhelming majority of the documents were in German; the judges, all of whom were raised and educated in the German language, themselves translated their questions to the defendant into German; the defense counsel conducted the examination of Eichmann in German; and the cross-examination by the Attorney General was translated for the most part not simultaneously but consecutively, to insure the greatest accuracy possible.

A special target for Miss Arendt's censure is Gideon Hausner, who, as Attorney General of the State of Israel, led the prosecution. Consider her charges against him:

1. Mr. Hausner is charged with having held press conferences during the trial (p. 3). The fact is that he neither called nor participated in any formal press conference during the period of the trial. Of course, informal contact with the press was maintained throughout the trial by both prosecution and defense.

2. Miss Arendt implies (p. 3) that there was a conflict between the concept of justice as held by the presiding judge, on the one hand, and the State of Israel, represented by Gideon Hausner, on the other. She forgets that in a court of law the judges and the prosecution perform different tasks. The basic function of the Attorney General in a criminal case is to study the material and to

war criminal,' automatically responsible for everything which had to do with the Final Solution." The court did not drop this charge, for the simple reason that the prosecution did not make such a charge in the indictment (or in any statement before the court).

Another misreading of the judgment is revealed in Miss Arendt's statement that "Eichmann . . . had steadfastly insisted that he was guilty only of 'aiding and abetting' in the commission of the crimes with which he was charged, that he himself had never committed an overt act" (p. 224). This was not Eichmann's defense at all, and Miss Arendt herself seems to have realized it on p. 21, where she asks whether he might not "have pleaded guilty . . . as an accessory to murder." Her "great relief" that "the judgment . . . in a way recognized that the prosecution had not succeeded in proving him wrong on this point [viz., that he was guilty only of "aiding and abetting"]" (p. 224) is premature. In fact, the court explicitly singled out this concept as inapplicable to the Eichmann case. She herself quotes with approval (p. 225) the court's dictum that "in such an enormous and complicated crime . . . wherein many people participated . . . there is not much point in using the ordinary concepts of counseling and soliciting to commit a crime."¹⁰⁰ Miss Arendt is on both sides of the fence at the same time.

The judgment of the Israel Supreme Court is criticized by Miss Arendt because it supposedly stated the following "dangerous nonsense": "It was a fact that the appellant had received no 'superior orders' at all. He was his own superior, and he gave all orders in matters that concerned Jewish affairs" (p. 192). This is not what the court said. Section 17 of Part III of the Supreme Court judgment, after referring to the facts mentioned in Section 16, which "also constitutes . . . a decisive rebuttal of learned counsel's . . . contention, . . . that the appellant was acting on orders from above," continued as follows:

In fact, the Appellant did not at all receive "superior" orders; he was the superior, he was the giver of orders in all that pertained to Jewish affairs; he gave orders and commands not only in the absence of explicit orders from those who were set above him in the line of command, but also occasionally even in direct contravention to orders from above.

This formulation was *not* intended to replace the finding of the District Court in Section 232 of its judgment to the effect that Eichmann was both receiver *and* giver of orders. (Indeed, the

for a few

The view widely held by students of the Second World War is that the murder of six million Jews was the direct responsibility of Nazi Germany which carried it out, and that it was indirectly aided by the almost universal passivity of the non-Jewish conquered populations, the neutrals, and the Allies, who by action or inaction did next to nothing to prevent it. The destruction of six million Jews—and not the “role of the Jewish leaders”—is the “darkest chapter” of Jewish history during the Nazi period, and indeed during all time.

*in my
writings*

Apparently believing that detection of Jewish origins in non-Jewish persons (the top Nazis were not above making use of innuendos of Jewish origin as means of intimidation or controlling each other²) is relevant to the history of the Jewish Catastrophe, Miss Arendt adds the charge (pp. 118-119) that “it was generally known” (but on pp. 160-161 she says that it “was a highly confidential matter”) that two of the most notorious mass murderers of Jews, Reinhardt Heydrich and Hans Frank, were themselves Jews: Heydrich a half-Jew, and Frank “probably . . . even a full Jew.” (There are significant differences between the various versions of the book. In the serial version, III, 64, Frank is depicted as “at least a half-Jew and probably even a full Jew”; and the reference to Frank on pp. 160-161 has no parallel in IV, 78. In the paperback edition all references to Frank’s Jewishness are omitted.) She even suggests a connection between their “Jewishness” and their alleged repentance before death: “it is difficult not to suspect that what they repented of was not murder but that they had betrayed their own people” (p. 119). This conclusion follows her statement that “among the major war criminals, only two repented in the face of death” (p. 118)—namely, Frank and Heydrich. In fact, we know that Baldur von Schirach,³ Field Marshal Keitel,⁴ and Albert Speer⁵ repented—all three of them major war criminals. Miss Arendt says that Heydrich was reported to have repented “during the nine days it took him to die from the wounds inflicted by Czech patriots” (p. 118). The source of this information is not given. Heydrich’s biographer, Charles Wighton, makes no mention of such repentance.⁶ Gerald Reitlinger writes that “for six days Heydrich endured the agony of a severed spine, expressing, it is said, deep contrition for his actions.”⁷ Reitlinger’s source was a book that did not give an original source and did not tell whether the alleged contrition was for anti-Czech or for anti-Jewish actions. As for Hans Frank,

it is true that in his conversations with Dr. G. M. Gilbert, the International Military Tribunal’s psychologist, he admitted his guilt, but not without hedging.⁸ The same thing happened in the April 18, 1946, session of the Tribunal. Replying to the question of his defense counsel, “Did you ever participate in the annihilation of the Jews,” Hans Frank told the Tribunal: “It is no more than my duty to answer your question in this connection with ‘yes.’ A thousand years will pass and still this guilt of Germany will not have been erased.”⁹ But in the session of August 31, 1946, in his final plea, Frank recanted his repentance:

There is still one statement of mine which I must rectify. On the witness stand I said that a thousand years would not suffice to erase the guilt brought upon our people because of Hitler’s conduct in this war. Every possible guilt incurred by our nation has already been completely wiped out today, not only by the conduct of our wartime enemies towards our nation and its soldiers, which has been carefully kept out of this Trial, but also by the tremendous mass crimes of the most frightful sort which—as I have now learned—have been and still are being committed against Germans by Russians, Poles, and Czechs, especially in East Prussia, Silesia, Pomerania, and Sudetenland. Who shall ever judge these crimes against the German people?¹⁰

So much, then, for Miss Arendt’s claim that Heydrich and Frank, and they alone, repented, which is without foundation. Her tale that they were Jews—so pregnant with the implication that Jews were directly responsible for the mass murder of their own people—turns out also to be false. A search in the personal dossiers of these two men, both available in the Berlin Document Center (the custodian of the Central Archives of the Nazi Party) reveals the following: The detailed genealogy (*Ahnenliste*) of Reinhardt Tristan Eugen Heydrich, which goes back four generations, does not contain any trace of Jewish “blood” or religion in the family.¹¹ The problem of his pure Aryan origin was raised by Rudolf Jordan, Party District Leader (*Gauleiter*) of Halle-Merseburg, in a letter addressed to Gregor Strasser in Munich, dated June 6, 1932 (before the Nazis came to power). The reason for raising the problem was that in Hugo Riemann’s *Musik-Lexikon*¹² the name of Reinhardt’s father, Bruno (director of the Conservatory of Music in Halle), was accompanied by the words “*eigentlich Süß*” in parentheses, meaning “real name Süß.” Since Süß was a name widely used by German Jews (though not exclusively a Jewish name), the appa-

sumably chosen in some way or other voluntarily by the communities. Third, it implies, in the phrase "cooperate in their own destruction," that the leaders knew all along the fate in store for their charges and for themselves. Fourth, it explicitly states that not only the "leaders" but also "the Jews through their own leaders" were responsible, in a grand suicidal manner, for their own annihilation.

One stands aghast at this distortion of the historical facts. Many of Miss Arendt's charges contradict even the data she herself brings out in her book; all of her charges stand in contradiction to the actual history of the Catastrophe. I shall here attempt to set aright some of her charges.

The Administration of Hitler's Europe

Throughout Nazi-occupied Europe the Germans used the native administrative organs. Generally, these were not avowedly collaborationist. In certain countries the Germans devised some form of German supervisory machinery which could control the native civil service from the top and thus keep a watch over the agencies of government operating at the lower levels. In The Netherlands they set up four German "General Commissariats" to direct the work of the Dutch Secretaries-General, and these four commissariats were in turn responsible to the Reich Commissioner in The Netherlands, Arthur Seyss-Inquart, for the orderly conduct of their departments within the domain of their activity. The Dutch provincial and municipal administrations were supervised by a German *Beauftragter*, a person having political rather than administrative experience.¹⁶ Essentially the same policy was followed in Belgium¹⁶ and in Norway prior to the formation on February 1, 1942, of a collaborationist National Norwegian Government, with Vidkun Quisling as Prime Minister.¹⁷ In the occupied zone of France, the Germans only supervised the French administrative system, which was run from Vichy by French administrators.¹⁸ In the Government-General (in Poland), the villages, towns, and town districts (*Stadtkreise*) remained in the hands of Polish officials. These administrative units were brought together in communal associations (*Gemeindeverbände*) and were placed under the supervision of German district chiefs.¹⁹ A similar administrative structure was set up in the *Reich Commissariat* of Ukraine.²⁰ As for Ostland the

them: "The *Landrat* [district chief] demands that I hand over a list of all Jews of the colony and write alongside each one's name either the letter 'F' or 'U': 'F' for *Fähig* [fit] and 'U' for *Unfähig* [unfit]. As a rule, children up to 12 years of age and people over 65 years of age are to be marked with the letter 'U'. You are the rabbi, you must give me your opinion as to what, according to the traditional law, I am supposed to do. If I do not deliver the list, the Germans themselves will do as they please." The following rabbis were present: Rabbi Isachar Dov Ber, of the town Dobra; Rabbi Pinhas Weiss of Turek; Rabbi Lewenthal of Uniejów; and the Rabbi of Władysławów, whose name escapes me. Rabbi Ber was the son of the Rabbi of Sompolno, author of the volume *Imrei Zvi* (*The Sayings of Zvi*) and teacher of Nahum Sokolow. He was known for his deep piety; the other rabbis were also great sages.

The rabbis began their deliberations on Wednesday, November 5, at ten in the morning, at the home of Rabbi Weiss in the village of Młyny. People said that they saw Rabbi Ber at dawn that day going to the river for ritual ablutions. All the rabbis fasted that day. A *minyán* [ritually prescribed quorum of Jews, consisting of ten adult males] assembled in the house of Elyokim Rosenzweig to say prayers. The rabbis meditated until evening but they were unable to agree on the ruling. Though at the time none of us knew that the letter "U" actually meant deportation to the extermination camp at Chełmno, people instinctively felt that those marked "unfit" could expect nothing good. For this reason the rabbis deliberated so long and it took them so much time to determine whether, according to traditional law, a Jew may jeopardize the life of another Jew. The deliberations continued all through the next day. We were extremely tense concerning the decision. All of us felt that our fate depended not on the Germans but rather on what the rabbi might decree. Their judgment was delivered in the afternoon of Thursday, November 6. The judgment of the rabbis was that, according to the religious law, a decree of the government is obligatory and must be obeyed. Therefore, Hershel must deliver the list. Everyone, however, has to be given the chance to check the list to see how he has been marked. The chairmen of the Jewish communities of Dobra, Uniejów, Tuliszków, Władysławów, and Brudzew should themselves deliver the lists of the Jews of their places.

The forms which were to be filled out contained the following columns: running number; last name; first name; age; "F"; "U".¹⁴⁴

On a similar occasion in Kovno, Rabbi Abraham Duber Cahana Shapiro delivered the following opinion to the Jewish Council:

If a Jewish community (may God help it) has been condemned to physical destruction, and there are means of rescuing part of it, the

leaders of the community should have courage and assume the responsibility to act and to rescue what is possible.¹⁴⁵

A different view was taken by the Vilna rabbinate following the first delivery of Jews by Jacob Gens, the head of the ghetto.

After this action the religious circles held a conference and sent a delegation consisting of four rabbis to Jacob Gens. . . . They told him that according to religious law a Jew may be delivered to the authorities if charged with common law crimes, but not simply as a Jew. The rabbis advised Jacob Gens that he had no right to select Jews and deliver them to the Germans. Jacob Gens replied that by participating in the selections and delivering a small number of Jews, he is rescuing all the rest from death. The rabbis answered with the following quotation from Maimonides: ". . . if pagans should tell them [the Jews] 'give us one of yours and we shall kill him, otherwise we shall kill all of you,' they should all be killed and not a single Jewish soul should be delivered."¹⁴⁶

The alternative of suicide was often considered. Dr. Philip Friedman has recorded ten cases of suicides of members of the *Judenräte*.¹⁴⁷ Research going on in the Documentary Projects has revealed many severe acts of repression on the part of the Nazi authorities against members of the *Judenräte*, and at least forty acts of suicide. For example: Dr. Joseph Hepner, a member of the Łomża Jewish Council, put an end to his life in view of the hopelessness of the Jewish situation.¹⁴⁸ Markus Horowitz, "the protector of Kołomyja Ghetto," chairman of the Jewish Council, refused to intervene against the deportation of his own wife on the ground that if he cannot liberate all other Jews he has no moral right to do it for his wife. In November 1942 he committed suicide with his sister after losing hope of rescuing the remnants of Jewish Kołomyja.¹⁴⁹ The chairman of the Jewish Council of Bereza Kartuska, Jacob Schlossberg, and some of its members hanged themselves, refusing to participate in the final action against the Jews of that community.¹⁵⁰

The case most widely known is that of Adam Czerniakow, chairman of the Warsaw Ghetto *Judenrat*, who committed suicide. According to a memoir by Adolf and Barbara Berman, written in Warsaw in October 1942 and published in 1963, the immediate reason for Czerniakow's suicide was the Gestapo plan to start the deportation of children.¹⁵¹

This problem of suicide can be regarded from two points of

view: (1) In considering this act of a man who possessed a deep sense of personal and communal responsibility, we can only bow our heads before the man and his self-sacrifice. (2) In approaching the same problem from the overall viewpoint of Jewish survival in the conditions of Nazi terror, we are left with the unanswerable question, Would not the Jewish community in Warsaw have fared better with a person like Czerniakow at its head than with his less influential successor, Marek Lichtenbaum?¹⁵²

Behavior of the Victims

Miss Arendt writes of "the submissive meekness with which Jews went to their death—arriving on time at the transportation points, walking on their own feet to the places of execution, digging their own graves, undressing and making neat piles of their clothing, and lying down side by side to be shot" (p. 9). Elsewhere she refers to the "moral collapse . . . among the victims" (p. 111).

This picture contrasts radically with reality. Consider the following extract from a Lodz Gestapo report of June 9, 1942, dealing with the situation in Pabianice:

Since the Jews in the [Lodz] district had, of course, learned about the evacuation, they tried to throw the evacuation out of gear by smuggling out property, fleeing to the Government-General, and defying to the greatest extent the instructions of the authorities. Therefore this agency [the Lodz Gestapo] asked the RSHA for the severest measures against the Jews, and the *Reichsführer-SS* ordered the execution of Jews in several instances. As a result, to this date a total of 95 Jews have been hanged in public. Pursuant to these measures, the Jews acknowledged the energetic action taken here, by submitting for the most part without opposition to all instructions.¹⁵³

Of the many eyewitness accounts of the circumstances of such deportations, one is quoted here at length. It was written by Tadeusz Pankiewicz, the only known non-Jew who by accident (his pharmacy happened to lie within the perimeter of the ghetto in Cracow) witnessed life in a ghetto from the first to the last day. From his pharmacy he had a view of Harmony Square (*Plac Zgody*), the place where the deportees were assembled. He told his story in a remarkable book published in Cracow in 1947. Here is his full account of the first deportation, the least horrible of the five he witnessed and reported, and two other accounts:

ing . . . the degree of responsibility increases as we draw further away from the man who uses the fatal instrument with his own hands"—a statement meant to counter Eichmann's excuse that he never committed an overtly criminal act. Neither this statement nor any other in the judgment says or implies that the *victims* wielded the fatal instruments. Nor did any witness testify to that effect.

It was the SS men or their Ukrainian accomplices who did the work of the actual killing. The Special Units worked on corpses only, but did not take part in the gassing.¹⁶⁰ Far from being participants in crime, these helpless wretches gathered enough strength to stage an armed revolt in Treblinka on August 2, 1943, in which 455 inmates and four SS men perished, only a few of the inmates managing to escape.¹⁶¹ The newly discovered diary of the Auschwitz Special Unit shows that its members, in compiling secret lists of victims, daily risked their lives for the sake of preserving a record of what took place.¹⁶² Contrary to Miss Arendt's statement, the revolt in Auschwitz was not "one of the very few revolts in any of the camps" (p. 171). The fact is that in three out of the six extermination camps—in Sobibór,¹⁶³ in Treblinka,¹⁶⁴ and in Auschwitz¹⁶⁵—there were revolts of the Special Units. In a fourth camp, Chelmno, the surviving members of the Special Unit resisted the Nazi orders to come out and be killed, and only two of them escaped, injured.¹⁶⁶

By contrast, the caliber of the SS men in the camps is clearly demonstrated in the diary of Dr. Johann-Hermann Kremer,¹⁶⁷ an Auschwitz camp physician. He wrote that they literally competed to participate in the gassing actions because of the special rations they received for this type of duty: 5 liters of hard liquor, 5 cigarettes, 100 grams of sausage and bread.

The poet Günther Anders gave eloquent expression to the plight of the Special Unit men in his poem "What Would You Have Done?" inspired by a news item that told how some of the inmates of the camps were forced, before they were themselves burned, to service the ovens and dispose of the ashes.

Did you busily scrape the dust of friends and relatives
out of the oven?

And did you cart the wagon through the snow
to the ash heap of those who were burned?

Was the word meant for you: "You will live as long

the war Swiss public opinion was uneasy about the policies of the Swiss Government in regard to refugees from Nazi persecution. At the government's request, Professor Carl Ludwig submitted to the Swiss Federal Council a remarkable report sharply critical of Switzerland's hands-off refugee policy.¹⁹⁷ These same two countries contributed to the survival of many Hungarian Jews in 1944 by issuing to them "protective passports" (*Schutzpässe*).¹⁹⁸

The most powerful external factor was the United Nations coalition fighting the Axis powers. Ironically, while a tremendous amount of Nazi material exists, the archives of the anti-Nazi coalition (and of neutral states, including the Vatican) remain to a large extent sealed. The official and unofficial publications of diplomatic correspondence from the war period are highly selective.¹⁹⁹ The unwillingness of the Allied countries to open their files from the Second World War is exemplified in an incident involving the British Government that occurred during the Eichmann trial. During the consideration of the "blood for goods" episode, the hitherto unknown documents from the Weizmann Archives on the United Kingdom's policy in this case were submitted to the court.²⁰⁰ Two members of the House of Commons requested the British Government to publish the relevant British documentation, but no action was taken.²⁰¹ Another item revealed in the Eichmann trial was the fact that Gerstein's report on the gassing of Jews in extermination camps had been communicated to a Swedish diplomat, von Otter, as early as August 1942. It appears that the report of von Otter on his conversation with Gerstein was communicated to the British Government *three years* later, in August 1945.²⁰² Insofar as the policy of the Allies in general is concerned, an article by Henry Morgenthau, Jr., in the November 1947 issue of *Colliers Magazine* opened up a small crack in the wall of silence surrounding United States and British diplomacy. Although the gigantic war machine of the Allies was busy extinguishing the great conflagration, it is still unproved that no resources were available to fight the fire that engulfed the House of Israel.

All these factors are either ignored by Miss Arendt or treated in such a way that the responsible parties are absolved from blame. She makes no mention of the many attempts of Jewish organizations outside the Nazi sphere of influence during the war to inform the world, to stir up the conscience of non-Jews, and to promote a Jewish war effort.²⁰³ The reader of her book is left with the impression of total passivity and indifference on the part of the Jews.²⁰⁴

of the most important foundations of the entire society. In fact, a normal, highly integrated society is unthinkable without these registers. The ration system is based on them. The complete destruction of the population registers would have led to a crumbling away of normal society.²¹²

To the best of our knowledge, there was one place only—Athens—where the Jewish records were deliberately destroyed by the leadership of the Jewish community. This happened on September 24, 1943, a few days after the Italian capitulation and at the beginning of the German occupation. The Nazis, however, did not follow their usual procedure in getting hold of the Jewish population in Athens. Athenian Jews were simply seized by the Nazis in the synagogues at the Friday services and deported along with their families. Nine hundred Athenian Jews perished in this way.²¹³

The Jewish population in Nazi Europe was practically exempt from the authority of the local administrations and physically separated from the outside world. Under the conditions of the directed war economy of the Nazi regime, the elementary day-to-day needs of millions of men, women, and children would have remained unattended to if the Jewish people had been left without any communal organization. Miss Arendt writes that "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" (p. 111). However, in the Soviet Union, the one place where there was no organized Jewish community—and where none had existed for more than two decades—hundreds of thousands of Jews were destroyed under the *Kommissarbefehl* in the first months of the Nazi-Soviet war, when the *Einsatzgruppen* carried out their mass murders immediately after the occupation of the Soviet territories.²¹⁴

Jewish Resistance and the Will To Live

Miss Arendt characterizes Attorney General Hausner's question "Why did you not rebel?" asked of eyewitnesses, as a "cruel and silly question" (p. 9); one that "served as a smoke screen for the question that was not asked" (p. 110). None of the witnesses, however, felt that this question, or others, such as "Why did you

Miss Arendt quotes the *plaidoyer* of Henry Torrès²²⁷ in the Schwartzbard case, approving of what she takes to be his point that the Jews "had never defended themselves" (p. 244). Torrès is hardly an authority on Jewish history, nor did he intend to appear as such. A careful reading of pages 24-25 and page 26 of his *plaidoyer* reveals that his was a polemical point dealing with the special case at issue: It was intended to refute Petlyura's statement that his violent actions against the Jews were an act of defense against a "gendarmérie juive." Miss Arendt appears to know nothing about the glorious chapter of the Jewish *samooborona* (self-defense) in prerevolutionary Russia and during the civil war, following the October 1917 revolution. Under the shock of the Kishinev pogrom (1903), a widespread movement for self-defense arose; it gave a remarkable account of itself during the two series of pogroms 1905-1906 and the civil war period. There is a substantial literature on this subject,²²⁸ including Rachlis' book *The Jewish Self-Defense in Ukraine under Petlyura*,²²⁹ which deals specifically with the history of the Jewish defense against the Petlyura bands.

Miss Arendt notes that the *résistants* were "a minority, a tiny minority" (p. 108). It is difficult to follow her point that the defense should have forced the prosecution to admit "how pitifully small these resistance groups had been, how incredibly weak and essentially harmless" (p. 108). How could the defense derive advantage from the alleged "weakness" of the resistance, which was one of the direct consequences of Nazi terror? Anyway, the facts of the Jewish resistance do not bear out her statement. The first armed revolt involving open warfare (other than Yugoslav partisan activity) against the Nazi machine of terror in Europe was by Jews. This was the Warsaw Ghetto uprising of April 1943, which even Miss Arendt extols as the "glory of the uprising in the Warsaw ghetto" (pp. 9-10).

The savage reaction of the Nazis to Jewish rebellions proves that these rebellions were far from ineffectual. The Warsaw Ghetto uprising is a case in point. Himmler's order to destroy the Warsaw Ghetto completely, with "exceptional ruthlessness" (*grössere Härte*) and "relentless toughness" (*unnachsichtliche Zähigkeit*), was given on April 22, 1943—that is, on the fourth day of the revolt. "The more severely we act the better it is. Events show how dangerous the Jews are," he concluded.²³⁰ Acting under this order, General Stroop

Early in 1943, Marek Lichtenbaum, the chairman of the Jewish Council, advised the Germans that the Council had no power and that a different authority was governing the ghetto.²³⁷

Miss Arendt's statement that the Jewish Councils "played such a great and disastrous role in their [the *résistants*] own heroic efforts" (p. 107) is unsupported by the facts, as is her observation that "Jews inevitably found themselves confronted with two enemies—the Nazi authorities and the Jewish authorities" (p. 56). Actually, cooperation between Jewish Councils and resistance groups was not infrequent.²³⁸

A striking example of the identification of the official Jewish leadership with the Jewish underground can be found—of all places—in Auschwitz in the special camp for the Theresienstadt Jews. All the Jewish chiefs of blocks (*Blockälteste*), under the leadership of Fredy Hirsch, the chief of the camp and the director of its educational institution, participated in the preparations for a revolt, having learned of the threat of extermination of the camp population. This same Fredy Hirsch represented the Theresienstadt camp vis-à-vis the SS commanders, whose help he solicited in organizing Jewish life and in the construction of the camp. The abortive revolt was savagely suppressed. The first to fall were the chiefs of blocks. Fredy Hirsch committed suicide. And the survivors were led to the ovens, singing Hatikva and the Czech national anthem.²³⁹

The identification of resistance with armed resistance is an oversimplification. This is true of all groups and nationalities that were subject to Nazi rule. For example, Polish resistance during the first five years of occupation did not consist mainly of armed revolt; it comprised such activities as smuggling men of military age to the West, where they could join the Polish or Allied armies.²⁴⁰ Jewish resistance consisted primarily of a virtually universal attempt to preserve human life and human dignity in the face of Nazi terror. This form of resistance had deep roots in Jewish tradition. It found expression in areas extending from economics to health care; in intellectual, educational, and religious activities; and in the underground press.

One of many nonmilitary forms of resistance was the preservation of records for posterity. The anti-Jewish policy of the Nazis was directed not only toward the physical destruction of European and, after victory, world Jewry. The Nazis also made a great effort

terror has been ably interpreted by a student of the Catastrophe, Dr. Shaul Esh, in the following words:

What was the general reaction of the Jewish masses, especially in Eastern Europe, to the Nazi horror? It was fundamentally what might be called *kiddush ha-hayyim*, the sanctification of life, the overwhelming impulse to preserve life in the midst of death. This expression is taken from one who heard it as the epigram of the late Rabbi Isaac Nissenbaum, one of the known leaders of Polish Jewry, in the years 1940-1941, in the Warsaw Ghetto: "This is a time for *kiddush ha-hayyim*, the sanctification of life, and not for *kiddush ha-shem*, the holiness of martyrdom. Previously the Jew's enemy sought his soul and the Jew sacrificed his body in martyrdom [i.e., he made a point of preserving what the enemy wished to take from him]; now the oppressor demands the Jew's body and the Jew is obliged therefore to defend it, to preserve his life." That *kiddush ha-hayyim* was to all accounts and purposes the general feeling is borne out by all the evidence. It explains the enormous will to live that was emphasized at all times and in all places, in the midst of the basest degradation, a will best expressed by the Yiddish word that was on the lips of the majority of the survivors of the Holocaust—*iberleybn*, to survive, to remain alive. The Jews of Eastern Europe felt in fact that victory over the enemy lay in their continued existence, for the enemy desired their extinction. (. . . "However wretched existence may be, it is a *mitzvah* to exist.") There is so much evidence in the documented literature for this desire to stand up under increasingly harsh persecution that there is no need to adduce further examples here. A description of *kiddush ha-hayyim* would not however be entirely faithful if we see it only as the arousing of "a mighty will to live . . . of which there is no equivalent in normal life," without adding that this strong will was often directed toward *Jewish* life, each man according to his understanding of the term. One can recognize at every level this desire of the Jewish communities to preserve a life of Jewish quality in the face of persecution and in the midst of oppression.²⁵⁴

Concluding Remarks

Miss Arendt's argument that the Jewish Councils cooperated with the Germans, were indispensable in the process of deportation, and had a decisive influence on the ultimate outcome of the Final Solution, is negated in the light of available information. No member of the Jewish Councils offered his services to the Nazis; but when a Jew accepted appointment to a Council, he did so as a rule out of a feeling of responsibility to those in his community. There

were wide areas of Jewish slaughter (e.g., in the U.S.S.R., France, Italy, Bulgaria, Yugoslavia, Romania, and Greece) where the Jewish Councils had no part in compiling lists of potential deportees, or where no Jewish Councils existed. Even where Councils were involved with compilation of lists, the ultimate results were not demonstrably influenced by their activities. Finally, the "wielding of the fatal instruments" by Jewish "special commandos," alleged by Miss Arendt to have been widespread, has no basis in fact.

The real subject of the present chapter is Jewish survival under conditions of total Nazi terror. What were the best methods of coping with the condemnation to death of a whole people? What could the condemned and their "leaders" (genuine, self-styled, or appointed by the Germans) do? As a historical people par excellence, the Jews looked to history for guidance. Three comments are offered here on the theology and philosophy of survival in the thousands of years of Jewish history:

1. When the first encounter between Jacob and Esau was imminent, Jacob prepared himself with three means to achieve his survival, according to the interpretation of the commentators.²⁵⁵ They were, in this sequence, *doron* (gift), *tefilah* (prayer), and *milhama* (war). This formula has been applied in the same order with amazing consistency through the thousands of years of Jewish plight.

2. It is not *Am Yisrael Chai* ("the Jewish people lives on")—of recent secular origin—that was the main source of solace of our people, as Miss Arendt says on page 137, but the belief that a remnant would return, *Shear Yashuv*.²⁵⁶ There have always been in our history remnants who continued the "golden chain" of Jewish life and thought. The philosophy that guided our people, "He who preserves a single Jewish life is as one who preserves the whole world"²⁵⁷ proved as valid in tranquil times of Jewish history as in the times of turbulence.

3. Jewish lore stresses the time factor in human affairs. The concept of "the present hour of life" (*Hayei shaa*) as being different from "eternal life" (*Hayei olam*) had important implications for Jewish behavior, individual and communal. This attitude is expressed with simplicity in the story about a Jewish tenant of a Polish landowner. In order to have his lease renewed he had to agree to teach the landowner's dog to speak within one month. When his wife vehemently protested he replied: "During this

Belgian Jews in Antwerp and shipped them and their belongings, destined for "the East," to the concentration camp of Malines.⁷⁷ (Details on the deportation and extermination of Belgian Jews are available elsewhere.⁷⁸) This happened following an about-face by the German Foreign Office, which finally accepted the demand of the RSHA to deport Belgian Jews.⁷⁹

THE NETHERLANDS

Miss Arendt's account of the situation in The Netherlands abounds in inaccuracies.⁸⁰

On page 150 she mentions Jewish refugees from Germany, "whom the prewar Dutch government had officially declared to be 'undesirable.'" This never happened. Although the Dutch established a camp at Westerbork for illegal immigrants, The Netherlands admitted a larger number of Jewish refugees, in proportion to its population, than any other country, with the exception of Belgium. The status of these refugees was also more favorable than elsewhere.⁸¹ Furthermore, it was due to The Netherlands' initiative that the Assembly of the League of Nations entered the field of care for Jewish refugees from Germany.⁸²

According to Miss Arendt, "there existed a very strong Nazi movement in Holland" (p. 152). As a matter of fact, the Nazi movement in Holland was no stronger than similar movements in Belgium, France, Denmark, and Norway. In a population of about nine million people, there were about 100,000 Nazis.⁸³

In seeking to explain the Catastrophe of the Dutch Jews, she adds to the "strong Nazi movement" one more factor: "There existed an inordinately strong tendency among the native Jews to draw a line between themselves and the new arrivals. . . . This made it relatively easy for the Nazis to form their Jewish Council, the *Joodsche Raad*, which remained for a long time under the impression that only German and other foreign Jews would be victims of the deportations, and it also enabled the S.S. to enlist, in addition to Dutch police units, the help of a Jewish police force" (p. 152). These are the facts:⁸⁴ (1) There was a certain antagonism between the Dutch Jews and the German Jews in Holland, but there is no evidence that the policy of the *Joodse Raad* was determined by it. (2) As soon as the deportations started, no distinction was made between Dutch and German Jews. By that time, the hierarchy of

them were handled by Obergruppenführer Hanns Rauter and Ferdinand aus der Fünften, two Higher S.S. and Police Leaders, who conferred directly with Himmler and took no orders from the R.S.H.A., though they kept Eichmann's office informed of their activities" (p. 151).

This statement is inaccurate. In the first place, there was only one Higher SS and Police Leader, SS-Obergruppenführer Hanns (not Hans) Rauter. The *Befehlshaber der Sicherheitspolizei und des S.D.*, Dr. Wilhelm Harster, was formally one of his assistants. The office of Eichmann's IVB4 was attached to Harster's staff; it was headed by SS-Sturmbannführer Wilhelm Zöpf. Since most Dutch Jews lived in or near Amsterdam, a special office was established there, the *Central Office of Jewish Emigration*, which was in the charge of SS-Hauptsturmführer F. H. Aus der Fünften. This office was formally controlled by Harster's representative in Amsterdam, the *Aussendienststellenleiter*, Willi Lages. Orders were passed directly from Zöpf to Aus der Fünften, and Zöpf in his turn received orders from Eichmann's office in Berlin.⁸⁷ How does Miss Arendt know that Zöpf was less efficient than Dannecker? If the basis for evaluation were the percentage of Jews deported to the East, surely Zöpf in The Netherlands was more efficient than Dannecker in France. There is no evidence of any significant independent behavior on the part of Rauter, or of any serious conflict with Eichmann's office.

In the paperback edition (pp. 167-168) Miss Arendt attributes the supervision of the Nazi anti-Jewish program in Holland to "Erich Rajakowitsch, Eichmann's former legal adviser in Vienna and Prague, who was admitted to the S.S. upon Eichmann's recommendation." She writes that it is "highly unlikely" that during Rajakowitsch's stay in Holland he "was still taking orders from Eichmann." But he did receive instructions from Eichmann while in Holland, just as he had been receiving instructions from Eichmann before then.⁸⁸

Summing up the section on The Netherlands, Miss Arendt says: "Of the twenty [ten in the paperback edition, p. 170] thousand Jews who survived in hiding, fifteen thousand [about seventy-five per cent in the paperback edition] were foreigners—a percentage that testifies to the unwillingness of Dutch Jews to face reality" (p. 153). The authoritative estimate⁸⁹ is that about 20,000 Jews went into hiding, of whom about 10,000 were discovered by the

Handwritten: *Some cases of escape; some Jews were lost well documented*

Germans before the liberation of Holland.⁹⁰ Proportionately, there were probably more German Jews among the survivors, but they certainly did not constitute a majority. If anything, this testifies to the fact that the German Jews, who had already been uprooted once, had become more mobile and knowledgeable in means of escape. It is also significant that the German Jews were mostly members of the middle classes; it was especially difficult for the Dutch-Jewish proletariat to find hiding places.⁹¹

Another example of Miss Arendt's lack of care in quoting statistics is her statement (p. 152) that 113,000 Jews were deported, "most of them to Sobibór." In fact, 34,000 Jews were sent to Sobibór, while 60,000 were deported to Auschwitz.⁹²

NORWAY

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Miss Arendt states that "the bulk of Norway's seventeen hundred Jews were stateless, refugees from Germany" (p. 153). However, of the total, only 200 were refugees (from all over Central Europe); the rest were Norwegian citizens. She states further that "they [refugees from Germany] were seized and interned in a few lightning operations in October and November, 1942." In fact, 770 Jews, including 100 refugees from Central Europe, were deported to Auschwitz from Norway. The majority of Norwegian Jews (930) were smuggled to Sweden and returned to their homes after the end of the war. There is no evidence to confirm Miss Arendt's statement, that "some of Quisling's own men resigned their government posts" in protest. A vigorous protest did come from the hierarchy of the Lutheran church in a letter to Quisling.⁹³

DENMARK

The glory of the behavior of the Danish people toward their Jewish countrymen is marred in Miss Arendt's presentation by numerous errors of fact, some of which have been discussed in Chapter 4. In addition, Eichmann's role is not mentioned.

Miss Arendt claims that "Denmark . . . was respected [by the Germans] as a neutral state, until the fall of 1943" (p. 153). Formally, Denmark was considered neutral, at least until August 1943. However, there were in Denmark German occupation forces, and independence, as far as it existed, was internal only. Thus, Denmark

was forced on November 23, 1941, to join the Anticomintern Pact upon German "invitation" given on three days notice.⁹⁴

Miss Arendt asserts that "It was decisive in this whole matter that the Germans did not even succeed in introducing the vitally important distinction between native Danes of Jewish origin . . . and the fourteen hundred German Jewish refugees" (p. 154). This is not true. The real situation was outlined in a report submitted in 1947 to the Parliamentary Commission of Inquiry by Per Federspiel, formerly a leader of the Danish resistance, at that time Minister for Special Issues. The report deals, *inter alia*, with the problems of "detainment and internment, expulsion and extradition of foreign subjects." It describes the compliance of the Danish authorities with German demands concerning foreigners, refugees, etc., and explains the Danish behavior: "It must be added, that after the occupation Denmark could not go on providing asylum for foreign subjects, at least not for people who were still German subjects or were Germans by origin and had become stateless. It could be expected that Germany would honor Denmark's sovereignty in respect to Danish subjects, but it did not seem reasonable to object against extradition of the occupation powers' own subjects in the occupied territory."⁹⁵ In spite of this, the Germans did not ask for the Jewish refugees' extradition.

According to Miss Arendt, "When the Germans approached them [the Danes] rather cautiously about introducing the yellow badge, they were simply told that the King would be the first to wear it . . ." (p. 154). This story, like many others about the Danish King, is as widespread (in different versions) as it is untrue. There is no evidence, either, that the Germans ever made such an approach to the Danes.⁹⁶ What actually happened, however, was as courageous as the story about the badge. When the King heard, early in the morning of October 1, 1943, about the preparations for an "action" that evening against the Jews in Denmark, he immediately sent a sharp note to Best, the German Ambassador. In the note, the King wrote that he was vigorously protesting the German intentions "out of human preoccupation with the citizens of my country," and went on to warn that serious consequences would follow any "special measures in regard to a group of human beings who have enjoyed full citizenship rights in this country for 100 years."⁹⁷

Miss Arendt describes the disturbances that occurred in the

summer of 1943: "Thereupon, the Danish workers decided that they could help a bit in hurrying things up; riots broke out in Danish shipyards . . ." (p. 155). In fact, tension was high in the summer of 1943 throughout Denmark. Disturbances occurred in several provincial towns, the main disturbance in the coastal town of Odense, where a German officer wounded a Danish boy and was beaten up by an angry crowd. The people reacted to German reprisals for the incident by proclaiming strikes. Best was summoned to Hitler's headquarters and returned with an ultimatum that was rejected by the Danish Government.⁹⁸ Thereupon martial law was proclaimed on August 29, 1943. Government and Parliament were dissolved, the King became a virtual prisoner, and the Germans assumed direct control of the country over the heads of Danish civil service officials running the day-to-day affairs.⁹⁹

Miss Arendt is careless in citing figures on Jews sought out by the Germans: "They [the Germans] found exactly 477 people . . . at home and willing to let them in" (p. 156). The facts are that in Copenhagen they found exactly 202 Jews on the night of October 1 and 2, who were sent by ship to Stettin, as stated by Mildner and transmitted by Best on October 2 in his cable No. 1194.¹⁰⁰ Eighty-two more Jews were seized elsewhere in Denmark on the same night.¹⁰¹ About 200 additional Jews, most of them caught in flight, were sent by railway on October 13 and November 23 (according to Danish police records).¹⁰² Miss Arendt also claims that "The Swedes received 5,919 refugees, of whom at least 1,000 were of German origin, 1,310 were half-Jews, and 686 were non-Jews married to Jews" (p. 157). The following are the correct figures:¹⁰³ There came to Sweden, as a consequence of the persecution of Jews in Denmark, 7,906 people. Among them were 686 non-Jews and 7,220 Jews. The latter consisted of 4,543 Danish Jews, 1,301 (not 1,310) Danish "half-Jews,"¹⁰⁴ and 1,376 refugees from Germany and elsewhere. If the Jews deported to Theresienstadt are added, the total is about 7,700 Jews living in Denmark at the time of the German "action." Subtracting a round figure of 1,400 refugees, we find for the total number of Danish Jews a figure of 6,300, which agrees with the figure given in all the sources. Miss Arendt does not indicate where she found the Jews she refers to when she writes: "Almost half the Danish Jews seem to have remained in the country and survived the war in hiding" (p. 157).

The following statement by Miss Arendt is at variance with the

check new books on Denmark

conditions that prevailed at the time: "They might have remained in hiding until the end of the war . . . It seemed reasonable to ship the Jews to Sweden" (p. 156). To everybody, Danes and Jews alike, it became clear very quickly that it was quite impossible to keep the Jews safely hidden for a long period. Hence the dramatically swift action to ship them to Sweden, which, luckily, was now ready to accept refugees from Denmark, Jewish and non-Jewish. The newly organized Freedom Council, the central organ of the Danish underground, published a proclamation in October 1943 denouncing the Germans and calling for resistance in general and help to Jews in particular. The proclamation reads: "The Council asks the Danish population to help in every possible way those Jewish fellow citizens who did not yet escape abroad."¹⁰⁵ The ultimate solution was escape. In all descriptions of those days,¹⁰⁶ one of the outstanding and urgent factors was the need to send the people across the water as quickly as possible, because their lingering behind meant danger to the Jews and to their rescuers alike.

Except for stating (pp. 155-156) that Rolf Günther of Eichmann's Office was sent to Copenhagen (where he "made no impression on his colleagues"), Miss Arendt does not mention Eichmann's name in her four and a half pages on Denmark. There is nothing about the role Eichmann played in the Nazi *Aktion* against the Jews in Denmark, although his involvement can easily be traced in the documents and proceedings of the trial.¹⁰⁷ Thus when, shortly before the operation was to get under way, the commander of the German forces in Denmark, General von Hannecken, refused to make available the military police units (*Geheime Feldpolizei und Feldgendarmarie*) which Best had requested for the occasion, von Thadden of the Foreign Office proposed that Eichmann intercede with the High Command of the Armed Forces (OKW) in order to change von Hannecken's mind.¹⁰⁸ Eichmann was furious about the poor results of the *Aktion*, and, as one of his subordinates told von Thadden at the time, "Eichmann has already made a report to the *Reichsführer* and will ask for the head of the saboteur" responsible for the failure.¹⁰⁹ And when—in response to pressure exerted by the Danish Administration and public opinion—the German Foreign Office approached the RSHA to obtain the release of certain categories of deportees and the permission for the Danish Red Cross to visit Theresienstadt, Eichmann became involved personally. In the

course of the German-Danish negotiations he was sent by Müller to join Best on the German side.¹¹⁰ The agreement finally reached (with Eichmann's concurrence) was subsequently endorsed almost to the full by the RSHA.¹¹¹

ITALY

422 Playing down the racial legislation in Italy, whitewashing Mussolini, distorting the nature of the deportations, erring in chronology and statistics, Miss Arendt presents a false picture of the Jewish situation in that country during the anti-Jewish action. 421

She minimizes the seriousness of racial legislation in Italy. Her list of categories of the *discriminati* Jews—i.e., those Jews who were exempted from the effects of the Fascist racial legislation—is full of errors. It is not true that "former members of the Fascist Party, together with their parents and grandparents, their wives and children and grandchildren" were exempted from the operation of the racial legislation (p. 160). First, the exemptions were not all automatic, as she suggests; most were left to the discretion of the Ministry of Interior. Second, the categories of Jews exempted were the following four: Jews who had joined the Fascist Party in the 1919-1922 period and in the six months immediately following the assassination of Giacomo Matteotti in 1924; Jews who were wounded or decorated in the four wars waged by Italy since 1911 (the conquest of Libya in 1911, World War I, the conquest of Ethiopia, the civil war in Spain); Jews who had been wounded while participating in the fights of the Fascist gangs, or who had taken part in D'Annunzio's coup against Fiume; families of Jews who fell in these wars or in pro-Fascist activities or in D'Annunzio's legion. The fourth category is the only one where the exemption was automatic in regard to the family of the person concerned. In all other categories the exemption applied to the person alone, and the Ministry of Interior could extend this privilege to parents, to wives, and to children, but not, as Miss Arendt writes, to grandparents or grandchildren.¹¹² On the basis of her erroneous information, she concludes that "the great majority of Italian Jews were exempted" (p. 160). In fact, in the first period of the racial legislation only 2,069 exemptions were granted,¹¹³ and for the whole duration of the legislation an authoritative estimate places the maximum number at 3,000.¹¹⁴ Finally, such exemptions as were 423

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granted were only partial. Important restrictions remained even for the *discriminati*. They were not allowed to continue their service in governmental or other official institutions; to work in the field of journalism, in the movie industry, in banks, or in insurance companies; to teach in schools for "Aryans" or to send their children to such schools, and the like.¹¹⁵ *De facto*, the restrictions on the *discriminati* were even more severe.¹¹⁶ Her statement that "Roberto Farinacci, head of the Italian anti-Semitic movement, had a Jewish secretary in his employ" (p. 160) presumably means that even he did not take the racial law seriously. The fact is, however, that the secretary in question, Miss Jole Foà, was dismissed at the start of the racist campaign, and was arrested in 1944 by the Fascists, never to return.¹¹⁷

Miss Arendt is also in error in her statement (p. 159) concerning Mussolini's moderating influence in Jewish affairs in the German-led coalition. Actually, the positive and practical influence (rescue of Jews in Italian-occupied France and the admission of refugees from Croatia to the Italian-occupied parts of Yugoslavia) came from Army officers and from high-ranking members of the Foreign Office without Mussolini's knowledge and sometimes even against his explicit instructions. A striking proof of this is contained in a case reported in the documentation of the Italian Foreign Office:¹¹⁸ Following the generous admission by Italian occupation authorities of Jewish refugees from Croatia to the Italian Zone of occupation in Yugoslavia, the German Foreign Minister, von Ribbentrop (in a cable dated August 17, 1942, addressed to the Italian Foreign Office) demanded that these refugees be turned over to the German occupation authorities. Asked by the Foreign Office for instructions, Mussolini personally ordered the surrender of these Jews to the Germans, despite the efforts of the Foreign Office people to explain to Mussolini what was in store for them. This explicit order by Mussolini was defied by the Foreign Office officials (headed by Leonardo Vitetti and Luigi Vidau of the *Direzione Generale degli Affari Generali, Ufficio IV*) and the Army commanders in occupied Yugoslavia; they did not hand over the Jews to the Germans.

The tragic events that accompanied the deportation of the Italian Jews are also misrepresented by Miss Arendt. She writes that "the first blow was to fall upon eight thousand Jews in Rome, who were to be arrested by German police regiments . . . They

were warned in time, frequently by old Fascists, and seven thousand escaped" (p. 162). The facts: Out of the more than ten thousand Jews in Rome, 1,024 were seized in the "action" of October 16, 1943, and deported to Birkenau. Of these, only 16 returned. In the following months, 1,067 more Jews were seized in Rome and shipped to Auschwitz. Of the altogether 2,091 Jews deported from Rome, only 102 returned.¹¹⁹ Seventy-five more were murdered in the *Fosse Ardeatine*.¹²⁰

Roman Jews were first transported to Auschwitz in October 1943; at the end of 1943 and the beginning of 1944, Jews from the provinces began to be shipped to the same destination. (The Italian-Jewish writer Primo Levi was deported in February 1944.¹²¹) The Fascist Republic, established on November 17, 1943, apparently intended to arrest all the Jews (proclaiming them to be "hostile foreigners"), concentrate them in special camps, and postpone the final decision on their fate to the postwar period. The order of November 30, 1943, issued by the Minister of Interior, Guido Buffarini-Guidi, outlined this policy.¹²² Miss Arendt writes that "The Germans . . . now agreed that Italian Jews . . . should not be subject to deportation but should merely be concentrated in Italian camps" (p. 162). There are no available facts on the existence of such an agreement. On the contrary, the Germans had never given up their intention of deporting the Italian Jews to the East. While being careful not to spell out their ultimate objective to the Fascist Government, the Germans used the Fascist decree ordering that all Jews be placed in concentration camps as a welcome preparatory step toward deportation. Thus Horst Wagner, head of Section *Inland II* of the German Foreign Office, wrote to Eichmann's immediate superior, *Gruppenführer* Müller, on December 14, 1943 (after a discussion of the issue with *Sturmbannführer* Bosshammer, the *Judenreferent* in Italy, and with Dannecker, Eichmann's representative who handled the deportations):

On the basis of the above-mentioned conference, Ambassador Rahn has been instructed: to express to the Fascist Government the satisfaction of the Reich Government with the law for the internment (*Rückführung*) of all Jews in Italy in concentration camps so direly needed for security reasons (*aus abwehrmässigen Gründen*); to point to the fact that an accelerated execution of this law and the establishment of concentration camps in Northern Italy appears necessary in the interest of the immediate protection of the operational zones from unreliable elements; and

Miss Arendt rejects Rademacher's testimony of 1952 before a German court, that "the Army was responsible for order in Serbia and had to kill rebellious Jews by shooting" (p. 21)—rebellious Jews numbering a total of eight thousand! But she does not mention Rademacher's earlier statement in Nuremberg,¹⁴⁰ quoted in the judgment:

I still remember distinctly that I sat facing him [Luther] when I telephoned the Reich Security Head Office and that I made note in my own handwriting of Eichmann's reply and passed it over to Luther during the telephone conversation. In substance Eichmann said that the military was responsible for order in Serbia and would simply have to shoot (*erschliessen*) the rebel Jews. In answer to my question, he repeated 'to kill by shooting' (*Erschiessen*) and hung up.¹⁴¹

All this evidence is in Miss Arendt's words "questionable"—even "more questionable than it appeared to be during the trial" (p. 19). She offers no explanation for this statement. p. 20-21

Her attempt to account for the extermination of the Serbian Jews as an element of the fight against the partisans is not founded on fact. She writes: "The Army had been plagued by partisan warfare ever since [the German occupation of Serbia], 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" (p. 20). Actually, the concentration of the Serbian Jews in Topovske Šupe (in Belgrade) by the Gestapo started in August 1941 and was carried out with great speed. Some of the Jewish inmates were shot during the following months. Though this was the largest Jewish camp in Serbia, it was not the only one. There was a camp in Sabac for some 400 Austrian and German refugees, and the camp of Banjica (in Belgrade) where Jews and Serbs were detained. The camp of Topovske Šupe was not a camp of hostages but of Jews qua Jews; but it also served as a reservoir for Jewish hostages. Under the order of General Bader, of October 13, 1941, concerning the suppression of Communist partisans, hostages were to be taken in the proportion of 100 to 1 from among Communists and Jews, and also from among democrats and *Waldgänger* (anti-Nazi fighters in the woods).¹⁴² An earlier similar order on hostages by General Franz Böhme is dated October 10, 1941.¹⁴³

Further, it is inexact to claim that the Army acted on its own.

The local population in Macedonia and Thrace was, contrary to Miss Arendt's statement and to Nazi documentation,¹⁴⁷ not anti-Semitic. Jewish-Macedonian and Jewish-Greek relations were in general friendly under all regimes.¹⁴⁸ What is more important, the attitude of the local population toward Jews was no factor at all in the deportation of the Jews from these areas. The Germans conquered Macedonia and Thrace and turned them over to Bulgaria. The Bulgarian occupation authorities were indifferent to the views of the local population on what to do to the Jews.

Miss Arendt writes that "the population of Sofia tried to stop Jews from going to the railroad station and subsequently demonstrated before the King's palace" (p. 169). This story has scant basis in the sources. It is not mentioned in Grinberg's book,¹⁴⁹ published in 1945, which placed special emphasis on the help given by the Bulgarian people to the Jews. Nor is it mentioned in the report of the German police attaché Otto Hoffmann, of June 7, 1943, on the deportation from Sofia, though an attempt by demonstrators to proceed to the King's palace in order to protest the deportation is mentioned.¹⁵⁰ Apparently Miss Arendt drew her information from an article by Jacques Sabille,¹⁵¹ who gave no source.

Miss Arendt tries to connect the murder of Bulgaria's King Boris III with German dissatisfaction at his "keeping Bulgaria's Jews safe" (p. 169). There is no substantial evidence that he was assassinated by the Nazis as a result of his attitude toward the "Jewish question." The chronology does not bear out this speculation. The Jews were deported, with the King's consent, from Sofia to the provinces in May, 1943, but as late as June 1943 he still opposed deportation to the East.¹⁵² The King went to Germany in August 1943, and a few days after his return he died. Nineteen hundred forty-three was the year of the beginning of the fall of the "thousand-year Reich." It is possible that the King was asked to give active assistance to the Axis and refused.¹⁵³ The relative parts played by the King and the people in the rescue of Bulgarian Jewry are a matter of controversy. In a monograph published in 1952, Benjamin Arditi presented the view that the rescue was due exclusively to the intervention of the King,¹⁵⁴ but in his standard work he wrote that it was the King together with certain circles of Bulgarian society who shared the responsibility for this act.¹⁵⁵ Not so Nathan Grinberg, who has denied that the King had a role in the rescue. According to him, the King had done everything to

implement the Nazi-planned deportation to the East, but he was frustrated by the efforts of the progressive elements of Bulgarian society, the Communist underground, and the victories of the Soviet armies on the Eastern front.¹⁵⁶ No final judgment on this issue can be expected before the opening of the Bulgarian archives, provided the archives still exist. There is no doubt, however, that the Bulgarian intelligentsia—the societies of writers, lawyers, and doctors, individual members of Parliament, the Greek Orthodox Church, and personalities within the Government—had displayed a high degree of courage and humanity in the tragedy of Bulgarian Jewry.¹⁵⁷

Contrary to Miss Arendt, "Parliament" did not remain "clearly on the side of the Jews" (p. 169). The Law for the Protection of the State, directed against the Jews, was adopted by a majority of the Parliament at the end of December 1940 and promulgated in January 1941.¹⁵⁸ In 1943 the majority of the members of the Parliament supported the deportation of the Jews, and the Vice-President of the Parliament, Dimiter Peshev, who objected to the deportation, was deprived of his office by a majority vote,¹⁵⁹ a fact duly reported to Eichmann.¹⁶⁰

Miss Arendt's speculation (p. 168) on the "high priority given to the task of making Bulgaria *judenrein*," which allegedly was dictated by Berlin's information of the need for "great speed," is not substantiated by documents. Concerning the deportation of the Jews, Luther's note of June 19, 1942, to the German Embassy in Sofia gave the following instructions: "You have to give a positive answer to the question whether Germany is prepared to receive Jews from Bulgaria and to transport them to the East. But if you are asked to fix an exact date for their reception it is advisable to evade an answer and to point to the engagement of all transportation facilities in this year for the deportation of the Jews from Germany, the Protectorate, Slovakia, and Romania. Consequently, there is no possibility of receiving the Bulgarian Jews this year."¹⁶¹ A note of August 21, 1941, from Under Secretary Luther to Ambassador von Rintelen, gave the following instruction: ". . . if on the Bulgarian side the question of Germany's readiness to deal with the transportation of Bulgarian Jews to the East should be raised, the answer should be positive, but an answer to the question of the time of the transportation should be evaded."¹⁶²

As for the "five thousand more Jews," who allegedly "received

other places, it was the *local* authorities that forbade Jews to walk in certain streets, to leave their houses during air-raid alarms, to buy food in the market at certain hours, and the like.¹⁶⁶

Miss Arendt's account of the introduction of the "Jewish badge" is also wrong. The badge was introduced in October 1942. Whether it was "a very little star" (p. 168) is beside the point. Contrary to Miss Arendt, who says that "most Jews simply did not wear it," all Jews did wear it. Perhaps in the first months there was some laxity in enforcing the wearing of the badge, but not in 1943-1944.¹⁶⁷ The badge was supposed to be sewed on in a specified way.¹⁶⁸ Raids were made in order to make sure that the badges were worn and sewed on as prescribed.¹⁶⁹ Contrary to Miss Arendt's statement (p. 168) that "those who did wear it received . . . 'manifestations of sympathy' . . . whereupon the Bulgarian government revoked the decree," the decree was revoked in August 1944—one month before the entry of the Red Army into Bulgaria, and almost two years after the badge had been introduced.

Miss Arendt uses incorrect figures: The number of Jews deported to the East from Macedonia, Thrace, and Pirot was not 15,000 (p. 167) but 11,363,¹⁷⁰ and the number of those mobilized for forced labor was not 6,000 (p. 167) but between 9,000 and 11,000.¹⁷¹

ROMANIA

Miss Arendt begins the section on Romania in her book by recounting Eichmann's claim that the "coordination of evacuations and deportations achieved by his office, had in fact helped his victims; it had made their fate easier" (pp. 171-172)—a claim to which "no one, not even counsel for the defense, paid any attention." She adds: "In the light of what took place in Rumania, one begins to wonder."

What actually took place in Romania only remotely resembles Miss Arendt's presentation. The situation was complicated. There were two converging anti-Jewish policies: a policy that developed locally by virtue of the indigenous Romanian anti-Semitism, which was capable of cruel atrocities against Jews; and Nazi Germany's "program." There were also factors arising from internal Romanian politics, and from the delicate relationship between Romania and Germany, the two powers occupying Transnistria. Miss Arendt presents a picture in which the Germans appear to be almost the

saviors of the Jews, and the Romanians to be the real butchers: "In Rumania even the S.S. were taken aback, and occasionally frightened, by the horrors of old-fashioned, spontaneous pogroms on a gigantic scale; they often intervened to save Jews from sheer butchery, so that the killing could be done in what, according to them, was a civilized way" (p. 172). While there might have been on the part of some Germans private expressions of disapproval of the Romanian atrocities, Miss Arendt's statement, for which no source is indicated, does not stand scrutiny. It is nonsense to call the pogroms in Romania "spontaneous"; they were all organized, either by local groups or at the instigation of the Nazis. For example, the pogrom of June 29, 1941, in Jassy, the headquarters of the German military authorities, was the result of cooperation (in its initiation and execution) between the Nazi military and the Romanian military and police forces.¹⁷² It is also *historically false* to call such pogroms as those that took place in Dorohoi,¹⁷³ Jassy, or Bucharest¹⁷⁴ "old-fashioned." There are no precedents for this type of pogrom in Romania. And to speak of "pogroms on a gigantic scale" is an unwarranted exaggeration. To be sure, the Odessa pogrom carried out by the Romanian Army was accomplished on "a gigantic scale."¹⁷⁵ But in Odessa the Romanian Army was subordinated to the German Army, and here the Germans quite neglected to indicate their preference for "civilized" killings. The "contrast" between German and Romanian butcheries is illustrated in the following exchange: The General Headquarters of the 11th German Army sent a protest, on July 14, 1941, to Romanian Army Headquarters against criminal acts committed against Jews by Romanian soldiers.¹⁷⁶ The Romanians, by the order of Marshal Antonescu himself, retorted by forming a commission to investigate the atrocities against Jews committed by *Germans*.¹⁷⁷

The *Einsatzgruppen* and their activities in Transnistria, the area of joint German-Romanian occupation, are not mentioned by Miss Arendt. The Cernăuți Synagogue was set on fire by Commando 10b of Ohlendorf's *Einsatzgruppe D*. The chief rabbi and other personnel of the synagogue were shot.¹⁷⁸ According to Ohlendorf,¹⁷⁹ there were a total of 90,000 victims of his unit's activities, which ranged over Southern Ukraine and Crimea (including Transnistria).

Germany's role vis-à-vis Romania's anti-Jewish policies is inaccurately presented by Miss Arendt. First she says that "Richter reported that Antonescu now wished to ship a hundred and ten

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 thousand Jews into 'two forests across the river Bug,' that is, into German-held Russian territory, for liquidation" (p. 173).¹⁸⁰ Then comes a description of how "the Germans were horrified [at this prospect of anarchy; IV, 99], and everybody intervened: the Army commanders, Rosenberg's Ministry for Occupied Eastern Territories, the Foreign Office in Berlin, the [German] Minister to Bucharest . . ." The source for her account of this major effort on the part of the Germans is not indicated. Actually, Richter received his information from Radu Lecca, the Romanian Commissar for Jewish Affairs, on October 10, 1941. On the basis of this information, Richter filed a report on October 17, 1941. Eichmann's intervention "to stop these unorganized and premature Rumanian efforts" (p. 173) took place on April 14, 1942, six months later.¹⁸¹ By ignoring the chronology, Miss Arendt depicts the intervention as an immediate reaction stemming from German horrification. The fact is that the Lecca scheme never came near to execution. As for Eichmann's intervention, it should be noted that Eichmann's job was the solution of the "Jewish question" in all of Europe, according to plans worked out by his office. He did not allow unauthorized action from any quarter to interfere with his own plans. Nothing can better illustrate the fact that it was for Eichmann and not for local authorities to decide the timing of individual actions.

Dr. Martin Broszat of the Institute of Contemporary History in Munich commented on this incident as follows: "The information conveyed by Lecca [to Richter] . . . was in no way in accordance with the facts and had obviously an ulterior motive."¹⁸² Indeed, no Jews from the *Regat* (Kingdom of Moldavia-Valachia) were deported by the Romanians across the Bug River to the German destruction area. On the other hand, on August 19, 1942, SS men penetrated into Romanian-administered Transnistria and abducted thousands of Jews, transporting them from there to physical destruction in the East.¹⁸³ The extermination of the Jews in Transnistria (a political-geographical term not mentioned by Arendt) was carried out by German special detachments of Mobile Killing Unit D. The deportation of the Jews from Bucovina, Bessarabia, and Dorohoi was carried out in accordance with Hitler's instructions (*Richtlinien*).¹⁸⁴ On the other hand, the administration of the Jewish concentration camps in Transnistria was entrusted to the Romanians (with certain qualifications) by virtue of the Tighina

Agreement of August 30, 1941, between the Romanian General Staff and the German *Oberkommando*. In those camps the Jews were to be held and assigned to forced labor, pending the conclusion of the military operations, following which they were to be shipped to the East.¹⁸⁵

Concerning the part of the Romanians in the persecution of the Jews, Miss Arendt has this to say: "Deportation Romanian style consisted in herding five thousand people into freight cars and letting them die there of suffocation while the train traveled through the countryside without plan or aim for days on end; a favorite follow-up to these killing operations was to expose the corpses in Jewish butcher shops" (p. 173). In these statements Miss Arendt confuses two different events: Freight cars in which "Jews died of suffocation" were an element of the Jassy pogrom; the cars were used to transport the victims to the Romanian concentration camp (itself a transit camp in the process of deportation to the German-held East) in Calarasi harbor, on the Danube.¹⁸⁶ (The German role in the Jassy pogrom has been discussed previously.) The worst pogrom, however, took place in Bucharest in January 1941, and it was then that the corpses were exposed in the Jewish slaughterhouses.¹⁸⁷ Miss Arendt's generalization of these two tragic instances has no foundation in fact.

About Antonescu, Miss Arendt says that he was "always a step ahead of German developments. He had been the first to deprive all Jews of nationality, and he had started large-scale massacres openly and unashamedly at a time when the Nazis were still busy trying out their first experiments" (p. 174).¹⁸⁸ The "first experiments" of the Nazis were made in Poland in 1939-1940; the large-scale massacres in Romania began in 1940 and reached a crescendo following Romania's entry into the war in 1941. These massacres were carried out by the German *Einsatzgruppen*—assisted by the Romanian military, who, according to the German report, "were satisfied with looting everything [so that] no pogrom could be achieved."¹⁸⁹ In general, the Germans were not satisfied with the degree of thoroughness with which the Romanians carried out their massacres,¹⁹⁰ but Miss Arendt does not state this. And when she discusses the willingness of the Romanians to allow emigration for a price, she does not mention that the Germans opposed this action as an undesirable partial solution of the "Jewish question."¹⁹¹

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There is not a word in Miss Arendt's book about German influences on the political situation in Romania. The first openly anti-Semitic government of Romania (1937-1938), which lasted only six weeks, came into existence as a result of the efforts of the Foreign Policy Office (*Aussenpolitisches Amt*) of the German Nazi Party.¹⁹² In October 1940, Romania—a German satellite—was occupied by German troops.¹⁹³ The anti-Jewish policies of Romania were henceforth determined by the Instructions for the Treatment of the Jewish Question (*Richtlinien für die Behandlung der Judenfrage*), personally handed over by Hitler to Antonescu¹⁹⁴ before the German-Romanian war against the Soviet Union.

There is no basis for Miss Arendt's statement (p. 175) that Gustav Richter, Eichmann's adviser on Jewish affairs in the Bucharest German Mission (contrary to her statement on page 11, he was never arrested) "had never had a chance to get into the act." He was sent to Bucharest as early as April 1, 1941, not in October 1941, as stated in IV, 99 (in her book, the beginning of his mission is given no date). Her postdating of his arrival to October has the effect of minimizing German influence in Romania's *Judenpolitik*. During this half year (April through October 1941), in which Adolf Eichmann according to Miss Arendt had not yet started personally to direct the anti-Jewish operation in Romania, the following events took place: "actions" by the *Einsatzgruppen*, the Jassy pogrom, and the deportation of the Jews from Bessarabia and Bucovina. Richter's mission was to bring Romanian anti-Jewish legislation "up" to the level of German legislation. He was ordered to remain in Romania until the final solution of the "Jewish question" had been achieved, which he did.¹⁹⁵ It was he who dealt with the deportation of Romanian Jews, acting without the knowledge of the German Minister in Romania, Killinger,¹⁹⁶ who—contrary to Miss Arendt's statement (p. 173) that "on this matter, however, they were all [including Killinger] in agreement"—complained about the "action," saying that he knew all too well "the methods of the gentlemen of the SS."¹⁹⁷ Richter acted under instructions from Eichmann, who himself admitted during the cross-examination that Killinger "could not know what was going on in Berlin."¹⁹⁸

Miss Arendt also gives incorrect information on the citizenship status of Jews in Romania before and during the Nazi period. On page 172 she says that "in 1878, the great powers had tried to intervene, through the Treaty of Berlin, and to get the Rumanian

Government to recognize its Jewish inhabitants as Rumanian nationals—though they would have remained second-class citizens." This is apparently a reference to Article 44 of the Berlin Treaty of 1878, which reads as follows:

The difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship are issued to all persons belonging to Romania as well as to the foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.¹⁹⁹

This is not an attempt to intervene, as Miss Arendt would have it, but an international treaty creating rights and duties for States. Nor is there anything in Article 44 that can be considered as sanctioning the continuation of Jewish status on the level of "second-class citizens." On the contrary, Article 44 is explicitly against religious discrimination of all kinds, and of all gradations.

The citizenship status of Romanian Jews is reported by Miss Arendt as follows: ". . . at the end of the First World War all Rumanian Jews—with the exception of a few hundred Sephardic families and some Jews of German origin—were still resident aliens" (p. 172). The fact is that there were almost no Jews of German origin in Romania at that time. Miss Arendt may have confused the appellation "*Ashkenazim*" (which means, in substance, "of Occidental origin") with "Germans." The *Ashkenazim* in Romania were not of German origin, but hailed from Galicia and the Ukraine. Their emigration to Old Romania (also called *Regat*-Kingdom) had been going on for generations, and those born in the country were considered *indigenous* (*pământenii*) as distinguished from foreign-born Jews under consular jurisdiction. Furthermore, after the Berlin Congress, 885 Jews received, as a group, Romanian citizenship, for having taken part in the war against Turkey in 1877, and by Parliament's decision (in implementation of Article 7 of the Romanian Constitution)²⁰⁰ 30 Jews per year received citizenship; this process continued until World War I.²⁰¹ There is no basis for Miss Arendt's claim that Sephardic families were privileged

and possessed Romanian citizenship. The tendency to distinguish the *Sephardim* at the expense of the *Ashkenazim* has no basis in Romanian history, but was first emphasized by the anti-Semitic Romanian historian N. Iorga.²⁰²

Miss Arendt's account of how Romanian Jews were deprived of their citizenship is inaccurate. She writes: "This concession to world opinion [the signature by Romania of a treaty for the protection of minorities] was withdrawn in 1937 and 1938, when, trusting in the power of Hitler Germany, the Rumanians felt they could risk denouncing the minority treaties as an imposition upon their 'sovereignty,' and could deprive some two hundred and twenty-five thousand Jews, roughly a quarter of the total Jewish population, of their citizenship" (p. 172). The reference is apparently to the Citizenship Revision law²⁰³ of Goga-Cuza's Government (it held office from December 29, 1937, to February 10, 1938). This decree was modeled after the German law of July 14, 1933, concerning the revocation of naturalizations (*Gesetz über den Widerruf von Einbürgerungen und die Aberkennung der deutschen Staatsangehörigkeit*).²⁰⁴ The government that enacted the Revision law was promoted by Nazi Germany and the law itself was modeled after a German law. However, despite passage of the law, no group of Romanian Jews was deprived of citizenship, nor was the Minorities Treaty ever denounced. Miss Arendt continues on page 172: "Two years later, in August, 1940, some months prior to Rumania's entry into the war on the side of Hitler Germany, Marshal Ion Antonescu, head of the new Iron Guard dictatorship, declared all Rumanian Jews to be stateless, with the exception of the few hundred families who had been Rumanian citizens before the peace treaties. That same month, he also instituted anti-Jewish legislation that was the severest in Europe, Germany not excluded." In August 1940, Ion Gigurtu (in whose Cabinet were also Iron Guard men) was head of the government. The dictatorship of Antonescu started on September 6, 1940. Gigurtu had met with Hitler on July 26, 1940, and had then told Hitler that solution of the "Jewish question" in Romania would come about after the *Führer* had seen to the solution of this "question" in Europe as a whole.²⁰⁵ Subsequently, on August 8, 1940, Gigurtu's government adopted two anti-Jewish decree-laws, neither of which dealt with the Romanian citizenship of the Jews.²⁰⁶ In the explanatory note to the second law, explicit reference is made to the racial theories of the Third Reich, and the Nuremberg Laws

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Neither Roosevelt's United States nor Stalin's Soviet Union felt or expressed such admiration, to name only two exceptions. The situation was somewhat different in England, but here Miss Arendt's chronology is inexact. While it is true that eminent politicians and intellectuals from England had visited Hitler from 1933 on, the first signs of admiration appeared late in 1936 from David Lloyd George in his famous article in the *Daily Express* of September 17, 1936. There he tried to convince England that "the Germans have definitely made up their minds never to quarrel with us again." Somewhat earlier he had pleaded with England to take seriously Hitler's offer (made in the *Reichstag*, March 7, 1936, the day of the occupation of the Rhineland) of a twenty-five-year nonaggression treaty.²⁶² Approximately at the same time, Arnold Toynbee, after an interview with Hitler, declared himself "convinced of his sincerity in desiring peace in Europe and close friendship with England."²⁶³

Miss Arendt writes (p. 33) that in 1935 unemployment in Germany "had been liquidated." It is true that unemployment was reduced from approximately five to two and a half million, but this can hardly be termed liquidation. Moreover, Miss Arendt ignores the slowdown in the rate of reduction of unemployment: On December 31, 1935, German unemployment stood at 2.51 millions, slightly less than the 2.6 millions of the preceding year.²⁶⁴

In 1935, too, according to Miss Arendt, Germany "prepared neither quietly nor secretly the occupation of the demilitarized zone of the Rhineland" (p. 33). The question of the Rhineland occupation in 1936 was intensively investigated by the International Military Tribunal. The results of the investigation showed conclusively that in 1935 preparations for the occupation of the Rhineland were kept a guarded secret.²⁶⁵

Miss Arendt believes that only with the outbreak of the war did the Nazi State become "openly totalitarian and openly criminal" (p. 63). The Nazi State became "openly totalitarian" by virtue of some of its earliest legislation. The Ordinance for the Protection of People and State of February 28, 1933, the so-called *Gleichschaltungsgesetze* of March 3, 1933 and of April 7, 1933, the ban on parties (spring and summer 1933), and the take-over of trade unions (May 1933) created an elaborate system of totalitarian government long before the outbreak of the war.²⁶⁶ On the other hand, the Nazi State was never "openly criminal," not even during the war. It always tried to cast a veil of secrecy over its criminal

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activities, and were it not for the mass of material that fell into the hands of the Allies, and the large number of victims who either were discovered after the war to be missing or survived to bear witness, most of the horrors perpetrated by the Nazi regime never would have been revealed.

Miss Arendt has no notion of the function of legislation under the Nazi regime. She accepts Eichmann's version that "the war against Russia . . . marked . . . 'the end of an era in which there existed laws, ordinances, decrees for the treatment of individual Jews'" (p. 73). (She writes, however, on page 142, that even as late as March 1942 "the Nazis took their own legislation quite seriously.") In the first place, laws were not the only tools for attaining the regime's will. Often, direct action was employed instead. In the Government-General, no anti-Jewish laws were passed after 1942. In the occupied territories of the Soviet Union, hardly any anti-Jewish legislation was passed except for the Provisional Instructions (*Richtlinien*) concerning the Jews in Ostland, issued on August 13, 1941, by Hinrich Lohse,²⁶⁷ which constituted a sort of codification of extant Nazi legislation in areas under Nazi domination; and two ordinances in the Ukraine prohibiting ritual slaughter and introducing forced labor for the Jewish population.²⁶⁸ Even the Lohse instructions included the reservation that their validity was subject to future measures of the Final Solution. Second, where laws were passed, many of them were not published in the official gazettes until after their contents were communicated to those charged with their implementation by telephone or other means.²⁶⁹ In some cases, laws concerning certain types of direct action were passed when more drastic methods of action were already in operation.²⁷⁰ It must be added that the Nazis did not recognize the basic principle of the nonretroactivity of law. They often promulgated laws which were ostensibly designed to regulate certain acts, but were in reality *post factum* "legislation" governing acts already accomplished.²⁷¹ Finally, most of the actions of the Final Solution (deportations and mass murder) were ordered not in published laws but in top-secret oral or written orders and were considered "secret Reich business" (*geheime Reichssache*).

With reference to "the Führer's words" (*Führerworte*) Miss Arendt declares (p. 132) that "whole libraries of very learned' juridical comment have been written, all demonstrating that the Führer's words [Miss Arendt's italics], his oral pronouncements,

were the basic law of the land." From these nonexistent "libraries," Miss Arendt summons Theodor Maunz (p. 21), whom she quotes as having said that "the command of the Führer . . . is the absolute center of the present legal order." This quotation is neither accurate nor pertinent to the argument. Maunz wrote: "The mandate of the Führer . . . is . . . in itself the core of the legal system in force. . . ." (*Der Auftrag des Führers . . . ist schlechthin das Kernstück des geltenden Rechtssystems*).²⁷² The "mandate" to which Maunz refers is not some abstraction, but is, in his own words, "the Führer's general mandate to the police to be the 'Corps for the Protection of the State'—a mandate called the 'institutional authorization'" (*Den allgemeinen Auftrag des Führers an die Polizei, Staatsschutzkorps zu sein, nennt man die "institutionelle Ermächtigung der Polizei"*).²⁷³ The whole discussion in Maunz is a highly technical examination of the sources of police law in the Third Reich (as *Führerstaat*), but does not deal with *Führerworte*.

In fact, the only *Führerworte* that had immediate practical consequences were the secret *Führer* orders (*Führerbefehle*), and these were taboo in juridical literature. In Nazi legal works there is no trace of any discussion of the secret *Führerbefehle*, one of which, the *Kommissarbefehl*, has already been discussed.²⁷⁴ The two other drastic *Befehle* were those of September 16, 1941, on the suppression of revolts in occupied territories (authorizing the shooting of hostages at the ratio of 30 to 100 "communists" for each German killed)²⁷⁵ and Hitler's *Kommandobefehl* of October 18, 1942 (authorizing the slaughter of soldiers engaged in sabotage).²⁷⁶ The legal implications of Hitler's *written* orders were discussed at length in the Subsequent Trials.²⁷⁷ The only order for which no written trace has been found is the order for the Final Solution.²⁷⁸ (The Euthanasia Order of September 1, 1939, was also kept secret but was formulated in writing.²⁷⁹)

Not only is there no "juridical comment" on the secret *Führer* orders, but it was widely held (although far from generally accepted in doctrine and practice) that promulgation is the very essence of the binding force of law. Thus Werner Weber, in his 1942 monograph *Die Verkündung von Rechtsvorschriften* (The Promulgation of Legal Provisions), stated that laws obtained their force always and necessarily through promulgation. He specifically extended the application of this principle to the *Führer* orders (*Führererlasse*).²⁸⁰ As late as 1944 another legal expert, Ernst Rudolf Huber,²⁸¹ argued

Führerworte haben (einige Kraft wirkung an,
"Sein Wille ist oberster Gesetz" (Opa Gauwelle,

that "promulgation" is "the formal minimum without which we cannot do" (*das Minimum von Form, auf das nicht verzichtet werden kann*). Consequently, even in Nazi legal theory and practice, the secret *Führerbefehl* on the extermination of the Jews constitutes nothing but an illegal secret promise of the *Führer* of immunity from prosecution for violation of Sections 211 and 212 of the Criminal Code (punishment of murder and manslaughter) insofar as the acts were in implementation of the Final Solution.²⁸²

On the Jewish situation in the prewar Nazi period, Miss Arendt writes that the regime in 1935 "had not yet shifted entirely to persecution of the Jews qua Jews" (p. 34). Were the murders and physical violence directed against Jewish judges and attorneys in March 1933 not directed against Jews qua Jews?²⁸³ Was the boycott of April 1, 1933, anything but an act of persecution of Jews qua Jews? And the removal of Jews from the civil service (which included the teaching profession, in institutions of learning on all levels), an action she herself mentions on page 34, was that, too, not directed against Jews as Jews?²⁸⁴

Miss Arendt adds that "private business and the legal and medical professions were not touched until 1938" by Nazi restrictive measures (p. 34; redrafted in the paperback edition, p. 38, to read: "private business remained almost untouched until 1938, and even the legal and medical professions were only gradually abolished"). She contends that there were only individual actions putting Jews under pressure to sell their businesses and real estate at low prices, and that these actions usually occurred only in small towns before the *Kristallnacht*, in November 1938. But by April 1934, about 4,000 Jewish lawyers had been disbarred; 3,000 physicians, 2,000 civil servants, and 2,000 actors and musicians had lost their jobs; and, in Prussia alone, 1,199 notaries had lost their licenses. Already in 1933, physicians and dentists were excluded from the public sick funds (*Krankenkassen*); under pressure from the Nazi Party, the spoliation of Jewish industry and commerce was in full swing, not to speak of the total exclusion of Jews from German cultural activities.²⁸⁵ Miss Arendt's information concerning individual actions forcing Jews to sell business and land is at variance with the extensive Aryanization that took place all over Germany. On April 26, 1938, all Jews were ordered to register their property in excess of 5,000 reichsmark. The same month, lists of well-to-do Jews were drawn up in the police precincts and revenue

offices. On June 9 the Munich synagogue was destroyed. On June 14 Jewish businesses had to be marked *Jüdisches Geschäft*. On June 15 the so-called "June Action" took place: 1,500 Jews were arrested and taken to concentration camps. On July 25 all Jewish physicians lost their licenses. On August 17 all Jews whose first names were not considered to be sufficiently Jewish were to assume the middle name of "Israel" (for men) or "Sara" (for women). The Nuremberg synagogue was destroyed on August 10. On October 5 passports were withdrawn from Jews. Those that were reissued were marked with a conspicuous "J." On October 28, 15,000 to 17,000 Polish Jews, longtime residents of Germany, were expelled.²⁸⁶ These were the most important events that happened in 1938 before the *Kristallnacht*. The list does not include what happened during the wave of terror in Austria immediately following the *Anschluss* in March 1938.²⁸⁷

Miss Arendt declares that "Emigration of Jews in these years proceeded in a not unduly accelerated and generally orderly fashion" (p. 34). Actually, in this period, 143,000 Jews, having lost their vocations and at least part of their property, left Germany²⁸⁸—fully one quarter of the total Jewish population. This is hardly an exodus "not unduly accelerated."

Concerning negotiations between the Germans and Jews, Miss Arendt says: "[The Jews'] conviction of the eternal and ubiquitous nature of anti-Semitism [has] been the most potent ideological factor in the Zionist movement since the Dreyfus Affair; it was also the cause of the otherwise inexplicable readiness of the German Jewish community to negotiate with the Nazi authorities," and "produced their dangerous inability to distinguish between friend and foe" (p. 8). With whom should German Jews have negotiated? Should they never have made any effort at all? And these "friends" whom they could not distinguish from foe, who were they?

Miss Arendt writes of the "in no way Nazi appointed" *Reichsvertretung* which she says was "the national association of all communities and organizations . . . founded . . . on the initiative of the Berlin community" (p. 35). The initiative for the establishment of the *Reichsvertretung* came not from Berlin (the initiators and their friends had to fight the opposition of the Berlin Jewish community) but from Essen—namely, from Dr. Georg Hirschland, the president of the Jewish community there and Dr. Hugo Hahn, the rabbi. They did, however, have the cooperation of Ernst Herzfeld

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of Berlin, one of the leaders of the Central Association of German Jews.²⁸⁹ Elsewhere (p. 54) she says that "it was in those years a fact of everyday life that only Zionists had any chance of negotiating with the German authorities." She produces no proof for this statement, except for her remark that the chief adversary of the Zionists among Jewish organizations, the "Central Association of German Citizens of Jewish Faith," was "by definition an organization 'hostile to the state'" and as such not qualified to negotiate with the Germans (p. 54). Actually, the *Reichsvertretung* negotiated regularly with the German government, and its Presidium (*Praesidialausschuss*) consisted originally of three members—two non-Zionists and one Zionist. The Zionist was Siegfried Moses; the non-Zionists were Leo Baeck and Otto Hirsch, both members of the Central Association that Miss Arendt claims was inactive in this respect. If Miss Arendt has evidence that Moses, because of his Zionism, was more successful in these negotiations than the others, she fails to present it. Nor was there any Zionist domination in the *Reichsvereinigung* (successor to the *Reichsvertretung*), where Leo Baeck and Otto Hirsch continued their activities for the good of the community while subject directly to the Gestapo.²⁹⁰ Miss Arendt writes: "the Zionists could, for a time, at least, engage in a certain amount of non-criminal cooperation with the Nazi authorities" (p. 54). Does she intend to imply that there was "criminal cooperation" between Zionist and Nazi authorities? She submits no evidence.

Miss Arendt's treatment of the *Ha'avara* (Transfer) agreement, concluded primarily between Palestine Jewish institutions (Anglo-Palestine Bank) and the Nazi authorities, is hardly a fair one. She writes on page 55: "The result [of the agreement] was that in the thirties, when American Jewry took great pains to organize a boycott of German merchandise, Palestine . . . was swamped with all kinds of goods 'made in Germany.'" The *Ha'avara* agreement resulted not only in the presence of German goods in Palestine but also in the grant of permits allowing some 50,000 Jews to emigrate and settle in Palestine at a time when each certificate or visa meant rescue for a person or a family. Even the terms of the *Ha'avara* were not understood by Miss Arendt. She writes (p. 55) that the emigrant could "take all his money with him" (II, 41). The truth was that he could transfer only a portion of his wealth, in goods, and even this allowance was handicapped by the imposition of various emigration taxes.²⁹¹

On the subject of world Jewish reactions to prewar German anti-Jewish policies, Miss Arendt writes: "International Jewish organizations therefore promptly tried to obtain for this newest minority the same rights and guarantees that minorities in Eastern and Southeastern Europe had been granted at Geneva" (p. 246). Such an attempt was never made, nor was the objective ever considered attainable. Jewish organizations did three things: (1) They pressed for the adoption of a resolution by the Assembly of the League of Nations confirming the principle of the protection of minorities and obliquely condemning Germany for her treatment of the Jews.²⁹² (2) They initiated the Bernheim case, whose successful conclusion suspended, for the period of the Polish-German Upper-Silesia Convention (expired July 15, 1937), the operation of the racial laws in that province.²⁹³ (3) They pressed for action by the Assembly of the League of Nations in favor of "refugees from Germany, Jewish and others" and the appointment of a High Commissioner to protect these refugees and to look into possibilities for their emigration.²⁹⁴

Miss Arendt is no more accurate in many of her statements concerning wartime Germany than she is in her statements on prewar Nazi Germany. On page 141 she declares that a "shower of new anti-Jewish legislation descended upon the Reich's Jews only after Hitler's order for the Final Solution had been officially handed down to those who were to implement it." Nothing of the sort happened. The "shower" started as early as spring of 1938 and was intensified at the beginning of the war.²⁹⁵ Only two regulations of any significance were issued after the order for the Final Solution. One was the Eleventh Implementing Regulation to the Reich Citizenship law (published on November 25, 1941; this was not a "change in the nationality law," as Miss Arendt writes on p. 141), which decreed that Jews living outside Germany (including deportees) could not be considered German subjects (*Staatsangehörige*) and had forfeited *ipso facto* their property to the Reich.²⁹⁶ The second was the Thirteenth Implementing Regulation to the Reich Citizenship law (published on July 1, 1943), which transferred jurisdiction over criminal offenses committed by Jews in the Reich from the courts to the police.²⁹⁷ Miss Arendt's account of this second regulation is inaccurate. According to her, "the preparations [of a legal basis for the Final Solution] culminated in an agreement between Otto Thierack, the Minister of Justice, and Himmler whereby the former relinquished jurisdic-

trol Council Law No. 10, 15 volumes (Washington, D.C.: Government Printing Office, 1949-1953). The documents in this series are all published in English translation.

Chapter 1

1. Judgment, Section 59, *passim*. *not a part of it check*

2. The Nisko episode and the Madagascar plan are described later in this chapter.

3. The basic journalistic vocabulary in a Yiddish newspaper contains far more than a "few dozen" words of Hebrew origin, not to mention words of Slavic origin. Even the elements of "old German dialect" are usually unintelligible to a modern German who has not been specially trained. For a scholarly account of the origins and present structure of the Yiddish language, see Max Weinreich, "History of the Yiddish Language: The Problems and Their Implications," *Proceedings of the American Philosophical Society* (New York), Vol. 103, No. 4, August 15, 1959, pp. 563-570. See also Uriel and Beatrice Weinreich, *Yiddish Language and Folklore. A Selective Bibliography for Research* (The Hague: Mouton & Co., 1959), 66 pp. (Janua Linguarum, Studia Memoriae Nicolai van Wijk Dedicata, No. X). *the part is that some under sheets!*

4. The "proof" offered for this statement is the fact that letters of his department to the Foreign Office were signed by Kaltenbrunner or Müller. But this is no proof at all. (See the discussion later in the chapter.)

5. T/37, p. 2339.

6. T/1113 (*Der Bericht des jüdischen Rettungskomitees aus Budapest, 1942-1945*, mimeogr.), p. 43. This document is usually referred to as the *Kasztner Report*. The printed version is *Der Kastner-Bericht über Eichmanns Menschenhandel in Ungarn* (Munich: Kindler, 1961), p. 104.

7. Eichmann was cross-examined in Session 98 on his use of this expression in the Sassen Papers.

8. Session 103. This statement was made by Eichmann in connection with the "blood for goods" episode (see note 15 of this chapter). According to his account, he participated in the negotiations merely because he wanted to help his friend, a commander of the 22nd SS Cavalry Division, obtain trucks. For these he was ready to offer in exchange one million Jews, although in his heart he felt "he would rather see every single 'enemy of the Reich' dead than alive."

9. Quoted from Eichmann's testimony in Session 90.

10. Joachim Schwelien, *Jargon der Gewalt* (Frankfurt am Main: Ner Tamid, 1961), p. 6.

11. The statement about Eichmann having been fed up with anonymity refers to the article in *Life Magazine* (Nov. 28, 1960, p. 21), where he is quoted as having said: "I have slowly tired of living as an anonymous wanderer between two worlds." The statement does not appear in the sections of the Sassen Papers accepted by the Jerusalem Court. See also *Der Stern* (Hamburg), No. 28, July 9, 1960, submitted in Court as T/46.

12. The characterization of Eichmann as being "incapable of telling right from wrong" is nowhere repeated or alluded to in the rest of Miss Arendt's book, and indeed would run counter to her entire thesis. In addition, it would imply that he was morally insane, which again contradicts her thesis and has never been advanced as a defense of Eichmann.

13. When questioned by Sassen on this subject (Sassen Papers, transcript of tape 47, p. 11), he denied that he had ever tried to get away from his job. Here is what was said:

Q. Since you found this task, physical extermination, so monstrous, didn't you try to get out of this job?

A. No, never.

14. For a man who was horror-stricken when he came in direct contact with the machinery of extermination—as he claimed he was—Eichmann had a remarkably hard time remembering his visits to Auschwitz. The first time he was asked, in the course of the pretrial interrogation, he admitted three such visits (T/37, p. 219); when the subject came up again in the same context (T/37, pp. 371-372), his answer was lost in a maze of explanatory phrases that were inconclusive. During cross-examination in court, he first acknowledged "four or perhaps five" trips to the camp (Session 93) and five days later (Session 99) "about five or six" visits. One cannot but infer from his attitude that the number of visits to Auschwitz that he was ready to acknowledge was in direct proportion to the amount of incriminating evidence with which he was confronted.

15. This refers to negotiations between Jewish communal leaders and Himmler's agents for the exchange of Jewish lives in return for goods required by the Germans, especially trucks. The court, having analyzed all the circumstances of the case, concluded (Judgment, Section 116): "We are of the opinion that this attempt [of Eichmann] to appear now before this Court as the initiator of the above transaction is nothing but a lie."

16. See note 149 of this chapter.

17. Judgment, Section 243.

18. Should read: "Sure, sure."

19. Testimonies of Pinhas Freudiger (Sessions 51 and 52) and Dr. Alexander Brody (Sessions 52 and 53).

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111. T/37, pp. 2670-2671, 2682-2683.
112. Rudolf Hoess, *op. cit.*
113. Sassen Papers, transcript of tape 17, pp. 5 ff.
114. Session 95.
115. Rudolf Hoess, *op. cit.*, pp. 242-243.
116. *Ibid.*, p. 172.
117. Judgment, Sections 136 and 178; and T/212, T/246, T/462, T/488, T/499, T/547, T/548, T/549, T/552, T/553, T/593, T/728, T/732, T/733, T/764, T/771, T/837.
118. Especially because of the fear that she would reveal the nature of Nazi behavior in occupied territories. Eichmann never referred to this pretext in the entire course of his correspondence concerning the affair.
119. T/349.
120. T/354. Quoted in Judgment, Section 138.
121. Jochen Klepper, *Unter dem Schatten deiner Flügel. Aus den Tagebüchern der Jahre 1932-1942* (Stuttgart: Deutsche Verlags-Anstalt, 1962). See in particular pp. 971-974, 1126-1127, 1130-1133.
122. T/1215.
123. Eichmann's cross-examination by the presiding judge, Session 107.
124. Eichmann told of his own "instructions" on the "Jewish question" in T/37, pp. 64 ff.
125. Eichmann's alertness during the cross-examination was amazing. "Eichmann's voice was calm and clear, his enunciation careful and impersonal, as if he were addressing a classroom of not overbright pupils. There was a certain precision in the marshaling of his points and the formulation of his phrasing."—Moshe Pearlman, *The Capture and Trial of Adolf Eichmann* (New York: Simon and Schuster, 1963), p. 419. "On any showing that performance had been remarkable. He had come in fighting, and he fought up to the end."—*Ibid.*, p. 528.
126. The Jerusalem District Court was fully aware of the *sui generis* nature of Eichmann's type of crime and criminality (see Chapter 3, under The Judgment and Its Execution). The Attorney General in his opening statement—Gideon Hausner, *6,000,000 Accusers; Israel's Case Against Eichmann* (Jerusalem: Jerusalem Post, 1961), p. 30—had the following to say on this subject: "In this trial, we shall also encounter a new kind of killer, the kind that exercises his bloody craft behind a desk. . . . But it was his word that put gas chambers into action; he lifted the telephone, and railway trains left for the extermination centers; his signature it was that sealed the doom of thousands and tens of thousands. He had but to give the order, and at his command the troopers took to the field to rout Jews out of their homes, to beat and torture them and chase them into ghettos, to pin the badge of shame

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74. In the secret indictment (*Anklageschrift*) of October 16, 1941, of Herschel Feibel (Hermann) Grynszpan (case 8 J 393/41 g) by the Attorney General of the Nazi People's Court (*Der Oberreichsanwalt beim Volksgerichtshof*), the following is said about homosexuality: "In the course of further interrogations, he [Grynszpan] even went so far as to make the brazen and false claim that he had met Embassy Counselor vom Rath already some time before [the shooting] and that he had been used by him several times for homosexual purposes." A photocopy of the indictment and its annexes is available in the *Centre de Documentation Juive Contemporaine* (Paris). A brief survey of the documentation is offered by Lucien Steinberg in *Le Monde Juif* (Paris), April-June, 1964.

75. Judgment, Section 57.

76. Transcript of tape 4, p. 1.

77. T/37, pp. 2464 ff.

78. Eichmann's conclusion: "there were apparently no men behind Grynszpan . . . he committed his deed on his own." (Transcript of tape 4, p. 1).

79. Session 27. Miss Arendt's selectivity in identifying positive types is reflected in her failure to mention the Swiss Consul General, Carl Lutz, and the Swedish diplomat, Raoul Wallenberg, who in a courageous, systematic effort rescued thousands of Hungarian Jews. Wallenberg was seized by the Soviets and has not been heard from. (Kasztner Report [T/1113], 230 ff., 236; Philip Friedman, *Their Brothers' Keepers* [New York: Crown Publishers, 1957], pp. 83, 159-168, 217-218.)

80. Session 22.

81. Session 30.

82. Session 28.

83. Session 65.

84. See the survey of the 1,500 witnesses heard before the IMT and NMT, *Catalogue of Nuremberg Documents* (London: Wiener Library, 1961), pp. 79-139 (mimeograph).

85. Göring, Ribbentrop, Rosenberg, Schirach, Sauckel, and Fritzsche pleaded in this manner before the IMT (*Blue Series*, II, pp. 97-98).

86. See also Judgment, Section 119.

87. Session 41.

88. *Ibid.* According to Wisliceny (T/84), Eichmann was "brutal to his subordinates and without interest in their personal welfare."

89. Session 41.

90. *Ibid.*

91. *Green Series*, V, p. 1129. In the same Pohl case, Eichmann's personal file (Doc. NO-2259) and excerpts from the Wisliceny testimony before the IMT were introduced in evidence by the defense (*Green Series*, V, pp. 689-692, 810-811).

92. *Green Series*, IV, p. 114. In the official transcript of Case IX

who commits treason shall not be punished in accordance with the scope and extent of his deed but on the basis of the convictions he manifested.") (Originally published in *Völkischer Beobachter* [Berlin], July 14, 1934.)

Miss Arendt categorically declares that "not . . . racism" was "on trial" (p. 3). But she asserts that Eichmann deserved the death penalty because (p. 255) he "supported and carried out a policy of not wanting to share the earth with the Jewish people."

117. *International Affairs* (London), Vol. 38, 1962, p. 423. This authoritative statement of an expert in law stands in direct contradiction to Miss Arendt's prophecy (pp. 249-250) that "it is safe to predict that this last of the Successor trials will no more, and perhaps even less than its predecessors, serve as a valid precedent for future trials of such crimes."

118. *The Spectator* (London), Jan. 5, 1962.

119. *Current Legal Problems* (London), Vol. 15, 1962, p. 265.

120. Section 2, *in fine*.

121. The information in this paragraph is based on an unpublished paper by Dr. Leni Yahil, Jerusalem.

122. *Yedioth Yad Washem* (Jerusalem), No. 28, December 1961, pp. 8-10, and No. 29, July 1962, pp. 49-50 (Hebrew).

123. Moshe Bar-Nathan, "The Authors and the Party," *Jewish Frontier* (New York), November 1963, pp. 4-7 (analysis of the discussion as presented in the Tel-Aviv daily *Maariv*).

124. Erwin Schüle, "Die Justiz der Bundesrepublik und die Sühne nationalsozialistischen Unrechts," *Vierteljahrshefte für Zeitgeschichte* (Stuttgart), Vol. 9, 1961, pp. 440-443. For a detailed survey of trials (mainly German) of Nazi criminals against the background of Nazi crimes and for an analysis of the German legal problems involved, see Reinhard Henkys, *Die nationalsozialistischen Gewaltverbrechen. Geschichte und Gericht* (Stuttgart-Berlin: Kreuz-Verlag, 1964), pp. 25-266; Jürgen Baumann, "Die strafrechtliche Problematik der nationalsozialistischen Gewaltverbrechen," in the foregoing title, pp. 267-321; also Baumann's article in *Neue Juristische Wochenschrift* (Munich and Berlin), Vol. 17, 1964, pp. 1398-1405. For a Jewish survey of (mostly) German trials, see Emmanuel Brand, "The Handling of Nazi Criminals after World War II," *Bitfutsoth Hagolah* (Jerusalem), No. 1 (28), 1964, pp. 18-27 (Hebrew). A tabular survey of the German trials can be found in Hermann Langbein's thoughtful book, *Im Namen des deutschen Volkes: Zwischenbilanz der Prozesse wegen nationalsozialistischer Verbrechen* (Vienna, Cologne, Stuttgart, Zurich: Europa Verlag, 1963), pp. 149-197. For an official account published by the Federal Republic

a sneer on his lips . . ." See also Eugen Kogon, *Der SS-Staat. Das System der deutschen Konzentrationslager* (Frankfurt a.M.: Europäische Verlagsanstalt, 1959), p. 35.

8. G. M. Gilbert, *op. cit.*, pp. 24-25 and *passim*.

9. *Blue Series*, XII, p. 13.

10. *Ibid.*, XXII, p. 385. The Introduction to *Guide to Jewish History Under Nazi Impact* (New York: Yad Washem-YIVO, 1960), by Jacob Robinson and Philip Friedman, contains the story of Frank's recantation in the first paragraph. (This book is listed in Miss Arendt's Bibliography.)

11. Personal file of Heydrich in Berlin Document Center (available in *Yad Washem*). No serious counterevidence has been presented against the genealogy in this file.

12. Berlin-Leipzig: Max Hesse, 1916, p. 467.

13. The allegedly Jewish origin of Heydrich is mentioned by Felix Kersten in his *Totenkopf und Treue: Himmler ohne Uniform* (Hamburg: Robert Mölisch, 1952), pp. 127-131; and, on Kersten's authority, also by Charles Wighton, *op. cit.*, pp. 21-27. Robert M. W. Kempner, in his *Eichmann und Komplizen* (pp. 36-38), seems at first to have accepted the view that Heydrich was not free of Jewish blood, but in the 1964 Hebrew edition of his book (Tel-Aviv: Schocken) he dropped all mention of this. Eichmann told Sassen that he heard of this allegation, but it was all "a lie and a smear" (*Lüge und Verleumdung*). See transcript of tape 4, p. 4; and transcript of tape 64, p. 3.

14. The author is indebted to Josef Wulf for checking the personal file of Hans Frank in the Berlin Document Center.

15. Arnold and Veronica Toynbee, eds., *Hitler's Europe* (London, New York, Toronto: Oxford University Press, 1954), p. 119. Published for the Royal Institute of International Affairs, as part of its Survey of International Affairs, War-time Series (1939-1946).

16. *Ibid.*, pp. 480-481.

17. *Ibid.*, pp. 120-121.

18. *Ibid.*, p. 103.

19. Decree on the administration of Polish communities of Nov. 28, 1939, and decree on the formation and administration of communal associations in the Government-General of June 27, 1940, both reproduced in *Documenta Occupationis* (Poznań: Western Institute, 1958), Vol. VI, pp. 73-78.

20. Toynbee, *op. cit.*, pp. 93-95 and *passim*.

21. *Ibid.*, p. 93 and *passim*.

22. *Ibid.*, p. 125.

23. *Ibid.*, p. 480, footnote 2.

24. *The Institute Anniversary Volume: 1941-1961* (New York: Institute of Jewish Affairs, 1962), pp. 106-108, 111.

25. Toynbee, *op. cit.*, pp. 233-234, 237-238, 240-241.

26. See E. Brodsky's account of the resistance group called "The Fraternal Association of Prisoners of War," *Novy Mir* (Moscow), August 1957, pp. 188-201, and June 1964, pp. 258-276.

27. See note 7 of this chapter.

28. Raul Hilberg, *The Destruction of the European Jews* (Chicago: Quadrangle Books, 1961), 788 pp.

29. See, for example, Joseph Melkman's review of Hilberg, *op. cit.*, in *Kiryat Sefer* (Jerusalem), Vol. 39, 1963, pp. 212-214 (Hebrew).

30. *Encyclopedia of the Jewish Diaspora. A Memorial Library of Countries and Communities*. Poland Series (Jerusalem: Encyclopedia Publishing House, 1953-1957), 6 volumes (Hebrew). Also *Towns and Cities in Israel. A Sacred Monument of the Communities of Israel Destroyed by the Unholy Tyrants in the Last World War* (Jerusalem: Mosad Harav Kook, 1946-1955), 6 volumes (Hebrew). Accounts of the Catastrophe do not constitute a major part of the latter series. By contrast, the former series contains detailed description of the life and death of such communities as Warsaw (Vol. I, columns 601-816; Vol. VI, columns 29-48, 331-360, 489-650), Brest-Litovsk (Vol. II, pp. 453-547), Tarnopol (Vol. III, pp. 377-426), Lwów (Vol. IV, pp. 593-730), and Lublin (Vol. V, pp. 655-752).

31. Rachel Auerbach, "Yizkor Books," *Tsukunft* (New York), Vol. 63, 1958, pp. 186-189, 388-391 (Yiddish). Also Nachman Blumental, "Memorial Books of Remnants of Communities," *Yad Washem Bulletin* (Jerusalem), No. 15-16, 1958, pp. 22-24 (Hebrew), and the Yiddish edition, No. 3, 1958, pp. 26-28. And Blumental's "A New Literary Genre—The Memorial Books," *Lebensfragen* (Tel-Aviv), Vol. X, 1960, Nos. 99, 100, 102-103, 105, 108-109, 110; Vol. XI, 1961, Nos. 113-114, 117 (Yiddish).

32. Bernard Mark, *The Struggle and Destruction of the Warsaw Ghetto* (Warsaw: Ministry of National Defense, 1959), 509 pp. (Polish). German translation: *Der Aufstand im Warschauer Ghetto, Entstehung und Verlauf* (Berlin: Dietz, 1959), 479 pp., 3rd ed., revised and enlarged.

33. Mark Dworzecki, *The Jerusalem of Lithuania in Struggle and Destruction. Memoirs of the Vilna Ghetto* (Paris: Jewish National Labor Farband, 1948), 515 pp. (Yiddish); (Tel-Aviv: Israel Labor Party, 1951), 431 pp. (Hebrew).

34. Leib Garfunkel, *The Destruction of Jewish Kovno* (Jerusalem: Yad Washem, 1959), 330 pp. (Hebrew). Also Joseph Gar, *The Destruction of Jewish Kovno* (Munich: Association of Lithuanian Jews, 1948), 424 pp. (Yiddish).

35. Nachman Blumental, *Conduct and Actions of a Judenrat. Docu-*

Q. By misleading the victims, these orders made the job easier, and also made it possible to put the Jews to work toward their own destruction?

A. Yes, that goes without saying.

177. *How Did It Happen? Data and Documents Relating to the Tragedy of Hungarian Jewry* (Budapest: Renaissance, 1947), 252 pp. (Hungarian). Pp. 28-33 of this book (in German translation) were submitted to the court by Dr. Ernő Boda (T/1156). This is a record of the meeting of the Jewish Council with Eichmann in Budapest, Hotel Majestic, on March 31, 1941.

178. Judgment, Section 237.

179. *Green Series*, IV, p. 299.

180. See Chapter 1, under Authority and Activities.

181. *Blue Series*, XLII, p. 559.

182. *Centre de Documentation Juive Contemporaine* (Paris), Archives, Document XLIX-42.

183. New Haven, Yale University Press, 1949, pp. 292-293.

184. See note 122 of this chapter.

185. Arieh Tartakower and Kurt R. Grossmann, *The Jewish Refugee* (New York: Institute of Jewish Affairs, World Jewish Congress, 1944), pp. 26 ff. This volume contains a 60-page bibliography (pp. 597-658).

186. See, for example, Tadeusz Pankiewicz, *op. cit.*, pp. 34-35.

187. See, for example, *ibid.*, p. 116.

188. For example, Hungary served for a certain time as haven for Jews fleeing from Poland and Slovakia; Italy, for Jewish refugees from France, Yugoslavia, and Greece.

189. The implications of this situation were early recognized by Dr. Joachim Prinz in his article "Life Without Neighbors," *Jüdische Rundschau* (Berlin), April 17, 1935, Vol. 40, No. 31/32, p. 3.

190. The controversy is at present centered around the drama by Rolf Hochhuth, *The Representative*, translated from the German with a preface by R. D. Macdonald (London: Methuen, 1963), 331 pp. For collections of reviews and other reactions, see Fritz J. Raddatz, ed., *Summa Iniuria oder Durfte der Papst schweigen? Hochhuths "Stellvertreter" in der öffentlichen Kritik* (Reinbek bei Hamburg: Rowohlt, 1963), 235 pp.; *Der Streit um Hochhuths "Stellvertreter"*, a special issue of *Theater unserer Zeit. Kritische Beiträge zu aktuellen Theaterfragen* (Basel-Stuttgart), Vol. 5, 1963, 169 pp.; and Eric Bentley, ed., *The Storm over The Deputy: Essays and Articles about Hochhuth's Explosive Drama* (New York: Grove Press, 1964), 254 pp., with an extensive Bibliography. Critical of Hochhuth are Walter Adolph, *Verfälschte Geschichte; Antwort an Rolf Hochhuth. Mit Dokumenten und authentischen Berichten* (3rd ed., Berlin: Morus, 1963), 112 pp.; Joseph L.

Lichten, *Pius XII and the Jews. A Question of Judgment* (Washington, D.C.: National Catholic Welfare Conference, 1963), 35 pp., with a bibliography; Nathan Eck, "What Would Have Happened, Had Not the Pope Kept Silent?," *Tsukunft* (New York), Vol. 69, 1964, pp. 299-303 (Yiddish). An official reply to Hochhuth is given in a special issue of *L'Osservatore della Domenica* (Città del Vaticano), Vol. XXXI, No. 26, June 28, 1964, 80 pp. Generally favoring Hochhuth's attitude are Guenther Lewy, "Pius XII, the Jews and the German Catholic Church," *Commentary* (New York), February 1964, pp. 23-29 (with 105 footnotes), and comments by readers in the June 1964 issue, pp. 6-12; the same author's book, *The Catholic Church and Nazi Germany* (New York-Toronto: McGraw Hill, 1964), pp. 297-308 *passim*; Léon Poliakov, "Pope Pius XII and the Nazis," *Jewish Frontier* (New York), Vol. 31, No. 3, April 1964, pp. 7-13. See also Saul Friedlander, *Pie XII et le III^e Reich: Documents* (Paris: Editions du Seuil, 1964), pp. 91-100, 103-140, 185-217. For a survey of the controversy around Hochhuth, see Jacques Nobécourt, "*Le Vicaire*" et *l'Histoire* (Paris: Editions du Seuil, 1964), 382 pp.

For an earlier discussion on the Vatican and the Jewish Catastrophe, see Léon Poliakov's articles in *Le Monde Juif* (Paris), No. 38, December 1950, and No. 40, February 1951. The Catholic position on the questions raised by Poliakov was given by Roberto Leiber S. I., "Pio XII e gli ebrei di Roma 1943-1944," *La civiltà cattolica*, 1961, Vol. I, pp. 449-458.

191. *Report of the International Committee of the Red Cross on Its Activities during the Second World War* (Geneva, 1948), Vol. I, p. 641. See also pp. 642-657; Vol. II, pp. 299-303; Vol. III, pp. 73-84 and 513-525. For a critical review of certain statements in this Report, see N[athan] E[ck], "Misrepresentation by the International Red Cross," *Yad Washem Bulletin* (Jerusalem), No. 3, July, 1958, p. 21; Joseph Tenenbaum, "Red Cross to the Rescue," *ibid.*, No. 4-5, October 1959, pp. 7-8.

192. *Jewish Population Figures, Memento Statistic* (Bucharest: World Jewish Congress, Romanian Section, 1945), pp. 40-42 (Romanian).

193. Eberhard Kolb, *Bergen-Belsen* (Hannover: Verlag für Literatur und Zeitgeschehen, 1962), p. 316.

194. See, however, a preliminary report in: *The Governments-in-Exile and Their Attitudes Towards the Jews*. [Documents] edited by Z. H. Wachsman (New York: The Resistance, 1943), VIII, 96 pp.

195. Communication of Dr. Leni Yahil, Yad Washem, Jerusalem.

196. See Chapter 5, under Denmark and Norway.

197. *La politique pratiquée par la Suisse à l'égard des réfugiés au cours des années 1933 à 1955. Rapport adressé au Conseil fédéral à l'intention des conseils législatifs par le professeur Carl Ludwig* (Bern: // x

46. Joseph Billig, *op. cit.*, pp. 221-223.
47. T/389 and T/390. T/389 was signed by Helmuth Knochen, Commander of the Security Police in Northern France and Belgium, but drafted by Dannecker.
48. T/428 (Nuremberg Document RF-1223). See also Joseph Billig, *op. cit.*, pp. 240-241.
49. T/436, quoted in the Judgment, Section 100.
50. *Ibid.*
51. Judgment, Section 100.
52. Miss Arendt's account, on pp. 147-148 of her book, bears little resemblance to the documented account given in the judgment and summarized in the text. Among her errors is her statement that Eichmann "had plainly threatened them [the subordinates concerned] with losing their very cozy war jobs." There is not a word about such threats in the evidence placed before the court, or anywhere else to my knowledge.
53. T/419.
54. The lower age limit remained the same throughout the operation; the upper limit was subsequently raised to 60 for men and 55 for women (T/440).
55. Billig, *op. cit.*, pp. 244-245, 249 (July 2 meeting); 247-248 (July 4 meeting); 249-251, 373-376 (July 8 meeting); 254-256 (July 17 meeting).
56. We do not have the exact wording of Laval's statement on this issue. We have only two sentences in a telegram Dannecker sent to Eichmann on July 6 (T/433), sentences which most likely reflect Dannecker's desire to make France *judenrein* rather than giving a true account of Laval's attitude (Billig, *op. cit.*, pp. 371-372).
57. *L'activité des organisations juives en France sous l'occupation* (Paris: Centre de Documentation Juive Contemporaine, 1947), pp. 141-143, 149 ff. See also Joseph Weil, *Contribution à l'histoire des camps de concentration dans l'Anti-France, 1940-1944* (Paris: Centre de Documentation Juive Contemporaine, 1946), p. 91.
58. Billig, *ibid.*
59. He did not phone, as Miss Arendt has it on page 148; he sent a telegram.
60. T/438.
61. T/440.
62. Henri Monneray, *La persécution des Juifs en France et dans les autres pays de l'Ouest, présentée par la France à Nuremberg* (Paris: Editions du Centre, 1947), pp. 148-151.
63. A vivid description of the ordeal of the children is given by Jacob Kaplan, the acting *Grand Rabbin* of France, in his report "French Jewry under the Occupation" published in English translation in *The American Jewish Year Book* (New York), Vol. 47, 1945-1946, pp. 83-84.

A description is also given by Professor Georges Wellers, a former detainee of Drancy (Session 32). See also Wellers' *De Drancy à Auschwitz* (Paris: Centre de Documentation Juive Contemporaine, 1954).

64. T/439 and T/443. It should also be noted that Röthke claimed that "the representatives of the French police have on several occasions expressed the wish to have the children deported along with their parents." This is a clear reference to the preoccupation of the French authorities with the thorny problem of shelters for the children (Billig, *op. cit.*, Vol. I, pp. 255-256; Vol. III, pp. 317-319), which became a factor favoring Eichmann's fatal decision.

65. T/444.

66. Jacob Kaplan in the *American Jewish Year Book*, *loc. cit.*

67. T/444.

68. The *Centre* in Paris has lists of 74,000 deportees for the period ending May 1944. The deportation continued till October, and the number of additional deportees was estimated at 6,000 by Joseph Billig in a private communication to the author. See also T/452.

69. Arnold and Veronica Toynbee, *Hitler's Europe*, *loc. cit.*, pp. 480-481.

70. *Ibid.*, p. 484. Miss Arendt's reference to Brussels is omitted in the paperback edition, p. 166.

71. T/520.

72. *Ibid.*, p. 23.

73. *Ibid.*, pp. 28-29.

74. Materials of the Falkenhausen case in the *Centre de Documentation Juive Contemporaine*.

75. T/520, p. 19.

76. *Ibid.*, p. 26. Miss Arendt's phrase, "there was no Jewish Council to register the Jews" (p. 150), was changed in the paperback edition (p. 166) to "the Jewish Council did not command any authority among native Jews." No evidence is presented for the latter statement.

77. *Ibid.* See also *Centre Documents CXCVI-17 and CXCVI-18*.

78. *Centre Document LXXV-171 (Tätigkeitsbericht Nr. 25 der Militärverwaltung, Juli-September, 1943, des Militärbefehlshabers in Belgien und Nord-Frankreich)*.

79. Nuremberg Document NG-5219. Miss Arendt's assertion that "not a single Belgian Jew was ever deported" (p. 150) was modified in the paperback edition (p. 166) to read: "very few Belgian Jews were deported." In fact, at least one-quarter of the Jews who were Belgian citizens were deported in a number of shipments to the East. (Private communications from Dr. A. L. Kubovy of *Yad Washem*, dated April 4, 1965, and Miss Betty Garfinkels of the *Centre National des Hautes Etudes Juives* in Brussels, dated June 22, 1965).

87. Information supplied by Dr. de Jong.
88. The indictment (*Anklageschrift*) of Rajakovic—now Raja—by the Attorney General of Vienna (15 St 25696/61[27 d Vr 8896/61]), dated July 17, 1964, documents in great detail his contacts with, and subordination to, Department IVB₄ of the RSHA and Eichmann in particular (pp. 1, 5-8, 25-40).
89. Provided by Dr. de Jong.
90. Elsewhere Miss Arendt says that “a large number of Jews” went into hiding and that “an unusually large number of Jews living underground were eventually found” (p. 152). This statement contains references to “a large number” and “an unusually large number” without giving these phrases meaning. Compare notes 170-173 of Chapter 4.
91. Written communication of Dr. de Jong, dated June 22, 1963.
92. Dr. de Jong.
93. For information supplied in this paragraph of the text, see Hugo Valentin, in *YIVO Annual of Jewish Social Science* (New York), Vol. VIII, 1953, p. 233.
94. The first notice was given by the German Minister von Renthewitz on November 20, 1941. The *Rigsdag* was called into special session about the issue, the meeting being scheduled for November 23 at night (Sunday), but before it could convene, the Administration was forced to reply in the affirmative to a German ultimatum which expired on November 23, 5 P.M. See Hartvig Frisch, *Denmark—Occupied and Liberated* (Copenhagen: Fremad, 1945), Vol. I, pp. 202-210 (Danish).
95. *Appendix to the Report to Parliament (Folketing) Submitted by the Commission Established . . . with Reference to Section 45 of the Constitution*. Part VII. *The Ministry of Justice and Legal Affairs During the Occupation: Documents*. (Copenhagen: Schultz, 1950), Vol. 1, pp. 186-189 (Danish).
96. Nothing of the kind is mentioned in the essay entitled “King Christian X” in *Denmark during the German Occupation*, Børge Outze, ed. (Copenhagen, London, Chicago: The Scandinavian Publishing Company, 1946), pp. 134-147; or in Harold Flender, *Rescue in Denmark* (New York: Simon & Schuster, 1963), p. 31.
97. T/581.
98. Arnold and Veronica Toynbee, *Hitler's Europe*, *loc. cit.*, p. 528.
99. *Ibid.*, pp. 528-529. Also Hartvig Frisch, *op. cit.*, pp. 319-336. And “The 29 August 1943,” in *Denmark during the German Occupation*, *loc. cit.*, pp. 32-39.
100. T/582. Also T/37, pp. 2661 ff. And Nuremberg Document NG-3907.
101. T/583; T/586 (Nuremberg Document NG-3920).
102. M. Friediger, *Theresienstadt* (Copenhagen: J. Fr. Clausens, 1946), pp. 54, 56 (Danish).

103. Hugo Valentin, *op. cit.*, pp. 224-251. See also Adler, *Theresienstadt*, *loc. cit.*, pp. 61, 63, 778-780.
104. These figures are taken from a statistical study made by Julius Margolinsky and quoted on pp. 224-225 of Leni Yahil's unpublished dissertation, *Danish Jews During the Catastrophe* (The Hebrew University of Jerusalem, 1964) in Hebrew. Miss Arendt probably copied the printing error of Hilberg, *loc. cit.*, p. 363, without checking the source he cites—namely, Professor Hugo Valentin's article, *loc. cit.*
105. The proclamation of the Danish Freedom Council (October 1943) in *Facts of the Period of Occupation. A Documentary Handbook* (Copenhagen: Schultz, 1945), Vol. I, p. 235 (Danish).
106. H. Flender, *op. cit.*, p. 74 and *passim*. Also Aage Bertelsen, *October '43* (New York: Putnam [1954]), 246 pp.
107. T/580, 583-584, 586-588, and T/37, pp. 251, 1749 ff., 2661 ff., 3059 ff., 3492 ff. To be sure, Eichmann did not seem to remember very much when interrogated in Jerusalem eighteen years after the event (T/37, pp. 253-254, 945-946, 1752-1759, 2649-2650). But in 1943 Eichmann was so well informed about the details of the matter that he could even discuss the fate of individual Jews: “As Eichmann added, her [Mrs. Teixeira, a 102-year-old Jewess] present whereabouts are not known here. Probably she is hiding out in Denmark.” (T/588.)
108. T/580.
109. T/584. For his angry remarks about Best, see Sessions 36 and 101; see also T/37, pp. 251-252 and T/585 (compare T/37, p. 3065). During the pretrial interrogation Eichmann wondered why Günther and not he had been sent to Copenhagen to conduct the deportation (T/37, pp. 2662-2666).
110. Archives of the German Foreign Office, Document D-524926 (K-211238). During this visit Eichmann also tried to find out the real reasons for the failure of the *Aktion*. Later Eichmann recalled especially his talks with his friend Mildner concerning this matter (T/37, pp. 948, 1752-1753, 2667; Session 83).
111. T/588. The conditions of the agreement, as recalled by Best, can be found in T/587.
112. Regio Decreto Legge, 17 novembre 1938-XVII, N. 1728, art. 14 (*Gazzetta Ufficiale*, No. 264, November 19, 1938).
113. *Relazione della Direzione Generale per la Demografia e Razza, Ministero dall'Interno*, Rome. Also in Renzo De Felice, *Storia degli ebrei italiani sotto il fascismo* (Turin: Giulio Einaudi, 1962), pp. 640-644.
114. Communication of Dr. Daniel Carpi of the University of Tel-Aviv, dated January 9, 1964.
115. Regio Decreto Legge, *ibid.*, parts 10-13. And Regio Decreto Legge, 29 giugno 1939-XVII, N. 1054, arts. 1-5, 21-35 (*Gazzetta Ufficiale*, No. 179, August 2, 1939).

145. Toynbee, *op. cit.*, p. 606.
146. *Ibid.*, p. 605.
147. This view is repeatedly stated in the German documents. See the dispatch of German Minister Beckerle to the Foreign Office, dated March 20, 1943 (available in *Yad Washem*: the Bulgarian collection of the German Foreign Office); and German Police Attaché Hoffmann's report, dated April 5, 1944 (T/941).
148. Benjamin Arditi, *Bulgarian Jews in the Years of the Nazi Regime 1940-1944* (Holon, 1962), p. 401, note 265 (Hebrew).
149. Nathan Grinberg, *Documents* (Sofia: Central Jewish Consistory, 1945), 200 pp. (Bulgarian).
150. T/943.
151. *Le Monde Juif* (Paris), No. 31, May 1950, pp. 7-8. Sabille's book, *Lueurs dans la tourmente* (Paris: Editions du Centre, 1956) has no chapter on Bulgaria.
152. While the Bulgarian Jews were being evacuated from Sofia to the provinces, preparations were being made for their shipment by sea to the East. Already in the written agreement between the *Judenkommissar* Belev and Dannecker (T/938), it was specified that 20,000 Jews were to be deported from Bulgaria, of which 6,000 were from Old Bulgaria (See also the report of Dannecker to IVB4, dated February 23, 1943, T/939). In fact, Belev had confidentially advised the German authorities in Sofia that the resettlement of the Sofia Jews in the provinces was a preliminary measure, to be followed by the deportation of all Bulgarian Jews to the East. (Note of von Thadden to Eichmann, dated June 1, 1943, *Auswärtiges Amt*, Inland II, 1482g, available in *Yad Washem*.) The Hoffmann report (seen by Beckerle; see note 147), stated that the Germans set aside for this purpose, during June 1943, five large Danube ships and one small one, which would be able to transport 25,000 Jews in the course of one month by making ten round trips.
153. Helmut Heiber, "Der Tod des Zaren Boris," *Vierteljahrshefte für Zeitgeschichte* (Stuttgart), Vol. 9, 1961, pp. 384-416.
154. Benjamin Arditi, *The Role of King Boris in the Deportation of Jews from Bulgaria* (Tel-Aviv, 1952), 70 pp. (Bulgarian).
155. Arditi, *Bulgarian Jews*, *loc. cit.*, Chapter 17.
156. Nathan Grinberg, *The Hitlerian Pressure for the Destruction of Bulgarian Jews* (Tel-Aviv, 1961), pp. 127-129 (Bulgarian).
157. On this point Arditi and Grinberg agree.
158. Arditi, *Bulgarian Jews*, *loc. cit.*, p. 47.
159. *Ibid.*, pp. 290-294 (excerpts from the verbatim records of the 28 March 1943 session of the Bulgarian *Sobranie*).
160. T/937.

Don't forget
to check
this one!

political units within the German Federation (*Deutscher Bund*) sent deputies to the German Parliament in the Paulskirche in Frankfurt am Main. There were, of course, none from Hungary, Galicia, etc., although they constituted part of the Hapsburg domain.

3. The relation between the Hapsburg dynasty and Hungary was based on a document whose very *raison d'être* was to stress that the Hapsburg ruler would not be identical with the Emperor. This document is the Pragmatic Sanction, issued to assure the succession of the daughter of the last male Hapsburg, the Emperor Charles VI. Hungary accepted the Pragmatic Sanction in 1743 and was declared an integral part of the Hapsburg domain. During the entire reign of the heiress (Maria Theresa, 1740-1780), she was *Hungariae Rex* (not *Regina*; Hungarian constitutional law did not recognize a reigning queen), but not Emperor. Charles VI was succeeded as Emperor by the Elector of Bavaria (under the name of Charles VII), and, after the latter's early death, by Maria Theresa's husband, Francis of Lorraine (Francis I). Only at that time did Maria Theresa have the title of Empress, but merely as Francis' consort.

Miss Arendt's statement reads in full: "Once upon a time, the Holy Roman Emperor had been King of Hungary, and more recently, after 1806, the *kaiserlich-königliche Monarchie* on the Danube had been precariously held together by the Hapsburgs, who were emperors (*Kaiser*) of Austria and kings of Hungary." The facts are quite different. Chronologically, the dualistic system was introduced not "after 1806," but in 1867. In accordance with what has been said above, the renunciation of the last head of the Holy Roman Empire, Francis II, in 1806, did not cause any change in the relations between the Hapsburgs and the various parts of their domains (*Hausmacht*). Since the time of Maria Theresa's son, Emperor Joseph II (1780-1790), a rather thorough centralization of governmental activities for all the Hapsburg possessions had taken place, and Hungary was governed from Vienna. A new order of things finally arose—to last for half a century—after defeat in the war of 1866 compelled Austria to sever completely her constitutional links with the German lands. The Hapsburgs now had to come to terms with restless Hungary, and the result was the so-called *Ausgleich* (compromise) of 1867 establishing the dualistic system that remained in force until November 1918.

Miss Arendt also errs in her terminology. The *Ausgleich* of 1867 did not establish a *kaiserlich-königliche Monarchie*. On the contrary, it established two autonomous states with different citizenship, different governments, and, at least partly, different armies (the Austrian K.K. *Landwehr* and the Royal Hungarian *Honveds*). The two *Reichshälften* now had in common only the dynasty and certain matters which had been clearly

stipulated in the *Ausgleich* (chiefly foreign affairs, a joint army [the third, albeit the largest force], and navy, currency, and customs). All joint agencies, institutions, etc. were called *kaiserlich und königlich* or briefly *k.u.k.* (e.g., the Foreign Ministry, the General Staff), while *kaiserlich-königlich* (*k.k.*) exclusively designated the Austrian constituent part (e.g., *k.k. Finanzminister, k.k. Gymnasium, k.k. Staatsbahnen*, all Austrian). In addition, the term *königlich* in *kaiserlich-königlich* had nothing to do with Hungary. It referred to those Austrian lands which ranked as kingdoms: Bohemia, Galicia, and Dalmatia. Finally, it should be noted that although the title "Emperor of Austria" was officially introduced in 1804 (Francis was for two years, 1804-1806, double Emperor), according to Austrian constitutional law a country "Austria" did not in fact exist. It was officially called "*die im Reichsrat vertretenen Königreiche und Länder*" (Kingdoms and Countries Represented in the *Reichsrat*).

The basic sources for the constitutional and legal problems touched upon in the preceding discussion are compiled in *Die Staatsgrundgesetze in Manz'sche Taschenausgabe der österreichischen Gesetze*, Volume XIX, 6th edition, 1894, 743 pp. The volume includes also Gustav Steinbach's *Die ungarischen Verfassungsgesetze* (Vienna, 1895), 145 pp. See also Ernst C. Hellbling, *Österreichische Verfassungs- und Verwaltungsgeschichte* (Vienna: Springer, 1956), pp. 184-209, 268-270, 345, 353-354, 363-365, 396-398.

Miss Arendt states that after World War I "Hungary . . . was constitutionally a kingdom without a king." This is correct, but her continuation—"the only visible sign of royalty was an abundance of *Hofräte*"—is not correct. In fact, after the collapse of the Communist regime in 1919, practically all institutions of the royal past were restored, modified only through the disappearance of "dualism." There continued to be a House of Magnates (Upper House) in the Hungarian Parliament; titles of nobility and decorations were not abolished; a special Crown Guard watched over the Hungarian Crown (now in United States trust). And these were by no means all remaining "signs of royalty." Hungary was the only state of former Hapsburg sovereignty which did not bar the members of the Hapsburg dynasty from residence, though everywhere else they were barred unless they signed individual declarations renouncing membership in the dynasty and all claims to the Crown. Members of the dynasty who still regarded themselves as archdukes not only continued to reside in Hungary, but remained *ex officio* members of the House of Magnates. (One of them, the Archduke Albrecht, suggested to Gottlob Berger of the SS Main Office that Hitler should exert pressure on Horthy for more severe anti-Jewish measures. See Nuremberg Document NO-1117.) Indeed, Archduke Joseph, Field Marshal in

the old army, used to appear at all public affairs together with Horthy. He was even elected temporary governor of Hungary on August 7, 1919, after the collapse of the short-lived Communist regime. He was still around at the time of Horthy's ouster in 1944. The day of the Nazi entrance into Hungary, he paid a visit to Otto Skorzeny, who describes the event in his memoirs, *Geheimkommando Skorzeny* (Hamburg: Hansa, 1950), p. 249. (The identification of the Archduke as Friedrich is obviously an error; Friedrich died in 1938.) The head of another branch of the Hapsburg family residing in Hungary was the above-mentioned Archduke Albrecht, son and heir of the immensely rich Archduke Friedrich, who once was Commander-in-Chief of the Austro-Hungarian forces (1914-1916), and was an active candidate for the succession to the throne.

On the chances of restoration of a monarchy in the period between the wars, Miss Arendt writes that this was a hopeless case since Otto von Hapsburg "would never have been accepted as King of Hungary" and "an authentically Hungarian royalty" did not exist. The reason for the failure to restore the monarchy was different. True, Otto was unacceptable, as a result of the invalidation of the Pragmatic Sanction by enactments of Austria and Hungary. However, the way was open for the election of another king and dynasty, and there were several candidates, among them Hapsburgs. None had sufficient support. But the main reason for the continuation of the regency was to be found in the field of foreign politics, particularly in view of the violent resistance on the part of the "Little Entente" (Czechoslovakia, Yugoslavia, Romania), which regarded "restoration" as a *casus belli*, and had, in this respect, the support of the Great Powers. See John Oliver Crane, *The Little Entente* (New York: Macmillan, 1931), 222 pp.

Comments on two other subjects: Miss Arendt asserts (p. 177) that the Arrow Cross was "under the influence of Italian Fascism." In fact, it was closely modeled after the German Nazi Party, on whose financial help it relied heavily. The party insignia of the Arrow Cross was a slight variation of the swastika. Another instance of misinformation is her singling out in this context (p. 177) "the strong influence of the Catholic Church." Protestantism (Calvinism) was not less of a powerful factor in Hungarian life. Quite a large number of anti-Hapsburg noblemen (and their serfs and other dependents) had embraced that faith in sizable numbers shortly after the Reformation. In the recent history of Hungary, Calvinist aristocrats have played important roles—for example, the Counts Tisza (father and son, Kálmán and István), both Prime Ministers during the time of the monarchy, and Count Bethlen, the most durable of Hungarian Prime Ministers in the period after World War I. Horthy himself was a Calvinist. On the relative importance of the

Catholic and Protestant (particularly Calvinist) elements in Hungary, see Nuremberg Document NG-5620.

239. Braham, *Eichmann and the Destruction of Hungarian Jewry*, loc. cit., p. 26.

240. See, for example, *Report of the Executives of the Zionist Organization and of the Jewish Agency for Palestine to the 21st Congress . . .* (Jerusalem, 1939), p. 76.

241. See Braham, *The Hungarian Jewish Catastrophe. A Selected and Annotated Bibliography*, loc. cit., p. 14.

242. Braham, *Documents*, Vol. II, pp. 833-892.

243. Jozef Lettrich, *History of Modern Slovakia* (New York: Praeger, 1955), pp. 62-66. Also R. W. Seton-Watson, *Slovakia Then and Now* (London: Allen and Unwin; Prague: Orbis, 1931), p. 63: "The transformation of Slovakia is one of the most remarkable pieces of cultural work which post-war Europe has seen."

244. Lettrich, *op. cit.*, pp. 115-116.

245. Livia Rotkirchen, *The Destruction of Slovak Jewry. A Documentary History* (Jerusalem: Yad Washem, 1961), Document 67. (The book is in Hebrew, with an English Introduction). This book is listed by Miss Arendt in her Bibliography.

246. Judgment in the trial of Dr. Vašek, Tn'ud 17/46/74, July 25, 1946. Available in *Yad Washem Archives* (Slovakian).

247. Judgment in the trial of Mach, Tn'ud 6/46, April 15, 1946. Available in *Yad Washem Archives* (Slovakian).

248. Testimony of Dr. T. Kovács and Engineer A. Steiner in the trial of Vašek, before the Bratislava People's Tribunal, Tn'ud 17/46/72 pp. 72, 74, 130. Available in *Yad Washem Archives* (Slovakian). See also Rotkirchen, *op. cit.* On five dramatic escapes of Jewish inmates from Auschwitz for the express purpose of telling the world what was going on there, see Erich Kulka, "Five Escapes from Auschwitz and Their Echo," *Moreshet* (Tel-Aviv), No. 3, December 1964, pp. 23-38 (Hebrew).

249. M. B. Weissmandel, *Out of the Straits* (New York: Emuna, 1960), pp. 63, 75 (Hebrew). See also Oscar Neumann, *Im Schatten des Todes: Ein Tatsachenbericht vom Schicksalskampf des Slovakischen Judentums* (Tel-Aviv: Olamenu, 1956), p. 138. The affidavit given by Wisliceny in Bratislava prison on November 18, 1946, reads: "with Engineer Steiner we drafted together the Europe-Plan" (T/285). See also Livia Rotkirchen, *op. cit.*, Document 102.

250. *La civiltà cattolica* (Rome), 1961, Vol. III, p. 10.

251. *Gutachten . . .*, *op. cit.*, 425 ff.

252. Anton Vašek, *Die Lösung der Judenfrage in der Slowakei: Systematische Übersicht der anti-jüdischen Gesetzgebung* (Bratislava: Globus, 1942), 162 pp.

- lish) and *Studies* (Hebrew and English). (The name of this institution derives from Isaiah 56:5.) The "Bibliographical Series" is a joint undertaking of Yad Washem and YIVO Documentary Projects.
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 7. Centro di Documentazione Ebraica Contemporanea (Milan, Italy). Special field of interest: History of the Jews under the Fascist regime in Italy. Maintains archives and a library. Publishes at irregular intervals *Gli Ebrei in Italia durante il Fascismo*, 1961 *et seq.*

The following non-Jewish institutes have shown a special interest in materials on the Jewish Catastrophe:

1. The Central Commission for the Investigation of Hitlerian Crimes in Poland (Ministry of Justice, Warsaw, Poland). Publishes a Polish-language bulletin.
2. The Western Institute: Scientific Research Institute (Ul. Chelmońskiego 1, Poznań, Poland). Scope of interest: Germany, present and past. Publishes, *inter alia*, *Western Review* (in Polish and other languages).

(Continued from front flap)

what actually occurred. Dr. Robinson does exactly that.

About the Author

DR. JACOB ROBINSON founded the Institute of Jewish Affairs in 1941 and was its director until 1947. He was special consultant on Jewish affairs to Justice Robert H. Jackson, Chief of Counsel for the United States in the Nuremberg trials of major war criminals. In 1946, Dr. Robinson helped organize the Human Rights Commission of the United Nations, at the special request of the Secretariat of the UN. From 1948 to 1957 he was legal adviser to the Israeli delegation to the United Nations; he drafted the Israeli-German Reparations Agreement and advised Israelis on questions of documentation and law in respect to the Eichmann case. He is presently coordinator of research institutes throughout the world maintained to study the Jewish Catastrophe. He has written numerous scholarly books and articles.

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