Eichmann: no ordinary defendant

Dossier d'histoire du temps présent presented by

Henry Rousso and Fabien Théofilakis
EICHMANN: NO ORDINARY DEFENDANT

Presented by Henry Rousso and Fabien Théofilakis
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"*Eichmann: no ordinary defendant*" is on line since 16 June 2011 in the series « *Dossiers du temps présent* » on the IHTP website.
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Dossier presented by

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The IHTP is putting a special dossier about Adolf Eichmann the *accused* on line to mark the release of the catalogue of the Eichmann trial exhibition, which the Shoah Memorial is hosting in partnership with it until 28 September 2011. The trial that opened in Jerusalem on 11 April 1961 has spawned countless historical, philosophical and psychological debates and analyses for half a century. Except for the essential works by Tom Segev, David Cesarani and Hannah Yablonka mentioned in the following articles, the literature on the topic wavers between an obsessive quest for the nature of the Evil lurking within Eichmann, in the wake of the analyses Hannah Arendt produced in the heat of the moment, and the repetitive insistence on the role of the Shoah victims who testified during the trial — granted, an essential point but one that is today largely covered by the historiography. Those divergent views reflecting the Shoah historiography's dilemma between whether to focus on the executioner or the victim ended up masking how much the trial's procedural and judicial dimension was key to understanding its underpinnings.

The research for the Paris exhibition, as well as a major work on Eichmann before Jerusalem that philosopher Bettina Stangneth has just published in Germany (which is discussed here), open up new perspectives. It is now easier to understand who Eichmann the defendant was, in other words the posture, motives and behavior of a man who had long been preparing for a possible trial in his Argentine refuge. Between 1956 and his 1962 execution, Eichmann wrote nearly 10,000 pages: reports, annotations to transcripts of voluntary interviews and an autobiographical novel in Argentina, and, in prison, revisions and corrections to his police examination transcripts, notes he took during the trial and several versions of memoirs. His many writings and oral statements make him, contrary to popular belief, an unusual defendant whose active participation in his own defense deeply influenced the course of the trial — an aspect overlooked in the historiography — and partly accounts for its success. This was the trial of the victims who testified, but it was also the trial of a criminal caught in a dilemma who would be involuntarily productive for posterity by masking his exact role in the genocide to downplay his responsibility while trying to take credit for "doing a good job".
The dossier includes exhibition commissioner Henry Rousso's catalogue introduction and two unpublished texts by Fabien Théofilakis, who did research in Germany: one on the unpublished notes Eichmann took during his trial, the other on Bettina Stangneth's book.

Vincent Auzas (a Ph.D. candidate associated with the IHTP) and Nicolas Schmidt (responsible of the publications at the IHTP) put this dossier on line. The authors wish to thank the Shoah Memorial for its help, in particular its director, Jacques Fredj, and Sophie Nagiscarde, Marie-Edith Agostini and Olga Karaskova.
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"Never had Israel lived the horror of the Holocaust as it did in those months (...) The terrifying stories that broke forth from the depths of silence brought about a process of identification with the suffering of the victims and survivors”


“On the one hand, the trial undoubtedly had a major part in forming my personality as a first-grader, and as a man today. It assured me in my self-confident Israeli-ness. He was confined in a glass booth and I was roaming free, walking past the People's House – now the Gerard Barda Center – on to school and back home. Sometimes I walked alone by the People's House, looked around and then spat toward the detainee behind the bulletproof glass, just to prove (almost) to him and to myself that I was not afraid. I liked my streets and trusted that the soldiers would guard the beast well and not let it roam the jungle and hunt me and my dear ones. I had a father from Germany, a mother from Hebron, and two sisters, all of us named after dead people whom we had not known. Today, I cannot escape the feeling that the glass cage has expanded so much that it confines us and disconnects us from the world, from the universalism and humanism that I wish to be part of.”

Avraham Burg, *The Holocaust is over; we must rise from its ashes*, Translated by I. Amrani, New York: Palgrave Macmillan, 2008, p. 127-128

« Retrouver les membres des Sonderkommandos n’était pas en soi tellement difficile. Ils étaient peu nombreux et connus, quelques-uns avaient témoigné au procès Eichmann. Le problème n’était pas de savoir comment les joindre, mais de les convaincre de parler, surtout de parler devant une caméra et une équipe de cinéma. Si d’aventure ils acceptaient, ils ne pouvaient le faire qu’en payant le prix le plus haut, c’est-à-dire en revivant tout. Et s’il s’agissait d’une tâche quasi-impossible. Le procès Eichmann ne pouvait m’être d’aucune aide. Je me convainquis, à la lecture de ses actes, que c’était un procès d’ignorants : les historiens avaient encore trop peu travaillé, le président et les juges étaient mal informés, le procureur Hausner pensait que les envolées morales et pompeuses suppléeraient son défaut de savoir – il confondait Chelm et Chelmo, entre cent autres erreurs -, les témoins en larmes faisaient une sorte de tour de piste qui ne permettait aucune récréation de ce qu’ils avaient vécu et la directivité scandaleuse du procès faisait porter injustement une grande part de la responsabilité et de la culpabilité aux Conseils Juifs. Ce fut l’origine d’une violente polémique entre Gershom Scholem et Hannah Arendt, qui avait suivi le procès et, dans son livre *Eichmann à Jérusalem*, montrait une partialité, une absence de compassion, une arrogance, une incompréhension de la situation dont il lui fit à bon droit le reproche. »

Henry Rousso  Thoughts on a historic trial

Three quotations, three different sensibilities and three categorical, antagonistic judgments that three figures of contemporary Judaism uttered long after the event illustrate the lastingly controversial character of an episode that should have led to some sort of moral, if not political, consensus: the judgment, 15 years after the war ended, before, therefore, any possible statute of limitations ran out, of a main player in the extermination of Europe's Jews, a crime without precedent in history whose singularity the immediate postwar trials did not address. The first judgment is that of a historian, Tom Segev, who did groundbreaking research on the memory of the Shoah in Israel; the second that of an Israeli politician and former Jewish Agency president and Knesset speaker Avraham Burg, who in the 1990s was in charge of the dossier of despoiled Jewish property. Both triggered fierce controversies by questioning the sometimes-excessive role the memory of the Shoah has played in Israel's domestic and foreign policy in recent years. Both recall that the issue came to the fore not when the State of Israel was created in 1948 but 13 years later at the 1961 Eichmann trial — not a trivial detail, for it underscores that the genocide was not decisive in the accession to statehood of Palestine's Jewish communities. The immense physical and psychological wound did not close in 1945. The Shoah did not become a place of national memory until after 1961, in a completely different context.

The third judgment raises another set of questions. When did the "return of memory" or increased awareness start, and how much did the Jerusalem trial truly transform the retrospective perception of an event that did not take on its veritable dimension until after it happened, not just in Israel but elsewhere in the world? How can a trial alter the representation of the past, collective memory, a national identity? Is it the best place to bear witness? Claude Lanzmann repeats some of the criticisms leveled against Hannah Arendt even though he shares her mistrust, 50 years later, of making justice responsible for safeguarding memory. Today it is still nearly impossible to speak of the Eichmann trial without mentioning her analyses, if only to refute them. The interpretation that has been made of them, in particular the often-misunderstood idea of the "banality of evil", has been a veritable screen, a necessary passage for getting at the truth of the event. Many prominent intellectuals or legal experts know about the trial only through her book. Much ink has been spilled over a viewpoint that with time has turned out to be incisive but partial.

The 50th anniversary of the trial, which opened on 11 April 1961, offers an opportunity to look back at the event through different eyes. Not that the time elapsed necessarily provides greater distance; on the contrary, as Avraham Burg's comments attest — the controversies over the Shoah in the Israeli-Palestinian conflict are fiercer now than they were 50 years ago — but because, at the time, the Eichmann case brought up new kinds of issues on the relationship between justice and memory, politics and history, issues that have become considerably more acute in the past quarter century. Contemporary conceptions of justice with multi-pronged political aims stemming from the need to judge Nazi crimes, which took shape during the Second World War and led to the first international tribunal in 1945, have spread around the planet since the fall of the Berlin Wall and the Soviet system, the demise of apartheid in South Africa and the end of military dictatorships in Latin America. Those
conceptions gave national or international penal action several simultaneous roles: *repressive*, to punish criminals; *reparative*, to contribute to the recognition of victims; *transitional*, to accompany the shift from war to peace, dictatorship to democracy, in particular through purge processes; *reconciliation*, to rebuild shattered national or regional unity; *memorial and historic*, to produce a record of the past event with the aim of educating present and future generations, especially through the documents and testimonials gathered. In many ways, the Eichmann trial can be considered the forerunner, if not an essential step, in that development.

In any case it was a seminal event whose impact has sometimes been forgotten with the emergence in the 1970s and 1980s, 10 to 20 years later, of a European and international consciousness of Nazi crimes, particularly the "Final Solution". It was not until well after the Jerusalem trial that the memory of the Shoah, and even memory period, became cardinal values of our epoch. It was not until half a century later that Western societies acknowledged the Nazi genocide's unprecedented nature and scale and faced a new imperative to remember, a demand for recognition from the victims and their descendants, an obligation of moral, political, financial and legal reparation — also an unprecedented situation. It was not until well afterwards that memory served as a model for the recognition of other genocides and mass crimes, and the trials of some of those responsible. And it is only recently that the right to remember has become inscribed in the panoply of "human rights".

**Politics**

The Eichmann trial was a political affair because it was Prime Minister Ben-Gurion who took the decision to capture him. When he announced the news to the Knesset on 23 May 1960, the deputies were dumbstruck. Their astonishment did not come from the capture itself: it was not uncommon at the time for former Nazis to be arrested and tried. In addition to the Allies' trials of Nazi criminals in Germany or other European countries, mainly in 1945-1949, from 1949 to the early 2000s the Federal Republic opened approximately 100,000 proceedings, of which 6,500 led to definitive sentences, almost all of them prison terms. The prosecutor's office launched around 17,700 of them on the basis of cases examined by the German Special Prosecutor’s Office for Nazi Crimes (Zentrale Stelle der Landesjustizverwaltungen zur Aufklärung nationalsozialistischer Verbrechen). The agency, created in December 1958, two years before Eichmann's capture, following international pressure, operated mainly after the Jerusalem trial, which served as a spur.¹

Nor did the surprise come from the fact that the accused was Eichmann, whose exact role in the "Final Solution" was little known. Rather, it was because Ben-Gurion's stunning announcement signaled a shift in Israeli policy. When a Mossad commando caught up with Eichmann in Argentina on 11 May 1960, it was not the end of a relentless manhunt. Neither before nor after 1948 did the Israelis make tracking down former Nazis a real priority. Eichmann had been spotted in Argentina as soon as he got there in 1950 but was not a target. Israeli officials were more preoccupied by their present enemies, the Arab countries, than their past foes. But a turning point came in 1959, perhaps due to the uncertainty after the Suez Crisis three years earlier, which politically turned to the advantage of its adversaries, including Nasser, the Egyptian leader. That is when Ben-Gurion decided to authorize an operation to capture Ricardo Klement, alias Adolf Eichmann. This was the first time the Jewish State took action and decided to punish, in a legal framework, one of those who wanted to wipe out the Jewish people. The trial was to be the first physical and symbolic face-to-face confrontation between one of the extermination's masterminds and the new Jewish State — an event laden with meaning but not without risks.

The trial was political because the Israeli government desired, organized and orchestrated it down to the slightest details in order to consolidate national identity and show the world that the young State alone was entitled, empowered and willing to defend the interests and memory of dead or living Jews throughout the world.

**Justice**

Eichmann was the only person sentenced to death and actually executed in Israel. Years later, another case made headlines when John Demjanjuk, a former Sobibor guard, was extradited from the United States, where he had fled after the war, sentenced to death in Jerusalem in 1988, but acquitted in 1993 on appeal due to lack of proof of his true identity. He was eventually brought to trial in Munich in 2009 and sentenced to five years in prison on 12 May 2011. This is not merely trivia. There is a huge gap between, on the one hand, the scope of the Nazis' crimes and the number of people who could and should have been
held accountable for them and, on the other, the number of sentences handed down in postwar Europe. For Israel, it is not a gap but a chasm: one man paid the price for nearly six million victims. The Jewish State launched no major proceedings after Eichmann.

On moral and political grounds, Israel chose justice instead of vengeance, although some Jewish resistance groups did advocate revenge in 1945. The option of vengeance, in other words summary, reactive violence with no possibility of appeal, that the Hebrew State meted out in other circumstances, for example against the members of the commando that massacred Israeli athletes at the 1972 Munich Olympic Games, was discarded. What act of vengeance could have been symmetrical? Yet a thirst for revenge overtook Israeli opinion when Eichmann was caught in 1960. Legal and political officials wanted not only to protect the defendant, who was enclosed in a bulletproof glass cage, but even more so to hold a trial that would be as fair as possible considering the event's exceptional character.

Consequently, Eichmann was granted a trial before an ordinary civilian court, the Jerusalem district court, and offered all the safeguards of free expression during a sufficient span of time: it lasted four months from 11 April to 14 August 1961, not including the sentencing hearings in December 1961 and the appeal in March 1962. The very feasibility of such a trial and the particular context of an "extraterritorial" judgment made it necessary to pass numerous laws, such as the one allowing foreign lawyers to plead in Israel — the lex Servatius, named after Eichmann's lawyer — and take special measures: the State paid the defense team and granted immunity to some of the German witnesses, former Nazis who were also subject to prosecution in Israel. Consequently, none of them made the trip to Jerusalem and their testimony was collected in the form of written depositions. The defense was given the possibility of filing its conclusions in writing and limiting its oral plea to the essential. Most of the trial's historians (see the bibliography) have pointed out a number of departures from formal legality, starting with the capture itself, which led to a half-hearted United Nations Security Council resolution on 23 June 1960 condemning the infringement of Argentina's sovereignty but acknowledging the need to try a criminal like Eichmann.

The rules were also bent in the exercise of the rights of the defense: Eichmann did not have a lawyer present during questioning; the prosecution used the testimony of some Nuremberg defendants, including Dieter Wisliceny, who had died in the meantime; and it even called a judge in that trial, Michael Musmanno, to the stand. Those technical and legal arrangements gave the prosecution an edge but alone could not cast doubt on the trial's fairness, especially since, as many observers pointed out, the three judges, starting with presiding magistrate Landau, played an essential arbitrating role.

The legal controversy actually broke out long before it was decided to try Eichmann under the 1950 law punishing Nazis and their collaborators, which until then had been applied in just 30 or so cases: Jewish survivors accused of "collaboration" with the Nazis, members of the Jewish police or Jewish councils in the ghettos, kapos in the camps, etc.² Eichmann was the first Nazi indicted under the law, which caused much ink to flow because

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it stretched certain legal principles considered intangible. It is a specific law applying only to facts occurring during the Nazi period and the Second World War, which article 16 defines as 30 January 1933-8 May 1945; it is, therefore, by definition, retroactive and applies to crimes committed outside Israeli territory. It authorizes the prosecution of crimes that have already been judged and makes it possible, if the motions are in writing, to depart from rules on evidence. Those innovations responded to the crime's unprecedented nature and the difficulty of fitting it into existing legal frameworks. The 1950 law took up old (war crimes) or recent (crimes against humanity) criminal categories, both of which were applied for the first time at Nuremberg, and created a new one (crimes against the Jewish people), which sparked many disputes but reflects the genocidal nature of the crimes against the Jewish people and, for the most part, is based on the 1948 convention on genocide being discussed at the same time but inapplicable to the crimes committed during the war because it was non-retroactive. It is the only one of the three charges that does not have a universal character because it is limited, by definition, to a singular crime: the Nazis committed war crimes and crimes against humanity against many other groups of people, and the Allies also committed crimes that could have been prosecuted under the same charges, but only the Jews fell victim to a systematic extermination plan throughout Europe, a "genocide" as Raphael Lemkin precisely defined it in 1943 to designate this unprecedented mass murder's unique nature. This singular criminal category gives Israel the legitimacy to speak on behalf of all Jews, living and dead, which again underscores the Eichmann trial's political dimension; this was the first time the law was applied to a senior Nazi official and not an "indigenous" collaborator. In addition, unlike later cases in France or Germany, such as the Barbie and Papon trials, there were no civil actions. The State, speaking for the victims, prosecuted, tried and convicted Eichmann. In a speech to the Knesset on 27 March 1950, Justice Minister Pinhas Rosen, who was still in office in 1961, justified the need for such a law two years after the creation of Israel. "This bill," he said, "is the expression of the revolutionary transformation that has occurred in the political situation of the Jewish people. Whereas other peoples enacted laws to judge Nazis and their collaborators shortly after and sometimes even before the end of the war, the Jewish people, the list of whose grievances against the Nazis is the longest and gravest of all, did not possess the political power that would have enabled it to bring the Nazi criminals and their collaborators to justice until the foundation of the State. It did not have the political power to request that those criminals be handed over for trial by its own courts, as the present bill provides. In that regard, things have changed. As we know, the Nuremberg International Military Tribunal judged the main Nazi criminals, who did not limit their crimes to a determined country, and their collaborators: at the time, it was thought, the other criminals would be tried in the countries where they committed their crimes and by the courts of the peoples against whom those crimes were perpetrated. We are one of those peoples, in fact the people that suffered more from those crimes than any other."

Rosen stated what for him was obvious: the new law would give Israel the legal means to punish the Nazis and their collaborators just as Poland, Norway, Belgium, Bulgaria and Hungary (the countries he mentioned in his speech) had punished the criminals who had

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3 CDJC archives, DXXVII-2. "Procès Eichmann, police israélienne, divers". Quotation translated from the French translation from the Hebrew, provided in 1961 by the Jerusalem District Court itself.
occupied their land and their accomplices. This directly descends from the decisions the Allies made at the 30 October 1943 Moscow Conference and the 8 August 1945 London agreement setting up the IMT, which recommended a division of labor between individual countries that would try defendants accused of committing crimes on their soil, and an international court that would judge more general crimes that were not perpetrated in a specific territory. Rosen recalled that in most European countries, special courts, such as courts of justice and civic chambers in France, carried out the purges, whereas the Israeli law calls for ordinary courts, which in theory gives defendants the best safeguards. That was the case for Eichmann. In that sense the law, which was passed as the purges were still under way in many European countries — in France the process came to a close with the 1953 amnesty act — the 1950 law helped make the State of Israel an ordinary country and the Jews a people like any other, except for the fact that they "suffered the most" from those crimes, an assertion that Poles or Soviets could contest. The charge of "crimes against the Jewish people", used against Jewish "collaborators", can be considered similar to the concept of "crime against the nation", largely used in the purge processes at the same time, starting with France, which in 1944 invented the crime of "national indignity" to punish collaboration with the enemy on a wide scale. Rosen's speech, which expressed the very essence of Zionism understood as the realization of a national project, anticipated what came next in the punishment of Nazis because it implicitly voiced the idea that defendants accused of crimes against the Jews in the framework of the "Final Solution" had scant chance of actually coming to trial if they were not questioned in the only country that really had an interest in doing so: Israel, the Jewish people's exclusive new representative. History has proved him partly right because in 1961 very few Nazi criminals were tried in Europe for the crimes they committed in the framework of genocide. However, Israel itself did not earlier seek to bring major criminals like Eichmann to justice and over a decade went by before the law's full import became clear.

Once the proceedings began, controversy continued on the nature of the indictment drafted by Attorney General Gideon Hausner, who wanted to emphasize all the suffering of the European Jews and judge the genocide in all its dimensions. The task was all the more complicated because it was challenged by the court, which wanted to keep the trial within acceptable bounds; the defense, which was concerned with keeping the focus on the defendant's actions; and Eichmann himself, who did not measure up to the role he was expected to play, although he actively participated in the trial. The controversy continued after the court sentenced the former Nazi to death and executed him: justice is not vengeance, but in some cases it does translate the desire to make criminals pay the supreme price and the need for cathartic violence. Here again, Israel merely followed the example, for a single case, set by European countries that sentenced thousands of Nazis and collaborators to death and executed them, often in conditions that were not nearly as fair.

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History

In any political trial where the charges often surpass the defendant's own responsibility and touch on large-scale criminal processes, the court must understand events that already belong to the past, and knows its decision might weigh on the national or international community's future. Both sides must have the opportunity to duly state their cases in relation to the charges. Only those concerning the accused must be examined in depth, and in theory the court must only hear the testimonies or examine the documents within that framework. In short, this kind of trial must be as ordinary as possible. But since 1945, when for the first time a whole political system was put on trial before a court, cases involving Nazism and, later, other criminal political systems, have produced, purposely or not, a legal and judicial narration of history. At Nuremberg, the events were recent, the passions and the ashes still hot, the protagonists still in the direct perception of the events under examination. In Jerusalem, time had already elapsed; the generations born during the war had reached adulthood.

Eichmann in Israel seemed like an unstable figure between a past that was often misunderstood or swept under the rug and a very different present, almost cut off from its roots, to the point where judges heard, for the first time in a courtroom, an American historian, Salo Baron, discuss the context of the 1930s and 1940s during the 24 April 1961 session, even though the trial's protagonists had lived through the period — all three judges were born in interwar Poland or Germany. By way of an introduction, Baron expressed the odd feeling he harbored. "I appear here as a witness, not an eyewitness or a jurist, but as a historian," he said. "It is known that a historian who studies contemporary history is always confronted with a double problem. The first problem is: Does one already have a historical perspective? Generally, one does not, until the passing of several decades, at least. The second problem is: Does one have documents? These are usually locked away and not available and one does not know about events that happened until 50 years later or more. It seems to me that precisely in this regard, there is a difference. The period before the Second World War is so remote from this generation, and sometimes so forgotten even by people who lived through it, that already, it seems to me, we have a historic perspective which usually is lacking in such cases. And with regard to documents, perhaps we are fortunate in that many of the German archives were captured by the Allies and many of them have already been published."

Baron brought up two ideas that are key for understanding the Eichmann trial's relationship to history: first, although less than a generation had gone by, the immediate postwar world, and in particular the world of European Jewry, seemed to belong to another era; hence the role attributed to the trial (and to the historian) of recalling not just the crime, but also the memories of what European Jewish life was like before the crime. That situation prompted a rift that Shoah historiography was to reflect in the following years: what is the most urgent and necessary story to tell? That of the criminals, Nazism and genocidal mechanisms? Or that of the victims, their destroyed and mostly vanished world?

5 Testimony of Salo Baron, session 12, 24 April 1961; the quote is from the beginning of his testimony.
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Second, like the Nuremberg trial, the Eichmann case was a turning point in the emergence of an interpretation of Nazism in general and of the extermination of the Jews in particular because of the mass of information gathered and discussed through the testimonies or documents collected. Contrary to a widespread cliché in the 1990s, few are the historical events for which so much documentation was accessible so quickly. But the interpretations expressed during the trial were dependent on, at least in the beginning, the historical references then available, in particular the Nuremberg records and the work of Léon Poliakov and Gerald Reitlinger. Raul Hilberg’s seminal work, *The Destruction of the European Jews*, the first edition of which was published in 1961, was still unknown. The vision of history expressed at the trial has the "Final Solution" starting with the invasion of Poland in 1939 or even earlier, with the forced emigration in which Eichmann played a key role. The extermination of the Jews was seen as a rational centralized policy implementing a premeditated plan following a long-formulated criminal intention with no real connection to other extermination policies. That is the framework in which the prosecution sought to prove that Eichmann was "the architect of genocide", assuming that all the initiatives went from the centre out to the periphery. That thesis underestimated the role of chaos in the Nazi-occupied Eastern territories and of the local initiatives in 1941-1942 that were to lead to the decision to kill every European Jew. Other countries’ collaboration was not a key issue: the Frenchman Georges Wellers mentioned Vichy's responsibility in arresting Jews during the Vél’ d’Hiv’ roundup, managing the Drancy camp and deporting children, themes that became places of memory in the 1990s, but the information elicited no particular reactions, including in France. *Le Monde* devoted a quarter-page to it on 10 May 1961 (the story made the cover of the German magazine *Bild* the next day), and just a few Communist Jewish Resistance fighters accused Wellers of underplaying the responsibility of French collaborators.

The Eichmann trial brought up thorny issues involving the persecutions' history as well as the history of Zionism. In one of history's ironies, the only Nazi official ever tried in Israel was also the only one who had close contacts with Zionist organizations, in Berlin and Vienna in 1937-1938 and in Budapest in 1944, when Eichmann was overseeing the extermination of Hungary's Jews, a paroxysmal spasm of Nazi violence and efficacy. Several witnesses recalled those episodes, including Franz Meyer, Pinhas Freudiger, Joel Brand and Hansi Brand. The trial spent much time on the Kasztner affair, which was still fresh in the minds of Israelis and everybody involved in the case. Kasztner, a Hungarian who led a rescue network, tried negotiating with Eichmann to save Jews bound for death in exchange for trucks that would be delivered to Germany via the Jewish Agency in Palestine. In 1952 Kasztner, living in Israel by then, was denounced as a "collaborator". Three years later, in 1955, he lost a libel suit. Benjamin Halevi, one of the three Eichmann trial judges, wrote the decision, almost explicitly accusing him of having collaborated. He was

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assassinated in Tel Aviv in March 1957. In January 1958 an appeals court quashed the first judgment, ruling that Kasztner had indeed been the victim of libel and was therefore innocent. The memory of that tragedy, which shook Israeli public opinion and politicians, hovered over the Eichmann trial and justified the comparison with postwar Europe: the prosecution of Nazi criminals stirred up less passion than the trials of real or imagined indigenous collaborators. But there was a big difference: the Jewish "collaborators", not to mention the members of the Jewish Councils that were extensively discussed at the trial and sparked fierce controversy after Arendt's book came out, were often themselves sent to their deaths. There is no way their situation could be compared to that of the European elites who threw in their lot with Nazi Germany, or the French, Dutch and Hungarian fascists who sided with the Reich out of ideology. That might seem obvious to us now, but it was not in Israeli society at the time.

The Eichmann trial was the first of its kind where the initiators also sought to produce a controlled, finalized narrative of history. In that sense, its contribution to the history of Nazism is real, although biased. It offers a coherent, but not comprehensive, account of the "Final Solution" by covering the forced emigration policy (1937-1940), the mass executions in the East (1941), the establishment of the first death camps and the earliest deportations (1941-1942), the application of the "Final Solution" in various countries, including France and, especially, Hungary, where Eichmann played a decisive role, as well as Jewish Resistance movements, a chapter Attorney General Hausner deliberately added, in consultation with Ben-Gurion, in order to nuance the effect on young Israelis of the dark toll of millions of innocent, defenseless civilians led to their deaths like sheep to the slaughter. Not all of those episodes had a link to Eichmann, but they fulfilled the needs of a trial conceived of as a history lesson — the first of its kind. The narrative relied on numerous documents, many of which were unearthed for the trial, hundreds of witnesses' individual accounts and exceptional testimony from inside the Nazi machine: that of the accused himself. To what point Eichmann was an uncommon defendant has not been stressed enough. That is probably due to a faulty interpretation of Arendt and her thesis on the "banality of evil", which generations of sometimes-uninformed commentators have tirelessly taken up.8

In addition to his importance in the structure of the extermination apparatus and his ties to Zionist organizations, Eichmann was one of the few chatty Nazis after the war. Arendt does not take that into account when she calls him an "ordinary man", a passive defendant, even a "clown".9 Research carried out for the exhibition has helped to establish that between 1956 and 1962, in Argentina and, later, Israel, Eichmann wrote or corrected nearly 8,000 pages of oral transcriptions, a huge task. They include reports, fragments of memoirs,

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9 Ibid. According to Raul Hilberg, Arendt, after coming and going, left Jerusalem three days before the questioning of the defendant began on 29 June 1961. She therefore missed the trial's second phase, when Eichmann was at the centre of the debates and spoke at length, whereas he had spoken little until then for procedural reasons. See The Politics of Memory. The Journey of a Holocaust Historian. Chicago: Ivan R. Dee, 1996. Hilberg did not cite his sources but during a conversation I had with him when The Destruction of the European Jews came out in French in 1988, he told me he had consulted Arendt's passport in her personal archives: a sort of revenge for her negative opinion of his book when it came out in 1959 — and which she abundantly used afterwards!
interviews with the former Nazi Willem Sassen partly used during the trial and even a novel the defendant wrote in Argentina. We found the original handwritten version of an already known 1957 text: "My statement concerning 'Jewish Questions and the German Reich's National Socialist government's efforts to solve the whole complex of issues in 1933-1945'". It clearly appears that part of the text, shown in the exhibition, was intended as an "open letter" to Chancellor Adenauer that apparently he never received. This information is new. Today we know that some of the writings were intended for a work that would have been a rough outline of the defense; Eichmann wanted to return to Germany, even if he had to be tried there. It is therefore easier to understand why Eichmann was a particularly active defendant in Jerusalem, participating in a trial for which he had probably been preparing for years. Another important find confirms that aspect: the notes he took in his glass cage day after day, unknown to historians until now, that round out other texts produced in Israel, in particular his annotated police examination and two versions of his memoirs.

10 The excerpts from Eichmann's various writings reproduced in the exhibition are in the Bundesarchiv of Koblenz, Germany; a private collection, Nachlass Adolf Eichmann N 1497; and a collection containing the papers of his lawyer, Robert Servatius: Eichmann- Prozess All Proz 6 1960-1963. They were analyzed by historians, including Christian Gerlach, "The Eichmann Interrogation in Holocaust Historiography", Holocaust and Genocide Studies, vol. 15, no. 3, winter 2001, pp. 428-452. See also Irmtrud Wojak, Eichmanns Memoiren. Ein kritischer Essay. Frankfurt: Campus Verlag, 2001. Eichmann's autobiographical novel, Roman Tucumán (named after the Argentine province where he lived), is in his heirs' possession. We were unable to consult it.

11 Betrifft: Meine Feststellungen zur Angelegenheit "Judenfragen und Massnahmen der nat. soz. Deutschen Reichsregierung zur Lösung dieses Komplexes in den Jahren von 1933 bis 1945", a 69-page text used during the trial ( All Proz 6/111). The original version, whose 11 handwritten pages were intended for Adenauer, was unknown (N 1497/90). Historian and philosopher Bettina Stangneth also found this document, which she puts into the context of Adenauer's Germany in an essential book published in April 2011, at the same time our exhibition opened. She says Eichmann started writing a book, Die anderen Sprachen, jetzt will ich sprechen!, of which the "Betrifft" made up the central part. See Eichmann vor Jerusalem: Das unbehelligte Leben eines Massenmörders. Zürich-Hamburg: Arche Literatur Verlag, p. 277-281.

12 All Proz 6/165-177. These were several handwritten notebooks in which Eichmann commented on the witnesses' testimony, the prosecutor's statements, some of the historical research mentioned, etc. We were unable to extensively comb through these exceptional documents for lack of time but provide excerpts. We also have the transcripts of Avner Less's examination of Eichmann, a partial version of which, to be handled with caution, was published by Jochen von Lang (Belfond, 1984) and two versions (short and long) of the memoirs he wrote in prison, which are in the Israeli State Archives: Memoiren (A 3001/7) and Götzen ("Idols") (A 7967). They were made available to the public for consultation only.
Memory

The Eichmann trial was undoubtedly a milestone in the emergence of a collective memory of the Shoah in Israel. Here the term is used in the traditional sense of Maurice Halbwachs, in other words a set of social representations at the crossroads between shared individual memories and an official narrative for the purpose of forging unity, "the historical memory". The crime's traces were obviously present as soon as the first death camp survivors began straggling back home in 1945-1946, but the political investment in the trial in 1960-1961 helped produce the first official account intended for sharing between, on the one hand, the generations who lived through the tragedy, and on the other those born after the war and Jews from outside Europe, such as Sephardic Jews from the Arab countries. That memory had a face: the 110 witnesses who took the stand, all but two of them Jews (Pastor Grüber and Judge Musmanno), out of a total 118 planned, in addition to 16 defense witnesses, all former Nazis whose depositions were taken in Germany. Their words, broadcast on the radio, echoed like voices from a past on which the young Hebrew State wished to turn its back. That is the event's best-known and most commented-upon aspect. Several people wrote or testified about it afterwards in other contexts. And yet for all that, can the Eichmann trial be called a decisive turning point? That question makes sense today only if what the memory of the Shoah has actually become in the last 20 years is taken into account. First, the very notion did not emerge as such until the 1980s; the terms "collective memory" and "memory of the Shoah" were seldom used before then. The increasing value put on memory; the involvement of civil society; the emergence of national and international public policies; and the steady demand for survivors' testimonies (as opposed to their spontaneous production) are recent phenomena, emerging long after the trial, which have taken on an importance that was still unimaginable in the 1960s.

13 On this point see Hanna Yablonka, *op. cit.*, p. 189 sq.
14 These figures come from official trial documents available at the CDJC.
15 Claude Lanzmann filmed several Eichmann trial witnesses for his documentary *Shoah*: Michael Podchlewnik, Shimon Srebrnik and Yitzhak Zuckerman, who appear in the final cut, and Joel Brand, Hansi Brand, Abba Kovner and Ada Lichtmann (information provided by Rémi Besson, who is completing a thesis on the film's history).
In the 1960s former Nazis and collaborators were convicted in a new wave of trials, those in Frankfurt (1963-1965) and Stuttgart (1969) being the most famous. Next came the trials in Cologne of the Sipo-SD officers in France, including Theodor Dannecker, Eichmann's man in Paris (1979-1980), the Klaus Barbie trial in Lyon (1987), the Versailles trial of the militiaman Touvier (1994) and the Maurice Papon trial in Bordeaux (1997-1998). These cases, which often had the action of the Ludwigsburg Special Prosecutor's Office or survivors' organizations like Beate and Serge Klarsfeld's Association of the Sons and Daughters of the Jewish Deportees of France in common, have gradually raised courtroom testimony to "vectors of memory", giving witnesses and victims a central place they did not have in the postwar proceedings or even the Eichmann trial, where no civil parties were allowed to join the prosecution's case.

The Eichmann trial, therefore, was probably an essential step after Nuremberg and, as many commentators have pointed out, very different from it. Genocide was not the focus at Nuremberg. Was that possible at a trial where Nazi policy as a whole was being judged? The series of Allied trials had a collective dimension, essential for understanding the Third Reich's key strategic decisions: the annexation policies, invasion of Poland, plundering of occupied Europe, forced labor, etc. The Eichmann trial, in contrast, focused on the "Final Solution" through the career of a single individual. Lastly, although witnesses played an important part at Nuremberg, they were less prominent than in Jerusalem, where their testimony was one of the trial's _raisons d'être_. And yet, it is hard to argue that the trial alone ushered in an "era of the witness": survivors took the stand more to testify on behalf of the dead than to accuse the executioner of the crime of which they were victims.\(^{16}\) Mass testimonies following episodes of extreme violence first appeared during and after the First World War, in particular in the writings of officers and soldiers — a new phenomenon resulting from the thresholds crossed by the conflict's cruelty. A small number of Shoah testimonies emerged as soon as the Second World War ended, which brought up another set of questions, extensively debated for 30 years, about their reception and assimilation, a process that cannot be reduced to merely counting the writings published before the 1960s. Moreover, there are major variations: Primo Levi's _If This Is a Man_, which came out in Italy in 1947, met with little notice at first, whereas _The Diary of Anne Frank_, published posthumously in Holland the same year, became a worldwide bestseller. Lastly, the judicial symbolism of courtroom testimony — the swearing-in of witnesses, examination and cross-examination (for tactical reasons or modesty or both, Eichmann's lawyer abstained from that possibility), testimony's public nature and implications for the case being tried — give it a singular character, especially in Jerusalem. It is not so much the "deposition" that draws attention and constitutes a "place of memory" as the substance and tone of the testimony itself and, even more so, the singularity of the discourse: in that regard, it is significant that most of the filmed images of this kind of testimony, whether at the Eichmann or the Barbie trial, were afterwards abundantly used, in particular in educational settings, as isolated clips detached from their judicial context, as if that context does not really matter.

The transformation of justice into a vector of memory has changed the balance of power within the courtroom. In any case, it is concomitant with a major shift in contemporary criminal justice: the importance granted to the victim. In a way, it may be said that in the

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long run the Eichmann trial marks the transition between the era of the witness, which began with the 20th century's first catastrophe, and the era of the victim, which lastingly took shape with the emergence of the memory of the Shoah in the 1980s and 1990s — and put an end to the heroic, patriotic wartime and postwar culture that Israel and the European countries developed immediately after the Second World War.\textsuperscript{17}

The trial established a public account of the Shoah in Israel. It helped awaken Jewish memory worldwide, especially in the United States, although recent research has tried to show that a memory of the Shoah already existed within the American Jewish community, which has many survivors in its ranks, as soon as the war was over.\textsuperscript{18} It resonated in Germany, rife with contradictions between the official desire to move on and the young generations' increasingly relentless pressure to reassess the past. However, it would be a mistake to mix up the global dimension of the event, which mobilized the international press, at least in the beginning, and the scope of the consciousness it may have raised outside Jewish communities and the countries involved. The trial did not draw notice in the Communist bloc, except the German Democratic Republic, which sought to use it against the other Germany. In Egypt, Lebanon, Syria and Jordan, which had a huge number of Palestinian refugees — then in the midst of a psychological and political battle against Israel— the perception did not have the same tone as it did in the Western countries, although, but for completely different reasons, that question became a major, lasting political issue. Despite some variations, and in a press largely under government control (except in Lebanon), the themes almost exclusively had to do with political propaganda and took no interest in the historical facts in play. First, they challenged Israel's illegitimacy to try Eichmann or the violation of Argentina's sovereignty. Then appeared the idea of complicity, if not equivalence, between Nazism and Zionism, with the press exploiting the Kasztner episode. This is also when the comparison between the Shoah and the Nakba, the catastrophe of the Palestinian people, began to spread, especially after an Arab League directive asking that point to be emphasized, even though the trial testimony revealed day after day the utter impossibility of making such a comparison. Many articles and cartoons contested the crime's scale or, in a contradiction of postwar anti-Semitism that frequently rears its head, evinced open sympathy for Eichmann, "who had the honor of killing five million Jews" but criticized him for "not finishing the job".\textsuperscript{19} The trial also gave Israel an opportunity, in many official speeches, to recall the wartime presence in Germany of the grand mufti of Jerusalem, Hadj Amin al-Husayni, one of the main Palestinian leaders, and his ties to Eichmann, which Attorney General Hausner mentioned, using logic having more to do with the situation in the 1960s than with the those facts' relevance to the crimes of which the defendant stood accused.\textsuperscript{20} The mufti's overt collaboration with Nazi Germany was based on the idea "the enemy of my enemy is my friend", the enemies being, on the one


\textsuperscript{20} Meir Litvak, Esther Webman, \textit{op. cit.}, pp. 297 sq.
hand, the British, against whom he took the same nationalistic stance as other independence militants who had contacts with the Reich (such as India's Subhas Chandra Bose and some Egyptian activists); and on the other the Jews, who sought to set up a Jewish State in Palestine. The historical analysis is inextricably caught up in a process of using the past. The originality lies in the symmetry of the accusations made to denounce, on the one side, the Zionist foe (and its "ties" with Eichmann) and, on the other, the Palestinian enemy and its "collaboration" with the Reich. But the processes cannot be compared to each other: the intention of the Shoah was to kill all the Jews, and the Palestinians of 1960 could not be held collectively responsible for what the mufti did in 1941.

The Eichmann case played only a marginal role in France. It mainly found an echo amongst Jewish survivors or Resistance fighters and the Contemporary Jewish Documentation Centre, which sent documents and one of its members, Georges Wellers, to Jerusalem to testify. The trial started a week before the generals' putsch in Algiers on 23 April 1961, and Eichmann was executed two months after the Evian accords were signed on 19 March 1962, just as the repatriations from Algeria to France reached their peak. The French press covered the event, and already or soon-to-be famous intellectuals (Joseph Kessel and Robert Badinter) discoursed about its importance, but it had little impact on collective representations of the Shoah, which sparked debates on a regular basis, although not nearly as much as two decades later in the 1980s. In the early 1960s memories of the Occupation were less raw but still fresh in everyone's minds. Official choices aimed at a partial desire to forget and, above all, reconcile with the hereditary enemy: six months after Eichmann's execution in December 1962, on the eve of the January 1963 Franco-German Friendship Treaty, General de Gaulle quietly ordered the release of Karl Oberg, the German police chief in France, and his assistant, Helmut Knochen. A military tribunal had sentenced both to death in 1954 but they were reprieved and spent nearly 20 years in French prisons. Twenty-five years later, in 1987, one of their subordinates, Klaus Barbie, was sentenced to life for crimes against humanity, while, 32 years later, in 1994, an obscure collaborator, militia member Paul Touvier, received the same sentence. True, those sentences were only made possible by a December 1964 law abolishing the statute of limitations for crimes against humanity, passed after the Federal Republic of Germany announced a possible statute of limitations on Nazi crimes in 1965, which was eventually rejected. But Oberg's and Knochen's direct, major involvement in the deportation of 76,000 Jews from France was never an issue in the decisions to release them and to abolish the statute of limitations for some of their crimes. The figure had not even been established yet at the time; it would be in the 1970s by Serge Klarsfeld's and the CDJC's research. The debate involved what to do with individuals who had committed crimes against Resistance members, civilians and Jews of course, but there was no emphasis on the Shoah's singularity, even though that was the heart of the Eichmann trial, a still-recent event.

The trial's impact, then, varies less depending on the places where Nazism left indelible traces than on the relationship of countries and national opinions with Israel, the various Jewish communities' configurations, the circumstances of the countries involved or the history of their own national memory. There is neither a mechanical relationship between the trial's inherent importance and its role in the long-term formation of a memory of the
Shoah, nor a linear evolution in the emergence of that memory. The trial was a focus, an undoubtedly decisive moment in raising awareness, at least in Jewish communities. But it did not become a lasting feature in the landscape of memory until much later, in another context and through the action of other generations.

Electronic reference:

© The Mémorial de la Shoah, Henry Rousso, and Glenn Naumovitz for the translation.
Eichmann's writings in Argentina (1956-1960)
Testimonials for a National-Socialist History

Fabien Théofilakis

Many books have come out in this, the 50th anniversary year of Adolf Eichmann's trial in Jerusalem, but none has the pathbreaking scope of the work Bettina Stangneth published after 12 years of research on Eichmann before Jerusalem.

Since the works by Randolph L. Braham and David Cesarani, there have been solid biographies that, like the latter, analyze the SS Eichmann in light of recent advances in research on Nazism and its destructive violence. The work of Hannah Yablonka and Tom Segev has put the trial back into the more or less tight framework of an Israeli perspective, showing how it was a seminal event in the young State. Those studies could rely on a relatively stable, although by nature sometimes inconclusive, body of documents that Eichmann wrote or produced. The texts he drafted in Argentina that were revealed during the trial include his 1957 "statement" on the "Final Solution"; the "Sassen interviews" of the same year, known in their more or less complete versions; and the work edited by Aschenauer, *Ich, Adolf Eichmann. Ein historischer Zeugenbericht*, published in 1980 and presented as his memoirs. The writings he produced in Jerusalem after being captured include hand-written annotations to the 3,564-page preliminary police examination transcripts; a 474-page deposition before the court; the 127-page first version of his memoirs, *Meine Memoiren*, dated June 1960; and a second, 1,206-page version, *Götzen* ("Idols"), dated September 1961 and made public in 2000.

Stangneth has unearthed a veritable lost continent — the *Argentinien-Papiere* — and mapped out a new cartography of the archives on Eichmann by collecting all the SS fugitive's statements in Argentina, methodically describing the context in which they were written, presenting the many players, and sometimes co-authors, of Nazi discourse after the defeat, tracing their escape networks and dissecting their social networks. She casts new

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6 Pieced together from three sets of archives, the Argentine papers include the Sassen interview transcripts and Eichmann's remarks on them, approximately 100 pages, plus the surviving tapes; a 107-page manuscript with the programmatic title *Die anderen sprechen, jetzt will ich sprechen (The Others Have Spoken, Now I Will Speak)*; several attempts at introductions; accompanying notes; around 100 sheets of comments on books; and a 260-page autobiographical account, *Roman Tucuman*, which has only been seen by the heirs, who own it. A comprehensive chronology of Eichmann's writings appears at the end of the book (pp. 633-635).
light not just on Eichmann's life from the time he joined the SS to his face-to-face confrontation with the judges in Jerusalem, but also the perception of the postwar Eichmann phenomenon by National Socialist circles, those who tracked him, and German officials. Her work does not only allude to Hannah Arendt's *Eichmann in Jerusalem*, but offers to reverse the focus of the analysis and try to understand the defendant starting with the time he became a refugee in Argentina.

Stangneth, a philosopher who wrote a notable thesis on anti-Semitism in Kant, visited nearly 30 archives in Germany, Austria, France, Switzerland, Poland, Russia, Chechnya, the United States and Israel, consulted the Nazi, Jewish and international press from 1937 onward and conducted many interviews to put the puzzle's missing pieces together. Her 656-page book is the culmination of a painstaking investigation where the relationship between past and present seems rather loose. It is not strictly chronological but shifts back and forth between the present of the trial and the past of the accused, the narratives of the 1950s and the Nazi genocide. The overall structure makes the interaction between time and space visible. An uneven distribution of the sub-parts reveals continuous reflection on the sources and the methodological issues their exhumation raised.

The introduction spells out the project's scholarly aim before three main parts structure the analysis of all the pieces available and the problems they bring up. The first (110 pp.) focuses on the construction of Eichmann in the service of the Nazis' plan to re-organize Europe on a racial basis. Stangneth shows how from 1937 on the SD (*Sicherheitsdienst*, the Nazi party security service) officer toiling in the shadows became a *Judenreferent*, turning him into a symbol of the "Final Solution". Part two (96 pp.) finds Eichmann in Argentina, from the time he arrives until he joins expatriate Nazi networks. Eichmann exemplifies a fairly common case of solidarity among former Nazi comrades in Argentina but occupied a special place in the small world of National Socialist exiles in Buenos Aires. Part three (156 pp.) analyses and contextualizes the April to November 1957 interviews with Willem Sassen, a former Dutch Waffen-SS who in Argentina became a journalist with close ties to the Perón government. Stangneth deeply analyses the entire discourse — over 1,300 pages as well as various other writings — placing it for the first into its context in order to show how Eichmann remained an unrepentant Nazi, in counterpoint to the unassuming defendant who played the part of the "cautious bureaucrat" in quite another setting four years later.

The author also puts the writings back into the context of a better-known historical narrative in three brief chapters: the false leads locating Eichmann in the Middle East; the post-1958 period and the end of the Sassen project with the discovery of his true location; and the attitude of the accused when the roles were reversed in 1961. The book ends with a
critical reflection on the Sassen interviews' dissemination and reception after Eichmann's arrest in May 1960.

Stangneth's approach, which is unusual for historians, participates in the process of discovering and re-interpreting the main source, the Sassen interviews, by offering logical scansions differing from those that are customarily the case, such as chronological order, and by shifting the analysis towards more plus psychological considerations and a use of the text that does not necessarily follow traditional methodology. She offers a fresh look at the Eichmann phenomenon by asking readers to think with her about unanswered questions or unresolved issues. Her analysis is based on a thorough command of the historiography of Nazism, demonstrated by 1,215 footnotes and approximately 10 pages of bibliography. However, the book does have some overlong passages, repetitions and obvious comments. It would have benefited from the use of a historian's analytical framework.

Nevertheless, the establishment of this corpus and Stangneth's interpretation of it change Eichmann's traditional image and require us to re-read all the known writings. She convincingly traces the stages in the construction of the SS Obersturmbannführer into a "symbol" of how the "Jewish question" was addressed. She points out the consistencies in Eichmann's psychology before and after the defeat, shattering the image of a man who, sitting in his glass cage in Jerusalem, passed himself off as "a mere little cog in Adolf Hitler's extermination machine" and, following the war, led the life of an ordinary, apolitical, anonymous citizen freed of all anti-Semitism. On the contrary, she demonstrates that one reason for Eichmann's swift rise in the SD apparatus and the scope of his power beyond any institutional legitimacy lay in his ability to rely on self-promotion and lies to climb the rungs and make it look as though he had center stage in the decision-making apparatus, eventually becoming "the face of Hitler's Jewish policy" (p. 33) to his victims as well as his colleagues (and rivals). Although his department had many names, it was referred to as "Eichmann's section" and "Eichmann's special kommando" until the Nuremberg trial. As the "Jewish expert", he became indispensable to Heydrich and Himmler, using his close ties with them to increase his influence in occupied Europe. "For a long time," Stangneth concludes, Eichmann "was much more than a physical person. His name had become the embodiment [of Nazi terror] and, therefore, also a guarantor of that power, to which [the victims] were delivered, and in doing so what mattered was no longer who really embodied it and who profited from it with violence" (p. 62).

The Argentine archives demonstrate how much Eichmann hated anonymity and yearned to embark on a second career as an Obersturmbannführer ausser Dienst (retired), an expert on history and the Jewish question; shedding his notoriety and blending into the crowd
were, therefore, not the least of his achievements. The various texts show that in 1957 Eichmann was still a fanatical Nazi who never gave up waging total war against "the Jew". Only final victory could prevent the end of the German people. In that context, words become the new weapons that the "patriot" had at his disposal to defend "the voice of blood". In Argentina, he used them to orchestrate his own role, giving him control over the judgment of history. His frantic output reveals not just a desire to justify himself, but also the pleasure he took in demagoguery and presenting unbeatable arguments that would leave others no choice but to come around to his point of view. "Whoever wants to interpret the literature of justification that is Eichmann's Argentine archives," writes Stangneth (p. 259), "must not expect to find a straight road to revelations about the historical events because the man who wrote them to vindicate himself is neither a historian nor a reporter. What is more, a man who 'thinks' publicly with such a clear stake in mind is not even a reliable witness because every date and detail can be a lie. The only reliable testimony here is simply his thought pattern, which inevitably is betrayed in every writing, including the lies, because a human being must build falsehood on the edge of the cliff he considers the truth." To wage that new war, Eichmann read a considerable amount to become sufficiently well-versed in "the enemy's literature", in other words scholarly works on the topic, with the aim of erecting a new scaffold of lies that would be as credible as possible. The outcome is a unique style tinged with bureaucratic language, Nazi jargon and outlandish compound words.

*In fine*, such a Herculean effort by Eichmann the refugee, carried on increasingly overtly, only makes sense in the reconquest strategy that the Argentine archives reveal: it was in preparation for a return to the Federal Republic of Germany. Eichmann's efforts to clear his name, starting in the mid-1950s, fit in with his intention to go before a German court, get a relatively weak sentence and pursue political activity. That is probably one of the book's most important revelations. One of the most astonishing pieces of evidence is an unpublished version of the "statement" on the Final Solution Eichmann wrote in 1956, in which he "objectively" presents the Third Reich's entire "Jewish policy" and the role he played in it. The true addressee of the version presented at the trial was unknown at that time. In the version Stangneth found, Eichmann wrote in pencil that it was actually an "open letter to the Federal Chancellor". Eichmann intended to send it to Konrad Adenauer to pave the way for his return to Germany, even if it meant having to stand trial there. That revelation created quite a stir when Stangneth's book came out in April 2011.

In tracing the origins of the Argentine corpus, Stangneth returns to the circumstances surrounding them and broadens the investigation to the players, from accomplices to

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7 See footnote 5 for the exact title. The first pages, which we also discovered, were on display in the "Judging Eichmann, Jerusalem 1961" exhibition at the Shoah Memorial in Paris.
opponents, involved in Eichmann's South American exile, offering studies of postwar figures such as Simon Wiesenthal and Fritz Bauer, a group (the Dürer-Verein) and a State (the Federal Republic of Germany). In 1957 the former SS officer's personal crusade found an echo in the political aspirations of a group, the Dürer-Verein, revolving around Eberhard Fritsch, who owned a publishing company that put out the far-right periodical Der Weg-El Sendero (16,000 illegal subscribers in Germany in 1953); Hans-Ulrich Rudel, a Second World War flying ace who ran a mutual aid network for comrades in need; and Willem Sassen. They shared with Eichmann the political dream of a second Nazi seizure of power leading to the construction of a new Germany based on visceral anti-Semitism. But first it was necessary to destroy "the lie of the six million" (Der Weg) and address Hitler's responsibility and the practical implementation of the extermination of the Jews in order to rehabilitate National Socialism. Eichmann's revisionism qualified him to take part in the discussions on two counts: first, his subordinates' statements at Nuremberg confirmed his reputation as the statistician of the "Final Solution"; second, unlike the other participants, only Eichmann had an insider's experience and overview of the destruction of Europe's Jews. He alone was alongside Himmler, Göring or Heydrich. For the Sassen interviews, Eichmann became the "main witness", the "expert", who, "in a world of liars" could "tell the truth, in other words that things did not happen the way they were depicted at Nuremberg" and that "the Jews' had made up the tale of mass murder on that scale" (p. 191). The collective project was to result in a book based on the interview transcripts, where no name was to appear.

Stangneth pieces together the interview sessions with Sassen, who, like a schoolteacher, gave Eichmann reading assignments; the strategies attempting to refute the increasingly indisputable evidence amassed by a growing body of historiography (quotations account for over 10% of the Sassen interviews); the participants' commitment to the operation's success; and the excessive efforts of Eichmann, who almost forgot why he had been summoned. For example, in relation to a passage in American historian Gerald Reitlinger's 1953 book The Final Solution he wrote "[Reitlinger] says 65,000, I say 40,000, so let's make it around 50,000".

The contradictions here reveal Eichmann's dilemma: he wanted to revise history by downplaying the Shoah's scope and impact while at the same time sought credit for his role in it. During one interview in which he said he intended to tell the "truth", Eichmann, as a die-hard National Socialist and "fanatical fighter for the freedom of [his] blood", regrets,

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8 Bundesarchiv, Koblenz, All Proz 6 / 107, Sassen interviews, tape 53, p. 11.
despite his best efforts, failing to accomplish his mission, in other words the extermination of 10.3 million Jews.

Officials in the Federal Republic of Germany (FRG) knew of Eichmann's whereabouts as early as 1952. Their reaction to the case is another rich vein Stangneth mines. The lack of public reaction, connivance of some agencies headed by former Nazis and inaction of officials, who had an interest in avoiding a trial where Eichmann would talk, call Adenauer's *Vergangenheitspolitik* into question and cast doubt on whether the FRG's foundation truly was a break with the past, as the collective work *Das Amt und die Vergangenheit. Deutsche Diplomaten im Dritten Reich und in der Bundesrepublik* has just recalled. "Eichmann before Jerusalem is a story of missed opportunities to make a real new start by ensuring that justice was done in Germany," Stangneth writes. "If we want to understand, this story forces us to face the question of knowing to what extent the structures of the 'Third Reich' survived. How could we have defeated Nazism with a new State without having new men at the helm?" (pp. 19-20). Stangneth believes the question is still valid today because the archives of the German secret services and *Bundeskriminalamt* remain closed, making it impossible to know who did what and when.

*Eichmann vor Jerusalem* methodically shows how much the Argentine texts help to analyze the breadth of Eichmann's manipulations and the extent to which he made lies and disinformation his strategy of attack and, later, defense. Above all, it responds to Arendt's book by uncovering the man behind the many masks the Nazi officer brilliantly wore to conceal his true nature. The Argentine episode also sheds light on the hitherto hidden artifices of Eichmann's game: Stangneth proves how much the Sassen interviews — the former SS officer's command of Shoah historiography, manipulation of half-baked statistics or attitude best adapted to his defense, that of the cautious bureaucrat — laid the groundwork for the trial after the criminal became a defendant.

**Electronic reference:**


© IHTP, Fabien Théofilakis, and Glenn Naumovitz for the translation.

9 This famous passage, which could not be used in Jerusalem, is one of the few that has survived in the audio version, which can be heard at the Memorial exhibition. It is the only transcript Stangneth includes in her book (pp. 391-394).

Eichmann's writings in Israel (1960-1962)
Leads for a different history of the trial

Fabien Théofilakis
Adolf Eichmann's trial was extraordinary in more ways than one. First, unlike the Nazi leadership that stood trial at the international military tribunal in Nuremberg, for example, he fully and voluntarily participated, expressing himself in speech and writing throughout the procedure. From the time he arrived in Israel on 22 May 1960 until his execution on 31 May 1962, Eichmann wrote over 8,000 pages — after the Argentine papers Bettina Stangneth recently analyzed.1

A week after landing in Israel, Eichmann underwent a long police interrogation conducted by detective Avner Less of Bureau 06, which was in charge of the investigation. During the 90 interviews, which took place four or five times a week and always followed the same pattern, Eichmann answered questions the police team prepared depending on his previous replies, then commented on the 400 or so documents what were presented to him, which served as the basis of the prosecution. Less, who questioned Eichmann in German, his mother tongue, believes he patiently won the defendant's trust. The unexpectedly chatty prisoner told his life story since childhood and provided information that could not have been obtained otherwise. He intended to play the part expected of him by the man he called "captain" (Herr Hauptmann) in a nod to an improbable professional camaraderie and used the examination to break in his defense strategy — depicting himself as a "small cog" in the Nazi extermination machine — “dictating on a daily basis” his version of the truth. Surprised by the plethora of institutional details and their historical accuracy 15 years after the fall of Hitler's Germany, and by the defendant's request for books to refresh his memory, Less soon had the impression that this was not the first time Eichmann told his story. Only the intervention of his lawyer, Servatius, when informed of his client's attitude, ended the climate of cooperation — and mutual manipulation — between a detective eager for information but forced by legal procedure to be cautious in his questions and an accused strangely inclined to talk and explain himself. By 2 February 1960, Eichmann had meticulously proofread and initialed 3,564 typewritten pages representing nearly 275 hours of recordings that he thought would be published.2

Those transcripts are the first significant text Eichmann wrote in detention, where his margin of maneuver was limited, although his desire to leave a testimonial for posterity

2 The Shoah Memorial exhibition shows the different volumes produced in Israel, including an excerpt from the police examination where Eichmann discusses his role at the Wannsee conference.
seems to have remained intact since his Argentine exile. It was later rounded out by the uncorrected transcripts of his depositions during the trial's 121 sessions between 11 April and 14 August 1961, which are obviously another important part of the Israeli corpus, even though those statements are quite different because they are part of the legal process. The psychological and psychiatric examinations Eichmann underwent between 20 January and 1 May 1961 can also be lumped together in this group. The original report is unpublished³.

Eichmann, who had nothing to do but answer Less's questions, focused on his defense, re-orienting the editorial project he began in Argentina with many manuscripts and successive versions of memoirs in a veritable frenzy of autobiographical writing. These texts, which he produced during and after the trial, make up the second part of the Israeli corpus. During the preliminary police examination, Eichmann hand-wrote an average of 80 pages a day, including the first version of his memoirs, *Meine Memoiren* — erroneously dating the first entry 9 May 1960 (he was caught on 11 May) — which he finished on 16 June 1960. The prosecution used the 128-page manuscript as evidence during the trial⁴.

After the trial began Eichmann wrote an account of his flight, *Meine Flucht, Bericht aus der Zelle in Jerusalem* ("My Flight. Report from My Cell in Jerusalem"), which he signed

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⁴ The German weekly *Stern* published it, without critical commentary, as a summer serial from 12 August to 4 September 1999.
and dated March 1961. It was not used as evidence during the trial. Between the end of the trial and the announcement of the sentence, Eichmann wrote a second version of his memoirs, known as *Götzen* ("Idols") in the scholarly literature. It is 1,206 pages long, 676 of which were intended for publication. According to his lawyer, Eichmann gave it the working title "Versailles" or "Memories for the Generations to Come". Intended as a counter-project to his 1957 Argentine opus *Die anderen Sprachen, jetzt will ich sprechen!*, it seeks to minimize his role in the "Final Solution" by portraying him as the forced emigration and colonization policy expert, which he depicts as being disconnected from the Jews' deportation to the death camps, as though it had nothing to do with the extermination policy, which began in 1941.

Eichmann's disappointment in the verdict and subsequent death sentence did not slow down his output. He wrote several manuscripts after 15 December 1961, including *Mein Sein und Tun* ("My Life and Duty") and *Auch hier im Angesicht des Galgens* ("Here Also Opposite the Scaffold"). As the psychologist who examined the accused in his Israeli cell noted, Eichmann's favorite form was the monologue, a genre where neither interruptions nor contradictions are possible, unlike his interventions during the trial sessions.

A third category of writings stands out in the Israeli corpus: the notes the defendant took during the trial hearings, which he can be seen scribbling in the images shot by Leo Hurwitz; during the session interruptions; and in his Ramleh cell to prepare for future sessions. Previously unknown to historians, they were found during research for the Shoah Memorial exhibition. The notes again attest to Eichmann's deep involvement in his trial. Naturally, he sought to avoid the death penalty, but they also show how the trial, despite its own timeframe and constraints requiring a different kind of narrative, fit in, in the defendant's mind, with an older, more comprehensive strategy, which he adjusted in order to face new adversaries. The hundred or so sheets in the Servatius collection, consultable in the German federal archives in Koblenz, show how the retired *Obersturmbannführer* SS rose to this final challenge.

The context in which Eichmann produced these texts must be recalled to understand the new contributions they make. He wrote them in Jerusalem, in enemy hands, and integrated his version of his role in history into his defense strategy. Unlike the autobiographical texts, *Meine Memoiren* and *Götzen*, or even the preliminary police examination, they are short

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5 The British magazine *People* published it from 30 April to 28 May 1961.
6 *Bundesarchiv*, Koblenz, All Proz. 6. It was formed in 1979 by purchasing the lawyer's trial papers from him. A large part can be found in copies in the Israeli archives.
snapshots dictated by the trial's urgency — quite different from the continuous narrative in his other writings. That probably accounts for the variety of formats, from small sheets to standard-size pages. Eichmann used a ballpoint pen to draft them, often underlining in color when preparing them in advance or crossing out words and writing very expressively when drafting them during a session. In addition, they are among the few written traces resulting from the direct confrontation between the Nazi criminal and his accusers and victims, which accounts for the clearly visible tension, especially in the handwriting of certain notes.

One of the most interesting points about these documents is the insight they provide into the defendant's mind: Eichmann, who remained committed to Nazism, an ideology and a State system that considered itself above laws and the law, incapable of conceiving confrontation with adversaries other than in terms of a struggle to the death, found himself in an unusual, uneasy position in the courtroom, where he had to answer for his deeds in front of his victims. He had to find a fresh tack to fight this new and final battle of the total war he continued waging against "the Jew". Subject to a deeper examination of all these texts, it can be hypothesized that the notebooks shed light on the shift from the Eichmann of the 1957 Sassen interviews, regretting that the death of six million European Jews was unfinished business, to the man in the glass cage of 1961, portraying himself as a "cautious bureaucrat" who conscientiously wore a uniform — swapping his SS outfit for the generic suit and tie in which he was always seen — always had files with him and took notes while paying close attention to everything going on around him.

In our present state of knowledge about them, these writings of circumstance have three functions. First, they played the tactical role of helping Eichmann hone his line of defense. Many of them were intended for his lawyer and sought to correct the witnesses' testimony, rectify the prosecutor's assertions or fill in gaps in the record. Their origin is partly due to a request from Servatius, who had to make up for the defense's weakness at a time when he found himself alone because his assistant, Dieter Wechtenbruch, was in Europe gathering depositions from defense witnesses, all former Nazis. Eichmann became a sort of assistant to his own lawyer. These preparatory notes also served as a critical examination of the prosecution's evidence. The specifications Eichmann jotted down in his notebooks so that his own testimony would be correctly interpreted again reveal the defendant's total involvement in his trial and show how he re-used in Jerusalem the "historical" knowledge he had acquired in Buenos Aires.
They also reveal how Eichmann prepared to testify, which he did starting on 29 June 1961 according to the adversary system after pleading "not guilty in the sense of the indictment". His goal was to counter the prosecution's evidence with a contextualization of the facts as he experienced them from the inside. Except for the victims, consequently, Eichmann was the trial's only insider: neither the judges, nor the prosecutors, nor even his lawyer Servatius, an officer during the Second World War, had experienced the Shoah first hand. Despite his many lies and stretches of the truth, Eichmann helped make the trial's adversary dimension credible: he was able to speak up and defend himself in a direct confrontation with his accusers. The notes can therefore also be read as a final staging of the role in the history of the Shoah the defendant wanted to leave of himself.

Some of the notebooks help historians, who analyze events long after they have occurred, better understand Eichmann's evolution between Argentina and Israel, the end of the war and the early 1960s. By giving a vision of the trial from behind-the-scenes of the defense — the notes were not intended for publication — they let us follow Eichmann's doublespeak when he comments on the witnesses and, perhaps, better understand his defense strategy and his relationship with Servatius, knowing that he began developing that strategy in the mid-1950s, before Jerusalem, an aspect that has been underestimated until now.

The Eichmann trial archives' Israeli component also contain diverse writings — typed or handwritten commentaries on the Sassen interviews and their publication in Life, private correspondence, administrative letters about Eichmann's estate and handwritten
replies to the *Paris Match* questionnaire⁷ — showing that the public image he would leave behind mattered to him right up until the end, an essential point often overshadowed by the debate over his significance. Considering their richness and diversity, Eichmann's writings in Israel (1960-1962) are still underused. The comprehensive study of the notebooks underway should help pinpoint their specificity in the whole of Eichmann's output and their contribution to the defense strategy of a man who took as much pleasure in handling words as he did in manipulating individuals.

**Electronic reference:**


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⁷ The late May 1962 questionnaire interview focused as much on Eichmann's daily life and mood as it did on his sense of guilt and assessment of the trial.
Web links

The Shoah Memorial exhibition in Paris:


The trial transcripts in their entirety:

http://www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/

Documents and the filmed trial:

http://www.archives.gov.il/ArchiveGov_eng

A conversation with Senior Prosecutor Gabriel Bach (2006):

http://www.eichmannprosecutorinterview.org/part_one.html

INA archives:

http://www.ina.fr/recherche/recherche?search=eichmann&vue=Video

Declassified CIA files:

http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB150/index.htm

Adolf Eichmann, a succinct biography:

http://www.bbc.co.uk/history/worldwars/genocide/eichmann_01.shtml