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Eichmann in Jerusalem NOTES

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Dr. Boyer

"I'm worse
than law school."
- Dr. Boyer

- Nuremberg + Eichmann shaped our understanding of justice in relation to the state, etc.
- Arendt: outstanding in genius + impact in 1900s
- also, reading Arendt will take our "we'll work in human rights!" hubris down a lot (as it did for 18-yr-old Dr. Boyer)

why we
read it

Arendt

- comes to the US & joins the cohort of intellectuals, especially Jewish immigrants, making NY an intellectual hub
- she and those others wrote prolifically & thoughtfully via (still preserved) letters
- Arendt's (TENSE) correspondence w/ Mary McCarthy especially important / interesting - reveals her dedication to the (decisive, convinced) tone she employs in Eichmann
- Eichmann's trial is significant to her
- makes law & makes meaning
- impact way beyond the scope of a single trial

Dr. Boyer says that
the only point of
smoking is to look cool;
ergo, if you're a smoker,
"at least have the
decency to smoke
cigarettes" and not
vape.

- born 1906, flees Germany 1933 and Paris 1941, goes to US
- 1944: commission on European Jewish cultural reconstruction
- 1951: origins of totalitarianism

- 1963: Eichmann in Jerusalem (when published as series in New Yorker, more read than any other publication by it)

- Zionism: E Europe^{Jewish} movement in response to anti-Semitism, various manifestations
- difficult to class individualist Arendt as pro/anti Zionist; however, she followed its debates really closely
- debate over est. of Jewish state postwar considered by Arendt in light of her experience as a refugee; - she wants a federation (ex. multiracial US) vs. Jewish nation-state; thus she is bitter^{or smth like it} about Israel, as manifested in Eichmann

Eichmann v. Nuremberg: Lecture overview

- who's on trial?
- who is the aggrieved party?
- Nuremberg didn't get into this enough

"a movement for
(originally) the
establishment and (now)
the development and
protection of a Jewish
nation in what is now
Israel."
- Oxford Lang.

*yes legal event, not just trial

- what are the **crimes**? Eichmann's are old & new & partially respond to Nuremberg's gaps
- * what kind of **meaning** does the process of the trial make?
- what kind of **community is enacting** the **legal event**? what community emerges from it?
- what is the **law**? what is **justice**? (in this context!)

Eichmann

- hiding in **Argentina** w/ red cross passport - ~20
- odd choice of hiding place - "incredible shitshow of ideological perversion" - president was **fascist**, but Argentina was on the list of places to establish Jewish state b/c of **huge presence & influence of Jewish ppl** there
- and there's Eichmann in a German community, working-class
- Israel **kidnaps** him from there, raising lots of questions
 - who has **jurisdiction** over him?
 - national **sovereignty** - is Israel allowed to just go get him?
 - this question is **everywhere** - Antigone, Nuremberg... huge issue of **international law**
- Eichmann doesn't fit neatly in **categories** of other trials (leaders @ N., jurors, doctors...), where does he fit in the "categories of criminality" established @ Nuremberg?
- indicted on **15 counts**
 - crimes v. Jewish people (7), a war crime, deportations, a massacre, membership in enemy organizations (SS, SD, Gestapo)
 - 12 counts carry possibility of **death penalty**
- he gets death penalty & is **hanged**

claimed to be an independent group but was indeed state sponsored

The trial

- Arendt vs. **Judges**: they're good people (impartial & objective @ trial), very sober & serious, **nonperformative** - that is sacred
 - most judges were from E Europe, some from Germany - all were **German-educated**
 - they, like Arendt, centralize **German Jewish thought** as "pinnacle of intellectual achievement"
- physical courthouse est. in **layers** w/ judges @ top, then translators, Eichmann/defense
- Arendt on **prosecutor**: trying to make it a **show**, which Arendt **DESPISES**
- trials **center the person on trial** (Eichmann) rather than victims
- trial setting actually, genuinely is a repurposed **theater**

audience set up like a theater-house

- Arendt feels the tension/oscillation b/w the work of the law & the show being put on

community Enacting Legal Event

- legal event: not just the actual trial but also everything surrounding it

- Israeli Jewish community enacting event

- pedagogical* offerings of trial

- proves Jewish court is the only court that can justly persecute Nazis

- proves a Jewish court can / has the power to get & persecute Nazis

- remembers the Holocaust

- not only just the Holocaust but anti-semitism itself is on trial, embodied in Eichmann

- Arendt takes issue w/ this b/c it's a perversion of Eichmann himself's trial

Law at stake

- what kind of law is at work? Is it unprecedented? What does that even mean?

- idea is to consider this in terms we've already established

- Nazi & Nazi collaborators Law: Knesset law allowing Israel to try Nazis

- question in the background: how long after the war can we continue to persecute?

- law is retroactive, extraterritorial, raising questions of sovereignty, jurisdiction,

ex post facto restrictions. Can Israel even try Eichmann?

- only seems to be legal to try E if he wasn't taken from A by I in violation of

international law

- note that 'ex post facto' jurisdiction question gets complicated in common/criminal

law: all judges' decisions are after the fact

- It seems the trial doesn't violate international law, but does it violate Eichmann's

human rights?

- what a place for the trial to come to!

- but Arendt is genuinely concerned w/ this - without it, the trial of Eichmann

can't center on him and actually punish him for his crimes, for which, Arendt

believes, he ought to hang

What kinds of justice?

- Eichmann as an anti-christ, suffering for all Nazi crimes?!

- Arendt thinks it damages rather than helps the Jewish people

*related to
teaching
-ox. lang

Eichmann & Kant

-during his trial, Eichmann invoked Kant's definition of duty/his moral precepts, claiming he lived his whole life up to his involvement w/ the Final solution by those principles. After, he claimed to have no free will, to be bound by the state.

- makes no sense b/c Kant's whole concept of reason eliminates consideration of blind obedience

- however, indicates that Eichmann understood that there was **smth greater at stake** than a soldier acting on criminal orders

- This distortion was reflected by the Nazi state: instead of **the source of the law as practical reason**, it was the **will of the Führer**.

- "**categorical imperative of the Third Reich**: Act in such a way that the **Führer**, if he knew your action, would **approve**" - Die Technik des Staates, 1942