

## 2. THE CAPTURE OF ADOLF EICHMANN

Adolf Eichmann (1906–1962) was one of the “experts” on the Jewish question in the Third Reich. He first worked towards speeding up Jewish emigration and then on facilitating and managing the logistics of the mass deportation to the ghettos and concentration and extermination camps. In 1942, Reinhard Heydrich ordered him to serve as a recording secretary at the Wannsee Conference, which is where Germany’s antisemitic measures were turned into an official policy of genocide. Eichmann was put in charge of all the trains that would transport the Jews to the death camps in occupied Poland.

In 1944, Eichmann was sent to Hungary to deport the Hungarian Jews to Auschwitz, after which he gained notoriety for defying Himmler’s order to halt the extermination of the Jews and for destroying evidence of the Final Solution. Nevertheless, it is rarely pointed out that he probably did so in order to avoid having to participate in the last ditch German military effort, since the year before he had been commissioned as a Reserve *Untersturmführer* in the *Waffen-SS* and was now being called up for active combat duty.

Eichmann fled Hungary in 1945 just as the Soviets were beginning to arrive. He was captured by the US Army at the end of the war, but managed to escape early in 1946 and spent the next few years in hiding in Germany. In 1950, he went to Italy, where he obtained – with the help of a Franciscan friar – an International Committee of the Red Cross humanitarian passport in Geneva and an Argentinian visa, both issued to “Riccardo Klement”. He travelled to Argentina in July 1950 and spent the next ten years there working in several jobs in the Buenos Aires area. He also managed to bring his family to Argentina.

## 2.1. THE CAPTURE AND DIPLOMATIC CONFLICT

Adolf Eichmann was kidnapped by the Israeli Secret Services on 11 May 1960. The Mossad kept him in a “safe house” in Buenos Aires for nine days. On 20 May 1960, he was transported to Israel on a special El Al flight which had been used to bring an Israeli delegation, including the Minister Abba Eban, to Argentina for the 150th anniversary of the country’s independence. On 23 May, the Israeli Prime Minister David Ben-Gurion told “the world” that Eichmann was being held in an Israeli prison. Newspapers around the world reported the news of Eichmann’s capture and rumours abounded as to where and how Eichmann had been captured. The West German government announced that it would not demand his extradition to Germany. Even the Soviet Union announced that Israel was entitled and indeed obliged to try Eichmann (*New York Times*, May 24, 1960).

However, a diplomatic conflict with the Argentine government was inevitable. Argentina requested official proof of the authenticity of the information it had received that an Israeli commando unit had penetrated Argentine territory and kidnapped Adolf Eichmann, explaining that if this turned out to be true Argentina would be compelled to take measures against Israel (*New York Times*, June 2, 1960; Sachar 1976/1996, 555; Ben-Gurion 1972, 576). Israel replied with a diplomatic note followed by a personal letter from Ben-Gurion to President Arturo Frondizi (*New York Times*, June 7; June 10, 1960).

The most striking feature of the note, personally delivered to Argentine Foreign Minister Diogenes Taboada by Arielevi, the Israeli ambassador in Buenos Aires, was incomprehensible effort on the part of the Israeli government to disclaim all responsibility for Eichmann’s capture. It boldly claimed that “the government of Israel had no knowledge whatsoever that Eichmann came to Israel from Argentina, as the Israeli Security Services did not inform it of this”

(cit. Ben-Gurion 1972, 577; cf. Aharoni 1996, 168–189). It further explained that “the group of volunteer searchers made contact with Eichmann and asked him if he was prepared to come for trial to Israel” (cit. Ben-Gurion 1972, 577; *New York Times*, June 7, 1960). The note called into question the Israeli Foreign Ministry’s ability to judge and evaluate the kind of stories that the international community would believe to be true. Zvi Aharoni, one of the protagonists of Eichmann’s capture, put it harshly: “In fact, it was so naïve and far from the actual events, that it is difficult to understand how anyone in the Israeli Foreign Ministry could have hoped to end the delicate affair in such a way.” (Aharoni 1996, 168)

Argentina was not, of course, satisfied with this, and proceeded to submit a note to the president of the United Nations’ Security Council stating that the manner of Eichmann’s removal had created a climate of insecurity and distrust that was incompatible with the preservation of international peace, and asking the Council to pass a resolution that would restore Argentina’s rights (*New York Times*, June 16, 1960; Sachar 1996, 555; Ben-Gurion 1972, 580).

A heated debate broke out on 22 June, when Golda Meir, Israel’s Minister for Foreign Affairs, repeated the same arguments presented previously by Ben-Gurion. She argued that “the State of Israel has not violated the sovereignty of Argentina in any manner whatsoever [...] with the greatest respect for the distinguished representative of the Argentine, I think that he is in complete error, as a basic legal proposition, in confusing the illegal actions of individuals [...] with a non-existent intentional violation of the sovereignty of one member-State by another” (*Eichmann in the World Press* 1960, v; cf. *New York Times*, June 23, 1960). This is a clear case of Israel’s refusal to take any governmental responsibility for Eichmann’s kidnapping. Meir was not, however, satisfied with merely trying to conceal the Israeli government’s role in the episode, but instead proceeded to put the blame on “those who pursued him [Eichmann] for over fifteen years and finally seized him” (*Eichmann in the World Press* 1960, v; cf. *New*

*York Times*, June 23, 1960). As we will soon see below, in reality, the unhappy fate of these tenacious volunteers was to remain totally outside the sphere of these decisive events.

After the debate, a resolution was passed condemning Eichmann's abduction as a violation of Argentine sovereignty and recognising Argentina's right to demand compensation. However, Argentina resolutely rejected Israel's offer of the public expressions of its sincere regrets and declared the Israeli ambassador in Buenos Aires a *persona non grata* (*New York Times*, July 23, 1960; Sachar 1976/1996, 555). It took several weeks of negotiations and correspondence between the two governments to reach a compromise that was acceptable to the Argentine government. On 3 August, the Argentine and Israeli governments released a joint statement in which they assured each other of their mutual regret and condemnation of the actions of the citizens of Israel, which had violated the fundamental rights of the state of Argentina (Sachar 1976/1996, 555; cf. Aharoni 1996, 170). In this way, the Israeli government actually condemned the actions of its own secret services, and as such it is not surprising that the then Mossad Chief Isser Harel remained incensed about the political manoeuvres at the time. He had acted under direct orders of the Prime Minister and could not possibly have anticipated that the private acknowledgements of his actions would be followed by public condemnation (Aharoni 1996, 170).

Right from the beginning it was clear that once in Israel, no power on earth could have persuaded Israel to extradite Eichmann to any other country, nor did any country ask her to do so. Israel and Argentina had signed an extradition treaty just prior to Eichmann's kidnapping on 9 May 1960, although in reality this treaty only gave Israel more reasons not to attempt to enforce it in Eichmann's case. According to the treaty, extradition was permitted only when the crime involved was punishable in both countries by prison sentences of three years or more. However, in the event that more than one country requested a person's extradition, he would be delivered to

the country in which the most serious crime was committed. Thus, despite the fact that Germany and Argentina had no extradition treaty, in theory it was possible that Eichmann would not have been extradited to Israel but rather to one of the countries in which he committed his crimes. Even more importantly from the Israeli point of view, the treaty stipulated that extradition was forbidden in cases of military, political or related crimes. It was only too obvious that Eichmann's crimes were precisely of this kind, and as such Argentina could have cited its duty to provide political refuge (*New York Times*, June 9, 1960). This argument was, in fact, used by Argentina during the diplomatic conflict. On more than one occasion it cited the South American tradition of providing anyone in need with political refuge (*New York Times*, June 9; June 16; June 23, 1960). Nevertheless, in our context here and, in fact, in the context of world politics as well, the significance of the diplomatic crisis between Argentina and Israel should not be exaggerated. It is more important to attempt to pinpoint the kind of inner power struggles to which the kidnapping and trial were related.

## **2.2. THE MOSSAD OPERATION**

Although historically Adolf Eichmann is seen as one of the biggest Nazi criminals, he was by no means unanimously considered so during the 1950s. In fact, hardly anybody was interested in capturing and trying Eichmann in the 1950s. The Cold War was dominating world politics at the time, and the German and Austrian governments were desperately trying to bring an end to denazification and war crime issues. In Germany, this was accomplished by enforcing a twenty-year statute of limitations, which stated that war criminals could only be prosecuted up until 1965. According to the German penal code of 1871, under which Nazi criminals were prosecuted and punished, the statute of limitations applied to all crimes. The Bundestag's conservative majority had rejected the extension of

the statute in 1960 in cases of manslaughter. Thus, it seemed likely that after May 1965, Nazi criminals who had successfully evaded detection and indictment would be able to avoid further prosecution (Shafir 1999, 232).

Despite the launch of a campaign aimed at extending the statute of limitations in cases of murder, the number of Germans who were in favour of ending the further prosecution of Nazi criminals grew during the first half of the 1960s, particularly during the Auschwitz trial in Frankfurt in 1964. In the early 1960s, there was a partial purge in the West German judiciary system, and a number of state prosecutors who had been involved in cases resulting in illegitimate and severe sentences during the Nazi dictatorship voluntarily retired. Nevertheless, there was also a growing tendency to hand down verdicts of complicity in murder rather than murder itself, despite the sharp public criticism of and debate surrounding the issue. Because of Israel's dependency on German financial and military aid, Ben-Gurion was careful not to raise the issue of Bonn's handling of Nazi criminals after the Eichmann trial. The West German government finally extended the statute until 1969, and it was extended again in 1969 until ultimately being abolished in 1979 (Shafir 1999, 233–237).

Israel was also busy handling more urgent matters than the hunt for Nazi criminals. The massive influx of refugees arriving in the country had to be absorbed and a powerful military apparatus built in order to deter the Arab enemy. Moreover, there was a widely held view in Israel that the victims of the Holocaust had gone to their slaughter blindly; that they could and should have resisted more forcefully (Pick 1996, 139–140; Segev 1991/1993, 325). In addition, more and more people simply believed that it no longer made sense to hunt Eichmann because he was most likely already dead. In 1956, even *Haaretz*, a prestigious and respected Israeli newspaper, began to embrace this opinion (*Life*, February 24, 1961, 92).

In those days, only a few persistent and determined Nazi-hunters, most notably Tuvia Friedman and Simon Wiesenthal, continued

to attempt to track down those responsible for the destruction of the Jews. As to Tuviah Friedman, he was originally a lieutenant in the Polish Security Service after the German defeat and continued to vigilantly call for Eichmann's capture via a small and almost peniless documentation centre for Nazi war criminals, which was first established in Vienna and then in Haifa under the auspices of Yad Vashem and eventually the World Jewish Congress. In 1959, when it finally became clear that Eichmann was in all probability in Buenos Aires, Friedman received an invitation to speak at an election campaign rally of Ben-Gurion's Mapai Party. He accepted the invitation and gave a speech in which he begged Ben-Gurion to go on the hunt for Eichmann, after which he was told he had made an impression on the Prime Minister (*Life*, February 24, 1961, 99–100; Friedman 1961, 251–252). After a long period of silence, Friedman's Argentine correspondent reported that a "Mr. Schurman" had visited him and that they had had a long talk. After that, however, Friedman was informed that the Prime Minister no longer required his services. Friedman commented in *Life Magazine*: "What happened after that I have never discovered. To this day I do not know how this information was used – or even if it was important in Eichmann's capture. Others captured Eichmann." (*Life*, February 24, 1961, 100; Friedman 1961, 251–258)

Simon Wiesenthal's life followed a path quite similar to Friedman's. As the director of his own small documentation centre, first in Linz and then in Vienna, he had been working for years to catch as many Nazi criminals as possible, Adolf Eichmann included. He was not, however, involved in the Mossad operation in Argentina. Wiesenthal's biographer, Hella Pick, points out that there are a number of murky areas regarding who did what and when in the Eichmann case. One of the most contentious issues concerns the dossier of evidence, including the clues to Eichmann's presence in Argentina, which Wiesenthal had accumulated and subsequently sent to Nahum Goldman, President of the World Jewish Congress

in 1954, upon his request. Goldmann never directly acknowledged receipt of this correspondence, nor did any of his followers in the WJC (Pick 1996, no). So if it was not on the initiative of these resolute and dedicated Nazi-hunters that Eichmann was captured, who gave the orders and what actually transpired?

Tom Segev's excellent book on the Israelis and the Holocaust was probably the first study in which the origin of the events leading up to the Eichmann trial was traced in Germany. He reports that in September of 1957, Fritz Bauer, then the chief prosecutor for the West German state of Hessen, contacted Eliezer Shinar, Israel's representative in Bonn, in order to personally pass on the news that Eichmann was in Buenos Aires. He wanted to provide Israel with the information because he feared that someone in Germany would make sure that Eichmann was not extradited, or might even warn him that his whereabouts had been revealed (Segev 1991/1993, 325).

It was at this point that the Mossad first came on to the scene, although it did not achieve much at first. This was, however, due to the fact that the Mossad was not actually interested in the matter at that time and was thus quite slow to take action. According to General (Res.) Meir Amit, who directed the Mossad after Isser Harel from 1963 to 1968, the entire operation to capture Eichmann in Argentina was regarded with mixed feelings by the Israeli intelligence community, as they felt that the Mossad was not fulfilling its proper mandate as the initiator of the struggle against Israel's hostile Arab neighbours. Once it began, "Operation Eichmann" did indeed consume much of the Mossad's capacity, leaving other operations in the background. However, Amit also points out that in retrospect, it is clear that it was precisely because of this operation that the Mossad gained immense international attention and recognition, which thus facilitated its future success (Amit in Aharoni 1996, 7).

Only four months after he had obtained the information about Eichmann, Isser Harel sent a Mossad operative to Argentina to confirm its validity. The operative was, however, unable to locate

Eichmann within the space of two weeks, whereupon he returned home and the Mossad decided not to pursue the matter further (Aharoni 1996, 80). Bauer refused to give up, however, and he contacted the Mossad again in 1959, this time with Eichmann's name and address. Bauer went with attorney general Haim Cohen to see Ben-Gurion, telling him that there was no time to spare as he planned to pass the information on to his government and demand that Eichmann be extradited if Israel was unwilling to act. As a result, Ben-Gurion ordered the Mossad to conduct a covert operation aimed at capturing Eichmann (Segev 1991/1993, 325).

There is no doubt or disagreement about the fact that Isser Harel personally directed the mission. However, there has been heated dispute among Mossad agents as to who the decisive actors in Argentina actually were. The dispute stems, at least partly, from the two-fold organisation of the operation. It involved the participation of both those responsible for its planning in Israel and those who were sent to Argentina to carry it out. Basically, the dispute comes down to those who supported Harel's policy and those who criticised it (Aharoni 1996; Harel 1975; Malchin 1990).

One of Harel's staunchest critics was Zvi Aharoni, who was sent to Buenos Aires in February 1960 to prepare the operation on site. Long before Harel decided to take the Eichmann case seriously, Aharoni had criticised the Mossad for moving too slowly on the matter. Once in Buenos Aires, Aharoni was happy to proceed and transmitted as much information as he was able to gather, safe in the knowledge that Harel could no longer control his every move (Aharoni 1996, 89). It took him several weeks to locate Eichmann and gather sufficiently clear photographs of him to send back to Israel. Immediately after he had left the film in a photo shop to be developed, he received a cable ordering him back home to report to his superiors. It was only on his way home, when he coincidentally encountered Harel on the aeroplane from Paris to Tel Aviv, that he learnt that he was also expected to participate in the next phase of

the operation (Aharoni 1996,123–126). He was sent back to Buenos Aires in April 1960 as a member of the four-man advance guard sent to assess the situation on site and determine whether or not the conditions for carrying out the main operation were favourable (Aharoni 1996, 126).

In the meantime, others had been preparing the tactical aspects of the operation in Israel. One such person was Zvi Malchin, a man faithful to Harel and a stooge who was supposed to literally grab Eichmann on the street. He was also the man who would come to contest Aharoni's decisive role in the operation after the fact (see Malchin 1990). For reasons doomed to remain a mystery to outsiders, these men did not get along well with each other, not to mention the disagreements within the rest of the group. In Aharoni's report, these disputes culminated into a rather heated quarrel over who was supposed to drive the first car of the group sent to capture Eichmann. Harel, who was present at the time, decided it should be Aharoni (Aharoni 1996, 133).

Unlike the rather insignificant dispute over the driver of the car, the question of who would act as Eichmann's main interrogator following his capture was obviously of utmost importance. Once again, it was Harel who made this decision. He had already ordered that Aharoni would be the only man to speak with the prisoner, as he spoke German and was an experienced interrogator. In addition, he was also well acquainted with all the details of Eichmann's life (Aharoni 1996, 140–141; cf. Harel 1975).

Zvi Malchin, who played only a minor role in this phase of the capture as one of Eichmann's guards, was quite dissatisfied with this solution. This is reflected in his version of the events of the capture and everything which followed, in which he attempts to minimise and disparage Aharoni's role as much as possible. Aharoni complained that all kinds of fantastic stories were being told about the interrogation, and, in his view, the main person responsible for them was Malchin:

In this [in his book *Eichmann in my Hands*] he describes his alleged conversations with the prisoner Eichmann in detail. Malchin was a member of the five-man guard team. Had he really talked with Eichmann at length, then this would have been a direct breach of Isser Harel's orders. It would not surprise me, because Malchin was the one member of the team for whom the word discipline had always been without meaning. One could not depend upon his reports. It was always more important to him to tell a good story and crack jokes than to adhere to the bare facts. (Aharoni 1996,141)

These internal disputes within the Mossad would not hold much significance in the context of this work if they did not constitute a part of the inner power struggles of the Mossad. As is the case with all intelligence services, it was characteristic of the Mossad to keep the actual aim and reasons behind a mission a secret from the majority of those involved. Nor did the agents know what other agents were doing at the same time, or who was at the end of the chain of command giving the orders. Thus, it was very easy and tempting for agents to overestimate the importance of their role in a given operation. Virtually all the versions later given by Mossad men as to what actually happened during the Eichmann Operation are characterised by the tendency to overemphasise their own role in the course of events while simultaneously underestimating the contributions of their colleagues (Harel 1975; Malchin 1990; Aharoni 1996). Politically speaking, however, there is one particular accusation made by Aharoni that is of more importance to us than any other. It is this direct attack against Harel himself:

What I find particularly absurd and hard to understand is that in his detailed report on the Eichmann operation, even Isser Harel was not above putting the most crazy words into the man's mouth. This is inexcusable, because Isser – unlike other authors – questioned all the participants in the operation personally and had access to all secret files. His version should actually have been the true, official history of this operation. It is not. (Aharoni 1996,142)

There is no doubt this is a harsh judgement. Why is it that Aharoni so fiercely attacks Harel and those faithful to him? Part of the answer

could simply be masculine pride and honour, not to mention the unavoidable vanity in cases in which people are listing their personal achievements to others (cf. Weber 1919). Obviously, everybody wanted to stand out as having been a decisive figure in the operation, hoping that their role in Eichmann's capture would go down in history. There is, however, more to it than mere masculine vanity, as this is also a case of power struggles and political games.

As we have seen above, the Israeli government was reluctant to publicly assume any responsibility for Eichmann's capture. The question of how many people in Israel actually knew about the operation in advance is still unclear to this day, and in all likelihood will remain so. Two people, however, knew for sure: Mossad Chief Isser Harel and Prime Minister Ben-Gurion. As to the former, it seems most probable that he did not know and was not interested in knowing too much about the general political framework in which the operation took place. Both his original reluctance to initiate the entire enterprise and his later bitterness of it supports this view. From his perspective as a professional intelligence officer, the capture of a former Nazi criminal was of minor importance in a situation in which Israel lacked a sufficient defence machinery against her Arab neighbours. He was, however, faithful to his Prime Minister and obediently followed his orders, only to learn after the fact that his achievements would go publicly unnoticed. Nevertheless, it is impossible to paint a clear portrait of the political aspects of the case without including Ben-Gurion's role in it.

### **2.3. BEN-GURION'S MISSION**

During the Second World War this man Eichmann was the person directly responsible for the execution of Hitler's orders for the 'final solution' of the Jewish problem in Europe, i.e. the murder of every single Jew on whom the Nazis could lay their hands throughout the territories of Europe which they had occupied at that time. Six million of our people were murdered in

Europe, and it was Eichmann who organized this mass murder, on a gigantic and unprecedented scale, throughout Europe. (*Eichmann in the World Press* 1960, 1)

Although Ben-Gurion was reluctant to admit to Argentina and the United Nations that it was the Mossad who had captured Eichmann and transported him to Israel, he was by no means unwilling to publicly express and explain his motives for bringing Eichmann to trial in Israel. Ben-Gurion had two explicit goals. One was to remind the countries of the world that the fact that the Holocaust was allowed to happen obligated them to support the only Jewish state on earth. The second was to imprint the lesson of the Holocaust on the people of Israel, particularly the younger generation (Segev 1991/1993, 327). Thus, he was not interested in Adolf Eichmann the man, but was instead concerned with the historic importance and impact of the trial on future generations. In an open letter to a friend, published in *Davar* on 27 May 1960, he explained:

In my opinion the importance of Eichmann's capture and trial in Israel lies not in the resourcefulness demonstrated by the Security Services (though it would be hard to exaggerate the praise due to them) but in the fact that the entire episode of the Holocaust can now be laid bare in an Israeli court so that the youth in this country – which grew up after the Holocaust and has heard only faint echoes of this atrocity unparalleled in history, and world opinion as well – will know and remember [...] Public opinion in the world must be reminded whose disciples are those now planning Israel's destruction, and just who is aiding them, knowingly or unknowingly. (cit. Ben-Gurion 1972, 574)

It was not only the gentile world to whom Ben-Gurion had to explain the motives behind Eichmann's capture. Although the news of the capture of an important Nazi criminal was welcomed by Jewish quarters, there was no unanimity whatsoever as to where and by whom he should be tried. One of the first to express his doubts about a trial in Israel was Nahum Goldmann. He suggested to the Israeli government that it permit Eichmann to be tried by an international tribunal, because it seemed to him to be the right thing

to do to invite those countries whose people suffered most severely under the Nazis to participate in the trial (*New York Times*, June 1, 1960). A few days later Ben-Gurion's reply to Nahum Goldmann was released to the press. In it he expressed his view as follows:

It is not the penalty to be inflicted on the criminal that is the main thing – no penalty can match the magnitude of the offence – but the full exposure of the Nazi regime's infamous crimes against our people. Eichmann's acts alone are not the main point in this trial. Historic justice and the honour of Jewish people demand this trial. Historic justice and the honour of the Jewish people demand that this should be done only by an Israeli court in the sovereign Jewish State. (cit. Ben-Gurion 1972, 575)

As the quotations above show, Ben-Gurion was not concerned with being consistent in expressing his opinion, but rather chose his words and tone according to the situation and audience with which he was faced. However, it is hard to believe that his inconsistency was entirely the result of conscious and sharp political calculation, but rather also indicates an astonishing amount of naivety. How could he possibly believe that Argentina would take his comments on Eichmann's capture as being carried out by volunteers seriously when he simultaneously spoke quite openly about the Mossad's role elsewhere? He could not possibly assume that the Argentine government did not follow the world press, which almost immediately revealed the real actors behind the kidnapping, based mainly on Israeli information regarding the event. The day after Ben-Gurion's announcement in the Knesset, the head of Israel's Security Service called a news conference where he announced that Eichmann had been tracked down and captured through the sole efforts of his agents (*New York Times*, May 24, 1960). On 27 May, the *New York Times* reported that two "cloak and dagger" organisations had participated in the capture. According to the article, these organisations were the Central Security and Intelligence Agency, which conducted clandestine operations outside Israel, and the Security Services,

which were specialised in counter espionage and security details within Israel.

Despite this incomprehensible diplomatic naivety, it is clear that Ben-Gurion's motives were political as opposed to moral. His aim was to organise a great show trial which would teach "the world" the lesson he wanted it to learn. And he made no attempt to hide his motives, instead defending them openly and publicly on several occasions. He was, however, about to find out that the world Jewry was in no way prepared to back him without voicing its objections to this enterprise.

It soon became clear that the American Jews in particular were by no means convinced of the justification for holding the trial in Israel. In December 1960, Ben-Gurion gave an interview to the *New York Times* (December 18, 1960) in which he attempted to clarify his stance by identifying three motives behind his determination to see Eichmann tried in Israel. Firstly, he wanted to teach the world about the ramifications of the hatred of the Jews; he wanted the world to feel ashamed of itself. In the 15 years since the end of the war the world had already begun to forget why the Jews had an inherent right to govern Palestine and dictate who was allowed to live there and under what conditions. He wanted to remind the world that it was because of the eternal nature of antisemitism that the Jews needed a permanent country of their own.

Secondly, in Ben-Gurion's understanding, the fight against eternal antisemitism could not be distinguished from the fight against the Arabs. The almost literal equation of the Arabs with the Nazis was not a new concept. In the *New York Times* interview, he claimed that the anti-Zionist propaganda coming out of Egypt at the time was antisemitic and inspired by the Nazis (cf. Segev 1991/1993, 327). Thus, although the Arabs and the Nazis were not quite seen as entirely interchangeable, they were seen as at least cooperating with each other in their mutual desire to exterminate the Jews from

the face of earth. He was not willing to admit – at least not publicly – that the Arab countries might have actually had power political and tactical reasons for supporting anti-Zionist politics. He did not mention the fact that the anti-Zionist and pro-Nazi politics of the Arab countries was originally part of their fight for independence from the colonial control of the Near East by the European great powers (cf. Morris 1999).

Thirdly, he wanted to teach the Jews themselves that Israel was their real homeland. He considered this to be extremely important, as the future of the state was not guaranteed. Most Jews throughout the world had not come to live in Israel; the country had not become the centre of the Jewish people. In addition, the younger generation was losing its pioneer spirit, and their centre of gravity tended increasingly to lie somewhere between Tel Aviv and New York. In other words, the trial was crucial in order to revive the Jews' sense of national sentiment and pride, which was clearly beginning to dwindle. In order to legitimise the existence of the state of Israel, it was necessary to persuade the Jews that there was only one country in the world for them – only one country capable of guaranteeing their security (cf. Segev 1991/1993, 328).

The interview caused a wave of protests among American Jews, but Ben-Gurion did not give up. When the World Zionist Organization gathered to hold its 25th congress in Jerusalem at the end of December 1960, he once again took up the issue in his address. The dispute was intensified by the fact that the original story published in the *New York Times* partly distorted Ben-Gurion's words by reporting them selectively. The debate revolved around two main citations. Firstly, the *New York Times* reported Ben-Gurion as having said that "since the day when the Jewish state was established and the gates of Israel were flung open, every Jew who wanted to come, every religious Jew had daily violated the precepts of Judaism and the Torah of Israel by remaining in the Diaspora". Secondly, Ben-Gurion was reported having had claimed that "whoever dwells outside

the land of Israel is considered to have no God" (*New York Times*, December 29, 1960).

The novelty of this attack lay in the fact that this time Ben-Gurion did not limit himself to expressing his scorn for Zionists living in other countries who refused to migrate to Israel, but also addressed religious Jews by binding the "correct" way of practising Judaism with their concrete presence in Israel. As a non-religious Jew, Ben-Gurion had long been at odds with religious Jews, considering the Jewish state as Zionist as opposed to religious enterprise. Correspondingly, he had not been as concerned with the emigration of religious Jews as that of militant Zionists, preferably those belonging to its labour branch (*New York Times*, December 29, 1960).

Against this backdrop, it is not at all surprising that the first groups to criticise his speech were non-Zionist American Jewish organisations, the very first being the American Jewish Committee. It accused Ben-Gurion of having violated an understanding reached ten years earlier regarding the relationship between Israel and Jews outside Israel. According to this understanding, the government and people of Israel fully respected the rights and integrity of the Jewish communities in other countries to develop their own way of life and their own indigenous social, economic, and cultural institutions in accordance with their own needs and aspirations (*New York Times*, December 30, 1960).

The statement of the American Jewish Committee was followed by statements from, amongst others, the American Council for Judaism, the Union of American Hebrew Congregations (the parent body of Reform Judaism in the United States), the New York Board of Rabbis, and the Central Conference of American Rabbis. The tone of these reactions is well encapsulated in the following statement made by Clarence L. Coleman, the president of the American Council for Judaism, who explained that "our nationality is American, our religion is Judaism. Our homeland is the United States of America, and we reject the concept that all Jews outside of Israel are in exile" (*New York Times*, December 30, 1960).

The American Zionists soon joined these condemnations of religious Jews. Abraham Goodman, the chairman of the National Administrative Committee of the Zionist Organization, sarcastically remarked: "It seems ironic that this denunciation should come from one who, to the best of knowledge, has most of his life not been practicing religion and is now taking upon himself in addition to his heavy burdens as Premier to usurp the functions of the rabbinate." (*New York Times*, December 30, 1960)

However, Ben-Gurion also had a number of faithful supporters, and the first to spring to his defence was the delegation of Hadassah, the women's Zionist organisation in America, which expressed its surprise that his words had caused such excitement and misunderstanding. According to the *New York Times* (January 1, 1961), the Hadassah delegation's view reflected the general feeling in the congress, which had anticipated a much harsher speech by Ben-Gurion. He had been expected to once again attack the Jewish Agency, which represented the World Zionist Organization in Israel and which Ben-Gurion considered a competitor in the establishment of a Jewish state within a state. Thus, many delegates were relieved that on this occasion the impulsive Premier mainly directed his fury against religious Jews instead of Zionist bodies.

In any event, the outcries against Ben-Gurion were so strong that he was compelled to defend himself. He gave an interview in which he clarified his speech. He explained that his words had been distorted, as he had been addressing himself specifically to the minority of Orthodox Jews who believed that every word in the Talmud was obligatory to them who lived their lives according to the Talmud:

I reminded them that according to the Talmud some of the commandments of the Jewish religion are linked with the land of Israel. As an example of this I quoted the Talmud which says at one point that whosoever dwells outside the land of Israel is likened to one who has no God. (*New York Times*, January 2, 1961)

At this point, surprisingly enough, also Nahum Goldmann, who at the time was engaged in a fierce power struggle with Ben-Gurion, sprang to his defence by asserting that his speech had been distorted by the *New York Times*. He explained that these distortions were not the result of a misquotation, but rather of making one phrase selected from a lengthy speech appear as the main point of the address (*New York Times*, January 2, 1961).

The entire debate was sparked in part by the simple fact that Ben-Gurion gave his speech in Hebrew, and an English translation was not immediately available. In fact, a translation issued by the World Zionist Organization was not published until the 8 January 1961 edition of the *New York Times*. It appears from the text that Ben-Gurion did not actually mean that all the Jews of the world should migrate to Israel, but rather that it was the duty of every single Jew to help Israel:

A personal bond with Israel – if only by a visit from time to time – is the elementary duty of those who inscribe the name of Zion on their banner. It could also take the form of investing capital in Israel. And it is the duty of those who are unable to come to Israel because of their age or economic situation to send their young sons and daughters to study in Israel, in a secondary school or university, even without personal obligation to remain here for the rest of their lives. (*New York Times*, January 8, 1961)

However, Ben-Gurion's plea for support for Israel was highly binding and ultra-nationalistic:

The State of Israel is an end in itself, because the independence of every people is a great and sacred aim, and it is certainly a precious goal to a people that has been dependent on the mercy of strangers for some 2000 years [...]

In several totalitarian and Moslem countries, Judaism is in danger of death by strangulation: in the free and prosperous countries it faces the kiss of death, a slow and imperceptible decline into the abyss of assimilation.

This congress must issue a warning and gird its strength for action: not only must it intensify immigration and impose the obligation of personal ties with Israel by visits, capital investments and sending children to study in

Israel, but movement must concentrate on Hebrew education for the younger generation. (*New York Times*, January 8, 1961)

The vanishing national sentiment was intertwined in Ben-Gurion's mind with another characteristic of Israeli domestic policy. For the first time since the mass immigration from the Arab countries began, there seemed to be a threat to the hegemony of the Ashkenazi establishment led by Mapai. One reason for this was that the Holocaust was simply a foreign concept to the Sephardim immigrants, who were of Asian and African descent. As such, the notion of Jews as a European people was also alien to them (Segev 1991/1993, 328; Yablonka 2004, 184–192). Ben-Gurion even mentioned this problem in his letter to the President of Argentina: "Not only were millions murdered [...] but the cultural and spiritual centre of our people, which until World War II had its seat in Europe, was extirpated. There is hardly a Jew in the world who does not have a member of his family among the victims of the Nazis." (*Eichmann in the World Press* 1960, II) At the same time, after the Kastner trial,<sup>7</sup> Mapai's control over the heritage of the Holocaust was far from self-evident. The Kastner trial had attached an unpleasant sense of historical guilt to

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7. Rudolf Kastner, who during the 1950s was employed as the public relations director of the Israeli Ministry of Commerce and Industry, had served as chairman of the Jewish Rescue Committee in Budapest during the war. When the mass deportations of Hungarian Jews began, Kastner bargained for time with Eichmann, who permitted a limited number of Jews to migrate to Switzerland. Kastner himself was given the task of providing the SS with a list of 200 families who were to be spared. Kastner came up with the names of 1685 Jews. Eichmann kept his promise and they were saved.

In January 1954, a trial commenced in Jerusalem in which Malkiel Greenwald was accused of having committed libel against a member of the government. Over the course of the trial, it came to light that out of the 1685 Jews rescued by Kastner, 388 had been either friends or family. He was convicted of having sold his soul to the devil by collaborating in the fullest sense of the word. The cabinet appealed the ruling to the Supreme Court. In March 1957, Kastner was ambushed outside his home and shot at close range by three young men (Sachar 1976/1996, 373–376).

the Mapai leadership, and it was losing its hegemony to Herut and the leftist parties. In this situation, Ben-Gurion desperately needed a reunifying, gripping, purifying and patriotic collective experience that would reaffirm the supremacy of the Ashkenazi establishment over other groups in the country (Segev 1991/1993, 328).

It was impossible to separate the problems in domestic policy from the status of Israel in the Jewish world community. It was particularly difficult for the American Jewry to accept Ben-Gurion's tendency to grant Israel the right to speak in the name of the world Jewry. Neither Nahum Goldmann of the World Jewish Congress nor Joseph M. Proskauer, a New York judge and honorary president of the American Jewish Committee, could accept Israel's right to bring Eichmann to trial. The former suggested that he be tried by an international court (*New York Times*, June 1, 1960), whereas the latter wanted him to be handed over to West Germany. There was, however, a significant difference between the attitudes of these two influential men. Goldmann tried to avoid conflict, even when Ben-Gurion referred to him as a "wandering Jew" (Segev 1991/1993, 329), but Proskauer was openly antagonistic. He sent Ben-Gurion a letter to which he attached an editorial from the *Washington Post* arguing that Israel was not authorised to speak in the name of Jews from other countries. Even more importantly, he warned that the Eichmann trial would hurt Israel's image in the United States and make it difficult for Israel's friends to persuade the administration to supply military aid (Segev 1991/1993, 330).

This was not good news for Ben-Gurion, who was busy sorting out other foreign relations, namely the process of rapprochement between the West German and Israeli governments. Ben-Gurion had long enjoyed amicable relations with West German Chancellor Konrad Adenauer, and it was the semi-official cooperation between these two men that gradually led to the expansion of German-Israeli economic relations in all spheres of life. In the sphere of "practical cooperation," Israel regarded German weapons as equally important as German funds. In Ben-Gurion's view, it was better that Israel did

not rely exclusively upon one or two sources of financial and military aid. German weapons began flowing into Israel in early 1959. With the arrangements kept secret, the arms deliveries frequently took on the character of smuggling. The standard practice was for the cargo to be shipped first to another country, where it would be unloaded and redirected to Israel (Sachar 1976/1996, 559–562).

In the beginning of the 1960s, this peaceful and friendly development was disturbed by two unhappy events, the first being the role played by German scientists in developing Egypt's military capabilities. Since the 1950s, a number of German technicians and engineers had been hired to serve as instructors in the Egyptian Army and to build up an Egyptian arms industry. In 1960, a National Research Centre was established to develop a space rocket, the official use of which was said to be meteorological, while in reality, of course, it was intended for military use. The Mossad got wind of this and called the plan to Bonn's attention. Although the Federal Government was embarrassed, it took no steps towards recalling the German scientists working in Egypt. Without Ben-Gurion's permission, the Mossad began killing people involved in this German-Egyptian cooperation. At a certain point, two Israeli agents were discovered and brought to trial in Switzerland. The Israeli, German and Egyptian role in the affair became public, and the episode left a distinct residue of distrust in Israel (Sachar 1976/1996, 564–565).

Meanwhile, another issue exacerbated the relations between the two countries, namely the aforementioned German legal procedures in dealing with Nazi war criminals. Throughout the 1950s, West Germany had been lax in dealing with Nazi atrocities. The trial of Eichmann suddenly caused a revival of arrests and prosecutions in the Federal Republic. Seven months after Eichmann's arrival in Jerusalem, Richard Baer, Rudolf Höss' successor as Commandant of Auschwitz, was arrested. In rapid succession, most of the members of the so-called Eichmann Commando (Franz Novak, Otto Hunsche, Hermann Krumej, Gustav Richter, Willi Zöpf) were also arrested.

Hannah Arendt pointed out that not one of them had even found it necessary to live under an assumed name in West Germany (Arendt 1963/1965, 14).

The factors described above illustrate that the end of the 1950s was a turbulent time in Israeli foreign and domestic politics. It was only natural that Ben-Gurion was looking forward to an event which he felt sure would direct the attention of the Israelis away from these politically delicate issues, and indeed the Israeli Prime Minister enjoyed almost unanimous public and political support on the Eichmann question. Ben-Gurion did not even have to speculate on the outcome of the impending verdict. The newspapers immediately ruled that Eichmann should be sentenced to death. They called Eichmann “an arch-cannibal”, “a two-legged beast of prey”, “Satan”, “the devil”, “a scourge”, “a hangman” and “a monster” (Segev 1991/1993, 332).

There has been a tendency in recent research to underestimate Ben-Gurion’s role and the significance of his politicking on the trial. For instance, David Cesarani argues that it is a myth that Ben-Gurion called for the capture of Eichmann with the intention of using his trial to teach the world a lesson about Jewish suffering and the reasons behind it for the need to establish a Jewish state. He claims that the Israeli scholar Hannah Yablonka (2004) has discovered that Ben-Gurion only really realised the full potential of the trial once Eichmann had been brought to Israel and the international controversy surrounding his abduction had erupted (Cesarani 2004, 14). However, the question of why Ben-Gurion commanded the capture at all remains unclear: “When Ben Gurion heard from Cohen that Eichmann was probably living in Argentina, he told him that Israel should not seek an extradition warrant but should act covertly to bring Eichmann to Israel and put him on trial. Ben Gurion noted in his diary on 6 December 1959, ‘If it turns out that he is there, we will catch him and bring him here. Isser will take care of it.’” (Cesarani 2004, 225)

Here, without even realising it, Cesarani actually indicates that Ben-Gurion was the father of the idea of kidnapping Eichmann as opposed to requesting his extradition to Israel. Is it plausible that he would have wanted Eichmann to be kidnapped without having given any thought to why Eichmann should be brought to trial in that particular political situation? Why did he decide not to wait for the Germans to request his extradition, as Fritz Bauer had already become very impatient with the Israelis' hesitation and passivity and might have returned to the authorities of the Federal Republic and asked them to request Eichmann's extradition (cf. Yablonka 2004, 15–16)?

Hannah Yablonka is probably right when she argues that Ben-Gurion's feelings about Eichmann and his trial developed and changed over time (Yablonka 2004, 50), as is common with politicians. There is nothing exceptional or regrettable about the fact that politicians tend to follow events and make decisions and choices on the basis of concrete situations.

It seems to me that the biggest myth in this case is Ben-Gurion's assumed capacity to predict the future and decide on the fate of Jews. Yablonka ends a chapter on Ben-Gurion's role in the Eichmann case by claiming that Ben-Gurion's attitude towards the Eichmann trial was that it was essentially a means to an end. It helped make known to the world that, as a sovereign Jewish state, Israel was now able to protect its citizens and was qualified to try and punish anyone who acted against the Jewish people. In her view, it was only later that he actually fully grasped the significance of the trial within Israel, which indicates that Ben-Gurion could no longer be seen as the architect of the future of Israel (Yablonka 2004, 54). In other words, there was a myth about David Ben-Gurion as being a god-like leader of Jewish people who was able to predict future events. In this context, the Eichmann trial was seen as the first event in decades whose outcome Ben-Gurion had not been able to predict in advance. It turned out that he was ultimately just a politician who

was trying to play with the situation and use it to his own advantage without actually knowing whether he would succeed or not.

More often than not, political goals or aims are not ultimately realised in their originally intended form. Either they change into something else or are only partially realised. As far as I can see, Ben-Gurion's case followed the latter pattern: the Eichmann case affected Israeli society in ways that nobody could have anticipated. Inadvertently, the trial hastened the process by which the diaspora began to colonise the state. Ultimately, the trial sharpened the sense that Israelis, as Jews, stood alone in the world and could not rely on anyone. By the 1980s, "the Holocaust" was a monumental complex of historical narratives and commemorative rituals. It is not "thanks to Eichmann", as Cesarani (2004, 332) puts it, but rather thanks to Ben-Gurion that "the Holocaust" became part of the civil religion of Israelis and the Western people in general (for America, cf. Novick 1999, and for Europe, Wieviorka 1998; Traverso 2004).

#### **2.4. THE JUDICIAL PRE-TRIAL DEBATE**

The formal legal basis for trying Eichmann had to be based on the combination of retroactive national legislation with a set of precedents provided by earlier Nazi war criminal trials. In Israel, the national legal basis for the Eichmann trial, or that of any other Nazi criminal for that matter, had been laid out ten years earlier in 1950 in the "Law against Genocide and the Nazi and Nazi Collaborators (Punishment) Law," while the available set of precedents and rules of international jurisdiction were defective and thus open to interpretation. Together with the dubious character of the manner in which Eichmann was extradited to Israel, the rules and precedents in existence at the time did not form an entirely plausible basis for the trial. Consequently, it is not surprising that the debate over the legal basis and justification of the trial began almost immediately after Eichmann's capture.

The judicial debate over the Eichmann trial did not take place only in the professional journals of legal scholars but was also a popular topic of letters to the editor in daily newspapers as well as articles in journals and periodicals in a number of fields. The debate was not dominated by critics of Israel's conduct, as one might have assumed on the basis of the first contributions in the *New York Times*. On the contrary, Ben-Gurion and the Israeli government made sure that their supporters were also heard. The first to voice his support of Israel was Jacob Robinson, who had been a special consultant on Jewish affairs to Justice Robert Jackson during the Nuremberg trials, and who had served for ten years as legal advisor to the Israeli delegation at the United Nations.

After news of Eichmann's capture was published and the public debate over the issue began to heat up, Robinson sent a letter to the *New York Times* (June 6, 1960) and soon after an extended version of it to *Commentary*, the notorious monthly of the moderate American Jewish Committee. His letter was published in the July issue at the height of the debate in the United Nations over Eichmann's capture. Both versions focused on the legal legitimisation of Israel's right to try Eichmann and completely disregarded the legally questionable aspects of the capture itself. Robinson argued that he saw nothing in international penal law that would deny jurisdiction to a state simply because regular extradition procedures had not been followed. In other words, the fact that Eichmann had been forcibly removed from Argentina in itself had no bearing on Israel's right to bring him to trial (Robinson 1960a; 1960b, 1).

Robinson's principal aim was to legitimate Israel's conduct by illustrating that there was a sound legal basis upon which Israel could claim the right to try Eichmann. He did not hesitate to manipulate the rules of international law in such a way that his defence of Israel was – paradoxically enough – based both on the weaknesses and strengths of international principles. He identified three grounds on the basis of which Israel's right to try Eichmann

seemed incontestable, without paying attention to the fact that each of them was open to various interpretations.

Firstly, he pointed out that there were no accepted rules of international law governing the penal competence of national courts, from which he deduced that, as long as there was no international criminal jurisdiction, defendants could be prosecuted and tried in any country. This argument was obviously meant to back Israel's right to try Eichmann in a situation in which generally accepted international norms were lacking (Robinson 1960a; 1960b). At the same time, however, Robinson disregarded the fact that Israel's right to try Eichmann could have been rejected on the basis of the very same argument: as there were no accepted international rules on the penal competence of national courts, no national court could be awarded such competence. In addition, it could have been argued that, as long as there were no general principles on jurisdiction and tribunals in international law, no state could claim the self-evident right to try Eichmann.

Secondly, Robinson argued that territoriality and nationality principles could be applied in this case despite the fact that Eichmann's crimes did not take place in Israel and he was not an Israeli citizen. Usually, the territoriality principle has been interpreted in such a way that a trial must take place in the country in which the crime was committed. Correspondingly, the nationality principle has been understood to mean that a defendant must be tried by his own national government. Some states distinguish between active and passive nationality principles in such a way that the former refers to cases in which courts are competent to deal with defendants who are citizens of their own countries regardless of where the crime in question was committed. In the latter case, on the other hand, the principle is applied to cover cases in which a country's nationals are the victims of a crime. In Robinson's interpretation, the rationale behind the territoriality principle should have been established by considering the best location for the trial. The common assumption

is that the best place to hold a trial is the country in which the crime was committed, because it offers the most comprehensive possibility to investigate the crime: the *corpus delicti*, the witnesses, and the evidence are all there. In Robinson's reasoning, Israel best fulfilled all these criteria: "There are in Israel no less than 300,000 survivors of the Nazi extermination policy, the greatest concentration of potential witnesses anywhere. The most extensive documentation of the Nazi extermination policy is also to be found in Israel, where at least three different research institutes have been collecting and organising the relevant material for years." (Robinson 1960b, 2) In addition, in his view, Israel could also appeal to the substance of the passive nationality principle on the ground that it sheltered more surviving victims of Nazi terror than any other country. (Robinson 1960a; 1960b, 2)

In order to strengthen his argument that Eichmann's crimes were universal rather than particular, Robinson paralleled them to piracy. Thus, just as the crimes of pirates are not crimes against a particular nation or a group of people, but are perpetrated by *hostes humani generis*, genocide is a crime against humanity as opposed to a crime against a specific group of people (Robinson 1960b, 2). This parallel did not, however, prevent Robinson from arguing that Eichmann committed his crimes specifically against the Jews and not against people or humanity in general: "Eichmann had nothing to do with the persecution of non-Jews: his specialty was the extermination of the Jewish people." (Robinson 1960b, 3) In this way, his argumentation painted a portrait of an arch-executioner who was simultaneously a *hostis humani generis* and a *hostis judaeorum*.

In addition, Robinson took up the argument according to which Israel could not have a legal right to try Eichmann because it did not exist at the time the crimes were committed. As a lawyer, he did not allow himself to resort to applying any extra-legal moral arguments on Israel's behalf. Instead, he preferred to attempt to construct an historical-juridical basis for the existence of the state of Israel,

which would then justify its right to try Eichmann. He argued that Israel's legal continuity stemmed from the Balfour Declaration and the Mandate for Palestine under the League of Nations (Robinson 1960a; Robinson 1960b, 4). Even if such legal continuity had existed, he disregarded the fact that it could not have been used as a judicial principle by virtue of which Israel's existence as a juridical person or body could have been declared, because such a definition would have awarded Israel a precedent for jurisdiction over a number of other matters prior to its independence.

It was at this point that the *New York Times* decided to take a stand. In its editorial on 8 June, it went directly to the heart of the matter by pointing out that Eichmann's trial was a juridical paradox because "an adequate punishment for him would actually be beyond reach of the hand of man," but "Eichmann must and should be tried." Appealing to the opinion widely held outside of Israel, it argued that Israel was not the right place for Eichmann to be tried because of the nature of his crimes: they were committed against humanity and in Europe, not in or even against Israel. Consequently, the editorial suggested that the ideal means of handling Eichmann's case would have been to reconstitute an international tribunal representing the conscience of the entire international community. Trying Eichmann in an international court – or a German court if it turned out to be impossible to reorganise an international one – would be a sufficiently impressive demonstration of retributive justice to the world at large. Thus, although the *New York Times* recognised Israel's competence to organise a fair trial, it disputed its competence to represent the conscience of all humankind. In addition, it was quite unwilling to grant Israel the right to teach the rest of the world a lesson about the eternal nature of antisemitism. Obviously, the American pro-Israel circles were less than pleased with this editorial. The biggest bombshell for the pro-Israelites, however, dropped just a few days later when Erich Fromm's letter from Mexico City was published.

Erich Fromm was much more than just loyal reader of the *New York Times* to the American Jewish community. He was not only the well-known author of a number of psychoanalytically oriented social studies, but was “widely hailed and accepted as a ‘spiritual leader’ of our time; not merely a scholar but a man of great ethical values, one who probes the depths of the human soul today, leads us to self-understanding and also points the way we should go if we are to rid ourselves of much of the evil that lurks within us,” as Shlomo Katz characterised him in the summer issue of *Midstream*, a quarterly published by the Theodor Herzl Foundation (Katz 1960, 84).

Fromm wrote his letter as a reply to the editorial of the *New York Times*, welcoming its suggestion of reconstituting an international court. At the same time, however, he criticised the editorial’s choice to remain silent on other important aspects of the case. Among these aspects was the fact that Eichmann’s kidnapping was an act of lawlessness of precisely the same type as that of which the Nazis themselves had been guilty. He argued that “it is one of the most tragic consequences of acts of brutality like those committed by the Nazis that they tend to brutalize the rest of the world, including their own victims. The State of Israel has failed to conquer the Nazi spirit by not rising to a higher moral attitude than that of lawless revenge” (Fromm 1960). Moreover, Fromm severely questioned Israel’s right to represent “Jewish people,” arguing that “Israel cannot represent anybody except her own citizens, the majority of whom are Jews, albeit a fraction of the Jews living in the world. Many of these resent the attempt of a state to which they have no allegiance whatsoever to speak – and render judgments – in their name” (Fromm 1960).

This was a powerful statement, and it is not surprising that it did not go unnoticed by American Jews. The strong feelings it aroused are reflected in Katz’s account. He lamented: “Since it is Erich Fromm who says this, and not some Arab propagandist or unreconstructed German, one feels like screaming: How can you say this, Dr. Fromm? What ‘revenge’?” (Katz 1960, 84) In a desperate attempt

to find some kind of explanation by reading between the lines, he suggested that the Eichmann case had opened a wound that had yet to begin to heal in Fromm's and many others' hearts. For Katz, this unhealed wound was the unresolved problem of feeling guilty over the fate of the European Jewry. Fromm's attack against Israel was to be read as an attempt to once again repress this problem; it was far easier to externalise his sense of guilt by criticising Israel's handling of the Eichmann case than it was to face it personally by admitting that he belonged to the group of potential victims who survived by chance because the Nazis had not managed to finish the Final Solution (Katz 1960, 85).

Katz hinted that the problem with Fromm's stance was that he refused to assume the position of a potential victim of the Nazis, which would, of course, also have included an inevitable sense of shame for being dehumanised in such a brutal manner by the Nazi atrocities. Even though Katz never actually said so, one is inclined to think that he believed Fromm was a victim of "Jewish self-hatred," which led him to make a desperate attempt to dissociate himself from this group of miserable human beings who had been unable to defend themselves.

This is a clear case of misinterpretation. Although Katz acknowledged Fromm's reputation as a man of great ethical values, he failed to read his letter as an ethical plea, which is how it should have been read in my view. Fromm's letter was not the result of repressed psychological processes which led him to make outrageous claims comparing Israeli and Nazi policies, as Katz had argued. Fromm hoped that Israel would ethically rise above other nations by recognising the international nature of the Nazi's crimes. At the same time, he wanted it to repress its understandable desire for revenge. Moreover, he wished that the young Jewish state would prove itself to be ethically and politically above its worst enemies. However, this would have required breaking the chain of illegal measures in its interaction with the rest of the world. Unfortunately,

Eichmann's kidnapping was only one example in a long list of such illegal measures.

In the meantime, the diplomatic conflict was about to proceed to the United Nations, and the *New York Times* decided once again to take a stand. In its editorial on 18 June, it argued that Israel's position was at the heart of the problem so far, as it affected international law and the orderly relations between governments. Towards the end of the editorial, this general remark was further developed into a direct plea to Israel and eventually into a direct attack against Ben-Gurion. The editorial argued that it would have been in Israel's own best interest to turn Eichmann over to an international tribunal, as it often made reference to the existence of a "transcendent moral force"; Israel had a special responsibility to the rest of the world because of the way in which Eichmann had been captured. Contrary to Ben-Gurion's beliefs, this transcendent moral force did not provide Israel with "supreme moral justification" for engaging in the illegal act of kidnapping and violating international law: "He is wrong. No immoral or illegal act justifies another. The rule of law must protect the most depraved of criminals if it is also to stand as bulwark against the victimization of the innocent."

The debate continued in *Commentary*, which published a reply by Oscar Handlin, a Professor of History at Harvard, to the previously published apology for Israel's conduct by Jacob Robinson. Together with Erich Fromm's immediate reaction to the ethically dubious aspects of the kidnapping and trial, it offers a good example of how the juridical discussion became immediately intertwined with ethical and moral aspects.

Handlin complained that Robinson had made his case by defining the problem in narrow legal terms. Had he also taken into account the ethical aspect of the problem, he could not have avoided questions related to Eichmann's capture. Unlike Robinson, who considered the manner of the capture to be both ethically and juridically insignificant, Handlin argued that an ethically solid

consideration of the case had to start precisely from the point of the capture. What made Eichmann's capture both legally and ethically precarious in Handlin's view was that it was both a clear case of espionage and an invasion of another state's sovereignty. Handlin went on to argue that Israel's stance included two inherently suspect aspects. Firstly, repeating Fromm's earlier argument, he pointed out that Israel's right to speak in the name of the world Jewry was profoundly questionable and by no means generally accepted amongst the world's Jews. Secondly, as to the historical legitimacy of Israel's existence, Robinson's construction of legal continuity from the Balfour Declaration and the Mandate for Palestine was simply unfounded because their purpose was not to establish the foundations of a future Jewish state (Handlin 1960, 161).

In Handlin's view, the problem with Robinson's line of argumentation was that by disregarding the ethical aspects of Israel's actions, he was not really able to grasp the central issue of the case as a whole, namely "historic justice". He argued that justice involved more than the mere punishment and retribution of the wrongdoer, since, according to the Western conception of justice, an offence is never committed only against the individual who suffered but against the entire community. Analogically, in the case of Eichmann's capture, Israel had not only violated Argentina's sovereignty but had also violated two important generally accepted principles of justice. Firstly, the kidnapping went against the right of refuge, which for more than a century had been the subject of attempts to establish it as an international principle of protecting individuals from political and other forms of persecution and guaranteeing them a fair trial. Secondly, Israel had abandoned the principle of crimes against humanity. The destruction of the European Jewry was a clear case of a crime against humanity, and Eichmann's crimes should have been approached in the light of this principle (Handlin 1960, 161–162).

Handlin read these two violations of international principles as expressions of both Israel's tendency to ethically view itself as

superior to other countries and its general unwillingness to be a part of the international community and respect its rules and norms. What makes Handlin's conclusion significant for us here is that this argument took him from an ethical to a political level. Politically speaking, it was the terms of sharing the world with other people that was really at the heart of the Eichmann's trial. Handlin suggested that there was a certain parallel between Eichmann's conduct and that of Israel. Whereas one of Eichmann's main crimes was his unwillingness to share the world with the Jews (cf. Arendt 1963/1965, 279), it turned out that Israel was becoming a political criminal of sorts by refusing to share the world equally with other nations, preferring instead to exempt itself from respecting and following generally accepted international rules and norms.

Handlin found it profoundly sad that as soon as the Jews regained an independent position among nations by refounding a state of their own, the divinely inspired ethical principles of Zionism were forgotten in a very hypocritical way by producing a distinction between "we" and "they" according to which the Jews' deeds were judged. More precisely, Israel's deeds were measured and judged with different criteria from those generally valid in the interaction between nations: "It is sad, from this point of view, to find Jews who are pacifists in general but justify a defensive war when it comes to Israel, who are against capital punishment in general but seek the execution of those who have wronged their co-religionists, who profess interests in an international moral code, but defend the right of a Jewish nation to take the law into its own hands. This tragic turn of events certainly calls for self-examination." (Handlin 1960, 162)

What followed was not so much a period of self-examination, but the fierce defence of the right of Israel to try Eichmann by Marie Syrkin, the editor-in-chief of the labour *Zionist Jewish Frontier*. In its sheer outspokenness, her account paints a clear picture of the American Zionist stance on the debate. Syrkin saw the capture and trial of Eichmann simply as an expression of poetic and historic

justice. She firmly refused Handlin's accusation that Israel was animated by a gross desire for vengeance in the spirit of Old Testament justice. Instead, she maintained that the trial was a mechanism through which Israel insisted on confronting the single greatest sin of our time. In her view, the great *j'accuse* heard in Jerusalem was not directed primarily at the puny figure of Eichmann the man, but at the social forces which facilitated his existence and which might make him possible again. Thus, Israel's intent was in the deepest sense pedagogic and therapeutic. It wanted to cure the world of its amnesia concerning the issue of guilt for allowing the Nazi crimes to happen (Syrkin 1961, 8–9).

In other words, Syrkin quite correctly pointed to the fact that what was on trial in Jerusalem was not so much Eichmann the man, but the entire world, which had sat back and allowed the destruction of the European Jews to take place without lifting a finger to stop it. Syrkin also observed that soon after the war the world had been struck with a curious case of amnesia which kept it from "remembering" what had happened. She failed, however, to realise that Israel was not necessarily the best possible choice of who should teach the world this lesson. In addition, she failed to see that a trial, even that of a remarkable Nazi criminal, was not necessarily the best possible forum for this re-education, as judicial proceedings tend to turn all the great principles of the Western conception of justice upside down. One such principle is that it is not the victim's task to try his or her perpetrator, because the victim of a crime can never be sufficiently impartial and always has a thirst for revenge. Victims should also not be raised to the position of judges, even in cases as obvious as Eichmann's; if the result of the trial is declared or determined in advance, and if the judges are even only formally partial, the entire proceeding becomes a travesty and loses sight of its basic function of distinguishing between right and wrong.

Syrkin's contribution clearly exemplifies the fact that the argumentative strategies and ultimate justifications chosen by the participants

of the debate were not determined along clearly defined lines. As a secular Zionist, Syrkin did not hesitate to fall back on old religious lore in the defence of Israel and its right to try Eichmann.

Meanwhile, Telford Taylor, a prominent lawyer who had been an intelligence officer during the war and later served as chief prosecutor at Nuremberg, made a desperate attempt to get the debate and the trial back on a firm juridical track. Taylor's contribution, which appeared in the *New York Times* on 22 January 1961, was a reply to Ben-Gurion's aforementioned speech at the conference of the World Jewish Congress. Taylor did not even attempt to mitigate his aversion to the Israeli policy on the matter.

His point of departure was that the Eichmann trial was by no means a unique event, but rather had to be approached in the context of its precedents, i.e. previous war crime trials. In this context, "[t]he great goal of Nuremberg was the amplification and clarification of international criminal law, to strengthen the foundations of world peace and order for the future." (Taylor 1961, 11)

Taylor reminded his readers that despite the profound political implications of international law and its dependence on the general global political climate, the essence of law should not be ignored, even in the Eichmann case. The essence to which he was referring is that a crime is not committed only against the victims but against the entire community whose laws have been violated. In Taylor's view, the problem in the Eichmann case was that Ben-Gurion was doing his best to ignore this by proclaiming that the murder of the European Jews was a "crime against Jews" everywhere. This claim carried the inherently dangerous implication that the murder of Jews was not a crime against non-Jews. Taylor paralleled such a stance to Teutonic law, which could not provide a basis for an enlightened system of law in the modern world (Taylor 1961, 22).

Similarly to Fromm, he argued that it was a bitter irony that arguments once used by Hitler were now echoed by those who claimed to speak for the people he sought to exterminate. The main

problem with Israel's stance was that it was blinded by absolute nationalism, which was irreconcilable with the very idea of international law. Thus, what really disturbed Taylor was Israel's goal of binding the Eichmann trial to its nationalistic war against the rest of the world. Doing so would mean that the trial would become a travesty of international law and all justice systems and, as such, would hinder as opposed to contributing to the development of international law (Taylor 1961, 22).

It is now clear that there were two main lines of argumentation in the public debate over the Eichmann trial. On the one hand, there were the mostly pro-Israel nationalistic "moralists," who built their argumentation on the notion of the victim's ethical right to try and punish – at least in this particular case, in which the enormity of the crime went beyond normal human comprehension. On the other hand, there were positivist lawyers, who approached the trial as an episode in the development of international law and defended the rule of law despite the specific nature of the case. More precisely, on the meta-theoretical level, the principal controversy was between legal positivists, who attempted to keep the Eichmann case in the realm of the rule of law, and nationalistic "moralists," who challenged them, arguing that there should be moral and ethical justification for trying the case. The former were primarily interested in respecting and developing international law while the latter focused on saving the existence of Israel as a Jewish national state at all costs.

## **2.5. EICHMANN IN THE WORLD PRESS**

Segev has pointed out that in the beginning of the 1960s, the Israelis had an almost mystical faith in the power of the international media to either harm or help Israel. When Argentina protested the violation of its sovereignty and brought the matter up for discussion in the United Nations' Security Council, the Israeli press responded with a real sense of having been hurt. The Israelis were not satisfied with

just having gotten their hands on Eichmann, but also demanded that “the world” recognise their moral and historic right to kidnap and try him. (Segev 1991/1993, 333) It is not surprising, then, that the Israeli press also vehemently defended Israel’s right to organise the trial as it saw fit. It carefully followed what was written in other countries and often replied quite emotionally.

At the same time, however, the press was under heavy governmental censorship: it was not always given adequate information or allowed to publish whatever it pleased. Obviously, the foreign press also suffered as a result of the situation, but it definitely had the most significant effect on the Israeli press, which was obliged to follow the foreign press in order to keep up with its own government’s policies. Thus, although there is no doubt that the Israeli press backed its government’s policy voluntarily, it should not be forgotten that it sometimes did so based upon incomplete or even false information (cf. Rubinstein 1961).

### **2.5.1. The Pro-Israel Defence**

The capture of Adolf Eichmann grabbed the world’s attention. News of Ben-Gurion’s announcement of the capture in the Knesset broke immediately, and in the days and weeks that followed, the world press tried to paint a coherent picture of the events. Wild rumours of the conditions of the apprehension were inevitable, as the Israeli government refused to reveal all the details of Eichmann’s capture. The Israeli Ministry for Foreign Affairs tried to steer world opinion by publishing a collection of excerpts from the world press in July 1960 entitled *Eichmann in the World Press*. It is not at all surprising that this selection is conspicuously pro-Israel and fails to paint an accurate portrait of the tone of reporting at the time.

Israeli newspapers and magazines did not hesitate to join the international debate, and openly supported and defended every aspect of the Israeli policy on the matter. Their primary emphasis

was on the distinction between international and domestic law, and they pointed out that there were no generally accepted and shared rules of international law in existence limiting the penal competence of national courts. Thus, international law did not deny jurisdiction to a state because it had violated the domestic laws of another state in the process of apprehending a suspect. In addition, many states accepted that the manner in which a criminal suspect was brought before a court had no bearing on the right to try him (*American Jewish Yearbook* 1961, 205; *Eichmann in the World Press*, 1960).

Those who defended Israel's actions suggested an analogy between Eichmann's crimes and the crime of piracy, over which, according to international law, all national courts had jurisdiction. By this standard, Israel could claim jurisdiction on the basis of its being a member of the international community. The Israelis also defended the passive nationality principle, which they considered to be applicable to Israel because the majority of surviving witnesses and evidence were currently residing there (*American Jewish Yearbook* 1961, 205–206).

In the Israelis' view, the assertion that Eichmann should be tried in an international tribunal was unrealistic, because the jurisdiction of the present International Court of Justice was limited only to disputes between states. In fact, at the time, there was no court in the world that could take the case, because the Nuremberg tribunals had been disbanded a decade earlier and the proposals to establish a new permanent international criminal court had made no headway (*American Jewish Yearbook* 1961, 206; *Eichmann in the World Press*, 1960).

As to the moral question, Israel's supporters pointed out that the country had every right to act on behalf of the six million murdered Jews and the survivors. The fact was that no other nation had shown any particular interest in apprehending and trying Eichmann. Finally, the Israelis asserted that their main objective was not to punish Eichmann, as no human punishment would be great enough to make up for his deeds, but to use his trial to broaden the historical

record of the authentic history of the Nazi crimes against the Jews in all their magnitude and horror (*American Jewish Yearbook* 1961, 207).

Israel's supporters vehemently defended Israel against every critical view presented of its policy in the Eichmann question. The American press, which was not usually considered to be particularly "anti-Israel," also got its share of criticism. In order to both illustrate how the American newspapers and magazines reported on Eichmann and judge whether the pro-Israel critique was fair, I have chosen two representative examples. The first is *Life Magazine*, which is one of the most widely circulated weeklies in America. The second example is the *New York Times*, perhaps the leading newspaper in the world, which was already under mainly Jewish control in the 1960s.

### **2.5.2. The Tale of Adolf Eichmann in *Life Magazine***

Over the course of the 1950s, the world's leading weekly publications had rekindled the theme of the hunt for Nazi criminals, and in 1960, they were suddenly faced with having to report on Eichmann's kidnapping. Many of them made the most of it and wrote everything they were able to uncover about who Eichmann was as person. *Life Magazine* first reported the story on 6 June 1960 (p. 41) with a one-page story on the Israeli reaction to the capture, in which it called Eichmann "the most bloodthirsty killer of all". Two weeks later, it published photos of Eichmann's house and neighbourhood in Argentina, giving a short account of his capture under the title "Tale of Epic Capture" (*Life*, June 20, 1960, 44). The real scoop was not published until November, however, when the editors of *Life* claimed to be able to "present a major historical document" related to the case in an article entitled "Eichmann Tells His Own Damning Story". This story was published in two parts, the first at the end of November and the second in the beginning of December (*Life*, November 28 and December 6, 1960), and made no reference to the fact that the German weekly *Stern* had already published its own version of the same story.

*Life Magazine's* story was based on the so-called "Sassen interview" given by Eichmann in Argentina in 1955. Willen Sassen was a Dutch journalist who had joined the SS during the war and had been sentenced to death *in absentia* in Belgium as a war criminal. He turned up during the 1950s in Buenos Aires, where he was seen mingling with members of the German Nazi colony. He managed to convince Eichmann to give him a virtually book-length account of his life and deeds. The shortened and edited version of Sassen's Eichmann interview was never published anywhere, although he tried to sell parts of it to the *Time-Life* correspondent in Buenos Aires in 1956 (Pick 1996, 148). A more extensive yet still heavily edited version was published in 1980 by the right-wing lawyer Rudolf Aschenauer in *Ich, Adolf Eichmann. Ein historischer Zeugenbericht*. The original tapes and manuscripts have never been released to the public and are currently housed at the Bundesarchiv in Koblenz, Germany (Cesarani 2004, 425).

The second part of the *Life* story was published alongside an editorial which dealt with the theme of responsibility. The quite scandalous tone of the earlier story is clearly missing from this account. The editorial states that "[the] depressing fact is that Eichmann is basically a rather un-extraordinary man [...] It was chiefly for lack of better goals that Adolf was an easy convert to the shabby romanticism of the early SS [...] Apart from an excessive 'German patriotism,' his personality had no sharp edges and his psyche no obvious traumas. What he did with himself could have been done by anyone with an equal talent for keeping his place, 'doing his duty,' taking his orders, and turning his conscience over to the care of the State" (*Life*, November 5, 1960, 46).

In the editorial's view, the moral of the Eichmann story, however, went further than that. It lay in the fact that anyone's wilful blindness to injustice anywhere made him a conspirator with evil. The point was that nobody could deny responsibility for the human community at large: "That all men are responsible for each other's crimes is a theological proposition. Its political corollary is less

sweeping but nonetheless true: every citizen is responsible for all the injustice in his own community. When a man is so purblind to this human responsibility as Eichmann, his crimes properly summon him to special punishment. But let no citizen of any community use Eichmann as a scapegoat for his own sins of neglect or unconcern." (*Life*, December 5, 1960, 46)

It is worth noting that *Life Magazine* never interfered in the debate over the justification of Eichmann's capture and Israel's right to try him, focusing instead on Eichmann's personal life story. If there was a message or an expression of a particular attitude in its tone of writing, it was related precisely to this. *Life* never tried to turn Eichmann into the personification of evil, nor did it or any other journal or magazine adopt the notion that Eichmann's evil justified Israel's actions. As to the journals' internal motives, they were simply out to get headlines that would sell, as always. As we know all too well, this endeavour often leads to mean spirited and biased writing which lacks any ideological or political foundation.

### 2.5.3. "Leader of World Opinion": *The New York Times*

The headlines about Eichmann's capture were not as large as one would assume in retrospect (cf. e.g. Friedman 1961, 256). This was probably due in part to the hesitation surrounding the way in which the news was released. On the basis of Ben-Gurion's announcement in the Knesset, the circumstances and details of the capture itself remained ambiguous. This was well manifested in the story the *New York Times* published on the event. In a column written by Jerusalem correspondent Lawrence Fellows, who wrote most of the pieces published on the event, it was lamented that the Israeli Premier had made the announcement with dramatic understatement. After directly quoting Ben-Gurion's speech, the piece criticised the fact that the Israelis had declined to reveal where or when Eichmann had been found, or whether any other country had assisted in his

capture (*New York Times*, May 24, 1960). Eichmann's photo was published on page 18, where the piece continued in two columns. However, this very first piece of news did reveal, through a direct quote from Ben-Gurion, that Eichmann was captured by the Israeli intelligence services:

I have to inform the Knesset that a short time ago one of greatest of the 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 6,000,000 of the Jews of Europe, was discovered by the Israel security services. (*New York Times*, May 24, 1960)

The next day, Fellows was able to report that the head of Israel's Security Service (his name was not revealed in the piece, but apparently it was Amos Manor, the then director of Shin Bet, see Aharoni 1996, 167) had stated that Eichmann had been tracked down and captured through the efforts of his agents alone (*New York Times*, May 25, 1960). Because of the reticence of the Israeli government, the rest of the news was based on speculations surrounding the details of the capture. The first expression of the attitudes of Western diplomats appeared on 26 May, when the debate over Israel's right to try Eichmann really began to heat up. If there ever was an undeniably questionable aspect in the *New York Times'* reporting on the case, it appeared on this day. Next to the piece reporting the capture was a two-column item on Eichmann's personal history and Nazi career, in which he was not only described as the "greatest living enemy of the Jewish people" but also as having "effeminate features," "a cynical smile," as being "the most evil monster of humanity," "baby faced," and "a cynical drunkard who kept mistresses and horses". The purpose of the piece was probably to further illuminate the news that appeared in other newspapers and journals, but it was written in such a way that one can only wonder whether these details are actually just editorialisations or actual facts.

Eichmann's capture and the debate surrounding the trial remained in the headlines until July 1960, although most of the reports were

brief and their tone tended to be restrained as opposed to scandalous. In spite of this, the Israeli Government Press Office found cause on 30 May to protest a number of reports published a couple of days earlier. In them, Lawrence Fellows had reported on the doubts and fears raised by the case in Israel. Among these doubts and fears, he mentioned the possible international repercussions of the trial, as well as the potentially damaging details about the actions of certain Jews during the escape operations of European Jews during the Second World War. What infuriated the Press Office most, however, was the following excerpt:

It would be embarrassing to the country in which Eichmann was captured to have it known that its people can be smuggled out by Israeli agents with or without its consent of cooperation [...] It will be painful for the Israelis if it turns out that Eichmann's wife and three sons were murdered to prevent their revealing the country in which Eichmann was captured. (*New York Times*, May 28, 1960)

The Press Office promptly released a statement which characterised these words as “shocking suggestions” that were examples of the many baseless fabrications which had appeared in the press (*New York Times*, May 31, 1960). It is true that nobody had harmed Eichmann's family, nor did anyone intend to in all likelihood. However, it seems as though it never occurred to the Israelis that their own choice not to reveal all the details of the capture would create an environment that was conducive to the spreading of rumours and speculation.

In addition, the information released by the Israeli government was not always a faithful account of what had really happened. A good example of this is an Israeli note to Argentina dated 6 June, in which it was calmly stated that Eichmann had voluntarily fled Argentina and gone to Israel, adding that it was not until Argentina sought information on the case from Israel that the Israeli government suspected that Eichmann had been apprehended in Argentina (*New York Times*, June 7, 1960). Who could possibly have believed this –

especially following the news that the Israeli Intelligence Services had carried out Eichmann's capture? At this point, as we have already seen above, the Israelis had also begun to speak about a volunteer group which had gone to Argentina to find and apprehend Eichmann. Thus, it is not surprising that foreign diplomats in Israel expressed their astonishment over Israel's official explanation of the events and said that they failed to understand its repeated reference to this "group of volunteers" (*New York Times*, June 8, 1960). It simply contradicted both Ben-Gurion's initial announcement in the Knesset and information given in the first press conferences on the event.

In keeping line with the *New York Times'* often reticent style, the first editorial on the topic did not appear until 8 June. It began by confirming the generally adopted view according to which an adequate punishment for Eichmann was actually beyond the reach of the hand of man. After this, it went on to point out that the enormity of his crime did not, however, negate the necessity to try, convict and punish him. The editorial also acknowledged Israel's right and ability to organise a fair trial. Following this, however, it claimed that despite all the factors speaking in favour of Israel, it was not the proper place to try Eichmann for two main reasons. Firstly, Eichmann's crimes were committed against humanity, and secondly, they were committed on European soil. Thus, it was in the interest of all civilisation that Eichmann be tried, and not in the interest of Israel alone (*New York Times*, June 8, 1960).

The editorial went on to suggest that the ideal method of handling the case would have been through constituting an international tribunal representing the conscience of the entire international community. Eichmann's trial and judgement would thus reflect the opinion of the entire civilised world. As the editorial did not see this as realistic at that particular time, it suggested that the trial would be organised in Germany, where Eichmann had committed his crimes. In this way, his trial would be both a far more impressive demonstration of retributive justice and a far more effective reminder

of the Nazi crimes than a trial held in Israel could ever be (*New York Times*, June 8, 1960).

This was simply too much for the Israeli government, which repeatedly insisted, both in the United Nations and elsewhere, on Israel's right to try Eichmann (*New York Times*, June 18; June 19; June 20; June 23; June 25, 1960). However, it is important to note that the *Times* editorial was not so much an expression of anti-Israelism as a reflection of the disagreement between the U.S. government and Israel over this particular matter. As far as I can see, the second (and last) editorial published by the *New York Times* on 18 June should be read precisely in this light.

This editorial began by repeating the arguments presented in the earlier piece. It went on, however, to take a step further by directly attacking the Israeli Premier, Ben-Gurion. Behind this attack was Ben-Gurion's statement in Paris on 17 June, in which he forcefully defended Israel's moral right to try Eichmann despite the illegal manner of his capture (*New York Times*, June 18, 1960). Contrary to this, the *New York Times'* second editorial did not approach Israel's action in terms of rights but in terms of duty:

Because of the way in which Eichmann was captured and kidnapped, Israel has a special responsibility before the world. A clear violation of Argentine sovereignty and of international law was carried out at least with connivance of the Israeli government, a violation that cannot be condoned irrespective of the heinousness of Eichmann's crimes. Premier Ben-Gurion refers to the 'supreme moral justification' of this act. He is wrong. No immoral or illegal act justifies another. The rule of law must protect the most depraved of criminals if it is also to stand as a bulwark against the victimization of the innocent. (*New York Times*, June 18, 1960)

At first sight, this is, of course, a clear statement against Ben-Gurion's policy on the matter. Nevertheless, it can also be read in another light. Instead of accusing the Israeli government of literally lying about its role in the kidnapping, it discretely refers to the connivance of the Israeli government.

On the basis of what has been said above, it can be concluded that the *New York Times* by no means exaggerated the importance of the Eichmann case in its reporting. This is well manifested in the size of the pieces and the space given to the case in general. Instead of being anti-Israel, the *New York Times* chose a pro-government line, which in practice meant that it refused to fuel the debate over the matter. It delayed publishing an editorial on the topic and allowed relatively little space for letters to the editor, publishing only five of them (*New York Times*, June 6; June 9; June 17; July 4, 1960). Although the Israeli government accused the foreign press of rendering the case of the Eichmann trial a merely juridical matter, the *New York Times* did not overemphasise the legal aspects of the matter, choosing instead to report on the main features of the debate in Israel and the United Nations.

Much of the public debate over the Eichmann case was related to the status of the state of Israel in relation to the world Jewry. Israel claimed to have a natural and historical right to speak in the name of all the Jews in the world, not only in the case of the Eichmann trial but also in general. As we have seen above, according to the Israeli opinion, led by Ben-Gurion, the diaspora Jewry was doomed to extinction through integration, and only those who returned to Israel would be able to survive the pressure of assimilation. This prophecy was most staunchly rejected by American Jews. Although they did engage in a heated debate over their own identity and prospects of survival, they did not accept the Zionist notion that they had a moral duty to return to Israel. Most of the American Jews felt as though they were as much American citizens as they were Jews. Jewishness was not the only defining trait of their identity. They found the prospect of granting Israel the right to speak on behalf of the world Jewry inconceivable. It is important to bear in mind that in America, this view was not only held by Reform Jews, who refused the idea of returning to Israel on a religious basis, but was also shared by most mildly religious middleclass Jews.

#### 2.5.4. Monster or Bureaucrat?

On the basis of the discussion above, it is clear that until the trial that began on 11 April 1961, Eichmann was mainly described in the world press as a monster and arch-killer, i.e. as one of the cruellest Nazi criminals to ever live. Nevertheless, a careful chronological analysis of the reporting of the Eichmann case reveals that this initial impression soon began to change. This is important in the context of this book, since Hannah Arendt was a member of the reading public. Although we cannot know how intensely she followed the public debate surrounding the Eichmann case, we have good reasons to believe that she paid quite a bit of attention to it. Her correspondence with Karl Jaspers reveals that by October 1960 she had already agreed to cover the trial for the *New Yorker* (Arendt 1985/1992, 402). More importantly, in December 1960, she told Jaspers that she would never be able to forgive herself if she did not go and “look at this walking disaster face to face in all his bizarre vacuousness, without the mediation of the printed word” (Arendt 1985/1992, 409). She must have noticed that not all newspapers actually referred to Eichmann as an inhumane monster. There were some, like *Life Magazine*, which chose to paint a portrait of Eichmann as an ordinary man. This is an important fact, because it reveals that Arendt was by no means the first person to publicly present the idea of Eichmann’s normalcy. In this subchapter, I will briefly examine a few of the most remarkable features of the public reception of Eichmann as a person and how it changed over time.

Given that the Jewish press tended to paint a deeply negative picture of Eichmann in its pre-trial reporting, the embarrassment caused by his appearance in court is noteworthy. There was something about Eichmann’s physical appearance that did not correspond to the pre-trial image depicted of him. The figure of the man simply did not seem to fit the crimes he had committed. *Hadassah Magazine* (41:9, May 1961, 3, 23), published by the Women’s International Zionist

Organization, reported that he “slipped into Court, out of the mystery and legend of his imprisonment, almost unnoticed,” looking “dignified enough and almost proud.” The Anti-Defamation League’s *ADL-Bulletin*, one of the most passionate promoters of the notion of Eichmann as a bloodthirsty monster, described the initial impressions of the members of the press present at the trial as follows:

Eichmann, the visible object of discussion, is still an enigma and, in the dramatic sense, somewhat of a disappointment. He has been described by reporters as looking like everything from a window-washer to a vacuum cleaner salesman. He shows virtually no expression. (*ADL-Bulletin*, May 1961, 5)

A mysterious vagueness about Eichmann was also noted in the labour Zionist *Jewish Frontier*. Its Israeli correspondent, Moshe Bar-Natan, described “Eichmann in captivity” as a “miserable figure,” “verbose,” “evasive,” and “obsequious” (*Jewish Frontier* 28:6, June 1961, 5). Haim Gouri, who attended the trial for the Israeli leftist labour-wing newspaper *Lamerhav*, was also perplexed by the figure of accused and wondered whether Eichmann represented “an iron will to remain silent or the obtuseness of a man who does not realize who he is” (Gouri 2004, 1). These descriptions clearly reflect the fact that both the press and the audience expected that Eichmann’s evil would be manifested in his physical appearance. They expected and perhaps even wanted him to actually look like an executioner and not an ordinary officer, “tall, thin, dressed in a dark suit, a well pressed white shirt, and a tie” (Gouri 2004, 1). These expectations were encapsulated by the *New York Times* correspondent Lawrence Fellows after the first three weeks of the trial:

Yet Eichmann is a disappointment to the people who are trying to understand something of his strange character. For their sake he should have been an insect or some antediluvian monster, but he is neither. His face is utterly empty. Observers have tried hard to find something sinister in it – the twisted mouth, the sly look, the inferno in each of his eyes – but the truth is that he is quite ordinary looking [...] Even his voice was a disappointment.

He did not have the shrill, hysterical voice of an SS man. (*New York Times*, April 30, 1961)

This initial perplexity in front of the figure of Eichmann in captivity did not change the general attitude of the Jewish press towards him. This is well reflected in the post-trial reviews. *The American Zionist* (September 1961, 3) emphasised that his air of confidence and efficiency were likely the result of careful rehearsals with Dr. Servatius, i.e. they were not authentic character traits. *The Jewish Vanguard* (December 22, 1961) called Eichmann “the twentieth century Haman,” a “war criminal,” and an “enemy of mankind”. The *ADL-Bulletin* (September 1961, 6) even swiftly carried out an extensive assessment of the press’ reaction to the case over the course of the trial, concluding that favourable press reaction to the conduct of the trial had largely dispelled earlier criticism of its circumstances and legality. It also pointed out that as the trial got underway, there began to be fewer and fewer negative editorials: “Not a single negative editorial could be found in the American press in the months of June and July.”

It is possible to distinguish two clearly different attitudes towards Eichmann’s persona which began to take shape already before the trial and were enforced over the course of its duration. There were those who chose to see him as a monster and those who admitted that despite everything, he was still a human being. It is noteworthy that this distinction was drawn and delineated largely between the Jewish and gentile press. While the former almost desperately reiterated the same arguments about Eichmann’s sheer monstrosity before, during and after the trial, the latter’s view of Eichmann as a human being was slowly but surely enforced over the course of 1961.

Those who most clearly expressed their reservations about the trial very early on were members of the British left. This general attitude also included the image of Eichmann the man. In March 1961, the *New Statesman* published an article by the Labour MP

R. H. S. Crossman which anticipated and encapsulated the stance of those who ended up viewing Eichmann primarily as a bureaucrat. On the basis of the Eichmann literature published at the time, Crossman concluded:

The only arresting feature of Eichmann's personality appears to be his complete featurelessness. He belongs to that army of faceless bureaucrats who conscientiously kept the Third Reich going long after defeat was inevitable. Unlike Himmler, who was not only an earnest racist but a nature-fadist, opposed to blood sports, Eichmann, from what is so far known about him, *had no convictions of any kind* – and no ambition except to climb the ladder of promotion. We cannot even discover *any special wickedness or perverse tastes* which would qualify him for becoming the arch criminal, responsible for the destruction of four million Jews. (Crossman 1961a, 504, my italics)

In our context here, it is important to note that the expressions in italics in the above quotation were repeated almost verbatim by Arendt in her trial report. In a post-trial account of the Eichmann case and sentencing, Crossman pointed to another aspect in Eichmann's conduct that was later decisive also in Arendt's trial account. He argued that the attorney general had failed to break Eichmann down and make him beg for mercy or to expose him as an arch-criminal capable of initiating genocide:

There before us stood not the raving anti-Semite who sent millions to the gas chamber because he was convinced that the *Herrenvolk* was being poisoned with Jewish blood, but a creature of the Nazi machine, an *Untertan*, with all the vices of the underling, a bureaucrat who made his career in the SS hierarchy by obeying any directive, however inhuman, yet always cunningly careful to cover his tracks by lies and, where possible, by anonymity. (Crossman, 1961b, 949)

As we will see more in detail in the following chapters, the conception of Eichmann as a bureaucrat, a desk-killer whose actions were based on the principle of following the orders of his superiors, was one of the cornerstones of Arendt's frame of interpretation. It is important to be aware of the fact that Arendt did not conceive of

her understanding of the bureaucrat and the good family man as the most dangerous criminal of the 20th century in connection with the Eichmann trial, but had actually been developing it since the end of the Second World War (see Arendt 1951/1979 and 1994). As to the Jewish press, what is clear in its reception and interpretation of Eichmann is that it approached him as if it had never heard any of Arendt's reflections, although she had published many of them in a number of Jewish periodicals. As far as the Jewish press was concerned, Eichmann was and remained a monster.