

HANNAH ARENDT: FIFTY YEARS AFTER *EICHMANN IN JERUSALEM*



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Cover images clockwise from top left: Barbara Sukowa in *Hannah Arendt* (Zeitgeist Films); Hannah Arendt, Hannah Arendt Center, Bard College; Justices delivering Eichmann death sentence, United States Holocaust Museum.

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Editors' Introduction

The collection of essays contained within this special issue of *SPECTRA: the ASPECT Journal*, dealing with a range of issues surrounding Hannah Arendt's private life and public thoughts, are overall concerned with the question of how we should *think* our way through the contemporary world. It is an urgent concern. Mark Lilla, for example, in a recent piece in the *New Republic*, describes an unsettling picture of the challenges we face. The twenty-five years since the end of the Cold War has not brought about the much-heralded end of history or even an end to ideology. Instead, what has come to an abrupt end are the very real struggles over political, economic, and cultural *ideas* and *thought* that defined much of the 19th and 20th centuries, not only among the EuroAmerican intellectual elite, but one that many "ordinary" people actively took part in around the world. New possible forms of society, order, community, and culture were continually developed, refuted, and redeveloped in a visceral manner that today's students of politics and culture can hardly envision. By contrast, Lilla marks the era since the collapse of the Wall in terms of a narrowing of, in effect, the ways in which we imagine new orders and relationships. Contesting the political today overwhelmingly involves a constant rehashing of a handful of tired and often oppressive models. As he puts it, "we all sense that ominous changes are taking place in our societies, and in other societies whose destinies will very much shape our own. Yet we lack adequate concepts or even a vocabulary for describing the world we find ourselves in."¹

Could the general anxiety felt in regards to these ill-defined "ominous changes" explain the recent resurgence of interest into the work and life of Arendt? While marked all-too-often as a "liberal," her call to think "without banisters" (echoing Nietzsche) and the intricate and novel map of her thought process that is always in plain sight in her writings, ultimately make it difficult to neatly categorize Arendt as a thinker. Could it be that her appeal is drawn from the ways in which her approaches to political and social phenomena jolt us out of our well-worn tracks?

The initial provocation for this special issue of Spectra was Margarethe von Trotta's 2012 film, *Hannah Arendt* which coincided with the fifty year anniversary of *Eichmann in Jerusalem's* publication. The movie is novel for two reasons. First is the fact that philosophers and political theorists are rarely the focus of artistic works. The second is that we are offered a glimpse of Arendt as both a thinker and a woman, a human being. Contrary to the common call that scholars be evaluated only in terms of the work they produce, von Trotta insists on an Arendt whose thinking, writings, personal relationships, and solitude must all be considered in concert with one another.

The collection of essays contained within this special issue of Spectra approach both the Arendt offered in the film and the Arendt of *Eichmann in Jerusalem*. A common theme throughout is the contention regarding her concept of the "banality of evil," harkening back to the difficulty in definitively pinning her down as a particular thinker and human being. We are especially excited that this issue

contains a number of pieces from scholars outside Virginia Tech, which we believe speaks to the overall growing interest in Arendt's work and life.

In her piece, "The Danger of Following Rules: Reflections on *Eichmann in Jerusalem*," Laura Zanotti argues that the concept of banality of evil offers a framework through which universal claims on ethics and norms, especially in terms of global governance matters, can be effectively challenged.

Richard Curtis analyzes one of Banksy's most famous works in the essay entitled "The Artist, the Philosopher, and the Nazi: One Possible Meaning Behind the Mischievous Banality of the Banality of Evil," which Curtis considers an indictment of the way contemporary American culture is unable to confront, let alone conceive of, the evil that Nazism unleashed into the world.

Allison Cardon's essay, "Winning and War Crimes: What *Eichmann in Jerusalem* Means for *The Act of Killing*," cautions those who make various "evil" acts and their perpetrators across time and space essentially equivalent. Doing so, she argues, reduces our ability to recognize and distinguish between the various forms the political and the legitimate can take.

Laura Mascaro contends with the very complicated ways that silences, forgetting, and oral testimony affect national truth and reconciliation projects in the piece "The Potential of Testimony in Transitional Justice: What Truth Can It Bring to Light?" In other words, how do investigators and citizens come to terms with the multiplicity of voices and truths that arise in such contexts?

In "Toward Forgiveness: Arendt's Banality of Evil," Lucy Britt argues that the banality of evil framework allows for a route to not only understanding how seemingly ordinary people can commit horrific atrocities, but also in allowing individuals to forgive the perpetrators, specifically in Rwanda and South Africa.

Max Stephenson reflects on how a general lack of empathy can pervade and distort political and social landscapes, whether in Nazi Germany or in the contemporary American context in the piece "When Empathy Withers."

In the piece entitled "A Lesson Still Unlearned: Arendt and Radical Evil", Marc Lucht argues that Arendt's conception of evil highlights the ways in which both humans and animals have increasingly been categorized as superfluous beings.

Deirdre Mahony discusses the primary errors about Arendt's thinking in *Eichmann in Jerusalem* that continue to be perpetuated to this day in "Misconceptions Regarding Arendt on Eichmann."

Matthew Boedy puts Arendt and Walter Benjamin in conversation with each other in "Eichmann's Thoughtlessness and Language" to see whether evil can, and indeed should, ever be totally comprehended and the strong connections between

manifested evil and thoughtlessness.

Holly Jordan's review of *Hannah Arendt*, "Hannah Arendt: Why Now", concerns several issues, focusing specifically on how Arendt as a human being with a past and prejudices that strongly mold her thinking is presented.

Alex Struwe contends in "The Banality of Ideology" that the Arendt portrayed in the film is nothing more than an empty signifier, absent any real political or social convictions and so directly contrasts the actual radical nature of much of the real Arendt's thinking, including the banality of evil concept.

Amy Shuster offers an insightful critique of von Trotta's film in "Hannah Arendt Without Politics." While a beautiful work of art, Shuster argues the movie nevertheless obscures important dimensions of Arendt as a thinker and as a political agent.

In "The Communal Machinery of Evil: Reflections on *Hannah Arendt*," Scott Nelson focuses on Arendt's highlighting of the relationship between individual thoughtlessness and the commission of evil acts. However, he insists that the thoughtlessness exhibited by whole communities, especially those living within highly precarious situations, has not received the coterminous attention it deserves.

We strongly encourage our readers who are particularly moved by a piece or theme to submit responses for inclusion in a future issue. We encourage a broad range of conventional and creative contribution in a variety of formats, including articles, book reviews, essays, interviews and other works in addition to original multimedia pieces, including podcasts, digital videos, internet-hosted texts, artwork, comics, and photography.

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¹ Lilla, Mark. "The Truth About Our Libertarian Age." *The New Republic*. <http://www.newrepublic.com/article/118043/our-libertarian-age-dogma-democracy-dogma-decline> June 17, 2014.

The Danger of Following Rules: Reflections on *Eichmann in Jerusalem*

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Abstract: In this article I build upon Hanna Arendt's reflections on the "banality of evil" to elaborate on the dangers of unreflectively embracing abstract norms and bureaucratic reasoning as guidelines and justifications for behavior. By offering validation for our actions (or the lack thereof) regardless of their likely effects, abstract norms and rules harbor the danger of appeasing consciences and relieving us from our responsibility towards other human beings. I exemplify the effects of bureaucratic reasoning through the United Nations' failures in Rwanda and Srebrenica. In *Eichmann in Jerusalem* Hannah Arendt warned against the banal evil hidden in the uncritical following of accepted norms and rules of behavior. I conclude that in order to avoid the danger of becoming Eichmanns of some sort we need to carefully and prudently assess the potential effects of our actions and embrace responsibility for the consequences they may produce in the concrete circumstances we engage with.

Keywords: BANALITY OF EVIL, BUREAUCRATIC REASONING, ETHICS, NORMATIVITY, RESPONSIBILITY, UNITED NATIONS

In *Eichmann in Jerusalem: a Report on the Banality of Evil* Hannah Arendt drew on reports she first prepared for *The New Yorker* of her direct observation of Adolf Eichmann's trial to describe "the strange interdependence of thoughtlessness and evil" in modern bureaucratic societies.ⁱ The Nazi criminal tried and executed in Israel in 1962, Arendt argued, was not an eager activist for the extermination of Jews. Instead, he was a bureaucrat following rules, characterized by the "horrible gift of consoling himself with clichés."ⁱⁱ In Arendt's view, Eichmann was not a monster, just an average man in harmony with his world, embracing an ideology considered "normal" and socially acceptable. He was also a bureaucrat who privileged obedience to rules over thinking empathically about other human beings.

I will not seek in this brief reflection to assess the historical accuracy of Arendt's interpretation of Eichmann or his behavior. That assessment has been controversial and debated by many since the publication of the *New Yorker* articles. I want to engage instead with a broader controversy surrounding the notion of the "banality of evil," rekindled by Margarethe von Trotta's recent film on Hannah Arendt and the trial. For example, Roger Berkowitzⁱⁱⁱ argued on the *New York Times* that Arendt's warning was not against following institutionalized rules, but about uncritically embracing an ideal: "What she meant was that he acted thoughtlessly and dutifully, not as a robotic bureaucrat, but as part of a movement, as someone convinced that

he was sacrificing an easy morality for a higher good.”^{iv} Instead, I argue that bureaucratic reasoning is central for understanding the “banality of evil” and consequently for a critical scrutiny of the relationships among ethics, abstract and universal normativity, and rule following. Having worked for many years at the United Nations Department of Peacekeeping Operations and taken part in international interventions justified by appeal to “universal norms” and operationalized through bureaucratic procedures, I see such reflection as extremely important.

Contrary to what constructivist scholars such as Martha Finnemore^v have contended, norms are not necessarily enabling causes for action. Instead, they are radically ambiguous not only with regard to their meaning but also with regard to the practices they justify and foster. Accepted patterns of behavior may be hijacked and twisted to justify the very deeds they in principle forbid. In analyzing norms prohibiting torture and their interpretation by the Bush Administration, for example, Anthony Lang insightfully argued that “while we assume that rules will prohibit torture, what rules actually do is create a world in which torture is possible... what we imagine the rules can do for us—restrain violence and make the world more peaceful—is not what the rules actually do.”^{vi} The Bush Administration’s relabeling of torture as “harsh interrogation” and its accompanying attempts to define carefully the degree of pain admissible before questioning becomes torture are examples of the substitution of anodyne language and apparently precise technical guidelines to obscure the horror evoked by the word ‘torture’ and replace it with images of bureaucratic efficiency aimed at attaining the benign goal of protecting America’s national security.

As Nicholas Onuf argued “to suggest that there are rules for torture... at least some observers may regard as morally dubious because it cloaks an unmitigated evil in the legitimizing language of rules.”^{vii} “Rational” and detached universal normative systems, such as those that aim at defining the number of civilian deaths that can be tolerated in war, harbor the potential for justifying evil. David Kennedy has shown that the bland rhetoric of *jus in bello* that provides standardized criteria regarding the number of acceptable civilian casualties (conveniently called collateral damage) produces the effect of diverting responsibility from those who conduct war while assuaging their consciences concerning the injuries and deaths their choices are inflicting.^{viii} Kennedy also observed that the universal human rights regime (what he calls “the invisible college”) accords higher standing to abstract principles and claims than to careful consideration of the political and distributive consequences and tradeoffs that efforts to protect human rights entail. ^{ix}

“Universal norms” and bureaucratic routines play a major role in prescribing and justifying UN peacekeeping interventions. The same norms and rules, however, can also offer grounds for appeasement. The massacres that occurred in Rwanda and Srebrenica in the 1990s provide examples of how by uncritically following institutionalized rules United Nations peacekeepers permitted atrocities. UN

employees are not cold-blooded monsters or extremely callous individuals. They follow norms and rules, key examples of which include the principle of “impartiality,” Security Council mandates, and “rules of engagement.” By doing so, however, they have often fallen short of considering the possible consequences of decisions in specific situations. The United Nations failure to take action to prevent the Rwanda genocide testifies to the fact that bureaucratic reasoning that prescribes to follow universal norms (i.e. the imperative to preserve impartiality) and rules of engagement (i.e. to not intervene to disarm any party of the conflict) set the stage for avoiding a careful assessment of what was at stake at the eve of the massacre and appeased consciences for not taking decisions accountable to the people in danger. The answer General Romeo Dallaire, the Canadian force commander of the UN mission in Rwanda, received from UN headquarters when he warned that large-scale killings were imminent and asked for authorization to take action to disarm the factions that were preparing them provides a chilling example of how UN Headquarters’ leaders devotion to “proper process” allowed evil to occur:

I woke up and this cable came in, signed by Kofi Annan in his normal staff responsibilities that essentially said cease and desist. Conduct no such operations. It’s out of your mandate. On top of that, in the proper process of a Chapter VI, you will inform the ex-belligerent of the shortcomings that we notice and make it quite clear that he’s got to rectify these shortcomings within a very short time frame, or else we will be in a position to have to review the mission, and ultimately their commitment to the peace agreement. x

The United Nations report on Srebrenica provides another disturbing example of how bureaucratic reasoning may fail to prevent atrocity and massacres. The UN headquarters staff’s lack of response to Dutch peacekeepers in charge of protecting the Srebrenica “safe haven” requests for air strikes on the approaching Serb forces in July 1995 provides unsettling testimony of how adherence to norms and rules such as “impartiality” and “rules of engagement” could allow a situation where Ratko Mladic and his paramilitary troops, known as the Skorpions, were easily able to prevail over the UN Blue Helmets and proceed with a genocidal act with impunity. Unlike Eichmann, the United Nations officials did not order the killings. Nevertheless, their adherence to abstract norms and institutionalized routines in lieu of assuming responsibility for unfolding events on the ground allowed UN officials to distance themselves from the humanity of those whom they let die.

Universal norms and rules may not offer good guidelines for moral decisions, and indeed they may provide appeasement for immoral ones. In fact universal norms and rules apply only where *ceteris paribus* conditions obtain, and this is rarely the case in practice, especially in conflict situations. Embracing an ethics of responsibility towards other human beings and carefully assessing the possible consequences of our actions in specific circumstances may offer a better way to avoid calamities in the future. Brent Steele warned against assessing the morality of any action based primarily upon “intentions” and invited decision-makers to analyze

prudently the consequences of their behavior and choices.^{xi} Friedrich Kratochwil warned that good ways of making political decisions rely less on abstract theorizing than on a careful assessment of the forces at play in specific situations.^{xii} Jacques Derrida argued that acting ethically involves embracing uncertainty and making decisions that are not regulated by existing laws or rules.^{xiii} In a similar vein, feminist metaethical theorist Peg O'Connor has observed that arguments suggesting that ethics can be derived from universal axioms alone are riddled with danger because they divert attention from our responsibility to others.^{xiv} Indeed in O'Connor's words:

hiding behind abstract rules makes it much easier not to see the pain and suffering of others and not to see ourselves, in whatever way, as like them. It also makes it easier to feel more allegiance to the rules rather than to the people.^{xv}

She has suggested an attitude of prudence and skepticism toward universalist claims that aspire to offer a blueprint for solutions to all evils that affect humanity. Ethics involves addressing the question *cui bono* (with benefit to whom) and asking what kind of effects any given action may produce for particular people in specific circumstances.

By alerting her readers to the tremendous devastation that the potential for banal evil always latent in bureaucratic thinking may produce, Hannah Arendt made a very important contribution in *Eichmann in Jerusalem*. She warned against thoughtlessly "following rules" and called for an ethics of reflexivity and responsibility. Ironically, blatantly extreme evil may ultimately be less insidious than bureaucratized countenancing of evil. Radical evil does not "look like us." Its modalities of operation are not embedded in the ongoing rhythm of our everyday lives and it is therefore easy to spot. When hidden in the banality of accepted ideologies, normativity, and bureaucratic prescriptions, however, evil becomes more difficult to detect and, perversely, perhaps even palatable and reassuring. Arendt's call to beware of the too smug surety provided by "following rules" is, in my view, extremely important. It reminds us we all possess a certain degree of potential to become Eichmanns. Self-awareness and vigilance are critical to preventing such episodes in the future.

Acknowledgments: I would like to thank Scott Nelson for inviting me to take part in the ASPECT panel "Hannah Arendt in Jerusalem: The Banality of Evil and the Politics of Responsibility" held at Virginia Tech on November 19, 2013. This reflection is based on my remarks at that event. I am also very grateful to Max Stephenson and to Amy Shuster for their insightful comments and editorial suggestions on this piece. The usual disclaimers apply.

Notes

i Hannah Arendt, *Eichmann in Jerusalem: a report on the banality of evil* (New York: Viking Press, 1964), 288.

ii Ibid.,55.

iii Roger Berkowitz, "Misreading 'Eichmann in Jerusalem,'" *New York Times*, July 7 (2013).

iv Ibid.,

v Martha Finnemore, "Constructing Norms of Humanitarian Intervention," in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996),153-185.

vi Anthony Lang F., Jr. "Introduction: Rules and International Security: Dilemmas of a New World Order," in *War, Torture and Terrorism: Rethinking the Rules of International Security*, ed. Anthony F. Lang Jr. and Amanda Russell Beattie, (New York: Routledge, 2009), 8

vii Nicholas Onuf, "Rules for Torture?," in *War, Torture and Terrorism*, 25-38, 25.

viii David Kennedy, *Of war and law* (Princeton, N.J.: Princeton University Press, 2006)

ix David Kennedy, *The dark sides of virtue: reassessing international humanitarianism* (Princeton, N.J.: Princeton University Press, 2004).

x Romeo Dallaire, *Frontline, PBS interview* (2004).

<http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/interviews/dallaire.html> accessed July 15, 2014.

xi Brent Steele, "Alternative Accountability after the 'Naughts'," *Review of International Studies* 37(5) (2011): 2603–25.

xii Friedrich Kratochwil, "Of false promises and good bets: a plea for a pragmatic approach to theory building (the Tartu lecture)," *Journal of International Relations and Development* 10 (2011): 1–15.

xiii Jacques Derrida "Force of Law: The 'Mystical Foundation of Authority'," in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michel Rosenfeld and David Gray Carlson (New York and London: Routledge, 1992), 3-67.

xiv Peg O'Connor, *Morality and our Complicated Form of Life. Feminist Wittgensteinian Metaethics* (University Park, PA: Penn State University Press, 2008).

xv Ibid.,167.

The Banality of Ideology

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Abstract: For many thinkers, Hannah Arendt seems to exemplify the ultimate horizon for a contemporary leftist critique. Nonetheless, the recent film depiction of her is subject to an ideological incorporation with the function of reinforcing the (neo-)liberal ideologeme of the ultimate subject (the individual) by presenting its empty universalization as the immunization against any substantial evil. This fundamentally contradicts even Arendt's own achievements and the implicit radicality of her analysis on the banality of evil. The systemic origin of evil that Arendt indicated in her work on Eichmann can be revealed with Horkheimer and Adorno's analysis on anti-Semitism. Combined with an Althusserian position of a critique of ideology one can identify the systemic production of empty subjectivity that is at the heart of capitalism's ideological reproduction and simultaneously the condition for a fascist (and totalized) system to emerge. In order not to fall back behind this essential insight, one must confront today's ideological constellation with its own contradictions and, in respect to Hannah Arendt, unmask the ideological reduction of her to a similar empty subject that she was criticizing in her own analysis.

Keywords: ARENDT, BANALITY OF EVIL, ALTHUSSER, IDEOLOGY, ANTI-SEMITISM, CAPITALISM, FASCISM

Hannah Arendt seems to be *en vogue* again, not only in academic circles. But there is also a disturbing feature about the way we provide ourselves with a narrative about her. Most strikingly, it is Margarethe von Trotta's film *Hannah Arendt* (2013) that without any doubt provides us with an overall positive picture of a relentless thinker and tough woman, emancipated from her male colleagues, self-determined and always smoking. Arendt's struggle, her doubts and convictions are compressed into a "feel good" depiction of one of the most popular contemporary political thinkers to be found in the western hemisphere. Furthermore, Hannah Arendt seems to be even more popular today the more controversial she was in her own time. At first glance, the message here is the urgency of having a strong commitment to one's own conviction, against all resistance. But curiously, the way Arendt's particular commitment is presented to us leaves us with no idea about

what she is actually committed to. It rather universalizes commitment as such by separating it from any particular content. In fact, Arendt's depicted conviction appears as a purely negative one, and it seems as if it would tell us that what counts is not the specific idea one is bound to but the very fact that one has an opinion. In that way, Arendt is chosen to exemplify the ultimate horizon for a leftist (but liberal) critique nowadays and in the zenith of our post-ideological times, she becomes the perfect ideological figure to remind us that the individual and its intrinsic perspective is still the highest good. And it is no coincidence that Arendt herself is presented to us as the bearer of certain qualities that are not qualified at all. The depiction of Hannah Arendt thus describes a mere tautology. And just as Roland Barthes remarked, tautologies are always the results of an aggressive act of disappropriation of meaning. They are as evil as they are banal.

Paradoxically, exactly this reduction of a concrete and qualitative commitment to the equivalence of commitment as such—which is simply reification of commitment—subverts the very logic of it and additionally deflects the message which is originally expressed in Arendt's work on Eichmann. In at least that sense, we should be more than skeptical with the ideological tale that we tell ourselves about Hannah Arendt today. That is to say that we should resist the seduction to blindly celebrate Arendt as an iconographic figure of a leftist critique and to remind us of the intrinsic radicality of her analysis on Eichmann's trial. One way to express this skepticism against an ideological narrative of the ultimate subject called Arendt is to confront it with her own achievements, comprised here primarily in the concept of the *banality of evil*. Ultimately, this leads to a critique of ideology that Arendt already anticipated and that got lost in the ideological shades of today's neoliberal capitalism. Just as Arendt characterized the consequences of Eichmann's trial as a plea for reason, we should similarly follow her in terms of not falling back into ideological delusion.

What is so Banal about Evil?

Too often, Arendt's terminology of the banality of evil invites severe misunderstanding when read as a sort of moral critique that is supposed to remind us that everyone has a dark side and that we are all likely to become subjected to that evil. Evil here appears as a positive and substantial entity, although it might cause a lot of trouble to define it, at least it must be something. Precisely in that sense, the witnesses of the trial expected Eichmann to provide them with an answer to finally get the clue of how the overwhelming and unimaginable horror of the Holocaust could be explained. One wanted to trace back that underlying evil that this particular agent had fallen prey to. Eichmann was supposed to be the expression of evil incarnate as such and the desire therefore was to simply convince oneself what

monstrous character was necessary to carry out such atrocities. Just like Arendt remarked, it was not only the individual to appear before the court, rather “it was history that [...] stood in the center of the trial.”ⁱⁱ The fundamental misinterpretation here lies in an implicit insisting on *evil* as something substantive, a positive entity that can be clearly identified and therefore avoided. The expectation was that there must have been something like a positive ideology, a system of meaning, and again a commitment that was ascribed to Eichmann and that must be evil through and through. In a nutshell, one wanted to see the monster. Although Arendt’s concern with Eichmann’s trial originally seemed to be driven by the same aspiration, her observation of Eichmann soon led her to the quite different insight that “everybody could see that this man was not a ‘monster’, but it was indeed not to suspect that he was a clown.”ⁱⁱⁱ

Essentially, it was this clear moral distinction between good and evil that Eichmann challenged in his mere existence. In his view, he did not do anything wrong, especially not in moral terms. Therefore he, throughout the whole trial, pleaded not guilty in the sense of the indictment. As Arendt comments:

“The Indictment implied not only that he had acted on purpose, which he did not deny, but out of base motives and in full knowledge of the criminal nature of his deeds. [...] and as for his conscience he remembered perfectly well that he would have had a bad conscience only if he had not done what he had been ordered to.”^{iv}

Eichmann himself seemed to be unable to even understand those accusations, because his sole motivation was a “professional” one. Within a certain systemic order, he occupied a function that he idealized with the help of a variety of empty stock-phrases and clichés. As a specialist for certain tasks that simply had to be done, “he and the world he lived in had once been in perfect harmony.”^v The integrity of his reality and the officially distributed lie of the fascist system was of course an ideological effect, but it is only one aspect of it. There obviously were several ideological tricks in order to make the whole machinery run smoothly: the transformation of the crimes into medical matters (killing by gas causes less suffering etc.), the use of “language rules” as the systematic substitution of facts by lies, or Himmler’s strategy to turn every guise of moral doubts against the self (“What horrible things I had to watch in the pursuance of my duties.”^{vi}) And it was Eichmann who perfectly internalized these lies so that “this outrageous cliché was no longer issued from above, it was a self-fabricated stock-phrase.”^{vii} Without

any doubt, these are evidences of a reproduction of an *evil* ideology. But besides this analysis of the concrete ideological foundation of Eichmann's subject, Arendt became more and more aware of an even more fundamental ideological dimension that pointed her to the banality of not only this specific evil but to evil as such.

It became incidental that those ideological clichés and common places that Eichmann learned by heart definitely were functional in respect to his own subjectivity as an integral part of the system, but they also turned out to be interchangeable. Indeed, he never seemed to have any positive commitment to the ideologemes of the Party, quite the contrary, Eichmann always pretended to have no personal reservations against Jewish people, nor did he prefer those violent solutions that the Party imposed. What supposedly influenced him so deeply was not the particularity of the ideological narrative, but those matters that referred to his professional career that became the only source of a meaningful existence for him. Eichmann kept a certain distance to the fanatic ideologues and their explanations, it must have appeared to him as a sort of necessary evil for the functioning of the system as such that in turn allowed him to be part of it. Therefore, his personal approach or opinion did not matter at all. In his view, the very interference of any of his individual feelings would have been a disruption of the efficient operation of the system. And in turn, this would have been a violation of his very own code of idealism that instructed his commitment to the system as such. As Arendt highlights, one of the most important driving forces for Eichmann's identification with his office was this idealism and "an 'idealist' was a man who *lived* for his idea [...] and who was prepared to sacrifice for his idea everything and, especially, everybody."^{viii} In some sense, this was the real horror that Eichmann exemplified. He was obviously not the conscious embodiment of the devil that everyone wanted him to be; quite the contrary, he seemed to be free from any substantive commitment what made him as empty as it could be. This presented Arendt with the essential ideological paradox here: being fully committed to a universal idea without being bound to any particularity at all. The true origin of the evil that Arendt wanted to explain was not the specific ideology anymore—although it is definitely evil—but the ideological functioning as such. It was not Eichmann's subjective conviction, his anti-Semitic fanaticism, his hatred and so on that made him follow the leader, it was the very way his subjectivity was shaped in general. And this origin of evil is the point where it becomes banal.

Eichmann, the Depleted Subject

As Althusser famously remarks, ideology is not simply a false representation

of the world, but it is the imaginary substitution of an undistorted relation between the individual and its material conditions of existence.^{ix} The separation between the individual and its world is therefore the very source of ideology, in the sense that it steadily induces an imaginary bridging of that gap. As such, ideology is more an unconsciousness of a false world than simply a false consciousness. This brings Althusser to draw the consequence that the subject and ideology are inseparably interlinked and that “there is no ideology except by the subject and for subjects.”^x According to that, it is ideology that interpolates individuals as subjects in the first place. That means two things: on the one hand, the individual is equipped with certain subjective qualities according to the specific interpellation. On the other hand, and on a more fundamental level, the subject comes into existence only through the existence of ideology. Just as the ideological interpellation brings subjects to the fore according to its own image, subjectivity as such is a reflection of its systemic origin. So, when ideology stems from alienation—the separation of human beings from their essence in the reification of social relationships into objective relations—it produces alienated subjects.

This is an essential clue to grasp the paradox of Eichmann’s subjectivity and to explain the distance between his commonly assumed positive ideological interpellation and his empty subjectivity that is only committed to the functioning of the system. Eichmann was, as Arendt remarks, the ideal subject for this empty lies that ideologically backed up the system’s operation.^{xi} As it turned out for her, this was not the case because of his own affinity towards anti-Semitic propaganda, but it was an essential feature of his subjectivity as such, as this fully alienated and depleted subject. The incapacity to realize the slightest hint of reality that would have made it possible for Eichmann to challenge the official lies ultimately stems from a totalized alienation that is realized in a totalized system of Totalitarianism. The function of ideology within that system is not essentially bound to a particular narrative, either. Generally, since it is ideology’s primary aim to conceal the constitutive distortion on which the system (of alienation) is built, its concrete content is thus a more or less subordinated feature that is functional in respect to the sustaining of the system by any means.

In that way, Eichmann showed us the underlying and meaningless dynamic of self-reproduction at the heart of the system by fully incorporating this emptiness in his subjectivity. It is this emptiness that made him, in the Lacanian sense, a true encounter with the *Real* for Arendt, by exhibiting that he was only committed to the system as such, no particular expression, no ideological narrative but the purity of evil, the mere dynamic of its self-

sustainment. And this is precisely the *banality* of evil: its non-substantiality. While Eichmann was unconditionally obligated to his career, the only meaningful reference point possible for him that provided him with “utter ignorance for everything that was not directly, technically and bureaucratically, connected with his job.”^{xii} This focus on the functional reproduction made it possible for him to ignore any aspect of reality. This proto-ideological distortion mirrors in his own memory of what actually happened and it “was certainly not controlled by chronological order [...but] was like a storehouse, filled with human-interest stories of the worst type”^{xiii}. This arbitrary assemblage of lies and clichés is not only ideological in the sense that it is not true, but it indicates the substitution of reality by an imaginary that is empty at its core.

Anti-Semitism, Ideology as such

Is this to say that anti-Semitism as the fascist ideology is in any way arbitrarily employed? Not at all. We have to differentiate between the systemic functioning of ideology in general and the specific case of the German anti-Semitism. This case is so special that the horror of the Holocaust would not have been possible with simply another ideology. Is it therefore just a question of intensity? Not quite. Horkheimer and Adorno, who were perfectly aware of the systemic origin of ideology in general and anti-Semitism in particular, point us to the crux of anti-Semitism as the “release valve” with which “rage is vented on those who are both conspicuous and unprotected [...] depending on the constellation, the victims are interchangeable.”^{xiv} Again, we find the feature of ideology to externalize an internal (systemic) contradiction. What is so crucial about the phenomenon of anti-Semitism is not that it is simply a particular ideology but ideology in its purest form. And as such, it is the direct pendant to a totalized system, or to be more precise, these two aspects are of mutual dependence. That is why “anti-Semitism and totality have always been profoundly connected.”^{xv} Adorno and Horkheimer express this connection clearly, when they point to the systemic production of empty subjectivity that is in turn the condition for ideological interpellation. Thus, “anti-Semitic behavior is unleashed in situations in which blinded people, deprived of subjectivity, are let loose as subjects.”^{xvi}

According to them, the totalized alienation in a totalized system necessarily creates hatred against every form that resists such mimicry because these confrontations are the only moment that the alienated subject experiences its own deflection and needs to channel this unbearable contradiction onto an external object. This whole process is based on a prior disorder that is the

separation between world and individual into object and subject. The consequence is that “between the actual object and the indubitable sense datum, between inner and outer, yawns an abyss which the subject must bridge at its own peril.”^{xvii} And the impossible self-identity must conceal itself behind an ideological consciousness that steadily holds up the imaginary of exactly that self-identity. The subject that can solely focus on itself lost every concrete quality because it lost its relation to the world that would provide it with meaning. Thus, “it projects the world out of the bottomless origin of its own self, it exhausts itself in monotonous repetition.”^{xviii} just as the system that brought it into being. The consequence that Adorno and Horkheimer draw from this constellation is the state of paranoia. In a similar way, Guattari and Deleuze argued that capitalism ultimately causes schizophrenia. And the obsessively projecting subject is doomed to project its own inner contradiction which origin it fails to recognize. The fully alienated and reified world becomes a projection screen for this delusion and the projection turns into the impulse of castration in which “the objects of the fixation are replaceable like father figures in childhood.”^{xix}

Anti-Semitism is on the one hand this specific projection of the depleted subject as the release valve of its inner contradiction, on the other hand it is the operation of ideology in general. It supplements the reflection of the individual on itself and the world with a stereotypical imaginary to let loose of the necessity to be confronted with its inherent abyss. As Horkheimer and Adorno put it briefly: “Experience is replaced by cliché.”^{xx} It thus resembles a ticket mentality in which the conscious perception of the world is reified itself and appears as a commodity that can be simply consumed. The important conclusion that brings us back to the systemic origin of evil, to its banality of originating from the empty core of the system, is that “it is not only the anti-Semitic ticket which is anti-Semitic, but the ticket mentality itself.”^{xxi} In precisely that sense, the evil, Arendt is talking about, is a *radical evil* that lies at the root of the system.

Against a Non-symptomatic Reading of Hannah Arendt

There are two problems with Hannah Arendt at this point. Firstly, it is Arendt’s own consequences that she draws from her insights. Although Margarethe von Trotta wants to make us believe that Arendt radically fought against the public opinion and nearly every of her contemporaries, she originally stayed within a liberal framework of critique that necessarily reaffirms those origins of evil that she wants to extinguish. It simply neglects the dialectic of its systemic origin. This is in fact an ideological fallacy. The shortcomings of Arendt’s critique may be ascribed to the specific, to speak in Althusserian

terms, theoretical conjuncture of her times. The direct answer to fascism was the liberation represented by liberalism. But the more difficult problem arises if we, as readers of Arendt, fail to address this constellation and fall back behind her own radicality. Instead, the task may be to provide a symptomatic reading of Arendt that uncovers the blind spots in her own analysis, that what is said without being explicated. This would be the necessary step out of the vicious circle of ideology's reproduction in which the portrait of Arendt seems to be entangled.

That is to say that once we develop the radical consequences from the banality of evil, we must broach the issue of ideology in general to deal with the second problem of Arendt's own integration into the ideological framework of (neo-)liberal capitalism. Arendt remarked that Eichmann, in his empty subjectivity, lost the qualification of a human being and its ability to think and judge. If this is the problem, it is not enough to simply universalize this quality as the cornerstone of an anti-fascist approach. As von Trotta's depiction exemplifies, you can easily have the ultimate individual and its extraordinary ability for commitment that is still as alienated as it can be. The message that whatever opinion you have, the main point is that you have one, can be easily translated into the ideological codex of whatever your imaginary relationship to your conditions of existence is, the main point is that you have an *imaginary* one (because this is what ensures the reproduction of the system). Again, the reification of conviction reaffirms the empty subjectivity induced by a system that is fully dependent on the separation of the individual from its meaningful world. It would be cynical, if not stupid, to draw the consequence from here that capitalism and fascism would be equal phenomena. But to take the critique of fascism serious, implies to realize that when fascism rests on ideology, it is capitalism that provides the very possibility for ideology to appear in a totalized form. Not to reflect on this relation is to blind out the radical dimension of evil, its banality. Although Arendt implicitly recognized this connection, none of these insights are included in the recent depiction of her. This deflection of a radical critique of the systemic origin of evil should not be confused as a coincidence but instead a symptom of ideology.

Notes

i Cf. Barthes, Roland. *Mythologies* (New York et al.: Noonday Press, 1991).

ii Arendt, Hannah. *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 2006), p. 19.

iii Ibid., p. 54.

iv Ibid., p. 25.

v Ibid., p. 52.

vi Ibid., p. 106.

vii Ibid., p. 53.

viii Ibid., p. 42.

ix Althusser, Louis. *Ideology and Ideological State Apparatus (Notes towards an Investigation)*. In: Ibid. *Lenin and Philosophy and other Essays* (New York: Monthly Review Press, 2001), p. 109.

x Ibid., p. 115.

xi Cf. Arendt. *Eichmann in Jerusalem*, p. 86.

xii Ibid., p. 54.

xiii Ibid., p. 81.

xiv Horkheimer, Max / Adorno, Theodor W. *Elements of Anti-Semitism: Limits of Enlightenment*. In: Ibid.: *Dialectic of Enlightenment* (Stanford: Stanford University Press, 2002), p. 140.

xv Ibid., p. 140 f.

xvi Ibid., p. 140.

xvii Ibid., p. 155.

xviii Ibid., p. 156.

xix Ibid., p. 159.

xx Ibid., p. 166.

xxi Ibid., p. 172.

The Artist, the Philosopher, and the Nazi: One Possible Meaning Behind the Mischievous Banality of the Banality of Evil

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Abstract: This article examines the painting “The Banality of the Banality of Evil” by graffiti artist, Banksy. I argue that his painting represents a current cultural phenomenon, the banality of the banality of evil, which takes Hannah Arendt’s notion of the banality of evil to a different meaning. I argue that the painting represents not only the Nazi’s, in this case Eichmann, unwillingness to confront his crimes, but people’s unwillingness to engage in political debate without confronting the significance and exclusivity of Nazism. Furthermore, I argue that instead of the banality of the Nazi as an ordinary man committing horrendous act, the increasing use of the accusation of ‘being a Nazi’ presents Nazism as the cliché and banal subject.

Keywords: BANALITY OF EVIL, BANKSY, EICHMANN, HANNAH ARENDT, NAZISM, RHETORIC



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Throughout October of 2013, Banksy was the artist-in-residence on the streets of New York City. While most of his pieces were on the walls or in the streets, one

piece was of a more traditional form. As the story goes, one of his associates went to a local thrift shop and bought an old painting that Banksy could ‘modify’. These modifications involved the painting on top the original mountainous landscape a Nazi officer sitting on a bench looking over the lake; with these modifications, and with a reference to Arendt’s famous phrase, he entitled the piece, “the Banality of the Banality of Evil” and put it on display in the window of the original thrift shop. Why would he name the piece ‘the banality of the banality of evil’? But more importantly, what does the piece say (if anything) about Arendt? What does it say about Nazism in the United States (why would he do this piece for an America audience)? While I am unaware of Banksy’s original intentions and motivations, the titles direct reference to Arendt begs an analysis.¹ In that spirit, I attempt to address these questions though examining the link between Banksy’s piece and Arendt’s concept and how the piece of art reflects the general banality of Nazism in contemporary political discourse.

When examining the piece, on a surface level it is a mere joke, or a piece of humorous mischief, typical of many of Banksy’s work, in which he is poking fun at the banality of the original image—the generic landscape found at a secondhand store—and the question arises—should this even be considered a piece of art? The mischief goes further by pointing out the legal dichotomy surrounding graffiti—is it art or is it purely vandalism? Is Banksy vandalizing the original piece of art by placing a piece of graffiti that introduces evil to the landscape with the painted Nazi? While these questions direct the focus upon Banksy’s intention with the piece, I wish to take the examination in another direction. A greater meaning exists beyond this mere mischief, that is, a greater meaning exists beyond the “banality” of oil paints. The banality lies in the overused and cliché “shock” of the Nazi. I believe this piece, with its banality, can help us understand the modern conditions and effects of Arendt’s conception of the “banality of evil.” In order to do this, it is helpful, and necessary, to approach this painting as a juxtaposition of two images—the “banality of *evil*” and the “banality of the *banality of evil*.”

One can see multiple juxtapositions in the piece. The most obvious example is of the image of nature and the figure of the Nazi. The former is one of serenity and peace of a seemingly quiet mountain lake in autumn. One is reminded of the mountainous landscapes of Bob Ross from his PBS series, the “Joy of Painting.” However, this peaceful image is disrupted with the figure of the Nazi, who represents violence and destruction through the mastery of mechanized and industrialized annihilation. While on the surface it is easy to grasp these opposing images, it is necessary, not to go ‘deeper’ into the presented image, but to go out of frame and to see the images not present in the painting. By presenting the opposing images of the peaceful landscapes and the violent Nazi, the piece introduces the opposing concepts of the “banality of *evil*” on the one side, against the “banality of the *banality of evil*” on the other. It is in this secondary image that one must analyze in order to understand the banality of Nazism in modern American public discourse.

With this framework in mind, one must look beyond the questions and argument concerning the piece's stylistic merits and artistic value to understand the significance of the mischief and analyze the connection between the piece and Arendt's notion of the "banality of evil" and what Arendt meant by it. In order to address this, one should focus on the Nazi himself. First, it is important to note that Arendt first applied the notion, the "banality of evil" to her image of Adolf Eichmann based his trial in Israel. Is the Nazi Eichmann? Like the title of the piece, the grey uniform would hint that the Nazi is meant to represent Eichmann. Eichmann was an Obersturmbannführer of the Schutzstaffel (SS), which in the mid-1930s changed out the black uniform for a grey uniform.ⁱⁱ The Nazi is sitting and looking out over the lake and the peaceful, mountain air gently blowing off the water, over his bare hand. One may wonder, what is he, Eichmann, the Nazi, thinking? Here is a point of irony: The use of water, the lake, is a point for and of reflection of image of one's self but also of the actions of one's self. But, is he truly reflecting upon his actions? For Arendt argues, Eichmann does not think. Her description of him was that he had an "inability to think, namely, to think from the standpoint of somebody else."ⁱⁱⁱ Eichmann, full of his clichés and his defense of following orders and obeying the laws was not ordered or expected to think. By 'thinking', Arendt points out that he is not required to contemplate; which, she argues starting with the Ancients, is the 'quiet' of internal thoughts and gaze toward Truth and freedom and the reflection of the world without the noise of human activity.^{iv} Instead of contemplation and reflection, she argues, he was required to be an expert, to have the knowledge—to have the "know-how"—necessary to carry out his orders.^v In other words, his know-how and expertise was in deportation and expulsion. He is not required to think about the consequences because the means (his expertise/know-how) cloud the ends (the deportation and eventual annihilation of select peoples of Europe). By "following orders," which means, obeying the laws of the Führer, Eichmann's reflection in the water is not his own active self but that of a general "law abiding citizen" of the Fuehrer^{vi}, and therefore it is a reflection of Hitler. Additionally, Eichmann is not merely a citizen, but a bureaucratic citizen, and due to the totalizing bureaucratic nature of Nazism, he would have no reflection because a bureaucracy is the rule of nobody, and therefore, a bureaucrat is merely a single piece^{vii}; that is, each bureaucrat is not an active individual, but only an expert in the large, procedural mechanism of governing in which anonymity and secrecy reign.^{viii} In the end, it is appropriate for the viewer not to see the Nazi's reflection in the lake. The irony is that while the water provides a setting for or moment of reflection and thought, due to the nature of bureaucracy, the lake might as well have not even been there.

While the Nazi is facing toward the water, but not reflecting, he is facing away from something as well. What is out of the frame? This question drives to the center of the banality of evil. The Nazi does not have to face the atrocities of his "know-how". The evil is outside of the frame, just as it is outside of the gaze of public. This brings us back to the scene in nature and the perversions done upon it by the concentration camps—the smell of rotting or burning flesh, the mass graves, the

'showers', the smoke stacks; all of which tears away at nature and replace it with an image of industrialization for the sake of death. The structure of Nazi Germany, for Arendt was not merely a matter of conscience, but one of inversion and under which banality of its perpetrators overtake the evil of their acts. Within the image, the Nazi does not reflect not only because it is not necessary to think, but furthermore, because there are no longer any moral obligations that require him to view his actions as abnormal; in other words, the evil becomes banal because he thought of his actions as normal. She argues that temptation disconnects from evil. In a Christian sense, one, normally, is tempt to sin or commit evil, but under Nazi system, one must be tempted *not* to commit evil.^{ix} He has no need (at best) and no desire (at worst) to look behind him, outside of the frame and confront the consequences of his 'know-how'. This unwillingness or inability to reflect and see behind is at the core of Arendt's banality of evil—it is the transformation of abominable act of into the ordinary act of committing genocide while living surrounded by the peaceful restraint of obligations and obedience.

If this is the banality of *evil*, what could be the banality of the *banality of evil*? Again, one must focus on the Nazi in the piece. While under the former framework, the Nazi is facing away from his actions, in this new framework, he is facing away from the viewer and one outside the frame of Nazism and genocide. The banality of the *banality of evil* allows for the image of the Nazi to stay at peace. Not because of a desire to leave it alone, rather because of our society's inability to confront the Nazi. Arendt attempts to construct a connection between bureaucratic Nazism and individual action; in other words, a connection between structure and personal agency outside of the narrative of that structure. However, while her analysis provides space for individual accountability^x, it leaves too little area for a political confrontation and actions towards and against individual persons. Arendt's attempt to dispel the idea of Nazis—specifically Eichmann—as monstrous psychopaths, did not construct in its stead an image of an active man amongst men. Instead, she provides an image of a bureaucrat man. While there may still be room for individual accountability within Arendt's argument, her breakdown of the Nazi leaves two options, the mass opinion of the Nazi as a monster or the replacement of the monstrous Nazi as an anonymous *nobody*. That is, an individual who does not have distinguishing characteristics; he is an everyday person who is swept up into the totalizing nature of Nazi bureaucracy. Neither of these are appropriate images in terms of being able to confront the Nazi and Nazism within political and cultural discourses. While the former, the monster, is an evil figure, which could be unabashedly and violently wiped out, the latter is a faceless and unthinking and nonpolitically active entity—for while he is an individual, because under the totalizing effects of Nazism, there are no individuals or individuality, there is only a mass in which one cannot and will not enter into the political world between a plurality of men; in other words, there is no individual man to enter into a space of politics.

The lack of the confrontable *man* amongst men is at the heart of the banality of the

banality of evil. While Arendt meant to unmask the monster as a man (at the protest of those who wish for the unmasking of the man as a monster), what occurred was the unmasking of the monster to expose a blurry or faceless entity; in other words, a nobody. The distinction between the Nazi as the monster versus the Nazi-as-a-bureaucratic man/nobody, cannot be understood because neither can be understood through political action. It is this lack of understanding that drives the banality of the banality, for it has become normal to see or hear an accusation of Nazism and the denying or rejecting of a relation to Nazism. The banality of the banality of evil is the use of Nazism and fascism to defeat or accuse an opposing side. This is followed by the rejection of such a hyperbole and therefore, the validity of the accuser. This occurs so often that such things as “Godwin’s Law” were established (which states, the longer a discussion/argument goes on, the higher the probability that someone will be accused of Nazism). The law, as understood and used, is meant to create a valid method to expel from the discussion/argument the accuser; those who throw around the “Nazi accusation” far too often and/or inaccurately. We expel because the accuser has crossed a line, not for being monstrous, but quite the opposite, for being unoriginal by throwing around such an inappropriate, cliché accusation. This highlights our society’s inability to confront Nazism or fascism as a legitimate point of debate because it has become such an unoriginal accusation and banal in itself. While these general accusations should be rejected, what both sides misunderstand is Arendt’s point that the actions and atrocities executed by Nazis—at all levels—were done by ‘normal and ordinary’ men. The one side by implying and the other side by adamantly rejecting the affinity to Nazism, both attribute to Nazism not the totalizing bureaucratic character of it, but something more, something grand and monstrous, and therefore, only reserved for those extraordinary, or perceived extraordinary events. Throwing out the accusation so often and consequently making it banal exposes not only the inability to politically confront the Nazi as a man, but also a lacking of thinking about (or contemplation of) the nature of Nazism, fascism, and bureaucracy. People are conceptually blind to the structure and rule driven nature of Nazi bureaucracy in the production of atrocities and the establishment of normalcy surrounding those atrocities.

The banality of the banality of evil establishes a simplistic association with and accusation of Nazism, which misses the more important point that bureaucratic Nazism allows ordinary men and women to be blinded to the crimes of that system. With his back turned away, neither he nor we are required to think or capable of thinking about evil of Nazism and the banality of bureaucratic governance; leaving the image peaceful, yet unoriginal.

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Notes

i The purpose of the essay is not to analyze and decipher the intentions of Banksy. Considering the anonymity of the person/character of Banksy, an interview with him to discuss his intention would be a task beyond the means of the author.

ii Additionally, one of the few common photographs of Eichmann captures him in his grey Nazi officer uniform.

iii Arendt 2006, 49

iv Arendt 1998, 14-16

v Arendt 1998, 3

vi Arendt 2006, 24

vii Arendt 1998, 45

viii Arendt 1976, 213-214

ix Arendt 2006, 150

x In the Epilogue of *Eichmann in Jerusalem*, Arendt argues that Eichmann must be held accountable for his actions and that the death penalty sentencing is appropriate but for the wrong reasons. Eichmann made a conscious decision to join the party and even if he was merely carrying out orders, he was still “actively supporting a policy of mass murder” that fulfilled his understanding of Nazism and its social structure (Arendt, 2006 255).

xi Image courtesy of banksy.co.uk. Currently in private collection.

Winning & War Crimes: What *Eichmann in Jerusalem* Means for *The Act of Killing*

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Abstract: In order to complicate facile comparisons between *Eichmann in Jerusalem* and Joshua Oppenheimer's *The Act of Killing*, this paper argues that each work can illuminate the other if they are examined by the gesture that organizes each: Arendt's and Oppenheimer's efforts to humanize their subjects. This approach allows us to understand the motivations driving each work: refining institutional memory for Arendt, agitating for official recognition of war crimes for Oppenheimer. Arendt's commitment to taking Eichmann seriously is mirrored by Oppenheimer's earnest engagement with individual perpetrators of the genocide that occurred in Indonesia in 1965-66. Because the regime that initiated these events is still in power, these perpetrators enjoy public admiration for their murderous pasts. Through this film, Oppenheimer is able to describe some of the costs of these unrecognized crimes against humanity—as well as the costs of ignoring an unpunished and so unapologetic regime. The film also reflexively highlights *Eichmann in Jerusalem's* continuing significance as a moment of profound resistance to official narratives that oversimplify the significance of crimes against humanity. Rather than collapsing either of these works into a catalogue of guilt, taking them in alongside each other highlights the demands of justice unique to each colossal infraction against the global community. Indeed, Arendt thought the Eichmann trial should have helped legitimate the idea of a global community and support an international judicial system capable of meting out justice across the borders of nation-states. But *The Act of Killing* demonstrates just how inadequate the safeguards meant to ensure such a process are—the film interrogates what kinds of community current international human rights laws are capable of supporting while imagining a new community in pursuit of justice.

Keywords: CRIMES AGAINST HUMANITY, EICHMANN IN JERUSALEM, HANNAH ARENDT, HUMAN RIGHTS, JOSHUA OPPENHEIMER, THE ACT OF KILLING

Several commentators have drawn comparisons between Joshua Oppenheimer's *The Act of Killing* and Arendt's *Eichmann in Jerusalem*. For students of Arendt, Oppenheimer's film seems to invite comparison and not least at moments when its subjects, perpetrators of genocide, discuss relationships between their pasts to official history and to international human rights law. But most of these commentators simply align Arendt's Eichmann with the film's central subjects, Anwar Congo, Herman Koto, and Adi Zulkandry, and uncritically conclude that their

murderous behavior and intolerable (lack of) defense are simply another example of the banality of evil. Such conclusions ignore the debate Arendt had with herself over the appropriateness of the term, and (an especially un-Arendtian move) conflate the enormous contextual differences between these two documents and the events they depict. (In *Origins of Totalitarianism*, Arendt argues that each instance of genocide needs to be examined in its specificity to understand the unique threat it poses to the contemporaneous world order.) In *Eichmann*, Arendt speaks as member of an international community that recognizes the atrocities of World War II as crimes against humanity—part of the Eichmann trial’s project was to incorporate this history into a judicial system. In contrast, Oppenheimer works from a position that is unintelligible to official historical and juridical discourse, agitating for recognition of these crimes against humanity as such. Instead of constructing a relation of identity between all of these killers, links between *Eichmann in Jerusalem* and *The Act of Killing* are better drawn from the gesture that organizes each of them: Arendt’s and Oppenheimer’s efforts to understand and humanize their subjects.

It is precisely this gesture that prompts fruitful questions about what it means to share a world, about judgment’s relation to justice, about who makes history, and about what defines community. Each time Arendt considers one of Eichmann’s points, exploring them thoroughly so she may refute them entirely, her critics find sympathy or worse, forgiveness. One such nod to Eichmann’s personal account: “You told your story in terms of a hard-luck story, and, knowing the circumstances, we are, up to a point, willing to grant you that under more favorable circumstances it is highly unlikely that you would have ever come before us or any other criminal court”ⁱ. For decades critics have found this moments like these particularly distasteful—but their accusations of sympathy with Eichmann depend on a fundamental misunderstanding of Arendt’s commitment to taking him seriously. They might understand her better if they look closely at the moment in *Eichmann* when Arendt re-condemns him to death. She closes the book by recapitulating and rejecting each aspect of his defense, continually returning to his instrumental role in the Holocaust:

And just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations—as though you and your superiors had any right to determine who should and who should not inhabit the world—we find that no one, that is, no member of the human race, can be expected to want to share the earth with you. This is the reason, and the only reason, you must hang.ⁱⁱ

She invokes their mutual humanity not to diminish the seriousness of his crime but to highlight their mutual obligation to a worldly community—this move helps her describe the extent to which he has assaulted that community.

Her refusal to dismiss the man as a monster is, in my view, one of the reasons this book remains a work of politics in her special, restrictive sense—that is, a work that

allows individuals to understand each other, themselves, and the world they share with new clarity. This guiding commitment allows Arendt to make a certain mechanism of totalitarianism legible: in short, the thoughtlessness fostered by totalitarianism allowed Eichmann to go about his business without a twinge of conscience—and Arendt is only able to pinpoint this lack of conscience by studying his words carefully, by taking him seriously. From this standpoint, his crimes become appropriately horrifying precisely because (and not in spite of the fact) they were committed by a common person and not by a diabolical monster. And Oppenheimer’s corresponding gesture demands that Congo’s and Koto’s stories of murder also receive the treatment that the idea of mutual humanity dictates. His decision to organize *The Act of Killing* this way allows some of these murders’ distinct, singular effects to start becoming legible in multiple registers—historically, changing the categorical significance of these acts from murder to genocide; politically, documenting how a regime of fear institutionalizes and valorizes cruelty; and legally, reproaching the Indonesian government for its role in directing this slaughter.

In an interview with Amy Goodman, Oppenheimer tells us that the history of WWII atrocities gave him context for the ones in Indonesia: “it’s as though I’m in Nazi Germany 40 years after the end of the Holocaust, and it’s still the Third Reich, the Nazis are still in power. So the official history says nothing about the killings.”ⁱⁱⁱ The official history instead tells of a heroic purge in 1965-66, when a series of assassinations left Sukarno in power, who subsequently ordered that communists living in Indonesia be exterminated. Oppenheimer does not report this extermination as a series of undocumented crimes, however. Instead, he works to expose the costs of a regime built on uncriminalized and thus unpunishable genocide. He finds access to unacknowledged trauma at this community’s core through the men commissioned to carry it out, the gangsters who helped found the regime by murdering thousands individuals and who continue to enjoy widespread admiration for it.

Indeed, the official history effectively commands these men to boast about their murderous pasts. Always happy to tell Oppenheimer their stories, two death squad leaders gladly accept his offer to tell their killing stories through film. Anwar Congo and Herman Koto, like Eichmann, are difficult to take seriously. But while Eichmann’s stubborn defense makes him almost comic, it is Congo’s and Koto’s unchecked swagger that makes them difficult to believe. Like Arendt’s sustained meditation on Eichmann’s personal account, Oppenheimer’s patient interlocution teases out some of the most nuanced effects of Sukarno’s regime. It’s worth noting here that facile comparison between Eichmann’s “just following orders” defense and Anwar’s and Herman’s boasts carries the undesirable implication that we, or anyone, might meaningfully judge the latter. That assumption elides the fact that there is no institutional or political support to make such judgment meaningful (or political in Arendt’s sense).

This fact draws us to a conversation Oppenheimer has with Adi Zulkandry, a death squad leader we meet halfway through the film. More than his flamboyant counterparts, Adi is vocal about his concerns regarding their film project and how it may contradict Indonesia's official history. A startling moment comes when Oppenheimer asks Adi about his past in the context of international law:

Oppenheimer: I don't mean to make you uncomfortable, but I have to ask. By telling yourself it was war, you're not haunted like Anwar. But the Geneva conventions define what you did as 'war crimes.'

Adi: I don't necessarily agree with those international laws...The Geneva conventions may be today's morality, but tomorrow we'll have the Jakarta Conventions and dump the Geneva Conventions. "War crimes" are defined by the winners. I'm a winner, so I can make my own definition. I needn't follow international definitions. And more important, not everything true is good...

Oppenheimer: But for millions of victims' families, if the truth comes out, it's good.

...

Oppenheimer: What if you were brought to the international court in the Hague?

Adi: Now?

Oppenheimer: Yes.

Adi: I'd go! I don't feel guilty, so why would I go? Because I'd be famous. I'm ready. Please, get me called to the Hague!

Adi's logic about international justice belies how easily viewers may take it for granted—and makes the work Arendt did to refine institutional memory (as reflected through supposed safeguards like the Universal Declaration of Human Rights, the Nuremberg laws, and the Eichmann trial) all the more admirable. Yet his logic also points out how flimsy those safeguards can be—making the work Oppenheimer is trying to do profoundly more difficult. Here again it becomes important to understand Arendt's argument about Eichmann's banality: she wants to understand it as a historical phenomena corresponding to the unprecedented development of totalitarianism. The banality of evil needs to be understood in its *novelty*, made visible by its historical situation as such. The history that gave rise to Adi's crimes is not the same; his discussion with Oppenheimer here also highlights how distinct events breed different evils—these events in Indonesia have bred an officially unrecognized evil which may, therefore, continue without apology. His pithy replies point toward all the communal work to be done in order to officially recognize his acts as crimes and begin on a path toward justice. By declaring himself a "winner"

who may thus define war crimes, Adi also paradoxically calls for the formation of a community to reassess and reassign his criminal status, to call the regime that validates his claims to account.

Later in *The Act of Killing*, Anwar plays the victim in a re-enactment of one of his own murders: piano wire around his neck, blindfold over his eyes. Visibly upset by the act, he claims to now understand how his victims must have felt. From behind the camera, Oppenheimer immediately corrects him, reminding him that the people he killed knew they were going to die while Anwar knows he is only acting. In the same interview, Oppenheimer notes that the remorse Anwar feels, feigned or not, is simply illegible under a regime that valorizes these murders as acts of heroism. He points out how Anwar Congo is unable to verbalize his pain at approaching these events: “the pain...that would be all over his face when he would watch his re-enactments, he would not dare articulate, because to do so would be to admit what he did was wrong. And he’s never been forced to do so.”^{iv} Here we understand how this unacknowledged genocide precludes any attempts at defense, remorse, or apology by the perpetrators themselves; Anwar’s negative feelings about the ordeal point less to his winging conscience that its total invalidity under the current regime.

It is in this light that Arendt’s judgment, and her methods for reaching it (rigorously distinguishing between juridical propriety and historical necessity, between monstrosity and banality) take on historical significance as a moment of pressure on competing official discourses about the past, discourses that attempt to preclude earnest consideration of cultural trauma. Oppenheimer’s agitation for communal and international recognition of this genocide highlights *Eichmann’s* continuing relevance as Arendt’s attempt to install a nuanced memory into an international juridical consciousness. And it drives home the fact that the crucial difference between these documents is that of a communal order able to recognize and the crimes they describe. Oppenheimer makes this point explicit in a piece for the *Guardian*: “*The Act of Killing* is not about a genocide 50 years ago. It is an exposé of a present-day regime of fear...It is a film about fear itself, about the lies victors tell to justify their actions, and the effects of those lies, about an unresolved traumatic past that continues to haunt the present.” With Arendt, then, we can recognize the stakes of ignoring such a regime, for it jeopardizes an international community’s capacity for justice and undermines the role of institutional memory in that pursuit. She reminds us that, in a functional judicial system a

“wrongdoer is brought to justice because his act has disturbed and gravely endangered the community as a whole, and not because, as in civil suits, damage has been done to individuals who are entitled to reparation. The reparation in criminal cases is of an altogether different nature; it is the body of the public itself that stands in need of being “repaired,” and it is the general public order that has been thrown out of gear and must be restored, as it were.”^v

The Act of Killing makes its viewers a part of this public body, and does a great deal of work in rendering visible the community in need of repair.

Notes

i Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin Classics. 1964.

ii Ibid.

iii Joshua Oppenheimer, Interview by Amy Goodman. *Democracy Now!* July 19, 2013.

iv Ibid.

v Arendt, *Eichmann in Jerusalem*.

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The Potential of Testimony in Transitional Justice: What Truth Can It Bring to Light?

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Abstract: Frequently, authoritarian regimes that perpetrate administrative massacres leave a mark on the past of a people's history, which has to be remembered and understood so that people can project its future with freedom. Considering that the transitional justice process can be an opportunity for emerging the memory of a traumatic past and of its horrifying events, this article intends to discuss the role of testimony (and testimonial truth) actualizing the right to truth and memory, questioning the principles and the forms whereby courts and truth commissions usually search for the factual truth; and outlining how testimony could be able to deal with the wounds of the past and their unrepresentability, exposing a truth that surmounts the facts. The examples explored in the article are from the Eichmann trial in Israel, the South African Truth and Reconciliation Commission (TRC) after Apartheid, and the Brazilian National Truth Commission (NTC) after the military regime.

Keywords: BRAZIL, DICTATORSHIP, ISRAEL, MEMORY AND TRUTH, SOUTH AFRICA, TESTIMONY, TOTALITARIANISM, TRANSITIONAL JUSTICE

I. Introduction

The Holocaust (also known as Shoah, "the catastrophe") was an unprecedented event, which produced a disruption between past and future. Such disruption represents a gap that forbids us to properly treat the wounds of the past from memory and understanding. Thus, the way sciences, philosophy and other fields of knowledge understood the world and man was suddenly no longer adequate, there were not enough categories to understand the barbarism of the recent events.

For Hitler would have imposed a new categorical imperative to men: to direct their thinking so that Auschwitz won't repeat itself, such concern oriented the theory of thinkers who dedicated their comprehensive regard to the twentieth century, like Hannah Arendt, and that remain fundamental until today.

Arendt was very much concerned with the memory of totalitarianism, since such memory and understanding would prevent the outbreak of an event of similar proportions;ⁱⁱ and, accordingly, always attributed great importance to *narrative* and *experience* as means to achieve comprehension.ⁱⁱⁱ

Therefore, the events of World War II led to a new relationship with the past, which instigates a change in various fields of thought like history, philosophy, law and literature. These changes emerge from a new way of dealing with memory and of understanding the past.

Even today, it is essential to think about these changes, considering that a lot has been written to increase our knowledge of the events themselves, but our understanding of the events is still an unfinished work, since it depends on thinking itself and its categories.

In the history field, the task would be the rescue, remembrance and historical narrative of the tragedy. However, after Auschwitz the relationship with the past starts to be guided by the category of *trauma* and by oblivion.^{iv}

Historiography, an invention of the nineteenth century, which sought to know the past as it occurred, no longer seemed adequate for this investigation. Its view of the past was intended to be able to archive all events.^v Enlightenment concepts that were the basis of this historiography – namely, progress and linear ascension of history – no longer made sense when we realized that at the peak of reason and technique's development emerged the most unimaginably irrational violence that humanity was able to produce, disguised under a mechanistic cover.

In return, we have watched the growing importance to history of the memory record, which captures the fragmentary character of the event and its human dimension in its most sensitive way. Such record would be rooted in individual and community experience, in the attachment to symbolical sites and wouldn't have as its goal the full translation of the past and its mastering.

Moreover, the relation of this historical past with trauma could no longer be seen as an object subject to domination, but rather domination became reciprocal, making it impossible and undesirable to fully know the past.

However, the response to historicism could not be a compliment to frivolous oblivion. The task of remembering and understanding persists, but recognizing that as the truth is unveiled a portion always remains hidden. The memory record, undoubtedly more selective and operating a double bind between remembering and forgetting, expresses such recognition.

We consider that the tension between history – closer to the science of historiography – and memory shouldn't be dissolved, but integrated in the rescue and narration of the events of the twentieth century. Such dichotomy couldn't be exclusionary, because the dignity and the need of history's vocation remain intact for its purpose of struggle against deliberate lie, against distorting sources and documents, and against invention that seeks to promote amnesty.

On one hand, the question as to how to deal with epistemological issues such as

these in face of twentieth century events puts science and classical metaphysics into question, as well as their understanding of the truth. On the other hand, it is in the face of these edge-phenomena that thought finds new paths. Thus, by rescuing and reorganizing the shards of the past, philosophy might question the principles of knowledge and truth that have been pushed to their limits. From this reordering, it would be possible to give them a meaning and understand them.

We consider that the testimony is one of the expressions of these changes and questionings at the justice field, while it dialogues and challenges other fields of thinking and knowledge.

The paradoxical task of communication (struggle against oblivion, repression, and repetition) and of recognition of the unrepresentability, demands from imagination new forms of ordering the world that have also an paradoxical relationship with the reality: of loyalty and of overcoming, because what language allows one to express is, in fact, always fiction.

It is worth mentioning, finally, that the experience of the Shoah, of the fracture it produced – together with the attempts to overcome the understanding gap between the past and the future – works as a reference to transitional (or transformative^{vi}) justice systems, which deal with past regimes of administrative persecution and massacres. Transitional justice in the world is to a great extent influenced by authors who thought about the totalitarianism and the barbarism of the Holocaust (sometimes even experienced these events), and sought to rescue the very possibility of thinking and understanding the world after Auschwitz.

Considering that the transitional justice process can be an opportunity for the memory of a traumatic past and of its horrifying events to emerge, the present article intends to discuss the role of testimony (and testimonial truth) in actualizing the right to truth and memory, questioning the principles and the forms whereby courts and truth commissions^{vii} usually search for the factual truth; and outlining how testimony could be able to deal with the wounds of the past and their unrepresentability, exposing a truth that surmounts the facts. For this purpose, we intend to call upon some examples from the Eichmann trial in Israel, the South African Truth and Reconciliation Commission (TRC) after Apartheid, and the Brazilian National Truth Commission (NTC)^{viii} after the military regime.

2. Memory versus factual truth

Firstly, it is important to determine which kind of truth Transformative Justice processes usually seek. Considering the two main formal mechanisms of transitional justice, which are trials and truth commissions, the truth they seek should be factual.^{ix}

We aren't trying to match commissions and trials as equivalent forums. But perhaps the kind of truth they aim to establish with their narratives is closest to the factual.

However, we must acknowledge that the narrative constructed by the storytellers on trials should focus on the facts pertinent to actions of the person sitting at the defendant's seat, while truth commissions must construct a broader narrative, focusing on the crimes perpetrated within a certain time and space. For the latest purpose, the stories of both perpetrators and victims must be considered.

Also, in Brazil, for instance, the NTC wasn't created to have a legal approach to the facts and responsibilities – which would reach a final conclusion in a certain moment that cannot be altered, culminating in the *res judicata*. Historical judgment, on the contrary, is much more open and subject to revisions. The work of this truth commission should contribute with the historical judgment, however, it is impossible to frame the extent of history within the existence of such a commission, which is so ephemeral and culminates, by the end of its works, in a detailed report.^x

In spite of the differences between these mechanisms, which must always be taken into consideration, we could agree that the main source of the historical truth they seek is the event itself, the fact. This source may determine the tools they use, the understanding they have of a traumatic past and how they treat the wounds it has inflicted.

In order to fulfill its purpose of uncovering the facts once masked, truth commissions and courts can make use of certain tools such as the disclosure of files, access to information and testimony from the victims and perpetrators. Disclosure of files and access to information usually grants experts access to documents kept in secret by the same institutions that perpetrated crimes in the past. Although it is a very valuable and necessary resource that goes against hiding and dissimulation^{xi}, the truth as *aletheia*^{xii} shows us that each unveiling entails an occultation. Therefore, there must be different ways of accessing the facts that provide a more complete and multifaceted picture of the so-called truth, which is also fragmented.

Testimony, which is also a resource largely used by truth commissions and courts for reconstituting events, may not be so adequate for this purpose, once its immediate source isn't the event itself but its memory. The mnemonic representation of the event will not provide the court with a unambiguous truth, like a document is expected to do. However, it represents more accurately the conflicting essence of the truth and has no intention to unveil the entire history.

It is important, then, to show the distinctive character of memory: it is selective and is lived at the present with a concern for the future, and is characterized by the living remain of a past.^{xiii} As in Drummond's poem *Resíduo*^{xiv}, it is about a pool, a trace and its subjective nonfactual truth:

(...)And from everything a little remains
Oh open the lotion bottles
and muffle the unbearable stink of memory.
But from everything, awful, a little

remains, and under the rhythmic waves and under the clouds and the winds and under the bridges and under the tunnels and under the blazes and under the sarcasms and under the slime and under the vomit and under the sob, the prison, the forgotten and under the spectacles and under the scarlet death and under the libraries, the asylum, the triumphant churches, and under yourself and under your already stiff feet and under the hinge of the family and of the class, Always remains a little of everything. Sometimes a button. Sometimes a rat..^{xv}

3. Truth in face of reconciliation and amnesty

Another obstacle transitional justice has to face in its purpose of searching for the truth, apart from its fragmentary and conflicting character, is political.

According to Lafer's considerations on the NTC, the *fact of torture is irreparable, indelible*, and that is why transitional justice should be concerned not only with historical truth, but also with the memory of the stain violence has produced^{xvii}. However, the stain, the truth that arises from the suffering and the trauma, not always serves the appeaser purpose that instructs for instance amnesty^{xviii} and reconciliation. Derrida^{xix} wisely raises the question: "what does 'truth' mean here, and what to do when the so said 'truth' can be an obstacle to reconciliation, rather than conduct towards it?"^{xx}

Leora Bislky (2004) considers that the Kastner case, for instance, was a shadow over the historical narrative the prosecution wanted to tell at the Eichmann trial, since Hausner believed that allowing the subject of the *collaboration of the Jewish leaders with the Nazis* to emerge during the trial went against the educational purpose he aimed to achieve by letting the Holocaust victims have their day in court^{xxi}. The reconciliation he sought between Israeli society and Holocaust victims meant it was necessary to hide this piece of the narrative. According to Bislky^{xxii}, for Hausner:

Neither the Kastner trial, which was a form of self-castigation by survivors, nor the Nuremberg trials, which advanced the agenda of the victorious Allies, could be seen as providing the kind of reconciliation with the past needed by the Israeli society.

Arendt^{xxiii}, on the contrary, believed that reconciliation should be with *reality*, with things as they are and with past as it was. Out of this acceptance can arise the faculty of judgment, which will also work to prevent the repetition of these facts in the future. However, she also states that *reality* arises only when facts are organized into a comprehensible narrative, thus, acquiring some humanly comprehensive meaning. What must be asked then is: how to tell this story?

What concerns us here is how to bring these events into light, and, more

importantly, bring them into the light of an individual comprehension, by those directly involved, as well as of a collective understanding. Such understanding, however, will never be singular, since the faculties of thinking and of judging, needed for understanding, do not lead to a universal conclusion^{xxiv}. However, they will be more representative, the greater the number of voices they are able to. So, many narratives must be built at the public space, to improve the exchange of experiences and examples.

Accordingly, testimonies go against the purpose of establishing “one truth” about serious human rights violations occurred during authoritarian regimes. Usually courts and truth commissions follow this purpose and are very limited, once they are instituted for a determined period of time, having greater or smaller range regarding the events they are supposed to judge or unveil. However, in spite of building a report – that already operates a cut, a selection, an interpretation – or reaching a judgment, courts and truth commissions must assemble a file of sound and visual records, apart from documentation, transcriptions, deliberations^{xxv}. Such file and the transitional justice Process memorabilia may give room to a more plural understanding of the traumatic events.

4. Testimonial truth as spiritual understanding

No doubt that disclosing files, as documentary sources, contributes to the reconstruction of the facts occurred. These documents are subject of study and analysis through the historical method. As we mentioned, the comprehensive unveiling of a past marked by the trauma of administrative massacres depends not only on the facts to be discovered. The big question would be: how to look at and treat the wounds of the past?

We must recall the disagreement between Arendt and Hausner on how to tell a story: whether the story should be told through written documents or through the oral testimonies of survivors^{xxvi}.

The value of these documents is that they usually bring a much more original version of the facts, considering that they are not a place of memory – since memory should be alive. They usually convey a version of the facts registered at the time of the events that has been conserved. They are what can be called a *trail traced* by the writing, which has to be brought to life by the expert’s interpretation. They usually carry a very literal meaning, which is the heart of its legal certainty and reliability. Accordingly, the decision of the prosecution at the Nuremberg trials, to rely primarily on documents, was taken to guarantee their objectivity.

Another element that differs the truth borne by documents from the one borne by testimonies is the fact that documental truth is impersonal. There is no personal “I” in the discourse conveyed by a document. It is usually an institution or a “post” that subscribes it and one cannot be sure about *who* wrote it^{xxvii}. Therefore, the speech conveyed by the writing in a document is rather absent than present and so is its author. According to Bilsky^{xxviii}:

For the purposes of a trial, documents do seem to provide a more reliable source. There is no need to depend on the retentive memory of witnesses many years after the event. A **document speaks in a steady voice that cannot be silenced or interrupted.** (emphasis added)

Getting back to Plato's *Phaedrus* and Derrida's *Pharmakon*, on the myth of the invention of writing, this "tool" is criticized firstly because writing is far from speech as speech is far from thinking (*dianoia*) and secondly because it wouldn't be a medicine for memory, on the contrary, it would be a poison, since memory is a live element that should be exercised, not substituted by a *prosthesis*^{xxix}.

Therefore, the dualism between thought and language is very important when we refer to memory in the philosophical and ethical fields. Aristotle's *Poetics* expresses this dualism by separating history (*muthos*) from its expression (*lexis*). In the case of classic rhetoric, due to the legal structure of its original practice, such dualism is translated by the dichotomy between *intentio* and *actio*, or *voluntas* and *scriptum*^{xxx}.

Saint Augustine denounces the hermeneutic mistake that consists in privileging the *scriptum*, instead of the *voluntas*, considering that the writing is equivalent to the body that imprisons the spirit or the soul. Thus, Augustine sides with a spiritual reading of the text, in opposition to the carnal or physical reading, and identifies the body with the writing and the carnal reading with the one that cannot go beyond the text and cannot infer other meanings apart from the literal one. However, it is clear that as the body must be respected, the writing should be preserved as the starting point to the spiritual interpretation^{xxxi.xxxii}

So, how can we bring out the presence of spirit and soul that is missing in the documents? How can we make the soul rise to the surface?

The opening of transitional justice to testimonies makes room for a proper space, within the proceedings, for the multiplicity of voices and truths of the victims. It must be remarked that once they are discourses based on the memory of individuals – and not on official documents, to which can be attributed certain certification of the truth as adequacy to certain parameters – we are dealing here with the building of discursive truth from fragments of memory, their selection and ordering.

Nuremberg trials focused on documental evidence and there was no space for the voices of the victims, which, on its turn, was found in the Eichmann trial, due to the wide range testimonies of the victims.^{xxxiii} Certainly:

the most important legacy of the Eichmann trial was Hausner's decision to base the prosecution's case on the **testimonies of around a hundred Holocaust survivors about their experiences and suffering under Nazi rule.** These testimonies were largely responsible for creating the consciousness of the Holocaust in Israel and throughout the world.^{xxxiv} (emphasis added)

In the context of the TRC, testimonies were also collected, which were analyzed on Derrida's brilliant lecture *Forgiveness, Truth, Reconciliation: What Gender?*. In that context, forgiveness was dealt as a public subject, delegable and exploited for political utility.

Derrida questioned whether the validity of testimonies as factual evidence should be trusted, since proof, evidence, will never be of the order of testimony. ^{xxxv} Maybe not, but it still has the power to bring out a truth other than the factual. Perhaps the purpose of trials and truth commissions should not be restricted to factual truth, with the risk of having unpredictable outcomes. Arendt feared, with good reason, that oral testimonies by survivors would open the door to the suffering of the victims – a suffering that had no measure and could not be comprehended. ^{xxxvi}

This is why we must face the question of whether the courtroom (or truth commission) is the proper forum for such endeavor. Bilsky asks “what is the added value of a courtroom to the testimony of survivors and does it justify the risks of turning the trial into a show trial (...)”? ^{xxxvii} The answer is never simple and, most of all, never uniform to all transitional justice cases or mechanisms, depending on many political and circumstantial factors.

Going back to Augustine, he considers speech closer to the “the word that we have in our hearts” than what he calls “signs”:

Just as when we speak, in order that what we leave in our minds may enter through the ear into the mind of the hearer, the word which we have in our hearts becomes an outward sound and is called speech; and yet our thought does not lose itself in the sound, but remains complete in itself, and takes the form of speech without being modified in its own nature by the change. ^{xxxviii}

We can observe that Augustine doesn't establish a difference between what comes from the heart and what comes from the mind, between soul and spirit. Arendt, on the contrary, does that on *The Life of the mind*, while explaining how soul could be disclosed as an inauthentic appearance.

5. Bringing soul to surface

First of all, appearance not only reveals, but also conceals, as what is veiled and unveiled at the *a-letheia*. According to Merleau-Ponty, “nothing, no side of something shows itself without effectively hiding the others”. ^{xxxix} Therefore, protection might be one of the most important features of appearance.

Subsequently, Arendt operates an inversion of hierarchy between appearance and essence, considering that appearance may be more significant than the functions it conceals, which serves the preservation of the individual and the species. ^{xl} Then follows the distinction between authentic and inauthentic appearances: from things that spontaneously are offered to the senses and things that only are shown as

consequence of a violation of the authentic appearance.

Consequently, what is shown authentically is what distinguishes us as individuals, considering that from the inside we would look all the same. But why is this important to testimony? Because this analysis may be adequate not only to how the body functions, but also to the dichotomy *spirit/soul versus language*.

Appearance shows a power of major expression compared to what is internal. The presupposition that soul and spirit are the same – since both are opposed to the body due to their invisibility – doesn't apply to the way of expressing and of making them come to the world of appearances. What applies to the spirit doesn't apply to the soul. The metaphorical discourse is indeed adequate to the activity of thinking, but the life of the soul is much better expressed in a look, in a sound, in a gesture, than through speech.^{xli}

For the spirit, even the mute activity that doesn't appear, already constitutes a kind of speech – the silent dialog of me and myself – and, as stated by Augustine, isn't altered in nature when takes the form of speech.^{xlii} Our feelings, passions and emotions, on the other hand, have the same trouble as our internal organs to become part of the world of appearances.

The situation experienced by the prosecution in the Eichmann trial sets a clear example: Hausner, while preparing the witnesses to testimony, was confronted with the difficulties they had in telling a coherent story. He faced the phenomenon that Lawrence Langer calls “deep memory”, a moment when the trauma surfaces and engulfs one.^{xliii}

When Arendt discusses the past of totalitarianism, she argues that this past has proved itself not susceptible to “domination”, indicating that if the refuse to think the unthinkable has prevented us to reevaluate legal categories, which appear to be harmless side issues, what to say about the horror? This is an obstacle for the understanding, since a lot of attempts to translate experiences – which are mostly emotive and prohibit speech – have shown to be inadequate. As stated by Lafer, the fact of torture is irretrievable; however, how to treat the memory of this fact that opened a wound, as the inscription of the trauma?^{xlv}

How, then, can we expose these experiences of suffering into the world of appearances, when its representation is denied by the inauthenticity of its appearance. Every form of demonstrating that suffering, apart from physical signs, is nothing more than what the activity of thinking does with this raw material, and is distinct from the suffering itself. It involves a decision on what should appear and how. The moment of reflection and transfer to the form of speech is the time to signify the feeling, through the spirit. It is this meaning that is given to the experience of suffering, beyond the fact itself, which must be seized and will allow the victim to identify herself as such. And how the individual carries this translation

is what makes that suffering and that person unique, not the suffering itself.^{xlvi}

When a woman in the TRC, whose husband was kidnapped and murdered, was invited to hear his assassins' testimony, she is questioned whether she is willing to forgive them. And she was not. Her "exact" words were: "No government can forgive. [Silence.] No commission can forgive. [Silence.] Only I can forgive. [Silence.] And I'm not willing to forgive [Silence.]"^{xlvii, xlviii} With this statement she goes beyond her unique and unspeakable suffering. She signifies it, going against the sense of a forgiving taken from her by a government, or any other political-legal device.

By saying "only I", she also means that the first victim, her husband, is dead. This recalls Primo Levi's testimonial and literary work *Se questo è un uomo*, considering that he, as a survivor, admits to write "by power of attorney", namely, on behalf of those who perished and who cannot return to tell their own death.^{xlix} Hausner also claims to speak in the name of six million dead, which also raised the issue of the victims' representation. Thereby, we can see intertextuality arise from the multiple references established consciously or not between one speech and the other.

Also, this woman's statement, which was translated from a local language, raises the issue of the language that is imposed to the witnesses in their testimony. The mandatory or adequate language to these commissions tends to impose certain logic, sometimes, legal or political to what is said or translated. Considering cases such as the indigenous people that had entire villages or communities decimated during the Brazilian military dictatorship ⁱⁱ, this issue is really important. The character of presence of the testimony should be sheltered even concerning the language spoken.ⁱⁱⁱ

6. The scene of the testimony and its character of presence

According to Arendt, the "stories" produced by action and by the web of human relations say a lot about their subjects, the "hero" who in the center of each story – who cannot be called its author, because no single individual can.^{.iii, liv} According to Arendt, the real story, in comparison to a fictional one, has no visible creator because isn't created and the only "who" it reveals is its hero. Therefore "who somebody is or was we can only know by knowing the story of which he is himself the hero – his biography (...)"^{iv}. This relates intimately to the important question raised during the Eichmann trial, which remains essential to all transitional justice trials and truth commissions: who is to tell the story?

The decision of whether letting the victims speak in trials or truth commissions is crucial. Arendt's initial insistence that the court established the truth through more objective tools could have served to repeat the silencing intended by the Nazis – the erasure of the human voice as a reliable witness. ^{Lvi, vii}

Apart from bringing the soul to surface, the victims' voices can have a profound effect on the audience, as happened at the Eichmann trial. According to Bilsky^{viii}

“the abstract knowledge about the Holocaust was made real through the authentic voices of the survivors”.

Thus, another important aspect of the testimony and its differing presence is the attendance of the victim or witness in *body and soul*, as we commonly say. According to Derrida, the scene of the testimony and of the unveiling of truth, stages the witness' body that can also be a victim (of torture, rape).^{lix} New issues arise from this presence: the violence inflicted upon the testimonial body at the very moment of the testimony, by testimony, by its veracity, either because for the first time a woman has to unveil the traces of violence on her body, either because she has to report one or several abuses. As pointed out by Arendt, in some cases, the suffering as found in the soul cannot be spoken, because it would make the victim revive or even enhance the prior violence.^{lx}

Every violence inflicted on the body, is somehow, sexually abusive. For this reason, some women at the TRC couldn't reveal the truth, being incapable of manifesting what had been inflicted upon them, precisely because their public and private speech about the experience had been murdered *a priori*. Sometimes, the condition of testimony doesn't exist and, when it does, obstacle could be brought against the truth and reconciliation project in South Africa, since these two purposes might not be reconcilable^{lxi, lxii}.

One of Derrida's metaphors that reinforces the aspect of presence of the testimonies is the metaphor of the theater. The limited time of activity of truth commissions makes them the stage of a play, when truth comes on stage. Derrida states that “there is a stage where scenes, acts, must be represented, with their proper duration, namely, a finite one.”^{lxiii lxiv} Once the drama and the catharsis have occurred, the curtain must fall.

Thereby, such limited time to seek the truth is a theatrical time, controlled, as well as the structure of the stage, the actors, the acts and the scenes that take place in a particular time and space. A question that rises inevitably is whether this singular performance is sufficient so that these actors and the audience handle the truth that was presented and not presented. It is also curious that the metaphor of the theater is often used to understand and picture the court and trial. Even though the purpose of a truth commission is not the same as the purpose of a trial, were the facts and the truth will be interpreted as they fit in the criminal law standards or not, both are limited in time and have the character of presence when it comes to the testimonies, which make both resemble a performance.

Bilsky brings the same metaphor up to characterize the court:

Every seasoned practitioner knows that trials are rarely an accurate representation of the past. More often they **reenact** past events in a concentrated and **dramatized form**. The **theatrical aspects of a trial** help

reveal a truth about the past that might otherwise remain obscured, but they also contribute to the **symbolic reenactment** of the original crime within the courtroom, thereby causing victims to relive the trauma. (emphasis added) ^{lxv}

Not for nothing, Arendt states there are many ways to reify the content and meaning of action and discourse in a work of art, however, the best way to express the action and discourse revealing character, which is intimately connected to the live flow of speech and action, is the drama that “imitates” action.^{lxvi} The *mimesis* element is present also in the act of writing the play; however, it is fully portrayed when interpreted at the theater:

Only the actors and speakers who re-enact the story’s plot can convey the full meaning, not so much of the story itself, but of the “heroes” who reveal themselves in it.^{lxvii}

Regarding the Greek Tragedy, the universal meaning of the story is revealed by the chorus, that doesn’t mimic and whose commentaries are pure poetry. Arendt, thus, sees the theater as the art of politics par excellence. We must highlight the conflict of the Greek Tragedy, which is: how can one act politically (*praxis*), when one is not free?

Heidegger, in his *Parmenides*, shows an opinion on the Greek tragedy that also relates its way of representing to the character of the *polis*. The polis, as historical residence of the Greek humanity, and the stage for the *aletheia* conflict, has a cruel, atrocious character, where the ascension and fall of man take place.^{lxviii, lxi, lxx, lxxi} The disclosure and concealment of the being happen on the basis of the speech and, very particularly, are pictured at the tragedy. The tragic mask that makes it so different from the subsequent dramatic arts is a symbol of the duality of *aletheia* that existed in the polis.

The tragedy tries to mimic action, outlining the boundaries of freedom. The Greek tragedy essentially portrays human freedom against the fate guided by the *daimons*. The essence of tragedy, therefore, lies in the political man in full action, not in the modern political action, we must say, but in the original one, which is close to Arendt’s understanding of politics.^{lxxii}

Such rapprochement of the stage, the court and politics meets Leora Bilsky’s *transformative justice* theory. She states: “the political struggle waged in the courtroom transforms dry and distant story or abstract ideological worldviews into a living story with a name, a face and a body. It turns the theoretical dilemma into actuality and makes it accessible to the larger public.”^{lxxiii} Therefore, trials and truth commissions constitute privileged political forums, where testimony has also the role of an important political discourse that, as we explored, reveals the agent as a victim and as part of a certain community.

7. Conclusion

For all the above, we can conclude that maybe truth commissions and trials as transitional justice mechanisms seek for a supposedly objective, singular, truth, as historiography could intend to determine and fixate. However, the truth revealed by testimonies may not be so objective and extensive, but rather fragmented and, at large, gathering multiple aspects of the so called truth, each one revealed by a unique speech that brings a singular picture of the real.

As these reports are informed by the live memory, rather than by a look that remained frozen in time, the most important aspect brought by them is not the fact or the event itself, but what has been done with it: how it was processed and interpreted by the spirit and thinking over the years. The movement of the spirit, according to Derrida's interpretation of Hegel, is what constitutes its method and this movement is what is on the scene. ^{lxxiv}

Therefore, testimonies are a powerful tool for telling a story. They certainly unveil a fragmented and unpredictable truth, one of many voices that may frustrate the outcomes politically intended in a certain transitional justice stage.

On the one hand, testimonies may always raise unexpected issues or reactions that scape from any rehearsal. The testimonies in the Eichmann trial, for instance, were very risky for the historical narrative the prosecution sought to promote, specially the ones of the witnesses who were the most relevant to providing the case of the prosecution. And in the end that risk ended up disturbing that narrative and making other interpretations possible, such as Arendt's.

On the other hand, deciding to sustain his case through the testimonies of Holocaust survivors, Hausner made possible for the voices of the victims to be finally heard, ending a silence that dated from the Holocaust and even characterized it.^{lxxv} This trial also became a model for ulterior transitional justice processes because it put the spotlight on the *who*, on the identity of the victims who told the story, and allowed these people to be part of the past and future of a people.

The element of surprise that arises from testimony is intrinsic to it and to all transitional justice processes. One must deal with these outbursts and plot twists by trying to understand them and to form a meaningful narrative. This is the part for historians, writers, philosophers and other storytellers to act.

Notes

i Not an identical repetition, rather a reissue of mechanisms of exclusion, violence and annihilation.

ii This concern is expressed in several works such as *Eichmann in Jerusalem* and *Responsibility and Judgment*.

iii In the preface to *Between Past and Future*, she stresses the importance of

the meaning of events in the mind of the ones telling a story: “The point of the matter is that the “completion,” which indeed every enacted event must have in the minds of those who then are to tell the story and to convey its meaning, eluded them; and without this thinking completion after the act, without the articulation accomplished by remembrance, there simply was no story left that could be told.” (Arendt, Hannah. *Between Past and Future: Eight Exercises in Political Thought*. New York: Penguin, 1968. 6). Furthermore, the faculty of thinking and judging are founded in memory and example, whether arising from experience or fiction.

iv It is noteworthy that Auschwitz configured one of history’s largest attempts of “memorycide.” Forgetting, in its original meaning from the Greek *lanqanomai*, is a kind of concealment, like a veiling that subtracts something essential and alienates the man from himself. Thus, such forgetting would prevent the unveiling of the very meaning of the human, which is consistent with that understanding gap we have described.

v Seligmann-Silva, Márcio. “Reflexões sobre a memória, a história e o esquecimento”. In *História, memória, literatura: o Testemunho na Era das Catástrofes* organized by Márcio Seligmann-Silva, 60-3. Rio de Janeiro: Companhia José Aguilar Editora, 1967.

vi Leora Bilsky uses the designation “transformative justice” due to the ability of a trial to serve as a consciousness-transforming vehicle, and she asks: “what kind of politics is advanced by it and how can it be used to promote the formation of a democratic society?” However, she doesn’t ignore its limitations: “Whatever social transformation the court can induce, it is never as radical as the one achieved by a political revolution” (Bilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 3.)

vii It is important to enlighten that we have chosen these two important mechanisms of transitional justice systems to guide our analysis. However, testimonies may appear in other less official spaces, such as memorials, documentaries etc.

viii Unfortunately, it has not been possible to draw a conclusive analysis from the works of the current Brazilian National Truth Commission because it has not yet concluded its works. We will try to discuss the potential of the testimonies based mainly on the analysis carried out from the Eichmann trial and the South African Truth and Reconciliation Commission. However, the analysis of the testimonies of the Brazilian National Truth Commission may serve as the topic for a future paper.

ix Hannah Arendt believed that the truth present in trials should be factual, which she has repeatedly stated in *Eichmann in Jerusalem*. According to Celso Lafer (“Justiça, História, Memória: reflexões sobre a Comissão da

Verdade”. Conference presented at the Seminário Internacional: História Contemporânea: Memória, Trauma, Reparação. Rio de Janeiro, UFRJ, IH/IFCS, May 10th. 2012.), truth commissions, in particular the Brazilian NTC, represent the assertion of the collective right to the factual truth concerning serious human rights violations.

x Lafer, Celso. “Justiça, História, Memória: reflexões sobre a Comissão da Verdade”. Conference presented at the Seminário Internacional: História Contemporânea: Memória, Trauma, Reparação. Rio de Janeiro, UFRJ, IH/IFCS, May 10th. 2012.

xi Ibid.

xii The truth as *aletheia* has a conflicting nature since it encompasses the uncovering and simultaneous concealment of the being. It never allows us to remove the veil completely and look directly at the face of what is.

xiii Lafer, Celso. “Justiça, História, Memória: reflexões sobre a Comissão da Verdade”. Conference presented at the Seminário Internacional: História Contemporânea: Memória, Trauma, Reparação. Rio de Janeiro, UFRJ, IH/IFCS, May 10th. 2012.

xiv We may translate this word by “Residue” or “Trace”. In order to establish a dialogue with the French word *trace* explored by Jacques Derrida, the title “Trace” would be more adequate.

xv (...) E de tudo fica um pouco./ Oh abre os vidros de loção/ e abafa/ o insuportável mau cheiro da memória./Mas de tudo, terrível, fica um pouco,/e sob as ondas ritmadas/e sob as nuvens e os ventos/ e sob as pontes e sob os túneis/ e sob as labaredas e sob o sarcasmo/ e sob a gosma e sob o vômito/ e sob o soluço, o cárcere, o esquecido/ sob os espetáculos e sob a morte escarlate/ e sob as bibliotecas, os asilos, as igrejas triunfantes/ e sob tu mesmo e sob teus pés já duros/ e sob os gonços da família e da classe,/ fica sempre um pouco de tudo./ Às vezes um botão. Às vezes um rato.

xvi Drummond De Andrade, Carlos. “Resíduo”. In *Obra Completa*, organized by Afrânio Coutinho, 163-165. Rio de Janeiro: Companhia José Aguilar Editora, 1967.

xvii Lafer, Celso. “Justiça, História, Memória: reflexões sobre a Comissão da Verdade”. Conference presented at the Seminário Internacional: História Contemporânea: Memória, Trauma, Reparação. Rio de Janeiro, UFRJ, IH/IFCS, May 10th. 2012.

xviii The Brazilian redemocratization process has imposed on our community in general, and on the victims and familiars of the dead and missing during the military regime in particular, a burden even heavier than the reconciliation: the onus of forgetting. Carrying out a social agreement that would lead the redemocratization process in a “pacific” way went through the

political understanding that the crimes perpetrated by the agents of the dictatorial regime should be somehow covered up by forgetting. The Amnesty Law sealed such oblivion pact (Law nº 6.683/1979).

[xix](#)Derrida, Jacques. “O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução*, organized by Evando Nascimento, 45-92. São Paulo: Estação Liberdade, 2005.

[xx](#)Free translation by the author. In Israeli society, the story of the victims of the Holocaust had been missing until the Eichmann trial, since the Nuremberg trials did not address the Holocaust from the perspective of the victims, but from the perspective of the perpetrators.

[xxi](#)Bilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 101-2.

[xxii](#)Arendt, Hannah. *Between Past and Future: Eight Exercises in Political Thought*. New York: Penguin, 1968.

_____. *Eichmann in Jerusalem: a report on the banality of evil*. London: Penguin UK, 2006.

[xxiv](#)Arendt, Hannah. *Responsibility and Judgment*. New York: Schocken Books, 2003.

[xxv](#)Derrida, Jacques. “O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução*, organized by Evando Nascimento, 45-92. São Paulo: Estação Liberdade, 2005.

[xxvi](#)Bilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 93-4.

[xxvii](#)However, it is possible to say that in the cases of transitional justice trials and truth commissions, most frequently the documents tell the facts in the language of the perpetrators and from their point of view. But the institutional point of view cannot be disregarded.

[xxviii](#)ibid., 105.

[xxix](#)Derrida, Jacques. *A Farmácia de Platão*. São Paulo: Editora Iluminuras, 2005.

Compagnon, Antoine. *Le démon de la théorie: Littérature et sens commun*. Paris: Édition du Seuil, 1998.

Nascimento, Evando. *Derrida e a Literatura: “notas” de literatura e filosofia nos textos da desconstrução*. 2 ed. Niterói: EdUFF, 2001.

[xxx](#)Compagnon, Antoine. *Le démon de la théorie: Littérature et sens commun*. Paris: Édition du Seuil, 1998. 58-62.

[xxxii](#)ibid.

[xxxii](#)The distinction between carnal and spiritual interpretation is not originally

from Augustine, but refers to the Pauline binomial: “the letter killeth, but the spirit giveth life.” (St. Augustine. *On Christian Doctrine*. Christian Classics Ethereal Library, 2009. III, 5)

xxxiiiLafer, Celso. “Justiça, História, Memória: reflexões sobre a Comissão da Verdade”. Conference presented at the Seminário Internacional: História Contemporânea: Memória, Trauma, Reparação. Rio de Janeiro, UFRJ, IH/IFCS, May 10th. 2012.

xxxivBilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 105.

xxxvDerrida, Jacques. “O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução, organized by Evando Nascimento*, 45-92. São Paulo: Estação Liberdade, 2005.

xxxviBilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 105.

xxxviiibid., 111.

xxxviiiSt. Augustine. *On Christian Doctrine*. Christian Classics Ethereal Library, 2009. I, 12.

xxxix[S. d.] *apud* Arendt, Hannah. *A vida do espírito: o pensar, o querer, o julgar*. Rio de Janeiro: Relume Dumará/Ed. UFRJ, 1992. 21.

xIArendt, Hannah. *A vida do espírito: o pensar, o querer, o julgar*. Rio de Janeiro: Relume Dumará/Ed. UFRJ, 1992. 23-5.

xIibid., 26.

xliiSt. Augustine. *On Christian Doctrine*. Christian Classics Ethereal Library, 2009. I, 12.

xliiiBilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 107.

xlivThereby, it is necessary to keep in mind the difference between the unspeakable horror and not so horrific experiences, but frequently repulsive.

xlvLafer, Celso. “Justiça, História, Memória: reflexões sobre a Comissão da Verdade”. Conference presented at the Seminário Internacional: História Contemporânea: Memória, Trauma, Reparação. Rio de Janeiro, UFRJ, IH/IFCS, May 10th. 2012.

xlviArendt, Hannah. *A vida do espírito: o pensar, o querer, o julgar*. Rio de Janeiro: Relume Dumará/Ed. UFRJ, 1992. 23-5.

xlviiFree translation by the author. 28.

xlviiiDerrida, Jacques. “O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução, organized by Evando*

Nascimento, 75. São Paulo: Estação Liberdade, 2005.

xlix Bobbio, Norberto. “Primo Levi, se questo è un uomo”. *Nuova Antologia*. – A. 132, fasc. 2202 (apr.-giu. 1997): 19-23.

l Bilsky (*Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 107) argues that sometimes the lawyer seems to possess all the necessary qualities for translating the testimonies into an intelligible sequence. However, she notices “(...) the very act of translation from the living experience of the survivor to the categories of law actually does violence to his experience, effacing its important part”. We must also be attentive to the fact that this isn’t the first translation operated, considering that the act of testimony can be thought as the first one.

li As recently emerged with the “discovery” of the Figueiredo report into genocide, torture, rape and enslavement of indigenous tribes – <http://www.theguardian.com/world/2013/may/29/brazil-figueiredo-genocide-report> > Accessed on August 9th, 2013.

lii The local languages or dialects also translate the singularity of the victims’ untranslatable suffering. And the meaning of certain words or expressions can easily get lost when the witness is “advised” to use a more convenient language, or when its speech is translated or reported by other experts with their own words, belonging to a certain métier, let it be legal, journalistic, psychological etc. According to Derrida (“O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução*, organized by Evando Nascimento, 76. São Paulo: Estação Liberdade, 2005.), “when reading the sessions memoirs, with all those filters, we know nothing, we must admit, of what really occurred. Particularly since the irreducible screen of language is at once filtrating and deforming” (translation by the author).

liii Arendt, Hannah. *The Human Condition*. Chicago: The University of Chicago Press, 1958.

liv Further, humanity is an abstraction that can never be considered an active agent.

lv Arendt, Hannah. *The Human Condition*. Chicago: The University of Chicago Press, 1958.

lvi We believe that Hannah Arendt must have become more flexible on this matter, admitting the importance of testimonies because of her later text “Truth and Politics”, where she states that factual truth in trials “is established by witnesses and depends upon testimony; it exists only to the extent it is spoken about” (Arendt, Hannah. *Between Past and Future: Eight Exercises in Political Thought*. New York: Penguin, 1968. 238).

lviiBilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 111.

lviii**ibid.**

lixDerrida, Jacques. “O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução*, organized by Evando Nascimento, 80-4. São Paulo: Estação Liberdade, 2005.

lxThis was actually the case of one of the testimonies in the Eichmann trial, that of Yehiel Dinur, who lapsed into incoherence before collapsing on the witness stand (Bilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 108).

lxiFar from healing the wounds, sometimes this speech reactivates the hate, even because the character of presence of the testimonies makes the meeting between the victim and the perpetrator a very plausible possibility.

lxiiDerrida, Jacques. “O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução*, organized by Evando Nascimento, 78. São Paulo: Estação Liberdade, 2005.

lxiii**ibid.**, 83.

lxivFree translation by the author.

lxvBilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 110.

lxviArendt, Hannah. *The Human Condition*. Chicago: The University of Chicago Press, 1958.

lxvii**ibid.**, 199-200.

lxviiiThe way the Greeks inhabited the world and expressed themselves literarily and poetically at that original space of politics was the tragedy, making use of myth language to express the covering and uncovering of being, discussing the issue of the historical struggle of man against his fate. According to this analysis, this is the true meaning of the tragedy.

lixWere the beings are hidden and disclosed.

lxxIt is not incidental that men are pictured like this in the tragedy, because the need for the tragedy comes from this rooting of the *polis* in the conflicting character of *aletheia*.

lxxiHeidegger, Martin. *Parmênides*. Petrópolis: Vozes, 2008. 132-3.

lxxiiArendt, Hannah. *The Human Condition*. Chicago: The University of Chicago Press, 1958.

lxxiiiBilsky, Leora. *Transformative Justice: Israeli identity on trial*. The University of Michigan Press, 2004. 3.

[lxxiv](#)Derrida, Jacques. “O Perdão, a verdade, a reconciliação: qual gênero?”. In *Jacques Derrida: pensar a desconstrução*, organized by Evando Nascimento, 69. São Paulo: Estação Liberdade, 2005.

[lxxv](#)Nevertheless, by not granting immunity to defense witnesses, prosecution accomplished to show mainly the side of the victims, which also limited and certainly undermined the defendant’s rights and made him a symbol for the crimes of the Nazi regime as a whole. This is another element that makes us question whether the court would be the most adequate stage for this performance, where certainly politics and legal aspects are bumping into each other all the time.

When Empathy Withers

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Abstract: This brief essay uses several works of fiction and nonfiction to illustrate the profound character of evil that obtains when individuals lose their capacity to empathize with the circumstances and situation of others. W.H. Auden explored the contours of human evil throughout much of his career and argued that it inhered, even at its most vicious, in all of humankind. The persistent challenge for nations particularly and civilization more generally is to acknowledge that fact and to ensure that this omnipresent and often apparently “unspectacular” force is not unleashed. The paper provides several examples aimed at illustrating that observers should consider current trends in American policy and politics carefully as they signal a sharp decline in empathy for major groups within the polity, an inauspicious sign for United States democratic politics.

Keywords: AUDEN, BANAL EVIL, EMPATHY, HANNAH ARENDT, IDEOLOGY, PUBLIC POLICY

In 2005 the often wry and always masterful singer-songwriter John Prine released a song called “Some Humans Ain’t Human,”ⁱ in which he commented on individuals who seem ever to treat their fellow human beings in selfish and hurtful ways. These people exhibit both remarkable insensitivity and a penchant for demanding that others accord with their view of them and/or agree to be remade into their desired images.ⁱⁱ At one point in the tune Prine’s lyrics suggested that were you able to

... open up their hearts[And] here’s what you’ll find. Some humans ain’t human. Some people ain’t kind.ⁱⁱⁱ

Prine was addressing an age-old human conundrum: How to explain the self-absorption and nearly complete lack of empathy that people can evince. A dearth of empathy, as Simon Baron-Cohen has argued, may in fact be the cause of cruelty and evil, with greater levels of malice linked to diminishing levels of empathy.^{iv} I have had occasion in recent months to reflect on this concern both generally and as it is currently revealed in our nation’s politics. Not long ago, I reread Anne Frank’s *The Diary of a Young Girl* and wondered who, in the intimate circle of friends aware of the family’s hiding place, could have rationalized so cruelly betraying them.^v I also recently watched the film *The Reader* and grappled with how its principal character, Hanna Schmitz, a former Nazi prison guard, could have stood by and watched the church where her charges were housed burn to the ground while “responsibly” ensuring none could “escape,” thereby literally murdering all within.^{vi} I

also found myself mulling this same complete lack of empathy when musing about the documentary, *The Flat*, which concerns one Israeli man's discovery that his maternal grandparents, who had fled the German Holocaust, were close friends with Leopold von Mildenstein, a Nazi officer and predecessor of Adolf Eichmann as head of the infamous SS Office for Jewish affairs, managers of the "final solution."^{vii} And I have pondered Hannah Arendt's effort to understand Eichmann's apparently "banal evil" at his trial in Jerusalem in 1961.^{viii}

I found another opportunity to reflect on the nature of evil and those who commit it, in an essay by Edward Mendelson, Lionel Trilling Professor in the Humanities at Columbia University and executor of Anglo-American poet W. H. Auden's estate, entitled "The Secret Auden" in a recent volume of *The New York Review of Books*.^{ix} Mendelson explored a central leitmotif in Auden's thinking and work throughout virtually his entire professional life: how human evil should be regarded.

On one side of the argument concerning the roots of evil are those who, like Auden, sense the furies hidden in themselves, evils they hope never to unleash, but which, they sometimes perceive, add force to their ordinary angers and resentments, especially those angers they prefer to think are righteous. On the other side are those who can say of themselves without irony, 'I am a good person,' who perceive great evils only in other people whose motives and actions are entirely different from their own. This view has dangerous consequences when a party or nation, having assured itself of its inherent goodness, assumes its actions are therefore justified, even when in the eyes of everyone else, they are murderous and oppressive.^x

Auden contended such potential evil—manifest, when exhibited in the extreme, as a complete lack of empathy and a callous disregard for others—was latent in everyone. Mendelson noted that as early as 1939, in the poem 'Herman Melville,' Auden articulated a view of human evil very similar to Arendt's:

Evil is unspectacular and always human,
And shares our bed and eats at our
own table.^{xi}

In 1940, in *The Double Man*, Auden offered an epigraph by Michel Montaigne

We are, I know not how, double in ourselves,
so that we believe we disbelieve
and cannot rid ourselves of what we condemn.^{xii}

Taking Auden, Arendt and Montaigne seriously leads one to conclude that all people are capable of evil despite our individual and collective propensity, as Auden noted, to ascribe malevolence to other persons or groups and not to ourselves and thereby to remove ourselves from all responsibility for those "others" terrible actions. Not coincidentally, such a stance also suggests that those taking it are themselves incapable of such behaviors. Auden begged to differ. The poet surely did not imagine that one individual's petty stupidity, cupidity or jealousy could be

likened to the horrors of The Shoah, but he did maintain that all human beings possess the capacity for such blind hatred, enmity or lack of empathy. One sign that a person is on the way to becoming “not human,” is the appearance of a smug self-satisfaction that places shares of the population into “other” categories, worthy of disdain, or worse. And it is that condition, when aggregated to large groups, that is dangerous and that is increasingly of moment in our politics today. That is, examples of such views are worth highlighting for what they signal about the state of American politics.

Here are some recent examples of stands recently adopted by the Republican Party and its 2012 Presidential candidate that reflect a growing lack of empathy for demographic groups that many of the party’s faithful either view as a threat or mistrust on other, often unarticulated grounds:

- Efforts across multiple states whose result is to make it more difficult for the poor, minorities, seniors and working class individuals to vote, on the rationale that fraud is rampant (it is in fact virtually non-existent) and that curbs on access to the polls are necessary to address the issue.
- Initiatives to decry the poor as a group as architects of their own poverty (which is not factually true for millions so situated) and to abjure them to take responsibility for the same. These claims have thus far resulted in an almost continuous series of attacks in recent years on the nation’s anti-poverty programs, including significant reductions this year in its Supplemental Nutrition Assistance Program to address alleged “misuse;” a recent report from U.S. Representative Paul Ryan (R), Chair of the House Budget Committee, finding fault with virtually every anti-poverty program in the federal budget; and the Party’s insistence that support for the long-term unemployed end on the view that it was preventing its recipients from actively looking for work, rather than helping them cope with their profoundly changed life circumstances and a still sluggish economy.
- Former GOP Presidential candidate Mitt Romney’s remarks at a campaign event in 2012 that fully 47 percent of the U.S. population were “takers,” unwilling to assume responsibility for their lives and welfare and should therefore effectively not be considered in the campaign.
- The GOP’s attack on immigrants in several states in recent years, including Alabama and Arizona especially, and the harsh anti-immigrant rhetoric of many of its partisans in Congress that has resulted in that body’s inability to pass much-needed immigration reform legislation.

Whatever else might be said of the penchant of many current Republican Party leaders to vilify certain groups and to decry a host of claims on behalf of the commons, they represent both an increasingly self-righteous and abstract disregard

for those so treated and a notable lack of empathy and understanding for the actual conditions of the lives of those targeted, favoring instead broad stereotypes and generalized ideological claims. It is therefore not difficult to conclude that these leaders and their Party should stop these behaviors and engage in a period of more measured soul-searching to find a new and more prudent balance in their rhetoric and position-taking, lest they fall into the pattern of a simplistic demagoguery characterized foremost by a banal and nearly total lack of empathy for those shares of the population they have elected to dismiss. They should take stock very soon, as the trajectory on which they are embarked and its costs are both potentially grave and all too familiar. Arendt, Montaigne and Auden were right. We fail to recognize the apparently unspectacular character of our everyday practice of evil at collective peril to our freedom. All human beings are capable of the most sordid of acts and attitudes and friends of freedom should ever be conscious of that fact.

Notes

i <http://www.youtube.com/watch?v=5rwYiBdoWHE>

ii John Prine, "Some Humans Ain't Human" (Song lyrics). On *Fair and Square*, 2005. (Oh Boy Records. Tommy Jack Music) Accessed March 20, 2014.

<http://www.jpshrine.org/lyrics/songs/fassomehumansainthuman.html>

iii Prine, "Some Humans Ain't Human," 2005.

iv Simon Baron-Cohen Cohen, *The Science of Evil: On Empathy and the Origins of Cruelty* (New York: Basic Books, 2011).

v Anne Frank, *The Diary of a Young Girl* (New York: Bantam Books, 1993).

vi Manohla Dargis, "Innocence is Lost in Postwar Germany," *The New York Times*, December 9, 2008. Accessed, March 20, 2014.

http://www.nytimes.com/2008/12/10/movies/10read.html?_r=0.

vii Jeanette Catsoulis, Jeannette. 2013. "On One Coin, A Swastika and a Star of David," *The New York Times*, October 16, 2013. Accessed March 20, 2014.

viii Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 2006).

ix Edward Mendelson, "The Secret Auden," *The New York Review of Books*, 61(5), March 20, 2014, <http://www.nybooks.com/articles/archives/2014/mar/20/secret-auden/?insrc=toc>.

x Mendelson, "The Secret Auden," 2014, Section 2.

xi Mendelson, "The Secret Auden," 2014, Section 2.

xii Mendelson, "The Secret Auden," 2014, Section 2; W.H. Auden, *The Double Man* (New York: Random House, 1941).

Misconceptions Regarding Arendt on Eichmann

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Abstract: Hannah Arendt's controversial book *Eichmann in Jerusalem: A Report on the Banality of Evil* offered an account of the actions and motivations of the Holocaust perpetrator Adolf Eichmann. Arendt's book sparked lively debate and engendered polemical responses as a result of her portrayal of Eichmann as neither a cruel sadist nor a fanatical anti-Semite. Arendt described Eichmann as demonstrating the banality of evil, indicating that Eichmann's motivations were banal and petty rather than deeply evil. And yet the banality of his motives did not preclude him from participation in radical, extreme evil. This significant philosophical point is often obscured by the disputes surrounding Arendt's depiction of Eichmann. In this article I identify and challenge the main misconceptions and misunderstandings of Arendt's account of Eichmann, which have often overshadowed the philosophically pertinent discussions in the book, emphasizing the centrality of personal responsibility in Arendt's portrayal.

Keywords: BANALITY, EICHMANN, EVIL, HANNAH ARENDT, HOLOCAUST, RESPONSIBILITY

Fifty years after its publication, Arendt's *Eichmann in Jerusalem* remains a contentious book. The bitter controversy it elicited has often obscured rather than illuminated the salient points. Arendt's argument in *Eichmann in Jerusalem* is also regularly misunderstood and taken to be representing a number of different positions to which Arendt was not in fact sympathetic. Here I offer some brief reflections on the main misunderstandings or misrepresentations of Arendt's ideas about Eichmann. I reject the claim that Arendt's understanding of Eichmann amounted to absolution for him and I challenge the notions that Eichmann's actions were the result of real coercion or deep institutionalisation in the Nazi system. Furthermore, I dispute both the characterisation of Eichmann as a particularly psychologically disturbed individual as well as the portrayal of his actions as representative of all humans and their weaknesses.

1. "Arendt exonerated Eichmann"

A frequent refrain among those critical of Arendt's work on Eichmann was the accusation that Arendt had, in her portrayal, effectively exonerated him for his crimes. Her notion that Eichmann exemplified the banality of evil was taken as an indication that she did not really blame him or hold him responsible. The concept of the banality of evil, the "fearsome, word-and-thought-defying *banality of evil*,"¹

(Arendt 2006, 252) is the notion that an individual with nothing other than petty, banal and self-serving intentions can nonetheless be complicit in acts of great evil; it is the recognition that evil deeds, even on a huge scale, do not necessarily presuppose correspondingly evil motives or intentions.

Arendt's portrayal of Eichmann, the high-ranking Nazi official with a central role in the Holocaust, is atypical. The popular image of Nazi perpetrators, particularly those as highly ranked as Eichmann, was one of evil, sadistic, fanatical monsters. For Arendt by contrast, Eichmann was not fanatical in his anti-Semitism despite his voluntary entrance into the S.S. and his enthusiastic organisation of Jewish deportations. Nor was he, on Arendt's reading, especially inclined toward violence or a sadistic pleasure derived from cruelty to others. This characterisation of an undoubtedly significant perpetrator of the Holocaust contradicts the common stereotype. It is typically held that those individuals in Nazi Germany who not only joined the party but became members of its most elite formations and indeed were active participants in some of its most diabolical policies are indisputable monsters. They were ideologically convinced anti-Semites who dreamed of making Europe *judenrein* (free of Jews) and depraved sadists who delighted in any and all forms of brutality. That Arendt presents an account which runs so markedly counter to the conventional understanding of perpetrators of the Holocaust – like that offered by Daniel Jonah Goldhagen in which he attributes a so-called “eliminationist antisemitism” to the German population in general – is part of the reason that *Eichmann in Jerusalem* engendered such a broad response and inspired such a deep controversy.ⁱⁱ This is also the reason why the book is philosophically interesting.

One argument prevalent among those who disputed Arendt's assessment was that Eichmann *must* have been a brutal and inhuman specimen in order to have been so deeply involved in the processes of deportation and execution.ⁱⁱⁱ Arendt's controversial contention was that he was not such a man, nor did he *need* to be: his banal motives could serve the greatest evil in the warped world of the Third Reich.

Arendt's assertion of the banal quality of Eichmann's motives led some to accuse her of exonerating the perpetrators of the Holocaust. By arguing that he had not been motivated by vicious depravity and that, therefore, there was a gross disparity between Eichmann's motivations and the hideous consequences of his actions, she was reproached, for example by Lionel Abel and Michael Musmanno, for having implied that Eichmann had, in some sense, not really *meant* or *intended* what he had done and so was, again in some sense, not responsible for the terrible consequences of his actions.

Two points are of importance in defending Arendt against such charges: first, Arendt certainly did consider Eichmann responsible and culpable for his crimes and she thought it right that he be put to death.^{iv} This is more than clear from the alternative judgment she proposes at the end of *Eichmann in Jerusalem*, in which

she states that

[w]e are concerned here only with what you did, and not with the possible non-criminal nature of your inner life and of your motives or with the criminal potentialities of those around you [...] Let us assume, for the sake of argument, that it was nothing more than misfortune that made you a willing instrument in the organization of mass murder; there still remains the fact that you have carried out, and therefore actively supported, a policy of mass murder [...] And just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations [...] we find that no one, that is, no member of the human race, can be expected to want to share the earth with you. This is the reason, and the only reason, you must hang.^v

Second, it is clear from other comments Arendt makes in *Eichmann in Jerusalem* that she was not in the business of exculpating the orchestrators of the Holocaust: she was severely critical of the willingness in Adenauer's post-war Germany to continue the employment of many civil servants who had served the Nazi regime: "It has been estimated that of the eleven thousand five hundred judges in the *Bundesrepublik* [Federal Republic of Germany], five thousand were active in the courts under the Hitler regime."^{vi} She decried the reluctance of local German courts, in the wave of new arrests of former Nazis within Germany in the wake of Eichmann's capture, to prosecute these crimes, stating that this reluctance "showed itself only in the fantastically lenient sentences meted out to the accused."^{vii}

Arendt gives an example of such leniency: "Dr. Emanuel Schäfer, a special protégé of Heydrich...had to stand trial in a German criminal court after the war. For the gassing of 6,280 women and children, he was sentenced to six years and six months in prison."^{viii} Arendt concludes that

[I]t is the same story repeated over and over again: those who escaped the Nuremberg Trials and were not extradited to the countries where they had committed their crimes either were never brought to justice, or found in the German courts the greatest possible "understanding."^{ix}

Arendt's critical stance on the effective amnesty that many Nazis received in Germany after the war and on the willingness of the post-war German government to forget the former Nazi allegiances of many members of the civil service, demonstrates clearly that she did not seek to absolve the perpetrators of the Holocaust. She did, in fact, hold them to be fully responsible and deserving of punishment.

2. "Eichmann was coerced"

Another misreading one encounters is the presumption that the story Arendt is

recounting in *Eichmann in Jerusalem* and elsewhere is the story of an individual driven to commit atrocious acts out of fear and terror in the undeniably terrifying world of the Third Reich. Arendt's account of the offenders in the Third Reich and those who colluded with them is not, however, one coloured by the complications of fear and coercion: her interests lie in comprehending the behaviour of individuals exercising (at least relatively) free choice. It is well documented that Adolf Eichmann did not join the S.S. because of fear for himself or his loved ones, nor was he coerced to carry out his murderous duties – he *chose* to sign up and he *chose* to continue in his role organising deportations to the East long after he knew what this truly meant. Indeed, as Christopher Browning's study *Ordinary Men* made clear, individuals quite often retained a large degree of choice in their actions and many could opt out of killing duties.^x

Arendt herself mentioned this in her famous exchange of letters with Gershom Scholem in the pages of *Encounter*: 'the SS murderers also possessed, as we now know, a limited choice of alternatives. They could say: "I wish to be relieved of my murderous duties,' and nothing happened to them."^{xi} Hence Arendt felt her task to be to provide some kind of explanation for why normal, relatively free individuals would choose to participate in the murderous regime. This is not to say, of course, that there are no other relevant factors such as pressure to conform to group norms or to obey orders. Yet the fact remains: there were a range of (albeit rather limited) choices often open to individuals, the most basic of which was the choice between being complicit in murder or not. Even despite considerable pressure to obey, to conform to Nazi principles, there were ordinary individuals at every turn who resisted that pressure, who *chose* not to participate. None of the pressures to comply were universal or universally felt and, generally, choosing not to participate did not result in punitive or dangerous sanctions.

3. "Eichmann was a sociopath"

Some have assumed that Arendt's description of Eichmann shows him to be psychologically abnormal with a sociopathic (perhaps even psychopathic) inability to relate to his victims or show empathy or concern for their fate. Yet this is not Arendt's approach. Arendt's thinking on the perpetrators of the Holocaust and their motivations is not concerned with detailing psychological pathologies; she is not seeking to diagnose some pathology of mind in the perpetrators (or at least not those perpetrators of whom Eichmann is the paradigmatic example). Her goal is not to present the picture of a diseased mind and to determine the causes for this.

Her explanation is certainly not a psychoanalytical one which would turn toward Eichmann's unconscious and his childhood for indications as to why he volunteered to be complicit in the horrendous crimes of the Holocaust. Rather, Arendt's account underscores Eichmann's ordinariness – his assessment as 'normal' by a number of psychiatrists prior to the trial is cited clearly – and his motivations and actions are not presented as pathological.^{xii} Such an explanation would be exposed to problematic questions of responsibility – if Eichmann were considered to be

suffering any kind of psychological condition then he may be held less responsible for his actions. This is not a conclusion Arendt favours – it is clear that she holds Eichmann entirely and consciously responsible for his deeds and as such she requires an account of his behaviour which leaves no doubt as to the normality of his psychological character.

4. “The system produced Eichmann”

A key element of Arendt’s account is the negation of decisive external influence in motivating the actions of perpetrators like Eichmann. That is to say, Arendt does not imply that circumstances influenced Eichmann’s motives such that they *produced* his actions: Arendt is concerned with the free choices of individuals and to lay heavy emphasis on the context of those choices is to connote a causal relation which Arendt’s reading does not support. Indeed, this is a common misreading of Arendt’s ethical thought frequently encountered in the literature.

Larry May, for example, contends “Hannah Arendt argued that certain institutions were able to instill in their members a willingness to do virtually anything, even to participate in great evil.”^{xiii} Quite often the assumption is made that the tale which Arendt is recounting in the Eichmann book is that of an individual altered by the pressures and practices of totalitarian domination, an ordinary individual who becomes so institutionalised and is so influenced by the demands of Nazi principles that his own internal thought processes become corrupted and that this outside influence fulfills a causal function in actually inducing the commission of an evil action which this individual would otherwise not perpetrate if it were not for these corrupting external influences. This is not an accurate reading of Arendt’s work: attention to the detail of the Eichmann book and her other writings on ethics demonstrates that she is not concerned with institutionalisation. Nowhere does she venture the argument that Eichmann’s actions were caused by his being institutionalized within the S.S. She does recognise his suitability for the career which he embarked on within the elite Nazi party formation but does not contend that his being an S.S. member caused him to be able to be complicit in Nazi crimes to the extent that he was. The implication is that he was already such a person to begin with. It is not the case, on Arendt’s reading, that the S.S. made Eichmann into a desk killer; rather it was his aptitude for such a position which made him join the S.S. in the first place. Indeed this misreading is present in the background of other misreadings already discussed and it is problematic once again because of the issue of responsibility. To argue that Arendt considers Eichmann to have been institutionalized into a perpetrator denies his personal responsibility in the same way that viewing Eichmann as coerced or psychologically disturbed would do. But as we have seen, Arendt certainly does not deny Eichmann’s responsibility and so these kinds of reading of Arendt cannot be correct

5. “There is an Eichmann in all of us”

Arendt directly addressed this particular misreading when she participated in a conference on her work in Toronto in 1972: when the idea that ‘there is an Eichmann in each one of us’ was attributed to Arendt, her rebuttal was clear: “I

always hated this notion of ‘Eichmann in each one of us’. This is simply not true.”^{xiv} Those who misread her in this way tend to understand her argument as emphasizing Eichmann’s ordinariness and therefore implying that any other ordinary person would behave as he had. Yet Arendt was always at pains to point out Eichmann’s personal, individual guilt. She rejects the notion of an Eichmann in all of us because of its connotations regarding responsibility: to say there is an Eichmann in all of us is to say that any of us would have done precisely as he did were we to find ourselves in his position. This implies we cannot blame him since, put simply, anyone would have done the same.

But for Arendt of course, Eichmann is fully responsible and therefore blameworthy for his actions. Furthermore, as her essays “Personal Responsibility Under Dictatorship” and “Collective Responsibility”^{xv} demonstrate, Arendt is clear that the opposite is the case: not everyone was complicit. In fact, some resisted and others refused to participate in murder.^{xvi} It is not the case that anyone would have done as Eichmann did since at least some did not. Though this thought is not, perhaps, deeply comforting – the number of people who resisted or refused to participate in the evil of Nazism is vastly overshadowed by those who were, in one way or another, complicit – it does offer a glimmer of hope. For Arendt, some kind of redemption can be found in the fact that while collaboration or complicity was widespread, it was not universal:

under conditions of terror most people will comply but *some people will not*, just as the lesson of the countries to which the Final Solution was proposed is that ‘it could happen’ in most places but *it did not happen everywhere*. Humanly speaking, no more is required, and no more can reasonably be asked, for this planet to remain a place fit for human habitation.^{xvii}

It is important to identify, examine and critique these typical misreadings of Arendt on Eichmann, engendered in part by the intense controversy sparked by *Eichmann in Jerusalem*. The significant moral philosophical idea in the book i.e., the core argument that an individual in possession of merely petty and banal motivations can nonetheless become complicit in great evil, has too often been obscured by misunderstandings on the periphery. The foregoing has been a contribution to the identification and removal of such misunderstandings, all of which ultimately condense in the claim that Arendt is seeking to alleviate Eichmann’s responsibility. Yet, as we have seen, this is not the case and those advancing such arguments will continue to be confounded by Arendt’s clear and uncompromising attribution of responsibility to Adolf Eichmann for his crimes.

Notes

i Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 2006), 252.

ii See Daniel Jonah Goldhagen, *Hitler’s Willing Executioners: Ordinary*

Germans and the Holocaust (New York: Vintage Books, 1997)

iii An example of this kind of reading can be found in Judge Musmanno's review of the Eichmann book – Musmanno had been a witness for the prosecution during the Jerusalem trial and had also acted as a judge during the Nuremberg trials. See Micheal A. Musmanno, 'Man With An Unspotted Conscience,' May 19, 1963. Another exemplar of this attitude was Lionel Abel in his review – see the discussion of this in Daniel Maier-Katkin, 'The Reception of Hannah Arendt's Eichmann in Jerusalem,' *Hannah Arendt.net: Zeitschrift für politisches Denken*, Bd. 6, Nr. 1/2 (2011): 4.

<http://www.hannaharendt.net/index.php/han/article/view/64/85>

iv See the discussion of this at the end of the Eichmann book: Arendt, *Eichmann in Jerusalem*, 253-279.

v Arendt, *Eichmann in Jerusalem*, 277-279.

vi Arendt, *Eichmann in Jerusalem*, 16.

vii Arendt, *Eichmann in Jerusalem*, 15.

viii Arendt, *Eichmann in Jerusalem*, 184-185.

ix Arendt, *Eichmann in Jerusalem*, 185.

x See Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Perennial, 1998).

xi Hannah Arendt, 'A Letter to Gershom Scholem,' in Hannah Arendt, *The Jewish Writings*, ed. Jerome Kohn and Ron H. Feldman (New York: Schocken, 2007), 469.

xii Arendt, *Eichmann in Jerusalem*, 26.

xiii Larry May, 'Socialization and Institutional Evil,' in *Hannah Arendt Twenty Years Later*, ed. Larry May and Jerome Kohn (Cambridge, Massachusetts: MIT Press, 1997), 83.

xiv Hannah Arendt, 'On Hannah Arendt' in *Hannah Arendt: The Recovery of the Public World*, ed. Melvyn A. Hill (New York: St. Martin's Press, 1979), 308.

xv These essays are both in Hannah Arendt, *Responsibility and Judgment*, ed. Jerome Kohn (New York: Schocken, 2003).

xvi See Arendt's discussion of 'nonparticipants', those who did not participate in the crimes or in any aspect of the tainted public life of the Third Reich, in the essays in *Responsibility and Judgment*.

xvii Arendt, *Eichmann in Jerusalem*, 233.

Toward Forgiveness: Arendt's Banality of Evil

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Keywords: ADOLF EICHMANN, BANALITY OF EVIL, EMPATHY, FORGIVENESS, GENOCIDE, HANNAH ARENDT, HOLOCAUST, VIOLENCE

Abstract: This essay employs Hannah Arendt's idea of banal evil from *Eichmann in Jerusalem* (1963) as a possible route to understanding or forgiving violent crimes. Through the mechanism of empathy, Arendt's concept of the banality of evil may facilitate conceptions of forgiveness, despite Arendt's resistance to forgiveness of serious offenses. If we can see perpetrators as unthinking, rather than as demonically or maniacally evil, we might be able make space for forgiveness by attempting to understand their motivations for complying with the violent order and committing their crimes. Arendt is in a way writing a warning to humankind: Eichmann's banality of evil could potentially manifest itself in any human who ceases to think; anyone could be evil. Perhaps if victims understood or empathized with the human process by which one is transformed from a human to an inhuman killing machine as a bureaucratic and banal process that could happen to anyone, they would more readily consider forgiveness. Here, the opening banality gives to forgiveness can facilitate a reconsideration of Arendt's restriction of forgiveness to minor offenses only, especially in light of recent atrocities.

Introduction

Hannah Arendt's concept of the banality of evil remains one of the most contentious and misunderstood ideas of the 20th century. From the 2012 release of Arendt's biographical feature film to the British street artist Banksy's depiction of a Nazi soldier in his 2013 piece "The Banality of the Banality of Evil" and debate surrounding the 2012 documentary *The Act of Killing*, the phrase remains relevant today. A critical examination of forgiveness after genocide or violent crime may employ the banality of evil to reveal the perpetrator's humanity to the victim through empathy. Against her own use of the concept, Hannah Arendt's theory of banality of evil may provide a pathway to understanding healing after extreme evil and violence through empathy and forgiveness.

1. Arendt on Evil

Arendt's theory about the nature of evil and the impossibility of forgiving it evolves over time, beginning in a Kantian understanding of radical evil in *The Origins of Totalitarianism* and evolving to the biblical citation of Jesus drawing the line for forgiveness at extreme evil in *The Human Condition*; the assertion that evil should be neither forgiven nor punished in *The Promise of Politics*; the famous concept of the banality of evil in *Eichmann in Jerusalem*; and the suggestion of extrajudicial sentencing for those crimes that can be neither punished nor forgiven in *Responsibility*

and Judgment. In *The Origins of Totalitarianism*, she employs a description of the Nazi system as “radical evil,” which, although it is different from Kant’s formulation, puts an end to Hegelian or teleological progress and modernization in politicsⁱⁱ. She describes the concentration camps as hell within the dehumanizing Nazi state, which created a “new law” of Hitler’s rule that “consisted of the command ‘Thou shalt killⁱⁱⁱ.’” However, her 1963 trial report introduces the “fearsome, word-and-thought-defying banality of evil^{iv}.” Whereas she first thinks in terms of Kantian extreme “radical evil,” she writes shortly after *Eichmann* was published to her friend Gershom Scholem, “You are quite right: I changed my mind and do no longer speak of ‘radical evil.’”

Within the totalitarian state Arendt sees the criminal of her case study, the middle-level Nazi bureaucrat Adolf Eichmann, as a perpetrator of banal evil. One of the most controversial claims in the book, the banality of evil assumes that Eichmann killed not out of ideological furor but out of a lack of imagination or thinking. Arendt sees Eichmann’s banality as “obviously also no case of insane hatred of Jews, of fanatical anti-Semitism or indoctrination of any kind^{vi}” (although Bettina Stangneth’s 2011 *Eichmann Before Jerusalem – The Unexamined Life of a Mass Murderer*, not yet translated into English, indicates that Eichmann was likely pretending to be more banal and less fanatic than he actually was). Arendt’s point of departure from radical evil for banal evil marks an important moment for her theory’s understanding of violence and restoration. The concept of banality is both groundbreaking and relevant to understanding violent acts and healing (through understanding, empathy, and perhaps even forgiveness).

2. Arendt on Forgiveness

Arendt gives much weight to forgiveness of nonviolent and daily offenses, following the teachings of Jesus. However, while she makes a strong case for forgiveness of minor offenses committed accidentally in daily life, in the case of deliberate violence or horrific crimes such as murder or genocide she denies the possibility of either forgiveness or punishment, for a variety of disjointed and sometimes inconsistent reasons. Her first argument against forgiving grave crimes is that the Nazis removed their own personhood by focusing on their duties to the totalitarian system and by not thinking or judging. The Nazi evildoers were effectively no longer persons, perpetrating “the evil committed by nobodies, that is, by human beings who refuse to be persons.”^{vii} Arendt denies the Nazis and all banal evildoers the possibility of forgiveness: “in granting pardon, it is the person and not the crime that is forgiven; in rootless evil there is no person left whom one could ever forgive.”^{viii} Their complicity in atrocities eliminates their personhood and thus their potential to be forgiven. George Kateb describes several morality schemas that Arendt sees totalitarianism as offending, including biblical morality, Socratic morality, and “the morality of authentic politics” in which she situates forgiveness and promise-keeping.^{ix} The individual perpetrators and the totalitarian system alike violate everything Arendt holds dear in her system of action:

Totalitarian regimes have discovered without knowing it that there are crimes which men can neither punish nor forgive. When the impossible was made possible it became the unpunishable, unforgivable absolute evil which could

no longer be understood... this newest species of criminals is beyond the pale even of solidarity in human sinfulness.^x

Arendt gives several other reasons why grave crimes should not be forgiven. One, in *The Human Condition*, is that the forgiveness of serious offenses is not the prerogative of men, quoting the Bible's prediction that serious offenses will be dealt with in the Last Judgment, which "is not characterized by forgiveness but by just retribution."^{xi} Through the biblical metaphor of the *skandalon* (or *mikshol*, a stumbling block placed intentionally in front of a blind man), Arendt explains why certain extreme evils, those that are intentional, malicious, or violent, are so severe that they surpass human judgment, let alone forgiveness. Rather, it would be better that the offender be flung into the sea with a millstone hung around his neck.^{xii} Moreover, the person who commits the *skandalon* cannot "be reformed through punishment, or, if he is beyond improvement, will offer through his sufferings a deterrent example for others; the agent is an offender to the world order as such."^{xiii} Arendt finds the idea of conciliation between the Nazi perpetrators (or even German bystanders) and Jews ridiculous: she incredulously quotes Eichmann saying he "would like to find peace with [his] former enemies' – a sentiment he shared... unbelievably, with many ordinary Germans, who were heard to express themselves in exactly the same terms at the end of the war."^{xiv}

Moreover, in *Eichmann* Arendt argues against the possibility of empathizing with the offender: "The reflection that you yourself might have done wrong under the same circumstances may kindle a spirit of forgiveness, but those who today refer to Christian charity seem strangely confused on this issue too... Justice, but not mercy, is a matter of judgment."^{xv} Her strange elimination of mercy from the category of judgments aside, her rejection of Christian formulations of forgiveness based on empathy or affect in favor of objective judgment of the facts is curious. Her elimination of forgiveness, mercy, and "Christian charity" from the category of judgments rests on a flawed dichotomy between rational, objective judgment and affective actions such as forgiveness. Finally, in her *Denktagebuch* ("thinking book" or diary) she expresses hesitancy about forgiveness in reference to her relationship with Martin Heidegger, writing that forgiveness eliminates the possibility of a relationship between the forgiver and the forgiven.^{xvi}

While Arendt clearly rejects forgiveness in the face of both the radical evil and the banal deeds of Eichmann and his associates, the following will attempt to counter her resistance to forgiveness of grave crimes by using her own concept of banal evil as a possible route to forgiving.

3. Empathy and the Route from Banal Evil to Forgiveness

Arendt's analysis of Eichmann's character takes two directions: on one hand, she elevates his acts to "transcend the realm of human affairs and the potentialities of human power."^{xvii} by judging his deeds to be beyond human punishment or forgiveness; on the other hand, she insists that Eichmann's evil deeds were banal,

or even “stupid.” This analysis focuses on the banality argument rather than on Arendt’s unexplained argument that certain crimes are grave enough to be so severe as to be transcendently beyond forgiving. In terms of banality, she claims that Eichmann lacked imagination and did not think. This explanation of Eichmann’s evil deeds, along with her careful biographical portrait of the Nazi criminal, from his childhood to his careerism and his vapid adherence to Hitler’s-word-as-law, helps the reader understand how and why he played his part in the Nazi machine. Indeed, some passages put the reader in Eichmann’s shoes, even as they scorn and deride his empty-headedness, his lack of imagination, and his unthinkingness. For example:

In March, 1941, during the preparation for the war against Russia, Eichmann was suddenly put in charge of a new subsection, or rather, the name of his subsection was changed from Emigration and Evacuation to Jewish Affairs, Evacuation. From then on, though he was not yet informed of the Final Solution, he should have been aware not only that emigration had definitely come to an end, but that deportation was to take its place. But Eichmann was not a man to take hints, and since no one had yet told him differently, he continued to think in terms of emigration.^{xviii}

In this passage as in the rest of the book, Arendt does not (as her detractors claimed) cut the criminal any slack; earlier in the report, she finds Eichmann’s assumption that in his testimony he would find “‘normal, human’ sympathy for a hard-luck story.”^{xix} laughable. However, her careful consideration of Eichmann’s internal dialogue, his personal history and his motivations – and above all his vacuousness – gives the reader the possibility of empathy, of imagining or understanding why Eichmann carried out the Nazi mission to the end. It is precisely an understanding of Eichmann’s banal attitude about his gruesome paper-pushing that may provide observers or even survivors with an empathetic attitude toward why he participated. This empathy – an emotional sharing of experiences through understanding – can lead to forgiveness by allowing the victim to see the offender’s personhood.

Such attempts to understand the processes of evildoers like Eichmann who merely do not think (recent evidence of ideological extremism from Bettina Stangneth aside) may facilitate understanding of evil acts on a human level, rather than elevating them to a superhuman or religious status as Arendt does in her analysis of *skandalon*. In *The Human Condition*, forgiveness requires lowering oneself to the level of the perpetrator, realizing one could have done wrong, too, and benefitting the person being forgiven by releasing him from his past actions. She realizes the importance of forgiving small offenses to allow for future actions, restoring the relationships between people and allows for future actions without mirroring people in the past. What she does not recognize – or if she does, is unwilling to recognize – is the potential of her framework for Eichmann’s evil for helping bring forgiveness about by understanding and de-mythicizing evil. Contemporary criticism has the potential to salvage the radical generative nature of Arendtian forgiveness for post-

genocide or post-conflict healing.

A *Realpolitik* view might contend that the conditions for political life preclude the intrusion of Pollyannaish emotional acts such as forgiveness upon the rational choices of self-interested individuals. However, the distinction between rational judgment and sentimentality is a false dichotomy to begin with, especially in terms of judgments surrounding violence and its aftermath. The airing of affect such as forgiveness allows for a more realistic view of action in the public sphere, as transitional justice truth commissions such as the South African Truth and Reconciliation Commission show us. Moreover, acknowledging the political implications of forgiveness elevates this previously abstract moral or religious concept and empowers it as a generative action for good in a rough political landscape. This is not an easy feat, but it is important to give forgiveness a chance to have political impact in serious cases.

Arendt herself would reject the progression from banality to empathy and forgiveness: she would prefer not an empathetic or an affective reaction to the crime, but rather that the criminal “think” and act to stop the violence. Her theory of thinking and judging relies on Kantian *sensus communus* (sense of others, literally “common sense”) and expanded worldview, representing the viewpoint of another and using a common or higher sense of right and wrong rather than empathy or emotion to make moral decisions. Indeed, Arendt specifically attempts to replace the concept of empathy with that of imagination, explaining that an observer of poverty imagines but does not conform to the experiences of another by “representing to myself how I would feel if I had to live there, that is, I try to think in the place of the slum-dweller.”^{xx} However, the above passage reveals a lapse in Arendt’s own language; even as she is urging imagination and thinking instead of empathy and feeling, she slips into the language of emotion, describing how she would “feel.” Therefore, even Arendt cannot entirely avoid the concept of empathy, which we may employ as a mechanism by which the banality of evil concept can lead to greater understanding and forgiveness. Her failure to completely distinguish understanding another person’s plight in a rational sense from imagining the feeling of the other, even if she means “feeling” in the Heideggerian sense of Being, shows slippage in her theory that leaves room for interpretation. The concept of empathy is one useful route to understanding this disconnect. Any attempt to understand or share another’s internal motivations and existential experiences has the potential to lead to empathy, and empathy can lead to forgiveness by increasing understanding and emotional connection between the victim and perpetrator, even if the two never meet again. By understanding the experiences of a perpetrator and putting him or herself in his or her shoes, a reader of *Eichmann in Jerusalem* or another account of a perpetrator’s career could reasonably progress from understanding the banality of evil – the psychological, political, and bureaucratic path a person could take to committing unimaginable atrocities – to empathizing with a banal criminal and eventually to forgiving him or her. Although *Eichmann* does not hint at encouraging forgiveness of the Nazis, and Arendt was strongly against the idea, the description

of Eichmann's careerist motivations, bureaucratic mindset, and totalitarian experiences places the reader within the "desk-murderer's" experiences. Forgiveness requires the victim to understand the perpetrator and his or her actions not merely as criminal or evil, but also as part of a complex personal and political context, and an understanding of the banality of the atrocities Eichmann and others committed such as that which is revealed by Arendt herself is helpful to such an understanding. The critical response to the banality of evil, then, should not be a parsing of Arendt's theoretical intentions between banal and radical evil, but rather an extension of her understanding of evil to the possibility of forgiveness through empathy.

This progression from banality to understanding to empathy to forgiveness suggests the possibility of Arendt's own philosophical tools expanding the framework of forgiveness in politics and in the case of serious offenses. The understanding of a crime and the person who commits it in a totalitarian system that is facilitated by her concept of the banality of evil may, although Arendt would resist this use of the idea, facilitate the kind of understanding that is necessary to and can lead to forgiveness. The project of salvaging Arendtian forgiveness, rather than trying to formulate a concept of empathy-based forgiveness outside of her banality of evil theory, is productive if it employs the radical generative power with which Arendt forgiveness – the power to create new futures and actions. It is thus important to bridge the gap between *The Human Condition's* description of powerfully generative forgiveness of everyday or minor offenses and Eichmann's grave crimes. The banality of evil helps us understand those who participate in violence, and although this is not the direction in which Arendt takes the theory, it can help facilitate the kinds of understanding that can lead to empathy and forgiveness of violent offenders. Such an expanded view of this contentious concept is necessary to rebuild political worlds after community-shattering violence, a pervasive contemporary problem.

Notes

i I define empathy in this project as the ability to experience the feelings or emotions of another person.

ii Hannah Arendt, *Eichmann in Jerusalem* (New York: Viking Press, 1963; repr., Penguin Classics, 2007). 443.

iii Hannah Arendt, "Personal Responsibility Under Dictatorship," in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Random House, 1964; reprint, 2003), 42-43.

iv Arendt, *Eichmann in Jerusalem*: 252.

v Hannah Arendt, "Eichmann in Jerusalem – An Exchange of Letters between Gershom Scholem and Hannah Arendt," *Encounter*, July 24, 1963 1964, 56.

vi Arendt, *Eichmann in Jerusalem*: 26.

- vii Hannah Arendt, "Some Questions of Moral Philosophy," in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Random House, 1966; reprint, 2003), 111.
- viii Ibid., 95.
- ix George Kateb, "Existential Values in Arendt's Treatment of Evil and Morality," in *Politics in Dark Times: Encounters with Hannah Arendt*, ed. Roy T. Selya Benhabib, and Peter Verosvek (Cambridge: Cambridge University Press, 2010), 347.
- x Hannah Arendt, *The Origins of Totalitarianism* (New York: Meridian Books, 1951; repr., 1958). 459.
- xi Hannah Arendt, *The Human Condition*, 2nd ed. (Chicago: University of Chicago Press, 1958; repr., 1998). 240.
- xii Arendt, *The Human Condition*: 241.
- xiii Arendt, "Some Questions of Moral Philosophy," 125.
- xiv Arendt, *Eichmann in Jerusalem*: 53.
- xv Arendt, *Eichmann in Jerusalem*: 296.
- xvi Hannah Arendt, Ursula Ludz, and Ingeborg Nordmann, *Denktagebuch (Thinking Diary)*, Cited in Maier-Katkin 186 (Munich: Piper, 2002). 3.
- xvii Arendt, *The Human Condition*: 241.
- xviii Arendt, "Some Questions of Moral Philosophy," 153.
- xix Ibid., 50.
- xx Ibid., 140.

A Lesson Still Unlearned: Arendt and Radical Evil

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Abstract: Hannah Arendt's notion of radical evil constitutes an important advance on Kantian ideas about the sources and extent of moral impropriety. For Kant as for many other moral thinkers, the selfish privileging of one's own interests over those of others threatens to lead to the reduction of others to the status of mere means to one's own ends. Arendt recognized that even worse than treating others as resources or objects is representing them as superfluous; in the latter case, others are represented not just as possessing value relative to one's own projects, but as possessing no value at all. This paper lays out Arendt's analysis of the conditions for the representation of others as superfluous, and argues that this notion of radical evil can illuminate troubling features of contemporary life, especially the anthroposupremacist refusal to acknowledge that sentient non-human animals matter morally.

Keywords: EVIL, REPRESENTATION, NON-HUMAN ANIMALS, KANT, VALUE

Introduction

Moral philosophers reflecting upon the nature of goodness and the conditions for moral responsibility are troubled especially by the moral dangers of selfishness. In Kantian versions of ethics, moral impropriety is connected with the reduction of others to mere means, that is, to tools or resources, who then are ascribed value on the sole basis of their capacity to contribute to or frustrate the realization of one's own goals. Representing others just in terms of their relation to me and my projects is selfish, tantamount to a violation of their dignity. For thinkers such as Kant, the propensity to do so is evil. Duty, on the other hand, obligates me to recall that others possess an absolute worth independent of their relation to my interests, and requires me to respect others by representing and treating them not merely as means to my ends, but also as ends in themselves. For Christian thinkers, the sources of sin most often are attributed to selfish desires (such as greed, lust, envy, and gluttony), and the selfless willingness to sacrifice one's own benefit for others is held up as a great virtue. For utilitarians as well, the cultivation of feelings that motivate one to choose in such a way as to promote the greatest happiness for the greatest number, is a cultivation that works against selfishness. Indeed, for most utilitarian thinkers, the goal of morality is not just my own personal happiness, but the well being of all sentient beings: selfishness is liable to lead us astray, for it inclines us to treat our own well being or happiness as more important than that of others. For utilitarians as for Kant, selfishness tempts us to represent or treat others as less important than they are. Most moral philosophy regards selfishness as an important source of moral impropriety or evil, for it brings us to under-value the

worth and claims of others in relation to our own. This under-valuing of the worth of others amounts to a kind of practical solipsism, for it is a failure to allow others to really touch us or matter fully for us, it is a failure to acknowledge their lives in the fullness of their reality, significance, and import.ⁱⁱ Arthur Schopenhauer puts the point memorably:

Egoism is colossal; it towers above the world [...]. There is no greater contrast than that between the profound and exclusive interest everyone takes in his own self and the indifference with which all others as a rule regard it, similar to the indifference with which he regards them. There is even a comic side to seeing innumerable individuals of whom each regards himself alone as real, at any rate from a practical point of view, and all others to a certain extent as phantoms [...]. The absence of all egoistic motivation is [...] the criterion of an action of moral worth.ⁱⁱⁱ

Hannah Arendt's work deals with a wide range of issues, including existentialism, religion, the roots and nature of totalitarianism, the nature of guilt, the politics of her day, and even literary criticism. This essay will offer a few remarks about one important lesson her thought holds for contemporary moral thought. Arendt recognized that the traditional accounts of evil are inadequate to help us understand the moral dimensions of some of the more horrific features of 20th Century history, and I shall suggest that her account offers resources helpful to making sense of elements of our own situation. Especially important is her observation about the inadequacy of traditional accounts of the connection between selfishness and moral impropriety or evil.

Arendt claims that one thing totalitarian horrors such as the Holocaust and Soviet terror make plain is that the categories of moral philosophy are inadequate. Her moral thinking operates within a Kantian framework, but much of what Arendt witnessed could not be fully illuminated by the notion of evil as the mere selfish propensity to use others as means. Borrowing Kant's language, we often talk about objectifying others, about treating them as objects, when we use them without regard for their dignity or their own interests. For thinkers such as Kant and Schopenhauer, it is selfishness that drives us to do so. Arendt, however, observed something she took to be substantially worse than the reduction of others to mere resources. For assigning value to someone on the sole basis of the extent to which they contribute to the satisfaction of our goals, reducing someone to the status of a thing, even enslaving someone, assigning them a monetary value, and subjecting them to an economy of exchange, nevertheless is still the ascription to that person of *some* value. We may attend merely to their instrumentality, their worth only in relation to us and our projects, but they still are assigned *some* worth. What Arendt believed she witnessed was the reduction of humanity not just to tools and objects, treated as if their only value was relative to the interests of someone else, but the reduction of humanity to the *value-less*, to the status of something with *no worth at*

all. This reduction she calls radical evil.

In a 1946 letter to the philosopher Karl Jaspers, Arendt wrote that, “there is a difference between a man who sets out to murder his old aunt and people who without considering the economic usefulness of their actions at all (the deportations were very damaging to the war effort) built factories to produce corpses.”^{iv} European thought suffers, she wrote to him in 1951,

from the preconception that the most evil things human beings can do arise from the vice of selfishness. Yet we know that the greatest evils or radical evil has nothing to do anymore with such humanly understandable, sinful motives. What radical evil really is I don't know, but it seems to me it somehow has to do with the following phenomenon: making human beings as human beings superfluous [...]. This happens as soon as all unpredictability – which, in human beings, is the equivalent of spontaneity – is eliminated.^v

Arendt's insight is that the sorts of selfishness that motivate one to treat others merely as resources or obstacles cannot account for the representation of others as without any worth at all. The latter representation is of a magnitude that she takes to constitute not just evil, but a kind of radical evil that traditional moral philosophy failed to anticipate. Her thinking about the nature of radical evil is intended to shed light on the exceptional implications of the horrors of the 20th century, and to enable moral philosophy to come to grips with what she took to be the novel ability of totalitarian regimes to eliminate personality itself.

Arendt's analysis focuses on conditions that lead to such superfluosity. In *The Origins of Totalitarianism*, she argues that the representation of other persons as superfluous is accomplished in a series of steps. First is the destruction of legal personality. People are placed outside of the protection of the normal legal system, and “total disenfranchisement” is accomplished by a completely arbitrary system of persecution for which anyone at any time is subject to arrest and entirely new categories of crimes are created for no apparent reason, an arbitrary and “constantly fluctuating” party line that “almost daily makes new groups of people available for the concentration camps.”^{vi} Thus she notes that the “people who are the executioners today can easily be transformed into the victims of tomorrow.”^{vii} Total disenfranchisement results also from the creation of stateless groups of people, such as certain kinds of refugees who are deprived of any citizenship. In each case, she argues, what is denied to people are not just particular rights such as that to freedom or speech or life, but something more radical: the very right to have rights, that is, the refusal to recognize that their interests matter at all.

The next step towards the creation of superfluous people is the destruction of moral personality. This is accomplished especially through procedures such as the “consciously organized complicity” of everyone in a regime's crimes, so that the

“distinguishing line between persecutor and persecuted, between murderer and his victim, is constantly blurred.”^{viii} When an entire population is rendered complicit, it becomes increasingly difficult to distinguish between the innocent and the guilty. The final step towards rendering people superfluous is the elimination of spontaneity, the elimination of the capacity to “begin something new out of [one’s] own resources.”^{ix} It is such spontaneity that enables one to adopt or create a perspective on the world which is different from that of the ruling ideology, that enables exactly that pluralism of perspectives which is so troubling to those who regard the world as a single, logical, ordered, predictable system. Arendt thought of concentration camps as laboratories in which “human beings in their infinite variety,” as she said in a 1953 speech, could be reduced to an homogenous “bundle of reactions that, given the same set of conditions, will always react in the same way.”^x “This process,” she said, “is carried so far that any one of these bundles of reactions can be exchanged for any other [...]. Pavlov’s dog, trained to eat not when it was hungry but when it heard a bell ring, was a perverted animal [...]. Totalitarian government’s failure or success [...] depends on its ability to transform human beings into perverted animals.”^{xi} For Arendt, spontaneity and the distinctive individuality it makes possible are essential to what it is to be a human being capable of making moral claims recognizable by others. To eliminate autonomy is to eliminate personality, and is the attempt to eliminate the source of moral worth.

Arendt’s discussions of the reduction of human beings to superfluousness focus primarily on what was done to those people and how. What I find especially intriguing, however, is the question her thinking raises about how others are permitted or taken to matter, and what conditions make possible phenomena such as the morally catastrophic failure to acknowledge that others have any worth at all. Perhaps Arendt would not agree with this, but it seems to me that the stripping of legal and moral personality and the elimination of what she took to be a distinctively human autonomy or spontaneity make possible the treating of others as having no value at all because in these circumstances it is very difficult to *recognize or see* them as dignified or as having any worth. This may be one reason why she says that the camps were ideal training grounds on which “perfectly normal men were trained to be full fledged members of the SS.”^{xii} for the camps provided environments where one could be habituated to seeing others as predictable mechanisms or mere ciphers without value.

Arendt’s thought is anthropocentric in orientation. A great deal of more recent moral thinking has exposed the pernicious limitations of anthropocentric bias.^{xiii} But Arendt’s work offers great resources for non-anthropocentric moral reflection as well. Here I want to suggest that it is precisely the sorts of deprivations she has in mind that have brought us to a situation where all too often we are able to regard not only large numbers of human beings but also vast numbers of sentient non-human animals as superfluous. This is why, for instance, we have permitted ourselves to become complicit in practices such as the employment of live baby male chickens as packing filler, and their being discarded as mere industrial

byproduct in dumpsters and incinerators, and the panoply of other horrors associated with factory farming, and may help to explain our all too frequent indifference to the human victims of genocidal practices around the world, and to widespread laws in the United States criminalizing human homelessness and even the feeding of the homeless. To dwell briefly on just one of many possible examples, early in 2001 the United Kingdom saw an outbreak of foot and mouth disease, a contagious but treatable, easily preventable, and rarely fatal viral infection. In an attempt to control the disease, between February and September of 2001 vast numbers of non-human animals were slaughtered and burnt. Estimates range between 6.5 million and well over 10 million sheep, cattle, and pigs. The majority of these animals were not infected; as the newspaper *The Telegraph* reported, "About 500,000 lambs were killed in the light lamb disposal plan because they were considered unsellable."^{xiv} Matthew Scully writes that reports "described terrified cattle being chased by sharpshooters, clambering over one another to escape. Some were still stirring or blinking a day after being shot."^{xv} He notes that, "These animals, millions of them not even infected, were all killed only because their market value had been diminished and because trade policies required it – because, in short, under the circumstances it was the quick and convenient thing to do. By the one measure we now apply to these creatures, they had all become worthless. For them, the one difference between what happened and what awaited them anyway was one of timing."^{xvi} Whereas once non-human animals regularly were integrated into human life as obstacles, slaves, and resources, increasingly animals have come to be regarded as having no real value at all. Once their utility or market value evaporates, they are superfluous and disposable.

At issue are not merely the ways in which animals are subjected to the practices of factory farming; indeed, most of the animals who are part of the meat industry have a value to the businesses that operate the farms and it is only when their market value disappears that they come to be treated as superfluous. More significant here is the fact that all too many people regard the interests and well being of those and many other creatures with utter indifference. For many if not most people within societies such as ours, these creatures and their interests just do not matter at all. A number of thinkers have pointed out parallels between the normalized treatment of non-human animals and the Holocaust. Perhaps one reason many people find the analogy compelling is because of the sheer scale of the industry of death: In the United States alone, 115 million pigs are slaughtered for food every year. That is more than 300,000 pigs killed every day. The conditions in which most of these pigs live and die are conditions of incredible suffering. Every year in this country, 38 million cows and calves are killed for food, and more than 8 billion chickens. Another reason thinkers have claimed to recognize an analogy between the Holocaust and the routine treatment of animal life may be the hubris making possible such practices as well as entrenched attitudes of speciesism and anthroposupremacy. The Nobel Prize winning author Isaac Bashevis Singer was a Polish Jew who immigrated to the United States when he recognized the rising threat of National Socialist Germany. Soon after, most of his family was murdered in

the Holocaust. As his saintly character Herman Gombiner puts the point, human beings “have convinced themselves that man, the worst transgressor of all the species, is the crown of creation. All other creatures were created merely to provide him with food, pelts, to be tormented, exterminated. In relation to them, all people are Nazis; for the animals, [the world] is an eternal Treblinka.”^{xvii} Arendt’s notion of radical evil enables us to recognize another set of considerations that may make such an analogy compelling: in the case of widespread indifference to the interests of sentient animals, and, if Arendt is correct, in the case of the Holocaust as well, entire populations are regarded as if they are superfluous.

There is a long tradition of thinkers arguing for the immorality of the human exploitation of other animals. To take one recent and prominent example, Gary L. Francione argues that assigning to sentient creatures the status of chattel property makes possible practices in which animals are treated as things and resources, and thereby constitutes a violation of their interests and personhood.^{xviii} He argues that speciesism is analogous to racism, and that permitting modes of treatment of non-human animals that would be impermissible with respect to human beings is merely arbitrary and hence unjustified. Francione writes:

[...] there is no characteristic that serves to distinguish humans from all other animals for the purposes of denying to animals the one right that we extend to all humans [i.e., the right to not be property]. Whatever attribute we may think makes all humans special and thereby deserving of the right not to be the property of others is shared by nonhumans. More important, even if there are uniquely human characteristics, some humans [e.g., infants, the senile, insane, mentally disabled] will not possess those characteristics, but we would never think of using such humans as resources. In the end, the only difference between humans and animals is species, and species is not a justification for treating animals as property any more than is race a justification for human slavery.^{xix}

Employing Kant’s moral categories, Francione claims that “the moral universe is limited to only two kinds of beings: persons and things,” and he argues that if “we extend the right not to be property to animals, then animals will become moral persons.”^{xx} Thus Francione decries the way in which the property status of non-human animals results in their being reduced to the status of legal and moral thinghood, and he argues that any attempt to demonstrate that human beings ought to be treated as ends in themselves whereas other animals may be treated merely as things falls prey to unjustifiable speciesism. For Kant, the reduction of rational beings to the status of things constitutes a violation of their dignity and the propensity to do so is the evil lurking in the human heart. For Francione, the reduction of sentient beings to the status of things is a violation of their dignity and constitutes a great moral wrong. Francione does not use the language of “evil” as Kant was willing to do, but it is clear nevertheless that for him most human beings

are guilty of grave moral improprieties because of their treatment of animals, and that any non-vegan culture sanctions as a matter of course practices that are morally impermissible. Yet for Francione, as for Kant, moral offense arises when dignified creatures are treated as things; Arendt gives some reason to think that the situation is even worse than Francione recognizes. For animals in many societies are not merely reduced to things and resources, but often are regarded as superfluous, as possessing no value at all. If Arendt's notion of radical evil is cogent, then we must consider the possibility that societies in which human and other sentient creatures are deprived of the right to have their interests respected sanction crimes of greater magnitude than evil.

What is it that has brought us to the point where human beings in cultures like ours are able to represent sentient human and non-human living creatures as entirely without value? What makes it possible for so many of us to fail to recognize other sentient beings as mattering, and as making moral claims upon us? Whence this moral blindness? Perhaps once again Arendt offers a helpful clue. She offers us a way to understand that our practices have obscured our moral vision. Once human and other living beings are deprived of legal personhood, we begin to be habituated to seeing them as mattering less than otherwise we might. Once the creation of so many of the products we purchase depends upon the use and deaths of animals, we are all complicit. When animals are confined to living situations where they are afforded nearly no options for movement or choice, when they are subjected to the managerial intensity of modern industrialized farming, they will increasingly come to appear as little more than organic robots behaving in stereotyped ways. When practices of animal exploitation, and animal exploitation supporting the most trivial of purposes, are integrated into our daily lives in the most routine ways, such that it comes to appear entirely normal that animals would be made to suffer excruciating pain and horrific deaths merely because we happen to like the way that certain garments look and feel, or because we prefer the appearance of certain cosmetic products, or because we enjoy the taste of a particular food, then we may become habituated to attend to them as little more than phantoms making no claims upon us and possessing no value other than as potential meat, fur coats, or wall decorations. If animals are reduced to thinghood, if their only value is taken to be something like market value, when even that purely instrumental value is lost, they all too easily come to be seen as worthless. When representations of animals as mere automata continue to be incorporated into school textbooks (representations which blithely ignore the implications of the Darwinian model of evolutionary biology and a wealth of research from cognitive ethology), when the language we thoughtlessly employ includes words such as "pests" and "vermin," and stock phrases such as "They're just animals," and when so much of our culinary and economic practice incentivizes us to work very assiduously to avoid facing up to the fact that vast numbers of non-human animals are capable of suffering and do live lives that matter to them in some way, it becomes all too easy to fall prey to the same failure of which Arendt accused Adolf Eichmann: failing to attend closely, reflect, and think or imagine oneself into the situation and point of view of someone

else.^{xxi} I would like to close by suggesting that we still have a lot to learn from Arendt's thinking about radical evil, and ought to reflect carefully on the many ways in which we have as yet failed to heed some of the most important lessons of the 20th century and still evade facing up to our responsibility to ensure that those who are most vulnerable be allowed to matter.

Notes

- i See, for instance, Kant, Immanuel. *Religion Within the Limits of Reason Alone*. Translated by Theodore Greene and Hoyt Hudson. New York: Harper & Row, 1992, especially pp. 31 – 41, and Kant, Immanuel, *Critique of Practical Reason*. Translated by Norman Kemp Smith. New York: St. Martin's Press, 1929, pp. 73/76 – 74-77).
- ii Kant connects selfishness with solipsism in Kant, Immanuel. *The Metaphysics of Morals*. Translated by Mary Gregor. New York: Cambridge University Press, 1991, p. 433/229 and p. 450/245.
- iii Schopenhauer, Arthur. *On the Basis of Morality*. Translated by E.F.J. Payne. Indianapolis: Hackett Publishing Company, 2004, p. 132 and p. 140, Schopenhauer's emphasis deleted.
- iv Kohler, Lotte and Hans Saner, editors. *Hannah Arendt/Karl Jaspers Correspondence 1926 – 1969*. New York: Harcourt Brace Jovanovich, 1992, p.69.
- v *Hannah Arendt/Karl Jaspers Correspondence*, p.166.
- vi Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harcourt Brace & Company, 1979, p. 451.
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- viii *The Origins of Totalitarianism*, pp. 452 – 3.
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- x "Mankind and Terror," p. 304.
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xv Scully, Matthew. *Dominion: The Power of Man, the Suffering of Animals, and the Call To Mercy*. New York: St. Martin's Press, 2002, p.xi.

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xix Francione, pp. 130-1.

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Eichmann's Thoughtlessness and Language

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Abstract: In her coverage of the Eichmann trial, Hannah Arendt gave the world a new understanding of evil, a concept we had come to believe we understood. In so doing, she showed us that thinking about evil must also include how we think about language. The two are intertwined in Eichmann, the “normal,” ordinary German. Arendt shows us that the “banality of evil” appears in our language. Evil is moved from ‘outside’ of humanity to a place deep within it. I argue that Arendt echoes one of her intellectual peers, Walter Benjamin, in analyzing how Eichmann’s language grounded his evil. Benjamin wrote that all naming (the central act of language) is overnaming, an action that we the namers make to set language under our control in an attempt to avoid the fragility and plurality of reality. The central characteristic of Eichmann, his thoughtlessness, is defined by Arendt as an inability to think beyond the commonplace, the overname. Eichmann spoke and thought these overnames and this was the ground for his evil. And because we are all “overnamers,” this is the ground for our evil as well. This is the enduring importance of Arendt’s report.

Keywords: BANALITY OF EVIL, BENJAMIN, EICHMANN, LANGUAGE, THOUGHTLESSNESS

Introduction

Charles T. Mathewes, a professor of religion at the University of Virginia, in 2000 wrote this about the modern American understanding of evil: “The problem with our concept of evil lies only superficially with its failure to operate smoothly within our moral system; the deeper problem lies in our presumption that this conceptualization should work smoothly.” In other words, we comprehend evil “too well.”ⁱ Mathewes noted that the name ‘evil’ “seems a nonoperational part of our moral language, lacking fruitful purpose; it is a merely a conceptual artifact, a ghostly vestigial presence from some previous moral language.”ⁱⁱ

It is important to note what causes this ‘ghostly’ condition for Mathewes: not that evil had been emptied of its power, but we ‘comprehend too well’ the concept. In other words, we give evil too much power and that is how it becomes ‘ghostly.’ This last statement is prophetic in the aftermath of September 11, 2001. If Mathewes was correct, and I think he was, then his claim is a powerful criticism of the common response to that event where ‘evil’ was used to rally the nation. He argues that the appropriate response to evil may be “practices of incomprehension.”ⁱⁱⁱ Mathewes’

lesson was not heeded after September 11. And sadly, he argues that in the same manner the world did not heed Hannah Arendt in the generation after World War II. He argues that Arendt's *Eichmann in Jerusalem* was an example of his "practices of incomprehension," where we question our understanding of evil. We have thought of evil as 'beyond' humanity, an act committed by a monster. Yet to these two, evil is that which is within us. I want to expand that argument, and expound on Arendt's controversial ending to *Eichmann in Jerusalem*, (followed as EIJ) "the banality of evil." That phrase she hoped would help her generation "misunderstand" evil. She wanted to see that evil appears in a rather 'banal' place, our language.

To 'misunderstand' evil, one must look at how it is named. Arendt aimed in EIJ to help her culture – by the time she wrote, that interesting mix of American and European – understand how they had come to "overname" evil. When I say that Arendt aimed to have her era understand this "overnaming" I am framing her in the thoughts of one of her intellectual companions, Walter Benjamin. In his essay "On Language as Such and on the Language of Man," Benjamin writes that overnaming is "the overprecision that obtains in the tragic relationship between the languages of human speakers."^{iv} Translation stops, communication in the sense of communing with others ends, and we create strong dividing lines and those lines are names. But more importantly, we use names to control things and so control others who speak. We claim to understand wholly. This is where the tragic ensues.

In Arendt's verbiage, thinking freezes when we overname. Arendt at times idealizes thinking – limiting it to a specific kind of intellectual work. In this frame, there is no 'lazy thinking' for Arendt; there is only thinking or thoughtlessness, the label she used for Eichmann. And this thoughtlessness was a kind of evil. In Eichmann she saw this new evil, one the world could not recognize because it had "overnamed" evil. Arendt's deception of this 'new' evil undermined much of what her audience thought they knew about evil. Arendt aimed to re-name the "overnamed" evil. In so doing, in so giving a new name (i.e. 'new' understanding) to evil, Arendt showed us that thinking about evil must also include how we think about the purpose of language, which as Benjamin argued, was naming. She argued this second part most forcefully in her coverage of Eichmann. These two parts will follow in my essay.

Renaming Evil

In Arendt's time, what people meant when they named evil was something non-human. She concedes in her introduction to *Life of the Mind* (followed as LOM) that she was "dimly aware" during her coverage of Eichmann and the subsequent writing that her "banality of evil" conception "went counter to our tradition of thought" about evil, namely that it is something demonic.^v Then she recounts a short history of the 'demonic' evil and contrasts it to the "utterly different and still undeniably factual" lack of any "evil" motives in Eichmann. He was not demonic or monstrous, "quite ordinary." Yet the prosecutors of Eichmann, according to EIJ, strived to have Eichmann seen as "the most abnormal monster the world has ever seen." And while

the judges overseeing the trial did not follow the prosecution's lead, according to Arendt, they still failed to understand Eichmann as "precisely" like so many others, and all of them "were neither perverted nor sadistic" and were instead "terribly and terrifyingly normal."^{vi}

This "normality" was much more terrifying "than all the atrocities put together" of the past because it was a new 'kind' of evil. It was new and so needed a new name. Arendt coined the term totalitarianism to describe the new evil of her generation. Arendt wrote in a 1954 essay "Understanding and Politics" that totalitarianism is "a horrible originality which no farfetched historical parallels can alleviate."^{vii} Furthermore, totalitarianism constitutes "a break with all our traditions" and so has "clearly exploded our categories and political thought and our standards for moral judgment."^{viii} This phenomenon "which we try – and must try – to understand has deprived us of our traditional tools of understanding."^{ix}

In the original preface to *Origins of Totalitarianism* (followed as OOT), written before Eichmann, Arendt notes that many if not all people operate on the "conviction that everything that happens on earth must be comprehensible to man."^x Such comprehensibility – or the illusion of such – is reflected in how events were 'overnamed,' especially those that are negative and so labeled evil. Benjamin would say because naming is always overnaming, the names we give to things give us the illusion we comprehend them. Arendt echoes that when she wrote many try to escape the reality of totalitarianism by equating it with "some well-known evil of the past, such as aggression, tyranny, conspiracy. Here, it seems, we are on solid ground."^{xi} But Arendt writes that "the wisdom of the past" can't guide us in such a case because such wisdom "dies, so to speak, in our hands as soon as we try to apply it honestly" to this new evil. The old names did not work. She adds that those still using such wisdom "do not advance efforts to understand" totalitarianism because "they submerge whatever is unfamiliar and needs to be understood in a welter of familiarities and plausibilities."^{xii} We name things to give them recognition, but overnames constrict that familiarity so much that all other plausibilities are not even thought. And this impedes any effort to re-name and so move forward understanding.

Arendt wrote in a similar essay "On the Nature of Totalitarianism" that many people doubt the "breakdown of the whole structure of morality" that totalitarianism has brought, and are "inclined to think some accident has happened after which one's duty is to restore the old order, appeal to the old knowledge of right and wrong..."^{xiii} This appeal to the old – as a rhetorical move to protect the 'overname' – is echoed in OOT. There she wrote that "we can no longer afford to take that which is good in the past and simply call it our heritage, to discard the bad and simply think of it as a dead load..." Our new reality has "usurped the dignity of our tradition."^{xiv}

One might consider in this frame that the guilt Arendt argued in a 1945 essay titled "Organized Guilt and Universal Responsibility" was not solely about a failure to act, but a linguistic or rhetorical failure to recognize overnaming. This overnaming – this

wholly comprehending – slows our response to “the incalculable evil that men are capable of bringing about.”^{xv} Overnames do not allow for other possibilities, for something other than what we can recognize. For Arendt, evil’s inconceivability is balanced with the reality that humans have and will commit evil in the future. In this way, evil becomes that which we can’t predict, but perhaps the only thing we can. In a sense there is a contradiction here: that evil is both ‘non-operational’ in our language, yet we desire to use it abundantly to describe events. In Arendt’s thinking, evil becomes non-operational in a process where the ‘overname’ becomes commonplace. In that manner, the more we use it, the more it becomes empty. We don’t desire because it being emptied, but because we desire the power that overnaming (supposedly) gives us.

Neither Arendt nor Benjamin addresses directly ways to combat this aspect of language; it is a facet of the tragic. But what Arendt does offer is a movement toward cracking the ‘concrete’ that is any overname, to lessen the desire of overnaming. One way she did this is naming ‘radical evil.’ When Arendt writes in that 1945 essay “the precondition of any modern political thinking” is the realization “in fear and trembling” that man is capable of evil, she chooses such adjectives not due to the horrendous nature of the acts alone, but also because of the shuddering ‘effect’ from the real truth that evil appears anew each ‘time’ and so must be re-named each time. This is its radicalness.

Yet we often fail to recognize this ‘newness’ and rely on ‘old’ names for it. This is the message behind Arendt’s famous and often-cited line in the book review “Nightmare and Flight:” “In other words, the problem of evil will be the fundamental question of postwar intellectual life in Europe.”^{xvi} Theodicy is not a word mentioned a lot in Arendt scholarship, but it is an important word.^{xvii} Theodicy is the theological label for the problem of evil. Its verbal parts suggest putting God on trial (*theos + dike*), suggesting that God deliver a reasoned argument to explain the presence of evil in the world. What Arendt is doing is re-naming the ‘problem’ of evil (long a problem in theology before her) as a problem of overnaming. The ‘problem’ of evil is not evil’s inconsistency in our thought systems (the usual definition of problem for theology); the problem is the conclusion by our thought systems that the problem with evil is how to fit it into our thought system, or what to do with ‘it.’ Such thinking ignores the ‘it’ we have (over)named. In overnaming evil we seek to go ‘behind the veil’ and find something comprehensible. In that move, we seek to control language, instead of living within it. By putting a ‘seeable’ (i.e. knowable) face to evil, we not only seek to put ‘evil’ under our control, but also language. In other words, if we can comprehend it, we can control it.

This is what she had in mind when she points out in the 1951 preface to OOT there are those who are convinced that “everything that happens on earth must be comprehensible to man.” These people interpret history “by commonplaces.” Comprehension becomes then “denying the outrageous, deducing the unprecedented from precedents” and using analogical thinking to numb the “impact

of reality and the shock of experience.”^{xviii} Those who think in such a tradition, Arendt notes in “Nightmare and Flight,” return to the “deceptive security of those ‘keys to history’ that pretended to explain everything.”^{xix} In reality, such keys are one of the “intellectual weapons” that have “failed so miserably.”^{xx} We use them “in a desperate attempt not to be confronted with” the “nightmare of reality.”^{xxi} Automatically accepting an analogy, key, or commonplaces ignores questions about overnaming.

Elizabeth Young-Bruehl labels this emphasis on new in Arendt’s thinking as “identifying what is unprecedented.”^{xxii} This type of thinking has become less of a habit since Arendt’s era, she notes, and the method more employed is “to look for historical analogies to current events.” Mary Leigh Pittenger argued that Arendt disregarded analogic thinking and committed to “the more unsettling task of attending to a specific event.”^{xxiii} If one can attach ‘lazy’ to any definition of thinking by Arendt, it is this. Lazy thinking occurs when we take the ‘easy’ route of overnames. Tyranny promotes such ‘easy’ or ‘lazy’ thinking because it works heavily in commonplaces or overnames that are so strong as to become powerful agents in giving ‘excuse’ for actions. Not that she ever gave excuses to Eichmann, but Arendt understood how he came to do what he did: thoughtlessness. He did not re-new commonplaces. In thinking, Pittenger writes of Arendt, “we may see something new that would have evaded understanding if we had allowed ourselves to automatically accept an analogy.”^{xxiv} Arendt knew this and worked to renew (and re-name) the “intellectual weapons” that had been made powerless with the appearance of the evil of totalitarianism. Because Arendt believed that the era between World War I and the Cold War was a “new” era in human history – a pivot point from which we judge the Before and the After – she traced the use of certain concepts throughout history to see how they might be renewed for this new evil. In many ways that intellectual work aimed to undo the overnaming of evil and so define thinking as a kind of interruption of overnames. Young-Bruehl wrote that, according to Arendt, “to think about what is new, we cannot use old concepts, particularly not concepts that have been emptied of their meaning and their usefulness by the very assaults that brought about this break in human history.”^{xxv}

Arendt emphasized this conception of thinking post-Eichmann. One could see this in successive editions of OOT. In the 1966 revised edition of OOT, the additional chapter “Ideology and Terror” (inserted in the 1966 edition, which was published after “The Human Condition” and EIJ) crystallizes totalitarian rule as seeking to destroy “the freedom inherent in man’s capacity to think.”^{xxvi} This freedom is “identical with the capacity to begin.”^{xxvii} Thinking, like birth, is a renewing, a starting over. It is only that which can stand against totalitarianism’s “tyranny of logicity.” This logicity is a “strait jacket” and devoured any idea on which political movements might be based. This tyranny “begins with the mind’s submission to logic as a never-ending process” – a process to which man submits and so loses his “freedom of movement.”^{xxviii} And so the “self-coercive force of logicity is mobilized lest anybody ever start thinking.”^{xxix}

Eichmann and Thoughtlessness

Arendt was clear in her *Eichmann Postscript* (written for the revised and enlarged edition in 1964) that Eichmann never started thinking during his administration of the Final Solution: “It was sheer thoughtlessness – something by no means identical with stupidity – that predisposed him to become one of the greatest criminals of that period.”^{xxx} And such thoughtlessness “can wreak more havoc than all the evil instincts taken together, which perhaps are inherent in man.”^{xxxi} This ‘thoughtlessness’ has been a centerpiece of Arendt scholarship on Eichmann. But as I argued above, *EIJ* aims both to redefine evil and rethink its relationship to language. Eichmann can be seen as thoughtless not because he had no thoughts or gave no care or concern for the victims of his crimes (two commonly accepted definitions of thoughtless and perhaps also evil as sociopathic), but that thinking in Arendt’s terms was prohibited due to his overnaming. Eichmann’s thoughtlessness (and so his “banal” evil) appears in his use of “clichés and stock phrases” and his adherence to “conventional, standardized codes of expression” or what she calls later “language rules.”^{xxxii} Eichmann’s clichés removed him from reality. Absent-mindedly, he “lost direct contact with it.”^{xxxiii} This was the product of a desire for omnipotence in Arendt’s terms. Eichmann attempted to ‘transcend’ the ‘world of men,’ especially the plurality-based language of men. The desire to be ‘over’ reality, to be ‘above’ reality, a reality where many languages are spoken, and many names are given – this becomes clear in his clichés. Arendt argued that the presence of plurality – of many speakers each being given equality – is one condition for freedom. In contrast, tyranny was not just rule by one, but rule by many ones. This is omnipotence. The omnipotence – especially as it was grounded in overnaming – according to Peg Birmingham promises both “an all-powerful, stable, and predictable world” and “a fixed and stable identity.”^{xxxiv} And Birmingham notes for Arendt a figure of the omnipotent divine is brought down “to earth in the figure of a particular omnipotent individual.”^{xxxv} For Arendt, that figure was not Hitler, but Eichmann, the ‘normal,’ ordinary man of Nazi Germany.

More broadly, Arendt considered his language rules a form of tyranny, that which distorts the general function of laws. For Arendt, laws erect “the boundaries and channels of communication between men who live together and act in concert” and so “hedges in” any new action, but “assures, at the same time, its freedom.”^{xxxvi} Laws “assure the potentiality of something entirely new *and* the pre-existence of a common world.”^{xxxvii} But tyranny “substitutes” for these boundaries and channels “an iron band which presses them all so tightly together that it is as though they were melded into each other, as though they were only one man.”^{xxxviii} Eichmann’s “rules” defied one of the basic conditions of plurality: distinction. The human condition is only actualized when there is a dialogical ‘space’ between humans and in that space both “hedging” and freedom take place. This freedom includes a kind of invention of new names. Terror “simply and mercilessly presses men, such as they are, against each other so that the very space of free action – and this is the reality of freedom – disappears.”^{xxxix}

In that manner tyranny “freezes men.”^{xl} That is, “under totalitarian conditions...

every means is taken to ‘*stabilize*’ men, to make them static, in order to prevent” spontaneity or participation in the plurality.^{xli} This idea of stability – especially through the metaphor of freezing – is important in noticing how Arendt takes on Benjamin’s overnaming in her own way. Within or ‘under’ totalitarianism there develops the desire for a certain and “unnatural” stability in naming. [It is “unnatural” because names are not meant to “hold” the object or thing named.] This desire is not absent from democratic societies – as there are many individuals in such societies. But the ‘space’ of freedom is noticeably absent from tyrannies.

Arendt writes that clichés and stock phrases and “standardized code of expressions” ‘protect’ “us against reality, that is, against the claim on our thinking attention that all events and facts make by virtue of their existence.”^{xlii} In this we see that language and naming (Benjamin called naming the central act of language) is a response to the world, consisting of the sum of human actions and non-human actions. If we respond to “this claim all the time, we would soon be exhausted.” The exhaustion is seen in that we care about some names and not about others. In other words, we care about protecting some overnames and not about others. Yet Eichmann, according to Arendt, “differed from the rest of us only in that he clearly knew of no such claim at all.”^{xliii} When we ignore this claim as he did we speak in ‘dead’ words – clichés, for example. [And to counter the idea that such clichés and language rules were only instituted by Eichmann to speak of ‘matters of conscience’, Arendt argues it was “noticeable in instances” that had nothing to do with such.] And so there can be no human thinking or speaking if what we do is speak “endlessly reproducible repetitions of the same model.” Language as such is dead because it does not participate in the ‘plurality’ that Arendt so forcefully presents in *The Human Condition*. There she writes that “a life without speech and without action... is literally dead to the world; it has ceased to be a human life because it is no longer lived among men.”^{xliv}

A clearer link between evil, thoughtlessness, and language now can be seen when one reads the words that define “banality of evil” in her Eichmann report: “the fearsome, *word-and-thought-defying* banality...”^{xlv} What does it mean to defy not merely thought but also word, in light of a connection between evil and thinking? And how is this banal or common to man? To defy thought as noted above is not to be stupid or unintelligent. To defy thought – to refuse to think – involves the “complacent repetition of ‘truths’ which have become trivial and empty” as Arendt writes in *The Human Condition*.^{xlvi} It means, in terms of Eichmann, to think (in) clichés. To think in this manner means to make speech powerless. And to make speech powerless means to deny words the power to (re)make meaning, to begin again, to respond to the other and the world, to interrupt overnames, according to Arendt.

And this is banal to Arendt. It goes beyond what I suggested as ‘common.’ It is that which is prosaic or dull. It is instructive in re-reading this often cited phrase to look at another place where Arendt uses the word ‘banal.’ She writes in *The Human*

Condition that certain aspects of Socrates' teachings "soon were to become axiomatic to the point of banality."^{xlvii} Here the process is interesting. Word-and-thought-defying banality is that process which ends with thought-less word use, a 'dulled' thinking. But dullness here is not ignorant or stupid. These people 'knew' Socrates' teachings. But they did not *think* (about) them. This is what made the teachings banal and this thinking is the banality of evil, evil as thoughtlessness. Dull thinking is a kind of deadness, a 'fixed' naming or unimaginative naming, naming which has become 'common' because it has been seen as self-evident or unquestionable and so unquestioned. That is, Arendt does not suggest that evil exists 'outside' the limits of humanity, outside of speech, but works out from the center, from the 'essence' of the human condition to 'suck' the life out from within.

And this is why Arendt's report on the Eichmann trial aims to speak about the particular man in the dock. There was – strange as it seemed to many people then and now – a real human there, behind the glass. In this way Eichmann was representative – though not a scapegoat – for the Nazis. And because he represents them – and in a way, the rest of humanity – Arendt allows her epilogue (where she notes she goes beyond straight reporting) to address some 'general' claims about evil that she thought were limited by the subject at hand in the trial. One of those claims was that Eichmann was a new type of criminal and had been accused of "an unprecedented crime."^{xlviii} Yet the trial demonstrated "how little Israel, like the Jewish people in general was prepared to recognize" these two related facts.^{xlix} The prosecutors especially refused to come "to grips with... a valid definition of" this new crime, the "crime against humanity."ⁱ This is important for Arendt because such a crime is "an attack upon human diversity as such, that is, upon a characteristic of the 'human status' without which the words mankind or humanity have no meaning."ⁱⁱ Such names were overnames and had been emptied of their meaning because they were not renewed to fit the 'new' crime. The prosecutors could not recognize (here one might pay attention to the prefix, as in recognize) the new crime and so then also the new human before them. This refusal is most tragic to Arendt. Her lesson from the Eichmann trial is how we often fail to use language as our most powerful weapon to confront evil. What I have been calling re-naming may not prevent another evil, but it is at least a response to it. It is a thought. Arendt believed we had become thoughtless to evil.

In *The Human Condition* Arendt set out to explain the "new" human she saw in Eichmann. There Arendt argues that *homo faber* is modern man. One might extend that to include Eichmann. Arendt argues that "fabrication, the work of *homo faber*, consists in reification"ⁱⁱⁱ and that "only *homo faber* conducts himself as lord and master of the whole earth"ⁱⁱⁱⁱ In that manner, human beings as *homo fabers* are makers of worlds through language, not actor/speakers in a pluralistic world. Humans as those who lord over words, who control language live in a different reality from man as actor/speaker. Most importantly for Arendt, this 'reality' (and definition of humanity) "eliminates frailty from human affairs."^{liv} In doing so, in the "substitution of making for acting," the modern age has fallen to the "temptation to

eliminate [action's] risks and dangers by introducing into the web of human relationships the much more reliable and solid categories.”^{iv} In substituting “order” or control over language and speech in lieu of risk, man has taken the place of a creator. Arendt saw the “self-centered” world we live in and saw it as evil. The creation of ‘I’ as a solid and reliable category – the reification of the original word user – brings with it a power to define or name the other in similarly ‘solid’ ways. In reification the responsiveness of speaking is lost. Speaking (and action) becomes fabrication of an object. The other becomes ‘the Jew’ or to speak becomes to speak ‘over.’ This is overnaming, our evil. Arendt wanted ‘evil’ to do important work. But if evil was to have power outside a religious discourse, (one where of course it has become an overname, at times a commonplace so empty as to not have any meaning) then it needed to be re-named.

Peg Birmingham argues that Arendt’s “only remedy” for such an “evil” world is the testimony of credible witnesses.^{lv} For Birmingham the credible witness is the “one who faces up and testifies to givenness of factual truth.”^{lvii} This ‘facing up’ is similar to the language used by Arendt in OOT. There she wrote that comprehension, especially in regard to evil, “does not mean denying the outrageous” so “that the impact... (is) no longer felt.” Rather comprehension is “examining *and bearing consciously the burden* which our century has placed on us... Comprehension in short means the unpremeditated, *attentive facing up to* and resisting of reality – whatever it may be.”^{lviii} There is much to unpack here. There is an element of ‘presentness’ in these words, a nod to the way evil appears anew in each generation. That is the burden “this generation” has placed on its audience. Second, there is the ‘presentness’ in response. An “unpremeditated, attentive facing up to” – this gerund phrase – is not a stoic encounter, a frozenness of ethic and principle that “faces down” the universal evil with a universal response, a universal name. An ‘attentive’ work is attuned to the ways in which names work as overnames.

Speech is that action which “measures up to” evil. What does that mean? It means we measure ‘it’ and consider its ‘dimensions’ and come to realize what we are seeing is not what we have seen – and so named – as evil before. This is what ‘bearing the burden’ means. Evil burdens us with the fact of naming, and when we don’t ‘bear’ that burden – when we ignore the tension between naming and overnaming – we become thoughtless. Are we then evil? Perhaps we are already evil, our language always already fallen, to paraphrase Benjamin. Arendt is not as clear on this point. But in Eichmann she saw a new evil, one that was grounded in language. She was attentive to the burden she placed on all of us.

This attentive burden bearing is thinking, thought-full-ness. Arendt nods toward this when she writes that “thinking means that each time you are confronted with some difficulty in life you have to make up your mind anew.”^{lix} Thinking is dangerous to “established” definitions. “Thinking is equally dangerous to all creeds...”^{lx} Thinking requires bearing the burden of naming as always overnaming. It is only when we

self-consciously interrupt that teleology that we become human. Humans are defined by this fragility of speech. Arendt nods toward this when she described the many critics of her report on Eichmann that called her a Jew hater. She notes, with the deep honesty of one personally affected by such events [the camps, etc.], that her analysis is not “yet sine ira et studio [often translated as “without either bitterness or partiality], still in grief and sorrow, and hence, with a tendency to lament, but no longer in speechless outrage and impotent horror.”^{ix}

Notes

- i Mathewes, Charles T. 2000. “A Tale of Two Judgments: Bonhoeffer and Arendt on Evil, Understanding, and Limits, and the Limits of Understanding Evil.” *The Journal of Religion* 80(3): 378.
- ii Ibid., 376.
- iii Ibid., 401.
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- vii In *Essays of Understanding: 1930-1954. Formation, Exile, and Totalitarianism* edited by Jerome Kohn (New York: Hannah Arendt Literary Trust), 309.
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xxxiv Birmingham, Peg. 2007. "A Lying World Order: Deception and the Rhetoric of Terror." *The Good Society* 16(2): 32-37.
xxxv Ibid., 35.
xxxvi Kohn, 342.
xxxvii Ibid., emphasis original.
xxxviii Ibid.
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xl Ibid., 342.
xli Ibid., emphasis original
xlii Eichmann in Jerusalem, 4.
xlili Ibid.
xliv 1998 (1958). *The Human Condition*. Chicago: University of Chicago Press.
xlv Eichmann in Jerusalem, 252, my emphasis.
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xlvii Ibid., 37
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Hannah Arendt Without Politics

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Abstract: Margarethe von Trotta's *Hannah Arendt* (2012) does not represent well the life and work of its protagonist. The focus on thinking in the film fails to reflect how Arendt connected it to judging, especially in the midst of modern mass society and in light of political catastrophes. Arendt's reflections on statelessness are not explored in the film. Finally, the elimination of Karl Jaspers from the storyline results in an incomplete picture of Arendt's stance toward the jurisdiction of the Jerusalem court. A politically relevant Arendt is obscured in the making of a personal Arendt.

Keywords: HANNAH ARENDT, INTERNATIONAL CRIMINAL COURT, JUDGING, STATELESSNESS, THINKING

Introduction

"Philosophers don't make deadlines." In the 2012 biopic directed by Margarethe von Trotta, this is the final objection that straight-talking Frances Wells lodges against the decision by *New Yorker* editor William Shawn to have Hannah Arendt write a report of the trial of Adolf Eichmann. And as it turns out, she was right. The trial began in April 1961, adjourned in August 1961, and a guilty verdict was returned in December 1961. But Arendt's articles were not published until February and March of 1963. What delayed Arendt's writing of her trial report?

The film offers a partial answer. Several scenes in the film show Arendt dodging calls from Shawn, who is looking for an update on her work. These scenes appear in the midst of Arendt trying to organize and work through mountains of files pertaining to the trial, and her frustration over having to cover a course for a colleague experiencing some sort of "American problem" like an illness or a divorce. Then, Arendt's husband, Heinrich Blücher suffers an aneurism in the fall of 1961. In a scene after Blücher has come home from the hospital, Arendt's delay is fleshed out further. First, we are reminded of an earlier scene where Arendt refused to give Shawn her articles before the verdict came down. Blücher indicates that she has no remaining excuse to avoid Shawn. Though she suggests that she has already written some notes, Arendt offers a second reason: she will not attend to the work until his health has really improved.

Elisabeth Young-Bruehl's biography of Arendt fills in the details for the delay.ⁱ In the fall of 1961 Arendt was teaching at Wesleyan and commuting back to New York City, while also finishing what would eventually be *On Revolution*, which she was under contract to complete. In the first few months of 1962, she offered a series of lectures at The University of Chicago, came down with a cold, and suffered an allergic reaction to antibiotics prescribed for the cold. Then, while traveling through Central Park on March 19, 1962, Arendt's taxi was struck by a truck. Young-Bruehl reports that the injuries she sustained left her "disabled for two months: contusion,

concussion, hemorrhages of both eyes, broken teeth, right shoulder bruised, abrasions and lacerations, especially on her head, fractured ribs, and—worse for Arendt’s later life—heart-muscle damage secondary to shock.”ⁱⁱ Arendt reported to friends that she experienced “a fleeting moment” wherein she decided to live; she indicated that, while death felt natural, life was still beautiful. The full story behind Arendt’s delay in completing the report on the Eichmann trial is, in a word, astonishing. Needless to say, it contains all the necessary ingredients for a gripping storyline on the big screen.

The absence of these details calls to mind the fact that the interpretation offered by the film is, inevitably, selective. However, we should attend to what is lost in the particular selections that constitute the film. For instance, in the film’s third scene Arendt is shown supporting her friend, the celebrated novelist Mary McCarthy, who is upset that her husband is trying to prevent their divorce. The focus on friendship in the film was a well-chosen theme to explore along with “the controversy”—as Arendt referred to it—that erupted after the publication of her report on the Eichmann trial.ⁱⁱⁱ But Arendt’s response to McCarthy’s frustration at her husband’s intransigence is unbelievable: “under such situations, people imagine or at least hope to have some possibility of power.”^{iv} Since at least *The Origins of Totalitarianism* (1951) Arendt conceived of power in very different terms. Following Burke, Arendt understood that power arose when people act in concert with others; it is a momentary phenomenon that vanishes as soon as actors disperse.^v Arendt theorized that power comes into being when people “bind themselves through promises, covenants, and mutual pledges.”^{vi} The way that a personal Arendt is presented in this scene misrepresents her political thought.

The film’s presentation of a personal Arendt might be construed as a hagiography. Reviewers correctly claim that Arendt’s critics are not represented well in the film, but the portrait of Arendt sketched by the film cannot be described as uncritical veneration.^{vii} I do not share the view that the movie was “superficial”^{viii} or that it suffered from “tastelessness”^{ix}. My objection is that a political Arendt is obscured in the way this film constructs a personal Arendt. In order to develop this argument, I first attend to Arendt’s insistence on the importance of judging, especially under the conditions of modern political life. I then take to task the exclusive focus on thinking in the film, and highlight the shortcomings of not appreciating its relationship to judging. Finally, I address a few issues of particular contemporary concern: Arendt’s treatment of statelessness and her stance toward the jurisdiction of the Jerusalem Court. I suspect that their inclusion would have resulted in a film that was both more relevant and more representative of Arendt’s life and work.

I

In the Director’s Statement, von Trotta claims: “Like Arendt, I never want to judge, but only to understand.”^x If von Trotta is using words loosely, then it is unfortunate because judgment and understanding play a central role in Arendt’s thought. In appealing to the director’s description of her aims and understanding of Arendt, my

intent is not to explain why the film has the character that it does, but rather to indicate that the statement does not capture Arendt's purposes. For Arendt, understanding is a necessary precursor to judgment, and judging is a valuable though largely misunderstood and unappreciated human activity. She was frustrated by "the reluctance evident everywhere to make judgments."^x In preparation for a public discussion of her articles at Wesleyan University before the book was published, Arendt wrote: "For conscience to work: either very strong religious belief—extremely rare. Or: pride, even arrogance. If you say to yourself in such matters: who am I to judge?—you are already lost."^{xii} Arendt thought that the practice of human judgment is an essential feature of living together in common due to the role it plays in meeting the demands of justice.^{xiii} For Arendt, a world entirely devoid of justice would not be able to sustain human cooperation and human achievement.

These themes of understanding, judgment, and justice come together at the end of the "Epilogue" of *Eichmann in Jerusalem*, where Arendt rewrites the judgment of the court regarding the nature of Eichmann's crime. In reply to Lionel Abel's criticism that she aimed to substitute her judgment for the court's, Arendt characterized it as "an imaginary summation of how the judges might have spoken."^{xiv} Importantly, Arendt emphasizes reasons for the extent of Eichmann's guilt that any political community could and should invoke in passing judgment over a person who performs actions like the ones Eichmann readily admitted he performed.

Roger Berkowitz characterizes Arendt's criticism at the heart of her rewriting of the court's judgment thus: "the Israeli judges should have dared to judge politically rather than legally."^{xv} This characterization hangs on an Arendtian sense of 'political' and thus can be easily misunderstood. His characterization also rests on the idea that judging legally and judging politically are mutually exclusive, but this is not the case when judging is conceived in the Arendtian sense.^{xvi} In the non-Arendtian and more common sense, their mutual exclusion can be understood as the difference between judging someone according to the laws of man and judging someone in light of partisan ideology. The former is committed to the belief that the legitimacy of judgment is due to the fact that it was made on grounds that were justified by or could be justifiable to all of humanity or to a particular political community, but the latter rests on no such consideration. For this reason, judging politically is widely recognized as antithetical to the proper role of a judge in civil or criminal proceedings.^{xvii}

But this common distinction is not what Arendt invoked in her 'political' rewriting of the judgment against Eichmann. Instead, her rewritten judgment seems to be based on an understanding of the laws of man (i.e. the basis of judging legally), or more specifically one of its basic conditions. In *The Human Condition*, published only a few years before the trial, Arendt linked 'the political' with a certain kind of action. And action relies upon the condition of plurality for its performance.^{xviii} By plurality, Arendt meant living and interacting with other people in a condition that is marked by distinction and equality—the idea that humans are "one among many, but never

more than one". Unlike state of nature theorists Hobbes, Locke, and to a lesser extent Rousseau, whose conceptions of politics arise from a vision of man unsullied by life in common, Arendt took the fact of plurality as a starting point for the human condition. However, she readily admitted that the horrible originality of the Nazi plan to exterminate the Jews, Stalin's gulags, and the atomic bomb suggest that plurality does not condition human life absolutely. Arendt relied upon this conception of plurality to motivate Eichmann's death sentence in her revision of the judge's statement:

just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations—as though you and your superiors had any right to determine who should and should not inhabit the world—we find that no one, that is, no member of the human race, can be expected to want to share the earth with you.^{xix}

This explanation can be used in any judicial system because it relies upon an understanding of what the practice of law is based upon. This explanation can also be invoked by partisan positions arguing from any point on the ideological spectrum.

Thus judging legally and judging politically are not mutually exclusive in the Arendtian sense of these terms. A system of law is not possible without the condition of plurality. In this sense, judging politically calls attention to a particular feature of judging legally. A more accurate characterization of Arendt's criticism would be to say that the original judgment did not go far enough in its legal assessment of the nature of Eichmann's crimes. This interpretation also undermines critics who claimed that she repudiated the original judgment in offering her own.^{xx} According to Arendt, Eichmann was *not only* guilty according to the laws of the land, but he was *also* guilty according to the laws of man: he and his superiors had presumed that the condition of plurality could be bracketed without consequence. In this sense, Arendt could fault the judges for failing to judge politically; that is, they did not appreciate how Eichmann's actions violated what she called *the* condition of politics: plurality.

This ground for judgment is important for contemporary efforts to prosecute genocide within the fullest extent of the law; it is also useful for watchdogs who seek to prevent such catastrophes. Arendt thought that an accurate description of the nature of the crime—one that she considered unprecedented (on this point she was probably historically wrong), but one that once it appeared could "become a precedent for the future"^{xxi}—was necessary in order to levy a proper judgment. The series of subsequent genocides, and the continued inability of modern polities to see it for what it is before too many lives are lost, testifies to the horrible truth of Arendt's realization. Any accurate description has to include an account of the violation of the condition of plurality.

II

The film also fails to capture the relationship between judging and thinking in Arendt's work. Reviewers have noted how the movie and Barbara Sukowa's excellent acting aim to capture an otherwise ephemeral, perhaps even fundamentally anti-representational, phenomenon: the activity of thinking.^{xxii} The problem of representing what thinking looks and feels like—or the difference between what it looks like and what it feels like—evoke Plato's own efforts. In the beginning of the *Symposium*, Socrates becomes lost in thought, and after begging off his friend to go ahead to the party they were headed for, he stands motionless under a neighbor's porch, alone, and unresponsive to calls for his attention.^{xxiii} Meanwhile, he leaves his friend to show up uninvited to the party and offer excuses on his behalf. The whole portrait is a bit comical, perhaps because the witnessing of thinking—or catching someone in a thought—cannot help but make one feel uncomfortable. In Arendt's language, privacy is being invaded.

The comedy and discomfort are gone in von Trotta's representation. Several scenes show Arendt reclining on a chaise longue, drawing deeply from a cigarette, with her eyes closed or intent upon an indeterminate point in front of her. Arendt is also shown caught up in thought while watching the court TV in the pressroom during the trial. Though other reporters are around in these scenes, Arendt is experiencing an otherwise private moment. The impression is that thinking is lonely and inert. This stance toward thinking is also represented in the film in a flashback to the young Arendt visiting Heidegger's office where he tells her that "thinking is a lonely business" and in flashback where Heidegger lectures: "Thinking does not produce usable, practical wisdom. Thinking does not solve the riddles of the universe. Thinking does not endow us with the power to act."^{xxiv} In an interview released with the film's press kit, von Trotta affirmed these intentions to represent thinking: "The film shows Arendt as a political theorist and independent thinker set against her precise opposite: the submissive bureaucrat who does not think at all, and instead chooses to be an enthusiastic subordinate."^{xxv} The film captures something important about Arendt's thought in the contrast between an individual and a "joiner" or a conformist. Moreover, the contrast between thinking and thoughtlessness is pervasive in *Eichmann in Jerusalem*. Finally, a focus on thinking is appropriate given the fact that the film's explicit subject is Arendt's trial report in which her principle objection was Eichmann's inability to think. By implication, Arendt suggests that thinking (or at least the absence of it) can play a crucial role in politics.^{xxvi} But the film does not convey the full bloom of Arendt's political thought in at least two ways.

First, Arendt understood the connection between the mentality of joiners and the mentality of "spectators" who refuse to pass judgment because they were not there or because of the extraordinary nature of the circumstances. Both types fall back on clichés that short-circuit the capacity for thinking and thus the capacity for judging, and eventually the capacity for action. Spectators can be all too ready to say: "who

am I to judge?”^{xxvii} A joiner like Eichmann feels like life is meaningless unless he has a job to perform, a job that demands expertise and that leads to advancement in one’s career. This is exactly what Eichmann found by working in Himmler’s *Sicherheitsdienst* (also known as the S.D.) and taking an oath to the Führer which, according to Eichmann, made him bound to send his own father to his death.^{xxviii} He reported that his decision to join the S.D. was not “out of conviction” (in Arendt’s words) but rather, “happened so quickly and suddenly” and felt “like being swallowed up”^{xxix} (in his words). These are the sorts of clichés that joiners fall back on. And yet, joiners get something very real out of participation: a sense of meaning or purpose that perhaps is not fully appreciated until it is taken away. According to Arendt, Eichmann identified the significance of Germany’s defeat in personal, existential terms: “I sensed I would have to live a leaderless and difficult individual life, I would receive no directives from anybody, no orders and commands would any longer be issued to me, no pertinent ordinances would be there to consult.”^{xxx} Arendt believed that judgment was most needed in these particular circumstances faced by joiners in the Third Reich and spectators trying to understand the events retrospectively. Importantly, she did not accuse those in the Jewish leadership who chose to collaborate with the Nazis with lacking judgment.^{xxxi} Mistaken judgments are judgments nonetheless.

Second, Arendt identified herself as a political theorist, a profession she sharply distinguished from philosophy.^{xxxii} According to Arendt, philosophy requires a disinterested and universal point of view, whereas this is impossible in politics. In her own reflections on politics, she sought to cultivate “eyes unclouded by philosophy.”^{xxxiii} This distinction is essential to identifying her intellectual debts and the novelty of her ideas. Von Trotta mentioned the juxtaposition of Arendt and Eichmann, but the film also includes Heidegger, which raises the vexed question of the relationship between the ideas of Arendt and Heidegger. This is not the question of the nature of their personal relationship (melodramatically represented in the film by Heidegger burying his face in Arendt’s lap), which was explored in Kate Fodor’s play, *Hannah and Martin*.^{xxxiv} Rather, it is a question of ‘how much of Heidegger’s views on thinking, for example, does Arendt share?’. I have argued that the film represents thinking as lonely and inert, and that these views coincide with the representation of Heidegger’s views in the film. Arendt understood Heidegger as a quintessential philosopher; and calling herself a political theorist was a way of distancing herself from his project. A phrase by Cato appears with some regularity in Arendt’s works: “Never is a man less alone than when he is by himself, never is he more active than when he does nothing.”^{xxxv} Arendt did not believe that thinking is lonely, but rather it implies company, a “two-in-one”—the dialogue between me and myself following the example of Socrates. She also indicated, in line with Heidegger, that thinking is a “resultless enterprise.”^{xxxvi} The activity of thinking is not a means to another end; it is its own end. Moreover, for Arendt thinking implies inaction or “the interruption of all other activities,” because it requires us to “stop and think.”^{xxxvii} However, in political catastrophes, thinking ceases to be a neutral activity and the typical withdrawal of the thinking ego is simply not possible: “When

everybody is swept away unthinkingly by what everybody else does and believes in, those who think are drawn out of hiding because their refusal to join in is conspicuous and thereby it becomes a kind of action.”^{xxxviii} Eichmann’s “decisive” flaw, according to Arendt, “was his almost total inability ever to look at anything from the other fellow’s point of view.”^{xxxix} For Arendt, Eichmann’s reliance upon clichés was “connected with an inability to *think*, namely, to think from the standpoint of somebody else.”^{xl} In another work, Arendt referred to this as “representative thinking.”^{xli} Thus, the relationship between Arendt’s and Heidegger’s ideas is much more complex than the film suggests; and this complexity arises from the connection between thinking and politics in Arendt’s conceptual universe, a connection entirely absent in Heidegger.^{xlii}

These views on the activity of thinking add a new dimension to Arendt’s distinction between individuals and joiners, and to the relationship between judging and politics conceived as sharing the world with others. Individuals—people capable of thinking from the standpoint of others—are conspicuous because they appear as blockages in an otherwise well-oiled machine. This portrait of individuals as people who refuse to join in is amplified in her reflections on ‘the controversy’, where she added that such nonparticipants are people “who dared judge by themselves”, a crucial “precondition” of which is thinking from “the disposition to live together explicitly with oneself.”^{xliii} In stopping to think about whether they could live with themselves, individuals keep bureaucracies from functioning as smoothly as they would with only joiners. *Eichmann in Jerusalem* provides several examples worth remembering, which suggest that representative thinking can provoke resistance when it is possible. For instance, Arendt mentions the Belgian railway men leaving the doors of transit trains carrying Jews unlocked and open,^{xliv} the Danish people’s successful non-violent resistance to Nazi efforts to identify and deport Jews within their midst,^{xlv} and the forged papers and transportation provided to fleeing Jews by the German sergeant Anton Schmidt.^{xlvi}

The way in which the film turns attention to the activity and importance of thinking, and leaves it there, fails to appreciate the link between Arendt’s portrait of Eichmann and her “imaginary summation” against Eichmann. Arendt accused Eichmann of “not wanting to share the earth”—of violating plurality, the fundamental condition of political life. According to Arendt: “Judging is one, if not the most, important activity in which this sharing-the-world-with-others comes to pass.”^{xlvii} While the film appropriately valorized thinking, it failed to convey the need to also valorize judging. Though it is difficult to represent thinking on screen effectively, I take it that representing judging is no less of a worthy challenge.

III

It has been suggested that von Trotta’s film about Hannah Arendt is really directed toward a German audience.^{xlviii} The question of responsibility for the Holocaust seems only to be open, at this point, in Germany and among professional historians

of the Holocaust. I'm not totally convinced of this view, as the film does not emphasize the official West German concern about protecting Hans Globke, who was serving as one of Adenauer's closest advisors during the trial but who during the Nazi period was crucial to the implementation of—among other things—the 1935 Nuremberg Laws that revoked the citizenship of German Jews. The Israeli Prime Minister David Ben-Gurion struck a deal with German Chancellor Konrad Adenauer to protect Globke from being summoned to trial as a witness, concerned that he might also be brought up on charges and thereby ignite a national debate about the sufficiency of the post-war denazification process. In exchange, Young-Bruehl reports, "West Germany was to supply Israel with military equipment and arms."^{xlix} But the suggestion does raise an important question. What would be included in a film about Arendt's report of the Eichmann trial that was directed more explicitly at Israel? At the United States? At the world? Answering these questions brings to the fore additional themes of contemporary political significance from the trial report that did not appear in the film.

First, Arendt's discussion of statelessness might be particularly valuable to audiences in Israel and the United States. Arendt drew a parallel between the *de jure* statelessness of the Jews, which allowed for their detention and extermination under the Third Reich, and the *de facto* statelessness of Eichmann, which allowed for his successful kidnapping from Argentina and eventual trial in an Israeli court. No doubt, a critic of this equivalence could argue that the Jews in Nazi controlled territory did nothing to deserve their condition of statelessness, whereas Eichmann did. But such an argument fails to appreciate how a political agenda produced even Eichmann's statelessness. Three moments in the film that eluded to the problem of statelessness could have been developed to greater effect. First, early in the film when Arendt, Blücher, and Lotte Köhler are watching news coverage on the television, Arendt voices some frustration that West Germany will not try to extradite Eichmann. I would have liked to see the politics of why that was the case unpacked a little more. Second, Arendt mentions in class to her students that she was stateless for 18 years, between when she lost her German citizenship and when she was finally granted a passport (not just a visa) by the U.S. government. Finally, when Arendt returns to her Riverside apartment and faces the stack of letters from her readers, she resolves to respond to each of them for fear of being deported.ⁱ What exactly she feared could have been made more explicit in the film, perhaps through flashbacks to the hardships and uncertainty she faced as a stateless person. The theme invokes the condition of prisoners held at Guantanamo Bay and similar facilities around the world, and the continued statelessness of Palestinians in the West Bank and Gaza Strip. Most recently, the contrast between Israeli attempts to target Hamas in the Gaza Strip often at the expense of noncombatants who have no official government to petition for the injustice of their treatment and the response to the (possibly unintended) downing of Malaysian Flight 17 by a surface-to-air missile launched by pro-Russian separatists in the Ukraine is striking. In the latter case, most victims of the jet crash came from the Netherlands and Australia, whose governments coordinated an international effort to recover and identify

remains (as much as possible given the instability of the area) and hold the separatists and those who supplied and trained them (and only these actors) accountable for the crime. No collective punishment of the people in the Donetsk or Luhansk regions of the Ukraine, the seat of the insurgency, was even on the table as a response. Thus, statelessness produces a series of 'unseen' injustices. The general point is that stateless people continue to exist in the international system and amount to some of the most insecure and vulnerable people in the world today. This fact is a pressing topic that the film does not encourage its audience to stop and think about.

Second, the film does not represent Arendt's final stance toward criticisms of the jurisdiction of the Jerusalem Court. When she is pictured in the film first discussing Eichmann's abduction with Blücher, she expresses concern that it is not right to try him in Jerusalem. The legality of the trial comes up again in a disagreement between Blücher (who thinks it is illegal) and Jonas (who defends it); Arendt indicates that she thinks Eichmann should be tried in an international court. But this discussion has to share the screen with the little comedy and drama that develops between Mary McCarthy, Thomas Miller (the head of the German Department who can't follow conversational German), and Lotte Köhler (who refuses to translate for them). Arendt's letters with Karl Jaspers touched upon this matter, and excising him from the film allowed for this issue to recede into the background. Jaspers argued for the need of an international tribunal (perhaps one hosted by the United Nations) to try Eichmann if the indictment was going to be not merely crimes against the Jewish people but also crimes against humanity. Jaspers was also concerned about the right of Israel to prosecute on behalf of all the Jews as if the Israeli state and the Jewish people were the same thing. In a letter to Jaspers, Arendt pointed out that the vast majority of Holocaust survivors were living in Israel, so that location for Eichmann's trial made a lot of a sense.ⁱⁱ In her trial report, Arendt mentioned another objection to the court's jurisdiction: since Eichmann's crimes did not occur within Israeli territory, Israel had no authority over their prosecution. In presenting Arendt's support for an international court, the film does not acknowledge the extraordinary way in which she eventually defended the jurisdiction of the Jerusalem court. She argued that the objection was based on an unjustifiably narrow and exclusively geographical understanding of the term 'territory'. Arendt offered what she took to be a clarification of the existing "political and legal concept."ⁱⁱⁱ She did not think she was offering a meaning that was against the traditional understanding, but only an elaboration of what was already assumed by the geographical sense of the term. According to Arendt, 'territory':

relates not so much, and not primarily to a piece of land as to the space between individuals in a group whose members are bound to, and at the same time separated and protected from, each other by all kinds of relationships, based on a common language, religion, a common history, customs, and laws. Such relationships become spatially manifest insofar as they themselves constitute the space wherein the different members of a

group relate to and have intercourse with each other.ⁱⁱⁱ

Arendt applied this conception of territory to the state of Israel, and argued that it would not exist if the “in-between space” of Jews in the diaspora had not been maintained and cultivated over thousands of years. This “in-between space” is what Arendt referred to as worldliness in *The Human Condition*. Arendt’s defense of the court’s jurisdiction could have been included in the final large lecture in the film, perhaps in response to a follow-up on the question of how a crime against the Jewish people could amount to a crime against humanity. The need for an international criminal court continues to remain misunderstood and largely unsupported by the public at large (more so in the United States than in, say, Belgium of course). Drawing greater attention to Arendt’s reflections could have revived the debate.

These features lead me to think that the film leaves us with a depoliticized Arendt. In so narrowly focusing her film on the Eichmann trial and the controversy that erupted in light of Arendt’s reflections on it, von Trotta has left the door open for another film (even several) on Hannah Arendt. A.O. Scott is right to think that Arendt’s life deserves a “mini-series.”^{iv} If von Trotta’s biopic is for Germans, then a focus on Arendt’s “Reflections on Little Rock”^v is the potential sister seed of a biopic for Americans, one that could get to the heart of contemporary debates about racial justice, continued white privilege, educational inequality, and discriminatory marriage laws.

Notes

i Young-Bruehl, Elisabeth. *Hannah Arendt: For Love of the World*. New Haven, CT: Yale University Press, 1982. 334-5.

ii Young-Bruehl 335. Arendt died of a heart attack on December 4, 1975.

iii 1965/1992. *Eichmann in Jerusalem: A report on the banality of evil*, revised and enlarged edition. New York, NY: Penguin. 282. For helpful and even-handed introductions to the nature of the controversy over Arendt’s trial report, see Rabinbach, Anson. 2004. “Eichmann in New York: The New York Intellectuals and the Hannah Arendt Controversy.” *October Magazine* 108 (Spring): 97-111 and Young-Bruehl (1982, chapter 8).

iv *Hannah Arendt*. 2012. Directed by Margarethe von Trotta. Perf. starring Barbara Sukowa. Cologne, Germany: Heimatfilm. Streaming online video.

v Arendt, Hannah. 1951/1994. *The Origins of Totalitarianism*, new edition with added prefaces. New York, NY: Harcourt Brace & Co. 474. 1958/1998. *The Human Condition*, second edition with introduction by Margaret Canovan. Chicago, IL: University of Chicago Press. 200.

vi Arendt, Hannah. *On Revolution*. 1963. New York, NY: Penguin. 181.

vii To be clear, I do not agree with Austerlitz’s (Austerlitz, Saul. 2013. “A New Movie Perpetuates the Pernicious Myth of Hannah Arendt.” *The New Republic*, May 30. <http://www.newrepublic.com/article/113317/hannah-arendt-film>) claim that the film

advances a “myth” that Arendt developed in her own defense: the idea that her critics did not read the articles or the book. Amos Elon reported that Isaiah Berlin and Edmund Wilson accused each other of not reading the book in the midst of a heated argument about it (Elon, Amos. 2006/2007. “The Excommunication of Hannah Arendt.” *World Policy Journal* 23(4): 93-102. Adapted from the introduction to the Penguin Classics 2006 edition of *Eichmann in Jerusalem*). But I do believe that her most worthy critics—for instance, Gershom Scholem—did not get a remotely fair say in the film. In Scholem’s case, he was entirely removed from the film.

A moment in the film captures well the valid concerns voiced by some of Arendt’s critics, a scene that counts against Austerlitz’s claim that the film is nothing more than hagiography. During the party to celebrate Blücher’s health, Hans Jonas objects to a draft of Arendt’s thoughts. He says that she is offering “a philosophy lesson”, but the readers of *The New Yorker* “have to know what the Nazi Eichmann did” (von Trotta 2012). Arendt’s final lecture in the film also mentions this criticism. I appreciated the attention to the nature of one’s audience, and the need to craft a message tailored to one’s audience. In his contribution the controversy published in *Commentary* in 1963, Irving Howe wrote: “How many *New Yorker* readers...had ever before cared to read anything of the vast literature about Jewish resistance, martyrdom, and survival during World War II? How many would ever read anything about it again?” (cited in Rabinbach 2004, 103). To the care of the needs of one’s audience, Shlomo Grodzensky would add that one should consider the medium. Arendt’s articles were published amidst advertisements for products like lady’s garments and jewelry (cited in Elon 2006, xx). Though she is hardly responsible for the choice of the ads, she was a well-published author with connections to multiple publishing houses. I would have liked to film to attend to her decisions about how to get to Jerusalem and where to place her reflections on it. But I would reject the dichotomy implied by Jonas’s remarks in the film: attention to the details of Eichmann’s crimes and their philosophical significance are not mutually exclusive. The articles offer painstaking detail about exactly what Eichmann was—and was not—responsible for doing (see, especially 1965, 211-19).

No doubt von Trotta and Katz had a difficult task of representing a controversy that engaged in heated terms. Rabinbach draws on Irving Howe’s memoir to conclude, “there were polemical excesses on both sides” (2004, 103). Howe described the controversy, and his criticism of Arendt, in his memoir: “Overwrought and imbalanced, we at least cared. To say that one cares can easily become an excuse for self-indulgence or theatrics, and that did happen in this dispute—on both sides. But not to care is surely worse” (1982, 274). But even this retrospective assessment engages in polemical exaggeration. The charge against Arendt seems to be that she did not care about the impact her writings would have on Holocaust survivors and the wider Jewish community. But that takes the matter too far. Gershom Scholem stated the claim in its most accurate and least polemical form: Arendt’s failure was not that she did not care *at all*, but rather that she did not take *enough* care in what she said and how she said it. Arendt’s stance amounted to the claim

that *too much* care came with its own negative consequences, though this does not get her off the hook.

viii Scott, A. O. 2013. "How it Looks to Think: Watch Her." *New York Times*, May 28. http://www.nytimes.com/2013/05/29/movies/hannah-arendt-with-barbara-sukowa-and-janet-mcteer.html?_r=0

ix Lilla, Mark. 2013. "Arendt and Eichmann: The New Truth." *New York Review of Books*, Nov 21. <http://www.nybooks.com/articles/archives/2013/nov/21/arendt-eichmann-new-truth/>

x von Trotta, Margarethe. 2013. "Director's Statement" and "An interview with Margarethe von Trotta." In press kit released by Zeitgeist Films.

<http://www.zeitgeistfilms.com/hannaharendt>

xi Arendt 1965, 297.

xii Quoted in Young-Bruehl 1982, 399.

xiii See, for instance, Arendt 1965, 294-295.

xiv Adolf Eichmann File, "Private reply to Jewish critics" 1963, 1 (*The Hannah Arendt Papers*, Manuscript Division, Library of Congress, Washington, DC. <http://memory.loc.gov/ammem/arendhtml/mharendtFolderP03.html> (accessed on June 24, 2014)). It is hard to reconcile how she could admit this point and at the same time insist: "I wrote a report, nothing else" (Adolf Eichmann File, "Private reply to Jewish critics" 1963, 1); a characterization that also appears in the film during her final lecture

xv Berkowitz, Roger. 2011. "The Power of Non-Reconciliation—Arendt's Judgment of Adolf Eichmann." *HannahArendt.net: Journal for Political Thinking* 6(1/2).

<http://www.hannaharendt.net/index.php/han/article/view/11/8>

xvi Berkowitz's article goes on to develop how this might be the case through an appeal to the concept of reconciliation in Arendt's thought. It is beyond the scope of the present article for me to address fully why I disagree with him. In brief, I do not believe that he attends to the difference between what is needed for action and what is needed for politics according to Arendt. He is not the first commentator to treat these as virtually synonymous; see for instance, Kateb, (*Hannah Arendt: Politics, Conscience, Evil*. Totowa, NJ: Rowman & Allanheld. 1984. Ch.1), who argues that all action is fast political action for Arendt, and that the true mode of political action is speech (and not also deeds). Kateb finds it difficult to think that deeds can truly qualify as politics in the Arendtian since. But I think he treats the scope of deeds too narrowly (or too much in a Greek vein) when he locates them mostly in the context in war, often involving the use of violence. He admits, but does not take seriously enough, the place of civil disobedience as a sort of deed in Arendt's theory of action.

xvii In offering this distinction, I am glossing over some crucial ambiguities and ignoring the actual practice of judges. For an account of how some ideological (though not partisan) commitments might not be objectionable and in fact are inevitable in judicial reasoning, see Zeisberg, Mariah. "Should we elect the US Supreme Court?" *Perspectives on Politics* 7(4): 785-803. 2009. For recent accounts of how partisan ideologies arise in actual judicial decision-making, see Glynn, Adam

N. and Maya Sen. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" *American Journal of Political Science*. First published online on May 9, 2014.

<http://onlinelibrary.wiley.com/doi/10.1111/ajps.12118/abstract> and Canes-Wrone, Clark, and Kelly and Canes-Wrone, Brandice, Tom S. Clark, and Jason P. Kelly. 2014. "Judicial Selection and Death Penalty Decisions." *The American Political Science Review* 108(1): 23-39.

xviii Arendt 1958, 7.

xix Arendt 1965, 279.

xx Reported in Young-Bruehl 1982, 372.

xxi Arendt 1965, 273.

xxii See Berkowitz 2013a; Brody, Richard. "Hannah Arendt and the Glorification of Thinking." *New Yorker online*, May 2013.

<http://www.newyorker.com/online/blogs/movies/2013/05/hannah-arendt-and-the-glorification-of-thinking.html>; LaChance, Naomi. 2013. "Hannah Arendt: banality of evil revisited." *The Berkshire Eagle*, Aug 14.

http://www.berkshireeagle.com/berkshiresweek/ci_23862560/hannah-arendt-banality-evil-revisited; Macdonald, Moira. n.d. "Hannah Arendt': ferocious portrayal of a blazing intellectual." *Seattle Times*.

http://seattletimes.com/html/movies/2021418502_hannaharendtxml.html; Rieff, David. 2013. "Hannah and Her Admirers." *The Nation*, Nov 19.

<http://www.thenation.com/article/177277/hannah-and-her-admirers>; Scott 2013, and Steinhauer, Jill. 2013. "Hannah Arendt's Passionate Thinking." *Guernica: A Magazine of art & politics*, June 19. <http://www.guernicamag.com/daily/jillian-steynhauer-hannah-arendts-passionate-thinking/>.

xxiii Plato. "Symposium," translated by Alexander Nehamas and Paul Woodruff. In *Plato: Complete Works*, edited by John M. Cooper. Indianapolis, IN: Hackett Publishing. 1997. 174d-175b.

xxiv Von Trotta 2012.

xxv Von Trotta 2013.

xxvi I am grateful to George Kateb for emphasizing this point to me.

xxvii This connection between lack of action and refusal to judge is present in Irving Howe's reflections on the controversy included in his personal memoir (1982). In the midst of summarizing Lionel Abel's polemic against Arendt using the case of the Ukraine where there were no Jewish Councils but where the Nazis were able to round up and kill hundreds of thousands of Jews in only eight months, Howe writes: "in truth nothing the Jews did or did not do could have made any large difference, so helpless were they before the Nazi conquerors" (1982, 273). Howe cites approvingly Gershom Scholem's open letter to Arendt on the issue of Jewish cooperation: "I do not know whether they were right or wrong. Nor do I presume to judge. I was not there" (quoted in 1982, 273). See Howe, Irving. 1982. *A Margin of Hope: An Intellectual Autobiography*. New York, NY: Harcourt Brace Jovanovich Publishers.

On a related note. Abel, among others, also accused Arendt of relying too heavily on one source: Raul Hilberg's *The Destruction of the European Jews*. New Haven, CT: Yale University Press. 1961). Less regularly mentioned is that Abel's criticism of her relied heavily upon Jacob Robinson's *And the Crooked Shall be Made Straight: The Eichmann Trial, the Jewish Catastrophe, and Hannah Arendt's Narrative*. (New York, NY: Macmillan. 1965). Arendt discusses the Ukraine in chapter 13 of *Eichmann in Jerusalem*, and her treatment of the case demonstrates the different approach that she took to it than that of the prosecution (including Robinson who had served on the prosecution). According to Arendt, while the prosecution wanted to convict Eichmann for the suffering of the Jewish people and thus used the occasion to paint a general picture of the events in the East which Arendt noted included only infrequent reference to Eichmann (1965, 209), the judgment of the court was "a rewriting of the prosecution's case" and focused "on what had been done instead of on what the Jews had suffered" (1965, 211).

xxviii Arendt 1965, 42.

xxix Arendt 1965, 33.

xxx Arendt 1965, 32.

xxxi In a response to Abel's criticism, Arendt clarified that "the *institution* of the Jewish Councils, not the individual members, was irreplaceable; and if Eichmann was replaceable, the *institution* for which he worked...was not" (Adolf Eichmann File, "Private reply to Jewish critics" 1963, 1, emphasis original).

xxxii See Arendt 1994.

xxxiii Arendt 1994, 2.

xxxiv Fodor, Kate. 2004. *Hannah and Martin*. New York, NY: Dramatists Play Service.

xxxv The phrase appears in *The Origins of Totalitarianism* (1951, 476), *The Human Condition* (1958, 325), and on the title page of *The Life of the Mind* (1971).

xxxvi Arendt, Hannah. 2003a. "Thinking and Moral Considerations." In *Responsibility and Judgment*, edited and with introduction by Jerome Kohn, 160-190. New York, NY: Schocken Books. Originally published in *Social Research* 38 (Fall 1971): 417-46, 177.

xxxvii Arendt 2003a, 177, emphasis original. Von Trotta and Pam Katz indicated that the final lecture Arendt offers in defense of herself in the film is a concatenation of several of Arendt's writings. One source, "Thinking and Moral Considerations", ends with similar memorable lines as the film's lecture. In the printed source, Arendt writes: "The manifestation of the wind of thought is no knowledge; it is the ability to tell right from wrong, beautiful from ugly. And this indeed may prevent catastrophes, *at least for myself*, in the rare moments when the chips are down" (2003a, 190, emphasis added). In the film, Arendt says: "The manifestation of the wind of thought is not knowledge, but the ability to tell right from wrong, beautiful from ugly. *And I hope* that thinking gives people the strength to prevent catastrophes in these rare moments when the chips are down" (von Trotta 2012). The italicized words indicate what I take to be equivalent ideas in the printed source and film, but the significance of their difference comes to light when they are considered with another moment in

the film: the scene between Arendt and William Shawn when they first talk about her trial report at her dining room table. My sense is that this scene with Shawn was written to demonstrate how Arendt could be arrogant. When Shawn reminds Arendt that few *New Yorker* readers will know Greek, Arendt responds that they should learn. When Shawn voices concern over her interpretation of the actions of the Jewish leaders, Arendt rejects the characterization by indicating that she “purposefully tried not to analyze or explain their behavior” (von Trotta 2012). To support his assessment Shawn then reads her a line as it actually appears in the book: “To a Jew this role of the Jewish leaders in the destruction of their own people is undoubtedly the darkest chapter of the whole dark story” (1965, 117). Arendt responds in the film: “It’s a fact” (von Trotta 2012). According to Austerlitz, this is supposed to represent Arendt “puzzled that anyone could take umbrage at her line of argument. Her work is in the service of truth, where others’ is presented as nefarious and self-interested” (2013). And one can hardly blame him for this interpretation given what the film provides as clues to understanding how Arendt could respond like that. Let me hazard an alternative interpretation. When the text reads “To a Jew” Arendt might take this as a fact because she is writing *from her own perspective*. She does not write: “To *the* Jews” or “To Jews”—as if to assume a more general perspective. And if “*at least for myself*” had remained in the final speech, the film’s audience would have had better (though admittedly quite subtle) grounds to understand the nature of Arendt’s judgments. The same line of thought appears in the volume on thinking in *The Life of the Mind*, but with yet another twist: “And this, at the rare moments when the stakes are on the table, may indeed prevent catastrophes, at least for the self” (1978, I.193). The claim became utterly impersonal by that point, and much less well phrased.

On this issue, Young-Bruehl accuses Arendt of failing to appreciate how “many Jews” would respond to that claim and of failing to offer reasons or rhetoric that would lead them to agree when they otherwise would not (1982, 344). I cannot help but agree that Arendt’s thoughts are solipsistic. I don’t know what to make of the idea that Arendt thinks *from her perspective* that catastrophes can be prevented when thinking actualizes its two by-products: conscience and judging. Isn’t the question—at this moment—a matter of what *actually* prevents catastrophes? I believe that Arendt’s stance can be explained in terms of existential motives. But spelling that out is beyond the scope of the present endeavor.

xxxviii Arendt 1978, I.192.

xxxix Arendt 1965, 47-8.

xl Arendt 1975, 49, emphasis original.

xli Arendt, Hannah. 1968b. “Truth and Politics.” In *Between Past and Future*, revised edition, 227-64. New York: Penguin. Originally published in *New Yorker*, February 25, 1967: 49-88, 241.

xlii See especially Villa, Dana R. 1996. *Arendt and Heidegger: The Fate of the Political*. Princeton, NJ: Princeton University Press and (*Politics, Philosophy, Terror: essays on the thought of Hannah Arendt*. Princeton, NJ: Princeton University Press. 1999. 81-86), and also Berkowitz, “Lonely Thinking: Hannah Arendt on Film.” *The*

Paris Review blog, May 30. <http://www.theparisreview.org/blog/2013/05/30/lonely-thinking-hannah-arendt-on-film/>

xliii Arendt, Hannah. 2003b. "Personal Responsibility Under Dictatorship." In *Responsibility and Judgment*, edited and with introduction by Jerome Kohn, 44-45. New York, NY: Schocken Books. Originally offered as a lecture in 1964. See Kateb (2006,166) for a compelling argument that the resister's judgment was fundamentally aesthetic for Arendt.

xliv Arendt 1965, 166.

xlv Arendt 1965, 171-5.

xlvi Arendt 1965, 230-1.

xlvii Arendt, Hannah. 1968a. "The Crisis in Culture." In *Between Past and Future*, revised edition, 197-226. New York: Penguin. Part of this chapter was originally published as "Society and Culture" in *Daedalus* 82 (Spring 1960): 278-87.

xlviii Sznajder, Natan. 2013. "The Re-Germanization of *Hannah Arendt*." *The Hannah Arendt Center Blog*, May 1. <http://www.hannaharendtcenter.org/?p=10432>

xlix Young-Bruehl 1982, 341.

I One might think that the film is presenting an ironic Arendt at this moment. The archive of Arendt's papers contains copies of letters that she received as well as a draft of her replies often typed on the back of the letter. The chilling letter that Lotte Köhler reads to Arendt in the film was originally written by J. Baron (*J. Baron to Hannah Arendt, May 28. Letter. 1963. From Library of Congress, The Hannah Arendt Papers, Adolf Eichmann File, 1938-1968.*

http://memory.loc.gov/mss/mharendt_pub/03/030020/0004d.jpg (accessed June 24, 2014). An image of the handwritten original can be viewed on the Library of Congress website (see folder entitled "Correspondence, Miscellaneous, English Language, A-C, 1963-1967").

li Cited in Young-Bruehl 1982, 329-30.

lii Arendt 1965, 262.

liii Arendt 1965, 262-3.

liv Scott 2013.

lv Arendt, Hannah. 2003c. "Reflections on Little Rock." In *Responsibility and Judgment*, edited and with introduction by Jerome Kohn, 193-213. New York, NY: Schocken Books. Originally published in *Dissent*, 6 (Winter 1959), 45-56.

Hannah Arendt: Why Now?

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Abstract: This essay-in-brief comes from a wish to understand *Hannah Arendt* as a film, as a biography of Arendt herself, and as a message to a 21st century audience. It looks at four main issues: Arendt's own Jewish practice, the place of Arab and non-German Jews (both in Arendt's life and work and in the film itself), the function (and problems) of the bureaucrat, and the funding for the film itself. Ultimately, it seeks to ask questions regarding the film itself, and why it was made [now].

Keywords: BANALITY OF EVIL, DAVID BEN-GURION, EICHMANN IN JERUSALEM, HANNAH ARENDT (FILM), ISRAEL, JUDAISM, ZIONISM

Introduction

I come to *Hannah Arendt* with multiple, often conflicting, identities: that of a Jewish-American, of a scholar and professor of Judaism, not to mention a researcher on religion, political conflict, and the Arab-Israeli Conflict, specifically. So, for what are obvious reasons, this film, in the best and worst possible ways, touched on several nerves. Rather than try to conduct a critique of the film as a whole or somehow find *Hannah Arendt's* place within Arendt's *oeuvre*, which many before me have done, I instead have decided to bring out four key points from the film that were particularly salient for me: Arendt's own Jewish practice, the place of Arab and non-German Jews (both in Arendt's life and work and in the film itself), the function (and problems) of the bureaucrat, and the funding for the film itself.ⁱ All of these points lead me to one question: Why now? Why make *Hannah Arendt* now? Is it simply because it is the fiftieth anniversary of the publication of *Eichmann in Jerusalem: A Report on the Banality of Evil*? Or is it because Arendt's critique of the bureaucrat, Zionism, and the Jewish State hold particular value now, fifty years later, when many of her fears have become actualized and we are no closer to peace than when she visited Jerusalem?

Arendt's Judaism

Arendt was culturally, if not religiously, Jewish. In *Hannah Arendt*, you can see this immediately within her home; there are none of the tchotchkes associated with Judaism on the shelves, no *mezuzot* on the doors. Even in Jerusalem, Arendt maintains her Western, secular appearance and does not dress as traditionally as the other women with whom she interacts.ⁱⁱ Had the directors chosen to engage in a bit of revisionism, making Arendt seem more "Jewish," it would not be that shocking (one need only watch to watch the recent *Saving Mr. Banks* to capture my

meaning). There was a moment where the director or the producers to make a choice, to Judaize Arendt into a different Judaism, but, thankfully, they did not. But the film pulled no punches in showing Arendt as others perceived her (and how she described herself) and maintaining her secularity.

This is very much in keeping with the primary source material for this book, namely *Eichmann in Jerusalem* (along, of course, with her letters from the period). While Arendt made no attempts to hide her own Judaism—as is seen in the film, her status as a Jew was public knowledge, as seen by the public outcry about her articles in *The New Yorker*, in which she was lambasted for turning her back on her people —she does not ask questions or make her analysis *from her own Jewish perspective*. In fact, there is a decided lack of ethnography where one might expect it in *Eichmann*. Other than her constant sarcasm throughout *Eichmann*, which Amos Elon refers to as “inexcusably flippant” and “often self-defeating.”ⁱⁱⁱ in his *Introduction* to the 2006 Penguin Edition of *Eichmann*, Arendt’s Jewish voice is remarkably silent throughout the book.

And yet, according to Elon, “‘*Eichmann in Jerusalem* was an intensely personal work [for Arendt]. The writing helped give her relief from a heavy burden. As she wrote Mary McCarthy, it was a ‘*cura posterior*,’ the delayed cure of a pain that weighed upon her as a Jew, a former Zionist, and a former German.”^{iv} At critical points, the Jewish Arendt’s voice bleeds through obliquely, yet even then, it is distanced behind the title of “Jew.” In referring to the culpability of the Judenräte in the Nazis’ ability to efficiently collect Jews within its empire, she states, “To a Jew, this role of the Jewish leaders in the destruction of their own people is undoubtedly the darkest chapter of the whole dark story” (emphasis added).^v This section of *Eichmann* is what landed her in hot—dare I say boiling?—water, namely for not having enough, according to Gershom Scholem, *ahavat Israel* (love of Israel). And yet, she hid behind her language. She could have said “As a Jew” or “To *this* Jew,” but she chose not to. This is the closest we get in the original manuscript to her Jewish feelings on Eichmann and the Holocaust, surprising given how personal this project was for her.

Arab and Non-German Jews

Arendt is known for believing that German Judaism was the best Judaism, remarking that it was lucky for Eichmann to have three German Jewish judges in Israel, who she called the “best of German Jewry.”^{vi} She stated to Karl Jaspers once that the Israeli police force “gives me the creeps, speaks only Hebrew, and looks Arabic. Some downright brutal types among them.”^{vii} According to Elon, “Reasonable Israelis, in Arendt’s eyes, were the *yekkes*, German-speaking immigrants from Germany and Austria, including her own relatives and old friends from Freiburg, Heidelberg, and Berlin.”^{viii} This, in comparison to her championing the rights of Arab Palestinians, seems strange.^{ix}

And yet, on some level, her views are not all that surprising. There was a decided hierarchy of Jews in Germany and Europe. She explains in *Eichmann* that

“[t]he categories had been accepted without protest by German Jewry from the very beginning. And the acceptance of privileged categories—German Jews against Polish Jews, war veterans and decorated Jews against ordinary Jews, families whose ancestors were German-born as against recently naturalized citizens, etc.—had been the beginning of the moral collapse of respectable Jewish society.x

So on one level, Arendt understands that the preexisting hierarchy of ethnic Judaisms is problematic, but, as a product of German Jewry, still retains some of these notions herself.

We learn through the film that Arendt never quite forgave Germany for letting her down as a German, yet she remained inseparable from Germany in culture. The film portrays this subtly; while she passes Arab Jews and Eastern European Jews in the streets of Jerusalem, she does not interact with them. All of her Jewish friends are German Jews and she argues with them from the point of view of German continental philosophy. The film did an excellent job keeping this reality in place, in spite of the fact that it makes Arendt look less than favorable to non-German Jews.

Bureaucrats

The status of the bureaucrat comes up often in the film, as in Arendt’s work, and has definite applicability to discussions of the modern Israeli state. Part of Arendt’s arguments for the *banality of evil* are the bureaucratic persona of figures like Eichmann—dedicated pencil-pushers who just followed orders. I will go out on a controversial limb here and say that these arguments are fascinating when one considers some of the more contentious policies of the Israeli government with regard to border control and settlements in the West Bank. Many of these policies, which Arendt herself cautioned against, could be seen as being able to be perpetuated by a banality within the bureaucracy of Israel. Groups like J Street represent American Jews against the policies of occupation in the West Bank and Gaza, and there are many op-ed writers within Israel who speak out often against Israeli treatment of Palestinians, yet these policies continue.

When Arendt criticizes Israel’s right to even try Eichmann, her colleague Kurt Blumenfeld responds, “be a little patient with us,” implying that Israel is a new state bound to make some mistakes. But how long is too long to remain being patient? At what point does “be a little patient with us” become a crutch for not having to take a closer look at divisive policies? If nothing else, this film spurs the audience toward reevaluating the current state of affairs in Israel through Arendt’s lens. It leads the viewer to ask of the lawmakers and political leaders of Israel, “how much damage are you doing by not being mindful?” And, how much closer to peace would we be if we were less patient?

Why Now?

According to Heinrich Blücher, “history more than one man” was on trial during the Eichmann trial. It is with this point of view of history rather than the individual that I do wonder why this film was made. Two Jewish film funds, the Israel Film Fund (a 501c3 nonprofit) and The Jerusalem Film and Television Fund (under the auspices of the Jerusalem Development Authority, a joint venture between the Israeli Government and the Jerusalem Municipality), partially sponsored the film. Surprising, given the book *Eichmann in Jerusalem*, along with much of Arendt’s work, had not been translated into Hebrew until the 1990s. While never boycotting her work in the same way as the American Jewish community, Israel has had an ambiguous relationship with Arendt’s work. To have organizations so closely tied to the Israeli government fund this film shows that on some level, thoughts on *Eichmann* are changing within the Israeli Jewish community.

While the audience is naturally pulled toward supporting Arendt, both through Barbara Sukowa’s stunning performance and the weight of Arendt’s words herself, the negative responses to her work in the film far outweigh the positives. Arendt’s rousing defense of her work before the students and faculty of the New School at the end of the film leaves the audience thinking the film will have a positive dénouement, yet the mood is ruined by her dear friend and colleague Hans Jonas not being convinced and disowning her. The film ends as it began, Arendt alone in her apartment, listlessly smoking a cigarette, isolated with her thoughts.

Hannah Arendt begs the question “why now?” Was it to redeem Arendt’s reputation amongst a new generation of Jews? Or was it to teach a new generation why Arendt’s views were dangerous to the Israeli state? While the audience is naturally pulled toward supporting Arendt, both through Barbara Sukowa’s stunning performance and the weight of Arendt’s words herself, the negative responses to her work in the film far outweigh the positives. Arendt’s rousing defense of her work before the students and faculty of the New School at the end of the film leaves the audience thinking the film will have a positive dénouement, yet the mood is ruined by her dear friend and colleague Hans Jonas not being convinced and disowning her. The film ends as it began, Arendt alone in her apartment, listlessly smoking a cigarette, isolated with her thoughts.

Conclusion

With the almost apocryphal ending of the film, it is clear that it was intended to tell *some* lesson. And this is particularly notable when one revisits the Eichmann trial itself. As Arendt explains, the courtroom in which the trial was held was spectacular in nature, almost inviting one to witness the proceedings as if watching a play. She states, “clearly, this courtroom is not a bad place for the show trial David Ben-Gurion, Prime Minister of Israel, had in mind when he decided to have Eichmann kidnaped in Argentina and brought to the District Court of Jerusalem to stand trial for his role in the ‘final solution of the Jewish Question.’”^{xi} This “show trial” was held

to tell a particular story to a particular audience: the youth and the non-European Jews of Israel.

Adding to former Prime Minister David Ben-Gurion's motivations, Arendt states, "[The audience] was now supposed to consist of Israelis, of those who were too young to know the story or, as in the case of Oriental Jews, had never been told it. The trial was supposed to show them what it meant to live among non-Jews, to convince them that only in Israel could a Jew be safe and live an honorable life."^{xii} But, as Arendt remarks, by the second week of the trial, most of the audience consisted not of young and non-European Jews, but rather European survivors of the Holocaust—the very people that would be most antagonistic toward her criticisms. In fact, characters throughout *Hannah Arendt* ask why Arendt is asking questions about things best laid to rest, but why question her? Simply because the questions make them (and us) uncomfortable? Or is it that we still have not solved the problem of the banality of evil? The good news is, fifty years later, regardless of why the film was made, we are still asking the questions Arendt's work inspires.

Notes

i The ideas that became this paper originally appeared both in two blog posts and in a presentation and panel discussion as part of the "Hannah Arendt in Jerusalem: The Banality of Evil and the Politics of Responsibility" at Virginia Polytechnic Institute and State University, November 2013. Special thanks to Scott Nelson and François Debrix for putting together the panel that led to this article as well as to the editors of *SPECTRA* for launching this special issue. See Holly A. Jordan, "Hannah Arendt (Film): A Personal Review," *Holly Jordan: Blog* (2013):

<http://hollyjordan.net/2013/11/19/hannah-arendt-film-a-personal-review/>; "'Hannah Arendt' – Why Now?," *Holly Jordan: Blog* (2013):

<http://hollyjordan.net/2013/11/20/hannah-arendt-why-now/>.

ii Notably, in the first *sentence* of *Eichmann in Jerusalem*, she does remark about the "bareheaded" German judges presiding over the case (indicating that they did not wear kippot/yarmulkes, the headcovering of traditional male Jews. Little details like this give us a glimpse into some of Arendt's perception filters. See Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 2006), 3.

iii Amos Elon, "Introduction: The Excommunication of Hannah Arendt," in *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 2006), xvii.

iv "Introduction: The Excommunication of Hannah Arendt," in *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 2006), ix.

v Arendt, *Eichmann in Jerusalem*, 117.

vi Elon, "The Excommunication of Hannah Arendt," xviii.

vii "The Excommunication of Hannah Arendt," xvii.

viii "The Excommunication of Hannah Arendt," xviii.

- ix Arendt, *Eichmann in Jerusalem*, 13.
- x *Eichmann in Jerusalem*, 131.
- xi *Eichmann in Jerusalem*, 5.
- xii *Eichmann in Jerusalem*, 8.

The Communal Machinery of Evil: Reflections on Hannah Arendt

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Abstract: The fifty-year anniversary of the trial and execution of Adolph Eichmann saw the release of the Margarethe von Trotta film *Hannah Arendt*. This article considers the film's achievements in the context of Arendt's book *Eichmann in Jerusalem: A Report on the Banality of Evil*, and especially her "lesson" that political evil consists not only in some demonic instinct or motive, but in a monstrous lack of imagination, a condition of radical philosophical thoughtlessness. The film is principally a character study of a political philosopher with strong convictions and an abiding concern for what Arendt saw as the unfortunate truth about Eichmann. Largely occluded are the enduring political themes with which Arendt's many books in political theory dealt – themes including power, conformity, and community. Yet, the film anticipates important moral and political questions of lasting relevance. There remains much to be learned about thoughtlessness in nations where power is broadly shared by the people. Concerns over evil's precise nature aside, the question of conformity in democracies remains important to consider as nationalist, ethnic, and sectarian sentiments arise anew in Russia, the Middle East, as well as the United States.

Keywords: BANALITY OF EVIL, COMMUNITY, CONFORMITY, DEMOCRACY, EICHMANN, HANNAH ARENDT, NATIONALISM, POWER

[Eichmann] wanted to go along with the rest. He wanted to say "we," and going-along-with-the-rest and wanting-to-say-we like this were quite enough to make the greatest of all crimes possible. The Hitlers, after all, really aren't the ones who are typical in this kind of situation – they'd be powerless without the support of others.ⁱ

What meaning has the concept of murder when we are confronted with the mass production of corpses?

- Hannah Arendt ⁱⁱ

The film *Hannah Arendt*, which opened in theaters in the United States in 2013, is principally devoted to the controversy surrounding what has been called "the banality of evil" thesis in Arendt's book *Eichmann in Jerusalem: A Report on the Banality of Evil*.ⁱⁱⁱ As is well known, *Eichmann in Jerusalem* was a biographical and historical work presented as journalism, but its chief purpose was to place in theoretical context the responsibility of a high-ranking Nazi official for directing

Hitler's Final Solution. Arendt's book was about much more than the prosecution of Eichmann by an Israeli court in the early 1960s. Among Arendt's key achievements, and the reason the book remains important fifty years after it was published, is that this theoretical context facilitates interrogations of power and responsibility, morality and ethics, as well as judgment and the law as each of these political notions bear on the Holocaust, its immediate aftermath, and well beyond. *Hannah Arendt*, directed by German filmmaker Margarethe von Trotta, evidently had similar aspirations in spite of the fact that it is mainly a character study. It gives primacy far and away to Arendt's fierce intellectual independence over and above the sinister mechanisms of the unthinking, conforming masses that so preoccupied the philosopher throughout her career.

Often in spite of itself, *Hannah Arendt* raises many interesting and important questions. These include: who was Adolph Eichmann?; what did he represent morally, ethically, and politically, and to whom?; and, what is the meaning of evil in a political sense – that is, as an exercise, at least in part, in community building? The film is somewhat torn, it must be said, between, on the one hand, a controversy sparked by Arendt's thesis that the evil Eichmann represented was somehow banal, a claim which to many implied everyday and unoriginal. In the book, the profile Arendt provided was psychological as well as a political – she sought to explain a very minor talent with major power operating at the center of a regime that rewarded unthinking conformity and undying loyalty. The film deals with these themes, with varying degrees of success. On the other hand, the film appears committed to raising key theoretical questions, including: what is the meaning of ethical and political responsibility as these complex theoretical concepts are revealed by the practices of both mid- and high-level officials in the attempted extermination of European Jews and numerous other "others"? In contrast, Arendt's book discussed at some length Eichmann's life as a young man, his role as head of logistics in the machinery of the Final Solution, as well as his fifteen years following the War and his eventual capture by agents of the Mossad in Argentina in 1960. Arendt was not a legal theorist, and so it is understandable that while she was present in the pressroom for much of the Eichmann trial, relatively little reporting for *The New Yorker* concerned the prosecution's case and the various twists and turns of the courtroom proceedings. The film devoted even less time to the many jurisprudential questions the case posed for the young Jewish state.

In her book Arendt frequently made note of her exasperation with the prosecution team, and on many occasions she reported a feeling of utter incomprehension and astonishment as she listened to Eichmann's statements and testimony throughout the proceedings. She leaves the reader with the impression that over the course of the trial's many weeks, a great share of the court's time was taken up with relatively small details of Eichmann's past, details which were all the smaller against the backdrop of the awful magnitude of the crimes. The prosecution's often fruitless efforts with such minor details such as whether Eichmann had actually killed a Jewish person himself, clearly outraged Arendt, and any reader of the book shares

in her moral anguish over the law's tedium. Thus, Arendt the philosopher was understandably restive much of the time she was present at the trial. But she was compelled to report on a number of extra-legal matters that drew on her education and talents in political philosophy and, perhaps most important of all, as a theorist of power. Arendt was dispatched to Jerusalem to report on the political meaning of an historic war criminal and Israel's first major war crimes trial. Eichmann's complicity in the crimes and his willingness to take responsibility for his actions were not the most pressing issues for Arendt (though they were certainly pressing for many observers). Rather, what was vitally at stake for Arendt was the nature of the evil that Eichmann represented, how that evil came to exist, how it must be conceived in relation to the laws of Israel, and what might be characterized as the political conscience of a would-be free-thinking, politically conscious being that she devoted her life to studying, certainly most memorably in *The Origins of Totalitarianism* and *The Human Condition*.^{iv} In the face of the law, Arendt surely felt, any attempt to represent the nature of Eichmann's complicity in the crimes utterly failed. Arendt was stirred, then, to consider his person and his actions on an entirely different plane of examination, namely a philosophical one.

Hannah Arendt may enjoy some limited success at this level, but it provides scarcely more than an occasional glance at the great philosophical and political questions posed by Eichmann. The film is not an especially adept presentation of the central moral and political problems surrounding the case. It is an anxious film that betrays the anxiety von Trotta must have felt about the difficulty of presenting a philosophical subject in an intellectually solicitous way. Few of the actors, including Barbara Sukowa who portrayed Arendt, as well as Janet McTeer, Axel Milberg, and Klaus Pohl, stand out for their performances. Aside from some skillful discussion brought forth in scenes where a number of Arendt's friends are presented in agitated conversation, *Hannah Arendt* never quite succeeds in provoking the audience to consider the moral and political dimensions of the case of Eichmann in a fresh and philosophically illuminating light. It is difficult to recall a rough recent cinematic equivalent, but many viewers probably remembered Abby Mann and Stanley Kramer's 1961 film *Judgment at Nuremberg*. With its star-studded cast, including Spencer Tracy, Burt Lancaster, and Maximilian Schell, *Judgment at Nuremberg* was nearly four hours long. *Hannah Arendt* was a mere 112 minutes. The film compresses too many plot lines, and it generally feels hurried and anxious.

It can probably be said that most of those who turned out to see *Hannah Arendt* (including those who will view it in the next several years) knew a great many details of the Eichmann trial, and even a good bit about the personal and political tremors caused by Arendt's controversial thesis. Arendt's claim that the evil that Eichmann represented was banal has, over the last fifty years, generated by far the most discussion about her "report." In a Postscript to *Eichmann in Jerusalem*, Arendt said explicitly that her book was not meant as a "theoretical treatise on the nature of evil"

for when I speak of the banality of evil, I do so only on the strictly factual level, pointing to a phenomenon which stared one in the face at the trial. Eichmann was not Iago and not Macbeth, and nothing would have been farther from his mind than to determine with Richard III “to prove a villain.” Except for an extraordinary diligence in looking out for his personal advancement, he had no motives at all. And this diligence in itself was in no way criminal; he certainly would never have murdered his superior in order to inherit his post. He *merely*, to put the matter colloquially, *never realized what he was doing* . . . He was not stupid. It was sheer thoughtlessness – something by no means identical with stupidity – that predisposed him to become one of the greatest criminals of that period. And if this is “banal” and even funny, if with the best will in the world one cannot extract any diabolical or demonic profundity from Eichmann, that is still far from calling it commonplace . . . That such remoteness from reality and such thoughtlessness can wreak more havoc than all the evil instincts taken together which, perhaps, are inherent in man – that was, in fact, the lesson one could learn in Jerusalem. But it was a lesson, neither an explanation of the phenomenon nor a theory about it.^v

Admittedly, such nuanced though arguably crucial distinctions are difficult to present in a compelling cinematic drama. But the audience learns rather little from the film that is new or especially provoking beyond the fact that Arendt was a person of conviction and that she paid a high personal price for her views. Mark Lilla’s review of the film in the *New York Review of Books*, while sympathetic at times to the intentions of the filmmakers, was an understandably harsh indictment of the film’s precarious achievements (Lilla calls the film a “stilted, and very German, morality play”).^{vi} This is unfortunate because such a narrow treatment of Arendt’s views about who Eichmann was and what he represented crowds out a more sustained consideration of some enduring qualities of Arendt’s thinking about political evil’s essential or “natural” qualities, an analysis of how such hatred came about in the times and places that it did, as well as the moral and political limits faced by a state in bringing about justice for crimes unknown hitherto.^{vii} Even further afield, but no less important, would be an engagement that took up matters of where Arendt’s analysis of the figure of Eichmann stands in relation to her large body of writing in political theory and philosophy.

Such matters are very difficult to examine in a cinematic drama, to be sure. Lilla, in his review, made mention of the problem of depicting or characterizing moral and political issues through cinema, as well as some rather clumsy – in Lilla’s words “tasteless” – decisions that were made by the filmmakers.^{viii} Close readers of Arendt probably felt some (however slight) violation with just this kind of cinematic expose. When one devotes years to reading a thinker like Arendt, one develops a level of devotional familiarity that brings with it quite intense feelings of emotional intimacy. This is true even, and perhaps most especially, if the thinker is no longer

alive. And given the depth of feeling Arendt's many readers have had toward her harsh views concerning Jewish leaders' complicity with the Nazis, not to mention her position on Zionism, the film was bound to disappoint on many different levels.

All of this said, it should also be acknowledged that the film is still relatively recent, and it may stand the test of time as a quite fair treatment of a courageous political thinker, someone who stood for important political principles. But what does it mean to raise these issues cinematically today? Beyond the merely ceremonial fifty-year anniversary of Eichmann's trial and execution in 2012, what are Arendt's most enduring contributions to our understanding of the causes of the Holocaust and of the jurisprudential actions taken by the state of Israel in the case of Eichmann and other Nazi war criminals? The trial of Adolph Eichmann lives on as a touchstone for thinking about questions of power, responsibility, political evil, and the limits of the law. It matters profoundly how such a touchstone is used, how it continues to inform thinking about such questions in our own time. There remains much to be learned not only about Hitler's Final Solution, but also about the role of thinking as opposed to nonthinking in nations where power is broadly shared by the people. The question of conformity in democracies is one of the most difficult to address, but it remains critically important as nationalist, ethnic, and sectarian sentiments reemerge in Russia and its former satellites, in any number of countries in the Middle East, in the United States, and elsewhere.

Arendt's conception of banality remains important to consider in all societies where the mechanisms of conformity are so widespread, if attenuated, in the politics of the everyday.^{ix} Of course, political theorists have considered for many years Arendt's choice of terms for characterizing something so complex as political evil. In her biography of the philosopher, Elizabeth Young-Bruehl noted that the idea of banality was initially suggested to Arendt by her husband Heinrich Blücher. Arendt, Young-Bruehl notes, reportedly told Karl Jaspers "that her husband had often considered the possibility that evil was 'a superficial phenomenon.'" Blücher was a long-time reader of Bertolt Brecht, and apparently, years after the Eichmann trial, Blücher shared with Arendt some notes Brecht had written at the time he was writing his play *The Resistible Rise of Arturo Ui*.^x Arendt, following Blücher, saw more than a kernel of wisdom in Brecht's adroit handling of themes of dramatic political aberration which he examined through humor and a presentation of the patently absurd. "The great political criminals," Brecht wrote in his notes,

must be exposed and exposed especially to laughter. They are not great political criminals, but people who permitted great political crimes, which is something entirely different. The failure of his enterprises does not indicate that Hitler was an idiot and the extent of his enterprises does not make him a great man. If the ruling classes permit a small crook to become a great crook, he is not entitled to a privileged position in our view of history. That is, the fact that he becomes a great crook, and that what he does has great consequences does not add to this stature . . .

One may say that tragedy deals with the sufferings of mankind in a less serious way than comedy.”^{xi}

The recent publication in English of an interview Arendt gave in 1964 goes still further toward clarifying what she intended by using the term banality in the context of Eichmann’s great crimes. Asked to address “misunderstandings” associated with the banality of evil idea, Arendt said:

Now, one misunderstanding is this: people thought that what is banal is also commonplace . . . That wasn’t what I meant. I didn’t in the least mean that there’s an Eichmann in all of us, each of us has an Eichmann in him and the Devil knows what else. Far from it! I can perfectly well imagine talking to somebody, and they say to me something that I’ve never heard before, so it’s not in the least commonplace. And I say, “That’s really banal.” Or I say, “That’s not much good.” That’s the sense in which I meant it.

Now, banality was a phenomenon that really couldn’t be overlooked. The phenomenon expressed itself in those frankly incredible clichés and turns of phrases that we heard over and over again [during the Eichmann trial].^{xii}

Arendt goes on to stress that Eichmann’s actions were not “demonic,” and neither were they ideological. Instead, they were “outrageously stupid.” “There’s nothing deep about it – nothing demonic! There’s simply the reluctance ever to imagine what the other person is experiencing, right?”^{xiii}

Of course, stupidity alone cannot come close to capturing the stakes for Arendt in her depiction of Eichmann in the book. It was the political dimension of that illogical stupidity – the inability of a person to think from another’s point of view and to find significance, and even compassion, toward another – that mattered above and beyond almost everything else. But what may have mattered even more was the power that coursed through and underneath the entire political culture of Nazi Germany, a power that fostered unyielding conformism, an unquestioning, even desiring, following-along, and a learned, practiced hatred of the Jewish “other.” How, in a political culture, does stupidity acquire such appalling, intoxicating power? This was arguably the question that proved most arresting for Arendt.

Perhaps Arendt’s argument would have been better served had she more explicitly acknowledged that what she saw and heard of Eichmann in Jerusalem was the Eichmann who was confronted with, and who was asked to account for his actions in light of, the laws of the state of Israel.^{xiv} True, she did quite extensive research on Eichmann’s life, considering in particular the memoir he wrote while in Argentina, and especially an interview he gave to a Dutch Nazi sympathizer before he was captured. But all of this is most appropriately understood in the light of Arendt’s work as a political theorist, and in particular her accounts of spontaneous thinking,

labor, and action in *The Human Condition*. There is, first of all, Eichmann himself – the man and his terrible deeds, as well as his accounts during the trial of their supposed meaning (to his mind almost nil, apparently). Then there is what Eichmann represented, and still represents, politically to those trying to explain how such a political abyss could come about. It may be that Arendt’s conception of power – the ability to act in concert with others – is a major part of the problem of accounting for the political nature of the evil Eichmann represented. Without a diabolical motive, Arendt seemed to be saying, evil was a rather unexceptional political force, and one difficult to recognize as such. Still another dimension of the problem of assessing who Eichmann was and what he represented is an analysis that would account for the personal and cultural anxieties, traumas, and anguish people feel about themselves and what they have been told to value and esteem, sometimes at virtually any cost, as the essential, unquestionable identitarian quality of their nation, race, ethnicity, or sect. There is much about people’s experiences that comes before power aggregates, before it is transformed into collective action. Yet, such traumatic experiences are hardly ever outside of the networks of power relations. That is one reason Michel Foucault defined power as the general (that is, generally accepted and widespread) economy of force relations that both constitute and effect power in late-modern societies.^{xv}

Some time ago George Kateb argued that Arendt did not endeavor to “trace [Eichmann’s] incapacity for thinking to some further source. She neither psychologizes the incapacity nor offers a broadly sociological explanation of it.”^{xvi} Instead, Kateb wrote, Arendt considered deliberate action and responsibility in the context of the uniquely philosophical capacities of the person. Her objective was to elaborate a dimension of thinking that could properly be called philosophical. Whatever political evil’s nature is, it is not philosophical. Thinking of the philosophical variety involves an exalted, almost sacred capacity for moral, ethical and political judgment, something for which Arendt leaves the impression most people are not well suited.^{xvii} Why this is the case is surely something that merits ceaseless examination.

What we are left with, then, and what the film *Hannah Arendt* can at best only beckon toward, are a host of political questions and injunctions that grow out of the experiences of individuals acting in concert with others in the great machineries of power of late-modern societies. Arendt issued one such injunction directly just a couple of years before she was presented with the person of Eichmann himself: “to think what we are doing.”^{xviii} Over the last fifty years, it is the philosophical and political status of “thinking” – or theoretical reflection, or simply *theory* – which has received the most sustained attention from political and social theorists concerned with the unique and certainly lasting qualities of Arendt’s political thought. Regrettably, the political quality of “we” in Arendt’s simple but arresting statement – the role of conformity and even community in political thinking – has received considerably less.

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Notes

i Hannah Arendt, "Eichmann was Outrageously Stupid," in *Hannah Arendt: The Last Interview and Other Conversations* (Brooklyn: Melville House, 2013), 43.

ii Hannah Arendt, *The Origins of Totalitarianism* (San Diego: Harcourt Brace Jovanovich, 1975), 441. The author was directed to this quote by Jeffrey C. Isaac, *Arendt, Camus, and Modern Rebellion* (New Haven: Yale University Press, 1992), 47.

iii Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 2006).

iv Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958).

v Hannah Arendt, *Eichmann in Jerusalem*, 287-288, italics in the original. It is worth nothing that Isaiah Berlin strenuously objected to this characterization of Eichmann, most especially Arendt's claim that he did not "realize what he was doing." See Isaiah Berlin, *Conversations with Isaiah Berlin*, edited by Ramin Jahanbegloo (Halban Publishers, 2007), 84-85.

vi There are a few relevant articles and letters-to-the-editor that appeared in the *Review*. See Mark Lilla, "Arendt and Eichmann: The New Truth," *New York Review of Books* (21 November 2013), and Mark Lilla, "The Defense of Jewish Collaborator" (5 December 2013). See also the exchange between Lilla and Roger Berkowitz, "Arendt and Eichmann," *New York Review of Books* (19 December 2013). The quote is taken from page 8 of the *New York Review of Books* on-line printed copy of "Arendt and Eichmann."

vii See Arendt's discussion of retroactive versus adequate laws in relation to the crime of genocide in the Epilogue of *Eichmann in Jerusalem*, especially pages 254-255.

viii *Ibid.*, 7.

ix See, for example, Michael Billig, *Banal Nationalism* (Thousand Oaks, CA: Sage, 1995), as well as the many writings of Benedict Anderson on the subject of nationalism.

x Elizabeth Young-Bruehl, *Hannah Arendt: For Love of the World*, Second Edition (New Haven: Yale University Press, 2004), 330-331.

xi Bertolt Brecht, "Zu Der Aufhaltsame Aufstieg des Arturo Ui," in *Stuecke*, Vol. IX. The quote is taken from Elizabeth Young-Bruehl, *Hannah Arendt: For Love of the World*, Second Edition (New Haven: Yale University Press, 2004), 331; the citation of Brecht's quote is taken from Arendt's chapter on Brecht in *Men in Dark Times* (New York: Harcourt Brace and World, 1968), 247. To this author's mind, considering a condition of political radicality strategically can be productive for

political thinking. A loose parallel can be found in Judith Butler's *Frames of War: When is Life Grievable?* (London: Verso, 2010) where the author argues that a political response to rage can be made strategically articulate and effective not by visiting radical violence upon another people, as the U.S. did after 9.11, but through a "carefully crafted 'fuck you.'" (p. 182).

xii Hannah Arendt, "Eichmann was Outrageously Stupid," in *Hannah Arendt: The Last The Last Interview and Other Conversations*, 47.

xiii Ibid., 48. On the question of ideology, see page 44.

xiv This point can surely be debated. *Eichmann in Jerusalem* is in large part the work of the journalist Arendt. In the book's Epilogue and Postscript she does deal with the tensions between the work of reporting and theoretical analysis.

xv See Michel Foucault, *The History of Sexuality, Vol. I: An Introduction* (New York: Vintage, 1990), especially pp. 92-102; and 137-159. Arendt theorized several aspects of power in *The Human Condition* (200-205). The quote that many readers have fastened onto is this: "power springs up between men when they act together and vanishes the moment they disperse" (200). The idea that power ever vanishes seems to contradict Arendt's suggestion (on the same page) that power "is always, as we would say, a power potential and not an unchangeable, measureable, and reliable entity like force or strength" (200).

xvi George Kateb, *Hannah Arendt: Politics, Conscience, Evil* (Rowman and Littlefield, 1984), 72.

xvii This approximates Sheldon Wolin's claim in his essay "Hannah Arendt and the Ordinance of Time," *Social Research*, 44, No. 1 (1977), pp. 91-105.

xviii Hannah Arendt, *The Human Condition*, 5.