Judge Dennis Davis and Professor David Peimer - The Eichmann Trial

- It is my great pleasure to introduce Dennis Davis, Judge Dennis Davis, and Professor David Peimer who tonight will be discussing the Eichmann trial and the banality of evil. And it gives me great pleasure, I'm ready to quote Dennis who said to me, "The amount of talent that lurks around the world from South Africa is astonishing." So over to you, fine gentlemen, and we are looking forward to your presentation, thank you.

- Thanks Wendy. David and I are going to sort of discuss this, but we thought I'd introduce a little bit about Hannah Arendt before we began. So let me just start by saying the following. It is an extraordinary thing that the Eichmann trial of which Trudy spoke of the beginnings of it, the arrest, and I about the legal implications yesterday, have been so dominated by one book and by one thinker, which was Hannah Arendt and her book "Eichmann in Jerusalem", which of course began as a series of articles that she wrote for the "New Yorker" when she went in 1961 to the trial. And one thought, perhaps.

There are three issues that we are going to tease out from her book, that we are going to talk about presently. The one is her criticism of the Jewish Councils of the Judenrat. The second is the famous concept of banality of evil, see if we can unpack that. And thirdly was a criticism about the fact that the trial actually took place in Jerusalem, and it should have been taking place in international court. But before we get down to these three themes, we thought that perhaps we should just introduce Hannah Arendt, who she was. And a brief biography and one short clip should do the trick in the confines of an hour.

So Hannah Arendt was born in Hanover, Germany on the 14th of October in 1906. She died on the 4th of December, 1975 in New York. In 1924, she went off to study philosophy at the University of Marburg, University of Freiburg, and finally University of Heidelberg, where she got her doctorate degree in 1928. But whilst she was at Marburg back in '24, she began a romantic relationship with her professor, Martin Heidegger, that lasted until 1928. Heidegger in a sense, comes into this in all sorts of ways.

I should just say just without more, that as distasteful it might be about Heidegger, he did have a very significant influence on modern philosophy in his book "Being and Time", and his general work in ontology, the philosophical study of being or existence and metaphysics determined a huge amount of influential thinking in 20th century philosophy on the European continent in a whole range of areas. But be that as it may, in '33, Heidegger joins the Nazi party, begins implementing Nazi educational policies as the rector of Freiburg. Arendt, of course Jewish, has to flee to Paris. She then marries Heinrich Blucher, a philosophy professor, in 1940.

She eventually has to flee again from Paris in '41, where she and Blucher land up by immigrating to the United States. She settles in New York, and it's really significant in a lot of what we're going to discuss. Look at her career, she was the research director of the Conference on Jewish relations between '44 and '46, Chief editor of Schocken Books, '46 to '48.

Not quite sure where's the echo. '48, and the executive director of '49 to '52 of the Jewish Cultural Reconstruction, which sought to salvage Jewish writings dispersed by the Nazis. She eventually taught at the University of Chicago, '63 to '67, and at the New School thereafter.

What is particularly relevant I suppose to her biography, is in 1950, she resumed contact with Heidegger and in subsequent essays and lectures she defended him, claiming that notwithstanding his Nazi involvement had been a mistake and he was a great philosopher. A whole range of their letters written between '25 and '75 have been published, and it has been suggested that much of what she actually thought about a whole range of these questions was influenced by her relationship with Heidegger.

There's much more one can say about her. We are going to talk about not just the fact that in 1961 she went off to Jerusalem to report on the Eichmann trial, writing a series in the "New Yorker", which became the book, "Eichmann in Jerusalem" which is really the subject matter of our conversation this evening. "The Origins of Totalitarianism" written in 1951 was an absolutely crucial book for all sorts of reasons, and we'll come back to that presently. I'm going to play for you a short clip because let's get an idea of who this woman was, give you a feel of it. This is from an interview in 1964, which she did in German.

And it is in a sense, the little clip is in response to the criticism that was showered upon her by someone who had been significantly friendly with her, particularly intellectually, Gershom Scholem, the great Jewish mystic, who had accused her after a criticism of the Jewish councils, et cetera, of actually having a totally insufficient commitment, if I could put it mildly, to her Judaism and to her fellow Jews, and that she in a sense, had dealt with them in a sense where she did not have a conception of , love of Israel, in some existential way.

And she's asked about this in this clip, and here we are. Can give you a sense of who she is. In some ways she does remind me of a great aunt of mine, you'll see with the smoking and her manner. But there's something profound about her response, which will a sense be a segue into our conversation.

Video clip is played.

- Right, I wonder whether Shawna, you can put up the attachment on the Judenrat, the little attachment we have. And David, I'll hand over to you once it's up.

- Pleasure planning it together. And thank you to Shawna and Wendy and Trudy for, you know, initiating this whole idea. I think just one thing I wanted to add to what Dennis was saying at the beginning about Hannah Arendt, one of the reasons I want to suggest that make her so interesting, annoyingly provocative, as Dennis says, like quite a few Jewish aunts I had, and , and yet compelling because, and I think it's the reason for, she blurs the boundaries between three triangular points, if you like. Her philosophical training, her personal experience, as Dennis described, of studying at top university at Heidelberg in Germany, being one of the upcoming

elite under Heidegger, then having to flee under the Nazis, getting to New York.

So the two philosophical points are personal experience, the training and understanding of philosophy, as we saw in that clip. And thirdly, the sense of trying to be philosophical about history and her Jewishness, as opposed to personal, or if you like, "Just because I'm Jewish, therefore I think A, B, C." Following particular strands of historical thought in the legacy of being Jewish. And I think the blurring of those three aspects of a triangle, the personal, the philosophical, and philosophical about history and Jewish history are what she shows there, and I think lead into the notion of the Judenrat, and her highly provocative comments.

And it's not by chance that her book and her thinking has tended to provoke so much response, from the most extremely negative to shall we say tepid, to supportive. Because I think she tries to make the case for the individual voice. Not the voice which follows, to use a terrible phrase going around England and I'm sure many other places now, the herd response. Saying it's right or wrong, but I'm just saying that there's a whole strand in philosophical and artistic thinking to position oneself on the pedestal of a personal voice.

So in reaction to that, what Dennis and I have decided is that I'm going to ask Dennis to help us with the Judenrat, and understanding and getting a sense of that distinction later. And Dennis will kick off with asking me to outline my sense of banality of evil in the middle. If we look at the first phrase here, which I'm sure everyone's read, which Dennis has kindly found and put up about the Judenrat, which is extremely provocative, you know. Wherever Jews lived, they were recognised Jewish leaders, et cetera, et cetera.

The whole truth was that if Jewish people had been really organised and leaderless, there would have been chaos, plenty of misery, but the number of victims would have been far less. Then the reply by Gershom Scholem. "In the Jewish tradition there is a concept, hard to define but, to cut to the English, love of the Jewish people. In you dear Hannah, I find little trace of this. Since the subject was the destruction of a third of the Jewish people, I have little sympathy for that tone, well expressed by the English word flippancy, which you employed so often in your book. And to the matter of which you speak it is unimaginably inappropriate."

And it throws out the challenge of the provocative singular voice, which is coming from a philosophical training and yet has experience which is real of having to flee the Nazis, the skin of their teeth, by the unbelievable, most horrific suffering ever in history of humankind of the Holocaust, the setting up of the state of Israel, and her constant use of irony and wit both in "Eichmann and Jerusalem", the trial, and in "Origins of Totalitarianism" and highly individual in trying to be philosophical about history, totalitarianism and personal experience. In that, I wanted to ask Dennis, if you could help us tease out some of the ideas that you feel, Dennis, that she is referring to here. Is it as crude and simplistic as she puts it here? And Scholem's response? Or do you see other aspects in that as well?

- That's a great question, David. And of course one of the difficulties that if we were actually

engaging with Arendt, and, you know, a whole range of her books on revolution and human condition, "Origins of Totalitarianism", one of the difficulties one has in teaching her is the fact she the master of the aphorism and very often there's not the kind of depth of kind of analysis, which of course I'm not the first to have pointed out, but that makes it almost much more difficult.

But what I think is at play here, David, is something which I'd want to call judgement , meaning how do you judge people who've been subjected, as you rightly say, to the most unprecedented events in history, how do you judge any group or any group of leaders, as it were, who are essentially placed in this extraordinary position whereby they already have very little power, or as Elie Wiesel said in a book in which he wrote about this, in which he said, "Look, these people are running a prison, not a state." And how do you judge people who are running a prison, not a state when they were captives of a far greater power than they could ever be?

And I think that Gershom Scholem in quite a lot of his writing basically talks about that. I mean, she is judging people on the basis almost of saying as you as you rightly say, I mean, that well you know, if you didn't have any of his leadership, if you didn't have any competition, in a way, almost going back to her original idea, if you simply allowed people, as it were, to organise themselves in their own way without actually a sense of kind of collective religious or identity organisation of that kind, you may well have been better off.

Or to put the, you know, I don't think there's anything that may be flippant, but it's certainly an extraordinary statement to say that if in fact the Jewish councils had not been organised, the number of victims would hardly have been between four and a half to six million. Now, just one little bit on the background to these councils, remember they began in '39 and they were set up by the Nazis after the Nazis invaded Poland. And the idea was that these councils were essentially drafted in to, as it were, implement a series of regulations that the Nazis had instituted insofar as, if you wish to use a neutral word, the governance of Jews that was going to take place in the early stages.

Of course, the real issue was that this was a convenient way to outsource the control of the ghettos to this designated group. So that when I say this is about judgement , the real question that one has to ask oneself is, you know, did people have a responsibility for taking these particular positions, which were clearly, as it were imposed upon them by the Nazis? And which is I think the more important point, which goes to judgement, was their wriggle room that they thought they might have had in that period to save people?

And it's very interesting that when Gershom Scholem replies in the letter of which this is a short extract, what he says, which I find quite interesting, is he says, "Who the hell are we," basically I'm putting it in the global term, "to judge this in this impossible, unprecedented situation?" He actually says, "Which of us can say today which decisions we would've taken, we would've chosen to taken in those circumstances?" How can we ex post facto even begin to presume what is best?" And then he does say significantly, "There were Judenraten that were swine, but

there are others that were saints."

So in a way, what we are talking about here is that unbelievably interesting and yet terribly provocative point of how do you judge people who are placed in unprecedented and violent and oppressive situations of this kind? Frankly, I find that extremely difficult to do. And I think Scholem's, I'm on his side, but I want to complete this by saying, as you rightly pointed out, David, she wasn't alone in this. Just to give one quote of somebody who is, you know, a particularly famous, a psychologist, Bruno Bettelheim, who was an aside on this.

And Bettelheim said, "No doubt the stories of the ghettos would have been different if most Jews and their leadership had not been more or less willing, out of anxiety to cooperate with the Germans, if they had not opposed the small minority that called for resistance at all costs, including violent fighting back. No doubt many Jews would have been quicker to support the pitifully small fighting minority had they been told what lay in store for them by Jewish leaders who knew, or should and could have known, what fate awaited them.

Many others might have tried to escape." And it's a really powerful point, but I wonder whether that is a point which is made with the benefit of hindsight, of a kind that seems extremely difficult to judge. Just one point on that, you may remember of course yesterday I spoke about Kovner's testimony during the Eichmann trial in which he said, "Actually these people were behaving rationally. The irrational people were the people who sought to actually launch attacks against the Nazis." And so David, my own view about this is it really comes down to a question that everybody on this call, on this discussion, on this lecturer can think for themselves, what kind of judgement do you make of these cases and how do you do that?

And it seems to me, it's an extraordinarily contested site. I am sympathetic to the argument that these people who were in the Judenrat might well in a sense, some of them, as Scholem said, have been far too acquiescent. But I have to say I can't find in myself to be able to make a judgement call in that situation, which I think means, and Arendt wrote a lot about judgement , which I think means judgement can only take place when in a sense the context in which the judgement takes place is something which is comprehensible as opposed to utterly incomprehensible, which is what was engulfing the Judenrats at that time.

- Dennis, thanks so much because I think you hit the nail on the head about the idea of judgement , and I think when I look at that statement and think about it so much, it's completely ludicrous and it's completely insulting, and I would say that looking at it cold and as you say, from hindsight from now, and thinking of anybody who went through anything connected to the Holocaust or the whole Nazi period, it's completely outrageous. Ludicrous actually, 'cause I think it's insulting. And as you bring it to the question of judgement, for me, I agree it's less of the love of the Jewish people necessarily, but it's the idea of, you know, who the hell are we to judge?

The only one thing, and that's why I mentioned those ideas in the beginning is that, and this is not to condone Hannah Arendt here on this at all, but if one thinks of the milieu, or the context

that she comes from, it's the Weimar, there's been Vienna before in the '20s, there's Berlin, there's Germany, there's Einstein, Freud, her, so many Jewish and others, so many discoveries, inventions, scientifically, new thoughts philosophically, new thoughts in terms of technology, social contract, ways of being, ways of living, notions of pension, whatever. All the things from the very concrete to the more abstract. Highly individualist thinkers is what I'm trying to get at, in this context of Vienna and Berlin and other parts of Austria and Germany.

Coming through art, you know, the surrealists, the Dada, et cetera, the literature, the writing, it's an explosion of individual voices and many of them Jewish. And I think the only thing that she is unconsciously part of is to feel the right to pursue the individual voice, which I think is what we are getting in that clip. It's before and therefore feel she has a right to make these ludicrous and insulting judgement calls in the book, and the aphorisms that you mentioned from Wittgenstein to Einstein to so many of them, constantly coming up with these wisdoms and aphorisms, Kafka, you know, whoever, that, you know, strike us like lightning bolts out of the blue, and are intended to be provocative.

You know, that's part of the cultural milieu of the time, and therefore what I'm doing is putting, I suppose, a slight extra shade of the hearing of this, and the notion of the right to be provocative. Whether she has the right to be so provocative about the Holocaust, I don't think. And I'm not trying to put it on a pedestal, but it is so wide-ranging and so extraordinary, and so unbelievably horrific in human history and Jewish history obviously, that I wonder if there's anything that you wanted to link to that and the idea of Arendt and why we constantly or so often come back to her phrases and others feel the need to argue against or react against.

- Well, that's a really interesting point. I mean, just one aspect about the philosophical question. One, I haven't got time to do it this evening, but if you looked at some of Martin Heidegger's work, you know, the whole question of being. Dasien, D-A-S-E-I-N. I'm probably pronouncing it wrongly. You know, you could well argue that there was a serious influence there of the idea of the individual, of the way he was grappling with it, notwithstanding all his Nazi theories.

There's a very profound philosophical strain there which one wonders whether Arendt actually one way consciously or subconsciously absorbed in this idea, which I think you're quite right about, looking through the prism of the individual and not the collectivity. And it's very troubling 'cause as you rightly say, the idea that you, and there's something curious. Well, it comes back to the other theme which we'll get to, the universal jurisdiction stuff, which is a sense of Arendt's inability it seems to me to kind of make the connection to the fact that identities shape us so many ways, including our Judaism, which is peculiar because that's why I emphasised her career from '44, in fact onwards, from '41 onwards, in which she was intimately involved, including Zionist activities I might add, at an early stage.

One other point David, before we move on. She may have been prompted to this. If one reads the legal text of, sorry, the record of the Eichmann trial, not that I've read everything, but I have

read enough to know this, that at various points in time both Judges Halevi and Raveh, not Landau, but the other two were quite probing about Jewish complicity, right?

You may remember because of, or I'm not saying you, but our colleagues here who listening may remember Trudy's wonderful lecture about Kastner, where she was talking about, you know, the way in which Halevi himself had used that trial for political purposes to get at Ben-Gurion. And in a way, you know, it wasn't entirely surprisingly that he latched on to Jewish culpability at that time and Raveh and he asked all sorts of questions about the Judenrat which were essentially may well have prompted Arendt think she was onto a good wicket at that particular point in time. But I'll leave it there in terms of that point.

- Agreed, yeah.

- We should move on, and I can ask you about some-

- Dennis just sorry, one thing just to add in, before-

- No, no, this is about time, carry on.

- Dennis and I were talking earlier, we're the product of Litvaks, so we're going to discuss and-

- Yeah, we are Litvaks. Yes, that's true.

- And, 'cause what you're saying about Heydrich is very important, and judgement . That they feel they have the right in this context, because Heidegger's phrase is, and excuse my poor translation from the German, but a kind of, we are thrown into the world, and this thrown-ness, and how we are thrown into the world and then we sort of sink or swim, or we half sink, we half swim, et cetera. That's the nature of being, you know, that we're thrown in without choice, without et cetera.

And then have to find our way between fate and choice, between things thrust upon us, not, et cetera. And then the end, is philosophical debates go on. And I think that that speaks to the individualism, which you then superbly, brilliantly pick up to say, she then goes, pushes it even further, that she and others have the right to judge. And you know, do they have the right, does anybody have the right to judge? In those times, in the '50s and '60s, or us now, as you say, with the benefit of hindsight.

- And it's a question we could pay, I mean, I hope people will discuss, you know, that this hour may prompt them to discuss further as we go on. Now I want to ask you about banality of evil, so sure enough, I could put up the third, the next little extract. I can just, it's a short quotation. There we are, oh it went away. Where's it gone? Oh there, okay. So small I can't, there that's better. Thanks Shawna. "Evil comes from a failure to think.

It defies thought, for as soon as thought tries to engage itself with evil and examine the premises and principles from which it originates, it is frustrated because it finds nothing there. That is the banality of evil." Now it was that phrase and that statement, David you mentioned earlier, you know, why was it that of all of the analyses at the time, that this captured more than any other? And it's a damn good question, because it's dominated the field of the Eichmann trial in almost incomprehensible ways. But I wonder what, you know, I suppose what I'm really getting to, is it became an incredibly critical statement.

People regarded this as an abomination. Scholem and other critics, many, many critics, suggested that the idea that Arendt could consider evil to be banal, and that Eichmann was merely a clerical clerk in a massive cog, and therefore being this banal man, even though he'd perpetuated evil, confirmed the notion that in a sense there was no thought put into this, he was just a cog in a machine. I'm curious as to, I suppose a series of questions as to why this captured the imagination the way it did, and what you make of it as an analysis of Eichmann and the trial.

- Yeah, I think it's, I think as you say, this has been so provocative, incredibly so, and again, a kind of a mix of an, as you were saying earlier, an aphorism. And also I think coming from the philosophical training, which I just want to stress again, that that triangular mix of the philosophical training and the Jewish experience, and Jewish experience and her experience, with Heidegger romantically and fleeing the Nazis, et cetera, working in a Jewish organisation, New York, and so on.

And then thirdly, trying to philosophise about history and philosophise about a trial, you know? And I think she's trying to play a couple of cards here, and you know, extend that idea of the individual provocative voice. Because if we just take the phrase on its own, I think it's nonsense. You know, I don't think it means evil is banal. I think she's trying to find a philosophical way in, not only looking at the guy, as you rightly said last night, it's got nothing to do with the way he looks. You know, of course he's going to look like a clerk. I mean as Shakespeare says, you know, "Dressed in a little bit of authority."

Well, he's not dressed in a little bit of authority in, behind the glass booth. And you know, take away the classic picture of the cap and a bit of an Nazi uniform and so on, you know he's just a, you know, anybody one would pass wherever. As all people who commit horrific deeds, as you were saying last night about, you know, rapists in the dock and so on. It's going to nothing to do with a physical look. It's got to do with trying to see the mindset, trying to understand the mindset that can create evil. It obviously, it doesn't have horns and it doesn't have, you know, fire, you know, flaring from nostrils or anything.

But that's the archetype. And there's still a human desire to find a monster inside. We just have to look at so many contemporary movies, of monsters and aliens and all the rest of it, and the body. But I think it has nothing to do with that. I think it's got to do with four things, fundamentally, and evil can be seen in four ways. There's the internal human nature idea, which

is the Iago. Whether it's out of extreme jealousy of Othello that he manipulates Othello to kill his wife, Desdemona. As Shakespeare says, "Hell is empty, and all the devils are here. And the fault, dear Brutus is not in our stars, but in ourselves." Evil is a subjective moral phenomenon. It's internal, it's a moral conflict between conscience and reality.

But it requires thought to understand that. In "Faust" it's also, man is born with the capacity for good and evil. So all these thinkers around, post Shakespeare's time, Goethe and so many others, post religious doctrine. It's an internal quality, evil, which is a conflict between conscience and action. And it's the thought of the mind that is able to reach that conclusion and then act. That's why I think she focuses on thought. For Freud, it's the breakdown of empathy, and the need to create an other. To demonise the other as, you know, inferior, subhuman, et cetera. And that, if you like, excavates empathy.

Then the second idea after the internal human nature thought of evil is that external forces tempt man, that evil is an outside force. And I think we can dismiss a lot of that, because that comes from the more religious traditions of Western civilization, where it might be the evil, you know, is tempting, and therefore one sins against God, or whatever the religion, and so on. Or the Commandments, et cetera. There are external forces which tempt, and therefore sin results. There's the third one, which JFK was very fond of quoting from Dante.

"The hottest places in hell are reserved for those who in time of moral crisis preserved their neutrality." The do-nothing approach, those who just sit and do nothing, That in times of moral crisis, preserve a neutrality, do nothing. And Einstein picks up on it, that the world is an evil place to live, not because people are evil, but because of the people who do nothing about it. And I think that's the reaction of a very contemporary way of thinking, which Mr. Einstein sees, and it's also Dante, that it's the do nothing which allows evil to take the vacuum that totalitarian or other power has usurped.

Those are the three approaches, the internal human nature approach. The second external forces, the third the do-nothing, sit aside. Well, when the vacuum is created, and yet do nothing. And then the fourth, the last one, is that there's an Eichmann in all of us. And I think these are the four ideas of human nature that I think she's trying to allude to, which requires a conscious thought. And if I can mention very, very quickly, the last one is really summed up by the Milgram experiment. And Milgram was very influenced by Hannah Arendt's book, and he was Jewish at Yale, and he did this, he was psychologist who three months after the trial, and had read Arendt's articles in the "New Yorker".

He, I'm sure many people know, but just to briefly sum it up for, perhaps people don't know. Milgram asked a question, was it just following orders? Was it just blind obedience to authority? Was it German, was it anybody else who could have done it? Where is the source of this evil? And the experiment he set up was very simple, that there was an actor in a room, and the actor was pretending to be connected to electric volts. And then in another room there were the participants, who would come and could press a button to increase the voltage. And there was

an actor dressed in a white costume, in a white doctor's, scientist's coat to give instructions, to be the authority voice.

And the people were brought in, they were shown the person in the other room, and they were all told that this person has a weak heart. And then the participants would come into the closed room where they couldn't see the actor who was wired up. And of course the actor isn't really wired up. So the person comes into the other room and has to press buttons. And the scientist, pretending scientist, really actor, has to say, "Right, could you please press it at 50 volts? Ask the question if the question is answered wrong, 50 volts, and then increase the voltage all the way." 450 volts is lethal killing with or without a bad heart, and the participant knows this.

So you have all of these people coming in, doing this, following the authority voice. And Milgram wanted to see was it German, was it American, was it nation specific, race, religion specific, anything? And what he discovered was that 65% of ordinary Americans who came to this, pressed the button for 450 volts. Some of them were anxious and scared, but they did it. They could have walked out at any point. And of course he had the person in the other room, the actor, screaming and shouting and pretending to be electrified, electrocuted almost in a sense. But 65% went above the 450-volt killing point.

Why, what obedience to authority? Where's the evil located there, in the scientist giving the orders? In the participant carrying them out? In the society, in human nature, where is it? This was redone out of interest by the BBC in England, and the result was 75% pressed the button in 2009. It was redone in France in 2010, and 80% pressed the button. It was redone in Poland a couple of years ago, and 83% pressed the button. So in recent times, it was even higher than the 65% in Milgram's time. And I know there've been many criticisms of his experiment, many critiques, all valid and very interesting. But the fundamental is there, where is the evil located? To go back to Milgram's fundamental experiment, which is fascinating.

And I think to come back to the question here, what is the banality of evil? It's the lack of thought, the ability to distinguish between whether it's the internal human nature argument, the Iago, which Shakespeare sums up for me so brilliantly. "The fault dear Brutus, is not in our stars, but in ourselves." Even Freud, the lack of empathy, how we create a demonic other or a dehumanised other, and that's the enemy to be destroyed. Secondly, the external force, this idea of sinning which is religious, whereas in contemporary times, we are perhaps more secular about the idea of sin.

The thirdly, the do-nothing approach is evil in itself because it allows it to flourish. And fourthly, this idea of, it's not actually nation or religion or anything bound, but it's an obedience to authority. It's again, a kind of a meta, if you like, sociological human nature approach, almost like the first one, it's internal to us. An Eichmann in all of us. And I know I'm spreading the wings from the actual trial, but in trying to tease apart these two-and-a-half lines here, that in all of this somewhere, to understand this incredibly complex notion of evil.

Somewhere, I think Eichmann touches the base of all of these four, because there isn't enough thought. If he thought seriously, you know, that these are human beings, if he thought seriously, "These are not Jews first," if he thought seriously, et cetera, et cetera, you can see the rest of the thinking. I think that her phrasing is horrific, it's ludicrous. It's intentionally a game of philosophy to provoke, and to be individualistic in that voice.

And therefore I think it's out outrageously ludicrous, and it's an insult to anybody who went through anything of this, of the Holocaust. It's an absolute outrageous insult. To go back to your fantastic phrase Dennis, it's a judgement , and I think it's banal in the way of expressing. What it provokes in us is what actually, what interests me really, is what is evil? And the banality is when the thought isn't taken far enough. Othello doesn't take it far enough. Iago doesn't, in Shakespeare, internal human nature.

Freud, the breakdown of empathy, the ability to make others inferior, minimally human, et cetera. You know, savage, primitive, deceitful, conniving, cheating, whatever, the stereotype created, we can either do nothing, and then foresee an Eichmann in all of us. I think that the character of Eichmann for me touches something of the four bases. And that's the thought that somebody in Eichmann's position as a Lieutenant Colonel, not as the General, of Heydrich and whatever, which he makes a lot of in the book, I think he touches somewhere all of that. Plus obviously the bureaucrat that you mentioned, which is partly but not entirely at all, he's aware.

- It's interesting you mentioned, I mean it is true of course that the Milgram experiment was to some extent influenced by Arendt's philosophy. And it is true that notwithstanding all the criticisms, it has stood the test. What I think however comes out of that too, if I can just add to that, is that she was grappling, if you want to take it, put it in the best possible light, she was grappling with what the question of thought or intention, particularly intention, what does intention mean?

And for her, the idea was that intention in the way we talk about it, is if you intend to do something, particularly as a political being, the idea of intention is ultimately that you think about the implications of your action, not just for yourself, but for the other as well. And the idea here was, that in fact Eichmann never thought about the implications of his intention for anyone other than himself and his little group, as it were, or a large group, if the case may be. And that the banality, as it were, wasn't banality in the sense, she didn't use the word banality, I think deliberately she didn't use the word, that it was unimportant or trivial.

I think unfortunately for Arendt, as we've discussed, she uses words without amplification. And I mean your amplification, if she'd set up what you've done, or indeed set out the idea that what she had in mind was this idea of some reflective intention, which there wasn't here, well then that's slightly different. There is one other aspect though, and it comes of Judith Butler, who mounts a fairly resolute defence of Arendt in recent times, talks about the fact that what she might have meant by this was banality was irregularity.

The idea being that you get to the point with this level of evil, that over time it repeats itself in all sorts of ways, and becomes the new normality. And in a way, it's almost the ordinariness of it that we actually get immunised from, it's fascinating. Just if I can give two illustrations of that. They're not the same, but they just, they tangentially illustrate. I was interviewing yesterday for a "Daily Maverick" webcast that I do, Thuli Madonsela, the ex public protector, and I asked her about gender violence, and the violence, for example, of the police, in which a man called Colin Cosar was murdered, and why we did not have the same outrage in South Africa as they had about George Floyd, in not a dissimilar situation.

And she said to me, "Because the level of violence in South Africa is such that it has a level of normality, that it takes far more for people to be outraged by it." And I know that's different, but it does condition people in a way. And there was a sense in which Arendt was worried about that. And then there's just two other aspects David, which I think comes, one which definitely fits in with your categorization. I've often wondered over the Apartheid era, is that all those people who tortured and murdered people and then went to Sunday church and had family rows, with their families, you know?

That they come home at night and their wives say to them, "Did you have a good day at office, dear?" After they'd killed 10 people. And the question that in a sense is, is that because of a lack of thoughtlessness, or is that because of a thought of a perverse kind, which is that actually you do have thought of a kind, because the Eichmann psyche lurks in all of us. And just one final point about that, the one thing I think we can say for certain about this quote and about Arendt's analysis, is that she was fooled by Eichmann, because Eichmann unquestionably portrayed himself throughout his cross-examination and examination-in-chief as that bureaucrat who took orders.

But we now know from many books that have taken place subsequent thereto, and much evidence that was not available to Arendt at the time, that he was a truly committed Nazi. And that there's the book by, "Germany's Story", I think Barbara Sangnief, in which she had access to all of the documentation which came out of Argentina, which showed absolutely clearly that this was not a man who didn't think about it.

This was a man who was deeply committed to the Nazi project. And so one wonders if Arendt, if she was sitting here discussing this with two of us now, and we actually gave her all that material, would she have said the same thing about Eichmann? She was bloody obstinate in the sense that even though there was a huge amount of criticism offered, she stuck to her guns. But I've just raised that point, that the evidential basis of the statement in relation to Eichmann really didn't stack up, given the evidence that there was. It showed to some extent how manipulative Eichmann actually was.

- I agree with you, and I think it's a really good point you're making, because I think my instinct is that Eichmann learned from Speer in Nuremberg, and he saw the clever tricks that Speer was playing, 'cause I don't believe for a second that Speer didn't know. And this I think was absolute

nonsense, I agree, that Eichmann was just a bureaucratic cog in the machine. I think it's garbage, you know? And I think it's an outrageous and yet so obvious kind of approach, you know, that he pretended to be the vacuous mind, or like Speer pretended that he didn't know, you know? But a sophisticated way from Speer, which has a charm attached to it. Or maybe there was a deal done with the Allies before, I don't know. That might be my conspiracy theory stuff. Or otherwise, and Eichmann certainly knew, and was committed, as you say, the whole Hungarian experience is total obvious, you know?

So I think it's that word banality and with it, as you're saying, the regularity of it. I think it comes back to again, that in two-and-a-half lines, she's trying to combine aphorism and philosophy and provocation and individualism, all of these things, knowing that she wants to almost top everybody. I think there's something of a malicious game going on, I really do. But one can't ignore this idea of, there's an Eichmann in everyone, isn't there? And that in being so provocative, it makes everybody else furious, angry, livid, supportive, whatever, to try and tease it out for themselves, you know? It does achieve a non-banal aim, ironically. Any other thoughts you wanted to add to that?

- No, let's just move on to the third. I think we, yeah, yeah, you want to? The third of course is the issue of the universal jurisdiction.

- Yeah, and I wanted to ask you Dennis then, so the third idea that we are going to talk about briefly is now, is your sense of did the state of Israel have the jurisdiction to have the trial pass judgement , and in something which involved the Jewish people and the state of Israel being obviously primarily set up for the Jewish people?

- Yeah David, I will do this briefly. I can see Arendt's argument, and obviously it comes out of our discussion, her cosmopolitan view of the world in which, certainly after "The Origins of Totalitarianism", where she was extremely anxious about what the nation state had done, and where literally millions of people had no nation, no anchor, nothing, that she was trying to construct a cosmopolitan vision which transcended the nation state. And therefore the argument being that, "Oh well, we should have this trial, which is a crime against humanity, in an international location," and no particular group should be able to claim, as it were, credit or alternatively total effect for what had occurred.

As I indicated last night, I mean, there's merit in that argument, save for this, that I think she underestimated the organic connection, the nexus between Eichmann's deeds, and the question of identity of Jews in general, and therefore directly the state of Israel, which was inextricably linked to that. Because we're talking about a country that literally was born three years out of the ashes of Auschwitz. It was inextricably linked to that. There was an organic connection between what Eichmann had done, and the state of Israel in general and the population. And as was indicated yet last night, I mean the floods of people who went there, all of those survivors, all of these people who really were vested, invested in this trial in so profound a way.

I think she underestimates the fact that although the idea of universality is terribly important, one wants to hold onto that, we are still identifiable in a whole range of particularity, and Jewish particularity here was vital to everything. And I do think to that extent that there was a tension between Arendt's attitude to the idea of the fact that this had to be the repository of humankind, and therefore be an international tribunal, and the fact that she'd underestimated or overlooked the importance of the organic nexus between the events that unfold at that trial, and the psyche of a people who had utterly been ravaged by what had occurred.

But clear she holds on to this international view. And I wanted, just by way of conclusion, because I'd raised it last night and just make the point. She did, interesting enough, notwithstanding all her criticisms of the trial, justify, she actually supported the death penalty, which I find really interesting. And I just want to read the concluding passage of the book, because I think it reflects exactly the universal nature thereof. She says the following, she addresses Eichmann directly in the book. "Let us assume for the sake of argument that it was nothing more than a misfortune that made you a willing instrument in the organisation of mass murder. For politics is not like a nursery, in politics obedience and support are the same.

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 and any right to determine who should and who should not inhabit the world, we find that no one is, no member of the human race, be expected to want to share the earth with you. This is the reason and the only reason that you must hang." Now there's a lot in that, but I'll just make one point about it. You can see that what she's actually saying as an antidote to that, "You as Jews can't claim entire victimhood either.

This is a victimhood of the humanity. and therefore that's why it has to be universal, a universal jurisdiction, just like you aren't prepared to share the world with Jews and with others." And that's a serious tension, which I think upon reflection, I am persuaded by the argument that in fact the nexus was so important that it was the place that the trial should have taken place, and I think she was wrong on that particular point. Whether she was right on the death penalty, wow, that's an interesting question. And as an abolitionist, I find myself absolutely torn. I'll just make one final point about this. I had a wonderful email after last night's lecture from Gideon Hausner's son.

And he raised a point that I did not know. I knew that Hausner had agonised about the death penalty. Hausner was a liberal, but what he course he emphasised was how much Hausner was troubled by the imposition of the death penalty itself. Which itself, if I could go back to where we were, the banality of evil, is for me a very fascinating thing. And it's something which is important, because I think, you know last week in the Pascha, we read about , the covenant and loving kindness. Because, and we regard the question of justice and the covenantal commitments that we have one to the other as vitally important.

But other than that, outside of that, there's a residual notion of love and affection for our human

beings, which is an absolute residual value, which we are enjoying, as it were, to follow. That's the basis of the Pascha. And it struck me that when people like Gideon Hausner and others, and Levi Eshkol Yosuf Berg, who was a religious man, when all three of them were agonising about the death penalty, it seems to me that that was the very antidote of the banality of evil thesis. That there are people out there who, notwithstanding the terrible to moral dilemmas faced, hold firm under certain moral convictions, come what may. And I think that basically is what gives me hope for this world.

- Dennis, I agree entirely. That's the 35%. Give it back to Mr. Milgram.

- David, you may want to come up, I've had my say. You take it from here.

- I just want to thank you so much and thank Wendy, Trudy, and-

- And you too.

- Now Trudy's going to give us a summation now. And Shawna and Judy, and everybody for sharing with us. And thank you Dennis in our preparation for this, and that in a way we are having our own discussions now decades after, but I think this is going to go on and on forever. Not only why is this not different, but you know, it provokes so many of the most profound questions about Jewishness, Jewish history, the greatest, the most horrific crime in history of them all. And one of the absolute leaders of it, no question, the Lieutenant Colonel Eichmann.

And I hope that we've been able to be a little bit less provocative than Hannah Arendt, but in a way to take her more seriously, although she probably wanted this kind of thing. And, 'cause I can imagine her being a kind of academic, and you know, wanting some of these, this stuff afterwards. And just the sense of the utter crucial importance of everything related to the Holocaust and to Eichmann and the trial in global and Jewish history, without a doubt. And I think it's one of the most important pivotal moments in, obviously in Jewish history and in global. Thank you for sharing, and over to Trudy.

- And we're asking that Trudy, we have to hand over to Trudy now. Sorry, I have instructions and I follow them.

- Thank you Dennis, thank you David. I think that was an extraordinarily profound event. We've looked at the history, we've looked at the legal aspects, and tonight it was really about the philosophy. I think the conversation will go on, I think out of this kind of work, and I know how much people have appreciated it. I think, well there are big debates we need to have about the death penalty, and to go further on the nature of evil.

These are the things that keep us going. I'd like to thank you both profoundly. I was riveted by this argument. I think it was more than we could have hoped for. I'd like to thank you both and on behalf of all of our audience, thank you. And with any luck before the Yom Tovim, we will

once again come back to this kind of issue. As David said, it is one of the most profound issues, not just in Jewish history, but in world history, and we must continue to grapple with it. That to me is the human condition. So thank you both and bless you all, God bless.

- Okay.

- Thank you.

- Night everybody.

- Night everyone.