

## The Power of Non-Reconciliation – Arendt's Judgment of Adolf Eichmann

*By Roger Berkowitz*

Academic director of the Hannah Arendt Center for Politics and Humanities and Associate Professor of Politics, Philosophy, and Human Rights at Bard College

Hannah Arendt's *Eichmann in Jerusalem* has caused controversy for all the wrong reasons. Arendt's criticisms of the *Judenräte* for cooperating with the Nazis and protecting their friends and families while selecting Jews to be sent to the camps is well commented upon, if rarely thoughtfully considered. Her insight into the banality of evil is now common sense, which makes it an easy target for those who seek to discredit her criticisms of the trial in Jerusalem. But Arendt's rejection of the Israeli Court's legalistic response to Eichmann's great wrongs—and her framing of the question of war crimes outside the law and, instead, through the political question of reconciliation—has been poorly understood. As a result, her book has failed to provoke as it ought. The truly radical judgment in *Eichmann in Jerusalem* is Arendt's insistence that the question for the Israeli Court was one of reconciliation versus non-reconciliation rather than punishment, and thus her argument that the Israeli judges should have dared to judge politically rather than legally.

The judgment that Eichmann must die, Arendt argues, should have been a singular, political, and non-legal judgment that no common world was possible. What was called for in the Eichmann trial was, she argued, was an extraordinary judgment—one not grounded in law—that such things as Eichmann did ought not to have happened. Eichmann must die in order to state unequivocally that we reject a world in which he and the deeds he helped enact could happen. Eichmann must die, in other words, because something happened in Germany to which we, as human beings, cannot be reconciled.

### I.

Arendt went to Jerusalem to cover the Eichmann trial for at least two reasons. She went, first, as "part of her continual interest in and study of totalitarianism." (Zertal, 2010, 132) Arendt had already described Eichmann's type in her book *The Origins of Totalitarianism*, a lonely man who would choose the logical consistency of an evil totalitarian worldview over facts and the claims of conscience, someone who would do the most unconscionable and unthinkable evils simply for the elation of belonging to a movement. (Arendt, 1973, 474-478) She suspected she would find Eichmann to be vacuous, an empty vessel, a "déclassé son of a solid middle-class family," uprooted and lonely, looking for meaning by joining a movement, whether the Freemasons or the Nazis. (Arendt, 1977, 31-32) But, she had "never seen these people in the flesh," as she wrote in a

letter to the Rockefeller Foundation. (Cited in Zertal, 2010, 132) It was to encounter Eichmann, the middle-class mass criminal that Arendt went to Jerusalem.

Arendt also went to Israel to think about the problem of judgment. "Justice," she writes in her postscript to *Eichmann in Jerusalem*, "is a matter of judgment." (Arendt, 1977, 296) Having considered the trials at Nuremberg and Tokyo, Arendt came to believe that the "fundamental problem" infecting all the post-war trials is the "nature and function of human judgment." (Arendt, 1977, 294)

## II.

The problem of judgment is doubled in trials addressing crimes against humanity. On the one hand, the premise of the trials is that we find human beings guilty not, as is usually the case, because they violated laws, but rather for following laws that ought never to have been made, let alone followed. Eichmann "had committed "legal" crimes" by scrupulously and enthusiastically following unjust laws. He was of a type that "would have had a bad conscience only if he had not done what he was ordered to do: to ship millions of men, women and children, to their death with great zeal and the most meticulous care." (Arendt, 1977, 25) What Eichmann was guilty of was not lawbreaking, but thoughtlessly and even enthusiastically (they are not contradictions) following inhuman laws. Undoubtedly evil and irrefutably guilty, Eichmann's crimes were of a new order that could not be encompassed by traditional legal forms.

On the other hand, Eichmann's crimes called for a legal judgment. Justice, in order to be done, "must be seen to be done," and for that justice demands a legal trial. (Arendt, 1977, 277) The paradox at the heart of the Eichmann trial was the simultaneous need for a legal response to obvious and horrific wrongs combined with the recognition of the inadequacy of all legal responses to those wrongs. As Arendt wrote to Karl Jaspers before the trial began: "We have no tools to hand except legal ones with which we have to judge and pass sentence on something that cannot even be adequately represented either in legal terms or in political terms." (Arendt/Jaspers, 1992, 417) For Arendt, honest judgment of Adolf Eichmann requires admitting a hard truth, that the law is the necessary albeit imperfect and ultimately inadequate means to deal with the new kinds of bureaucratic criminals that Eichmann represented.

The question that Arendt brings with her to Jerusalem is: how can a legal trial do justice to a crime so extraordinary that it bursts the bounds of legal comprehension? This was, for Arendt, an old question. Already in 1946 she had written that "Nazi crimes, it seems to me, explode the limits of the law; and that is precisely what constitutes their monstrosity." (Arendt-Jaspers, 54) There is a difference, Arendt continues explaining her point, "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." (Arendt-Jaspers, 69) In 1946, however, Arendt could admit that her attempts were still undeveloped and that she had not "understood what actually went on." (Arendt-Jaspers, 69) The opportunity of attending the Eichmann trial was, among other things, a chance to finally confront the

question of whether and how the law could respond to organized and administrative massacres.

Arendt's response, after observing the Eichmann trial, is to affirm the "inadequacy of the prevailing legal system and of current juridical concepts to deal with the facts of administrative massacres organized by the state apparatus." (Arendt, 1977, 294) It was this inadequacy of the legal response to the evils of the holocaust that, above all, is the radical target of Arendt's book. And it is Arendt's turn to the political question of reconciliation as an alternative to the failure of legal punishment that must be seen as the truly radical claim of *Eichmann in Jerusalem*.

### III.

Arendt's focus on the incapacity of legal judgment to address bureaucratic mass murder is the background for her comment upon the "word-and-thought-defying banality of evil," an idea mentioned once, in the last line of the book proper (not including the epilogue and postscript). (Arendt, 1977, 252) It is precisely because Eichmann was so normal — "more normal, at any rate, than I am after having examined him," in the words of one Israeli psychiatrist — that he posed such a challenge for legal judgment. (Arendt, 1977, 48) Eichmann was punctilious about obeying the laws and regulations under which he found himself. He took pride in his lawfulness and his doing his duty, and he mistakenly invoked the categorical imperative to justify his sacrificial devotion to the law. In what Arendt saw as Eichmann's chilling vacuity that comprised the core of his evil, he — and those like him who populate administrative bureaucracies of mass killing — performed the most evil of deeds while lacking the guilty mind that is the basic quality of criminality in modern legal thinking. Indeed, the trouble with Eichmann was that he represents a "new type of criminal" who, lost in a nameless bureaucracy, "commits his crimes under circumstances that make it well-nigh impossible for him to know or to feel that he is doing wrong." (Arendt, 1977, 276)

To say that Eichmann was normal and banal is in no way to excuse or justify his actions; it is simply to say, as Arendt did, that his type presents a challenge to the prevailing legal doctrines of criminal responsibility. As Arendt writes, "Foremost among the larger issues at stake in the Eichmann trial, was the assumption current in all modern legal systems that intent to do wrong is necessary for the commission of a crime." (Arendt, 1977, 277) The very pride of Western legal thinking since Hegel has been the insistence that in a rational system of law, punishment is only justified when the criminal knew that he was in fact doing something wrong. Arendt takes aim at this most basic precept and insists that the wrongdoer's guilty mind, his *mens rea*, is not relevant to the judgment of those who have participated in grave and harrowing humanitarian crimes.

Arendt's attack on the foundation of modern criminal jurisprudence is born from her willingness to take seriously the actual legal problem of the Eichmann trial. The problem that the Israeli Court faced was to judge whether Eichmann — who admitted to his role in the administrative massacres of the Holocaust — had violated any laws. Eichmann was charged in Israel with 15 counts, of which 12 concerned his activities. Four of these 12 addressed his crimes against the Jewish people and eight concerned "crimes against

humanity." In law, each one of these crimes requires a certain *mens rea*, a state of mind or intent. In other words, the law requires that Eichmann intended to cause the "killing of millions of Jews" (count 1) and non-Jews (count 5); that he intended to place "millions of Jews under conditions which were likely to lead to their physical destruction" (count 2); that he sought to cause them "serious bodily and mental harm" (cause 3); that he directed "that births be banned and pregnancies interrupted among Jewish women" (count 4); that he knowingly or recklessly "persecuted Jews on racial, religious, and political grounds" (count 6) and intentionally engaged in the "plunder of property...linked with the murder ... of these Jews (count 7) and other war crimes (count 8); that he intentionally expelled "hundreds of thousands of Poles from their homes" (count 9), "fourteen thousand Slovenes" from Yugoslavia (count 10); that he was intentionally responsible for the deportation of Gypsies to Auschwitz (count 11), and the deportation of 93 children from Lidice, a Czech village (count 12) — of this last charge he was partially exonerated.

The problem was, as Arendt reports, that the Israeli court rightly judged that Eichmann did not actually possess the requisite *mens rea* for these crimes to justify a guilty verdict, at least under traditional juridical concepts. (Arendt, 1977, 244-246) The judgment by the Israeli court accepted Eichmann's own legal analysis, that he was "guilty only of 'aiding and abetting' in the commission of the crimes with which he was charged, that he himself had never committed an overt act." (Arendt, 1977, 246). In the Court's words, Eichmann was guilty of aiding and abetting a genocide:

What the judgment had to say on this point was more than correct, it was the truth: "Expressing his activities in terms of Section 23 of our Criminal Code Ordinance, we should say that they were mainly those of a person soliciting by giving counsel or advice to others and of one who enabled or aided others in [the criminal] act." (Arendt, 1977, 246)

It is crucial to recognize that both Arendt and the Israeli Court concluded that the evidence did not support a finding that Eichmann had the *mens rea* needed to find him guilty of crimes against the Jewish people or crimes against humanity. And yet both Arendt and the Israeli Court knew that Eichmann was guilty and that they needed to figure out a way around the traditional *mens rea* requirement.

The Israeli Court's workaround of *mens rea* is simply to say that in cases of bureaucratic crime and administrative massacres, those most guilty are those who are furthest from the doings of the actual deeds. "[I]n such an enormous and complicated crime as the one we are now considering," the Court writes, one

wherein many people participated, on various levels and in various modes of activity--the planners, the organizers, and those executing the deeds, according to their various ranks--there is not much point in using ordinary concepts of counseling and soliciting to commit a crime. For these crimes were committed en masse, not only in regard to the number of victims, but also in regard to the numbers of those who perpetrated the crime, and the extent to which any one of the many criminals was close to or remote from the actual killer of the victim means nothing, as far as the measure of his responsibility is concerned. On the contrary, in general *the degree of responsibility increases as we draw further away from the man who uses the fatal instrument with his own hands.* (Arendt, 1977, 246-47 (italics added by Arendt))

Arendt offers little comment on the Israeli Court's explanation for finding Eichmann guilty in spite of his lack of *mens rea*. And yet, it is clear that she does not think the Court's reasoning sufficient.

#### IV.

The "failure of the Jerusalem court," as Arendt writes in her epilogue, is most deeply rooted in its inability to confront the radical challenge that Eichmann's bureaucratic personality posed to legal judgment. What the court could not see and still remain a court of law was that Eichmann's guilt—Arendt never wavers from her conviction in his profound guilt was not of the kind recognized by our "civilized jurisprudence" that insists guilt be accompanied by intent to do wrong.

Instead, Arendt at least suggests that "Eichmann was brought to justice" on the basis of "long-forgotten propositions" that insist that "a great crime offends nature, so that the very earth cries out for vengeance." Against the Israeli Court's attempt to work around the law's inadequacy and to find a legal justification for holding Eichmann guilty of crimes against the Jewish people and crimes against humanity—and not simply of aiding and abetting crimes against the Jewish people and aiding and abetting crimes against humanity—Arendt raises the possibility that we punish and condemn Eichmann because "evil violates a natural harmony which only retribution can restore."

The citation Arendt offers characterizing revenge as a response to a great crime that offends nature is from the great legal scholar Yosal Rogat's essay *The Eichmann Trial and the Rule of Law*, in which Rogat suggests that "traditional justifications for punishment do not seem relevant here." The magnitude of Eichmann's crimes, he writes, make a mockery of punishment as a way to reform the criminal or to deter future crimes. At the same time, to speak of Eichmann's punishment as an act of retribution or compensation for what was done is "to assign such a role to him [that] would trivialize the deaths of the European Jews." What is left, Rogat concludes, is perhaps nothing other than the "simple desire for revenge, the feeling that Eichmann must somehow be punished...." (Rogat, 1961, 11-12) Not long ago, he muses, the earth's claim to vengeance was not only not considered barbarous, it was widely accepted.

Arendt shares Rogat's suspicion that modern understandings of criminal law are inadequate to understand Eichmann's guilt; and yet, Arendt does not in the end speak the language of vengeance. Arendt's own judgment, judicially spoken at the end of her epilogue, says simply that she, and the entirety of the human race, cannot be expected to share the earth with someone like Adolf Eichmann. Her judgment, in other words, speaks in the language of reconciliation and, in this case, non-reconciliation. It is this judgment of non-reconciliation that the judges in Jerusalem should have "dared" to offer. (Arendt, 1977, 277) Arendt's judgment reads:

You admitted that the crime committed against the Jewish people during the war was the greatest crime in recorded history, and you admitted your role in it.... We are concerned here only with what you did, and not with the possible noncriminal nature of your inner life and of your motives.... 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. For politics is not like the 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... 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. (Arendt, 1977, 279)

Eichmann must hang, Arendt argues, neither because he broke the law, nor merely as a setting right of the scales of justice through revenge. He must hang, instead, because no human being must be expected to share the earth with him. He must hang, in other words, because what he did was so horrific that it must simply be rejected, eradicated, and said no to. This does not mean it should be forgotten, not at all. Rather, the world in which Eichmann's crimes could and did happen must simply be said no to. In short, Eichmann must hang because his crimes are irreconcilable with a civilized world.

As Arendt explains in an interview with Günter Gaus, the Final Solution and the administrative massacres that Eichmann played a fateful role in making possible exceed the reconcilable and represent something wholly different in history. She describes how she and her husband, Heinrich Blücher, originally could not believe the reports emerging from Auschwitz, reports based on the testimony of two escapees Rudolf Vrba and Alfred Wetzler. Once the facts were confirmed and irrefutable, her response was: "Well, one has enemies. That is entirely natural. Why shouldn't a people have enemies? But this was different. It was really as if an abyss had opened." The abyss that opened separates the Nazis involved in Auschwitz from humanity. This indeed also separates the SS from other Germans in the war. As Arendt says, before she knew of the mass killings in administrative massacres, she "had the idea that amends could somehow be made for everything else, as amends can be made for just about everything at some point in politics." But the administrative terror and genocide in Auschwitz was something new and different, something that, in her words, "*ought not to have happened.*" What ought never to have been is not the number of victims, but the "method, the fabrication of corpses and so on." (Arendt, 1994, 14) These horrors, these abominations, meant that "something happened there to which we cannot reconcile ourselves. None of us ever can." It is the irreconcilable nature of simply inhuman and unbelievable crimes that, for Arendt, is the lesson she takes from the holocaust. And it is this irreconcilability to the crimes that underlies Arendt's judgment of Adolf Eichmann.

## V.

The foundations for Arendt's judgment of Eichmann as well as her thinking about judgment are laid out in her engagement with the question of reconciliation in her *Denktagebuch*. Arendt begins her inquiry in the very first entry of her *Denktagebuch* by characterizing the wrong of a wrongdoer. Written shortly after her return from Germany and a visit with Martin Heidegger in 1950, Arendt begins her *Denktagebuch* with a

reflection on the burdens of past wrongs: “Das *Unrechte*, das man getan hat, ist die Last auf den Schultern, etwas, was man trägt, weil man es sich aufgeladen hat.” (Arendt, 2003, 3) From Arendt’s letters to and from Martin Heidegger, we now know that these lines refer to and build upon Arendt’s response to Friedrich Hölderlin’s poem, “*Mnemosyne*.” Arendt and Heidegger had been discussing the question of revenge and reconciliation and they had done so in the context of Hölderlin’s poem.

*Mnemosyne* begins with the image of ripe fruit, dipped [*getaucht*] and cooked in fire. It is a law, the poet writes, that all things pass on to the hills of heaven, just as snakes disappear into the crevices of the earth. Evoking disappearance, loss, and the question of memory, Hölderlin continues:

Und vieles  
Wie auf den Schultern eine  
Last von Scheitern ist  
Zu behalten.  
(Hölderlin, 1990, 274-75)

What, Hölderlin asks, is it to remember a burden, to bear it in mind? In the fullness of the present, the ripe fruits of history will pass; these ripe fruits, ready to enjoy, have a history. Like logs loaded on one’s shoulders, our present banquet has roots deep in the soil of the past, a past of which there is “much / To bear in mind.” We must, the poet counsels, bear the burden of the past, just as we must know that in the future, all things pass away. Yet, we cannot dwell too long on either past or future. The ripe fruits of the present are to be enjoyed.

As Hölderlin writes, speaking of the paths from past and the paths to the future, “But the paths/ Are evil.” These paths forward and backward can lead us astray and fill us with the longing to lose ourselves in other times and other worlds, for the beyond of our lives. While there is much to be retained—*Vieles aber ist/ Zu behalten*—we must, Hölderlin tells us, move neither forwards nor backwards, but rock safely in the cradle of the now.

Vorwärts aber und rückwärts wollen wir  
Nicht sehn. Uns wiegen lassen, wie  
*Auf schwankem Kahne der See.*

We must attend to the now and eat the fruit when it is ripe. Yes we must remember the dark soil from which the fruit springs; yes, we must peer into the abyss of the future. Ripeness, however, is not to be overlooked in the now.

By equating Hölderlin’s “*Last auf den Schultern*” with the wrong one has done, Arendt opposes the wrong, the “burden on one’s shoulders,” to the Christian idea of sin, “according to which the wrong arises out of the person.” The logs that the wrongdoer carries upon his shoulders say nothing about the goodness or evil of his soul. This is the essential first step of Arendt’s argument that opens the door to move from revenge to reconciliation: The wrong is not something internal to the person and thus it does not poison the inner and moral quality of the person. The wrongdoer need not be punished to

cleanse his soul or do penance for his sin. Instead, the burden on one's shoulders is one's fate, what has been given. The acceptance of that fate is what she names reconciliation. Reconciliation means, she writes, "to come to terms with' reality as such and to affirm one's belonging to this reality as one who acts in it." (Arendt, 2003, 331)

## VI.

The advantage of reconciliation over forgiveness and revenge proceeds from Arendt's emphasis on politics. In *The Human Condition*, Arendt offers forgiveness as a solution to what she calls the predicament of action. Since no man can know the distant and unpredictable consequences of his action, he is " 'guilty' of consequences he never intended or even foresaw." (Arendt, 1998, 233) Without the capacity to forgive and thus free man from the burden of the irreversibility and unpredictability of his actions, man would cease all action. (Arendt, 1998, 237)

Arendt critically limits the province of forgiveness to minor trespasses. Citing Luke's Gospel, she writes that the defense of forgiveness is limited to trespasses: "And if he trespass against thee seven times a day, and seven times in a day turn again to thee, saying, I repent; thou shalt forgive him." (Arendt, 1998, 239-40) As she notes, the Greek word in the Gospels traditionally translated as "forgiveness" is *aphienai*, which Arendt suggests means to "dismiss" and "release" rather than "forgive". (Arendt, 1998, 240) As a release, Arendt's defense of forgiveness does not reach the forgiving of crimes and sins. Instead, forgiveness is limited to the "constant mutual release" that allows men to continue to act in the world.

When crimes are at issue, the question of forgiveness cedes to the judgment regarding reconciliation. The point is that political action is only possible insofar as one judges whether or not to reconcile oneself to a wrong. What distinguishes reconciliation and forgiveness is not the activity of the latter and the passivity of the former; rather, forgiveness is the judgment to "dismiss" and to "release" another from the burden of his crime and reconciliation is the judgment to accept or to reject the world as it is.

Reconciliation and the act of forgiveness are, in other words, two sides of a single coin. In a note in her *Denktagebuch* from 1953, Arendt writes:

*Deshalb ist kein Handeln möglich ohne gegenseitiges Verzeihen (das in der Politik Versöhnung heisst).* (Arendt, 2003, 303)

Forgiveness is what makes human action possible in light of the unavoidable fact that all human action carries with it the uncertain risk of transgression, of intentionally or not, causing harm and doing wrong. Reconciliation, as opposed to forgiveness, is activated precisely when the offending action is elevated from a mere transgression to a sin or a crime. Once the transgression becomes crime and inserts itself in the public realm so as to demand a political response, forgiveness remains humanly impossible and politically impotent. Reconciliation, on the other hand, is what makes politics possible in the face of crimes. Reconciliation is what makes possible the political re-constitution of a common world.



## VII.

What is essential in the decision to enact reconciliation is the judgment to affirm a common fatefulness with the wrongdoer and the wrong. The affirmation of a common fate is what makes reconciliation so important for Arendt's politics. One can only act in public when one knows how to be in the world. Such knowing one's way in the world is called understanding, the standing within and thus also the reconciling oneself to the world. As Arendt writes: "In understanding happens the reconciliation with the world that precedes all acting, that actually makes acting possible." (Arendt, 2003, 331)

Understanding, the way in which one comes to make sense of the world, is a way of rooting oneself in a world. In this sense, "Understanding creates depth." The political activity of making oneself a home in the world depends upon "understanding in the sense of reconciliation." Only someone who is reconciled with the world—someone who accepts the world as it is and comes to terms with the world—can politically act in that world. (Arendt, 2003, 332)

In her essay "Understanding and Politics" published in *The Partisan Review* in 1954, Arendt turns to King Solomon's prayer asking God for the gift of an understanding heart to explore the inner unity of understanding, reconciliation, and political action. Solomon prayed for this gift, she writes, "because he was a king and knew that only an 'understanding heart,'" and not mere reflection or mere feeling, makes it bearable for us to live with other people, strangers forever, in the same world, and makes it possible for them to bear with us." (Arendt, 1994b, 322) Understanding, this "strange enterprise," is not a scientific knowing. Rather, it is an "unending activity" by which we "come to terms with and reconcile ourselves to reality, that is, try to be at home in the world." (Arendt, 1994b, 308) In understanding and reconciliation, the thinking human being acts; he comes to terms with the world and thus, in the act of reconciliation, affirms the world and allows it to be.

It is here, in the decision to affirm one's participation in a shared world, that reconciliation serves to build a political solidarity free from the universal sinfulness of Christian and moral political theology. Because reconciliation "presupposes acting-and-potentially-wrongfully-acting men, but not men who are poisoned by sin," what is reconciled is neither an evil soul nor a sinful humanity, but rather the world containing the "actually existing wrong." (Arendt, 2003, 6-7) In language likely reminiscent of her conversations with Heidegger, Arendt concludes: the reconciling man resolves himself (*sich entschliesst*) to be responsible-with (*mit-verantwortlich zu sein*), but in no circumstances guilty-with (*mit-schuldig*) the wrongdoer and his wrong. (Arendt, 2003, 7) What reconciliation allows therefore, is the development of a common world. Thus, Arendt can say that no political action is possible without reconciliation.

Faced with a wrong, as was the Israeli court, Arendt suggests that we have the choice of either reconciliation—affirming one's acceptance of the existence of a world that includes such a wrong—or silently allowing the wrong to exist. In either case, the judgment is made that reconciles oneself to the existence of the wrong and persistence of the wrongdoer.

Another choice is available as well: namely, in the face of that which is irreconcilable, to deny reconciliation. This of course is the choice that Arendt makes in her own judgment

of Adolf Eichmann: to act beyond the boundary of reconciliation's power to inaugurate a common world. "Reconciliation has a merciless boundary," Arendt writes, a boundary that "forgiveness and revenge don't recognize—namely, at that about which one must say: This ought not to have happened." (Arendt, 2003, 7) Arendt explains what she means by reference to Kant's discussion of the rules of war, where Kant says that actions in war that might make a subsequent peace impossible are not permitted. Such acts, like pogroms and genocides, whether in war or peace, are examples of "radical evil;" they are "what ought not to have come to pass." Such acts are also those that cannot be reconciled, "what cannot be accepted under any circumstances as our fate." (Arendt, 2003, 7) Nor can one simply silently pass by in the face of radical evil.

Arendt's embrace of reconciliation as a response to the wrongs of the world is not absolute. Not every wrong and not every wrongdoer can or should be reconciled. And some wrongs, while not irreconcilable, are bad enough that they don't merit active reconciliation. This indeed is the framework through which she approaches her judgment of Eichmann. While Eichmann himself and thousands like him "were, and still are, terribly and terrifyingly normal," while his subjective will was banal rather than consumed by willful evil, it is nevertheless the case that his deeds—his willing participation in the machinery of genocide—are horrific and radically evil. Arendt condemns Eichmann to be banished from the Earth.

He and his crimes are incapable of reconciliation. Such an act of non-reconciliation is—as is forgiveness in the private sphere — a spontaneous and unexpected act. Unlike a legal judgment grounded in precedent, an act of reconciliation or non-reconciliation has a revolutionary quality of a break, a crisis, a new beginning, one that makes a claim either to reaffirm a common world (reconciliation) or to re-imagine and re-form our common world (non-reconciliation). Just as politics might depend on reconciliation as a way of binding oneself to a common world, so too may politics at times demand that actions and persons be excluded from that world that it might remain a world we can share.

## VIII.

Amidst the many controversies that have attached themselves to Arendt's report on the Eichmann trial, the one truly controversial claim that is the core of her argument is overlooked—that Arendt dares the Israeli Court to judge Eichmann to death outside the law. It is Arendt's effort to set reconciliation in place of legal judgment, revenge, and forgiveness that is the provocative push in her argument, and consideration of Arendt's book should begin there.

## Bibliography

- Arendt, Hannah, *The Origins of Totalitarianism* [1951], new edition with added prefaces (New York: A Harvest/HBJ Book), 1973.
- Arendt, Hannah, *Eichmann in Jerusalem: A Report on the Banality of Evil*, revised and enlarged edition [1965] (New York: Penguin Books), 1977.

- Arendt, Hannah, "What Remains? The Language Remains: A Conversation with Günter Gaus," *Essays in Understanding*, ed. by Jerome Kohn (New York: Harcourt Brace & Company), 1994.
- Arendt, Hannah, "Understanding and Politics," *Essays in Understanding*, ed. by Jerome Kohn (New York: Harcourt Brace & Company), 1994 [quoted as Arendt, 1994b].
- Arendt, Hannah, *The Human Condition* (Chicago: University of Chicago Press), 1998.
- Arendt, Hannah, *Denktagebuch*, eds. Ursula Ludz and Ingeborg Nordmann, 2 vols. (München: Piper Verlag), 2003.
- Arendt, Hannah; Jaspers, Karl, *Correspondence 1926-1969*, eds. Lotte Kohler and Hans Saner, translated from the German by Robert and Rita Kimber (New York etc.: Harcourt Brace Jovanovich), 1992.
- Hölderlin, Friedrich, *Hyperion and Selected Poems*, ed. by Eric L. Santner (New York: Continuum Publishing Company), 1990.
- Rogat, Yosal, *The Eichmann Trial and the Rule of Law*, Center for the Study of Democratic Institutions, Santa Barbara, Cal., 1961.
- Zertal, Idith, *Israel's Holocaust and the Politics of Nationhood* (Cambridge: Cambridge University Press), 2010.