

The Eichmann Trial: A Theatrical Interpretation

by Motti Lerner (trans. Shoshana Olidort)

Introduction

The play “The Eichmann Trial” was written for Habima National Theater in Tel Aviv in 2020, but production was delayed due to the Coronavirus, and the theater has plans to stage the play in 2023. The play deals with the trial of the Nazi war criminal Adolf Eichmann (1906-1962), who fled to Argentina in the aftermath of the second world war, was captured there by the Mossad, smuggled into Israel and tried in the Jerusalem district court. The play opens at the beginning of the trial and ends with its conclusion. It includes 40 scenes, 13 of which are set in the courthouse, with the other 27 set in various locations outside the court, including: the offices of the prosecution, the offices of the defense, the meeting room in the jailhouse where Eichmann was held, the office of Teddy Kollek, director general of the Prime Minister’s office, the office of Dr. Hans Globke, the director general of Chancellor Adenauer’s office in Bonn. The scenes in the courthouse follow selected testimonies of survivors, focusing primarily on the interrogation of Eichmann by the prosecutor, Gideon Hausner. Other scenes follow deliberations in the offices of the prosecution and of the defense regarding their strategies in court, and the pressures the German government exerted on the Israeli government to prevent the trial from raising sweeping charges against the German nation, and against senior staff in the post-war German government administration—including deliberations regarding the threats of the German government to impose sanctions on Israel, such as ceasing reparations to Holocaust survivors, postponing weapons dealings, and postponing funding for the building of Israel’s nuclear reactor in Dimona. As I have noted in earlier articles,¹ writing a play about historical events does not allow for historical fastidiousness, because a historical event do not unfold, in general, in the manner of a dramatic event. The creation of a play, which is a dramatic event, requires certain significant changes in the portrayal of the historic event, in order to arrive at a play with clear dramatic plot and well-formed characters. For this reason, among others, in most cases the playwright is not interested in the historical event as it occurred according to scholarly research, but is focused, instead, on the internal layers of the personas of the characters, which don’t find expression through historical research, and which the playwright constructs from his imagination. Nevertheless, it’s clear that the degree of artistic license one takes with such changes is limited by the ethical imperative according to which the justification for any changes the playwright makes is his subversive uncovering of a deeper truth that could not be revealed without these changes. In other words, while the playwright has complete freedom to choose his purpose in writing the play, ethically he has no right to manipulate his audience, and he has to be prepared to justify any deviations from historical truth, and cannot excuse them simply by invoking “artistic license.”

The purpose² that the playwright chooses, which is bound, as I argue, by the ethical principles mentioned above, is what justifies any deviations from historical accuracy. For this reason, in

¹ Lerner, M (2020) The playwright and the historian: Contradicting and complementing each other
Int J Appl Psychoanal Studies. 2020;1-7.

² Lerner, M. (2014). The playwright's purpose. South Gate, CA: NoPassport Press.

critiquing the deviations I implemented in my play “The Eichmann Trial,” I must first clarify my purpose in writing this play.

The Play’s Purpose

I won’t elaborate here on the concept of the “Play’s Purpose,” or its meaning, I’ll just point out that the purpose of a dramatic play is to generate a catharsis in the viewer, which also produces a change in consciousness and in emotion, which is the reason that the playwright has written the play. The viewer’s catharsis can be produced via the cathartic process the protagonist undergoes over the course of the play.³ The process of catharsis that the protagonist experiences is the same five step process that Aristotle describes in *Poetics*: the tragic flaw (Hamartia), the terrible deed (Deina), the reversal (Peripeteia), recognition (Anagnorisis), and suffering (Pathos). Again, without elaborating in great detail on these various stages, I will simply summarize by saying that the protagonist’s catharsis is created by his struggle to carry out some sublime action that is beyond his capacity, and that is derived from his own hubris. By the story’s end, he fails to actualize the action, and pays a heavy price for this failure. And yet, paradoxically, because of the empathy that the viewer feels toward the protagonist, the protagonist’s failure is what actually motivates the viewer to implement in his own world the very action that the protagonist failed to execute.⁴

The protagonist of “The Eichmann Trial” is the prosecutor, Gideon Hausner, and his primary action in the story is to reveal the extermination system that Eichmann was a part of, to convict him, and, on the heels of that conviction, to also try other war criminals and punish them in order to prevent additional war crimes. Indeed, in the play, Hausner succeeds in convicting Eichmann, but he does not succeed at turning the trial into the harbinger of a universal process that will bring other war criminals to justice and deter future war criminals. In other words, Hausner does not succeed at turning the Eichmann trial into the “Tikkun Olam” project he was aiming for. And yet, as mentioned earlier, it’s specifically this failure of Hausner that makes the viewer recognize “Tikkun Olam” as a sublime goal that he ought to recognize and support, and this, of course, is the purpose of the play.

Is this, in fact, what motivated Hausner in the course of the trial? In his book *Justice in Jerusalem*, Hausner emphasizes that his purpose was “to advance awareness of the Holocaust by means of the trial, so that it would capture its rightful place in the national consciousness for many years,” further emphasizing that “with regards to humanity in general [his purpose was] to include the Holocaust in the order of historical events that the world must remember and must take into account in its political and humanitarian considerations in the present and in the future.”⁵ Of course, he did not use the term “Tikkun Olam,” but the wording he did use is not far off. For these reasons, and because of the strong empathy that I felt towards Hausner in the course of writing, I was able to access his internal world and discover in it this drive toward

³ A detailed account of catharsis as a means for actualizing the purpose of a play can be found in *The Playwright's Purpose* pp. 30-42

⁴ This paradox is known as the dramatic paradox, on which I've written in greater detail in *The Playwright's Purpose* pp. 53-54.

⁵ Gideon Hausner, *Justice in Jerusalem* (Ghetto Fighters Publishing and Kibbutz Hameuchad Publishing House, 1980), 449.

“Tikkun Olam,” for whose sake he mustered all his emotional strength, and on whose account he fought so hard both inside and outside of the court.

The Plot

A play, even when based on a historical event, must have a well-constructed plot to allow the viewer to follow events as they unfold, and in the end to also experience the essential catharsis. For the Eichmann trial, as it was conducted in Jerusalem, there was no well-constructed story in any dramatic sense. Hausner determined the order of testimonies according to geographic territories in which the destruction was wrought. The interrogation of Eichmann took place after the testimonies, and not in parallel, as is the case in the play. In order to create a plot, I needed to create a plot structure, and the structure I chose was based on the idea that despite the efforts of the prosecution, over the better part of the trial, Hausner harbored serious doubts about his chances of convicting Eichmann. This, of course is a choice that I made for the play, but it is based on the historical fact that most of the witnesses that the prosecution presented had never seen Eichmann, and their testimony--despite the tremendous shockwaves it sent to those watching in the courthouse--did not in any way relate to Eichmann's own actions. The prosecution did present many documents from the German archives, but Eichmann, with the help of his lawyer Robert Servatius, managed, for the most part, to provide explanations for these documents that cleared him of direct responsibility for the destruction. For example, in scene 21, the prosecution tries to prove that Eichmann was directly linked to the Zyklon B gas used to murder Jews in the gas chambers at Auschwitz.

Hausner: I would like to read to the accused another paragraph from the autobiography of Rudolf Hess.⁶ (Reading): After the establishment of the camp, Eichmann approached me and gave me an itemized list of the total number of Jews in the coming transports. We understood that the extermination of such masses with gunfire would create too much of a burden for the S.S., who would be forced to kill women and children, too. Eichmann explained to me that in the East, killings had been carried out with the gas emitted by the engines of trucks, but this method would not be efficient enough, and he would try to find a more efficient gas. (To Eichmann): Do you confirm or deny?

Eichmann: Deny, sir. I had nothing to do with what has happening inside the camp. My responsibility ended as soon as the trains that I sent were parked at the platform.

Hausner: This is a report from the S.S. officer who was responsible for creating the Zyklon B gas. According to this report, your deputy ordered 100 kg of this gas from him. Did you know about this?

Eichmann: No, sir.

Hausner: Your deputy puts in an order of gas for the murder of millions, and you do not know?

⁶ Rudolf Hess, commandant of the Auschwitz concentration and extermination camp.

Eichmann: No, sir.

Hausner: Honorable court, the accused ran his department like a dictator. His deputy would not have dared to order deadly gas without his knowledge. The accused forced his deputy to make the order, so that he would be able to claim, after the war, that he knew nothing about it.

Servatius: Honorable court, the accused is not a signatory on this document. At the time the order was placed he was in France.

Eichmann: Honorable court, I was never involved in the procuring of gas for Auschwitz. The murder of the Jews with gas is the greatest crime in the history of humankind. I knew about it, but I did not participate. When I visited the camp in Chelmno I saw Jews being packed into a gas truck. The truck began to drive. The screams were terrible. I had to escape. Had I been required to participate in this murder I would have shot myself. I was involved with the transportation. Only with the transportation.

Another example occurs in scene 26:

Courthouse. Testimony of George Wellers, a doctor from Paris.

Wellers: The Germans sent the parents to Auschwitz, and the children to the Drancy camp, near Paris. They disembarked the bus terrified, silent from utter fear. The older ones held onto the hands of the younger ones. They were housed in halls that had only filthy mattresses, infested with bedbugs.

Hausner: How many children arrived?

Wellers: Approximately 4,000. Because I was a doctor they let me approach them. Many of them did not yet know how to speak. We did not know their names. We chose names for them and we wrote them down on notecards that we hung around their necks. The sanitary conditions were terrible, they got diarrhea. We placed chamber pots in the hallways but they were too large for the children. The women who were assigned to the new transports wiped them off with rags and water. They hardly slept at night. When a child would begin to cry, all 100 children in the room would wake up and call for their mothers. The cries were heartrending. We promised them that they'd meet up with their mothers in a few days. When I arrived in Auschwitz, after a few months, not one of them was still alive.

Hausner: Honorable court, this is a letter from the accused's representative in Paris, dated July 10, 1942. In the letter, the representative requests urgent approval for the deportation of these children to Auschwitz. And here is a transcript of a telephone call between the accused and that same representative, 10 days later, in which the accused approves the deportation. These two documents testify that the accused was the one who decided to deport these 4,000 children to their deaths.

Servatius: Mr. Eichmann, did you in fact decide on the deportation of these 4,000 children to Auschwitz?

Eichmann: No, sir. In the ten days that elapsed since I received the letter from Paris, I discussed it with Reichsführer Himmler several times. I telephoned Paris only once he instructed me to put the deportation into effect.

Hausner: Can the accused offer any evidence for the interference of Reichsführer Himmler regarding the matter of these children?

Eichmann: Unfortunately all my departments documents were destroyed by fire during the bombing of Berlin.

In the play, the prosecution succeeds only later in proving that Eichmann lied in his testimony, and that during the period that he claimed he was in conversation with Himmler, Himmler was on tour on the Eastern front.

These examples demonstrate the routine difficulties that the prosecution faced in proving Eichmann's guilt, whether by means of testimony or documents. As playwright, I chose to highlight these difficulties and to use them for creating the dramatic tension that's crucial for a plot. Thus, despite the fact that the viewer knows that Eichmann will be found guilty by the trial's end, over the course of the play the viewer feels a deep sense of empathy with Hausner, and identifies with Hausner's fear that he will fail to convict Eichmann. This lack of certainty regarding Eichmann's conviction continues up until the interrogation regarding the Jews of Hungary. Only in this interrogation does Hausner succeed in proving Eichmann's guilt beyond any doubt. Even though the interrogation of Eichmann took place in the middle of the trial, I chose to have it take place at the end, in order to prolong the dramatic tension as long as I can.

German Sanctions on the Israeli Government Over the Course of the Trial

After World War II, the government in West Germany went to great lengths to prove to the world that Nazism had been a temporary episode in the nation's history and that the new Germany was a different country. To this end, West Germany tried to erase the memory of the horrors of the third Reich, and at the conclusion of the Nuremberg trials, Nazi war criminals who lived in Germany, many of them openly, were not put on trial. The capture of Eichmann and his highly publicized trial spurred well-founded fear in Germany that this would lead to a renewed public reckoning with Nazi war crimes. The German government was particularly concerned that the trial was likely to reveal the many officials serving in the German government who had previously served the Nazi regime and were party to its crimes. The most prominent among these officials was Dr. Hans Globke, the director general of Chancellor Adenauer's office. For this reason, the German government put pressure on the Israeli government, in order to minimize the damage the trial was likely to cause. In effect, the Germans had three primary demands: The first, to prevent generalized accusations against the German nation as a whole, and to attribute these crimes only to the Nazi establishment; second, to prevent the mention of Dr. Globke's name in the course of the trial, despite the fact that Dr. Globke, in his role as legal advisor for the Ministry of the Interior under the Third Reich, was responsible for interpreting the Nuremberg laws on which many of the laws targeting Jews were based; and third, to shorten the trial as much as possible in order to reduce its public reverberations. The pressure exerted by Germany

comprised three primary sanctions: the freezing of reparation payments to Holocaust survivors living in Israel; freezing all weapons dealings with Israel; and the most severe of all—the freezing of funds toward the construction of Israel's nuclear reactor in Dimona, which, in the eyes of the Israeli government, would secure the existence of the State. At the conclusion of the trial, and after Israel had met most of the German demands, the sanctions were completely removed. Nevertheless, two years after the trial, when Israel and Germany began to negotiate the terms for diplomatic relations between the two countries, the Germans added yet another demand, this one not entirely surprising—that the Israeli government cease its pursuit of Nazi war criminals around the world, and not put them on trial. The Israeli government, which sought to establish diplomatic relations with Germany, acquiesced to these demands.⁷

Despite the fact that the above-mentioned German demand was presented to the Israeli government two years after the trial had ended, I chose to bring it up earlier, and to present it at the end of the trial. The main reason for this was to intensify the final stage in the protagonist's catharsis. The fifth stage that Aristotle identifies in the protagonist's catharsis is pathos--the protagonist's suffering after he fails to carry out his deed. The capitulation of the Israeli government to the German demand to cease its pursuit of Nazi war criminals, and not to bring them to justice, worsens Hausner's sense of complete and painful failure in the struggle to turn the trial into a process of universal reckoning via the trials of additional Nazi war criminals. It's worth mentioning once more the dramatic paradox, according to which it is specifically the protagonist's failure to actualize his goal that bolsters the viewer's empathy for him, while also motivating the viewer to pursue the very goal at which the protagonist failed. That is, Hausner's failure to generate an international reckoning with the Nazi crimes is what propels the viewer to support, and perhaps even to act in order to bring about such an international reckoning, and this, of course, is the playwright's purpose.

The Character of Hausner

The figure of Hausner was etched into world consciousness thanks to his riveting words, delivered during the prosecution's opening remarks.

Hausner⁸: In this place where I stand before you, judges of Israel, to convict Adolf Eichmann, I do not stand alone. Along with me, there stand here six million prosecutors. Only they are unable to point a damning finger toward the glass box and to call out to the one who sits there: I accuse! Because their ashes were piled up high in the hills of Auschwitz and in the fields of Treblinka, and washed away in the rivers of Poland. Their blood cries out, but their voice cannot be heard. I will therefore be for them a mouth, and in their name I will tell of this horrific indictment ...

The astonishing power of these words lay not only in the mighty evocation of six million prosecutors standing alongside Hausner, but also because they give expression to the fact that Hausner appointed himself the emissary of these six million. What, then, was his mission? He

⁷ Ora Herman, *The Furnace and the Reactor: Behind the Scenes at the Eichmann Trial (Hakibutz Hameuchad, 2017)*, 103.

⁸ This monologue is the first part of Hausner's actual opening speech in court.

did, of course, accuse Eichmann in their name, but he also raises their memory, and mourns their deaths, elevates their legacy, and asserts that their last will and testament is the ongoing existence of the State of Israel. But as important as these components of this national mission are, in the play, Hausner broadens the scope of his mission beyond the boundaries of the Jewish nation and the State of Israel, and acts in the name of these six million to the repair the world at large. This impressive impulse suggests the hubris of Hausner who, like the protagonist in a classic tragedy, takes on a mission that is beyond the capacity of a mere mortal. In the final confrontation between Hausner and Teddy Kollek, director general of the Prime Minister's office, in scene 39, Kollek threatens to fire Hausner on account of his refusal to comply with the orders of the Israeli government:

Hausner: I will fulfill my duties as a legal advisor to the best of my ability. But I will also fulfill my obligation as a person, and as a Jew, even if it deviates from my duty. And even if it contradicts the orders of the government. Since we were the sacrifices of the most evil monstrosity in human history, we therefore have the greatest responsibility to repair it. And after what I saw in this trial, I will not shy away from it, even at the cost of this honorable position ...

The Eichmann trial was the pinnacle of Hausner's career. Though he did continue to serve as legal advisor to the government until 1963, that very year he resigned following a serious dispute with the minister of justice. He was later elected to the Knesset, and later yet appointed Minister without Portfolio under Prime Minister Golda Meir. After leaving government, Hausner served as chair of the international council of Yad Vashem for twenty years. But despite his far-reaching public service, he never again reached a level of accomplishment that came close to his performance at the Eichmann trial. There's no doubt that Hausner was aware of the diminution in his public standing, and perhaps he could explain this as a result of the fact that many Israeli politicians obstructed his path because of his phenomenal success at the trial. This diminution is also what justified the freedom I took to demonstrate, via his failure to bring other Nazi war criminals to justice, the Aristotelian phase of pathos, the phase that brings about the punishment for his arrogance in attempting to repair the world. This choice brought to completion the formation of the Hausner character as a tragic figure who undergoes catharsis, and in so doing generates a catharsis in the viewer.

The Character of Eichmann

The visual appearance of Eichmann throughout the trial created an impression of a dull clerk, without charisma, docile and obedient. This image left a strong impression on Hannah Arendt, who was present for the first half of the trial. She even analyzed his German vocabulary from his interrogation by the police⁹ and was convinced that its inadequacy was evidence that he was, indeed, a bureaucrat and not an ideologue. In light of this, Arendt coined the concept of the banality of evil, regarding which countless articles have been written in an attempt to interpret its meaning. Without getting into a detailed discussion of this important issue, it is my understanding Arendt was mistaken in her assessment of Eichmann, and was swayed by his performance in court. The cunning Eichmann knew well that in order to convince the court that he was just an obedient clerk fulfilling the orders of his supervisors, and that, therefore, his

⁹ Hannah Arendt, *Eichmann in Jerusalem* (Babel Publishing, Tel Aviv) 2007, 57-58.

supervisors were the ones responsible for the war crimes that had been carried out — he needed to act the role of an obedient clerk over the course of the investigation and throughout the trial. In reality, the few witnesses who met Eichmann during the war made it clear that the person they met was of an altogether different sort: decisive, resolute, an initiator, and so, too, throughout his entire interview with the collaborative Dutch journalist Willem Sassen in Buenos Aires in 1957¹⁰, it is clear that he sees himself as responsible for the “Final Solution” in the full ideological and practical meaning of the term, and he expresses no regret on the matter. The most remarkable evidence that Eichmann was, in fact, a senior partner in carrying out the “Final Solution,” appears in the play in scenes that deal with the extermination of the Jews of Hungary in 1944. For example, in scene 30:

Servatius: Mr. Eichmann, what was your job in Budapest?

Eichmann: To coordinate the schedules of the transports going East with the Hungarian train companies.

Servatius: Did you have any connection with the decision to deport the Jews to Auschwitz?

Eichmann: No, Sir. The Führer transmitted the orders directly to the Hungarian government.

Servatius: Why was an officer from your unit present in every ghetto at the time of these deportations?

Eichmann: In order to count the Jews on the train and verify that the train had departed on time.

Hausner: Did Rudolf Hess, the commander of Auschwitz, visit you in Budapest?

Eichmann: (*Haltingly*) Yes, sir.

Hausner: In his biography he writes (*reads from a paper*): "The camp was not prepared to absorb the masses of Jews who arrived from Hungary. I traveled to Budapest, and we agreed to lessen the number of transports to two a day. After two weeks, Eichmann came to Auschwitz and claimed that Himmler was demanding the pace be picked up, and that I had to receive four transports a day". From this it's evident that because of the pressure you exerted on Hess, 12,000 Jews were transported daily from Hungary to Auschwitz.

Eichmann: It's evident from this that I acted in accordance with orders from the Reichsführer, sir.

Hausner: Did you always comply with the Reichsführer's orders?

¹⁰ Stangneth, B. and Martin, R., *Eichmann before Jerusalem: The Unexamined Life of a Mass Murderer*, New York: Vintage, 2014.

Eichmann: Absolutely, sir.

Hausner: And also the orders of the Führer?

Eichmann: Absolutely.

Hausner: A lie, honorable court! After the American bombing of Budapest on July 2, the Hungarian ruler decided to stop the transports. Hitler was furious and demanded that they continue, but agreed to release 8,700 Jewish families with visas to foreign countries. (*Shows the memo to the judges*). But Eichmann refused to fulfill Hitler's orders. Here's a telegram from the German ambassador in Hungary, to the foreign ministry in Berlin: "Obersturmbannführer Eichmann is opposed to the release of these 8,700 Jewish families, and he has requested that Reichsführer Himmler ask the Führer to take back the order."

Servatius: Honorable court, I object to this telegram being entered as evidence, without further information about why the ambassador wrote it.

Landau: Objection denied.

Eichmann: (*To the judge*): The ambassador was mistaken, sir. I never saw written orders from the Führer to release these families. And therefore I consulted with the Reichsführer in order to obtain his permission to deport them.

Hausner: This telegram is proof that the accused's lust for murder was so great, that he was not able to spare the lives of this small number of Jews whose fate had taken a turn for the better, and who had managed to obtain foreign visas. And despite Hitler's orders to free them, he sent them, too, to their deaths. Only someone lacking a conscience altogether could carry out such a crime with such dedication.

Eichmann's true character is revealed most clearly in scenes of him with his lawyer, Dr. Servatius, and his assistant, attorney Liza Grude. In these scenes we observe a resolute and decisive Eichmann who is well aware of his standing. For example, in scene 3:

Ramle Prison. The meeting room of Eichmann's defense team. Present: Eichmann, Dr. Servatius, and attorney Liza Grude.

Eichmann: The prosecutor does not begin to understand how the extermination machine of the Reich operated. He read the protocols of the Nuremberg trials and went astray after the testimony of the S.S., just as they had planned. Doesn't he understand that they placed the responsibility on me in order to save their own skin? I should be put on trial in place of the Führer? In place of the Reichsmarshal Goering? In place of the Reichsführer Himmler?

Servatius: The judges won't accept the Nuremberg testimony. Testimony that can't be challenged and interrogated is a weak testimony.

Eichmann: But if all the heads of the S.S. say that I was responsible for the extermination, the judges will be convinced that it was so.

Grude: These are expert and experienced judges ...

Eichmann: They are Jews who fled Germany before the war. I saw how they were swept up in the pathos of the prosecutor. They've already sentenced me to hanging. It's a waste of money, what my family is paying you. I might as well defend myself on my own.

Servatius: Think carefully before you fire us. Our line of defense could save you. If you reiterate the claim that you were just an mid-level clerk fulfilling orders, that you didn't take initiative, and that you never suggested your own ideas, they will be convinced that your responsibility for the extermination was minimal.

Eichmann: They know I was not a mid-level clerk. They have the notes from meetings in which I participated with those of the highest rank.

Grude: We reviewed the notes from those meetings. In most of them you hardly speak up at all. You don't argue. You don't demand. You don't suggest. It'll be very difficult for the prosecution to prove that you influenced the decisions that were made there.

Servatius: You have no choice. Nobody is put to death for being mid-level. Don't let your pride send you the gallows.

Eichmann: (*Angrily*) I am a German citizen. I have acted all my life for the sake of Germany. If I must be put on trial, let Germany judge me. Not these accursed Jews. You can still demand my extradition from Dr. Globke.

Servatius: It's the last thing he'll do. If you are put on trial in Germany, the prosecution will need to put hundreds of S.S. commanders and government officials on trial, too, including him.

The decision to portray Eichmann as an actor who plays innocent in the court and reveals his true colors in secret creates a more compelling theatrical character, of course, but as I have mentioned, this decision was not something I came upon on my own, but was, as noted earlier, based on the testimony of witnesses who had encountered Eichmann during the war.

The Character of Dr. Robert Servatius

The historical figure of Robert Servatius, is quite mysterious. Born in Köln in 1894, he served the Wehrmacht during World War II as an artillery corps officer on Eastern front. At the Nuremberg trials, he defended Fritz Sauckel, who had served as minister of labor during the third Reich and was responsible for the many labor camps that the Nazis established; and Karl Brandt, one of Hitler's physicians, who participated in the euthanasia program in Germany. Both were found guilty and put to death. When Eichmann was captured, Servatius offered his services to

Eichmann's family. The Israeli *Mossad* examined his past, and when it became clear that he had not been a Nazi party member, approved his appointment as defense attorney. The primary question that preoccupied me in shaping his character in the play was: why did he offer his services to Eichmann? Was it because he wanted to continue to defend high ranking Nazis, as he had in Nuremberg, because of a belief that they had been "following orders" and were therefore innocent, or was it because he saw in these trials an opportunity for a collective German reckoning after a war in which so many Germans had carried out horrific crimes against humanity? The fact that Servatius was not a Nazi party member suggests the second possibility, which I found preferable, also because it allows for deeper conflict between him and Eichmann. For example, in scene 24:

The Jail. Meeting room for the defense and Eichmann. Eichmann, Servatius, and Grude.

Servatius: On the contrary, I'm very pleased. The judges are becoming convinced that your role in the extermination was minimal. Now it's time for the next step. You must stand before them and be crystal clear in placing all the blame on Hitler and on the Nazi party. You have to say that by the end of the war you saw the horror that their ideology had inflicted on Europe, and therefore you abandoned its ideology

Eichmann: Do you think the judges will believe me?

Servatius: Until now they've believed you. If you just convince them that you have truly come around, they'll sentence you to just a few years in jail.

Grude: Your disillusionment will make it easier for other members of the SS to come around, and to express regret. This will also make it easier for Germany to accept you after your release.

Eichmann: I already said that the annihilation of the Jews was the worst crime in human history.

Grude: You must also testify against those who bear the guilt.

Servatius: You know that the Führer bears most of the guilt. He planned the murder of the Jews even before the war began. Explain that at the end of the war you realized he was mentally ill—a hysterical megalomaniac given to fits of rage. That in every photograph in the paper you could see in his eyes that he was living on a rush of hormones.

Eichmann: That's what you think of him?

Servatius: It'll be a lot easier for me to defend you if you tell the court that this is what you think, too.

Eichmann: I cannot betray him. His death did not release me from the vows of loyalty I made to him. I am not prepared to disappoint millions of Germans who believe in him. Who still believe that Germany will yet emerge victorious.

Grude: Are you certain there are still millions of Germans like this?

Eichmann: There are many more than you imagine.

In fact, one can say that Servatius's defense of Eichmann in the play was not intended to save Eichmann from punishment, but rather was meant to allow him to be brought to justice in order to reveal his crimes and to enable a public discussion about the broader circumstances—historical, social, and political—under which he carried out these crimes. As Servatius says to his assistant, Liza Grude, in scene 13:

Grude: When you asked me to join you, I thought that Eichmann was a minor officer, who played a small part in the murder of the Jews. I had no idea of what we've now learned.

Servatius: I shared with you everything I knew. I imagine more will be revealed in time.

Grude: And despite all this we're continuing to defend him.

Servatius: So that we'll be able to continue with the trial, and we'll be able to reveal his actions, and ask how it is that so many of us took part in it.

Grude: And, do you have an answer to this question?

Servatius: I suspect I'll be searching for it for the rest of my life. It seems that in our generation something went awry with the mechanism known as the conscience. In every place in the world, one's conscience tells him: "Do not murder." With us, in our generation, our conscience said: "If you murder, you are a good citizen. If you murder you will be serving the homeland. The race. The führer."

While I have no historical evidence for the fact that this was Servatius's motivation, building his character around this motivation allowed me to examine Eichmann's actions during the war from a German perspective that is familiar with the Nazi war crimes and wants to understand their roots. As he puts it at the end of his speech in scene 36:

Servatius: Honorable court. The defendant was a junior officer. He did not have the power to carry out the actions being attributed to him, just as it's impossible to attribute the horrors of the concentration camps to him, since they were not subject to his authority. He fulfilled the orders of Himmler. Had he refused to do so, he would have been sent to jail. In the twisted world in which such orders were considered legal, he had no way of seeing that they were not, in fact, legal. He was blind to their illegality, because he was himself a product of the antisemitism that had taken root in Europe over the course of 2,000 years. Because he was carrying out the will of the vast majority of German people.

The Character of Vera Eichmann

I was not able to verify many details regarding the historical figure of Vera Eichmann. She married Eichmann in 1935 and bore him four sons. After the war, although she likely knew of his Jewish mistress in Vienna, she followed him to Argentina.¹¹ When he was on trial, his sons organized publicly on his behalf, but I do not know if she participated. After Eichmann was sentenced to death, she received permission to visit him and traveled to Jerusalem, where she met him in jail for a short meeting that lasted about an hour. After he was put to death, Vera returned to Argentina with her youngest son Ricardo, who later became an archeologist and condemned his father and his father's crimes, and even claimed, in an interview with a journalist, that he sees his father as merely a historical figure.¹² At the same time, he emphasized in the interview that his mother loved his father very much. The fact that she returned to Germany, and that her youngest son renounced his father, made it possible for me to assume that she too underwent a kind of awakening after the trial, though I have no substantive proof of this, of course. And so, in forming the character of Vera Eichmann I took great liberty. Despite the fact that in reality she met with him only once, for an hour, after his sentence had been decided, in the play she comes to Jerusalem at the beginning of the trial and meets with him six times over the duration of the trial. She arrives convinced that Eichmann is innocent, and that the charges against him are "Jewish propaganda," but over the course of the trial she begins to comprehend that during the war, and even in its aftermath, she hadn't had any idea what Eichmann had been involved in, and had repressed whatever she had known. By the trial's end she's convinced of her husband's guilt, but as a woman of faith, she believes that even if he's put to death his final judgment will come from God, and she demands that he confess to a priest. Eichmann of course refuses to do so. This dialogue between them is from scene 35:

Meeting Room. Ramle Jail. Vera and Eichmann sit on opposite sides of the glass partition. The conversation takes place via headphones and microphones. A guard hands Eichmann a Bible.

Eichmann: What is this?

Vera: This is the Bible that belonged to your father.

Eichmann: What did you bring it to me for?

Vera: So that you'll read it.

Eichmann: Now?

Vera: Yes, now especially. Dr. Servatius also believes that the evidence from Hungary has sealed your fate.

¹¹ Arendt, 40.

¹² Susanne Glass, Adolph Eichmann Is a Historical figure to me, *The Independent* 7 August 1995

Eichmann: I didn't know you care so much.

Vera: You're my husband. For good and for bad. And I want you alive. The children also need you. If you read the bible you'll start to believe, and then God will perform a miracle for you.

Eichmann: Your God is too big to bother himself with my problems.

Vera: You're wrong. God is just with those who believe in him. Read Ecclesiastes, chapter 12 (*quoting*): Because God takes all deeds into account when he passes judgment.

Eichmann: All my life I've never believed, not even for a moment.

Vera: If you pray to him he will have mercy on you and will soften the hearts of the judges.

Eichmann: I'm not going lie to myself now! (*ripping the bible*)

Vera: What are you doing? Is this how you'll get forgiveness from him?

Eichmann: I don't want forgiveness from him. And not from you either. You blame me for what we did in Hungary, without knowing what was going on there. We all knew the war was a lost cause, and we couldn't tolerate the thought that the Jews would dance on our ruins. So we sought revenge. Not just me. Every German who was present. The judges will never understand how difficult our defeat was for us. How it is still so difficult for us to this day ...

Vera: But God will understand. If you pray to him, he'll have mercy on you.

Eichmann: This is no time to pretend.

Vera: You insist that he condemn you to hell?

Eichmann: Hell is a Jewish invention, Vera.

Vera: If you act like a good Christian, you'll be spared.

Eichmann: (*hitting the glass with his fist*) Enough, Vera. Another few days and they'll hang me. Don't drive me crazy with this nonsense.

The primary intention behind the decision to embellish Vera and make her an important dramatic character, and to increase the number of meeting she had with Eichmann, was to allow for Eichmann's own personality to open up in private meetings with his wife, in which different aspects of his personality are revealed—among other things, she made it possible for me to craft his confession regarding the desire for revenge against the Jews of Hungary at the end of the war, quoted in the scene above.

The Extermination of Hungarian Jewry

As noted earlier, the decisive proof that Eichmann was not just an clerk who merely obeyed orders, but an ideologue permeated with a hatred of Jews, was his responsibility for the extermination of Hungary's Jews, which took place in 1944. Testifying against Eichmann at the trial were several survivors who had met him and had witnessed the initiatives he implemented in order to accelerate the extermination and to sabotage the rescue efforts of the Zionist Rescue Commission, under the leadership of Dr. Otto Komoly and Dr. Rudolph Kasztner, which operated in Budapest. In fact, I did not take too much liberty in describing these developments with Eichmann, because the evidence against him was extremely compelling. In addition, regarding the episode known as "Blood for Goods," I chose to rely on historical research of recent years--primarily the scholarship of Professor Yehuda Bauer,¹³ that was not available to the prosecution or the defense in 1960-61, in order to reflect on the episode with greater historical precision, which also correlates with my interpretation of these events, which I dealt with in earlier works including my play "Kasztner,"¹⁴ and the serial television drama "Kasztner Trial."¹⁵ The episode unfolds in scene 30, quoted below in full:

The Courthouse. On a screen at the back appears the title: "Testimony of Joel Brand, a member of the Zionist Rescue Committee in Budapest."

Brand: The members of the S.S. in Budapest knew of our rescue committee. They knew that we hide Jews who escaped from Poland and Slovakia and that we smuggle them into Romania. They also knew that most of our funds came from American Jews, and that's why they turned to us, so that we could connect them with the Americans.

Landau: The S.S. had no way to contact the Americans, except through you?

Brand: The Americans refused to conduct negotiations with Germany until its surrender. Himmler, who had gone behind Hitler's back to try and negotiate a ceasefire, decided to go through us to start negotiating about the rescue of Jews, and from there to move on to political negotiations.

Hausner: Mr. Brand, what deal did the accused propose to you in the name of Himmler?

Brand: When I entered his office, he stood up and said: "You know me, Brand. I solved the Jewish problem in Germany, Austria, Poland, Czechoslovakia, Greece. Now it's your turn. I'm willing to sell you one million Jews. From Hungary, Poland, Austria, Theresienstadt, Auschwitz. From wherever you'd like. Take fertile women. Take fertile men. The elderly. Children. Blood for goods. Goods for blood."

I asked, "What kind of goods are you looking for?"

¹³ Yehuda Bauer, "Jews For Sale?" (Yad Vashem, Jerusalem), 2001.

¹⁴ Lerner, M. (1996). Kastner in Israeli Holocaust Drama, New York: Syracuse University Press

¹⁵ Lerner, M (1994). The Kastner Trial, 3 episodes drama, Israeli Broadcasting Authority Jerusalem, Israel.

“Ten thousand trucks,” he said.

“Where can I get ten thousand trucks?”

“Americans are controlled by international Jewry. If we burn 20,000 Jews a day, the Americans will give. Tomorrow, you fly to Istanbul. The Jewish agency will arrange a meeting with the American ambassador to Ankara.”

I asked: “How do I assure him that you will release one million Jews? What’s the guarantee?”

“He won’t need a guarantee. The moment you return with the agreement, I will destroy the gas chambers in Auschwitz, and release 100,000 Jews, and only then will I receive 1,000 trucks. When I release the next 100,000, I’ll receive the next 1,000 trucks, and so forth. Understood? From tomorrow 12,000 Jews will be deported to Auschwitz daily. This agreement with the Americans is their lifeline.”

Hausner: And what happened when you arrived in Istanbul?

Brand: Representatives from the Jewish Agency were waiting for me in the airport. The following day we set out to meet with the American ambassador to Ankara. The moment we got on the train I was stopped by the police. The Turkish government decided to deport me to Hungary. I bribed an officer and remained in custody in a hotel. I ran around in circles in my hotel room, like a crazy person. Every day 12,000 Jews are being deported to Auschwitz. The American ambassador made no effort to search for me. The next day I received a telegram from Moshe Sharet: “Come to Halab, Syria.” I left immediately. I told him about Eichmann’s offer. He decided to fly to London to meet with Churchill.

Hausner: Why didn’t you return to Budapest to report back to Eichmann?

Brand: When the meeting was over I was stopped by the British. They claimed I was a German agent, and sent me to prison in Cairo. I immediately went on a hunger strike. After a week I was visited by Lord Moyne, the British Secretary of the State for the Colonies. I pleaded for a response to Eichmann’s offer. He responded: “There are millions of refugees in Europe. If the Germans give me a million Jews, what will I do with them? Where will I put them?” When I was freed, I hurried to Tel Aviv to meet with Sharet, Ben Gurion, Weizmann ...

Hausner: Thank you very much, Mr. Brand.

Brand: They rebuffed me, again and again. I sent letters. They did not answer ...

Hausner: Thank you very much, Mr. Brand. (*to Eichmann*) Can the accused explain where the idea to release one million Jews for 10,000 trucks came from?

Eichmann: It was my idea, sir. I was always in favor of a solution to the Jewish problem by means of migration. I also thought that this would allow us to send new trucks to the Eastern front, and I was glad that my proposal was accepted.

Hausner: But if you wanted to advance this proposition, why did you continue with the transports to Auschwitz, when you knew very well those Jews would be killed?

Eichmann: The decision about these transports was made by the Reichsführer.

Hausner: So Himmler sought to thwart the very deal he had approved?

Eichmann: He didn't want to thwart the deal, sir. The British and Americans are the ones who thwarted it. For your information, Jewish life wasn't that important to them.

Hausner: (*holding a page*) Honorable court, the German ambassador to Budapest, who was present in the meeting between Himmler and the accused, testified: "The Reichsführer rebuked Eichmann for violating his orders: Until now you've killed Jews, now I need them alive." This testimony proves yet again that the accused is lying. The one who initiated this deal was Himmler, who was willing to release one million Jews in order to save Germany from destruction. Eichmann wanted to sabotage this deal. That's why he continued to send the Jews of Hungary to Auschwitz, against the explicit orders of Himmler. Therefore they were killed.

In this scene we learn of the surprising political turn that Himmler initiated towards the end of the war: he went behind Hitler's back to reach an agreement with the allies to end the war in order to avoid the total destruction of Germany. Himmler made multiple attempts to begin talks with the Americans, and the mission of Joel Brand, who testified at trial, was one of these attempts. The deal that Himmler ordered Eichmann to offer the Americans through Brand failed. But after that failure, Himmler tried to reach an agreement with the Americans through Dr. Kasztner. And he was prepared to switch the German demand, from trucks to money. To the terrible misfortune of the Jews of Hungary, this deal also fell through, although Eichmann was not involved in it. The other deals were not raised in the trial, that's why I limited myself to just the first deal in which Eichmann was involved from start to finish, and which he had done everything in his power to sabotage.

Conclusion

The purpose of this article was to try and clarify the artistic license I took in interpreting the Eichmann trial in the play "Eichmann's Trial". The examples above clarify some of the constraints I faced during the writing. On the one hand, I strove for historical precision, while on the other hand, I was driven to write a high quality dramatic play that would absorb the viewer, and allow them to experience the play on multiple, profound levels and reach the Aristotelian catharsis that could generate substantive change within. In addition, I wanted to offer a unique interpretation of the trial that could shed light on questions facing us in the present. One of these questions relates to the position of the justice system when facing political processes that permit crimes against humanity. For this reason, I focused at length on Dr. Globke, on Servatius, on

Liza Grude , and, of course, on the two Israeli lawyers, Gideon Hausner and Gavriel Bach. Servatius says to Grude, his assistant, in scene 13:

Servatius: Nazi propaganda overpowered the justice system, Ms. Grude. They lost the ability to judge according to the law and instead ruled according to the party orders.

In this way he implies that if the court system had not been taken in by Nazi propaganda and had continued to operate according to the laws of Germany, human rights in Germany would not have been trampled on, and the sanctions against Jews would not have been enacted. In scene 22, he explains:

Servatius: The rounding up of Jews in the ghetto was approved by senior members in the Reich's department of justice. Among them, for example, Dr. Globke, whose interpretation of the Nuremberg laws convinced the accused that his actions were legal. I request that the court invite Dr. Globke as an expert witness.

In this way he emphasizes that had the senior members of the justice department not approved the legality of the roundups of Jews in the ghettos, it's possible that the Jews would not have been sent to the ghettos. And Dr. Globke responds indirectly in scene 23:

Globke: What do they think there in Jerusalem? That I didn't see the Nuremberg laws paving the road to Auschwitz? I saw very well. But the cruelty of the Nazi party was horrific. Anybody who expressed any opposition was immediately sent to a concentration camp, interrogated, tortured, and murdered. An entire society dedicated itself to the propaganda about our racial superiority and obeyed the party. I did what I could. If not for my interpretation the legislation would have been even more monstrous. One day the Jews will need to thank me for what I did for them.

Hausner is aware of the importance of the justice system in protecting human rights, and in scene 25 he says:

Hausner: We, of course, will not give up. If we do not interrogate Globke at this trial, we'll interrogate him at the next trial, or the one after that. Until one day he will be found guilty, and will be punished. Legal experts must know that their purpose is to protect human rights. Not to undermine them.

In scene 32 he goes into detail about the importance of protecting human rights for the human civilization:

Hausner: From the day Hitler rose to power, the allies saw the persecution of the Jews as an internal German issue, and that's why they did not intervene, and that's why persecution turned into extermination. The world must understand that a violation of human rights is not an internal matter. We must offer aid to any persecuted minority in any country. That is the most important outcome of this trial.

I hope that those watching the play will agree with him.

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