

6. THE EICHMANN TRIAL AND THE POLITICS OF THE PAST

As we have seen in this book, Arendt's pamphlet *Eichmann in Jerusalem* caused an immense debate immediately after its publication in 1963, especially among American Jews. The extensiveness of this debate in the field of political thought and theory remains unparalleled: once it began, it never really ended. Ever since it first appeared, the book has remained controversial and continues to arouse heated debates. The ongoing critique and discussion of the book suggest that it has remained extremely topical over the past 40 years. Nevertheless, it is worth noting that over the past 20 years or so, the controversy surrounding the book has surpassed its original limits and become intertwined with the debates over the politics of the past in a number of ways. Nowadays, the book is understood as having been a conscious political act intended to influence the way in which the history of the European Jews and the Holocaust was remembered and passed down to future generations.

One of the main characteristics of these new readings is that they use Arendt's pamphlet as a kind of buffer text against which they introduce their own readings of the themes dealt with or at least referred to by Arendt. One conspicuous branch of these new readings is comprised of texts that deal with the trial itself and highlight its positive aspects and impact on the birth of the field of Holocaust studies in general and victim studies in particular. It is characteristic particularly of Holocaust historians to "periodise" the phases of remembering the Holocaust. From their point of view, the Eichmann trial stands as a decisive turning point and starting point for Holocaust studies.

In the following, I will begin by introducing and discussing some of these periodisations. I will then discuss a thesis presented recently

according to which Arendt's interpretation of Eichmann has cast a dark shadow over all attempts in the past decades to carry out historical research on Eichmann and his trial. I will then take up a few new readings of the trial in which Arendt's book is used as a buffer text. Finally, I will critically assess these readings and argue that more often than not they refuse to understand Arendt's interpretation correctly.

I will argue that over the past 20 years or so, Arendt's book has been included in the debate surrounding the singularity of the Holocaust. Recent approaches to *Eichmann in Jerusalem* become comprehensible in this context. Many recent critics of the book have accused it in one way or another of working against the thesis of the singularity of the Holocaust. As we will see, this accusation is most often made in the context of victim studies. In this context, it has been argued that Arendt ignored the standpoint of victims and failed to comprehend the significance of the victims' testimony and memories for the field of Holocaust studies and our understanding of this extreme phenomenon.

I suggest that *Eichmann in Jerusalem* should be understood as one of the very first attempts to read the Holocaust politically, which is why it continues to be refuted to this day. More recent critics of the book have continued to reject Arendt's suggestion that the Holocaust be read politically because doing so would require that they stop viewing the Jews as innocent victims of an awful fate and start approaching them as active contributors to their own history. In other words, Arendt's book is still refuted because it goes against the prevailing trend in the field of victim studies of blurring the Jews' own partial responsibility for their political fate. In addition, a political reading of the Holocaust would require scholars to begin to take Arendt's ironies, with which I dealt in Chapter Five, seriously. Her ironies must be taken seriously as they often mark the points at which the political aspects of the context of the Holocaust emerge.

6.1. THE EICHMANN TRIAL AS A TURNING POINT

It is a well-known fact that there has been a significant increase in interest in the Holocaust over the past two or three decades. This is not only reflected in the amount of academic research dealing with the Holocaust but also in the amount and diversity of cultural products related to it, ranging from memoirs and biographies to films, exhibitions, and monuments. According to a number of historians and other scholars, it is now possible to organise the changes in the ways in which the Holocaust is remembered into various phases or periods. In this sense, these scholars argue that the Eichmann trial marked a decisive shift in remembering the destruction of European Jews in two ways. First, it marked the end of the postwar period of forgetting, repression, and silence. Second, the novelty of the trial was that attention was shifted from the perpetrators to the victims (see e.g. Segev 1991/1993; Wieviorka 1998; Felman 2000; Traverso 2004; Cesarani 2004; Bilsky 2004). In the following, I will discuss the approaches used by historians and other scholars who see the Eichmann trial as marking a decisive turning point in the reception of the Holocaust.

Enzo Traverso argues that, generally speaking, over the course of the 1940s and 1950s, the genocide of the Jews occupied a marginal role in every aspect of European life and politics. In Nuremberg, for example, special emphasis was not placed on the singularity of the Holocaust, but, rather, the destruction of the Jews was seen as one of many war crimes and crimes against humanity committed by the Nazis. As to everyday life, in the immediate aftermath of the war, people were much more preoccupied with reconstruction and rebuilding their lives than they were with mourning the Jews or other victims of the Nazi regime (Traverso 2004, 228–229; cf. Wieviorka 1998, 64, 68–69).

Then, in the 1960s, there was a distinct shift towards the dawning of the era of the witness. Anette Wieviorka (1998), who introduced

this term, argues that the witnesses to the Holocaust had been put on a pedestal and celebrated as the bearers of virtue and wisdom. More often than not these witnesses are identified with the figure of the victim. Holocaust survivors have become living icons. Peter Novick (1999, 201) has even argued that the memory of the Shoah has been sanctified and has become a kind of civil religion of the West, while Arno J. Mayer (1988) has talked about the existence of a memory cult.

Traverso asks how this impressive difference between the indifference of yesterday and the sensibility of today can be explained. He points to several elements which form the basis for an explanation. First, he argues that antisemitism still belonged to the mental *habitus* of European countries after the war. The Shoah did lead to the delegitimation of antisemitism, although it did not happen all at once. In addition, in the context of general catastrophe and destruction, the singularity of the Holocaust was not emphasised. The immensity of the Final Solution was not easily conceivable in the general context of a war that produced 50 million dead and a continent in ruins (Traverso 2004, 230).

Second, the prevailing culture of antifascism focused attention on resistance tending to heighten it to mythical dimensions. The myth of a heroic national fight and resistance refused to question why the resistance movements had not tried to sabotage the mass deportations. The survivors themselves often preferred to concentrate on reintegrating themselves into national communities as ordinary citizens, leaving their individual fates in the background (Traverso 2004, 230).

Third, a few years after the end of the war, the international context was altered by the outbreak of the Cold War, which shifted the existing political balance and modified the means of elaborating the past. Germany ceased to be viewed as an heir and successor of Nazism and became an important member of both NATO and the EEC. The theory of totalitarianism, which was based on the

symmetry between Communism and Nazism, also helped keep the Holocaust in the background while the version of history produced in the DDR intentionally obscured the genocide of the Jews (Traverso 2004, 231).

As for America, Peter Novick has referred quite extensively to the significance of the assimilation process of the Jews. By the 1950s, three quarters of all American Jews were native born. The postwar years also witnessed the rapid collapse of antisemitic barriers to Jewish ascent in every area of American life. American society was becoming increasingly disposed towards treating Jews no differently from any other Americans, and they began to see them as an integral part of the society. It is no wonder that an integrationist as opposed to a particularistic consciousness was the norm among American Jews in the postwar decades. Nor is it any wonder that this universalist mood muted the discussion surrounding the Holocaust (Novick 1999, 113–114).

Novick has also pointed out that until the Eichmann trial, there was widespread reluctance, especially in America, to see the Jews portrayed as victims because victimhood implied the weakness and defencelessness of the Jewish people. Correspondingly, the state of Israel had created an image of the courageous and self-reliant Jew as standing up and fighting for his rights (Novick 1999, 123, 131; cf. Gorny 2003). As Israelis were “negating” the diaspora victim condition that very much included the Holocaust, American Jews, in a parallel fashion, regarded the victimhood symbolised by the Holocaust as a feature of the Old World that they wanted to put behind them (Novick 1999, 121). Consequently, during the 1950s, not even the Jews themselves were particularly eager to talk about the Holocaust and transmit its memory to the future generations.

Nevertheless, Novick recalls that while the postwar Jews’ repudiation of the status of victim was largely spontaneous and tacit, it was also the result of strategic calculation by the leading Jewish organisations, such as the American Jewish Committee. In their

calculation, there was a serious danger in promoting widespread consciousness of the Holocaust. Namely, it would inevitably promote the image of the Jew as victim, which would then promote a new wave of antisemitism. Throughout the 1950s, this remained the judgement of most American Jewish leaders (Novick 1999, 123).

Traverso points out that the transition from the context of the 1940s and 1950s to the present day situation, that is to say from the invisibility of Auschwitz to its omnipresence in the public space, was not a linear process but included several ruptures. More precisely, the reactivation of the memory of the Holocaust has taken place via a few notable symbolic turns. The most important of these turns was the Eichmann trial. Traverso sees it as having been a cathartic moment in the history of the liberation of speech, as it was the first time that the survivors had been called to testify while the accused was reduced to the mere symbol of a regime that had executed the destruction of the Jews. Eichmann's death sentence was understood as a symbolic condemnation of Nazism in general (Traverso 2004, 232).

Wieviorka also emphasises the significance of the Eichmann trial as a decisive turn in beginning again to remember and deal with the Holocaust. In her view, it marked a new chapter in Jewish history, in which genocide became a constitutive element of Jewish identity. Moreover, she argues that the trial introduced a number of innovative elements to the judicial process. For the first time in history, a trial was used to actually attempt to teach a history lesson not only to the "world" in general but to young Israelis who were growing apart from the historical context of the birth of the state of Israel in particular. Finally, the Eichmann trial started the epoch of transmission, during which we have witnessed a growing effort to transmit the memory of the genocide through monuments, museums, and a wide range of cultural products (Wieviorka 1998, 71).

Nevertheless, Wieviorka also points out that the "lesson" of the Eichmann trial was not only positive, as it also revealed the

ambivalent nature of justice and trials when they are consciously used as historiographers. The dilemma of the court of law as an historiographer is related to the role of the testimony of the victims. In the case of the Eichmann trial, the problem was that mass murder was the common factor of the individual experiences of victims with whom the rest of the world was expected to be able to identify (Wieviorka 1998, 99–102). Hannah Arendt criticised this very dilemma: While the aim of the judicial process is to construct a collective memory based solely on the testimonies of the victims, the political analysis and judgement of Nazi totalitarianism threatens to disappear entirely.

For Traverso, the next symbolic turn was constituted by the Six Days' War in 1967. It accentuated the spark of awakening ignited by the Eichmann trial. However, this happened in the form of a singular division between the diaspora Jews and public opinion on the Left. The former perceived the conflict as a concrete threat of a new wave of annihilation, while the latter considered Israel a neocolonial state and an instrument of the geopolitical domination of the United States. In Traverso's view, this conflict connects the problem of remembering the Shoah to the present time and its politics (Traverso 2004, 233; cf. Gorny 2003).

The third symbolic turn in Traverso's periodisation is constituted by a banal media event: the American television series *Holocaust*, which was broadcast in virtually every Western country in the 1970s. Traverso argues that an entire generation was upset by this story, which guided the development of a memory that was maturing in Western countries. The term Holocaust itself came into general use following the series. At the same time, the debate surrounding the denial of the Holocaust first broke out in France as the result of the claims made by Robert Faurisson and his followers. For Traverso, these are the main stages of a process that took different shapes in different European countries (Traverso 2004, 233; cf. Wieviorka 1998, 122–125).

It is characteristic of these historians that they emphasise the general impact of the trial itself as an impetus to pay more attention to the act of remembering the Holocaust. David Cesarani has emphasised the impact and importance of the Eichmann trial from a somewhat different perspective. His basic argument is that it is Hannah Arendt's interpretation of Adolf Eichmann and his trial that has most decisively shaped our understanding of the Nazi criminal. Cesarani argues that Adolf Eichmann has become an icon of the 20th century, of the Nazi regime and the genocide of the Jews. In his view, Eichmann has become a metonym for the entire history of the Nazi persecution, the mass murder of the Jews and its legacy. He finds this odd, however, as Eichmann was not always among the pantheon of Nazi killers, and few men have been so mythologised or misunderstood. Adolf Eichmann and his career were virtually unknown when the Third Reich was defeated and the Allies first set out to punish Nazi criminals. Nor did any of the so-called Nazi hunters initially set out to find Eichmann. Nobody knew who he was, and nobody seemed interested in apprehending him. (Cesarani 2004, 1)

Despite this, however, at his trial, Eichmann was accused of having played a central role in the persecution and mass murder of European Jews from 1935 to 1945. Cesarani points out that in his dramatic opening arguments, the prosecutor, Gideon Hausner, described Eichmann as the Nazi regime's executive arm for the extermination of the Jewish people. Hausner depicted Eichmann as a fanatic who descended into barbarism and argued that he had a "satanic personality" (Cesarani 2004, 3). This was considered ridiculous by many observers, and as we have seen, Arendt, who covered the trial for the *New Yorker* magazine, was certainly among them. Cesarani quotes Arendt's famous lines in her report, in which she argued that the trouble with Eichmann was that he was like so many of us and depicted him as terribly and terrifyingly normal (Cesarani 2004, 4; Arendt 1963/1965, 276).

Cesarani argues that academics and intellectuals were profoundly influenced by Arendt's portrayal of Eichmann: they were captivated by her thesis about his ordinariness, encapsulated in the formula "the banality of evil". He maintains that Arendt's depiction of Eichmann was to a large extent predetermined and mythological and that she included Eichmann in her own theory of totalitarianism by making him the epitome of the totalitarian man. Cesarani argues that by associating Eichmann with totalitarianism, Arendt helped shape the way in which generations of historians and thinkers conceptualised the Third Reich. Consequently, Cesarani continues, from the mid-1960s to the mid-1980s, the mass murder of the Jews was seen as the zenith of modern bureaucracy. Eichmann, the bureaucratic desk-killer *par excellence*, became a key to one of the most enduring approaches to the Nazi era and the Final Solution. (Cesarani 2004, 4)

Cesarani claims that Arendt's book, *Eichmann in Jerusalem*, played a more pivotal role than the actual trial itself in shaping Eichmann's legacy (Cesarani 2004, 15). He admits that most journalists agreed with Arendt's portrayal of Eichmann but does not give any importance to any other reporter's accounts. In his view, anyone writing on the subject today works in the shadow of Hannah Arendt. In contrast to the historians discussed above, Cesarani argues that the birth of the field of Holocaust studies owes more to Arendt's pamphlet than to the trial itself or the role of the victims' testimonies in it. On the one hand, in Cesarani's view, it was not the trial but the controversy surrounding Arendt's book that brought the Final Solution home to millions of people. On the other hand, Cesarani argues that it was the controversy surrounding Arendt's book that marked the birth of the field of Holocaust studies, which was an unforeseen and oblique legacy of the trial (Cesarani 2004, 325). Hence, in his view, Arendt's role in shaping Eichmann's legacy cannot be overestimated (Cesarani 2004, 344).

Cesarani's emphasis on Arendt's impact on Holocaust studies in general and our understanding of the character of Eichmann as a Nazi criminal in particular seems to be somewhat exaggerated. Nevertheless, it is an undeniable fact that the beginning of the 21st century has witnessed a kind of revival of the rereadings of *Eichmann in Jerusalem*. There is clearly a very different emphasis in these new readings as compared to the earlier debates surrounding the book. This time, the controversy is not about Arendt's interpretation of Jewish politics or Eichmann's personality but on the trial itself, Arendt's critique of it, as well as her impact on the dispute over the singularity of the Holocaust. This is why a few of these new readings deserve closer inspection in the context of the present study.

6.2. THE CONCEPTUAL REVOLUTION OF THE VICTIM

Another scholar who has recently emphasised Arendt's impact on our conception of the Holocaust is Shoshana Felman. She has singled out two works that mark conceptual breakthroughs in our conceptualisation of the Holocaust. The first was *Eichmann in Jerusalem* and the second was the film *Shoah* (1985) by Claude Lanzmann.²¹ In Felman's view, these works displaced the collective frameworks of perception and changed the vocabulary of collective memory, as they added a new idiom to the discourse on the Holocaust (Felman 2000, 466–467). For Felman, the crux of Arendt's book is the reflection on the significance of legal proceedings in the wake of the Holocaust. The Eichmann trial had to decide not only the guilt of the defendant but also how a crime that is historically unprecedented is to be litigated, understood, and judged within a

21. *Shoah* is a nine-hour film about the Holocaust directed by Claude Lanzmann. It mainly consists of interviews with people who were involved with the Holocaust in various ways and visits the places they discuss. It draws quite heavily on the distinction between victims, bystanders, and perpetrators made by the historian Raul Hilberg (see Hilberg 1992).

discipline of precedents. In other words, the Eichmann trial had to determine how memory can be used in the redefinition of the judicial meaning of the trial in such a way that the unprecedented can become a precedent in its own right, that is to say a precedent that might prevent the future repetition of such crimes. (Felman 2000, 471–472)

In Felman's view, Arendt perceived the trial as the scene of a dramatic confrontation between the claims of justice and the government and power elite, thus creating a secondary courtroom drama and a secondary case for arbitration and adjudication: *The State vs. Justice*. Felman argues that it is in this dramatic confrontation that Arendt stands up against the state by mobilising the law in an attempt to build a dissident legal perspective. Today, this dissenting legal force has paradoxically become not only part of an historical event but part of its notorious legal historiography, which was part of the legacy of the historical event (Felman 2000, 473–476).

In Felman's view, Arendt's very presence at the trial and her impact on the historiography and memory of the event proved that the event itself had surpassed the known parameters that were set as its limits and reached new unexpected and unknown parameters. The state of Israel had not planned and could not have anticipated the extent of Arendt's charismatic contribution to the meaning and impact of the Eichmann trial. (Felman 2000, 476, n. 16)

To support her argument, Felman takes up Nietzsche's distinction between monumental history and critical history. Monumental history consists of an aggrandisement, a magnification of the high points of the past, seeking inspiration in them, a great impulse for a future action, while critical history judges and condemns, and undercuts illusions and enthusiasms. Critical history never pleases or charms. It is harsh and strident. It is often destructive and always deconstructive. Felman suggests that Arendt is a critical historian of the Eichmann trial. She casts aside the version of the

trial presented by the state of Israel, which sought liberation from the past. Whereas the official state view of the Eichmann trial is one of monumental history, Arendt's view offers a substitutive critical history. What makes this legal case a monumental historical case is the dramatic and totalising way in which the legal institutions endeavoured to put history itself on trial, thereby making the entire world the stage and audience of the trial (Felman 2000, 478).

Felman points out that the Eichmann trial followed the tradition established by the Nuremberg trials, albeit with one crucial contextual difference. Whereas the Nuremberg trials viewed murderous political regimes and their aggressive warfare as the centre of both the trial and what constitutes a monumental history, the Eichmann trial replaced these regimes with the victims, making them the core of what gives history its monumental dimension (Felman 2000, 479). Consequently, the Eichmann trial set out to present a monumental contemplation of the past from a new perspective. Whereas in Nietzsche's thought monumental history records the deeds and actions of great men and consists of the writing of the great, the Eichmann trial focuses on the writing of victims who are dead (Felman 2000, 481–482). Here, the concept of what is constitutive of monumentality is inverted and the perspective is shifted from the "greatness" of the perpetrators to the greatness of the victims.

Arendt disputes the state's view of the trial and takes issue with the very narrative perspective that puts the victims at the centre of the trial. She attempts to decentre the prosecution's story and focus not on the victim but on the criminal and the nature of the crime. She thus offers a decanonising counternarrative to the official story of the Eichmann trial (Felman 2000, 489–490). Felman argues that Arendt's critical history is the decanonising and iconoclastic counternarrative of a resistant reader who believes in diversity and separation rather than unity and communal solidarity and who prefers truth to power (Felman 2000, 490, ff. 45). For Arendt, the courtroom is not the place for tears or the expression of other feelings. On the

contrary, for Arendt, justice is a thoroughly ascetic, disciplined, and conceptual experience and not an emotional stage for spectacular public expression (Felman 2000, 490).

Felman argues that the problem with Arendt's account is that she fails to see that the Eichmann trial historically created the victim for the first time. In Felman's view, the Eichmann trial legally created a radically original and new event. It was not the rehearsal of a given story but a groundbreaking narrative event that was in itself, historically and legally, unprecedented. She argues that the trial struggled to create a new space and a language that was not yet in existence. This was the first time in history that a new legal language and space had been created through the firsthand narratives of victims. (Felman 2000, 493)

Felman points out that a victim is, by definition, not only someone who is oppressed, but someone who has no language of their own with which to articulate his or her victimisation. The only language available to the victim is the oppressor's language. Furthermore, because history, by definition, silences the victim, the reality of the degradation and suffering he or she has had to endure are intrinsically inaccessible. The Eichmann trial is the victims' trial because it is the victims who are writing their own history. To enable such writing, the Eichmann trial had to re-enact memory as change. Felman argues that it was this revolutionary transformation of the victim that allows the victim's story to become realisable as a legal act of the authorship of history. She sees this historically unprecedented revolution in the definition of the victim as the trial's most significant contribution. (Felman 2000, 497–498)

In accordance with the majority of Holocaust historians, Felman maintains that what we refer to as the Holocaust did not exist as a collective story prior to the Eichmann trial. In other words, it did not exist as a semantically authoritative story. Thus, the trial was a transforming act of law and justice. A Jewish past that was previously seen exclusively as a crippling disability was now being

reclaimed as an empowering and proudly shared political and moral identity (Felman 2000, 502).

More precisely, what had not existed prior to the trial was a collective story of the victims' suffering. Over the course of the trial, the victims recovered the language and acquired the semantic and historical authority of the story of their destruction. The result was an international discussion, which defined the experience of the victims and referred to the crime against the Jewish people *independently from the political and military story of the Second World War* (Felman 2000, 503, my italics).

Felman refuses Arendt's critique of the trial according to which it failed to produce an innovative legal norm or a valid (universal) legal precedent. Indeed, Felman is not disturbed by the fact that the trial exceeded its legal limits and failed conceptually. On the contrary, she argues that the Eichmann trial was a singular legal event that created a sacred narrative through its monumental legal records and testimonial chorus of the persecuted (Felman 2000, 505).

There is no reason to deny the argument according to which the Eichmann trial was a very important event in the history of how the Holocaust has been remembered. However, it is astonishing that Felman does not see the manner in which it highlights the victims' viewpoint as problematic. It is also astonishing that Felman does not see the notion of dealing with the Holocaust independently of the political and military history of the Second World War as problematic, almost going so far as to imply that it would be better to read the Holocaust outside of its historical and political context. Felman's approach remains politically ignorant and naïve, as she fails to recognise the politically problematic aspects of the trial that are at the very core of Arendt's critique of it. Although Arendt does point out that the Eichmann trial was one of the first international contexts in which victims were given a voice that was actually heard by other people, it does not change the fact that the trial was also full of politicking and power struggles, which should also be taken into

account when discussing the impact and significance of the trial. Paradoxically, Felman's treatment of the trial ends up confirming Arendt's critique of it: What was at stake was not the task of deciding the guilt or innocence of the accused but the underlying "ulterior purposes", of which, for Felman, the most important was the cavalcade of victims.

6.3. THE EICHMANN TRIAL AS A POLITICAL TRIAL

While Felman ignores or fails to understand the political aspects of the Eichmann trial, Leora Bilsky approaches it as one of a chain of political trials held in Israel (the other trials with which she deals are the Kastner trial, the Kufr Qassem trial and the Yigal Amir trial). In her understanding, the common denominator in all of these trials was that the political authorities sought to advance a particular political agenda through criminal prosecution. She distinguishes political trials from show trials in the derogative sense by the fact that in the latter, the legal procedure is a mere *façade* used to conceal the use of brute power by the political authorities against a political opponent, while Israeli political trials tended to have a certain transformative potential. They transformed the struggle over the content of the terms Jewish and democratic into an agonal and dramatic conflict between an accuser and an accused. The legal results of these cases would determine to an important degree the content of the collective memory and the Israeli collective identity for years to come (Bilsky 2004, 2–3). In this general context, Bilsky addresses the ability of a trial to serve as a consciousness-transforming vehicle. She questions the type of politics advanced by trials and how they can be used to promote the formation of a democratic society.

For Bilsky, during criminal trials, the courtroom serves primarily as a stage of human drama. The political struggle waged in the courtroom transforms dry and distant history into a living story with a name, a face, and a body. It turns the theoretical dilemma

into a reality, thus providing a unique forum in which society as a whole can confront its moral, historical and political dilemmas in a more concentrated and intensive manner. Another advantage of the courtroom in comparison with other political fora is its subordination to the dictates of procedural justice, which allows both parties to articulate their stories. In this way, both criminal defendants and the victims who are brought to testify can advance a “counter story” of their own (Bilsky 2004, 3).

However, Bilsky also warns that these advantages should not blind us to the inherent limitations of the courtroom. The main danger in a transformative trial is the transformation of a multilayered political debate into a binary conflict. The adversarial structure and need to translate the rich complexity of reality into familiar legal categories almost inevitably result in the reduction of real world problems to binary representations. It can often distort reality and promote overly black and white solutions. The translation of the conflict into legal discourse can obfuscate the political nature of the competing stories and divert attention from the need to explore a political solution. (Bilsky 2004, 4)

Bilsky approaches the Eichmann trial as a competition between two storytellers, Gideon Hausner, the attorney general and the chief prosecutor in the Eichmann trial, and Hannah Arendt. In Bilsky’s view, these were the two principal accounts of the trial that shaped our understanding of what it was all about. In his role as chief prosecutor, Gideon Hausner represents the official story; indeed, he took on the role of master storyteller and claimed to speak with the voice of six million victims, six million accusers (Bilsky 2004, 85). After the trial was over, he published *Justice in Jerusalem*, his own account of the trial. Arendt was not, of course, an official actor in the legal drama. Conversely to Hausner, she took it upon herself to provide a counternarrative: the story that was not, but in her opinion should have been told in the court room.

Bilsky argues that the clash between Arendt and Hausner is informed by two opposing views of historiography, justice, and politics. Their respective stories have two main aspects: the framework of the narrative and the voice of the narrative. The framework has both temporal and spatial boundaries. With respect to temporal boundaries, Hausner's story embraces the whole of Jewish history, while Arendt begins her story in the 19th century. With respect to spatial boundaries, Hausner's story focuses on the Jewish people while Arendt addresses humankind as a whole. In Bilsky's view, these different temporal and spatial boundaries produce two competing histories of the Holocaust (Bilsky 2004, 93). The second aspect, the voice of the narrative, relates to Arendt's and Hausner's disagreement over the question of how to tell the story, that is, whether the story should be told through written documents or the oral testimonies of survivors. What role should be given to the victims in the trial of their victimiser? (Bilsky 2004, 94)

Bilsky points out that a trial forces its participants to judge a past event and reflect on the precedent it sets for the future. In transformative trials, the participants have to formulate a whole new historical narrative on which judgement is to be based. The Eichmann trial offered the lawyer and the historian a great opportunity because it functioned as a meeting place where the need to tell the story, the need to judge the criminal, and the need to relate history all coincided (Bilsky 2004, 98).

Gideon Hausner sought to bridge the abyss between past and future within the framework of the traditional Jewish historiography of repetition: Jews have always been persecuted for antisemitic reasons. The framework of the story was the Jews' long history of victimisation and persecution throughout the ages. Accordingly, the prosecution chose to focus its case on the legal category of "crimes against the Jewish people". Bilsky observes that Hausner's clear-cut distinction between victims and victimisers left no room for dealing

with ambiguous categories in the grey zone like Jewish cooperation with the Nazis and *Judenräte* (Bilsky 2004, 98–99).

Arendt disagreed that traditional Jewish historiography could account for these new phenomena because it sought present day analogies to the old story of antisemitism. Bilsky points out that Arendt's historical narrative highlighted the lack of historical precedents for Auschwitz. Arendt replaced the thesis of unique Jewish victimhood with the proposition that the physical extermination of the Jewish people was a crime against humanity that was perpetrated upon the entire body of the Jewish people. She rebutted Hausner's narrative of continuity and repetition by noting that only the choice of victims, not the nature of the crimes committed against them, could be derived from the long history of Jew-hatred and antisemitism (Bilsky 2004, 99–100).

Bilsky argues that the different legal categories adopted by Hausner and Arendt engender disparate historical narratives within which the same "facts" have different implications. Hausner needed to discard the historical narrative of the Second World War in order to replace it with one about the Jewish Holocaust. In Hausner's legal framework, the issue of the behaviour of the Jewish leadership might have been seen as blaming the victims, while Arendt's choice of the legal category "crimes against humanity" placed the behaviour of Jewish leaders in the context of its being an expression of the totality of the moral collapse that had taken place throughout Europe (Bilsky 2004, 100).

Bilsky argues that Hausner advocated splitting the story in two and focusing on the suffering of the victims, while Arendt saw this as intentional collective oblivion that condemned a society to be forever trapped in the past. She advocated telling the whole story of how the Jews and others had been led to cooperate with the Nazi system so that this painful experience would become part of the Jewish nation's history. These differences in approach are connected to a larger view of history. According to Hausner's

deterministic approach, the persecution of the Jews throughout the ages was a historical constant that could be changed only with the establishment of a Jewish state. The lesson he drew from the Holocaust was therefore particularistic: the need to empower the Jews by protecting their state. For Arendt, however, the persecution of the Jews was a warning sign to humanity at large against the dangers of the totalitarian state (Bilsky 2004, 104–105).

Bilsky shares with Traverso, Cesarani, and Felman the view according to which the Eichmann trial became a triumph of the victims in many different ways. She argues that the testimonies of the victims decisively contributed to the creation of the consciousness of the Holocaust in Israel and throughout the world (Bilsky 2004, 105). She also accepts the idea that the 1950s was characterised by the silence on the Holocaust and that it was the Eichmann trial that decisively contributed to breaking this silence.

Bilsky reminds us that the novelty of the Nazi crimes lay not only in their plan to eliminate an entire human group but also in their attempt to produce a crime without a witness. Providing a stage for the victims' testimonies carried the ethical message of "giving voice". It was because of this decision that the Eichmann trial was able to "create" the Holocaust in the consciousness of the world. Abstract knowledge about the Holocaust became real through the authentic voices of the survivors. History thus became collective memory (Bilsky 2004, 111).

Consequently, Bilsky argues, the Eichmann trial played a central role in giving authority to the testimonies of Holocaust survivors and making them reliable witnesses in terms of the formation of a legal judgement and the writing of history. A link can be made between the change in the perception of the victims following the Eichmann trial and the shift to the writing of history based on victims' testimonies. Although the memoirs of survivors already existed in the beginning of the 1960s, historians were quite reluctant to use them (Bilsky 2004, 112).

In Bilsky's view, in political trials, the contest between narratives becomes paramount. Well aware of the power of the narrative in political trials, the Israeli prosecution provided Holocaust survivors with the opportunity to testify about their personal experiences. On another level, the attorney general used the trial to present a meta-narrative about the relationship between the Holocaust and the establishment of the state of Israel in an effort to include the Holocaust survivors in the constitutive narrative of the Israeli collective identity. The case of the prosecution was thus literally built on a chain of human stories (Bilsky 2004, 141).

Bilsky points out that, although Arendt criticised the prosecution's heavy reliance on survivor testimonies rather than written documents, the alternative she offered in her own report also adopted the narrative mode. Bilsky suggests that the courtroom may be the last public space in modern society in which stories in general and oral stories in particular are still considered to be the preferred means of arriving at the truth (Bilsky 2004, 141).

In my view, Bilsky misreads Arendt's narrative motives. Firstly, Arendt did not believe that a political trial could provide a substitute for democratic or parliamentary processes. On the contrary, she accentuated and criticised the problematic aspects of political trials. Moreover, she did not believe that the victims' testimonies constituted the best possible way of arriving at a many-sided truth. On the one hand, she repeatedly highlighted the fact that the victims' testimonies were not necessarily reliable; on the other hand, she pointed to the fact that Hausner directed the witnesses and their stories with questions that decisively shaped the content of their testimony. Secondly, Bilsky does not pay enough attention to the fact that Arendt considered the entire trial a disaster precisely because general attention was displaced from the accused to the victims. In addition, Bilsky does not discuss the problematic aspects of bringing the politics of the past into courtroom proceedings. In Arendtian terms, historical truth and political meaning cannot and

must not be decided in courts of law because they simply are not juridical matters. In Arendtian terms, the legal process should be used as it is intended: for rendering justice in concrete cases of crimes. Political – democratic and parliamentary – processes are the correct contexts in which to discuss and decide upon political meaning.

6.4. THE POLITICS OF VICTIMS

It is characteristic of all the views (except, perhaps, that of Cesari) discussed above that they approach the Eichmann trial from the viewpoint of victims. This is, of course, not surprising given the growing and pervasive interest in this field. In fact, these approaches may best be understood as expressions of the growing interest in the field of victim studies. It is in this context that all the approaches discussed above see the Eichmann trial as a decisive turning point in the ways of approaching and remembering the Holocaust. More precisely, they locate it as a rupture between the silence and repression of the 1950s and the ever-growing interest in the Holocaust of later decades. It is also characteristic of these studies that they mostly emphasise the positive aspects of the Eichmann trial. This is because they see it as the first time that the victims' suffering was publicly recognised and taken into account.

Correspondingly, all of these approaches criticise Arendt for refusing to take the victims' standpoint into account. Felman and Bilsky in particular argue that Arendt's main mistake was that she failed to grasp the positive impact of the novelty inscribed in the Eichmann trial in this sense. In their view, the Eichmann trial marked both the political and legal/juridical expansion of the court process. They see it as a good thing that the Eichmann trial was a case in which the legal process surpassed its own limits and became a public spectacle in which Nazism and antisemitism were symbolically condemned by the condemnation of one of their representatives. In

addition, all of these approaches emphasise the impact of Arendt's book on our understanding of the Holocaust. Cesarani in particular sees the case as a heavy burden or dark shadow over all those who want to deal with Nazi criminals in one way or another.

I find all of these interpretations problematic. As to the thesis of the Eichmann trial as the moment of the birth of the field of victim studies, the authors entirely ignore Arendt's critique of Hausner's decision to focus on the testimony of victims. In her view, the strong emphasis on the victims' suffering might have blurred and dismissed the political judgement of the phenomenon of Nazism in its entirety. In my view, Arendt's warning was not unfounded, as we have now seen where the politics of victims can lead: we are currently witnessing a period during which ever-increasing numbers of victims appear on the public scene to demand compensation for their past suffering. There seems to be no end to this process, as in a way we are all victims of the atrocities related to the Third Reich and the Second World War.

Dagmar Barnouw has strongly emphasised and criticised precisely this aspect in the ongoing debate over the Holocaust. The one-sided emphasis of Jewish victims leaves countless other important aspects related to the historiography of the Third Reich in the shadows. In terms of historical research, two major problems emerge. First, as Wieviorka has also pointed out, two different accounts of the Holocaust have emerged. On the one hand, there are accounts that focus exclusively on the machinery of the historical Final Solution, while on the other hand, there are accounts that focus exclusively on the victim (Barnouw 2005, 196; Wieviorka 1998). As we have seen above, there are scholars who consider it a positive development that the Holocaust is being discussed and studied without relating it to the general history of the Second World War. These scholars believe that the Holocaust should be studied in its own terrible and fundamental terms without linking it to the troublingly instrumental uses to which the catastrophe is often put (Barnouw 2005, 197).

Second, focusing exclusively on the testimony of victims as resources of historical research produces a whole new set of problems, the most serious of which being, as, for example, Peter Novick has pointed out, that they tend more often than not to be unreliable. He refers to a statement made by the director of Yad Vashem's archive, who once said to a reporter that many so-called witnesses had never actually been to the places where they claim to have witnessed atrocities, while others relied on second-hand information provided by friends or strangers (Novick 1999, 275).

Barnouw points out that the reception of Novick's book is a case in point of how serious historical research is sometimes assessed in the field of victim studies. She argues that quite a few critics of Novick's book claimed that it was an "obsessively" historical account of the remembrance of Jewish persecution that reflects back on the historical status of the remembered events of persecution. These scholars reject, on principle, viewing everything that has to do with the Holocaust from an historical perspective, which leads to the confusion of the historical persecutions themselves with the memory discourses that have grown around and over them (Barnouw 2005, 197).

Nevertheless, Barnouw also points out that the issue here is not the distortion of the truth in the sense of lying but the conception and subsequent construction of stories that fit a certain preconceived and above all meaningful interpretation of a traumatic past. It is precisely in this sense that the Eichmann trial turned out to be a very important event. With its deliberate and highly controlled choreography of a large number of individual memory stories, it took these acts of construction one step further: "The stories recited by eyewitnesses *became* their memories; the surviving victims *were* the authorized delegates of the Holocaust, embodying, as it were, the a priori *unquestionable* facts." (Barnouw 2005, 24) Moreover, this "hyper-facticity" of the status of victim has repressed all other war experiences, excluding them from the sphere of public remembrance and contributing to significant losses through the enforced forgetting of

the historical reality of the Second World War and its consequences (Barnouw 2005, 24).

In the context of this study, the trial accounts discussed above may be read as representative examples of how the Eichmann trial and Arendt's report of it have been inscribed into the debate surrounding the singularity of the Holocaust. It is precisely in terms of rereading and reinterpreting the Eichmann trial as an expression of "victims' voice" that it is possible to see Arendt as representative of those historical revisionists who are not interested in paying attention to the victims' sufferings or the Jewish uniqueness of the Holocaust at large, but prefer "obsessively historical accounts" in which the Jewish genocide is approached in its historical and political context.

Barnouw points out that the historicisation of Jewish persecution has been routinely rejected by many professional historians of the Holocaust because it implies relativisation: "Removed from the protection of supra-historical uniqueness, the Holocaust can then be seen in the context of historical time, namely in relation to other events. As a historical phenomenon of great but not of singular importance, the persecution of Jews [...] is not the forever unfathomable, unspeakable Evil requiring mythopoetic representation. Temporal and relative, these persecutions can become at least partially accessible to rational argumentation and historical documentation." (Barnouw 2005, 198–199)

Thus, the trial accounts discussed above may also be read as excellent expressions of the tendency inscribed in the field of victim studies to absolutise and sacralise the experiences of the victims and indeed the entire phenomenon of the Holocaust. In the context of the field of victim studies, the Holocaust becomes an absolute evil that is incomparable with anything that has ever occurred on earth. What is strikingly interesting and important to understand here is that, politically speaking, the act of absolutising is synonymous to the act of depoliticising. It raises the phenomenon of the Holocaust above human dispute and argumentation as something that is absolutely incontestable.