

Archive Images: Truth or Memory

The Case of Adolf Eichmann's Trial

Eyal Sivan

I come from Israel, a country where the political use, or the "instrumentalization," of what we call memory is an integral constitutive element of the political culture. As early as the 1930s, David Ben-Gurion – later Israel's first prime minister – theorized "the transformation of Jewish suffering into Zionist redemption."¹ No other country in the world uses the memory of suffering as Israel does, to justify not just its policies but its existence. And obviously no other country dares to pretend to be preserving the legacy of the victims of one of the largest crimes in history.

Zionism (the Jewish nationalist movement) and its political expression (Israel) attained legitimacy through the genocide of the Jews during World War II. The United Nations' General Assembly Resolution 181, calling for the partition of Palestine between Jews and Arabs, was approved by a large majority in 1947, because the memory of the events of the war was still so fresh. Israel's political policies get their morale stature from the commonly accepted idea of that nation as the homeland of the survivors of genocide.

Beyond its relation to historical fact, the importance of this common belief is its place in the Western conscience. It gives Israel a privileged moral position: victims, we know, are generally seen as being on the side of the good. Paradoxically, though, this "untouchable" position also weakens Israel, exposing it to a recurring criticism: how can a people that has suffered so much make others suffer? How can the victims' memory not prevent them from becoming criminals themselves? We hear and read such notions regularly.

To put the problem this way, however, is to ignore the political function of collective memory. "This screen-memory, which shows some of the horrors so as to hide others, is only the chosen weapon to defend all the lying strategies and murderer propaganda," writes Rony Brauman.² As a political argument, memory easily becomes an instrument that stimulates, encourages and justifies different types of collective and political violence.

Did the genocide of Tutsis and moderate Hutus in Rwanda prevent the country's new regime from massacring Hutus refugees in Zaire in 1999, or from establishing a rule of terror at home? Did the memory of their persecution by the Nazis and earlier Turks keep Serbs from killing Bosnians? Did the memory of Japanese war crimes keep China from building concentration camps and prosecuting Tibetans? Did the memory of the deportation of the Boers prevent their descendants from deporting black Africans in their return? Did African-American soldiers' ancestry of slavery make them behave better than white soldiers in the Vietnam War? Did participation in the Resistance during the Nazi Occupation of France prevent some men from later becoming torturers in Algeria? The list is of course endless.

"What ethnic cleansing, what forced migration, what pulse vengeance, has not found its inspiration in this linear memory and in the cult of the victim that is associated with it?" asks Brauman.³ One reason for this, it can be argued, is that the linear vision of collective memory easily creates dichotomous and antagonistic categories. Nations rarely see themselves as criminals or cowardly; in the world of memory, they are either victims or heroes, sometimes both. Tzvetan Todorov writes,

The world of heroes, and maybe this is its weakness, is a one-dimensional world, which includes only two opposed terms: we and them, friend and enemy, courage and cowardliness, heroes and traitors, black and white.⁴

This is also the case in the representation of the victimhood.

And of course this is also the case in Israel. Memorial vision was imposed on the country in the early 1960s through the

trial of Adolf Eichmann, which opened in Jerusalem on April 11, 1961. As a senior officer in the Gestapo, Eichmann had been in charge of the mass deportation of European Jews, Poles, Slovenes, and Gypsies to the concentration and death camps. After his capture by the Israeli secret service, in Buenos Aires 1960, he was tried in Jerusalem. The trial, in a brand-new theater auditorium called Beth Ha'am (house of the people), was an international event – the first big public trial of a Nazi criminal since the Nuremberg trials at the end of World War II. More, it was the first trial dedicated entirely to the crime of the Holocaust.

To ensure that the event would "carry" – it was intended to be a lesson to both Israeli society and the world – the trial was conceived as a show. And what gave it its full spectacular dimension was the fact that millions of people around the world could follow it on television. The U.S. election of John F. Kennedy the year before, with its election campaign fought out on TV, had demonstrated the impact of this new medium. Few realize that the first hearing in the Eichmann trial was held a month before the event's official public opening: on March 10, 1961, the court held a special session to discuss the request of the attorney general, Gideon Hausner, to permit videotape recording in the court "for the purpose of television broadcasts and cinema showings in Israel and abroad."⁵

This was an original request. The proceedings of no earlier court had been recorded in their entirety on video and broadcast on TV. "We know of no relevant statutory provision," the judges said.⁶ Hausner's proposal was closely linked to the political purpose behind the Eichmann trial: for the young state of Israel, the exposure of the sufferings of the Jewish holocaust victims was a political and didactic need. As an event, the trial was intended to become a monument in public memory. The guilt of the defendant and the revelation of the truth were secondary. In fact, Hannah Arendt wrote, "it was the trial done by Zionism to Nazism."⁷

The staging and the filming of this trial were supposed to constitute a full representation of Jewish suffering during the war. Through the voice of the attorney general, they were to reflect Israel's position as the unique owner of these

sufferings. Robert Servatius, Eichmann's defense counsel, strongly opposed the request for a television, fearing the risk of "a distorted presentation of the proceedings," and "a desire [of the witnesses] to play-act before a world-wide audience."⁸ Alternatively, he asked the court to make its consent conditional upon "an objective presentation of the proceedings."⁹ Despite the general mediocrity of his defense of Eichmann, the remark is interesting: we might say that this idea about objectivity of images is a function of the time, the 1960s, but even today we sometimes still hear "objective" visual documentation claimed.

After a short debate, the court concluded, this danger does "not outweigh the favorable aspects of the proposed recording."¹⁰ The judges had mentioned these "favorable aspects" during the debate, quoting the philosopher Jeremy Bentham: "Where there is no publicity, there is no justice ... Publicity is the very soul of justice."¹¹ The decision, then, addressed the present moment, the time of the trial. Nothing was said of the future, or the fact that the film would become a factual trace, an archive for future generations.

The Eichmann trial was of considerable importance from every point of view. The human and historical value of the evidence presented, and the extraordinary view that it provided of the Nazi death machine, gave it a dimension no earlier trial had attained. The Israeli state charged an American company, under the direction of the filmmaker Leo Hurwitch, with all of the video recording. In return the company commanded exclusive marketing rights to the trial images for a period of a year. About 500 hours of video were recorded for posterity. (A large part of these recordings, however, would eventually turn out to be unusable). The Eichmann trial lasted over five months, and more than 100 victims and witnesses testified. It was the first time that victims of the Nazi persecutions had spoken publicly. The media attended for the testimony, and the world was fascinated and horrified by the stories that emerged.

Two months after the trial began, a unique witness took the stand. Before the court and the survivors, Eichmann responded to fifteen charges concerning the elimination of several million people. The prosecutor presented him as incarnation

of evil. In his defense, he cited his obligation to obey orders from his superiors, but he meanwhile described in detail the functioning of a destructive engine of which he had been a chief engineer. Answering questions from the prosecutor, his own counsel, and the judge, he narrated exactly what he had done with the Nazi regime. Denying none of the facts, he gave the court a full view of the Nazi extermination machine.

What is striking, listening to Eichmann, is the fact that there is no contradiction between his own testimony and the victims'. But the perpetrator and his truth were of relatively little relevance to the purpose of the trial. In a filmed interview, Hurwitch would remember,

I was terribly excited that Eichmann was going to be tried because it had a possibility of exposing why these events happened.... I felt sure that people in Israel would be interested in that ... but it seemed they were not interested in discovering the nature of fascism. They were only interested in dramatizing the terrible events that happened to Jews.¹²

Although Eichmann's trial was filmed, only a few images of the Holocaust victims, and a single image of the defendant declaring "Not guilty," became iconic representations of the trial. Of the hundred of hours of film, only a few canonical icons were left in memory. Eichmann was condemned to death on May 30, 1962. The following day he was hanged, and his ashes were dispersed in the Mediterranean. After the execution, the footage of the trial vanished, buried in an unknown archive. Memory replaced history.

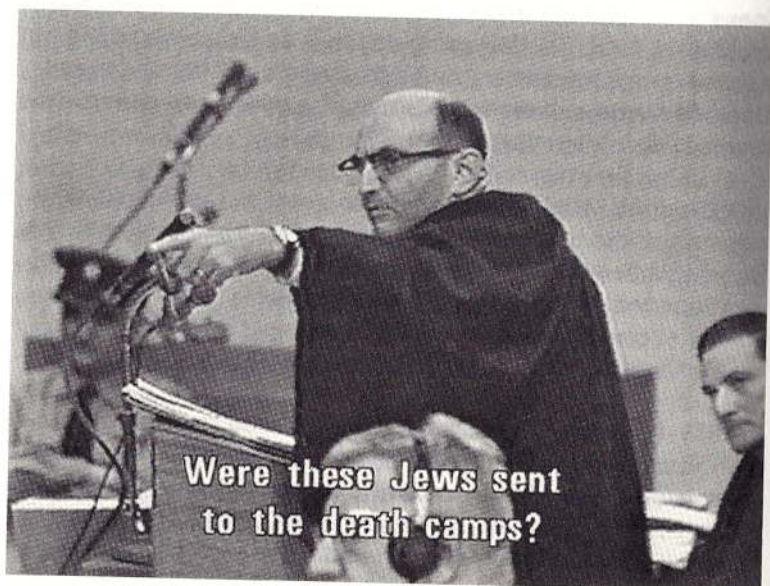
In 1977, on the trial's thirty-fifth anniversary, the film was discovered, in the United States, and was returned to Israel. Shortly afterward the Steven Spielberg Jewish Film Archive was founded in Jerusalem, its mission the conservation of audiovisual material concerning contemporary Judaism. It was housed at the Hebrew University of Jerusalem.

In 1978–1979, the Spielberg Archive decided to prepare a selection of seventy-two hours of the trial footage. The logic of the exercise was hard to understand: these seventy-two hours of images, recorded on poor-quality tape, were presented not as copies but as originals; the rest of the footage

was declared inaccessible or nonexistent. Responding to criticism of the archive in the 1990s, its director declared, "All the sensational moments of the trial are available. The essential is safe."¹³ A few sequences were regularly sold, becoming standard illustrations of the trial. This trade in a few pieces of memory was obviously more profitable than the long and arduous task of archiving the complete material. The original tapes were stored haphazardly, and without adequate labels, in the only place the archive could find that was cool enough for the purpose of conservation: an unused washroom. It was here they were discovered, in 1991, by the production team of my film *The Specialist*.

A comparison between the catalogue of images and the trial transcript has shown that almost a third of the video archives, essentially evidence from camp survivors, seems to have been lost for good. This is a deep paradox for an archive institution dedicated to preservation. It shows to what extent, and how easily, the display of the *duty* of memory can replace the real *act* of memory.

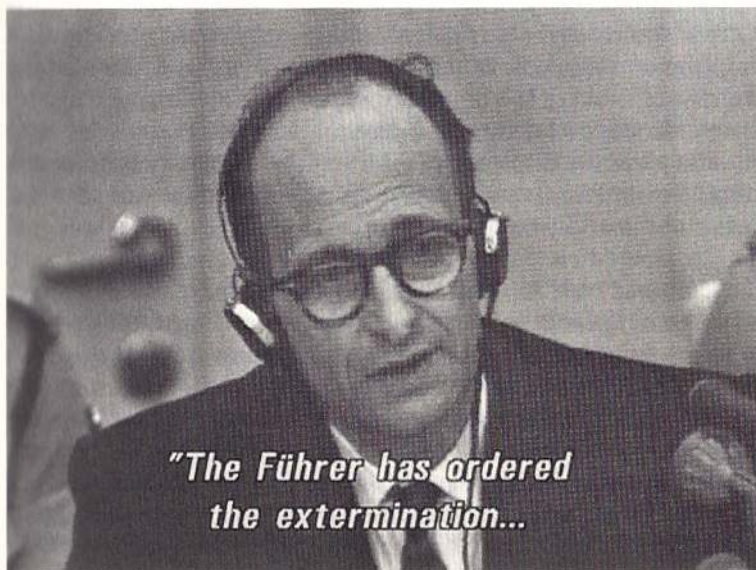
If the videotapes of the Eichmann trial have turned out to be virtual archives, that is because the trial itself in fact fulfilled its purpose. The pleas of European Jewry, their torture, the



Still from *The Specialist* (1999), a documentary about the Eichmann trial by Eyal Sivan.

memory of the catastrophe, found a home in Israel, where they became an indisputable source of national legitimacy, symbolized by the icon of Eichmann in the glass booth installed for him in court. The staging of the trial, like the decision to film and record it, was intended to put the viewer in direct and immediate contact with the harsh testimony of the survivors. The origins of this decision lay in the desire to reflect, in the optical sense of the word, the horror experienced both by those who had survived and by those who had died but would live again through the trial testimony's preservation of their trace. The viewers of the video footage were to be exposed to this horror alone; for this purpose, in the eyes of the Israeli state, the few minutes that we know from their many TV broadcasts were probably enough.

Hundreds of books and thousands of shorter studies have been written on the Eichmann case and trial, but not one scholar, scientist or historian has discussed the video archive. Although it constitutes a full record of the trial, it seems to have been ignored as a historical document. Do scholars attach no truth to this material? Or is it only a question of time? One expert on the Eichmann case, Hans Safrian, of the National Holocaust Museum in Washington, D.C., has said that he has no interest in seeing Eichmann



*"The Führer has ordered
the extermination..."*

or his trial.¹⁴ In fact, almost no scholar has wanted to hear the perpetrator speak. And what of the victims and the witnesses? The Eichmann trial video footage is one of the biggest filmed archives of their testimonies. It includes a full range of witnesses from all over Europe, from 1933 to 1945, from the rise of Nazism to the camps and the liberation. The women and men who testified in the trial did so just sixteen years after the event, when they were relatively young and their memory still fresh. Yet the archives were forgotten. In 1982, Yale University recuperated the New Haven Holocaust Survivors Film Project, begun in the late 1970s, and transformed it into the Fortunoff Video Archive for Holocaust Testimonies. In 1994, Steven Spielberg began the project of filming the survivors of the Shoah. But no one cared about preserving the images of the witnesses in the Eichmann trial.

What was this footage needed for if the images of neither the perpetrator nor the victims were to be used or even preserved, if historians haven't even looked at the as a document? There is no question of truth here; the beginning of an answer might be the question of the function of collective memory. The act of filming allows an emphasis on the spectacular function of the event; some images, mainly of victims, help to create icons of memory – what we used to call “monuments.”

One of the most famous icons of the Eichmann trial is the fainting and the removal of a witness who collapsed under the burden of evoking the horror. Spectacular and moving, this tragic sequence became a symbol of the endless trial. Used in almost all of the films about the event, and in many others about World War II more generally, it clearly illustrates the issue of the archive, truth, and memory.

The witness was Yehiel De-Nur. Forty-five years old in 1962, a native of Poland, he had spent two years in Auschwitz, and was the only member of his family to survive. After the liberation he took the name “Ka-Zetnik,” a play on the letters “KZ,” for *Konzentrationslager* (concentration camp), and wrote one of the first books on Auschwitz published in Israel. Although he was famous in his country, he was known only by pseudonym and had never appeared in public, even in photographs, before testifying in the Eichmann trial. There he spoke, in few

sentences, about the "Planet of Auschwitz" and its inhabitants without names. "I see them, they are staring at me, I see them, I saw them standing in the queue,"¹⁵ he said. Stopped by a question from the attorney general, Ka-Zetnik fainted and collapsed unconscious. In the deeply distressed courtroom, ambulance men ran to his rescue. Today, Ka-Zetnik himself does not recognize the description of Auschwitz he uttered on the stand as his own. Since the Eichmann trial he has taken back his own name and now situates Auschwitz in our own planet, as a specifically human construction rather than some unworldly and alien blight. If he is still afflicted by anxiety, it is now as a man facing the future: he is currently expressing himself as a citizen by struggling against the peril of nuclear weapons. In these circumstances since the trial, perhaps contemporary use of the spectacular scene of Ka-Zetnik's fainting amount to a betrayal of Yehiel De-Nur.

To make this kind of selection of a particular scene – in effect a form of film editing – involves a kind of censoring, since to choose is to eliminate. The truth of every film lies not in an unlimited absorption of reality but in a rebuilding of it, creating a structure and establishing criteria of choice. And strangely, although there is a great tradition of documenting, collecting, and archiving images and stories of victims, documentary cinema and archival work have rarely dealt with representation of perpetrators. This is true of both the Yale and the Spielberg projects; I might also mention recent projects in Rwanda, Bosnia Argentina, and elsewhere.

It seems that images of victims fascinate, and their stories are recurrent subjects of study. This focus often seems to be defended as a *duty of memory*. How strange, though, that this claimed duty should fall on the victims rather than the perpetrators, who are far more commonly the subjects of fiction. And how strange also in the case of the Holocaust, fiction films dealing with the perpetrators so often make use of aesthetic prototypes designed by the Nazis themselves, and more precisely by the Nazi filmmaker Leni Riefenstahl. Except for Ernst Lubitsch and Charlie Chaplin, directors dealing with this period tend to see the SS as they themselves wanted to be seen. Showing and hearing perpetrators like Eichmann would be a starting point for breaking the conventional clichés, if iconic ones, of their representation.

Historians have certainly used documents of the Nazis to describe the process of destruction and to analyze the crime, but they haven't shown the criminals speaking for themselves.

When we discovered the audiovisual material relating to the Eichmann trial, we decided to follow in the spirit of Primo Levi in our film *The Specialist*: in his preface to the memoirs of the Auschwitz commandant Rudolf Hoess, Levi invites the reader to discover a "human itinerary which is, in a way, exemplary" and describes this autobiography as "one of the more instructive books ever published."¹⁶ But writing is not an image; and the image may not be holy, but it has its own logic. So the film shows Eichmann on-screen. Here he is, animated in face and speech. He has a conscience, and speaks of his doubts in a man's voice. More, he is in a position of weakness in his glass booth, facing the judges who keep him under control. Here he is, frail, vulnerable, all in all: human.

Hidden behind fictionalized, quasi-mythic representations, perpetrators become inhuman – they become monsters, beasts, maniacs. The representation of victims, on the other hand, corresponds to the Jewish and Christian idea of redemption, so that their images work similarly to the crucifix on the church wall. It is true that to focus on the perpetrator is to risk making us identify with him; as he explains and justifies himself, tells us about his work, his joy, his sorrows, he looks like a anyone else and we grant him our understanding. The technical problems he has had to resolve, his problems with his conscience, the "duty" that obliges him to follow orders – these are experiences that all of us can recognize. But it is precisely on this familiarity with him that we should count. It is the small space, which involves identification, comprehension, and indulgence that we can choose to evaluate him.

The use of dramatic recurring icons to represent crimes, the daily display of the sufferings of the victims, a thousand times seen, a thousand times commented on, turns them into clichés in the sense described by Roland Barthes:

Facing these images, we are deprived of our judgment. Somebody has trembled for us, thought for us, judged for us. The photographer has left us nothing, just a simple intellectual acceptance.¹⁷

When it comes to the images of horror, I prefer to rely on the power of the imagination. I do not share the idea of their clarifying and denunciatory power. We hear that to show a crime against humanity is already to start to fight it. This kind of euphoric cliché eludes the question of political responsibility by substituting the show of horror for the thinking about horror. As Brauman and I have written, "When the political event is reduced to a pathetic current affair, pity paralyzes thinking and the aspiration to justice is reduced to a humanitarian consolation. Here you find the banalization of evil."¹⁸

After the Eichmann case it became part of the juridical show to film the trails to those who had perpetrated crimes against humanity. So it has been with the Klaus Barbie's trial in 1985 and Maurice Papon's in 1996, both in France, and of course, with the international criminal tribunals for the former Yugoslavia, in the Hague, and for Rwanda, in Arusha. The latter two courts are actually television studios. The trials are fully recorded; most of the images can be seen on the courts' website. Ironically, the faces of the defendants are obscured, hidden. The court respects the dignity of the defendants and maybe even thought that was really important was the testimonies of the victims. Here again we might ask, what will happen to these thousands of hours of images? How and to whom can we guarantee freedom to access to these materials, and the possibility of reconstructing narratives or making artwork out of them?

As an integral part of the process of South Africa's Truth and Reconciliation Commission, it was decided to record and broadcast the full hearings on TV. (This was also done in Argentina). At first the hearings were followed by large audiences all over the country. But they lasted a long time, and as the months passed, interest broke down. Few films were made during the hearings, but the question of the large archive of moving images that the commission generated daily is an open one – as it is in the Hague and Arusha, and as it

was at the Eichmann trial. In every case the purpose of the filming is the representation of the victims and the creation of a linear collective memory. Fortunately the images are not considered legal proof; unfortunately they are not considered part of the construction of truth either.

An image is a representation of a segment of reality. The four black sides that construct or define the frame hide more than they show, and the truth as it is constructed through images can only be an accumulation of points of view of the same material. This construction depends on the ability to use archival materials, not just to illustrate a single moment, speech, or memory, but to manipulate them freely so as to arrive at a new narrative.

Images can be objects of thought, but icons, as cult objects, cannot. The respect due to the icons cannot be justified for images, which exist only through the work done on and with them. It is strange to remark that the use of images to testify truth, and the creation of audiovisual or cinematic works pretending to be acts against oblivion, are on a growth curve. Memory has become a sort of audiovisual collective experience. Most of the compilations of images dealing with the Holocaust are convenient illustrations of commemorative discourses, and are characterized by the positive cliché "Never again." This memory, or rather this imposed mourning, is possible thanks to the constitution of a visual language. Where a living language is permanently evolving, and can be used for individual, subjective works or points of view, this visual language is constituted more as a code. Like road signs, its images can be read at a glance. Old-looking or deteriorated, they signify the past. Gray silhouettes running through trenches mean World War I. Snow and barbells mean the gulag. The codes are numerous. Together they make up a system of nontransparent images, an empty screen. Like the terms that are used to comment on them, they have become overused. The pile of corpses, the death factories of Auschwitz and Birkenau, the deportees behind the barbed-wired fences, the gray men running in trenches of World War I – like the narratives of the victims, they have lost their *exemplarity*. In their one-dimensional narrative form, these historical images have lost their analogical power to stimulate a point of view and a reflection on the present.

But archival images can be used in a secular, contemporary way to create historical analogies. As Todoro writes,

Exemplary use of memory ... allows the past to be used in view of the present. Memory can be used as a lesson about injustices acquired in the past and to help fight those taking place at the present, to help us to live our selves and to advance toward the other.¹⁹

It is the utilization – or the manipulation – of the image that gives it its exemplary dimension. Through the use of all the tools given to us by the contemporary arts, perhaps we can uproot the images of the trials of men like Eichmann, and other perpetrators of crimes against humanity, from their memorial one-dimensional purpose. Bringing these images into our present, we can get a sense of our own environment. We can give these materials a “status of truth” that will allow us to renew the tradition of what can be called political art.

Eyal Sivan “Archive Images: Truth or Memory” was first published in *Experiments With Truth: Transitional Justice and the Processes of Truth and Reconciliation*: documenta 11, Platform 2, ed. Okwui Enwezor [et al.], Hatje Cantz: 2002. Republished with permission of the author.

- 1 David Ben-Gurion, quoted in Idith Zertal, "Le procès d'Adolf Eichmann, ou la révélation de la Shoah," *L'Histoire*, no. 212 (July–August 1997).
- 2 Rony Brauman, "Mémoire, savoir, pensée," *Le Débat*, no 96 (September – October 1997).
- 3 Ibid.
- 4 Tzvetan Todorov, *Facing the Extreme: Moral Life in the Concentration Camps* (New York: Metropolitan Books, 1996).
- 5 *The Trial of Adolf Eichmann: Record of Proceedings in the District Court of Jerusalem*, vol.1: March 10, 1961 (Jerusalem: Trust for the Publication of the Proceedings of the Eichmann Trial, in co-operation with the Israel State Archives and Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, 1992).
- 6 Ibid. Only about twelve hours of the proceedings of the Nuremberg trials after World War II were filmed.
- 7 Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963; rev. and enlarged ed. New York: Penguin Books, 1994).
- 8 *The Trial of Adolf Eichmann*, vol. 1: March 10, 1961.
- 9 Ibid.
- 10 Ibid.
- 11 Ibid.
- 12 Leo T. Hurwitz, interviewed by Susan Slyomovics, The Jewish Museum, New York, March 4, 1986.
- 13 *Ha'aretz Daily*, September 14, 1995.
- 14 Hans Safrian, at the conference "Il racconto della catastrofe," Verona, Italy, March 1998.
- 15 *The Trial of Adolf Eichmann*, vol. 3, 1237 (June 7, 1961).
- 16 Primo Levi, introduction to *Commandant of Auschwitz: The Autobiography of Rudolf Hoess* by Rudolph Hoess, trans. Constantine Fitz Gibbon (London: Phoenix Press, 2000).
- 17 Roland Barthes, *Mythologies* (Paris: Seuil, 1957).
- 18 Rony Brauman and Eyal Sivan, *Eloge de la désobéissance* (Paris: Le Pomnier, 1999).
- 19 Tzvetan Todorov, *Les Abus de la mémoire* (Paris: Arléa, 1995), 31–32.