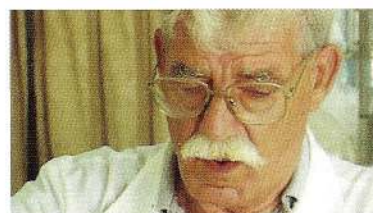


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Stills from *Route 181: Extracts from a Palestinian-Israeli Journey*, by Eyal Sivan and Michel Khleifi, 2003.

THE BARBER TRIAL: SIVAN VS. FINKIELKRAUT

THOMAS KEENAN & EYAL WEIZMAN

In February 2004, French-Israeli filmmaker Eyal Sivan filed a libel suit in the Paris courts against philosopher Alain Finkelkraut. The previous year, Sivan, working with Palestinian filmmaker Michel Khleifi, had released *Route 181: Extracts from a Palestinian-Israeli Journey*—a four-and-a-half-hour travel documentary tracing what remains, in the memories of the landscape and its inhabitants, of the violent expulsion in 1947–1948 of some three-quarters of a million Palestinians from the territory that would become the state of Israel. The film had been aired on the European cultural television channel Arte in November 2003, and a few days later, on November 30, Finkelkraut was interviewed on the French Jewish radio station RJC. In the radio broadcast, Finkelkraut launched an aggressive critique of the film, arguing that its entire meaning rested on a false analogy between Israel's 1948 war of independence and the Nazi Holocaust, that the film was a "call to murder," that Arte was guilty of "incitement to hatred," and that Sivan himself was representative of a "particularly painful, particularly frightening reality—*Jewish anti-Semitism*."

The case came to trial on 23 May 2006, and the official transcript of the proceedings at the Palais de Justice, Paris, is translated here in its entirety. The case revolved around witnesses, in the courtroom and in the film. To testify on his behalf, Finkelkraut called on the filmmaker Claude Lanzmann; historian and former Israeli ambassador to France, Eli Bar-Navi; and Anny Dayan, a cinema studies professor and pro-Israel activist based in Paris. Sivan called two left Israeli intellectuals: philosopher Adi Ophir, and film theorist Haim Bresheeth, as well as Parisian publisher/activist François Maspero, who established his radical publishing house against the background of the Algeria war.

Finkelkraut himself was the first witness, and having affirmed that he had indeed made the remarks in question, he produced a simple but forceful intertextual reading of the film in order to justify his critique. *Route 181*, he told the court, "rests entirely on an analogy between the fate of the Palestinians from 1947 to the present day, and the destiny of Jews under Nazism. It is a constant plagiarism of Lanzmann's film." Lanzmann's film is, of course, *Shoah*, his 1985 nine-and-a-half-hour documentary oral history of the Holocaust.¹ *Shoah* introduced a new sensibility to documentary filmmaking—it rejected the use of archival footage and instead planted itself militantly in the present, in the ruins of the

European camps, and in the voices and memories of the witnesses and participants, victims and, to a lesser extent, perpetrators. *Shoah* does not include a single archival frame.² It came to define what Lanzmann called a cinema of "transmission," a visual strategy that did not simply privilege but relentlessly investigated the act and status of the eyewitness.

Finkelkraut's accusation of plagiarism turned around a reading of one of *Shoah*'s most celebrated sequences, in which Lanzmann interviews a survivor named Abraham Bomba, whose task in the extermination camp of Treblinka was to cut the hair of Jews before they were led into the gas chambers. The interview, in which Lanzmann pushes Bomba to describe his work in the camp, is conducted as Bomba cuts the hair of one of Lanzmann's production team in a Tel Aviv barbershop.

There is a barber in *Route 181*, too, and Finkelkraut is clearly correct that the scenes, and indeed the films, have a powerful relation. In Sivan and Khleifi's film, a Palestinian barber in the former Palestinian town and now mixed city of Lod, near Tel Aviv airport, is filmed recounting the scene of a massacre that led to the expulsion of most of the town's Palestinian residents in the summer of 1948. He speaks from his own active barbershop.

For Finkelkraut, though, the quotation is neither an act of homage, nor an ordinary intertextual reference, nor a challenging critique of one film by another, but a hint that the film is engaged in nothing less than the identification of the expulsion of the Palestinians (the so-called Naqba, or Catastrophe) with the Shoah, and hence a decisive delegitimation of Israel's right to exist, and hence an incitement to the murder of Jews in Israel. Sivan and Khleifi had traveled and filmed along the route outlined in UN Resolution 181—which called in November 1947 for the partition of British Mandatory Palestine into convoluted and non-contiguous Jewish and Palestinian states—and the film explores what remains of Palestine in today's Israel. In criticizing and rejecting the politics of partition, *Route 181* resurrects political ideas originating in the 1930s and implicitly advocates a federal, multi-, or bi-national, single democratic state with equal citizenship for both Arabs and Jews within Mandatory Palestine. For Finkelkraut, promoting the liberal idea of a single state for Arabs and Jews embodies nothing less than "a genocidal intention to kill if not all then most of the Jewish Israelis." Finkelkraut repeated this accusation throughout the trial, claiming "a murderous logic is at work in this film."³

The nature and intensity of Finkelkraut's accusations is typical of a certain current of discourse on

Israel among liberal-right French intellectuals. Since the 1980s, Finkelkraut in particular has had a special inclination to accuse the "pro-Palestinian" French left of anti-Semitism⁴ and, more recently, to charge multiculturalist or tolerant discourses about race with responsibility for the riots in France's immigrant-rich *banlieues*.⁵

Finkelkraut's attack came in the context of a series of attempts to stop *Route 181* from being shown in France. In one of these cases, Jewish-French intellectuals and Israeli representatives successfully lobbied the Pompidou Center against screening *Route 181* in its 2004 Festival Cinéma du réel, purportedly because of the recreation ("plagiarism") of the barber scene. More than six hundred people, including Jean-Luc Godard, Tzvetan Todorov, and Étienne Balibar signed a petition protesting this censorship. The film has been shown a number of times in Israel.

Although Nicolas Bonnal, the presiding judge at the trial, rejected Finkelkraut's conflation of criticism of Israel with anti-Semitism, he dismissed Sivan's petition, based on the argument that Finkelkraut's attack was part of a legitimate political disagreement. In the wake of the trial, Arte decided to cease commissioning films from Sivan on Middle East affairs, and he lost as well his teaching position at CLEMI (French Ministry of Education's center for information media). Sivan appealed the decision in February 2007 and the verdict was pending as this magazine went to press.⁶

We asked Sivan about *Shoah*, the barbers, partition, and history. For him and Michel Khleifi, he explained, it was not a matter of "comparing" the Shoah and the Naqba, as if they were discrete entities that required outside intervention to be brought together. Rather, he told us, they should be seen as historically continuous and contiguous, part of a single historical process extending across the decade between 1938 and 1948. Like Lanzmann, his emphasis in investigating the apparently bygone past by means of its living witnesses was to restore it to its rightful place in our present—the Palestinian catastrophe, for him, is still ongoing. "It is shocking for a Frenchman, but frequently evoked in Israel," said Sivan. "For an Israeli Zionist poet like Avot Yeshurun, it was possible to say that 'these two holocausts together, are the Holocaust of the Jewish people.' The Naqba of the Arabs of Palestine and the Shoah of European Jews are two sides of a single Holocaust—ours..."



Stills from *Shoah*, by Claude Lanzmann, 1985.

The strength of *Route 181* is in providing an oral history of the forgotten Nakba, in presenting scores of conversations with Israelis and Palestinians, and in unearthing stories repressed for decades. The film powerfully demonstrates Israelis' willing ignorance of and ongoing complicity in the suffering of Palestinians and the denial of their national rights—and, paradoxically, their often remarkable recall of the events of 1948, their former Palestinian neighbors, and the intense proximity of their lost life together.

In its filmic language and its relation to witnessing and testimony, *Route 181* is a worthy successor to *Shoah*, charting a significant shift in the relation between memory, responsibility, and history. That, for Sivan, is what is at stake in the barbershops. "Abraham Bomba was staged! He was no longer a barber when he was interviewed, and three times during the interview he begs Lanzmann to stop. But Lanzmann believes that it is the victims who should bear the 'duty of memory.' I believe that this duty should be the perpetrators'."

Of course, Lanzmann interviewed perpetrators and not-entirely-innocent bystanders as well, and famously argued that the intent of *Shoah* was not to ask *why* (an "obscene" question, he wrote) but rather to lay out *how* the mass murder happened. Sivan—who had earlier, with Rony Braumann, re-edited the footage of the 1961 Eichmann trial into a powerful portrait of the banal professional "specialist"—radicalizes this pursuit, with an unexpected outcome. He told us that his project was "to treat the actors in a crime as bearers of the capacity both to witness and [to] reflect on it, and as the ones who have a 'duty of memory.' In the Israeli case, I am interested both in their memory of the land (before 1948) and their actions. What is surprising is to notice to what extent the analogy with the Nazi genocide existed already during the 1948 event—it was only three years after the end of the Second World War. It throws a completely new light on the myth ... that memory can be a vaccine against future crimes."

Sivan also drew our attention to the power of the camera, or rather, to the power of speaking before a camera. We asked whether his interviews aimed to produce a reflection or even a transformation in his witnesses, or simply to document their recollections, justifications, evasions. Did he want them to accept their responsibilities? He reminded us: "In the case of the Israelis, I am as responsible as they are. ... I was very interested in trying to follow the structure of the discourse as a starting point for opposing it. So I was not interested just in statements but in a process of thinking. This is what the documentary camera can and

even should try to do. ... The articulation of an argument in front of the camera allows the witness to think and reflect on the event, sometimes for the first time since it took place! Let's not forget that while undertaking a collective crime, people think that they are thinking, while in fact they are merely repeating the discourse of power."

"I am as responsible as they are." It is the very possibility of acknowledging the continuity between the Shoah and the Naqba that would, for Sivan, establish the condition for sharing a single democratic state between Jews and Palestinians. "The problem is that we Israelis must take responsibility for the deeds of our parents, deeds for which they refused to take responsibility. In the eyes of Lanzmann or Finkelkraut, if they acknowledge the crime of 1948, then Israel does not have the right to exist." Sivan speaks instead as one who accepts that right, but differently—as a citizen. "The existence of the Israelis is careless for them, they need Israel as a concept, a shelter, an insurance company. They do not have the relation of citizens to this state, but a relation of 'share holders' or 'members of a religion.' ... For them, to acknowledge the crime is to de-sacralize the State which replaced their Jewish identity." For the citizen, he said, the experience of the partition and its remainders, the proximity of proximity and separation, can only issue in a sense of the inevitability of sharing: "We share the history of the land, we share a memory of the Naqba/Independence, we share a destiny. This is a basis for thinking equality."

The authors would like to thank Haim Bresheeth and Adi Ophir for sharing their reflections on the trial.

For the French transcript of the original trial and for an update regarding the result of the appeal, see <www.cabinetmagazine.org/issues/26/sivan.php>

This article and accompanying transcript of the trial are published as part of Cabinet's contribution to Documenta 12 magazines, a collective worldwide editorial project linking over seventy print and online periodicals, as well as other media. See <www.documenta.de> for more information.

1 The film is part of a trilogy: *Pourquoi Israël* (1973), *Shoah* (1985), and *Tsahal* (1994).

2 In his seminar on *Shoah* at Yale in 1990, Lanzmann remarked: "...if there had been—by sheer obscenity or miracle—a film actually shot in the past of three thousand people dying together in a gas chamber...I would have preferred to destroy it." For a transcript of this seminar, see "Seminar With Claude Lanzmann, 11 April 1990" *Yale French Studies*, no. 79 (1991), pp. 82-99. Jean-Luc Godard criticized Lanzmann for "iconophobia." *Shoah*, according to Godard's well-known response, "showed nothing at all."

3 Another repeated theme in the film is the Judgment of Solomon. The filmmakers make the analogy to the Arab rejection of the 1948 partition of Palestine, explaining that those who rejected the partition of the baby/land must be its true mothers/inhabitants.

4 In 1987, in a manner similar to Hannah Arendt's *Eichmann in Jerusalem*, Finkelkraut covered the trial of Klaus Barbie, head of the Gestapo in Lyon, later publishing the book *Remembering in Vain*, which argues against the defense of Barbie by a team of French lawyers lead by Jacques Vergès. Vergès argued that the Nazi crimes were no different in nature from those committed by French imperialism, and thus the French courts were in no position to try Barbie. Nabil Bouaita, an Algerian lawyer, and Jean-Martin M'Bemba, a Congolese lawyer, joined the defense team. "Does crime against humanity only force emotion or merit commemoration if it hurt Europeans?" Vergès asked. M'Bemba gave an account of how eight thousand Africans died building 140 kilometers of railway in French colonial Africa. Bouaita discussed Sabra and Shatila.

5 In an interview with the Israeli newspaper *Haaretz*, Finkelkraut predicted that "anti-racism will be to the twenty-first century what communism was to the twentieth." On a different occasion, he stated that France's footballers had been "black, white, and Berber" in 1998, but were now "black, black, and black." See Dror Mishani and Aurelia Smotriez, "What sort of Frenchmen are they?", *Haaretz*, 17 November 2005.

6 Testifying for Finkelkraut in the appeal stage was Bernard Henri-Lévy, as president of the supervision committee of Arte. Dominique Vidal of *Le Monde Diplomatique* testified on behalf of Sivan. See Vidal's "Les pompier-pyromanes de l'antisémitisme," available at <www.monde-diplomatique.fr/2004/05/VIDAL/11185>.

Sivan vs. Finkelkraut

Hearing on May 23, 2006 at 1:30 PM
Chamber No.: 17th Chamber
Presiding Judge: Nicolas Bonnal
Associate Judge: Alain Bourla
Associate Judge: Marc Bailly
Public Prosecutor: Alexandre Aubert
Clerk: Martine Vail
Case No.: 0404723011

Presiding Judge: Reading of the accusation, statement of the facts, and reading of the contested statements [made by Finkelkraut on radio—Ed.]:

"Mr. [Sivan] is, if you will, one of the actors in this particularly painful, particularly alarming reality, the Jewish anti-Semitism that rages today. In other words, Eyal Sivan's hatred in regards to Jews. Eyal Sivan's attitude is completely different: the Jews that he detests personify, in his eyes, not a recovered past but rather a revolting present. It deals with killing them, liquidating them, making them disappear to allow for the arrival, the event of the emancipation of all men. But, as I have said before, beware those who would sew a swastika on our chests and wish to claim for themselves the yellow star."

Presiding Judge: Do you accept the accuracy of the transcription that has been filed as evidence as part of the suit?

Finkelkraut: I do not contest it.

Presiding Judge: Who chose the topic [of Sivan and Khleifi's film *Route 181*]? You or Ilana Cécurel?

Finkelkraut: It is Ilana Cécurel's radio program. Together we decide two days in advance on the topics we will bring up in light of current events. I was unable to watch all four and a half hours of the film. I saw about three-and-a-half hours' worth.

Presiding Judge: Do you know Eyal Sivan personally?

Finkelkraut: I do not know him well, but a few years ago I invited him to appear on my show on France Culture to discuss a film he had directed with Rony Brauman on Eichmann.

Presiding Judge: What of your recent remarks criticizing him?

Finkelkraut: I saw this film [*Route 181*] on Arte and found it unbearable. It rests entirely on an analogy between the fate of the Palestinians from 1947 to the present day, and the destiny of Jews under Nazism. It is a constant plagiarism of Lanzmann's film [*Shoah*]. It represents Zionism as a gigantic fraud and a genocidal enterprise,

and suicide attacks as acts of resistance against a politics of daily humiliation. I concluded that a murderous logic is at work in this film.

The scene with the barber is the most striking example of this. A few scenes later, there is the interview with the sculptor, a pure product of Zionism who weeps at the memory of what happened to his mother during the Shoah—to whom Sivan says, "That helps you understand," and who responds, "I have no qualms." In other words, the film is saying that the Shoah created monsters!

At the end, Sivan references *The Banality of Evil* by Hannah Arendt, which ends on the question of the death penalty. There is a long scene with a Palestinian in front of destroyed houses, who explains before the deferential camera that they have no other choice but suicide attacks. We do not hear from Palestinians who are against the violence.

Presiding Judge: You infer that the two filmmakers would be partisan to killing Jews?

Finkelkraut: Hamas had in its charter, "Every Jew is a target." The film says yes, every Jew is a target, for Israel is one long crime. This legitimizes the *passage à l'acte* [moving from thought to action]. It is the responsibility of filmmakers and the responsibility of Arte to address the issues, rather than circulate this film without the slightest debate, without opponents, without discussions. This documentary is presented as historical reality. This is an extremely serious responsibility. Since [the 2001 World Conference against Racism at] Durban, there has been an outbreak of anti-racist hate against the Jews, who are characterized as racists: "*The Jewish state is a racist state and all who support it are racists and Nazis.*"

At the beginning of the film, a Palestinian—likeable and presented as a victim—says, "*The Palestinians lived on bread and olives, they had good and pure hearts; the Jews, on the other hand, live for work and money...*"

The only positive characters in the film are Sephardic Jews who have been cheated by Israel. All the others are exposed to ridicule, designated for hatred, all this while we are in a period of *passage à l'acte* [i.e. where real acts, of anti-Semitism in this context, are occurring—Eds.].

Public Prosecutor: According to you, the plaintiff's work would legitimize *passage à l'acte*?

Finkelkraut: We live in a time of *passage à l'acte*, in Israel, but also in France. If Israel is a crime, then [Israelis] are accomplices to the crime, and therefore violence

is excusable. This is the *passage à l'acte* I refer to. Look at Sivan's opinion piece from a few months ago ...

Comte [lawyer for Sivan]: This opinion piece in *Le Monde* was published two years ago, not a few months ago. Are you aware that he received a bullet with a card saying, "The next one won't come in the mail."

Finkelkraut: Yes, I read about that in *Le Monde*. That is why I caution listeners against any personal attack. I believe this film must be attacked publicly, but I strongly condemn any attack against him personally.

Comte: Knowing the existence of these threats, didn't you fear that a regular listener of yours could be incited into taking action—under your intellectual responsibility?

Finkelkraut: Did he think for one moment of the consequences of this film? Of this extraordinary capacity for disinhibition that leads to Jews being left open to attack? I was primarily concerned with the unilaterally violent character of this film; the consequences are what have preoccupied me. But despite this pain, I took care to make a distinction that I reiterated multiple times.

Comte: You say that this film is a violation of all integrity. Do you dispute the right to speak of the massacre at Lod?

Finkelkraut: I dispute no such thing. I do not question the right of an Israeli filmmaker to make a pro-Palestinian film. I myself am pro-Palestinian. I have never ceased to fight for the creation of a Palestinian state, but always next to Israel, not in its place. I am still an adherent to the Peace Now movement. My support of Israel remains coupled with the need to create a Palestinian state. And if there was a massacre at Lod, then yes, one must say so. But we are beyond this. Sivan's barber is not the same as Lanzmann's, not to mention the images of the rail tracks. This film tells us: the partition [of Mandatory Palestine] is the horror. Sivan tells us, "*Are you familiar with the judgment of Solomon? The real mother is the one who refused to divide up her child.*" Supposedly to show us the suffering of the Palestinians, he indulges in an indictment that approaches paroxysm.

Comte: In what way is a film that recalls, for example, the massacre at Lod, or which refers to "Operation Balai," pro-Palestinian?

Finkelkraut: It is pro-Palestinian and has the right to be so; that is not in dispute here. It is the analogy that is made. The

Holocaust was a unilateral aggression. This film does not state the facts. It is a manipulation, even more serious because of its context.

Laval [lawyer for Finkelkraut]: And what about the letter of [French lawyer and former president of the Representative Council of French Jewish Institutions] Théo Klein submitted by the plaintiff stating that calling a Jew an anti-Semite was contrary to Jewish ethics and was nonsense ...

Finkelkraut: I was very shocked by this letter, by its spiteful pedagogical tone. It says "Jewish anti-Semitism cannot exist, it is devoid of foundation." Many Jews throughout history have had a very negative relationship to their heritage and have sought to break away, to the point of interiorizing this shame. Hannah Arendt speaks of the attitude of parvenus in the nineteenth century, those who were ashamed of their unfortunate forbearers.

Théo Klein has a thesis: there is neither new nor old anti-Semitism, but this thesis leads him to designate me as the one who is responsible for the community's malady. The paranoia of it. I am surprised by Théo Klein's approximations.

A UN resolution says that Zionism is equivalent to racism. Michel Foucault spoke of ignominy, but here we are beyond ignominy, since we are comparing Zionism to Nazism.

Presiding Judge [to Sivan]: According to you, this is a criticism that goes beyond the criticism of an intellectual work, and that affects you personally.

Sivan: I teach film in Israel. This film was shown at my university in Israel. It opened the academic year. At no time did anyone dare to use these terms. I have lived between France and Israel for twenty years and have made films about my country. My films often provoke polemics, debates. It is the meaning of my work as a filmmaker, as a fighter. I would not have filed this suit if there were an opportunity to debate, to have it out. Alain Finkelkraut decided not to debate, for it is better to assassinate someone when you disagree. My cousin Rony Brauman was called a "lap-dog of the goy" [by Finkelkraut], and he calls immigrants "savages." He plays a game in which there is no place for discussion, only for attacks. I call upon French Jews to help communicate that we must embrace the emancipation of Palestinians.

Rabin was assassinated because he was called a Nazi, a "Jew killer," an anti-Semite.

I come here to defend my honor, but also the honor of my family. To be called an anti-Semite is the worst insult, it proceeds from a will to push me aside, to push me out of the human community. I have

endured many attacks, to the point that I have received death threats. During a conference at the university in Israel where I teach, Finkelkraut yelled "*I never would have believed that I would have to defend Israel in Israel.*" [in response to a number of professors in attendance who were critical of Finkelkraut's views — Ed.]

I would like to come to the underlying question: that of the confusion with the Shoah. I grew up in Israel under the memory of the Shoah and its lessons. In 1989, during the first Intifada, I was living in Jerusalem, just opposite a Palestinian village. One day, there were shots, then attempts at escape and a launching of tear gas. There was a wind, and the gas entered through our open window. My mother closed it and cried. She said, "Now I understand how German neighbors closed their windows." I entered this framework, this Jewish tradition of giving voice to repudiated speech.

Finkelkraut: I've already debated with him. In addition, I object to being called the "sweetheart of variety shows." In addition, I am in the middle—even though it is difficult—of writing a book with Rony Brauman, his cousin.

One last word on Rabin; the only reference to him in this film is "that he dreamed of seeing Gaza devoured by the sea."

Sivan: Alain Finkelkraut did not invite me to debate: he refused the debate because, I believe, he can't argue against an actual Israeli. This is about a repeat offender, he is a pyromaniac firefighter. He supported Oriana Fallaci's book, then he apologized; he stigmatized youth in the *banlieus*, then he apologized ...

Finkelkraut: I said that Fallaci's book contained intolerable racist passages. I had to stand up to assertions that were one after another false.

Testimony of Claude Lanzmann. Born on 27 November 1925 in Bois Colombes, France. Filmmaker, writer, editorial director of the journal Les Temps Modernes.

Laval: Mr. Lanzmann is the director of the film *Shoah*, a masterpiece on the extermination of the Jews. What is your reaction to the view that Sivan and Khleifi's film is a plagiarism or caricature of your film?

Lanzmann: I watched this film again yesterday afternoon in preparation for this hearing, and it was an infinitely painful experience, even more painful than the first time. I tried to measure the immensity of the insult to me, as the author of a work that has touched hearts and minds throughout the world. I am thinking in particular of the scene of the hairdresser of Treblinka.

It is an insult to this man, an insult to the six million dead in the Shoah. If the massacre of 360 people at Lod that this film refers to actually took place, it was in the course of war operations. During the 1948 [Arab-Israeli] war there were blunders on both sides. Sivan's pleasure in imitating the scene of the hairdresser is such that it disqualifies all of the testimonies, destroys all real emotion and all compassion. I think that he mocks the Palestinians, he has no compassion for them. It is a bad film, fastidious, irritating, Holocaust-denying, profoundly immoral, and dishonest, and it centers around a single connecting thread, which is this Route 181 that has never existed. He neglects to say that on 15 May 1948, the day that the state of Israel was created, five Arab armies invaded the country, and there were 6,000 deaths among the 600,000 Israelis that made up the country. The markers of dishonesty: we never know where we are, in wastelands, no man's lands, we never see Israel, we do not know who is speaking, not a single name is given in the film. In Mr. Sivan's films, the witnesses do not sign their testimonies.

This is a trap-film, the camera itself is a trap—in these remote locations it turns itself, by its presence alone, into an instrument of falsehood (people want to show off before the camera). Furthermore, Sivan does not say who he is, he never introduces himself. He expresses himself in Hebrew: language as an instrument of deception. Sometimes an interviewee realizes this; one of them says, "Stop saying stupidities," and the film cuts and moves on. The film is entirely centered on this: it knows everything in advance, it discovers nothing. It has a fixed idea from beginning to end: *the malignant inversion*, to quote Michel Tournier. For him, Israelis are the Nazis of today, and the Palestinians, the Jews of today. The barbed wire, the watchtowers, the ghettos, the massacre at Lod. This is why I say that this is a film that denies the Holocaust. When Alain Finkelkraut speaks of *sewing swastikas*, that is exactly what this man is doing, and constantly. It is the opposite of a pacifist film, it is a war film. The original sin is the creation of the state of Israel, it is the death sentence of a state, which means blood, blood that has already been spilled, that is still being spilled, and a call to spill even more. There are revolting scenes, such as one at a checkpoint—he loves frequenting these checkpoints—where he films without introducing himself, without authorization. Some young soldiers interrupt: "Hey! You don't have the right to film." He responds, "I am a journalist, I have every right." "Show your papers." "I don't have papers." The conversation continues and he asks the soldier: "Why are you doing this?" The young soldier responds: "I am doing my job, I am serving my country." He then

says, "All armies committing atrocities say that!"

Alain Finkielkraut is right, there is very real anti-Semitism: anti-Semitic Jews exist and have for a long time. This man is anti-Semitic. I do not see why he gets indignant when they say it, since he is. He construes something one of the [Jewish Israeli] interviewees says to mean, "Only money interests me." This is an old cliché.

I would like to return to the scene of the barber. In the case of the barber of Treblinka, it took me two years to find him, and, when I did, I shut myself in a cabin with him, one night and two days one-on-one with him, and he spoke to me, recounted everything to me, things that are very difficult to say. I discovered things, we established a very close relationship. I wanted to know as much as possible about the protagonists of my film. This film is an insult. When I saw it for the first time, friends advised me to lodge a complaint for plagiarism or pastiche; after the scene of the hairdresser, you immediately have a shot of the rails, the same as for entering Auschwitz Birkenau. This film is very heavy-handed, and to have a switch yard like that of Auschwitz—*Unbelievable!* It is mind-boggling! It merits ... I would prefer not to say what it merits.

Comte: In what way is it scandalous to make such a parallel?

Lanzmann: It is definitely scandalous! There was no extermination of Palestinians! No genocidal volition: there were deaths on both sides. I do not understand this question.

Comte: On the criticism of the cinematic technique: I remember your film, the scene of the hairdresser is very hard to watch. You push him to speak; many techniques are possible ...

Lanzmann: Abraham [Bomba, the barber in *Shoah*] was not tricked, he did this voluntarily. I knew that this would be very difficult for him. He began speaking in a neutral voice, objective, as if he were another person, as if this did not concern him. I asked him increasingly precise questions. He explained to me how he saw groups of naked women and children arrive, that they pushed them into the gas chambers, that he had to cut their hair, not shave them, for otherwise they would understand what was about to happen. I asked him, "What did you experience the first time?" He did not respond to me, moving on to another subject, he said, "We tried to be as humane as possible." I said to him "No, not like that!—the movements? How did you make them?" and I posed an absurd question: "Were there mirrors?" And suddenly something happened, his voice changed—maybe

something very important was about to happen. I saw that only a few seconds of film remained in the camera: I said that we would cut and reload immediately. The conversation proceeded, and I asked him, "I posed a question and you have not responded: what did you experience the first time," and then he said to me, "You know, feeling there ... we were surrounded by corpses, we were dead to all feelings, dead to everything." It is not a hard scene, it is a highly intimate scene.

Comte: But experienced as hard ...

Lanzmann: That pleases me.

Comte: There are many approaches to filmmaking. Who gives you the right to say that these people have been tricked?

Lanzmann: They have no name, no more the Palestinians than the Israelis. Why? The ethics of documentary film is the ethics of truth. Him, he has his fixed idea, that Israel is a producer of barbed wire, a Nazi prison guard.

Comte: You admit that an Israeli filmmaker can have an alternative vision of his own country?

Lanzmann: Absolutely.

Comte: And so, does one have to go so far as to say that Sivan wants to assassinate all the Jews?

Lanzmann: I've never said that. I say that he said that Israel must be wiped out, and in order to wipe out Israel, you have to kill a lot of Jews. I do not know if we can still consider Sivan an Israeli ...

Sivan: We crossed paths at the School of Fine Arts in Jerusalem, where his film was being projected, and what would be a painful event for any filmmaker took place: the order of the cassettes was reversed. What did you yell at the projectionist?

Lanzmann: I don't remember.

Sivan: You said, "What? Is this projectionist a Nazi?"

Lanzmann: I don't remember saying that. That's ridiculous!

Testimony of Eli Bar-Navi. Born on 2 August 1946 in Bucharest, Romania. Historian of nationalism. Residing in Brussels.

Laval: What was your reaction after seeing this film and what is your view as a historian?

Bar-Navi: This film has nothing to do with history and everything to do with the manipulation of history.

From the beginning, an off-screen voice says that the initial decision to partition the land will provoke the first war—without explaining to us why. There is an elision between the War of Independence (1947) and the 1967 war; it deals with two different logics and we pass from one to the other without stopping. The Israelis that we see are scum (Ashkenazi) or naive people who have been tricked (Sephardim) and who have had their land snatched away from them.

Laval: One of the principal criticisms that has been made pertains to the connection between the Palestinians' situation from 1947 to the present and the Shoah. Is there a parallel between the Shoah and the Palestinians' situation?

Bar-Navi: That is what he says between the lines. The Nazi argument is constantly present. Certain scenes (the one of the barber for example) are unbearable and say it explicitly. In an intentional, specific manner, the film aims to establish this parallel; all that is ideological disappears in the name of this muddle. It is a weapon of propaganda and a propaganda film.

Laval: You have always fought for the existence of a Palestinian state.

Bar-Navi: Alain Finkielkraut speaks of a wave of hatred in discussing this film. It is true that I have always fought for the creation of a sovereign Palestinian state. I have always said that the occupation of the territories since 1967 is an abomination, a cancer that eats away at us, and that it is time to rid ourselves of it. I know that Alain Finkielkraut is of the same mind. I maintain that this type of film does not take this approach at all. Israel is the absolute evil. It does not fight for peace, but for the disappearance of the state of Israel, pure and simple. Here we can talk about anti-Semitism, and we shouldn't say that a Jew cannot be an anti-Semite!

These people [such as Sivan] occupy a vociferous minority position, but they do not carry any weight in public opinion; peace cannot be achieved with these people around. But I recognize them as one of the components of Israeli political life.

Their discourse mirrors that of the extreme right's. It is the same mentality, but peace can never come from it.

Comte: Is this a historical film?

Bar-Navi: You asked me this question, I said no, this is not a historical film.

Comte: Is this a film about memory?

Bar-Navi: Memory is useful for history but does not constitute history on its own. There is no reconciliation if we say that the only legitimate memory is Sivan's. What I criticize in this film is the distortion of Jewish memory. I recognized neither my people, nor my country. I only saw bastards and halfwits.

Comte: The New Historians [in Israel] have not claimed to be concerned with memory but with history. In this school of thought, you'll find everything from positivist historians to jokers and people who will say anything, such as that there is no historic truth; but the New History in Israel is considerably advanced on certain issues. On the whole, it is a good thing.

Sivan: Would you have engaged in discussion with someone who wants to exterminate the Jews?

Bar-Navi: Generally I avoid this, but that was before you made this film. A bi-national state? That is legitimate. What I criticize you for is not the solution, it is that you depict the state of Israel as a nation that oppresses another.

Sivan: An Israeli general said, "The Wall [being built in the West Bank], I can't avoid thinking about World War II." Isn't he also making a comparison with the situation in the occupied territories?

Bar-Navi: I don't know. I think that this comparison in general has no meaning.

When they showed this film to Israelis, they knew how to put it into context. When you show the film elsewhere, the words have a different meaning. I continue to believe that your film is false. The details are true, but the overall picture is false. It is a Holocaust-denying enterprise. The film suggests, "One should not argue with those people, one should argue about them." [By employing this phrase, famously used to describe the intransigence of the Nazis, Bar-Navi is implying that Sivan's film falsely sets up an equivalence, particularly in the minds of non-Israelis, between the actions of the Israeli state and the actions of Nazi Germany.—Ed.]

Sivan: I opened the academic year with this film.

Bar-Navi: To show what a Holocaust-denying film can look like. This is a film I would show to explain what not to do.

Comte: "He wants to kill all the Jews." "He hates them." Do these statements seem justified, reasonable?

Bar-Navi: Are we in the realm of the reasonable? Are we not in that of the polemic?

Testimony of Anny Dayan, married name Rosenman. Born 30 September 1946 in Casablanca, Morocco. Associate Professor.

Dayan: I am actively involved [*engagée*] in opposing this film because I believe it presents a partial and demonizing vision of the Israeli-Palestinian conflict. It is at the service of an argument according to which the state of Israel would have no legitimacy—even if international decision-making bodies have given it legitimacy—a state that need not exist and that is being pushed toward oblivion for the benefit of a bi-national state. This is a dangerous argument, because it stigmatizes the Israeli population as a whole, the population is universally responsible. This film "Nazifies" a part of the Jewish population. There are several examples. I will not take the most dramatic (the scene of the barber), but the most mild: at a checkpoint, there is a young soldier, a student of philosophy. He has a conversation with the filmmaker, who asks "Have you read *The Banality of Evil*?" He does not say the full title, which is *Eichmann or the Banality of Evil*. The young man has not read it—what follows is a summary of Hannah Arendt's book, according to which those who do evil do so out of obedience. This means that the young man, who does not understand what they are talking about, is put in a situation where they tell him, without his knowing, that he is being compared to a Nazi. This is a perverse cinematic device.

Even though I am opposed to this extremist thesis, that doesn't mean I am insensitive to the fate of the Palestinians. For thirty years, I have fought for the creation of a Palestinian state next to Israel, not in its place, and for withdrawal from the occupied territories.

The pain of some cannot make me forget that of others.

Comte: And the technique of the film?

Dayan: It has the strategies of a propaganda film, though it presents itself as a documentary, which tends to make the audience believe that it shows the reality of the situation. An example at the beginning of the film is when the off-screen voice declares that UN Resolution 181 [which calls for the division of Mandatory Palestine into an Israeli and Palestinian state] is the cause of the first Israeli-Palestinian war. This is disinformation. Between this resolution and the outbreak of the first war, the resolution was accepted by the Israelis and refused by the Palestinians. This demonstrates the Palestinians' total rejection of the division of the land. This film runs several hours, the filming took one year, and he only found as representatives of the population racist grocers, fanatical settlers, and advocates

for a bi-national state. Was it impossible in one year to meet one sole representative of the Israeli left, activists, promoters of civil society, lawyers? The filmmakers met the parents of a Palestinian suicide bomber. Was it not possible to meet the parents of a single Jewish victim of a suicide bombing in a bus?

There are victims on both sides. If the film states the facts of Palestinian pain, it refuses to show the pain of the Jews. This can only lead to blind hatred.

Comte: You are an expert on cinema...

Dayan: I teach cinema and literature at the University of Paris 7.

We are still waiting for a documentary that is perfectly balanced in what it shows.

Comte: Can a documentary be criticized for not being totally objective?

Dayan: No, everyone knows that the reality shown onscreen has little to do with reality. In the case of documentaries that deal with writing and formulating history, however, the viewer has the right to demand a minimum of information to understand the complexity of reality and not a document that is blind to it.

Comte: Does he have a right to make a documentary according to his vision?

Dayan: I am against the manner in which reality was distorted to correspond to his vision.

Comte: You petitioned the Centre Georges Pompidou so that the two planned screenings of this film would not occur.

Dayan: Yes, I am one of the authors of this letter. This film ran on TV, in theaters—about that I had nothing to say, but in the context of a film festival! The letter we sent, which was signed by ten people, stated that a cultural center has no role screening such extremist visions in the current environment of such high levels of anti-Semitic violence in France linked to events in the Middle East.

We were very clear that we were demanding not censorship but that everyone assumes responsibility [for their actions]. I would have done the same in the case of an extreme right-wing film.

Comte: Would you subscribe to remarks such as "an anti-Semitic Jew" or "lauds the destruction of all the Jews," given that we are in a period that you yourself characterize as being sensitive?

Dayan: I do not know his sentiments. What matters to me are his films and the repercussions they can have. I feel a sense

of danger in this film; it demonizes all Israelis and demonizes those who do not agree with this demonization.

Testimony of Haim Nachman Bresheeth. Born on 6 August 1946 in Rome, Italy. Residing in London. Professor of cinema and media studies. Interpreter: Nancy Huston.

Comte: What personal reasons lead you to testify today?

Bresheeth: I am the child of two Holocaust survivors. My parents were in Auschwitz. I was born in 1946 in a refugee camp in Rome. As a result I feel capable of understanding refugees and have always taken an interest in the Holocaust and in genocides. I do not know the two filmmakers [Sivan and Kleifi], but I admire their work. When I lived in Israel, I participated in a number of selection juries and I always admired the quality and courage of their cinematic works.

A Palestinian member of the Israeli *Knesset* [parliament] stated in a published text how important it is that Palestinians understand the Holocaust, for if not, they will never understand the Israelis, and if they do not understand the Israelis, they will never be able to reach peace. He says understanding the Holocaust is essential. What this film does is understand the other side of the problem. Ten thousand books have been published on the Holocaust, one of which I wrote myself, for we are obligated to explain this thing so that it will never reoccur, but there have been fewer than twenty books on the catastrophe that happened to the Palestinians in 1948. It has been invisible for almost fifty years. If the Israelis do not understand the Palestinians' situation, they have no chance of reaching peace.

When I read the words of Alain Finkielkraut for the first time, I did not understand them, for it is incomprehensible that a respected and reasonable intellectual could say such a thing about this film.

I was ashamed as a Jew, as an Israeli, that someone of this stature could say what he said about this film.

For many years each side has formulated its point of view without the slightest regard for the point of view of the other. The film is very strong in that it tells us, "We need to understand one another and then to speak of the Holocaust and of the Palestinians' tragedy." In saying this, I do not say that they are the same thing, but rather that they are decisive, formative events on both sides. It is true that Jews are disturbed and troubled when someone claims to deny the Holocaust. Likewise I can understand what a Palestinian feels when we deny his tragedy. It is very rare for an Israeli and a Palestinian to talk

together of their tragedies, even if Israel is responsible for the tragedy of the Palestinians and not the reverse. These two filmmakers remind us that the Israelis are responsible for what has happened to the Palestinians since 1948. François Truffaut said, "A filmmaker is an author and not a journalist." Would we say to Zola or Dickens, "Why didn't you show the good sides of France and England?" Zola and Dickens have a story to tell, a social, political story that has to do with the responsibilities of intellectuals. This is also how I read this film. It is different than Alain Finkielkraut's.

For a Jew, to be called an anti-Semite is violent, shocking. I know this film very well, having seen it five times. It is by no means a provocation to murder. Their [Sivan and Khleifi's] approach? They did not choose to appeal to experts, they approached people in the street, from all over Israel and the territories. They interviewed people with whom they did not agree. This film shows well that in the Western world, and even in Israel, this memory [of the events of 1948] has disappeared. The point of the film is to speak of this memory, just as Lanzmann's goal is to speak of another memory. The difference between the two visions of the world is that after seeing *Shoah* and Lanzmann's following film [*Tsahal*, on the Israeli Defense Forces], we understand that the lesson of the Holocaust is that it is necessary to gather up military strength, while the result of Sivan's film is the opposite, the necessity for understanding and for dialogue between the two peoples. I was eager to testify here. As the son of survivors, it was unbearable for me to see him called that [an anti-Semite] when all he demanded was discussion.

Comte: And what about the scene with the barber?

Bresheeth: The thesis of two Holocausts is shocking for a Frenchman, but frequently evoked in Israel. A poet said, "These two holocausts together, it is the Holocaust of the Jewish people." He does not say that the two are the same, he says that as Jews we are at the center of these two holocausts. The scene of the barber is one of the most famous scenes in *Shoah*, and the scene is taken up again in Sivan's film. I myself take these two scenes as elements within a philosophical discussion, as homage and criticism at the same time. In every film, there is a moment when reality takes over. In Lanzmann's film, it is the scene with the barber. I understand that Sivan wanted to film an analogous scene to understand the link between these two guilts: the crime of which they were victims, and their own culpability vis-à-vis the Palestinians' tragedy. This scene does

not say that they are Nazis, but rather asks, "How is it possible that the children of people who suffered these atrocities could make others suffer, without ever saying that these are the same atrocities." Is that anti-Semitism? Is that a call for the murder of Jews? He does not call for the murder of anyone. The film calls for a meeting so that they can speak and listen to each other.

Comte: Is this a minority position in Israel?

Bresheeth: It's often said that we are the minority or extremists. But this film reminds us that the Jews and the Arabs used to live in harmony in these lands without there being any anti-Semitism. That is not such a minority position, and I do not represent at all an extremist tendency. There are many of us who believe that things must radically change in order to live in peace.

Testimony of Adi Ophir. Born on 22 September 1951 in Israel. Nationality: Israeli. Professor of philosophy in Tel Aviv. Interpreter: Nancy Huston.

Comte: Can you comment on the film's legitimacy?

Ophir: I have a personal connection to this story. My father was a member of the Irgun organization of the extreme right that combated the Arabs long before the creation of Israel, and that participated in the famous battle of the village of Deir Yassin. In this village, more than a hundred Arabs were massacred by Jewish militia members, a fact admitted by the Israeli authorities of the time and denied by others, including my father, who had a different version of the story. I grew up with this mentality. I was thirty years old when the massacre at Sabra and Shatila happened, when eight hundred Palestinian refugees were massacred by Christian militia members. Immediately after, my father wrote me a letter in which he told me, "The people who took part in this massacre are the same ones who committed the massacre at Deir Yassin." It was a painful thing because I found out my father had lied for all these years. All this led me to consider my country in a new manner. I understood the extent to which we had been duped by the education we received. These lies, these denials inscribed even onto our bodies, they formed us. They made it impossible for us to listen to our Palestinian neighbors, to put ourselves in their place. These lies rendered us incapable of accepting even the slightest responsibility for the Palestinian tragedy of 1948. With three consequences: the erasure of the Palestinian presence; the inability to understand the other, the enemy whose resistance army we consider

barbaric; but the most frightening is the repression of the past, which we can no longer access.

For me, this film is a sort of therapy, an enormous contribution to the construction of an Israeli counter-memory. An enormous contribution to the recognition of Palestinian suffering and to the creation of an Israeli population likely to converse with Palestinians in order to reach peace. Finkelkraut's libelous remark is an attempt to halt the construction of this counter-memory and to put an end to this possible dialogue. Eyal Sivan's position is shared by many, by thousands of intellectuals in Israel. I myself subscribe to every position taken in this film. And if Alain Finkelkraut calls me the same [an anti-Semite], many people in Israeli would be surprised.

Finkelkraut has said that Israel is the only democracy in the Middle East while his own commentary is an attempt to muffle a part of public opinion.

Comte: Do Alain Finkelkraut's remarks translate into a biased conception of reality?

Ophir: That could be one interpretation. The presence of so many racist Jews in the film is surprising. The people who are interviewed are ordinary, banal people. We recognize them all. The effect produced is surprising. When we put together all of the racist speeches, it makes an impact, but this is the reality of the situation. It makes many friends of Israel ill at ease, but it is necessary that they be ill at ease.

Comte: One of the witnesses says that Alain Finkelkraut was not the only one to react in this way. He speaks of Professor Rubinstein. Who is he?

Ophir: Professor Rubinstein is a respected and respectable Israeli, who was a minister and one of the few to have expressed a strong opposition to the occupation of Palestinian territories. Unfortunately, people change. Now he is part of a group of about a dozen intellectuals who have embarked on a vendetta against those whom they call post-Zionists. He personally called me a neo-Nazi, before apologizing in public and in private.

The violence of the reactions to the post-Zionist position comes out of the sentiment of being deprived of the status of being a victim. The majority of these people are part of a generation of Zionists who sense that their life's project is in the process of disintegrating.

Testimony of François Maspero. Born 19 January 1932 in Paris. Writer.

Comte: Mr. Maspero participated in a large part of the filming. What memories do you have of how these two filmmakers

[Sivan and Khleifi] work? How did things happen?

Maspero: Returning from Gaza as part of a mission for Doctors Without Borders, I found myself in Jerusalem. Among the people who were recommended to me was Sivan, who I was told was making a film on the journey along the borders of UN Resolution 181. This interested me for two reasons. First, this film was being made by a Palestinian and an Israeli Jew working together; it was a case of a work that had an *a priori* fraternal framework within a larger context that is not so. I did not know them personally, but I knew their work. Second, I have my points of view and some experience through long association with filmmakers and scriptwriters. I know what journalism is, having practiced it myself for *Balkan Transit*. I found the association of these two people beautiful and felt an affinity with their work. Our meeting occurred at Shalom, at mid-distance between Jerusalem and Tel Aviv, a place that has as its goal, one at which it has succeeded, to have Arabs and Israeli Jews living together under one shared administration. I followed a third of the filming and I encountered again what I had learned from being with many other filmmakers: a way of proceeding, an itinerary that is not fixed in advance, going out to meet people, and not soliciting them. We went to symbolic places, like the Kibboutz dedicated to the memory of the Warsaw Ghetto Uprising, but each time it was the people themselves who spoke. There were discussions, exchanges, but no provocations or solicitations. I know what soliciting witnesses means, I've even worked on that. I know what the speech of a witness is. I saw an honesty to this work. It's very difficult, sometimes they were at the verge of breaking down—for example, the interview with the entrepreneur who produces barbed wire and a system for laying it down at 30 km/h: Khleifi decided he could not interview this man, and I did it instead.

Comte: It has been said that this film is dishonest, in particular because the names of the speakers are not given.

Maspero: I did not ask this question myself. What's important is the authenticity of the testimonies.

Comte: What do you think of the political positions that come up over the course of this film?

Maspero: I am neither pro- nor anti-Israel. I saw in their approach a common love of their land, and the will to live one day together on this land and to preserve it from misfortune. I characterize them as patriots. This is a film of hope.

Comte: On the subject of patriotism, you've published books that have been heavily criticized.

Maspero: At the end of the 1950s, when the Algerian War escalated, a number of us were terrified by the idea of a definitive break between France and Algeria. If I had wanted to give a voice to the adversary, it was to preserve the dialogue. At that time I found myself signing a manifesto with Claude Lanzmann. We acted out of patriotism. I received death threats. My bookstores were bombed several times.

Comte: *Closing remarks on behalf of the plaintiff.* [This portion of the trial is missing from the official transcript. — Ed.]

Public prosecutor (in his closing speech): Anti-Semitism is not a precise fact. It is the attribution of an opinion, of a political doctrine. "To kill" cannot be taken in the direct sense.

The remark is excessive, outrageous, largely polemic, but we remain in the register of an intellectual debate. It deals with a spoken word, the expression of a sentiment of revolt during a live radio show in reaction to a politically engaged documentary that develops a thesis and, according to the debates, could at times be provocative.

Recess

Laval: *Closing remarks on behalf of the defendant.* [This portion of the trial is missing from the official transcript. — Ed.]

Finkelkraut: A gap separates us. But we have one thing in common: he has suffered as much as I have. I did not want the debate in these confines. It is true that there were secret negotiations. I wrote to him that I wished to be able to debate with him in another setting. He responded to me in injurious terms. I understood, from his request for a published apology [in France, successful libel suits result in the defendant being forced to publish an apology in several newspapers. — Ed.] that what he wanted was to have an opinion piece and to profit from my weakened position following the interview I gave to the Israeli newspaper *Haaretz*. Since then, I have been the object of a hunt and of a lynching. I hope that you do not give a judiciary guarantee to this lynching. Mr. Klein says that I lead the Jewish community astray in speaking of a return to the dark years. In this text, I try to say that we, the Jews, have something very different to do, a reversal of memory against the Jews who are behind this film and who have nothing to do with the Palestinian cause.

Translation by Julia Elsky