

The Eichmann Trial in International Perspective: Impact, Developments and Challenges

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Bericht von: Ferenc Laczó, Imre Kertész Kolleg, Friedrich-Schiller-Universität Jena

The aim of the bilingual conference The Eichmann Trial in International Perspective: Impact, Developments and Challenges was to address central historical, political, legal and medial questions the Eichmann trial raised and to assess its overall significance and long-term impact. Organized to mark the 50th anniversary of the trial, it hosted some of the leading scholars dealing with these issues. It was accompanied by the exhibition of the glass booth in which Eichmann sat during his trial in Berlin for the first time. The powerful symbolism of exhibiting the booth in the old-new German capital for the first time was matched by the novel kind of co-operation that made the event possible: the Topography of Terror Documentation Center that deals primarily with the perpetrators co-organized the event with the United States Holocaust Memorial Museum and its Center for Advanced Holocaust Studies that devotes incomparably more attention to the victims and survivors of the Shoah.

DEBORAH E. LIPSTADT (Atlanta) delivered the opening public lecture under the title „The Eichmann Trial: A Perspective after 50 Years“. She discussed how the claim that there was silence about the Holocaust during the 1950s did not hold up to closer scrutiny (and that thus the Eichmann trial could simply not have triggered its remembrance) but went on to argue that the idea that there was silence prior to the trial constituted an intriguing conundrum in its own right. She maintained that through the unprecedented concentrated attention on the Shoah that the Eichmann trial ensured, history started to turn into collective memory. As a consequence the perspective on the victims as well as the survivors began to change in Israel: their rather tainted reputation that was rooted in

the normative and de-contextualized expectation of Jewish heroism and resistance began to recover. Thus, Lipstadt concluded that the trial catalyzed important tendencies and, perhaps most crucially, gave the victims semantic and even judicial authority – though it by no means unleashed „an avalanche of prosecutions“ in the Federal Republic of Germany.

In his lecture „Reflections on the Glass Booth“, DOUGLAS LAWRENCE (Amherst) pondered over why the Eichmann trial merited merely footnotes in legal textbooks while the Nuremberg trial tended to be treated in almost hagiographical fashion. Lawrence aimed to show that, by anticipating more recent cases of the „jurisprudence of atrocity“, the Eichmann trial in fact provided a „more durable and attractive template“. In his eyes, the real question was not how to leave history out of the courtroom in cases like the Eichmann trial (this would be impossible anyway), but much rather how to deal with it responsibly, how to preserve the legality of the trial and achieve its didactic aims at the same time. He maintained that in this sense the Eichmann trial proved „brilliantly successful“, managing to correct the misplaced priorities of Nuremberg on crimes against peace (and, more generally, state sovereignty) and recognizing the rights, dignity and memory of victims by putting their testimonies at the center of the proceedings. Lawrence also exposed the profound irony that the trial relied on the claim of universal jurisdiction but established an organic connection between the impacted community and the legal charges, providing a rare instance of the community of victims being in the position to sit in judgment over the genocide perpetrated against them.

The lecture of MICHAEL BERKOWITZ (London) titled „Eichmann and Zionism: From Acquaintance to Opportunism, Vengeance to Justice“ argued that in spite of recurrent charges there was no meaningful collusion between Nazis and Zionists. (It may be sufficient to mention that upon their planned invasion of Palestine the Nazis were intent on slaughtering all Jews living there.) Berkowitz argued that even though Eichmann fancied himself as a Jewish expert in Nazi Germany and as part of his defense strategy he even described himself as a

Zionist (without realizing how absurd and offensive this sounded to his audience), he had few actual engagement with Zionists. Nevertheless, these occasional meetings with persons who later became influential in Israel were part of the reason he appeared on the radar screen of the Israelis.

In the panel on the „Legal Implications of the Trial“, LEORA BILSKY (Tel Aviv) aimed to question what she saw as the false dichotomies of universalistic versus particularistic and just versus political trials. She claimed that liberal universal jurisdiction and the ethno-religious basis did not contradict each other in the case of the Eichmann trial: Israel acted as the delegate of the international community. She noted though that the more general conditions needed to be fulfilled to rightfully take on such a role were left largely undefined. Moreover, she drew on Arendt's reinterpretation of territoriality as a political-legal and cultural concept to argue that the notion of political community could not be ignored in international criminal proceedings. While maintaining proper distance between the court and the case it ruled over was necessary and there admittedly was some tension between the idea of distance and that of a meaningful link to the injured party, Bilsky proposed defining the injured community simultaneously as the group of victims and as humanity at large to deal with these problems. JÜRGEN MATTHÄUS (Washington D.C.) argued that the capture and trial of Adolf Eichmann in Jerusalem had little to no impact on legal proceedings in the Federal Republic of Germany (as opposed to its public sphere) where the large majority of those who should have been put on trial were excluded even after the creation of the Zentrale Stelle der Landesjustizverwaltung in Ludwigsburg in 1958 with rather limited resources and competences. 1968 only exacerbated the gap between the level of symbolic acknowledgement and that of practical-legal engagement. To emphasize his point, Matthäus suggested that Adolf Eichmann would have had good chances to go unpunished at a German court even after 1968. The application of cold amnesty meant that only direct killing could be punished and the initiatives and „creativity“ of men on lower levels were typ-

ically largely ignored till the 1980s. VALERIE HÉBERT (Orrilia, Canada) addressed the topic of transitional justice with its legal and extra-legal goals, aiming to challenge the widely held assumption that survivors giving testimony can only have beneficial impacts in particular. She quoted figures about Rwanda where truth telling only seems to have intensified the trauma of those involved. GERD HANKEL (Hamburg) critiqued success stories, pointing to the fact that great powers tend to refuse cooperation with the International Criminal Court. He emphasized that the approach to the Rwandan violence of the 1990s was clearly one-sided and thus unable to help reconciliation. In spite of the enormous current deficits, Hankel considered the punishment of some of the perpetrators a notable achievement and spoke of the gradual formation of a community of shared perception and values (*Wahrnehmungsgemeinschaft*).

As part of the panel on the „International Reception of the Trial in the 1960s“, ANNETTE WEINKE (Jena) discussed the reactions of the Adenauer government, arguing that even though at first its policy was to largely ignore the developments in Jerusalem, it became more and more nervous as the trial (in stark opposition to the pathos-filled contemporary German discourse) made the realities of the Final Solution readily graspable. In their eyes, this threatened to lead to criminal proceedings in West Germany, more reparation payments and more communist mobilization against the continuities the Bonn Republic exhibited with Nazi Germany. She also stated that the Eichmann trial impacted the memory culture of West Germany but it did not lead to significant changes in the political or the legal realm. HANNA YABLONKA (Be'er Sheva) traced the transformation of information into knowledge and later into awareness in Israel. While she claimed that information on the Holocaust was present already in 1945-47, it had little emotional content and the image of the victims also tended to be rather stereotypical. The period 1948-59 brought more, but still clearly partial knowledge. This decade was also characterized by the peculiar phenomenon of victims' guilt, trials against „Jewish collaborators“ and saw the

beginning of what she called the „mystification“ of the Holocaust – its presentation as some kind of metaphysical event. In her eyes, the Eichmann trial not only delivered a measure of justice, but had great national significance in Israel too. It enabled pluralistic, first-person testimonies for the first time and put the Shoah in „the context of the Second World War“, thereby revealing the complexity of dilemmas Jews had to face. She argued that the trial ultimately contributed to turning Zionism from a revolutionary, utopian movement to a negatively defined one: Israel came to be understood as the last Jewish refuge, the „alternative to catastrophe“. In his presentation of Arab reactions to the trial, GILBERT ACHCAR (London) focused on the main paper of Egypt, Al-Ahram that not only contested the identification of Israel with Jewry but also argued that the verdict of the trial contradicted tenets of the Jewish religion. Though Al-Ahram often restricted its coverage to reporting on the event, alongside the left-wing radicalization of Nasserism interpretative pieces started to appear. They tended to emphasize the illegality of the trial and attempted to present the threat Israel posed to peace and its violation of Argentinean sovereignty as crucial issues.

„The Eichmann Trial as Media Event“ panel started with the recollections of KLAUS BÖLLING (Berlin), one of the German correspondents present at the trial fifty years ago who spoke of „strong“ German reactions but emphasized that the Auschwitz trial in Frankfurt in 1963-65 elicited an even greater resonance. PETER KRAUSE (Konstanz) even spoke of „immense“ German reactions. He discussed the press reception of the trial in six points ranging from the controversy over who should try Eichmann through the „danger of additional reparation payments“ through the discussions on the possible pedagogical uses of the trial to the proper categorization of Eichmann and the correct interpretation of his motives. STEVEN ALAN CARR (Fort Wayne) approached the subject from the point of view of media studies, stressing that the Eichmann trial was a multimedia event. Its experience was asymmetrical in the sense that while Israelis typically followed it in the newspapers and on radio, television was already widely

available in the USA. In his assessment, the impact of broadcasting the trial was less cohesive than often supposed: it rather led to the proliferation of meanings and interpretations.

The closing roundtable approached „The Eichmann Trial in Contemporary Perspective“. DAVID CESARANI (London) took some challenging counter-positions. He argued that the trial could not have launched the era of the witness as there was extraordinary activity already prior to it at research centers as well as in terms of writing memoirs and sharing stories (even if they exerted limited impact). The 1960s and 1970s did not bring highly significant improvements either: the supposed „era of the witness“ did not arrive until the creation of video tapes two decades later. Cesarani maintained that the trial was perhaps most famous for its „didactic legality“ but it had minimal impact in this area as it remained practically the only truly liberal show trial for decades. He also argued that the Eichmann trial and the ensuing focus on him created a historiographical cul-de-sac and the influence of Hannah Arendt was particularly „retrograde“. He emphasized that new research results lead scholars to reassess Eichmann but the Eichmann trial no longer inspires new types of research. JOACHIM PERELS (Hannover) called the capture of Eichmann „wrong but acceptable“ and claimed that the correct legal proceedings that followed his abduction put the original act in a wholly different light. At the same time, he reiterated that in the Federal Republic of Germany most perpetrators were declared „assistants“ and thus Nazi mass murderers could get away with Streichelstrafen (punishment through caressing). In her second contribution to the conference, HANNA YABLONKA (Be'er Sheva) approached the question of contemporary resonance from the educational point of view. She argued that transmitting the memory of atrocities was least important from this point of view but that young people ought to be made well aware of the processes that led to them. This can help them internalize the value of tolerance and make them learn to practice mutual listening. She spoke in favor of presenting people as moral agents to thereby spread a discourse of hope. She maintained that Holo-

caust survivors provided role models since they documented their pasts and shaped the collective memory of their society while managing to rebuild their lives and refraining from exerting revenge. Last but not least, Yablonka called on institutions dedicated to the memory of Nazism and the Holocaust to play a more active role in civic education.

Conference overview:

Keynote Lecture: Deborah E. Lipstadt (Atlanta), „The Eichmann Trial: A Perspective after 50 Years“

Lecture I: Lawrence Douglas (Amherst), „Reflections on the Glass Booth“

Panel I: Legal Implications of the Trial

Valerie Hébert (Orillia, Canada), „Justice in Transition from Nuremberg to Kigali: Turning Points in the Legal Responses to Genocide“

Leora Bilsky (Tel Aviv), „The Eichmann Trial and the Legacy of Jurisdiction“

Jürgen Matthäus (Washington, D.C.), „The Eichmann Trial and the Prosecution of Nazi Crimes in West Germany“

Gerd Hankel (Hamburg), „The Implications of Eichmann’s Conviction for Contemporary Criminals against the State“

Panel II: International Reception of the Trial in the 1960s

Annette Weinke (Jena), „The Eichmann Trial and the Adenauer Government“

Hanna Yablonka (Be’er Sheva), „A Trauma Unfolded: Nazi-Era Trials and the Israelis“

Gilbert Achcar (London), „Reception of the Eichmann Trial in Arab Countries“

Lecture II: Michael Berkowitz (London), „Eichmann and Zionism: From Acquaintance to Opportunism, Vengeance to Justice“

Panel III: The Eichmann Trial as Media Event

Klaus Bölling (Berlin), „The Eichmann Trial in Contemporary German Media“

Steven Alan Carr, (Fort Wayne), „Eichmann TV and the Globalization of Holocaust Memory“

Peter Krause (Konstanz), „The Eichmann Trial

and the Cold War Press Coverage in East and West Germany“

Roundtable Discussion: The Eichmann Trial in Contemporary Perspective

Hanna Yablonka (Be’er Sheva), Joachim Perels (Hannover), David Cesarani (London).

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