



Andrea Geyer's *Criminal Case 40/61: Reverb*
By Juli Carson

Abba Kovner: *I said I would tell the truth, nothing but the truth and the whole truth. I am certain of the fact that I have told the truth, nothing but the truth...the "whole" truth....*

Presiding Judge: *...This provides me with an opportunity to say to you and, through you, to the Attorney General as well: "All the truth" means all the truth in answer to the question that you have been asked. It is obvious this is not the whole truth. We, too, understand this.¹*

The year 2011 marks the 50th anniversary of Adolf Eichmann's trial before the Israeli Supreme Court for crimes against humanity. Coined "the architect of the Holocaust," Eichmann was tasked by SS General Reinhard Heydrich to facilitate and manage the logistics of mass deportation of Jews to ghettos and extermination camps in German-occupied Eastern Europe. Eichmann fled to Argentina after the war. He lived there under an assumed alias until 1960, when he was abducted by Israeli Mossad operatives, transported to Jerusalem and tried under the *Nazi and Nazi Collaborators (Punishment) Law*. After a year-long trial, designated by the Israeli court as Criminal Case 40/61 and recorded for broadcast by the US-based firm Capital Cities Broadcast Corporation for a worldwide audience, Eichmann was found guilty and executed by hanging in 1962. Some fifty years later, the *whole truth* behind the events leading to the Eichmann trial is as difficult to articulate as ever. From the start, the Israeli Supreme Court's task of representing and prosecuting the atrocities committed by Eichmann – acts waged in a criminal nation legally validated by the Führer's proclamation that Germany was in a "state of exception" – could only be considered sublime.

Andrea Geyer – whose work deals with questions of historical memory and the way in which such memory conditions our actions in the present – returns to the Eichmann case in her six channel video installation *Criminal Case 40/61: Reverb*. But her task is daunting. Just how does one re-present the historical representation of what was always already so *unrepresentable*? Mindful that historians can't step in the same river twice, Geyer approaches her subject by focusing on what reverberates in the contemporary global geo-political landscape. This involves unpacking the meta-discourses that defined

the trial's original subjects in order to evaluate each of their legacies. And yet, there's an intentional absurdity in Geyer's return because the original persons and events are not specifically named. They are instead presented as an abstraction, an acknowledgment of history's force as repetition. What's not absurd, however, is the question of responsibility for this history *today*. Enter the Defense, Judge, Prosecutor, Reporter, Accused and Audience.

A stage is set

Could *Criminal Case 40/61: Reverb* be considered a play? In *Eichmann in Jerusalem*, Hannah Arendt distinguishes Eichmann's "show trial" from a traditional play. If a play is like a trial, she argues, it is because the accused, or the "doer," is the sole protagonist. A play/trial thus begins and ends with his actions. However, in Eichmann's case, "the play aspect of the trial... collapsed under the weight of the hair-raising atrocities," presented by witness testimony that constituted 50% of the trial. Consequently, no amount of prosecutorial finger-wagging at the man in the glass booth could restore to the accused his singular anti-hero status in the case presented before the court.² In this case, the Eichmann trial was definitely *not* a play. That said, should we redefine a play deconstructively as an operation of *repetition*, then perhaps Geyer's return to the Eichmann case exhibits key aspects of a play. Lacanian film theorist Alenka Zupancic equates a play's structure to what psychoanalysis conceptualized as *Vorstellungs-Repräsentanz*. This was Lacan's word for dealing with "the representation of something which is originally (and structurally) missing; with something that can appear only as duplicated and appears already the first time as its own repetition: its only original is this repetition."³ Looking back on the Eichmann case today, what's missing is a central focal point that would reify a universal truth of the trial's *mise-en-scène*. Accordingly, Geyer restages the event by presenting a performer who literally embodies *all* the contradictory positions of those involved in the trial in order for us to think through the event's original complexity and its contemporary repetition. To approach the event from this *oblique* angle, we thus glean the "truth" of the trial in the form of a rebus constructed of the partial, discursive drives of each player. Following the example of the performer, we too must put ourselves in the different subject positions, defined as they are by a readymade legal or philosophical discourse.

Event: 1961

Given that Eichmann had already acknowledged his role in "transporting [the Jews] to the butcher" in an interview conducted

by Willem Sassen for *Life* in 1960, the question that belabored the trial was: *What is the point?* Remarkably, Eichmann admitted his acts but denied any responsibility for them. Eichmann's council, Dr. Robert Servatius of Cologne, supported Eichmann, arguing that during the war, under the existing Nazi legal system, Eichmann's acts fell squarely within the letter of the law. His client, therefore, was actually being tried for "acts of states." This was problematic because according to international law, no state has jurisdiction over the acts of another state, especially not Israel, since it didn't exist at the time of Eichmann's actions. In response, Arnold Hausner, Israel's Attorney General, led the prosecution with an impassioned defense of the court's legitimacy. "There is nothing wrong in the fact that a Jewish judge, an Israeli, should judge the oppressor of his people," Hausner argued. "On the contrary, we can be thankful for the fact that there is some place in the world, where Jews possess sovereignty, courts, prosecuting machinery and the ability to place on trial a man who committed crimes against this people."⁴ For the prosecution, the trial against Eichmann had a double purpose: to publically accuse the perpetrator of the Holocaust that they held in their hands, and, by doing so, retroactively legitimize the foundation of Israel in 1948 as an autonomous Jewish state. Hausner's opening remarks were thus intentionally dramatic: "When I stand before you here, Judges of Israel, to lead the Prosecution of Adolf Eichmann, I am not standing alone. With me are six million accusers. But they cannot rise to their feet and point an accusing finger towards him who sits in the dock and cry: *I accuse*."⁵

Throughout the trial, Eichmann maintained his innocence on the basis of being a Nazi functionary who just followed orders. He even evoked (albeit perversely) Kant's notion of a subject's "categorical imperative" to act on principle in accordance to an ideal – even though, in Eichmann's case, this "ideal" was not a universal principle but the will of a totalitarian dictator, the verbal command of the Führer. As Eichmann put it: "Yet what is there to admit? I carried out my orders. Where would we have been if everyone had thought things out by themselves in those days? You can do that today in the 'new' country."⁶ This utter depersonalization of his actions, the core of Eichmann's defense, lead Arendt to re-conceive everyday evil as a banal state of *non-thinking* versus a more radical form of evil based upon malice

Cover: *Evidence (Criminal Case 40/61)*, digital c-print, 16 x 22 inches, 2010
Interior: video-stills from *Criminal Case 40/61: Reverb*, 6-channel, 40-minute video installation, HDV, color, sound, 2009
Clockwise: Defense, Judge, Prosecution, Audience, Accused, Reporter

aforethought. As she reflected after publishing her report on the trial for *The New Yorker*: "Is wickedness, however we may define it, this being 'determined to prove a villain,' *not* a necessary condition for evildoing? Is our ability to judge, to tell right from wrong, beautiful from ugly, dependent upon our faculty of thought?"⁷ Subsequently, Arendt's conceptualization of a banal evil was met with some public outcry (particularly among Jewish Zionists), whereby she was at times mischaracterized as being an apologist for Eichmann and the Nazis. This reaction isn't surprising given that, in 1962, many in Israel (and abroad) were first encountering the atrocious narrative of the Holocaust, leaving little patience for Arendt's nuanced, philosophical account of evil nor her calling the Jewish Councils in Germany into responsibility for handing over information to the authorities during the war.

Reverb: 2009

Returning to Criminal Case 40/61, Geyer resists a simple narration of Eichmann's role in the Holocaust. Nor does she opine on Israel's right to exist as a state. Instead, Geyer's performative approach provides a contemplative space to reconsider Arendt's most salient points regarding a citizen's personal responsibility under legal and political regimes – be they historic or contemporary, Eastern or Western.

The scene is set by six video projections – one each for the Defense, Judge, Prosecutor, Reporter, Accused and Audience – configured in an inward facing circle. A single performer, sitting behind a desk, is a stand-in for each character. The script spoken by the performer is comprised of actual transcripts from Criminal Case 40/61 as well as secondary texts written about it. The soundtrack is projected in English through speakers and translated in German, Hebrew and Portuguese on headphones. The viewer, sitting in the middle of this circular configuration, must turn and move about to interact with the spoken address that alternates among the six projections. S/he is thus positioned amongst the conflicting discourse of the trial's players, much the way reader is positioned in Arendt's *Eichmann in Jerusalem*. In this way, Geyer defies the traditional theatrical mode of address, where various actors on stage speak to a passive audience, which, in turn, masters the *mise-en-scène* with one all-encompassing gaze. In Geyer's installation, to the contrary, the scene *surrounds* the viewer, and the viewer is activated, literally put *into* the scene, as a shifting participant negotiating the various truth claims of the case.

The Accused: It was a time in which what had been a crime within the state became a legal action. And this is why it was the responsibility of the state itself.

The Prosecutor: In order to secure a conviction, it would have been enough to let the archives and documents speak. But we need more than a conviction in this trial; we need a living record of the past.

The Reporter: What appears to us to be "historic justice" looks to others like a semi-pathological legacy of a traumatic experience.

In Brechtian terms, there is no protective "fourth wall" here – no boundary that allows us to suspend our disbelief and take Geyer's fictional representation of the trial as a real event. It's too staged.

One performer plays all the parts. The script is appropriated text. But the discourse that the actor speaks *is* real, in that our reality as legal subjects is shaped by such discourse every day. Fifty years later, the key legal and ethical questions raised by Criminal Case 40/61 still *insist*.

Afterword: Arendt in Jerusalem

Upon its publication in 1963, a year after the trial, Arendt's *Eichmann in Jerusalem* sparked an unprecedented civil war amongst the Jewish establishment in America and Europe.⁸ The Israeli establishment, in turn, dismissed Arendt's book because it dared to question the "show trial" nature of the Eichmann case, which, for Arendt, served as a type of ideological scaffolding for Israeli expansionism.⁹ Although Arendt did agree with the Court's legitimacy and Eichmann's death sentence, her analysis of the trial's political purpose was over-determined by her detractors as evidence of internalized anti-Semitism. Since then, in the context of the Israeli occupation of Palestinian territories and the ongoing American-led presence in Iraq and Afghanistan, a younger generation of intellectuals in Israel, Europe and the U.S. are returning to Arendt's writings for inspiration. For them, her texts illuminate the ethical potential behind the Judge's instruction to Abba Kovner that, while in his testimony "all the truth" meant *all the truth in answer to the question that he had been asked*, it wasn't in actual fact "the whole truth." Arendt asks us to *question* the questions that we are asked. To not only question the legitimacy of a given legal system but also the manner in which we operate *within* those systems. When do we consent to obey the law? When is it an ethical imperative *not* to obey? To glimpse the "whole truth" of an event, we must ask such questions. Andrea Geyer is one such intellectual, and *Criminal Case 40/61: Reverb* is one such inquiry.

- 1 Former Jewish partisan leader Abba Kovner's testimony at the Eichmann Trials, May 4, 1961, (Jerusalem: The Stephen Spielberg Archive of Jewish Film), VT E1125, #125. See also: The Nizkor Project, <http://adolfreichmanntrial.com/>, Session 27, Part 6.
- 2 Hannah Arendt, *Eichmann in Jerusalem*, (London: Penguin Books, 2006), p. 9
- 3 Alenka Zupancic, "A Perfect Place to Die," in *Everything You Always Wanted to Know about Lacan But Were Afraid to Ask Hitchcock*, Slavoj Žižek, ed. (New York: Verso, 1992), p. 87.
- 4 The Nizkor Project, *ibid.* Session-001-04
- 5 The Nizkor Project, *ibid.* Session-006-007-008-01
- 6 Adolf Eichmann, "I Transported Them to the Butcher," *Eichmann's Own Story: Part I, Life*, (November 28, 1960).
- 7 Arendt, *Responsibility and Judgment*, (New York: Schocken Books, 2003), pp. 159-160.
- 8 It wasn't until 1999 that *Eichmann in Jerusalem* would finally be translated into Hebrew.
- 9 See: Idith Zertal, *Israel's Holocaust and the Politics of Nationhood*, (London: Cambridge University, 2005).

Andrea Geyer

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