

## Introduction

### Coming to Terms with the Past

TRIAL, THERAPY, AND THE THEATER

In 1959, Theodor Adorno published the now-famous essay entitled “Was bedeutet: Aufarbeitung der Vergangenheit?” (“What Does Coming to Terms with the Past Mean?”).<sup>1</sup> The essay opens with Adorno’s explanation of what “coming to terms with the past” had come to mean in postwar West Germany:

“Coming to terms with the past” does not imply a serious working through of the past, the breaking of its spell through an act of clear consciousness. It suggests, rather, wishing to turn the page and, if possible, wiping it from memory. (115)

In his essay Adorno draws the by-now familiar picture of postwar West Germany as a country firmly in denial of its Nazi past. Although the Adenauer government had officially recognized the nation’s responsibility for the Holocaust and had agreed to pay reparations to survivors, Germans privately sought to sidestep the question of the Holocaust as much as possible. Adorno observes that in the early years of postwar West Germany many of its key political figures were former Nazis, and certain Nazi ideas were still accepted as common truths, albeit ones that were not spoken publicly. Moreover, many people maintained a strong psychological investment in the ideas and leaders of the past, which leads Adorno to state that the West Germany of the late 1950s had not gone through a process of “serious working through,” a process that would help it liberate itself from what he calls the “spell” of the past. Rather than confronting its past,

West Germany had evaded the question and treated the past as a closed chapter no longer affecting the present.

Adorno's essay discusses a wide range of defensive strategies of "unconscious and not-so-unconscious" (115) denial and repression found in West Germany, ranging from the use of euphemisms to refer to the past to outright denial of what had happened.<sup>2</sup> Whereas some of these denials were neurotic defenses against feelings of guilt, others were semiconscious attempts at exculpation. For Adorno, the patent idiocy with which these strategies were applied testifies to "a lack of psychic mastery and an unhealed wound." He continues: "One wants to get free of the past: rightly so, since one cannot live in its shadow, and since there is no end to terror if guilt and violence are only repaid, again and again, with guilt and violence" (115). But such yearnings to break free of the past should not cause one to close one's eyes to a history that was still so intensely alive. "National Socialism lives on, and to this day we don't know whether it is only the ghost of what was so monstrous that it didn't even die off with its own death, or whether it never died in the first place" (115).

What Germany needed, Adorno famously suggested, was a process of public *enlightenment*, which would confront the persistence of certain fascist patterns, prepare the nation for democracy, and, most crucially, "work against a forgetfulness that too easily goes along with and justifies what is forgotten" (125).<sup>3</sup> By using the word *enlightenment* and by giving his essay the title "Was bedeutet: Aufarbeitung der Vergangenheit?" Adorno obviously alludes to Kant's 1784 essay "Beantwortung der Frage: Was ist Aufklärung?" in which Kant defines enlightenment as "humanity's exodus from its self-imposed immaturity." Adorno's essay thus raises the question of how to conceive the project of "coming to terms with the past" along the lines of a Kantian-Schillerean project of "public education." The German situation calls for more general reflections on how exactly such public education should be organized. Indeed, how do we enlighten a nation that has shown itself to actively *resist* the process of learning? Conventional teaching as it is customarily understood, as a rational process in which information is conveyed, does not suffice; as Adorno puts it succinctly, it is exactly the confrontation with historical facts that gave rise to the most stubborn denials:

Here I choose to sidestep a question that is very difficult and burdens us with the greatest kind of responsibility: namely, the extent to which we've succeeded, in attempts at public enlightenment, to explore the past and whether it is not the

case that precisely such insistence on the past does not awaken a stubborn resistance and bring about the exact opposite of what is intended. (126)

The paradox is that as information about the past accumulates, there emerges ever stronger forms of resistance against accepting this information and its implications. Therefore, Adorno concludes, “one should not expect too much from recourse to facts, for they’ll often either not be admitted or be neutralized as exceptions” (128). What Germany needed was an altogether different project of public education, one that would use different strategies and require a different type of intellectual work.<sup>4</sup>

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Although he remains vague about how to envision such a project of public enlightenment, Adorno suggests that a good starting point for conceptualizing this program would be psychoanalysis, a field that has traditionally struggled with the question of how one overcomes resistance to a certain insight (126).<sup>5</sup> Indeed, the word Adorno uses for the psychological work that is needed to come to terms with the past, *Aufarbeitung*, alludes to the Freudian concept of *Durcharbeitung* (working through).<sup>6</sup> Freud introduced this term in an essay written in 1914, entitled “Remembering, Repeating, and Working Through,” asking for the individual what Adorno would later ask for the nation: How does one get free from a past not fully remembered, yet under whose spell one still lives? In his essay, Freud opposes two ways of relating to the past, the conscious process of recalling the past and the unconscious process of acting out. In the process of acting out, past events that one cannot consciously remember return and find expression in the idiotic repetition of gestures, phrases, acts, and behavioral patterns. In short, the past is manifested via a set of symptoms. That which is not remembered returns on the level of action. The third term of the triad of the essay’s title, the enigmatic “working through,” is introduced to conceptualize the transition from the (unconscious) repetition of the past to its (conscious) remembrance. This transition is at the heart of the psychoanalytic cure.<sup>7</sup>

Freud originally wrote his essay to analyze a deadlock that he repeatedly observed during the psychoanalytic process. He had discovered that the articulation of an accurate interpretation of a patient’s past did not always lead to the dissolution of the patient’s symptoms. Much as Adorno does, Freud lists a plethora of strategies of forgetting employed by his patients to avoid facing the reality of the past, from “dissolving through-connections, failing to draw the right conclusion” to “isolating memories”

(149). Because simply telling a patient the “truth” about his or her past has proved insufficient, something else is needed, Freud suggests, a particular type of psychic “work” that he labels *durcharbeitung*, an “experience which convinces the patient of the existence and power of such impulses” (155). This experience takes the shape of acting out in a particular *scene*, namely the psychoanalytic setting, which Freud compares to a *playground* where the patient can enact his or her repressed memories (154). The result is a moment of learning that is, according to Freud, “a piece of real experience, but one which has been made possible by especially favorable conditions” (154). The moment of learning, then, is not a moment of cognition; it takes the shape of a certain *event*, a sudden insight whose impact transforms the patient’s relation to his or her past. This event, furthermore, takes place not in the patient’s “real life” but rather in the controlled setting of the therapy room. Beneath the gaze of the therapist, acting out is transformed into a theatrical scene, a *Spiel* (play), which has a didactic-therapeutic effect.<sup>8</sup> It is precisely the artificiality of the psychoanalytic setting, and the distance it implies, that enables the patient to work through his or her impulses—and learn about them—without regressing into a compulsive, blind acting out.<sup>9</sup>

In this study I would like to return to Adorno’s essay and to the question at its heart: Would it be possible to organize a process of public education so that it resembles the psychoanalytic process of working through? How can we organize a public “scene” that is both part of “real life” and distinct from it and that allows for a transformative, didactic event to take place that would enable a community to liberate itself from the spell of the past? I am particularly interested in the question, How should such a didactic scene be structured if it is to be a *public event*? As Freud emphasizes, psychoanalysis takes place in a highly formalized setting in which a set of rules and conventions assigns specific speaking and listening positions to the analysand and the analyst. What set of “fundamental rules” is required for a scene of public enlightenment? In what type of *mise-en-scène* can a moment of public enlightenment take place? Indeed, the question I want to raise is, What type of theater do we need to liberate ourselves from the past?

### Trials as Didactic Events

In May 1960, a year after Adorno’s essay was published, the Israeli secret service captured the former chief of the Gestapo’s Division of Jewish

Affairs, Adolf Eichmann, in Buenos Aires and transported him to Jerusalem to stand trial for his role in the mass deportation of European Jews to concentration and extermination camps during World War II.<sup>10</sup> The trial, which began on April 11, 1961, was an event that attracted worldwide publicity. The proceedings were broadcast live on Israeli radio and filmed for later screenings on television. Although the trial sought primarily, of course, to judge Eichmann and to mete out punishment for his crimes, the ways it was brought to the public's attention clearly showed that the trial was also an effort in mass education. David Ben-Gurion, Israel's prime minister at the time, stated in an interview shortly after Eichmann's capture that he hoped that the trial would have a didactic effect: "There is no punishment great enough for Eichmann's deeds, but we want the trial to educate our youth. In addition, this trial is needed because the world has started to forget the Nazi horrors."<sup>11</sup> From the very outset, the trial was meant to be more than a series of legal proceedings; it was organized as a didactic event, which eventually changed the way Israel remembered the Holocaust and understood itself as a nation. As Israeli historian Idith Zertal writes, the trial "changed the face of Israel, psychologically binding the pastless young Israelis with their recent history and revolutionizing their self-perception."<sup>12</sup>

The Eichmann trial was the first in a series of widely publicized trials against former Nazis or their collaborators that took place from the 1960s through the 1990s: the Auschwitz trials in Frankfurt; the Touvier, Papon, and Barbie trials in France; the prosecutions against Priebe in Italy and Menten in the Netherlands.<sup>13</sup> These trials differed from the international tribunals in Tokyo and Nuremberg in that they were explicitly organized as *national* events, meant to assist in a process of national education—and sometimes even a process of national healing.<sup>14</sup> The Barbie trial was regarded by the French government as a "pedagogical trial," containing a "history lesson."<sup>15</sup> Nancy Wood writes that Papon's trial generated so much publicity that the event's didactic nature threatened to overshadow its legal goals:

The trial was a mass-mediated event of an unprecedented scale in France, enjoying daily newspaper coverage and regular television, radio and magazine commentary. For the more voracious consumer, a glut of information related to the trial could be accessed through hundreds of sites on the World Wide Web. At one point a tally noted that 146 accredited journalists had attended the trial; 1,413 scholars had abandoned lessons or libraries to witness History-in-the-making, and 8,827 members of the general public had been admitted. With this kind

of saturated media and public attention, there was the attendant expectation that Maurice Papon's trial would yield lessons of a pedagogic, historical and symbolic nature for French society as a whole.<sup>16</sup>

The assumption that trials can assist in the (re)construction of the nation and its relation to the past has become so widespread that they have become the "focal point for the collective memory of whole nations," as Mark Osiel has argued.<sup>17</sup> For Osiel, trials have become "secular rites of commemoration," during which the nation redefines itself. Employing anthropologist Victor Turner's term, he understands trials as "social dramas": "cultural performances involving the wholesale disruption, self-examination and reconciliation of a society by means of legal or other ritual procedures."<sup>18</sup> Whereas the didactic-therapeutic function was considered a desirable side effect of the legal proceedings in the 1960s and 1970s, for the truth commissions, a new type of semilegal institution first established in Argentina in 1983 and subsequently emulated in several countries, it has become the explicit goal. As they have evolved over the last quarter-century, truth commissions seek not to punish criminals but to support a process of working through the past, which is often understood as a moment of "healing" for the nation.<sup>19</sup> The South African Truth and Reconciliation Commission (TRC), one of the best-known truth commissions, explicitly used therapeutic vocabulary to refer to this process.<sup>20</sup> The chairman of the commission, Bishop Desmond Tutu, described the goal of the TRC as the laying to rest "the ghosts of that past so that they may not return to haunt us . . . [thereby] healing a traumatized and wounded nation."<sup>21</sup>

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In the discourse produced by several decades of war crimes trials that led up to the South African TRC, three distinct subdiscourses can be distinguished, namely a legal, a didactic, and a therapeutic one. A trial—or hearings administered by new, innovative legal institutions such as truth commissions—is believed both to serve justice and to teach the public as part of a national process of psychic healing. These varying ambitions are knotted together by a belief that trials can help bring about a moment of *closure*. As a verdict is pronounced or amnesty is granted, one closes the books on the past, as it were, thereby satisfying a desire for an ending that has psychological, legal-political, and aesthetic components. Judging the past, or reconciling oneself to it, makes it possible to both face the past—often in its full horror—and to close it off as distanced history by way

of a similar gesture. One can be liberated from what Adorno called the spell of the past, which is transformed into something that is consciously remembered.

As the few examples mentioned above show, these subdiscourses are closely intertwined, and over the years the relations among the processes of learning, judging, and coming to terms with the past have become ever more intricate. The interrelated subdiscourses raise a wide range of issues regarding the didactic and therapeutic functions of the trial-as-spectacle. Three sets of questions are crucial for this study.

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First, what kinds of assumptions about the nature of teaching are (implicitly) made when we expect a trial to be didactic? How do we understand the nature of the “lessons” to be learned from these spectacles if we wish to maintain, with Freud and Adorno, that the teachings of a didactic trial should go beyond the simple transmission of information and assist, instead, in a radical transformation of our relation to the past? Does learning about the past necessarily entail translating it into a story that one fully comprehends? Furthermore, through what *scenes* does one learn about the past? What trajectory is followed by the process of public education that addresses a repressed or traumatic past? As Shoshana Felman points out, psychoanalysis teaches us that learning amounts to an overcoming of (unconscious) resistances and therefore does not necessarily proceed as a linear progression—an accumulation of data. Rather, as a largely unconscious process, it relies on “breakthroughs, leaps, discontinuities, regressions and deferred action.”<sup>22</sup> In short, one learns during unexpected moments that are beyond conscious control; learning, therefore, may be hard to script. Organizing a scene that would allow for these moments may be a daunting task, in particular when these lessons concern a history of massive trauma.<sup>23</sup>

Second: How are we to understand the therapeutic impact of a trial? What does it mean to expect it to “heal” the wounds of a nation, a people, a community—or even humanity? Does “healing” necessarily imply closure? Or is it possible to conceive of something approximating a “coming to terms with the past” that does not amount to “closing the book on the past”?<sup>24</sup> I should note here that it is exactly the call for closure that has been deemed suspicious by various scholars and thinkers, who have put forth objections to it on the basis of legal arguments (Minow), on

ethical grounds (Hartman, Friedländer, LaCapra), for psychological reasons (Caruth, Laub, Felman, Langer), and on the basis of philosophical arguments (Derrida).<sup>25</sup> Finding closure in relation to massive trauma is at best unlikely, and at worst it constitutes a betrayal of the past. As Geoffrey Hartman states, in the wake of the disasters of the twentieth century, the challenge, precisely, is to envision a mode of “coming to terms with the past” that does *not* amount to finding closure yet that also prevents desensitization and the emergence of a new set of resistances resulting from what he calls the “secondary traumatization,” which can be the effect of a confrontation with images of suffering.<sup>26</sup>

Third: How do the preceding questions relate to the specific nature of a trial’s theatricality? A trial has a very specific theatrical structure, as Alain Finkielkraut rightly observes in an essay on the Barbie trial.<sup>27</sup> The ceremonial opening of a trial, the calling of “La Cour” by the bailiff—Arendt calls him the courtroom usher—serves not only to announce the judges’ entrance and the beginning of the legal proceedings; it also symbolically separates the courtroom from everyday life, transforming it into a highly structured space that ascribes different speaking and listening positions to its participants. The scene of justice depends on this “original cut,” Finkielkraut maintains. It “can take place anywhere—a table suffices—as long as a symbolic gesture sets it apart from the profane realm of the everyday.”<sup>28</sup> Finkielkraut argues that a similar cut, though ostensibly not articulated by a ceremonial utterance, can be found at the core of three other symbolic spaces: the theater, the classroom, and the church. Teaching, acting, performing a religious ritual, and handing down justice—these can happen everywhere, as long as the space in which they take place is symbolically rendered distinct from the realm of mundane life.<sup>29</sup> What, then, are the relations among these different symbolic spaces? To use Finkielkraut’s metaphor, a table suffices to stage a scene of justice, but this table entails a particular arrangement, a highly conventional set of “table manners,” and a precisely defined group of companions. What is the relation between this scene and the didactic scene? And how do they differ from the psychoanalytic scene, which similarly relies on a separation from the everyday? Furthermore, how are we to understand the endpoints of didactic-therapeutic legal theaters? Pronouncing a verdict or giving amnesty are totalizing gestures, both of which seek to establish the truth about the past and to radically alter our relation to it. How do we combine these totalizing gestures with the aforementioned demand to resist understanding the past in terms of what Dominick LaCapra calls “redemptive



narratives,” teleological stories that emphasize the “positive” or “just” outcome of history while overlooking or marginalizing the history of suffering and trauma?<sup>30</sup>

### Outline

In this study, I reflect on this set of interrelated questions through extensive close readings of texts that are particularly invested with the pedagogical and therapeutic implications of a legal trial: *Eichmann in Jerusalem* (1963) by the political philosopher Hannah Arendt; *La mémoire et les jours* (1985) and *Auschwitz et après* (published in three volumes, 1965–1972) by Auschwitz survivor and poet Charlotte Delbo; and one of the so-called *Lehrstücke* of Bertolt Brecht, entitled *Die Maßnahme* (1930/1998). These three texts offer, I argue, profound reflections on the theatrical aspects of the legal trial as well as its didactic and therapeutic functions, and in doing so they challenge some of the assumptions that are currently made about the cultural role of legal trials. Read together, these works enable me to rephrase some of the questions that play key roles in contemporary discussions about coming to terms with the past. Let me briefly introduce my “cases” as an outline of the project that I will shortly embark on.

Arendt’s *Eichmann in Jerusalem* is, of course, perhaps the best-known post-Holocaust trial report and has remained a recurring topic of debate in the humanities. This study opens with an analysis of *Eichmann in Jerusalem* to acknowledge the centrality of both the Eichmann trial and Arendt’s report on it in current debates about law and cultural memory. As is well known, Arendt was highly critical of some of the didactic ambitions that accompanied Eichmann’s trial. Her book may therefore seem less useful for this study than those of recent legal scholars who study the “extralegal” functions of a trial and in particular its national-didactic and therapeutic functions.<sup>31</sup> What is useful, however, for my purposes is, precisely, Arendt’s overly dogmatic or even conservative stance on the nature of the trial. Her emphasis on (legal) judgment—rather than rushing to understand the trial as something else altogether—helps us understand the precise nature of the legal theater. As I will demonstrate, it is not with theatricality per se that Arendt takes issue, but with the particular *type* of theater that the Eichmann trial was presumed to be. Arendt’s understanding of the Eichmann trial differs from those of her contemporaries,

most of whom considered it to be the staging of the “tragedy of the Jewish people” and thus designed so that a moment of catharsis—or even redemption—could take place. In contrast to her fellow reporters at the trial, Arendt emphasizes the staging of a scene of judgment, which, as a consequence, needed to be viewed from the particular perspective of a judge-spectator who regards the proceedings with a detached and rational gaze. Adopting such a position herself, she sees a different type of spectacle unfold in Jerusalem, one that resembles not a tragedy but a *comedy*. The “comic scenes” she observes nevertheless allow her to spell out a specific lesson that can be learned from the trial, albeit one that differs in both content and structure from the lessons scripted by the prosecution. In my first chapter, I propose to read *Eichmann in Jerusalem* as a report on the surprising and unexpected lesson that the trial taught Arendt. As I will demonstrate, the scenes that taught her this lesson broke through the legal-didactic framework of the trial, and—surprisingly—challenged Arendt’s own assumptions about the nature of Nazi evil.

Shifting emphasis, Chapter 2 focuses on the way in which Arendt’s book itself performatively stages a scene of justice. By opening her trial-report with a citation of the words of the courtroom usher that transform the courtroom into a “legal theater” and ending with the pronouncement of her own verdict in which she directly addresses the accused, Arendt mimics the structure of the scene that she is reporting on. I therefore claim that in addition to offering an analysis of the trial’s theatrical nature, *Eichmann in Jerusalem* reads as a reenactment of the trial. Yet, as I will demonstrate, in her restaging of the scene of justice, Arendt slightly displaces some of the questions at the heart of the historic trial, rearticulating in particular the trial’s demand for justice as voiced by the prosecution. Her book thereby sheds new light on the political and legal function of the Eichmann trial as well as on the nature of the community that it hopes to heal.

Chapter 3 offers a reading of various poems of Auschwitz and Ravensbrück survivor Charlotte Delbo, which I propose to understand as her attempt to create a literary “supplement” to the trials of her time. Delbo worked as assistant to the playwright Louis Jouvet before being arrested in 1942 because of her involvement with the French Resistance. After her return from the camps in 1945, Delbo published plays, poetry, and three books of memoirs, collectively entitled *Auschwitz et après*. One of the characteristics of Delbo’s writing style in the memoirs, as critics such as Lawrence Langer and Ernst van Alphen have pointed out, is her

refusal to narrate her experience from a retrospective point of view. As van Alphen puts it, "In her stories, she does not narrate 'about' Auschwitz, but 'from' it,"<sup>32</sup> frequently presenting her readers with present-tense reenactments of the past, which interrupt past-tense narratives. Van Alphen proposes to call this technique "theatrical" because a "conventional dramatic text is by definition located in a fictional present. Even if an actor talks in the past tense, each sentence is implicitly embedded in the sentence: 'I say.' This 'I say' situates each dramatic sentence in the present."<sup>33</sup> Following van Alphen in this regard, my chapter analyzes the "theatrical scene" constructed by Delbo's poetry by focusing on two poems included in *La mémoire et les jours*, "Kalavrita des mille Antigone," and "Les folles de mai." Both poems evoke Sophokles' *Antigone*, a tragedy that dramatizes a conflict between the law of the polis and the demands on the living made by the dead. I propose that both poems could serve as a model for understanding the particular structure of address in Delbo's writing. In her poetry, as well as in her autobiographical trilogy *Auschwitz et après*, Delbo attempts to give a voice to the dead so that they might address the living with a demand for justice. Such an exhortation expresses itself in a cry for justice that ultimately remains silent. Delbo, I argue, thereby poetically creates what I would like to call her own literary "theater of justice," which allows the voicing of a particular demand for justice that has traditionally remained unspoken within the idiom of the courtroom.

To further understand the strategies of staging and dramaturgy in theaters of justice, I examine Bertolt Brecht's work of the late 1920s and early 1930s, in particular *Die Maßnahme* (1930/1998). In this period, Brecht created didactic theater that sought to transform its audience. Understanding the moment of learning as a moment of judgment, Brecht modeled his theater on a courtroom hearing. An excellent example of this new model, *Die Maßnahme* consists of a set of trials and verdicts embedded within each other. The play concerns the verdict and execution of a young communist during a revolutionary mission, reenacted in front of Party members by the comrades who judged and killed him. The comrades ask the Party to judge their actions, and the audience in turn is invited to make a third verdict, judging the other two verdicts. In his play, Brecht thoroughly investigates the didactic possibilities of theater as trial, and trial as theater, by a tripling of a moment of judgment in a theatrical setting, or rather, of a theater modeled after a trial. Whereas the play itself consists of a complex set of verdicts, its historical reception even complicates it furthermore, embedding it in yet another set of trials.

When Brecht was summoned to appear before the House Un-American Activities Committee (HUAC) in 1947, he was cross-examined specifically about *Die Maßnahme*, which, I argue, was taken as an anticipation and justification of the Stalinist show trials that took place several years after Brecht wrote his play. My chapter analyzes this complex web of trials and verdicts—historical as well as fictional—in relation to the central dramatic event of *Die Maßnahme*: the execution of the play's central character and the subsequent disposal of his body. Framed by the two historical trials, I argue, the episode of the disposal of a body obtains an unexpected resonance, thereby raising questions that could not have been scripted by the play's overt didactic structure, such as—once again—the nature of our responsibilities to the dead. Placed last, this chapter reprises a theme that is central to this study, namely literature's ability to ask for justice in ways that are not available to judges and lawyers and to go beyond the socially important task of providing closure.

The nonchronological organization of the book—it opens with a discussion of the Eichmann trial in 1961 and ends with an analysis of a play from 1930—testifies to the centrality of the Holocaust as a defining event in the legal and political culture of the twentieth century. The Holocaust (and in particular the Eichmann trial in its aftermath), I contend, has become the prism through which we now regard past trials addressing massive violence and victimization. It has therefore become a central reference point for all discussions about the possibilities of working through trauma by legal means.

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These three widely divergent texts—a trial report, a play, and a series of poems—contain, I argue, profound reflections on the relations among pedagogy, the trial, and the theater, as well as the attempts to “dramatize” that which escapes the dimension of the law. As may be clear from the preceding outline, in my readings I will pay attention to the ways in which these questions are not only reflected on discursively or thematically, but also, perhaps more implicit, how they are *staged* performatively by the dramatic and theatrical structure of these texts. Even though *Die Maßnahme* is the only text in this study that “officially” belongs to the theater, the memoirs, poems, and journalistic and philosophical texts central to this book will thus be probed for their theatrical dimensions.

By giving voice to a different set of demands for justice, verdicts, and accusations, the works of Arendt, Delbo, and Brecht respond to key

trials of the twentieth century: to the Eichmann trial in Arendt's case, the Nuremberg trials in Delbo's case, and the Moscow trials, in the case of Brecht. Yet, more than responses, I argue, they are to be understood as quasi-Freudian reenactments, reopening the cases that the historic trials sought to close, bringing to center stage aspects that had escaped the confines of the legal framework. Instead of reading these works in the context of their times, framing them by what historically has happened, I aim to look for the precise moments when these trials broke through the governing legal, ethical, and theatrical frameworks of their times—sometimes even breaking through the dramatic frameworks of the text themselves—so as to open up to what I would like to call “law's other scene.” I aim to develop a practice of reading that is attentive to these ruptures because it is precisely in these moments that the works of Arendt, Delbo, and Brecht work find their surprising didactic—and perhaps even therapeutic—potential.

The source of inspiration for this method of reading is the critical practice developed in the last decennia under the name of “trauma studies.”<sup>34</sup> Inspired by Freudian psychoanalysis as well as by deconstruction's suspicion of totalizing schemes, trauma studies has developed a hermeneutics that is attentive to the mode in which a text's performance exceeds its own intentions and enacts a truth that it cannot relate via narrative. As Cathy Caruth explains, the term *trauma*, originally a Greek word that refers to a wound inflicted on the body, underwent a radical shift when Freud started using it to describe a psychic state of woundedness. For Freud, *trauma* points to a paradoxical structure of experience. Caruth writes,

What seems to be suggested by Freud in *Beyond the Pleasure Principle* is that the wound of the mind—the breach in the mind's experience of time, self and the world—is not like the wound of the body, a simple and healable event, but rather an event that . . . is experienced too soon, too unexpectedly, to be fully known and is therefore not available to consciousness until it imposes itself again, repeatedly, in the nightmares and repetitive actions of the survivor.<sup>35</sup>

Freud's notion of trauma points to an experience that was missed when it “originally” happened and therefore resists integration into conscious narrative memory; it can become present only through its repetitions, re-stagings, and reenactments. By focusing on that which a text unwittingly stages, trauma studies reveals how cultural phenomena can testify to an experience that cannot be conveyed as a story. This implies a shift of interest from a text's narrative structure to its dramatic nature and performative

dimension. It pays attention to what is enacted by a text in excess of what it narrates in its own voice.

Although my project shares trauma studies' interest in performance and performativity, its emphasis is slightly different. Whereas trauma studies have predominantly concentrated on individual cases, stressing the irreducible singularity of each trauma, I choose to focus on the public nature of the texts I analyze. Staged in the public sphere, the cases I discuss can be understood as theaters of justice that raise political as well as ethical questions. As Hannah Arendt reminds us, theater is the most worldly of literary genres.<sup>36</sup> Whereas poetry speaks to us as individuals, and the novel concentrates on humanity's social dimension, theatrical plays tend to address us as citizens—as members of a community. My question is, What happens when stories of trauma are enacted in the public sphere? How do they speak to us? What call do they make to us? Following Mieke Bal's suggestion in *Traveling Concepts* to take the theatrical term of *mise-en-scène* as a theoretical concept that enables one to analyze the way in which cultural texts are put to "work" in a particular scene, I propose to study the scenes constructed by Arendt, Delbo, and Brecht as particular, *dated* performances.<sup>37</sup> Through the particular, historic *mise-en-scène* of each, they implicate various audiences. *Eichmann in Jerusalem*, *Die Maßnahme*, and Delbo's poetry and memoirs are not taken as third-person artifacts but as first-person speech acts that, when staged in the public arena, give voice to particular demands for justice.

Read together, the works of Arendt, Brecht, and Delbo reopen cases that the historic trials to which their works respond sought to close. It is precisely in this gesture of reopening that these texts find their literary dimension. "Law is a discipline of limits and of consciousness," Shoshana Felman writes in *The Juridical Unconscious*, and the function of a trial is to "close a case and to enclose it in the past."<sup>38</sup> We need art and literature, she suggests, to face up to a past that cannot be closed, to those aspects of the past that legal closure effaces. In their writings Arendt, Brecht, and Delbo have opened a different scene, a literary theater of justice in which the past can be staged, mourned, and, eventually, worked through.