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INTRODUCTION BY HOLLY CASE, BROWN UNIVERSITY

The opening epigraph to Carolyn J. Dean's *The Moral Witness: Trials and Testimony after Genocide* comes from a 1977 text by the Nobel Prize winner and Holocaust survivor Elie Wiesel: "If the Greeks invented tragedy, the Romans the epistle, and the Renaissance the sonnet, our generation invented a new literature, that of testimony. We have all been witnesses and we all feel we have to bear testimony for the future" (1). The trajectory from the Cassandra to the global witness figures in Dean's analysis, but on a much shorter timeline than Wiesel's. She begins with the interwar trial testimony of two principled assassins, Soghomon Tehlirian and Sholem Schwarzbard, whom she labels 'the avengers.' Tehlirian had assassinated Talaat Pasha, the former Ottoman Grand Vizier who had overseen the Armenian genocide of 1915; Schwarzbard's target was the Ukrainian nationalist leader Symon Petliura, whom he held responsible for the devastating pogroms in Ukraine during the Russian Civil War. Dean then moves to the trials for libel initiated by witness survivors of the Soviet gulag after WWII, and only thereafter to the witnesses called to testify against former *SS-Obersturmbannführer* Adolf Eichmann during his trial in Jerusalem for organizing the mass deportation and murder of Hungarian Jews during WWII. The final chapter traces the emergence of the "global witness" (21) and "counterwitness" (6) starting in the 1990s and with the establishment of the International Criminal Court (ICC), after *ad hoc* international criminal tribunals had begun to prosecute mass atrocities and genocide committed in the former Yugoslavia and Rwanda. Throughout the analysis, Dean keeps "moral witnesses" front and center, as figures who "condense specific survival stories to convey a broader message" (5). It is that broader message that Dean has sought to glean, tracing its emergence and fluctuation over a century.

Although Dean's timeline seems compressed compared to that of Wiesel, it created rather the opposite impression for several of the reviewers, who commented on Dean's decision to start with "the first major trials in Western Europe featuring victims of interethnic violence and state-sponsored mass atrocities seeking justice" (28), rather than with witnesses to the Holocaust, most of whom offered their testimony in a world that officially recognized the word "genocide." Adam Y. Stern notes the book's "insistent displacement of a prevalent tendency to begin the history of the witness with the Holocaust." Yet there remains something "retrospective" and Holocaust-centered in her analysis after all, Stern observes, which therefore constitutes a "redemptive history." (Dean herself objects to this classification on the grounds that her analysis is interested in "historical closure" rather than the "infinite repetition" of martyrdom.)

Dean's choice of temporal bookends and particular trials informs her argument that the "moral witness" to the Holocaust has been transformed into "the image of a universal victim" (173). Dan Stone characterizes this story of displacement of the Holocaust witness as "perhaps Dean's most provocative and contestable assertion," yet also finds it to be "asserted more than proven." In response Dean notes the difference between the question as to whether Holocaust witnesses are still visible and significant and what they are coming to represent. "[T]he Holocaust is no longer the only reference point for the experience of genocide, and the witness symbol is still being reconfigured," she argues.

Literary scholar Hannah Pollin-Galay also comments on how Dean "redraws temporal as well as ethnic lines" in her analysis, but is more taken by the "original and startling vocabulary" Dean has invented to describe the various stages of witnessing. The analysis reveals how "Survivors were treated as 'oracles from another world' (16), possessors of 'dark knowledge,' (99) and 'symbols of human conscience' (131)," Pollin-Galay observes, where "At each station, the witness is a figure through which the public stores, elevates, or deliberates on that which is in excess of its current moral norms." Though highly sympathetic to the book, Pollin-Galay wonders that Dean does not probe earlier and more often the "non-legal arenas of witnessing" that inform her analysis in the final chapter, and why she does not elaborate further on the gendered aspects of witnessing. In her response, Dean is especially attentive to Pollin-Galay's reflections. Regarding the omissions, she acknowledges the required "trade-off between historical depth and the broad view" that informed them, and regrets that as a scholar who has "long worked on gender history," she "could have brought more analysis to the surface" on that matter.

Political scientist Michael Struett undertakes the thought exercise of wondering "which moral witnesses will we celebrate in another half or three quarters of a century." Citing another political scientist, Brent Steele, Struett stresses that "who and

what get remembered [...] is always a political question,” and notes that the trials of Tehlirian and Schwarzbard are generally considered “so problematic in their legal logic” that they remain largely absent from studies of the “evolution of international criminal law.” He acknowledges, however, that such “show trials” ultimately did contribute to making “Moral Witnesses” into a courtroom “archetype.” In her response, Dean contrasts Struett’s observations to her own in the book: she focuses on “cost to victims,” he on “benefits”; she on the “perils” of the symbolic elevation of witnesses, he on “how much their status has allowed us to accomplish.” She points to their divergent views on the significance of the “counter-witness,” but concludes that they both agree “on the hope that almost always clings to despair and fear.”

Beyond Dean’s careful and engaging study and these responses, one might also wonder about other implications of the universalization of the “moral witness.” Has this “archetype,” as Struett calls it, not been used by actual and would-be perpetrators of violence and genocide for their own purposes? What happens when we consider Dean’s discussion of the interwar acquittals of Tehlirian and Schwarzbard, for example, alongside some other high-profile acquittals of the interwar period, like that of the far-right assassin Corneliu Zelea Codreanu in Romania in 1924, or the “Potempa Five” in Germany of 1934. In both cases members of the far-right claimed to be killing a symbolic perpetrator in an act of “self-defense” as a member of a persecuted nation whose survival was at stake.¹ And what are we to make of the fact that, more recently, the Norwegian far-right nationalist murderer Anders Breivik clearly sought to emulate this “moral witness” archetype on the stand during his own trial, including citations from Holocaust survivor Imre Kertész in his rambling, 1,500-page manifesto, and citing the United Nations Declaration on the Rights of Indigenous Peoples as justification for killing those who, he claimed, were “Aiding and abetting to cultural genocide against the indigenous peoples of Europe”?² Finally, is it significant that, when the prosecutors in the Breivik trial wanted to show the court how his victims were killed, they opted against visualizations of particular persons, and instead illustrated them on a gender-neutral, grey dummy?³

Above all, the unique and valuable achievement of Dean’s work is broadly affirmed in these reviews, as well as in the questions for further research the reviewers open for scholars in the future.

Participants:

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Holly Case is professor of history at Brown University. Her most recent book is *The Age of Questions: Or, A First Attempt at an Aggregate History of the Eastern, Social, Woman, American, Jewish, Polish, Bullion, Tuberculosis, and Many Other Questions over the Nineteenth Century, and Beyond* (Princeton, 2018). It won the Hont Book Prize of the Institute of Intellectual History at the University of St. Andrews.

¹ See Irina Livezeanu, *Cultural Politics in Greater Romania: Regionalism, Nation Building and Ethnic Struggle, 1918-1930* (Ithaca: Cornell University Press, 1995), 286; Richard Bessel, “The Potempa Murder,” *Central European History* 10:3 (1977): 241-254, here 249-250.

² “Anders Behring Breivik’s Complete Manifesto ‘2083–A European Declaration of Independence,’” Public Intelligence (28 July 2011) <https://publicintelligence.net/anders-behring-breiviks-complete-manifesto-2083-a-european-declaration-of-independence/>, accessed 27 April 2020.

³ Åsne Seierstad, *One of Us: The Story of a Massacre in Norway—and Its Aftermath* (New York: Farrar, Straus and Giroux, 2016), 452-453.

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REVIEW BY HANNAH POLLIN-GALAY, TEL AVIV UNIVERSITY

To write scholarly work on atrocity witnesses and atrocity memory is to walk through an ethical minefield. On the one hand, there is pressure, sometimes legitimate, to avoid objectifying victims and victimhood, to show empathy for and even identify with the witnesses. In giving lectures to the general public about Holocaust witnessing, I, for one, have often encountered disappointment when I do not speak *only* of honoring the dead. On the other hand, there is a constant temptation to outsmart Holocaust and genocide memory, to tantalize intellectual peers by staging clever take-downs of public commemoration practices and texts, even and especially if the public holds them dear. These two traps are so prevalent, their models so convenient, that it requires true ethical imagination and scholarly integrity to write outside of them. Carolyn Dean has done this in her new work, *The Moral Witness: Trials and Testimony after Genocide*. The book contributes a much-needed map of Western witnessing, which is both sharp and humane.

The work plots a trajectory of how the figure of the genocide witness has developed across historical time. In Dean's words, the book is about "the various figures of the witness that have populated the Western cultural landscape over the past hundred years" (174). Each chapter focuses on a different station in this genealogy. First, there were the avengers (1921 to 1950), vigilante heroes whose political assassination trials enabled them to testify on behalf of victim groups; The next witness figure to grip popular imagination was the camp survivor (1950-1961), who was almost like a military veteran, a figure of collective resistance; Next came the Holocaust witness (1961-1990), a dark prophet with access to certain sublime truths right and wrong; And finally there were the global victim and the counterwitness (1990-present), who visually signified both the demand for and the pitfalls of international humanitarianism. Dean argues that these witness figures can symptomatically tell a story of Western moral culture.

The ethical poise of *The Moral Witness*, one of its most impressive contributions, is achieved in part through skillful writing; the *way* that Dean unfurls this trajectory is as important as the trajectory itself. In each chapter, Dean dives deeply into the moral ecology of each witnessing scenario, reading its terms from within, while also building an original and startling vocabulary that forces us to see each modality of witnessing in a new light. So, for instance, in her chapter on the trial of SS-*Obersturmbannführer* Adolf Eichmann as key to 'the Holocaust witness' moment, Dean analyzes live survivor testimony in a non-patronizing manner. She takes the Eichmann witnesses seriously in their passionate plea to be heard—but also translates their testimonies into new analytic terms. Survivors were treated as "oracles from another world" (16), possessors of "dark knowledge," (99) and "symbols of human conscience" (131). Dean asserts that the witnesses became "a reminder of Western murderousness and at the same time an image of Western soul-searching" (130). That is, going beyond the well-known political critiques of the Eichmann trial, Dean shows that the Eichmann witnesses provided the stage of for a new type of moral exploration, one that people sought at the time.

Each chapter of this genealogy is incisive on its own. But, the sum is even greater than the parts. That is, the book derives its primary force from the way in which it assembles highly contrasting witness figures into the same constellation. The chapter on "the avengers," where Dean discusses the interwar trials of Armenian revolutionary assassin Soghomon Tehlirian and Jewish revolutionary assassin Scholem Schwarzbard, is especially thought provoking, since genealogies of catastrophe testimony most typically begin during or after the Holocaust. If comparisons between Holocaust witnesses and witnesses of other mass atrocities are introduced, that comparison is typically reserved for discussions of the late 1990's and 2000's. Dean redraws temporal as well as ethnic lines in this act of remapping.

On the whole, Dean is very clear about the differences between the various stations of witnessing—and presents a strong case that conceptions of witnessing have changed over time. However, taking a step back from this historical trajectory, the book also adds insight into what these various moral witnesses all have in common with one another. At each station, the witness is a figure through which the public stores, elevates, or deliberates on that which is in excess of its current moral norms. The human body and voice of the witness incarnate a moral notion that has not yet been formulated in law or in language. In the first stage, Dean's "avengers" embody the notion of genocide, of murdering a people as a people, before the term was coined: "The trials defined the terms of defendants' innocence or guilt in the absence of a legal consensus about

how to prosecute the massacres they had avenged” (32). Next, the French cases of Soviet defector Victor Kravchenko and leftist activist and Soviet critic David Rousset produced the figure of the “camp survivor,” who could enact the possibility of morality beyond nationalism. The Holocaust witnesses at the Eichmann trial demonstrated the need to dignify the weak and the non-heroic. Last, from the 1990’s until the present day, the global or counter-witness is a symbol, “no longer of justice belatedly delivered, but of justice failed” (137). This figure visually emblemizes a humanitarianism without fetish, something we seek but have not yet found a way to build. In each case, the moral witness seems to embody a consensus in the making, or a norm that is just over the horizon. Perhaps this common function of the various “moral witnesses” relates to the capacity of the human body to communicate through physical presence rather than just verbal argument. If you will allow me to think about Dean’s moral witness figures with the help of the writing of Charles Sanders Peirce for a moment, Dean’s witness figures convey morality through “firstness,” an aura or a sensibility that may later become formalized in words and symbols.⁴

The book provokes several questions that are worthy of future pursuit. First, this is a work that emphasizes how witnessing has been conceptualized differently across time, rather than across space or across languages. Dean responsibly specifies that she is a student of the *Western* moral imagination. Nonetheless, I wonder what would happen to the genealogy if we stretched it horizontally—asking, for example, how local war-crimes trials within the Soviet Union in the 1960s would compare to the ‘Holocaust witness’ figure that emerges from the Eichmann trial around the same time.⁵ Given that Dean stresses the prophetic, almost mystical lens through the Eichmann witnesses were received, and that the Soviet trials took a very literal, forensic legal approach, this might be a case in which there were multiple, contrasting concepts of witnessing in action at the same time, in different geo-lingual contexts.

Second, having trained us to see each strain of witnessing through the forum of the courtroom through the first three stations of her genealogy, the final chapter of this book makes a somewhat surprising pivot, including not only the testimonial work of humanitarian organizations, but also photography. Of course, Dean justifies this expansion of focus: She identifies a relocation of the theatre of public justice that is particular to that era. As Dean puts it, “‘Bearing witness’ has become shorthand for the act of spectatorship associated with pictures of terrible suffering” (154). Dean analyzes this turn to photography with the help of Ulrich Baer⁶, who argues that witnesses do not merely conform to the role assigned them in the photographic process; though captured on camera, they are never wholly captives and resist the objectification of onlookers. The manner in which Dean integrates photographic and legal witnessing into the same history is so compelling in this final chapter that it begs the question—could other non-legal arenas of witnessing have had a similar impact in previous time periods as well? Perhaps it would be fruitful to look at legally articulated notions of witnessing on a continuum with those articulated in literature, psychotherapeutic sessions, cinema, video testimony, or in journalism.

Last, there seems to be an implicit gender analysis running through Dean’s genealogy that may be worthy of expansion. As the public moral imagination shifts over time, that ideal also seems to waver between more masculine and feminine personae. For instance, Dean shows that both the prewar “avengers” as well as Rousset’s “camp survivor” witnesses of the 1950’s displayed conventionally masculine qualities. The avenger used physical bravery to make his people’s story heard and the “camp survivor” was a victim who was also a soldier. But in the 1960’s, the Eichmann trial seems to have effeminized witnessing in allowing public shows of vulnerability and weakness to become a virtue. Later, the discourse of the counter-witness seems in fact to have re-masculinized the act of testimony, arguing that witnessing modes that are too soft or

⁴ Charles Sanders Peirce, *The Essential Peirce*, vol. 2 (Bloomington: Indiana University Press, 1998), 197.

⁵ Discussed briefly in Hannah Pollin-Galay, *Ecologies of Witnessing: Language, Place and Holocaust Testimony* (New Haven: Yale University Press, 2018), 49.

⁶ Ulrich Baer, *Spectral Evidence: The Photography of Trauma* (Cambridge: MIT Press, 2005).

empathic may deactivate the subject politically. This connection between gender image and moral imagination seems very close to the surface in Dean's book—but also far enough to invite future investigations on the topic.

In sum, perhaps the best way to describe *The Moral Witness* is to hearken back to a key term from one of Dean's earlier books, *The Fragility of Empathy after the Holocaust*—and to consider Dean's impressive ability to recognize and work with fragilities of multiple sorts.⁷ This new work is about the fragility of morality, the fragility of the law, the fragility of humanitarianism, as well as the fragility of writing cultural history, carving out a space between thinking and feeling, analysis and judgement. Dean's *Moral Witness* de-sacralizes atrocity witnessing by analyzing it as a historically-bound practice. Yet, in doing so, Dean never sacrifices her ability to care about these witnesses or the atrocities to which they testify.

⁷ Carolyn Dean, *The Fragility of Empathy after the Holocaust* (Ithaca: Cornell University Press, 2004)

REVIEW BY ADAM Y. STERN, UNIVERSITY OF WISCONSIN–MADISON

At least since the early writing of Edward Said, we have known that *beginnings* are not the same as *origins*. While origins are “divine, mythical, and privileged,” beginnings “are secular, humanly produced, and ceaselessly re-examined.” Origins come from beyond the world and treat the world as a passive object of God’s designs.

Beginnings are in the world, of the world, and an active engagement with the world. For Said, this also means that beginnings are always “pragmatic—as when we read a difficult text and wonder where to begin in order to understand it, or where the author began and why.”⁸ If I follow Said by choosing to begin with the question of beginnings, it is because I want to ask about the beginning (and beginnings) of Carolyn Dean’s challenging, provocative, and incisive new book, *The Moral Witness: Trials and Testimony after Genocide* (Cornell, 2019). Where does one begin reading this text in order to understand it? Where does Dean begin? And why?

Dean is interested in the multiple, humanly produced beginnings of the ‘witness’ and not its singular, mythical origin. From the outset, she is careful to acknowledge and even emphasize the constraints of her account, which, as she says, could have begun in a variety of times and in a variety of places. The book, Dean notes, is not “a synoptic intellectual history of the concept of witnessing” and, for that reason, does not attend to a series of important moments that such a comprehensive history would necessarily include (3). Among those Dean mentions in passing: the biblical prohibition against false witness, the Greek term *martyr*, the Jewish condemnation of pogroms, the British politician William Gladstone’s 1876 denunciation of Ottoman massacres against Bulgarian Christians, the Hague Conventions of 1899 and 1907, and the long fight for the abolition of slavery. Dean also recalls that across the nineteenth century, humanitarian organizations “used the term ‘witness’ to describe not only those who survived mass atrocities and genocide” but also those spectators who observed them and could report back (135). Here too, one might add the relevant Latin distinction between *testis* and *superstes*, the third-party witness and the surviving witness. It is a problem of translation that could take one from Saint Augustine through the Middle Ages, across the history of Jewish witness, the Reformation assault on superstition, and into nineteenth-century anthropology and the theory of anachronistic ‘survivals.’

But Dean sets her sights set on another, more historically situated problem: the transformations and rhetorical incarnations of the ‘witness to genocide’ in the twentieth century. She asks: How did the survivor of mass atrocity and mass violence become a witness? What discursive processes made it possible for the ‘witness to genocide’ (*superstes*) to become a recognizable figure of the West’s political imagination and practice? When did the figure of the ‘witness’ become a “central trope of contemporary moral culture?” (1). And is it still one? These questions and others allow Dean to engage with the moral and political implications of contemporary violence, mass atrocity, and genocide. The genealogy of the ‘witness’ measures the sometimes tense relationship between demands for rights and justice and the limitations imposed by cultural representation. As Said knew, there is a great deal packed into Karl Marx’s phrase: ‘They cannot represent themselves; they must be represented.’

Dean pursues these difficult lines of inquiry by focusing on a series of trials that, as she puts it, struggled to “redeem” survivors of genocide by giving them a voice and by offering them the opportunity to tell their stories in the face of otherwise immense obstacles (legal constraints, victim blaming, political suspicion, etc.) (3). In its broadest outline, the book offers a four-part periodization for the fragile, contingent, always mutable figure of the witness (174-175). From 1921-1950, in the wake of the Armenian Genocide and Ukrainian Pogroms, the witness to genocide becomes legible and thereby redeemable as a righteous avenger. Through close readings of the trials of the Armenian assassin Soghomon Tehlirian (1921) and the Jewish assassin Scholem Schwarzbard (1927), Dean shows that the moral witness in this era was not an object of pity or empathy but an active pursuer of justice. The next stage emerges in the immediate postwar period with the libel cases of the Soviet defector Victor Kravchenko and member of the French Resistance David Rousset. In this context, Dean identifies a shift toward the concentration-camp survivor as a symbol of moral and political opposition to an “ostensibly new form of

⁸ Edward W. Said, *Beginnings: Intention and Method* (New York: Columbia University Press, 1985), 372-373.

inhumanity” (90). By the trial of the SS officer Adolf Eichmann in the early 1960s, though, the symbolics of the witness shifted again, this time taking the Jewish Holocaust survivor as an exemplary image. No longer condemned as a passive victim or collaborator, the Holocaust survivor now became an icon of universal human suffering, the bearer of a certain “dark knowledge” and moral authority about evil, catastrophe, and vulnerability (99). Finally, from 1990-present, the Jewish Holocaust survivor gave way to a renewed split between the activist (i.e., *testis*) and the global victim (i.e., *superstes*). Once again, “the dismayed spectator aghast at violations of human conscience” has come to occupy the role of moral witness capable of speaking for the increasingly silent or silenced survivors of disaster (170).

This narrative is neither linear nor teleological. Dean suggests that in fact her history of the ‘moral witness’ has something like a circular configuration, which across a century or more, travels from humanitarian activist to righteous avenger to camp survivor to Jewish survivor only to end up back again at the humanitarian activist. But, in one way or another, Dean is committed to a story that begins in the 1920s and extends through the present. Indeed, one of the major contributions of the book is its insistent displacement of a prevalent tendency to begin the history of the witness with the Holocaust or, more specifically, with the iconic emergence of the Holocaust survivor in the 1960s and 1970s. Working through a vast array of theoretical and historical literature on witnessing, including well-known works by scholars like Peter Novick, Anette Wieviorka, David Roskies, Margaret Taft, Didier Fassin, and Richard Rechtman, Dean assembles a new narrative that moves deftly across standard historical boundaries. What she shows, with particular depth and insight, is that the Jewish survivor is only one, contingent moment in a much more complex history of witnessing. She writes: “The witness to genocide emerged in the interwar period (1911-1939) and made the crime of genocide legible. He or she represented the authority of the victim’s experience and marked a significant shift in the Western imagination of mass violence away from unspeakable ‘outrages’ committed regrettably against innocents to ‘genocide’ perpetrated against peoples whose persecution endowed them with moral authority” (2).

In this sense, Dean has decisively dismantled the supposed beginnings that have come to define the ‘era of the witness.’ But there is, I think, also reason to ask whether Dean’s book bears within it a more unsettling historical chronology. Consider here the way she chooses to begin: “By the end of the twentieth century, the ‘witness to genocide’ had become a pervasive icon of suffering humanity. The term initially referred to the survivors of the Holocaust of European Jewry, but is also now the title of books, conference articles, and museum events about the Cambodian, Rwandan, and other genocides” (1). In other words, Dean does not begin her book with the beginning she sets for herself (the interwar period) but rather with direct reference to the Holocaust and its aftermath. The decision is motivated by a methodological concern with the rise of a novel terminological formulation—‘the witness to genocide’—and its subsequent extension across the globe. As Dean says, it is only then that the *term* “witness to genocide” came to mark or circumscribe something that no doubt began earlier, namely, the act of witnessing genocide. Call it a difference between event and word, between the occurrence or experience of genocide and its naming, between actually existing witnesses to genocide (without quotes) and the particular construction ‘witness to genocide’ (with quotes).

On the one hand, and as Dean insists, the Jewish survivor is only a moment in an older narrative. The Jewish survivor is one instance of the differential ways that the witness has been troped across the twentieth century. On the other hand, this figure—this specific figuration of the witness as Jewish survivor—also stands at the beginning of the story and seems to frame both its pre- and post-history. There is, I want to say, something retrospective, perhaps *nachträglich*, about Dean’s history, which places the Jewish survivor at the center of a redemptive history that was only anticipated in the prewar period and is now already in decline. And to repeat, this is, at least in part, the result of analytic commitments that waver between the ‘witness to genocide’ and the witness to genocide.

Dean is, after all, remarkably attuned to the issues of language, translation, and concept formation. She stresses the importance of understanding the rhetorical conditions and forms of representation that characterize these trials in both their “family resemblances” (à la Ludwig Wittgenstein) and their differences across German, French, Hebrew, Yiddish, English, and more (7). Among other things, she underscores the gap between trials that took place before the widespread proliferation of the term “genocide” and those that occurred after its massive dissemination and institutionalization (39); pays close attention to the formation of the English category ‘survivor’ over the course of the 1960s and 1970s; comments on

Rousset's specific investment in the French word *témoin* (63); and alludes to the Israeli prosecutor Gideon Hausner's invocation of the biblical phrase, *she'erit ha-peletah* (97). The question is: How much does this textualization matter for the global story Dean is trying to tell? What effect do issues of linguistic difference and translation have on the history of the moral witness? Is this about the 'witness to genocide'? Or about the witness to genocide?

At various points, for example, Dean suggests the emergence of the term 'genocide' led to a hardening of the legal apparatus, closing down opportunities made possible in a previous system, where that language was not as readily available. From another perspective, these questions could return to the alternating movement between *testis* and *superstes*, archive and witness, historian and survivor, missionary savior and victim in need of salvation. Finally, the soteriological history of Jewish witnessing (be it religious *or* secular) may have deep Christian archives. But let me conclude by citing a passage from Jacques Rancière's commentary on the words and names of history, if only to revive a set of historiographical (or *metahistorical*) provocations about the "poetics of knowledge" and its meaning for the beginnings of the witness. Rancière writes: "There is history because there is an absence of things in words, of the denominated in names. The status of history depends on the treatment of this twofold absence of the 'thing itself' that is *no longer there*—that is in the past; and that never was—because it never was *such as it was told*. Historical affect is bound to the personal absence of what the names name."⁹ These are the problems of beginning that Carolyn Dean confronts in an exemplary way.

⁹ Jacques Rancière, *The Names of History: On the Poetics of Knowledge* (Minneapolis: University of Minnesota Press, 1994), 63.

REVIEW BY DAN STONE, ROYAL HOLLOWAY, UNIVERSITY OF LONDON

The literature on Holocaust related trials has grown substantially in recent years. As well as the mountain of work on the IMT (the International Military Tribunal at Nuremberg), there are now studies of the NMT (the Nuremberg Military Tribunal, or ‘successor trials’) in general as well as detailed analyses of individual trials within it; studies of lesser known trials such as the Belsen and Mauthausen trials, of the West German trials, including studies of those who took part in them, such as historians acting as expert witnesses, and studies of the many trials which took place in Communist Eastern Europe, where historians have rediscovered the value as well as the pitfalls of the Soviet documentation.¹⁰ It is tempting to read Carolyn Dean’s book in this historiographical context, where it appears at first glance to be situated.

Dean’s book, however, is less about trials as such—their organization, legal parameters, constitution, and so on—than about the role played by the “moral witness” in them. Here again Dean does not so much mean witnesses in the strictly legal sense—the permissibility or otherwise of their evidence, their remit, the nature of their cross-examination—than the figure of “the witness” as a symbol representing evil. Her argument is that over time, the witness as a figure in the genocide-trial courtroom has changed from embodying evidence for the world of the evil that was experienced by victims of a specific crime, thus reminding the world of the horror of a particular event and its perpetrators, to a figure standing in for “evil” as such, with the result that the focus on specific crimes has been lost. If, at the start of the twentieth century, the witness provided evidence of human suffering in particular circumstances, today, at the start of the twenty-first, the witness has become a kind of all-purpose stand-in for the idea of evil, with any ties to specific crimes severed:

“What victims could say in courtrooms and how they could say it constituted new narratives about human suffering and survival that were as important to the outcome of the trials as legal argument alone. Similarly, in the circumstances common to all of these trials, truth claims made by individual witnesses—even when they could not be established as true or false—generated higher, transcendent, seemingly unimpeachable truths about the effects of violence in radically dehumanizing conditions” (7-8).

Through three case studies—the trials of Soghomon Tehlirian (the Armenian assassin of Talaat Pasha, one of the architects of the Armenian genocide) and Samuel Schwarzbard (the Jewish murderer of the alleged leader of pogroms against Jews in Ukraine) in 1921 and 1927 respectively, the libel cases of Ukrainian anti-communist émigré Victor Kravchenko and French Resistance member and writer David Rousset in 1949 and 1950-51, and the trial of Adolf Eichmann (one of the main

¹⁰ From a mountainous literature, a few representative examples might include: John Cramer, *Belsen Trial 1945: Der Lüneburger Prozess gegen Wachpersonal der Konzentrationslager Auschwitz und Bergen-Belsen* (Göttingen: Wallstein, 2011); Donald Bloxham, *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory* (Oxford: Oxford University Press, 2001); Kim Priemel, *The Betrayal: The Nuremberg Trials and German Divergence* (Oxford: Oxford University Press, 2016); Kim C. Priemel and Alexa Stiller (eds.), *Reassessing the Nuremberg Military Tribunals: Transitional Justice, Trial Narratives, and Historiography* (New York: Berghahn Books, 2012); Kevin Jon Heller, *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford: Oxford University Press, 2011); Paul Julian Weindling, *Nazi Medicine and the Nuremberg Trials: From Medical War Crimes to Informed Consent* (Houndmills: Palgrave Macmillan, 2004); Hilary Earl, *The Nuremberg SS-Einsatzgruppen Trial, 1945-1958: Atrocity, Law, and History* (Cambridge: Cambridge University Press, 2009); Tomaz Jardim, *The Mauthausen Trial: American Military Justice in Germany* (Cambridge, Mass.: Harvard University Press, 2012); Michael S. Bryant, *Eyewitness to Genocide: The Operation Reinhard Death Camp Trials, 1955-1966* (Knoxville, TN: University of Tennessee Press, 2014); Devin O. Pendas, *The Frankfurt Auschwitz Trial, 1963-1965: Genocide, History, and the Limits of the Law* (New York: Cambridge University Press, 2006); Mathew Turner, *Historians at the Frankfurt Auschwitz Trial: Their Role as Expert Witnesses* (London: Bloomsbury, 2018); Gabriel N. Finder and Alexander V. Prusin, *Justice Behind the Iron Curtain: Nazis on Trial in Communist Poland* (Toronto: University of Toronto Press, 2018); Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001); David Bankier and Dan Michman (eds.), *Holocaust and Justice: Representation and Historiography of the Holocaust in Post-War Trials* (Jerusalem: Yad Vashem, 2010); Michael J. Bazyler and Frank M. Tuerkheimer, *Forgotten Trials of the Holocaust* (New York: New York University Press, 2014).

architects of the Nazi ‘final solution’) in 1961-62, Dean traces the incarnation of the moral witness over the twentieth century and into the twenty-first. She argues that the cases of Tehlirian and Schwarzbard show how nineteenth-century narratives of “civilized” spectator countries’ shock at outrages against “human conscience” (172) (such as British Prime Minister William Gladstone’s polemics against the Ottoman massacres of Bulgarian Christians in 1876) were gradually replaced by witnesses who could testify to atrocity on the basis of having been present. Dean argues that this was not a simple process, however; the moral witness’ acceptance at this point required their incorporation into “a restricted and imperial concept of civilization” (173). She suggests that by the time of the Kravchenko and Rousset trials, the moral witness to genocide had evolved into “an icon of human suffering” (173). Genocide was becoming understood as a crime separate from death in combat as the Soviet and, especially, Nazi camps started to become common knowledge, although the Holocaust as a specific locus for understanding the destruction of humanity was not conceptualized along these lines until the 1970s. Since then—and this is perhaps Dean’s most provocative and contestable assertion—the authority of the Holocaust moral witness has been “recast in the image of a universal victim that accompanied new, global institutions for the protection of human rights” (173).

In each of the case studies, Dean’s overview of the trials is informative, concise, and cogent. But it is not Dean’s primary aim to provide narrative summaries of the cases; rather she wants to show how the figure of the “moral witness” changed over time. In the cases of Tehlirian and Schwarzbard, the two men on trial for murder walked free because the defence successfully refigured them as representative victims of mass crime which shocked civilized society. As Dean notes, “Tehlirian and Schwarzbart had committed murder and yet they were shining exemplars of civilization” (59). In the case of Rousset, although Dean’s account is somewhat overshadowed by Emma Kuby’s recent, detailed account of the CICRC (*Commission internationale contre le régime concentrationnaire*), she nevertheless offers a persuasive reading of Rousset’s contribution to the formation of the “moral witness”: “He,” writes Dean, “transformed witnesses into the guarantors of his honor and the honor of others not fortunate enough to return” (77).¹¹ With respect to the Eichmann trial, Dean shows on the one hand that there was continuity between the Rousset case and Eichmann’s, in that Jewish survivors who testified at the latter “not only represented a broad and humanistic message about the consequences of tyranny, but also possessed dark knowledge capable of sparing other victims the agony they had lived” (99). On the other hand, she notes that at this point an important shift was beginning to take place, insofar as the moral witnesses who “testified to the triumph of Jewish life in unimaginable circumstances” began to morph into “icons no longer only of Jewish redemption but also of universal suffering humanity” (99).

At its simplest, Dean’s argument is that the emergence of the “moral witness” was “to create a symbolic witness who possessed unprecedented experience of a human-made, unfathomable darkness. ... a constant reminder of all the evil in the world against which we are called to be vigilant” (13). The point is made in the case studies and then in a final chapter which traverses various loci in the contemporary world where the “moral witness” may be said to operate: in the International Criminal Court (ICC), in the context of debates about trauma, activism, and humanitarian witnessing, and in the context of atrocity photographs. In this final chapter, Dean states in bold terms how this change has taken shape most completely in our day. With respect to the ICC, she writes that “The activists who represent the court’s work do not redeem myriad victims or even a group of victims, as did the Eichmann trial, but a symbolic global victim who represents all victims being violated, somewhere at some time and thus whose suffering never ends” (143). Most plainly, she claims that “This generic victim has displaced Holocaust witnesses” (144). Here Dean’s her claim that the figure of the global victim has been abstracted not only from the bodies of real victims “but also from the symbolic body of the Holocaust survivor whose distinct characteristics have been blurred almost beyond recognition and whose authoritativeness is diminished” (144) is asserted more than proven.

Dean’s aim is to provide a historical reading of the “moral witness”, i.e. showing how change over time has brought the concept full circle from nineteenth-century universal spectator of suffering humanity to surrogate for universal suffering in

¹¹ See Dan Stone, Review of Emma Kuby, *Political Survivors*, H-Diplo (August 2019), <https://networks.h-net.org/node/28443/reviews/4440718/stone-kuby-political-survivors-resistance-cold-war-and-fight-against>.

the twenty-first century, with the cases she highlights acting as way-stations on this trajectory. The cases of Tehlirian and Schwarzbart (“avengers”), Kravchenko and Rousset (“survivors”), and Eichmann (“Holocaust witnesses”), show how the “moral witness” was figured differently at different times, but always with a tension between highlighting the specific suffering of a group and alerting the world to the potential for all to become victims. Her argument is that, in recent times, there has been a shift towards the latter so that the Holocaust witness in particular now does service as a stand-in for universal suffering past, present and future, thus pinpointing the need for activists to take on an important role in the world of suffering which we inhabit. This is the age of the “global victim and the counterwitness” in which “the global stands in for victims of genocidal crimes but is no longer attached to specific victims and the experience they had undergone” (177). Indeed, Dean goes further and argues that “The global victim is a rhetorical figure with no distinctive features, characterized by a generic helplessness” (177).

This is a neat story but it is perhaps too straightforward. At least in the Anglo-sphere and in Western Europe, the Holocaust moral witness has retained his or her specificity. That, at any rate, is the intention and hope of Holocaust educators, especially those promoting such tools as survivor holograms. The Holocaust witness is certainly a moral witness in the sense Dean suggests, but in the negotiation between standing in specifically for Holocaust victims and universally for all suffering humanity, I am not sure that the scales have tipped to the latter to the extent that Dean argues. Whether they should or not, and what the consequences of doing so might be, remains up for debate.

REVIEW BY MICHAEL STRUETT, NORTH CAROLINA STATE UNIVERSITY

Readers will be deeply indebted to Carolyn Dean for her genealogy of the moral witness in the twentieth and early twenty-first centuries. In a history in four acts, she shows the evolution in the role of the moral witness, from the era of the “Righteous Avengers” (26-60) in the interwar period, to the “Camp Survivors” (61-90) in the early cold war, to the character of the “Holocaust Witness” (91-131) that was belatedly made possible by the Eichmann trial and the reactions it provoked in the 1960’s and 1970’s. This history sets Dean up for her insightful analysis of the latest evolution in the witness role, to the stage of the “global victim and the counterwitness” (132-170) where “the moral witness now represents a new global responsibility for healing victims’ wounds rather than victims’ unfathomable experience, and signifies the ubiquity and self-evidence of trauma rather than the shock of mass graves” (137). Dean makes note of the ways in which the “global victim” was constituted to make possible the contemporary humanitarian machinery of global governance, including activism of international NGO’s, the authority of the International Criminal Court and its cousin institutions, and ultimately the legitimization of state power to achieve humanitarian goals. She goes on to argue the many failures of the modern international criminal justice project, including its failure to punish and prevent so many atrocities and its failures to find justice or even voice for some victims, gave rise to the role of the “counterwitness” (138-144). In all this Dean highlights much that is true. What Dean does not emphasize is something that her own book demonstrates; namely, that the role of the moral witness is more deeply institutionalized, understood, celebrated, protected, and made manifest in a broader range of forums than at any previous time in history.

All the witnessing reminds us that atrocities are ubiquitous, but nowhere in the modern world do atrocities occur and go unnoticed. Some perpetrators may as yet be too powerful to be brought to justice, but whether we speak of the perpetrators of the U.S. CIA torture and rendition program, or China’s mass detention and repression of its Uighur population, international crimes tend to be named as such.¹² This difficult period may yet be the time where impunity for mass political violence can finally be made completely unacceptable. Without minimizing the victim blaming, re-traumatization, use for political ends not their own, and even cultural and individual erasure that some witnesses have experienced; we should still celebrate the justice and awareness that witnesses have brought, however limited. We may wish for a day when there are no new atrocities to witness, but until that day comes we should be supportive of the human dignity of all who are willing to play the witness role, and give them access to the full range of the repertoire.

For both lawyers and social scientists like myself, witnessing is primarily a process for establishing evidence. Dean’s work reminds us that it is also a performative act. This book offers a history that shows how the role of moral witness, and the meanings and political impacts attributable to them, have changed over the course of the last century. The examples from Dean’s history focus primarily on witnessing in context of trials. Her analysis shows that trial witnessing in its performative aspect creates political, cultural, and social meanings that go far beyond the mere establishment of facts that are relevant to a legal issue. Perhaps in its twentieth century origins, witnessing is, first and foremost, a form a justice in a world where justice seemed unimaginable. When the world lacked legal institutions to hold anyone accountable for what we now name as mass atrocities, witnessing was a form of protest.

As I write this, the world is making note of the 75th anniversary of the liberation of the camp at Auschwitz. 200 survivors of detention in the camp gather to mark the occasion. Today these “Camp Survivors” are broadly understood to have a perspective, and a moral voice that is thought capable of helping us to avoid future genocides and mass atrocities, if only we choose to listen to their voices (61). Dean’s history of the moral witness helps us understand how that widely accepted cultural norm came to be. Commentators on public radio wonder aloud whether or not the historical memory, and the moral lesson of atrocities past, (that normal societies can produce horrible atrocities), can continue to be taught and learned

¹² North Carolina Commission of Inquiry on Torture, *Torture Flights: North Carolina’s Role in the CIA Rendition and Torture Program*, (Raleigh: September 2018), 84. <https://www.nctorturereport.org>; Lindsay Maizland, “China’s Repression of Uighurs in Xinjiang” *Backgrounder*. (Washington D.C: Council on Foreign Relations, 25 November 2019), 13. <https://www.cfr.org/backgrounder/chinas-repression-uighurs-xinjiang>.

in the world once these elderly survivors pass.¹³ Brent Steele reminds us that who and what get remembered on a 75th, or 100th anniversary, is always a political question.¹⁴ I wonder which moral witnesses will we celebrate in another half or three quarters of a century.

Dean's history reminds us that "Camp Survivors" were not always so broadly recognized for this moral authority (61-90). It took voices like that of Margaret Buber-Neumann who testified in the 1949 libel suit brought by Victor Kravchenko, a Soviet engineer who defected to the United States, against a French literary publication with ties to the French Communist left which had falsely accused Kravchenko of making up most of his book *I Chose Freedom*.¹⁵ Buber-Neumann had the rare experience of being imprisoned both in a Soviet camp for political prisoners in Kazakhstan in the late 1930's and in Nazi Germany's Ravensbrück concentration camp for women. In Dean's powerful retelling, it was Buber-Neumann's composure on the stand, even in the face of an uncomprehending judge and a rude and skeptical defense attorney, that forced the French left to acknowledge that the Soviet Union, too, was guilty of maintaining concentration camps (67-71). The lesson was slow to take hold though, it took a second 1950-1951 libel trial in France, with David Rousset, a survivor of Buchenwald concentration camp, as the plaintiff, for broader acceptance of the existence and the horrors of the Soviet gulag to be recognized. Dean credits Rousset with really making the case for the moral power of the "camp witness" beyond their mere value as testifying to legally relevant facts (78). Dean writes that Rousset's arguments recast the role of the camp survivor witness: "The purpose of bearing witness was to further commemorative and political goals from the perspective of a camp survivor who had touched the abyss and returned" (85). Dean's insight that this is a moment that moved us decisively on the path to our modern world, where on the 75th anniversary of the liberation of Auschwitz we worry that the actual survivors may soon die out, and with their deaths, we will lose critical moral perspective.

Lawyers remember trials for their legal precedents. Liberal institution builders remember cases for their success or failure in building the legitimacy of legal institutions. But Carolyn Dean reminds us that trials can also be remembered for the performances of their witnesses. In 1921 Soghomon Tehlirian shot and killed Talaat Pasha, one of the high level Ottoman officials responsible for the 1915 Armenian genocide in Germany, and five years later in France, Samuel Schwarzbard shot and killed Symon Petliura, who was responsible for a 1917 pogrom in Ukraine that resulted in over fifty thousand Jewish deaths (26-28). Both men were acquitted of murder in trials that ultimately featured witness testimony about their victims' crimes. Indeed, the Tehlirian and Schwarzbard trials are so problematic in their legal logic that those of us who study the evolution of international criminal law rarely recall them. Neither those trials nor the libel cases that established the role of "Camp Survivor" are referenced in major texts on the development of International Criminal Law.¹⁶ But Dean is obviously correct that these historical show trials, as imperfect as they were in their legal logic, also helped create the practice of trial testimony as a form of bearing witness to gross human rights abuses. In particular, her exegesis of the *role* of the moral witness in trials reminds us that this was a character that was developed over time. Since a variety of different actors, (survivors, victims, observers, stand-ins) played the role, they have gradually expanded the genre of the character. Moral Witnesses are now an archetype.

¹³ "[75 Years after Auschwitz Liberation, Survivors Urge World To Remember](#)" Broadcast. National Public Radio, (U.S.) by Rob Schmitz, 27 January 2020.

¹⁴ Brent J. Steele. "Centenary (Inter)national, 1914-1924: The Politics of Commemoration and Historical Memory in International Relations," *Australian Journal of Politics and History*: 63:3 (2017): 339-344.

¹⁵ Victor Kravchenko, *I Chose Freedom: The personal and political life of a Soviet official* (New York: Charles Scribner & Sons: 1946).

¹⁶ For instance, without any pretense to being comprehensive, see M. Cherif Bassiouni, *Crimes against Humanity in International Criminal Law*, 2nd rev. ed. (The Hague: Kluwer Law International 1999) and Jordan J. Paust et. al., *International Criminal Law: Cases and Material*, 2nd ed. (Durham: Carolina Academic Press, 2000).

For the modern anti-impunity movement and especially its international legal institutions, the way that international tribunals treat witnesses, and especially victims, has become a source of much criticism.¹⁷ Dean would have us recognize the new form of the “counterwitness, in order to capture its implicit criticism of institutionalized compassion” (25). Undoubtedly the International Criminal Court, some museums and memorials, and many humanitarian fundraising and awareness building campaigns are imperfect mechanisms for institutionalizing compassion.¹⁸ I agree with Dean that when assessing the “changing constructions of local and global moral obligations to alleviate the pain of others” we must take the long view (172). In that long view, the history of the moral witness that Dean uncovers shows us how we have moved from a world where genocide was crime without a name and without any institutional or legal capacity to grapple with it to a world where at least some perpetrators of mass atrocities can be brought to account and sent to prison. Of course, that has not yet brought us to a point where atrocity is no longer with us. Indeed, as is the case with many crimes that have gone unpunished for a long time, (as with rape),¹⁹ early efforts at punishment may only cause us to realize that the frequency with which crimes occur is more frequent and more widespread than society had heretofore acknowledged. I suspect we are in such a historical period now with respect to genocide, crimes against humanity, and war crimes. Even while some prosecutions for these crimes have succeeded, we are undoubtedly in a time where it is clear that many individuals who share criminal responsibility for similar acts go unpunished. Sometimes they are beyond the jurisdiction of the International Criminal Court. Other times, they simply are powerful enough to avoid arrest or suppress evidence. Sometimes, war criminals and genocidaires will be held accountable for a few of their acts, while many more specific crimes will remain unpunished. This fact may be emotionally painful for some survivors who will feel their suffering and losses have not been addressed. Still, it would be foolish to trade today’s institutional legal environment, with all of its north-south injustices, for the world of the 1920’s, when perpetrators of mass atrocities could not even be named as criminals.

Dean’s work can show us a way to avoid dehumanizing and stealing the agency of the “global victim” if we realize that the moral witness now has roles that can be played far beyond the courtroom. It is still too early to decide that institutional, legal, liberal responses to atrocity are destined to fail. If international criminal trials can institutionalize some accountability, they may still have a role to play in building a world where fewer people will have the need to bear witness to atrocity. Overcoming the challenges of a violent human history, including colonial and imperial subjugations will not be easy. But is the “counterwitness” there to help us make our institutional responses better, or so that we might just throw up our hands and accept that mass political violence is inevitable?

Trials, like those at the International Criminal Court, are still essential stages for giving the legal system access to the evidence it needs in order to hold individuals accountable to the rule of law. That project remains worth pursuing, even in a world where some powerful actors remain beyond the reach of international criminal law. But trials need not be the only, or even a major, venue for bearing witness to atrocities in a larger sense. Survivors, victims, and witnesses will only sometimes be represented in court, but they all can be heard in the larger cultural zeitgeist that has an established, almost sacred, role for the moral witness. One of the things that Dean’s genealogy of the moral witness should teach us is that since there are many other political, social, psychological, and cultural consequences to witnessing, not all witnessing needs to be in the space of formal legal trials. Indeed it probably should not be. Moral witnesses will be better able to control the impact of their narrative in other media. It may be in monographs, like *The Guantanamo Diaries*, or films like the 2004 production *Hotel*

¹⁷ Eric Stover, *The Witness: War Crimes and the Promise of Justice in the Hague* (Philadelphia: University of Pennsylvania Press, 2005) and Kamari Maxine Clarke, *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa*, (New York: Cambridge University Press, 2009).

¹⁸ For the perspective of the lawyers who brought the modern international criminal tribunals into existence, see David M. Crane, Leila N. Sadat, and Michael P. Scharf, eds., *The Founders: Four Pioneering Individuals Who Launched the First Modern-Era International Criminal Tribunals*, (Cambridge: Cambridge University Press, 2018).

¹⁹ Von Hofer, H. Crime Statistics as Constructs: The Case of Swedish Rape Statistics. *European Journal on Criminal Policy and Research* 8 (2000): 77-89, DOI: <https://doi.org/10.1023/A:1008713631586>.

Rwanda.²⁰ I do not know how much of role victim survivor witnesses played in the story making of that film, I just mean to make clear that there are modes of storytelling where witnessing can take place far from the court room.

Today, documentaries, human rights reports, museums, and films all may provide outlets for survivors to bear witness and construct narratives to establish larger political and cultural meanings. None of this should prevent some survivors from playing roles as evidentiary witnesses in future international and domestic trials. But it also might alleviate some of the pressure for survivors to do all of their witnessing in the context of trials.

Perhaps the solution going forward is to focus the trial witness, particularly in international courts, on the task of providing evidentiary relevant testimony. After all, from a rule of law perspective, we have to acknowledge that the use of witnesses in the “righteous avenger” cases of the 1920’s, and the libel cases of the post-war era, and even in the Eichmann trial often left much to be desired from the perspective of establishing just outcomes consistent with the rule of law. Indeed, in that era, there was no way to put the true perpetrators on trial. The whole need for righteous avengers was grounded in a recognition that no matter how horrible the underlying actions of the perpetrators of mass atrocities, the lack of international jurisdiction meant that there was no law that could be used to charge those criminals. In an honor code, where one seeks retributive justice against a perpetrator that has harmed or killed a family member, revenge is in and of itself the way that people bear witness. But in such cases, the larger society is not necessarily the audience. The burden of witnessing falls on the family because they are the only ones that care.

Witnessing in the end should lead to punishment if we are really to constrain the worst excesses of human violence. Justice for victims always to some extent misses the point of criminal processes. Labeling some conduct as particularly criminal, even in the context of war, can help us to recognize that not all of our enemies engaged in such acts. Reconciliation or at least acknowledgement of suffering may be important for individual survivors. But it is also important that whole societies divided by ethnic, religious, and or political identities be able to reconstruct a common history that allows for the reestablishment of a society where politics by violence is not accepted. Evidence from the former Yugoslavia suggests that international tribunals, even when they are conducted at a distance, can help to play that role.²¹

Between the Holocaust and the Eichmann Trial twenty years later, survivors were blamed, and so were burdened with survivor’s guilt. This guilt was born in their own minds, but also was socially reconstituted, since people who were not victims wondered why more victims of the Holocaust failed to resist. Dean reminds us that Terrence Des Pres replaced heroic resistance (to the Holocaust) with the concept of heroic survival, by recognizing that suicidal resistance was not a more obviously righteous path than passivity to survive²² (128). Witnessing in that sense is a warning call, like and animal in distress calls out to warn others. Indeed it is therefore constitutive of human communities. International criminal trials are not only retrospective, they also serve to warn. If International criminal justice gradually becomes more effective, it may even replace the sociological role of annual pilgrimages to Auschwitz.

One thing that this book makes clear and contextualizes brilliantly is the evolution of the practices of witnessing over time, particularly in the context of trials and testimony. And indeed, viewed in historical context, the development of law and international institutions over the last century has gone a long way toward increasing the likelihood that *some* witnesses of mass atrocities will have the opportunity to present evidence of guilt of perpetrators. The trials of Tehlirian and Schwarzbard showed the full limits of the law, as it stood at that point. So the witnesses who spoke of the atrocities gave a justification for these “righteous avengers” (26). Real accountability under the law was impossible to imagine when the

²⁰ Mohamedou Ould Slahi, *Guantánamo Diary: Restored Edition*, Larry Siems, ed. (New York: Back Bay Books, 2017).

²¹ Lara J. Nettelfield, *Courting Democracy in Bosnia and Herzegovina: The Hague Tribunal’s Impact in a Postwar State* (New York: Cambridge University Press, 2010).

²² Terrence Des Pres, *The Survivor: An Anatomy of Life in the Death Camps* (Oxford: Oxford University Press, 1976).

perpetrators of atrocities had the full political backing of powerful states and their crimes lay outside the territory of states inclined to punish the atrocities. The extra-judicial executions carried out by the defendants in these trials were at least in some sense morally justified by the impossibility of legally sanctioned accountability. The post 1998 world is one where criminal justice under law is at least imaginable, even for the most powerful offenders.

Unfortunately, there has been no shortage of further instances of genocide and crimes against humanity since the Holocaust. If survivor witnesses indeed retain a certain moral status, we need not worry with the commentators on the 75th anniversary of the liberation of Auschwitz about their disappearance, since those survivors from places like Cambodia, the former Yugoslavia, and Rwanda, West Africa, Sudan, and Kurdistan will likely be with us for many decades to come. I wonder if their status as moral witnesses will be as celebrated. If Dean is correct that the “Global Victim” trope of the moral witness role is growing in influence, the more recent survivors may never have the moral status society has accorded to the Holocaust survivors. If indeed we allow a post-colonial worldview to set in where European victims are more worthy of voice, celebration, and even sacred status, and survivors from the rest of the world are mere faceless representatives of the masses, then we will have moved in the wrong direction. The alternative, though, is a world where atrocity crimes are recognized universally, and the religion, nationality, or ethnicity of victims is irrelevant in determining which crimes are worthy of condemnation. For better or worse, the legal system of the modern world is based on territoriality and state sovereignty. But if the International Criminal Court does ultimately achieve universal ratification, it holds the promise of a world where all persons will be held to the same standard in being criminally prohibited from engaging in mass atrocity crimes.

We must treat witnesses in any forum with decency, never forcing re-traumatization for the sake of witnessing, unless they can do it with dignity and their full consent. We must also guard against forgetting. At least in our new landscape, the crimes have names. Witnessing in trials, whether it is done first hand by survivor witnesses, or at arms-length by human rights activists, journalists, and intelligence analysts with access to information about the scope of crimes, is only one limited form of remembering. It is a form of remembering which we ought not to do without, since it is the kinds of witnessing that can bring some formal, societally sanctioned accountability to the individuals who are most responsible for serious atrocities.

Human rights activists, prosecutors, the media, and judges all have an affirmative duty to be honest with would-be witnesses, whether they are victims themselves, survivors, family members, or simply after the fact gatherers of evidence. Honesty means reminding victims that while testifying about the atrocities that occurred to them may be cathartic, their cathartic experience is not the purpose of criminal trials. While it may be empowering to tell of particular wrongs, courts may not have the legal jurisdiction nor the time to take testimony about all the wrongs that were done. Trials can create a historical record of some facts, but efforts to be more comprehensive should probably be left to witnesses at truth commissions. Also, witnesses must be warned that to bear witness itself can be retraumatizing, and particularly witnesses should be given the option to choose not to testify whenever that is possible given the rights of defendants in a criminal justice process. In short, would-be witnesses should be treated with dignity and respect. That does not mean that criminal justice processes can be all things to all people. Some victim testimony will not be needed. Some victims will be asked to talk about their knowledge of particular events or facts that may not seem to them the most important.

Trials, and witnessing in trials, must be given credit for what they can now do. Crimes have names. My proposed approach would require prosecutors and judges to be honest with survivors about the reasons for their testimony, and the limits of what can be achieved thereby. But if such conversations are frank and honest, they could do much to minimize some of the pain that trial testimony can bring to victims. That in turn might lessen the need for the role of counterwitness.

RESPONSE BY CAROLYN J. DEAN, YALE UNIVERSITY

It is a privilege to have the opportunity to respond to these carefully conceived critiques, and I thank the four respondents for their thoughtful essays. I am especially grateful that the reviewers, who are both historians and literary theorists, bring into relief the particular methodological difficulties confronted by historians who map the complex and non-linear relationships between symbolic representations and historical change. In order to analyze such relationships when causal connections between empirical evidence and symbolic forms are difficult to discern, some scholars dispense with causal models in favor of genealogical approaches, proposing associative and contiguous relations between the two levels of analysis.²³ Others treat culture and its symbolic representations as epiphenomena, reflections of a political and economic context whose empirical bases can be clearly determined.²⁴ And still others do not eschew causality but address culture in anthropological terms or through extensive interpretations of symbolic systems.²⁵ Most historians of memory use the latter two approaches, while *The Moral Witness*, which addresses the role of affect in meaning-making, is closest to genealogy but is also wedded to the kind of historical explanation that close interpretation yields.

Each reviewer addresses in one way or another the fraught relationship between the empirical dimensions of historical change and the symbolic forms and affective power that make up the stuff of memory. Michael J. Struett claims that the cultural power of the witness is a gauge of the empirical import of witnessing in our time, and outlines the extensive legal and humanitarian apparatus that has been mobilized on behalf of genocide victims. Hannah Pollin-Galay, Adam Stern, and Dan Stone, implicitly or explicitly, consider the relationship between history and memory by assessing how my argument regards the place of the Jewish Holocaust witness in the broader history of the witness to genocide. Is it too central or insufficiently so? Can we account for its oft-documented significance to the recent history of bearing witness to genocide while not losing sight of other histories, other traces, other and often overlapping genealogies? And how do we provide a persuasive historical explanation of how and why the witness changes shape over time?

When Pollin-Galay writes that the figure I call “the moral witness” embodies “a consensus in the making, a norm that is just over the horizon,” she captures my emphasis on the figurative *process* by which the experience of genocide has been constructed as history and infused with cultural meaning. *The Moral Witness*, she writes, “carv[es] out a space” between “thinking and feeling,” and in so doing does not ask whether the witness figures victims’ suffering correctly, but analyzes how victims’ suffering has been constituted and recognized historically. In so doing, she implies, my argument explores how genocidal suffering took the cultural forms that it did, and avoids the “conceptual traps” that address collective memories as better or worse representations of victims’ experiences.

In addition to her lucid commentary on method, Pollin-Galay asks why I limit the discussion to Western Europe, excluding Eastern Europe and the Soviet Union, where the vast majority of the killings during the Second World War occurred. Her own work traces the differences between the narratives of Israeli, Lithuanian, and American survivors, and describes the

²³ Stefanos Geroulanos, *Transparency in Postwar France: A Critical History of the Present* (Stanford: Stanford University Press, 2017); and Camille Robcis, *The Law of Kinship: Anthropology, Psychoanalysis, and the Family in France* (Ithaca: Cornell University Press, 2013); Judith Surkis, *Sexing the Citizen: Morality and Masculinity in France, 1870-1920* (Ithaca: Cornell University Press, 2009).

²⁴ Among others, Mary Louise Roberts, *Civilization without Sexes: Reconstructing Gender in Postwar France, 1917-1927* (Chicago: University of Chicago Press, 1994).

²⁵ On this approach, see William H. Sewell, Jr., *Logics of History: Social Theory and Social Transformation* (Chicago: University of Chicago Press, 2005).

“forensic” memory of Lithuanian Jews.²⁶ Forensic memory in her and other accounts emerges in locations proximate to mass shootings, where witnesses were not only victims, but also their neighbors. Indeed, photographs in the Soviet Union depicted mass murder long before images of Dachau and Bergen-Belsen reached the Western media. Pollin-Galay raises a fascinating historical question: does geographical distance and proximity generate different kinds of memories and if so, why and how? And more: do heroic, forensic, and minimalist representations overlap more than we acknowledge? Why should we assume that aesthetic restraint most adequately indexes mass atrocity? Minimalist representations of human brokenness possess redemptive power as much as realist ones.²⁷ Much could be gained, she implies, from a more expansive geographical and conceptual mapping of the overlay between representational forms.

Pollin-Galay also asks whether it would be possible to address a wide variety of literary, visual, and other witnessing practices not only in the last chapter but in all the different historical contexts I address. In the last chapter, I focus on a variety of cultural arenas other than trials because during the early 2000s, trials were no longer sites where witnesses to genocide were shaped and redeemed. To the contrary, they had become exemplary of how the International Criminal Court often failed actual witnesses. In order to explain this paradox and map its features—why did the institutional recognition of victims’ suffering lead to the demise rather than affirmation of their power—I had to move outside the trial format to the criticism of international law as well as discussions of “witnessing” in fields like atrocity photography. I am confident that during earlier periods the witness figures that emerged at trials resonated with other historical developments, and contextualize each trial as thickly as possible to underscore such echoes. Historical explanation, however, always requires some trade-off between historical depth and the broad view when analyses span long periods of time, and that is true of my own work.

On gender, Pollin-Galay is right. I have long worked on gender history, and I could have brought the analysis to the surface rather than merely noting the presumptive masculinity of moral witnesses even when they are women.

Adam Stern’s compelling essay brings to bear a literary perspective on my argument, one more explicitly invested than Pollin-Galay’s in poststructuralist analysis. By describing the witness figure in history, he writes, *The Moral Witness*, “insistent[ly] displace[s]” a tendency to begin “with the iconic emergence of the Holocaust survivor.” He argues that nonetheless, I place the Holocaust survivor at the book’s origin, depicting the inter-war, post-war, and contemporary witnesses as anticipations, likenesses, or diminished versions of the Holocaust survivor’s suffering. Holocaust history doubles as redemptive Holocaust memory because the argument is torn between “two analytic commitments”: the witness figure is alternatively in a state of becoming *and* a hallowed memory of martyrdom, a “witness” and *the* witness. In Stern’s reading, *The Moral Witness* posits the existence of infinite possible witnesses but draws back compulsively to an original ONE. My narrative “closes down” potential meanings it might have opened up and does not recount history as a consistent “alternating movement” between the witness and the “witness,” but as history arrested by memory.

Stern’s critique is generous but also sharp. He is undoubtedly right that I want to salvage something from the wreckage of so much suffering. But I don’t think my account unwittingly recasts a historical narrative as a redemptive, albeit secular one. My book instead interprets the redemption of the Jewish survivor and of all victims as historically particular efforts to manage cultural anxieties surrounding their abjection. It shows how spectators redeemed Holocaust survivors by casting them as possessors of “dark knowledge” and fashioning the experience of genocide in the image of their unfathomable suffering. In so doing they transformed survivors into other-worldly bearers of secrets about life and death and made victims’ recognition dependent on this (belated) redemption, erasing their prior humiliations and the discomfiting effects of victims’ physical and psychic injuries on audiences. Publics, especially in the United States during the 1970s and 1980s, often

²⁶ Hannah Pollin-Galay, *Ecologies of Witnessing: Language, Place, and Holocaust Testimony* (New Haven: Yale University Press, 2018).

²⁷ Philip Nord, *After the Deportation: Memory Battles in Postwar France* (Cambridge: Cambridge University Press, in press). Nord’s dazzling account describes just such overlapping representations.

listened without listening to witnesses' experiences, lifted them onto altars while welcoming them 'back' into the human community.

The redemptive narrative as I describe it represents a political and cultural (re)configuration of vulnerability shot through with Judeo-Christian themes and salvific impulses. I construct redemption as a historical and ethical problem, asking how and why victims are redeemed and on what terms at specific times and places. Such a history of witnessing salvages victims' experiences *from* the redemptive narrative that was the condition of their dignity and demonstrates how dignity—which is supposed to inhere in all of humanity no matter what—is always conditional on particular historical circumstances. Certainly witness figures over time repeat an account of sacrifice deeply embedded in the history of Western Christendom. Stern is also right, in my view, that the witness figure is always contingent, never reliably one thing or another. But “the moral witness” also embodies the historical forms that dignity takes and represents how cultural norms shape messy experiences of suffering into specific interpretations of human worthiness that apply to some and not others. How else can we explain the differential treatment given to Resistance fighters and Holocaust survivors until the 1960s? To the victims of colonial rather than Nazi violence? The “moral witness” accounts for the historical emergence of new modes of experience and defines the benefits and costs afforded by recognition. My history does not conflate the Holocaust witness with all historical forms of moral witnessing, as do sacralized accounts of survivors, because it treats the sacralized survivor as a particular form of historical closure. In my view, Stern's invocation of Christ's martyrdom as an allegory of history treats moral witnesses as the infinite repetition of an original because, like Christ's sacrifice, it transcends time and place.

Dan Stone, on the contrary, argues that I treat the witness in terms insufficiently attached to empirical realities. His essay brings us a historian's perspective. It offers a clear and concise summary of the book as a trajectory from one kind of witness figure to another by focusing on the transition from the preeminence of the Holocaust witness to the global victim. Has the Holocaust witness really lost its specificity and what more proof might I have offered? He suggests that my claim that there now exists a generic global victim who represents any number of genocides and provides the rationale for the International Criminal Court (ICC) is “more asserted than proven.” He does not say what kind of proof would have been adequate, nor does he specify why he found the argument unconvincing, so it is hard to respond precisely to this criticism.

The meaning of collective memory cannot be only discerned on the basis of its representational likeness to the history that produces it. This is, however, one approach, and it appears to inform Stone's comments.²⁸ Since both the global victim and the counter-witness are still in formation, I speak of “recasting” the Holocaust witness into a global victim, which does not mean that Holocaust testimony has disappeared or that Holocaust survivors' experiences are not significant or specific. I do not believe that the actual Holocaust witness has lost “his or her specificity,” and I share the “intention and hope” of Holocaust educators.

But the Holocaust is no longer the only reference point for the experience of genocide, and the witness symbol is still being reconfigured. A wide array of sources now conceive genocide as a permanent feature of our global geo-political landscape rather than as a particular and preventable experience of extreme suffering. A profound sense of despair and ambivalence exists about how courts and mass media construe genocide victims even as their suffering has become the subject of broad moral concern. The global victim symbolizes this recent shift in our Western cultural imaginary from the shock of genocide to the institutionalization of genocide prevention. The global victim stands in for generic helplessness and is a reference to multiple events rather than one. For that reason, its representation of suffering is more prevalent than Holocaust witnesses' weary and knowing countenance. Most importantly, the global victim exists alongside a “counter-witness” who embodies

²⁸ This approach is implicit in his comment that Emma Kuby's insightful account of David Rousset “overshadows” my own, as if there were thicker and thinner descriptions of that likeness. My argument, which relies on Kuby's research, is not a thinner version of hers, but it is different. Emma Kuby, *Political Survivors: The Resistance, the Cold War, and the Fight against Concentration Camps after 1945* (Ithaca: Cornell University Press, 2019).

rage and hope. The counter-witness is a more redemptive figure, related to but not identical with the generic witness, and represents a clearer if historically distinct parallel with the Holocaust witness that Stone does not discuss.

Stone's account reminds me that I wish I had included a chapter on how leftists redeployed Holocaust memory during the Cold War to define the offense of imperial violence. I suspect it would have made clearer how Holocaust memory began to go global and with what, if any, implications for later, more global constructions of genocide victims.

Finally, Michael Struett's engaged essay urges us to recognize the accomplishments we have made in institutionalizing genocide prevention over the past thirty years. He brings out a dimension of my text overshadowed by the cynicism of its sources, and I am grateful to him for having done so. Struett insists that by tracking the ubiquity of the witness figure, the book demonstrates "that the role of the moral witness is more deeply...made manifest in a broader range of forums than any previous time in history." Where I emphasize the cost to victims, he stresses the benefits; where I emphasize the perils of elevating witnesses symbolically, he points to how much their status has allowed us to accomplish. He is also of course right that new media offers witnesses more control over their narratives than courtrooms and other venues, even as technology has increased suspicion of witness testimony.

While not minimizing the political and legal imperfections of the ICC, Struett insists that it is "too early to decide that legal, liberal responses are destined to fail." In this way he differs from the most relentless critics of legal liberalism and humanitarianism. The counter-witness, as he notes at the end, seems to symbolize the loss of hope that a more effective and unbiased international legal system might eventually exist. As I interpret it, however, the counter-witness—a figure very much still in the making and difficult to grasp with clarity—embodies hope as much as desolation. Struett remarks on this dual meaning when he notes that the counter-witness both presses for a more urgent response to mass violence and indicates that we have "throw[n] up our hands...and accept[ed] that mass political violence is inevitable." The counter-witness represents our own conscience; it is an image of the despairing but not helpless victim whose stare holds our own and demands that we act. For that reason, the figure has a masculine cast, accusing us silently rather than asking politely or (in the more gendered conceptions) clamoring for attention. The counter-witness embodies both negative outcomes and "affirmative dut[ies]," the imperfections of prosecuting genocide and the promise of doing so. The counter-witness, in other words, embodies Struett's insistence on the hope that almost always clings to despair and fear.