
RCCS Annual Review

A selection from the Portuguese journal
Revista Crítica de Ciências Sociais

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RCCS Annual Review

RCCS Annual Review #3

October 2011

ISSN 1647-3175

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Contacts

RCCS Annual Review

Colégio de S. Jerónimo

Apartado 3087

3000-995 Coimbra

PORTUGAL

Tel.: +351 239 855 573

Fax: +351 239 855 589

E-mail: rccsar@ces.uc.pt

URL: <http://rccsar.revues.org>

Periodicity

Annual

António Sousa Ribeiro

School of Arts and Humanities and Center for Social Studies, University of Coimbra, Portugal

Memory, Identity, and Representation: The Limits of Theory and the Construction of Testimony*

Starting from the perspective that Holocaust theory offers a paradigmatic framework that may form the basis for overall reflection on phenomena of extreme violence in modernity, the question of the significance of the Holocaust in understanding the possibilities and limits of reconstructing identities in post-traumatic contexts is reviewed. The role of testimony, in particular, is emphasized as representing a space for translation conducive to overcoming victim status and affirming public memory and post-memory.

Keywords: genocide; Holocaust; identity; Justice; memory; testimony; trauma; violence; victims.

As the symbol of an irreparable “civilizational rupture” (Diner, 1988), Auschwitz has become, in the context of contemporary thought, the central metaphor for the complex body of experiences caused by situations of extreme violence. That is why the Holocaust remains an absolutely paradigmatic reference for those who, in a wide variety of contexts, set out to analyze the possibilities and the limits of identity reconstruction in the framework of post-traumatic memory. Nevertheless, the question of whether the Holocaust was a truly unique event is one that has been asked frequently and under quite different circumstances. This is far from being an innocent question, and reams have been written about it. As was made plain in Germany during the 1980s in connection with the so-called historians’ dispute (*Historikerstreit*), to deny the uniqueness of the Nazi genocide is just a short step away from an apologetic stance, and more often than not it is permeated with a relativizing intent. For historian Ernst Nolte, the main spokesman for the relativizing faction, it was about time the German people stopped blaming themselves for the Holocaust, as similar horrors could be attributed, for instance, to Stalinist repression. Furthermore, the true historical explanation for the Holocaust, according to Nolte, lay in the existence of the Gulag, since the Nazi terror was just a reaction to Stalinist terror. Such theses are untenable and were fully refuted at the time.¹ Nevertheless, in comparison with the various experiences of large-scale violence

* Article published in *RCCS* 88 (March 2010).

¹ On the “historians’ dispute”, see Augstein *et al.* (1987), Evans (1990), Peacock (2001), “Forum: The Historikerstreit Twenty Years On” (2006).

throughout the 20th century, the attempt to view the Nazi genocide as just one instance among others crops up now and then in public discourse with unflinching regularity.

The truth is that the Holocaust presents some features that are absolutely unique, to wit: the decision to exterminate not just one group as such, but every single human being classified as belonging to that group, to the last one of its members; the centrality of anti-Semitism in Nazi ideology, which takes extermination beyond all political and military rationality (think of the formidable logistics for ensuring the transportation of the deported, especially after deportations were intensified in 1943, a time of mounting difficulties in the area of military transportation); the industrial scale of the genocide, evinced by the logistical organization already alluded to and by the efficient planning of mass extermination, which was characterized by a technological rationality that comprised the gas chambers, crematoria, and the full utilization of the victims' bodily remains as raw material.²

Such uniqueness is indeed the mark of a consummate case of absolute violence, and it is in this respect that the Holocaust presents itself as a paradigm. Affirming the uniqueness of the Nazi genocide does not mean that it cannot be compared to other extreme historical events of a similar nature – in fact, that very uniqueness adds relevance to such comparisons, which are not only legitimate but also necessary.³ Moreover, it is crucial to bear in mind that the unique significance of Auschwitz resides not just in the unique nature of the facts themselves, but also in the relevance of the memory-work it generated. As Helmut Dubiel (2003) rightly points out, there is no doubt that nowadays the Holocaust is an indispensable metanarrative for any other phenomenon of large-scale violence. But that means that the Holocaust, while retaining its historical singularity, is seen by our contemporary consciousness not just as an event set in the past, but rather as something that is still present. That presentification is the result of a long process that for the most part did not start until the 1960s, and in which the work of memory plays a much more decisive role than the work of history. That is the question I wish to dwell on here – the place of the Holocaust in contemporary consciousness does not stem merely from its representing a set of historical facts marked by the uniqueness of absolute violence, but is rather a function of the depth of the memory work associated with it. Such depth is based on a new paradigm of

² On the modernity of the Holocaust, see Zygmunt Bauman's now classic study (1989). Bauman's central theses are foreshadowed in H. G. Adler's poorly disseminated studies (see for instance 1958).

³ Paul Gilroy, among others, has stressed the need to develop a comparative perspective between post-colonial theory and Holocaust theory (Gilroy, 2000).

testimony that, among other things, radically questions the role and the concept of the victim, presenting itself in these times of ours, through its multiple cross-generational ramifications, as an extremely vigorous discursive formation.

In *Die Schuldfrage (The Question of German Guilt)*, a long, nowadays perhaps somewhat neglected, essay published in 1946,⁴ shortly after the end of World War II (Jaspers, 1987), German philosopher Karl Jaspers established a few definitions that still strike me as rather pertinent and that will be used in my argument. Jaspers starts out by rejecting a loose concept of guilt as well as the assignment of collective guilt to the German people – because in his eyes the mere concept of collective guilt is absurd, and for good reason. Instead, he submits four concepts, which correspond to as many different dimensions of the same problem. First of all he identifies *criminal guilt*, arising from a responsibility for crimes that can be objectively established through evidence and subject to sentencing in common courts. The second type of guilt is *political guilt*. It is generated by decisions emanating from state institutions and can only be subjected to sanctions imposed in the framework of situations where the winners are in charge. In other words, in case of defeat, the winning powers may establish a new legal framework that criminalizes acts that were formerly beyond the jurisdiction of the courts. This was precisely what happened with the Nuremberg court, whose most outstanding feat, as is well known, was the establishment of the concept of crimes against humanity. Thus, the definition of political guilt in the Jaspersian sense enabled the creation of a decisive legal precedent.

Thirdly, there is Jaspers' definition of *moral guilt*, a concept which implies ethical responsibility for participating in criminal acts, even where there is no criminal responsibility involved (typically, being forced to carry out orders while having no means of evading them). This particular dimension of guilt has to do with the individual conscience, and the tribunal is that of one's own conscience. Jasper's fourth and last concept is that of *metaphysical guilt*, which involves a notion of responsibility that is independent of any act of commission or omission on the part of the individual, since it refers to the sense of responsibility felt by every human being regarding all violence against another human being. This is then a fundamental ethical principle encompassing all of humankind and extending to succeeding

⁴ In 1937, as a result of his wife being labeled as Jewish, Jaspers was removed from the university and ostracized by the Nazis. Until 1945 the couple lived under the constant threat of deportation. In his essay, however, Jaspers positions himself neither as an outsider nor a victim, but rather as someone who neither can nor wishes to shirk collective responsibility.

generations, and which, by definition, can never expire. Notwithstanding the religious overtones undeniably given to it by Jaspers' justification, the concept strikes me as crucially relevant today, as it points to a basic ethical principle of respect for human rights, which is the sole viable foundation for a comprehensive, universal ethics in our times.⁵

It is a well-known fact that criminal prosecution of Nazi crimes in Germany⁶ did not start until the early 1960s, which was relatively late. The Nuremberg trials had set a new paradigm for international law, but the advent of the Cold War soon led to a policy of restoration and to the strengthening of a conservative political course that was to relegate the whole issue of the recent Nazi past to a secondary position in Germany's public consciousness. It was not until 1958 that an official agency – the Central Office of the Judicial Authorities for the Investigation of National Socialist Crimes ("Zentrale Stelle der Aufklärung zur Landesjustizverwaltungen Nationalsozialistische Verbrechen") – was established in Ludwigsburg with the purpose of initiating proceedings against Nazi criminals. The work carried out by the Central Office, which was expressly created to investigate crimes that had been committed outside Germany, and that for this reason had so far evaded the jurisdiction of West German courts, was to become extremely important, even if it had to overcome numerous obstacles over the years. Right at the beginning, for instance, it had to face the violent opposition of Anton Saur, the city's mayor, who feared that the new office of judicial investigation might give Ludwigsburg "a bad name." But the office's activities soon began to bear fruit, and within just a few years they gained full public visibility with the sessions of the so-called "Auschwitz trial" (1963-1965) of officials of the Auschwitz concentration camp. These were the first major trial proceedings initiated by the "Zentrale Stelle," with many others to follow.

Despite the importance of such moments of affirmation of the judiciary vis-a-vis the rationale of virulent self-exculpation on the part of vast sectors of German society, the Office's activities always met with political obstruction, and there was indeed a significant disproportion between the number of cases prosecuted and the number of actual convictions (not to mention the fact that the latter were often rather light or just symbolic at that). In fact, out of 106,496 people who were investigated as part of about 15,000 cases

⁵ For a discussion of the question of German guilt in Jaspers and Hannah Arendt, see Schaap (2002).

⁶ I speak here of the Federal Republic, thus leaving aside the German Democratic Republic and Austria, where the process of confronting the past has other, albeit equally problematic, specificities.

(typically against more than one defendant per case), only 6495 were actually convicted. In some particularly sensitive areas, such as those permeated by the myth that the regular army had never been involved in criminal actions,⁷ the disparity is even more blatant. Thus, of about 1000 cases prosecuted against members of the *Wehrmacht* who were accused of war crimes, not even one was brought to court.⁸

For obvious generational reasons, that phase is now virtually over. One should not expect to see many more Nazi criminals being prosecuted. The case against John Demianiuk, a camp guard at Sobibor who is currently being tried in Munich, may well be the last and – given the advanced age of the defendant, already 89 years old when the proceedings started, on 30 November 2009 – may not even come to an end.

Was justice done then? In truth, only to a limited extent, as one can easily see: many criminals ended up unpunished, and in any event reparation to the victims could not but be disproportionately small, not just because of the irreparable enormity of the pain that was inflicted, but also because – as Shoshana Felman, among others, point out (2001) – current jurisprudence is not victim-centred, but rather centred on reparation to society. In the conventional space of the courtroom, the victim's testimony is relevant only insofar as it contributes to evidence building. All other dimensions of the testimony are thus rendered secondary, with the frequent result that reenacting the trauma entails no process of liberation for the victim, but a new punishment instead. In other words, within the context of the courtroom memory should be at the sole service of historical reconstruction and therefore remain subordinate to history and to fact-finding, relegating the witness to a minor role in a judicial machinery that totally transcends him/her.

As we all know, the amount of historical knowledge that is available today, after more than 60 years devoted to the study of Nazi crimes and the Holocaust in particular, is huge and virtually unmanageable. One may safely say that historical knowledge regarding the Nazi genocide of the Jews and the whole of National Socialist crimes against humanity is now firmly established. Although historical studies continue to be carried out in significant numbers, mostly with a local emphasis, the basic facts have long been established and

⁷ The myth fell apart once and for all after the mid-1990s, in the wake of the exhibition on the *Wehrmacht* war crimes. Organized by the Hamburg Institute for Social Research, the exhibition was shown in many cities throughout Germany and Austria over several years and amidst great controversy (Heer and Naumann, 1995; Heer, 2005).

⁸ The data on the “Zentrale Stelle” is from the Office’s web site (<http://www.zentrale-stelle.de>). See also the informative Wikipedia entry.

barring a few exceptions (such as the existence of a written order by Hitler at the origin of the “final solution”) invite little or no controversy.

The questions that still stay and will remain open – the questions for which there may never be a satisfactory answer and which, for that reason, sharply demarcate the limits of theory – have nothing to do with fact-finding or with mere historical interpretation, but rather with memory and postmemory, that is, with real individuals relating to the past in a way that is dependent on their engagement in the present.⁹ After posing the question “Whose Auschwitz?”, as he does in the title of his crucial 1998 essay, Imre Kertész does not hesitate to provide an outright answer: Auschwitz belongs less to the generation of the victims, from whose age-worn hands it is gradually slipping away, than to the next generation and those still to come. But Kertész also adds one equally clear proviso: “for as long as those generations claim it” (2002: 145). Thus we find ourselves again faced with Jaspers and the concept of metaphysical guilt, and we are brought back to the question I asked above: how is it possible that Auschwitz can represent not just a historical fact or a past event, but a reality that is ever present and therefore capable of providing a paradigmatic foundation for a human rights ethics in our times?

The answer to this question, in my view, is inextricably linked to the question of testimony itself. We are all familiar with the aporia of testimony, first raised by Primo Levi in 1986 in his *I sommersi e i salvati* (*The Drowned and the Saved*), and taken up by Giorgio Agamben’s crucial reflections on Auschwitz (Agamben, 1999; Vecchi, 2001). Here’s Levi in an often-quoted passage: “[T]he history of the Lagers has been written almost exclusively by those who, like myself, never fathomed them to the bottom. [...] Those who did so, those who saw the Gorgon, have not returned to tell about it or have returned mute” (Levi, 1989: 6 and 64). Which is to say that the real witness, the one with the ultimate, most vivid knowledge, is that who, paradoxically, is unable to testify.

But Levi does not view this apparently insoluble aporia as paralyzing. On the contrary, it distinctly gives the ethics of testimony a very precise meaning in that it sets its limits, but in no way does it make one overlook the fact that the witness is also, etymologically, *terstis*, a

⁹ The concept of postmemory was first introduced by Marianne Hirsch in her study on photography, narrative and memory (Hirsch, 1997). In a recent essay, she defines the concept in the following manner: “Postmemory describes the relationship of the second generation to powerful, often traumatic, experiences that preceded their births but that were nevertheless transmitted to them so deeply as to seem to constitute memories in their own right” (Hirsch, 2008: 103).

third party, who happened to be present and therefore is also in a position to attest to the veracity of the facts, and all the more so when, as is here the case, the testifying third party can also speak in the first person. This despite the fact that, by reason of the mere reality of survival, the witness's status cannot but be problematical, according to Levi, because – as the latter unflinchingly insists – being allowed a few privileges, no matter how small, or establishing even a minimal degree of complicity with the exterminators were common conditions for survival in the death camps' ruthless machinery. This makes testimony even more difficult, because a victim status carries with it, if only to an infinitesimal degree, the ambiguity of having once been an accomplice as well. This uniquely disturbing problem is discussed in "the Gray Zone," one of the chapters in Primo Levi's *The Drowned and the Saved*. This particular chapter contains the following remarks about the possibility of bearing witness on the part of the extremely few survivors of the teams in charge of the most terrifying work carried out in the death camps – operating the crematoria:

From men who have known such extreme destitution one cannot expect a deposition in the juridical sense of the term, but something that is at once a lament, a curse, an expiation, and an attempt to justify and rehabilitate themselves. One should expect a liberating outburst instead of a Medusa-faced truth. (Levi, 1989: 36)

The distinction Levi here makes between testimony in the legal sense and a victim's testimony is crucial if one is to understand that a broad sense of the concept is indeed what we find underlying the transformation of the Holocaust into a universal paradigm. Levi repeatedly reminds us that testimonies should be read "with a critical eye" (*ibid.*: 6): an eyewitness is neither a historian nor a philosopher (*ibid.*: 122), and for the average prisoner the camp's workings as a whole were totally indecipherable, since the observable horizon was inevitably very narrow in scope (*ibid.*: 24). The witness in most cases is not a hero either, nor an exceptional being, but rather someone who was permitted to survive thanks to a combination of chance circumstances. To put it differently, the value of testimony and its veracity should no doubt be assessed in the terrain of historical truth and sociological analysis, but its significance goes well beyond that: testimony, to begin with, provides the survivor with a reason to live; it allows him/her to build an authority that frees him/her from the mere status of victim while also allowing for him/her to claim an identity where trauma is overcome; in short, it gives him/her a winner status in the war against memory that we find inscribed in the Third Reich's entire system of extermination (*ibid.*: 18).

The early 1960s were a watershed moment, with two events marking the definite transition to a context where this mode of testimony enunciation became possible: the Adolf Eichmann case, tried in Jerusalem in 1961, and the Auschwitz case, taken to court in Frankfurt am Main from 1963 to 1965. In fact, those were decisive moments in which the witness's silence was finally ruptured. It is not so much that witnesses had not spoken out until then; they had indeed, and in many different ways. Still – as is often mentioned – no one had ever shown any interest in listening to them, not just in Europe and Israel but especially in other parts of the world. The big public moment with regard to bringing the Nazi leaders to justice, the Nuremberg trials, had barely broached the issue of the victim's perspective or even of the Holocaust itself, which the trials tended to view as just a facet among others of World War II, a terrible facet for sure, but still a long way from its significance as civilizational rupture, as it was to be labeled by future reflection. This is tantamount to saying that there existed no public space for witness bearing in the post-war period, i.e., the prevailing conditions for enunciation were then wholly unfavorable to the articulation of memory, in a public context that was dominated by the wish to forget.

The problem, however, has to do not just with a hostile environment, but with the no less important fact that lived experience seldom lets itself be articulated right away. It takes long, hard work to win back the possibility of making memory speak. Robert Antelme, who nevertheless had published *L'espèce humaine*, one of the first major testimonies about this self-enclosed universe, as early as 1947, describes the issue in all its rawness:

[W]ith us we brought back our memory of our experience, an experience that was still very much alive, and we felt a frantic desire to describe it such as it had been. As of those first days, however, we saw that it was impossible to bridge the gap we discovered opening up between the words at our disposal and that experience which, in the case of most of us, was still going forward within our bodies. [...] No sooner would we begin to tell our story than we would be choking over it. And then, even to us, what we had to tell would start to seem *unimaginable*.

The disproportion between the experience we had lived through and the account we were able to give of it would only be confirmed subsequently. (Antelme, 1992: 3)

No wonder it was only in the 1960s that such crucial narratives as Jorge Semprún's *The Long Voyage*, Primo Levi's *If This Is a Man*, and many others emerged on the scene with widespread repercussions. And no wonder, too, that the Adolf Eichmann case was perhaps also, in this regard, a decisive caesura in terms of confronting the Holocaust (Levi and Rothberg, 2003). In her relevant critique of *Eichmann in Jerusalem*, Hannah Arendt's controversial report on "the banality of evil" (Arendt, 1990), Shoshana Felman keenly

emphasizes the extent of that caesura precisely from the standpoint of what one might call the emancipation of testimony. Emancipation indeed, because at the same time that it for once massively gave voice to the victims (with over a hundred survivors attending as witnesses) and that it gave absolute centrality to that voice, the space of the courtroom where Eichmann was tried also offered the possibility of finding a public mode of enunciation for a memory that until then had been confined to private space. Thus Felman suggestively views the court as a space of translation, that is, a space for translating private memory into public discourse, which in turn allows the testifying subject, in that same act, to reconstruct an identity beyond trauma.

From this point of view, the Eichmann case was a privileged moment of discursive production for hitherto silenced or otherwise excluded voices, a moment when a public discourse of testimony was constituted. One should not view that public discourse as a monolithic space, but rather as a tight discursive web where the irreducibly private nature of individual testimony can be merged with a discursive stream in which the subject overcomes the irreparable solitude inherent in the memory of his or her suffering, at the point in which the subject finally finds the possibility of translating memory and, in so doing, of sharing the language of a collective experience. That is why, in the words of Shoshana Felman, the Eichmann trial is a revolutionary event: "It is this revolutionary transformation of the victim that makes the victim's story happen for the first time, and happen as a legal act of authorship of history" (Felman, 2001: 320).

This act of authorship constitutes an exercise of memory that is not concerned with the past or with a reconstruction of the past. Instead, it focuses on the construction of a present and future identity, one that radically alters the status of the victim. It is an act that literally makes the world livable. In fact, as Semprún (1995: 19) and Kertész (2002), among others, put it while implicitly alluding to Adorno's much debated verdict on the barbaric nature of all poetry to be written after Auschwitz, the point is not that life in the camps cannot be represented, but simply that it cannot be lived. On the contrary, it is precisely the act of representation – and Kertész goes as far as considering that "the concentration camp is imaginable only and exclusively as literature, never as reality," even though he had lived that reality himself (2002: 146) – it is the practical affirmation of the possibility of representation, that allows the very existence of a future and makes the world livable after Auschwitz. In the context of the Eichmann case, just like in the Frankfurt Auschwitz trials, there is a special

significance in the transformation of the criminal court into a space where the universe of testimony is allowed to resonate and be collectively constructed.¹⁰ Again in the words of Shoshana Felman, “For the world to be livable after the Holocaust, a human narrative of the past catastrophe and of the past devastation needed to be legally articulated and combined with future rules of law” (Felman, 2001: 235).

One of the most salient chapters in *The Drowned and the Saved* concerns the structures of communication and incommunication in the death camps. According to Primo Levi, the possibility of survival was outright lost by virtue of the inability to communicate and thereby gain quick access to vital information. Many of the prisoners could not speak German and the camp was a Babel of tongues and dialects. It often happened that the language of your fellow prisoner was no more familiar than the language of the oppressors. Furthermore, the language of the oppressors was a discourse with its own rules. It was the language of violence as analysed by Viktor Klemperer (1991), which even the German-speaking prisoners had to learn. This means that the ability to translate was a basic requirement for personal survival. In this case, however, the space of translation is confined to the survival function and does not entail a strengthening of the subject’s capabilities beyond what is most immediate. It is an instrumental kind of translation, whereby language is reduced to a purely functional role. In contrast, testimony offers a space for recovering language and also, as a result of that, for building community and gaining authority. It is as an author, indeed as someone who has the ability to generate a discourse of memory that can be combined with a collective discourse and affirm his/her own place within that discourse, that the survivor secures for himself or herself the possibility of a future, albeit a precarious one.¹¹

Nowadays a diversity of projects devoted to the establishment of visual archives – among others, the Fortunoff Video Archive for Holocaust Testimonies at Yale University and, more recently, the Survivors of the Shoah Visual History Foundation, founded by Steven Spielberg – are proving to be crucial tools for creating a public space of testimony (Assmann, 2006). Even more so than written records, video recordings, by force of their performative nature, generate a kind of event that allows for communication not just through words, or that which is said, but also through that which manifestly remains unsaid in what is said – that in

¹⁰ German playwright Peter Weiss’s *Die Ermittlung* (*The Investigation*), a 1965 docudrama portraying the Auschwitz trials through a montage of the court transcripts, captures that significance in a particularly poignant way.

¹¹ For a wide-ranging discussion on the relationship between testimony and translation, see Insana (2009).

which the experience of the Holocaust far exceeds the possibilities of language. Just like the enormous amount of testimony that has been amassed especially since the 1960s, such files are vital tools for the construction of postmemory, in that they make it possible to participate in what one did not experience. Auschwitz now belongs to the next generations, as Kertész claims. It is their ethical task to keep the vibrations of memory always present and to keep alive the reverberations of the testimonial evidence of what was the most paradigmatic mode of absolute violence of the 20th century. Those reverberations might generate other, better conditions for the victims of the many other acts of violence committed in the course of that century and all other centuries to be heard.

Translated by João Paulo Moreira

Revised by Teresa Tavares

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