



Law Text Culture

volume thirteen

Crime Scenes

edited by
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Figure 1. Tom Sachs, *Giftgas Giftset*, 1998
cardboard, ink, adhesive, foam. 35 x 44 x 12 in.
Image courtesy of the artist

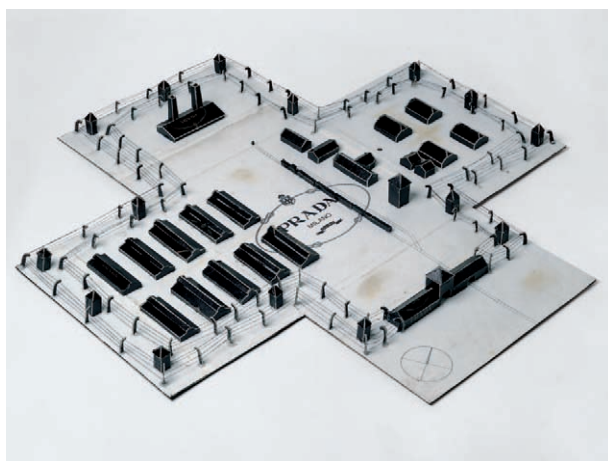


Figure 2. Tom Sachs, *Prada Deathcamp*, 1998
cardboard, ink, adhesive. 27.25 x 27.25 x 2 in.
Image courtesy of the artist

Bad Holocaust Art

Katherine Biber

*You must find the proper place for everything you see but you'll never get
to make a lampshade out of me.*

– Elvis Costello and the Attractions, 'Goon Squad'¹

In 2002 the Jewish Museum in New York exhibited *Mirroring Evil*, in which contemporary artists represented the Holocaust. Holocaust survivors demonstrated against the exhibition, holding placards in the street outside. An 81 year old survivor of Buchenwald, Isaac Leo Kram, carried a sign that read: 'I was there. I testify: Genocide is not art!' (Kershaw 2002). A sign at the entrance of the museum warned visitors that some might be upset by the exhibition. The New York press, typically supportive of the city's art institutions when attacked by critics, repeatedly questioned the Museum's judgment in holding the exhibition. At the heart of the controversy was grave concern that some of the artworks were testing the limits of how the Holocaust could be represented and remembered. Some of the artists, challenging long-standing conventions about Holocaust memory, tested whether it was possible to employ irony, satire and pastiche, and whether the perspectives of Holocaust perpetrators could be included. As the most historically loaded of crime scenes, the Holocaust continues to bear the weight of responsibility for its own representation, its own memorialisation; the Holocaust continues to police its own status as history's most traumatic crime scene. Artists, filmmakers, writers and scholars continue to learn that the Holocaust does not invite itself to be looked at with fresh eyes.

Representations of Holocaust crimes that are somehow ‘new’ or ‘creative’ or ‘challenging’ invite criticism, sanction, and repeated calls for silence. Holocaust representation is a field contained within strict limits; certain imaginings are said to be off-limits. Yet contemporary artists, almost by nature, are motivated to test limits. Whether engaged in cultural provocation or deeper meditation about genocide and its memory, *Mirroring Evil* offered a forum for contemporary artists and their curators to confront the traditional limits imposed upon Holocaust representation by an earlier generation of survivors and scholars. This article examines certain visual practices to see how history, memory and responsibility operate in the visual remembrance of the Holocaust’s crimes. It reveals the difficulty of balancing historical, ethical and moral values against artistic aspirations. It argues that, whilst certain aesthetical practices may be ‘wrong’ or ‘bad’, we need to exercise caution before claiming that bad practices are *equally* bad, or that poor artistic judgment is *as wrong* as criminal conduct.

Exhibited in *Mirroring Evil*, Alan Schechner’s work ‘It’s the Real Thing – Self-Portrait at Buchenwald’ (1993) appropriates the famous 1945 Margaret Bourke-White photograph of starving male inmates crowded into their bunks, all looking at the camera (see Figure 3). Schechner super-imposed a photograph of himself into the foreground, wearing a striped prison shirt and holding a can of Diet Coke. Only the Coke can is in colour, and illuminated in shining light. Zbigniew Libera, in ‘LEGO Concentration Camp Set’ (1996) displayed a series of modified LEGO boxes containing the pieces needed to build a concentration camp, a death chamber and torture facilities (see Figures 4–8). It includes black-helmeted soldiers and white, skeletal, smiling victims. Both works interfere with the expectation that, when dealing with Holocaust crimes, we need to be *serious*. At the centre of all Holocaust discourse is the duty to be responsible; *responsibility* is the hard kernel at the heart of every Holocaust representation. There can be no idle chatter, no playful irreverence about the Final Solution; *everything speaks*. For that reason, one line of critical thought argues that there ought to be strict limits imposed upon what can be said about the Holocaust.

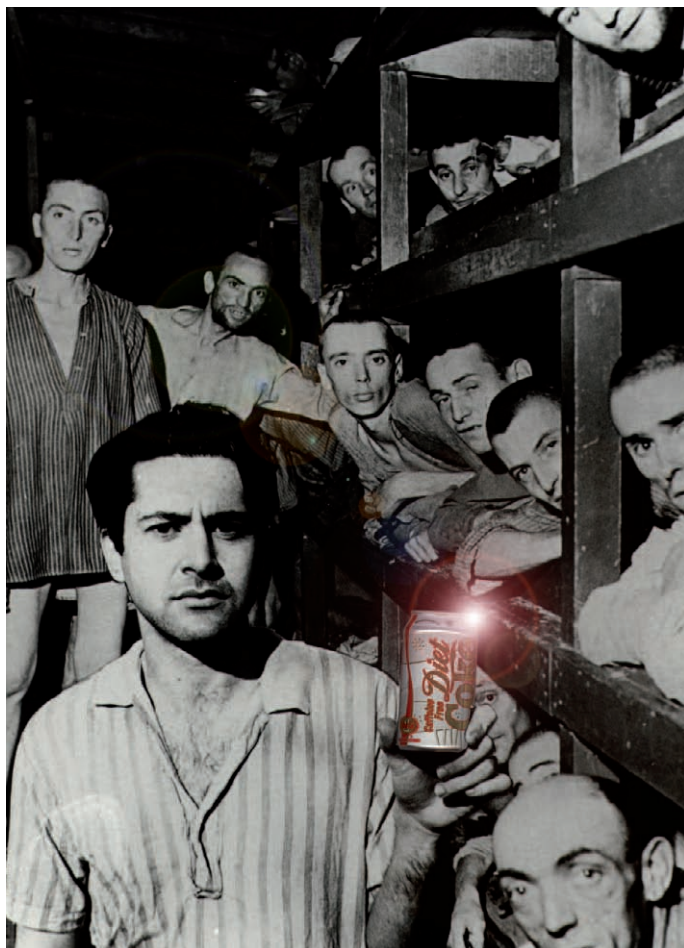


Figure 3. Alan Schechner
It's the Real Thing - Self-Portrait at Buchenwald, 1993
Digital still. www.dottycommies.com. Internet project
Image courtesy of the artist

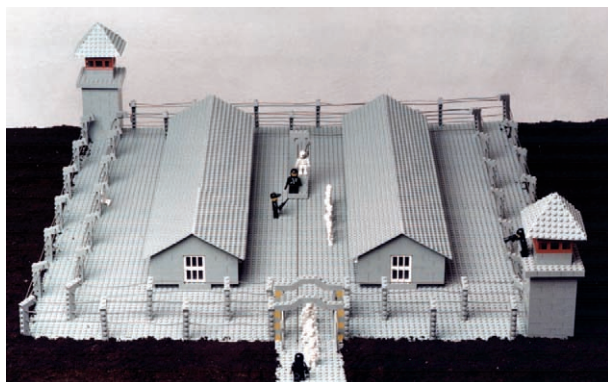


Figure 4. Zbigniew Libera, *LEGO Concentration Camp Set*, 1996
studio photograph, 20 x 30cm
Seven cardboard boxes. Edition of three.
Image courtesy Raster Gallery, Warsaw



Figure 5. Zbigniew Libera, *LEGO Concentration Camp Set*, 1996,
brick set (box detail),
Seven cardboard boxes. Edition of three.
Image courtesy Raster Gallery, Warsaw



Figure 6. Zbigniew Libera, *LEGO Concentration Camp Set*, 1996
studio photograph, 20 x 30cm
Seven cardboard boxes. Edition of three.
Image courtesy Raster Gallery, Warsaw



Figure 7. Zbigniew Libera, *LEGO Concentration Camp Set*, 1996
box design, archive material, 28 x 27cm
Seven cardboard boxes. Edition of three.
Image courtesy Raster Gallery, Warsaw



Figure 8. Zbigniew Libera, *LEGO Concentration Camp Set*, 1996
box design, archive material, 78 x 71.5cm
Seven cardboard boxes. Edition of three.
Image courtesy Raster Gallery, Warsaw

Ernst van Alphen wrote that ‘Holocaust survivors and new generations after the Holocaust have a *special responsibility* towards its historical events’ (2001: 45, emphasis added). Hayden White asked, ‘Are there any limits on the *kind* of story that can *responsibly* be told about these phenomena?’ (1992: 37, emphasis added). James R. Watson (1992) warned us about the perils of failing to impose limits. Concurring with Jürgen Habermas, he wrote of the necessity for ‘critical intellectual activity’ to identify and police the limitations of the human conditions (1992: 171-2). Failure to do so would allow the unimpeded perpetuation of the ‘almost autonomous economic system’ whose ‘rampant reduction of everything and everyone to a resource in the self-destructive frenzy of consumption’ enabled ‘State organized mass murder’ (Watson 1992: 171-2). The development of institutions which set limits upon this murderous autonomy needs to be supported, he argued, and the failure

of art and philosophy to defend those limits is a 'delusional intellectual pretension' (Watson 1992: 172). Without limits, this argument claims, the Holocaust is always imaginable, possible and repeatable.

Yet the artwork of Tom Sachs, represented in the *Mirroring Evil* exhibition, skips blithely — even obliviously — through this representational minefield. His work 'Giftgas, Giftset' (1998) contains three dented cylinders labeled as containing Zyklon B, each wrapped as gifts using the colours and typeface from the Chanel, Hermes and Tiffany & Co. labels (see Figure 1). Another work, 'Prada Deathcamp' (1998) is a 27-inch model of a concentration camp made from a deconstructed Prada hat box, ink and wire (see Figure 2). Sachs was interviewed in the *New York Times* about these works:

Sachs: I'm using the iconography of the Holocaust to bring attention to fashion. Fashion, like fascism, is about loss of identity. Fashion is good when it helps you to look sexy, but it's bad when it makes you feel stupid or fat because you don't have a Gucci dog bowl and your best friend has one.

Q: How can you, as a presumably sane person, use the Nazi death camps as a metaphor for the more coercive aspects of the fashion industry? It makes me think you have failed to grasp the gravity of the Holocaust.

Sachs: My agenda isn't about making a point about the Holocaust. I don't think any of the artists in the show are trying to make a point about the Holocaust. We're mostly in our 30's and 40's, and we have a certain distance from those events ...

Q: So what are your aims as an artist?

Sachs: My main interest is bricolage ... (Solomon *New York Times* 10 March 2002).

On one level of interpretation, Sachs's work seems to commentate on precisely the same 'frenzy of consumption' that Watson identified as analogous with genocide. And yet the main critical and public

response to Sachs's work was that it suffered from the 'delusional intellectual pretension' that characterised the worst in Holocaust art; Sachs was in large part responsible for reviews dismissing the entire show as 'an emergency ward for toxic narcissism' (Schjeldahl 2002: 87), 'sheer stupidity' and 'not to be forgiven' (Kramer 2002). The show's curator, Norman L. Kleeblatt, admitted the capacity for 'Nazi-era images to probe issues at the center of *prevailing* cultural and aesthetic discourses, among them desire, commodification, and spectatorship' (2002b: 15 emphasis added). And Jean-Pierre Geuens rejected imposing limitations upon Holocaust representation, writing 'the wounds should be repeatedly and mercilessly stabbed open with a knife for the Holocaust to remain the mirror that truly defines our limits' (1995-6: 127). It isn't certain that Sachs's work meets Geuens's challenge; dismantling a Prada hatbox to explore one's interest in fashion, commodity fetishism and bricolage seems a considerably lower aim than the merciless self-examination that Geuens demands. Much more needs to be said about precisely what we can learn about desire or commodification from the Holocaust before Sachs is acquitted of accusations that he is 'facile' (Saltzman 2002: 94). It is not that these conversations cannot take place, nor that the Holocaust can teach us *only* about atrocity, terror and cruelty. But more is required here than the assertion that it can be done. If the Holocaust's crimes teach us nothing else, it is the gravity of pursuing the possible simply to explore its possibility. Is it preferable, then, to denounce Sachs as a bad artist, or his work as bad art? Theodor Adorno warned us about 'wringing pleasure' from the Holocaust (Geuens 1995-6: 114); to do so would be 'barbarism' where aesthetic 'success' would have 'consequences of its own', where the audience could 'transcend the horror' and recognise the 'greatness' of the art (Geuens 1995-6: 114). Is it possible — *is it responsible* — to make great art about the Holocaust?

A more fundamental question is this: Should anyone make art about the Holocaust? Is this a crime scene that ought not to be visually represented? Are the crimes that occurred here unimaginable? At the ultimate limits of Holocaust representation is silence. From different

perspectives but for related reasons, a large number of critical scholars echo the call for silence: Berel Lang wrote that any representation of the Holocaust ‘must be judged against the criterion of respectful silence that should be our first response to it’ (in White 1992: 43). For George Steiner, ‘the world of Auschwitz lies outside speech as it lies outside reason’ (in Geuens 1995–6: 115). Irving Howe feared that any representation of the Shoah would ‘domesticate it, rendering it familiar and in some sense even tolerable’ (in Geuens 1995–6: 115). Elie Wiesel stated that ‘Auschwitz negates all literature’ (in Geuens 1995–6: 115). Michael André Bernstein preferred ‘thematically weighted and deliberately chosen silence as the only ethically unsullied response that art can make to the Shoah’ (1994: 43). By remaining silent, we avoid diminishing ourselves by engaging in discourse with depravity. But precisely what is the responsibility of the silent subject? Does silence require us to draw privately upon our reserve of conscience and just *feel* bad? Or does silence permit us to forget about it, move on, sail forward into the world deaf to the clamouring of history, exploring whole new oceans of atrocity? What does silence say?

Susan Sontag traced the changing significance of silence as a tool in artistic representation. Silence functioned as ‘a zone of meditation’, or an ‘ambivalence about making contact with the audience’ (1976: 6), or a *decision* (as in the suicide of the artist), or a *punishment* (as in the madness of the artist), or effected through censorship, destruction of artworks, exile. Sontag identified a tenacious refusal to take seriously the quest for silence: ‘The art of our time is noisy with appeals for silence. ... One recognizes the imperative of silence, but goes on speaking anyway. Discovering that one has nothing to say, one seeks a way to say *that*’ (1976: 12). Berel Lang conceded the same condition, the impossibility of silence, despite its utter appropriateness: ‘all claims ... on the unspeakable that cover also the indescribable, the unthinkable, the unimaginable, the incredible — come embedded in yards of writing that attempt to overcome the inadequacy of language in representing moral enormity at the same time that they assert its presence’ (2000: 18). For Lang, silence remains as the measure of articulation: ‘whatever is written ought to be justifiable as more probative, more incisive,

more *revealing*, than its absence or, more cruelly, its erasure' (2000: 18). But the oppressive potential of systematised silence must not go unchallenged. Bernstein argued that the refusal to represent the Shoah is 'a far more menacing position' (1994: 4). Being *forbidden* from representing it transforms silence into a disciplinary tool of terror. Because, of course, all silence speaks. And, in the case of the Final Solution, there are no inadvertent omissions.

The difficulty with any measure, the futility in exercising judgment or choice, lies in locating the limits, the boundaries, of the representable. Everywhere we are cautioned against crossing the line, but nowhere is it possible to perceive where the line is drawn. Susan Sontag, seeing photographs taken after the liberation of Bergen-Belsen and Dachau, experienced the transgression of a hitherto-unknown limit: 'When I looked at those photographs, something broke. *Some limit had been reached*' (1977: 19-20 emphasis added). The inability to articulate precisely *when* the limit has been reached was echoed by Andreas Huyssen, who claimed that the question is 'to be decided case by case' (2000: 29). Berel Lang cautioned us against engaging in rhetorical boundary skirmishes about limits. He wrote: 'One could imagine here the inversion of a Kafkaesque tale in which the existence of a limit was proclaimed but what it 'limited' or excluded was left unstated' (Lang 2000: 66). In Lang's tale, the antihero grows increasingly obsessed and paranoid, and 'even his largest excesses fail to bring him into contact with the limit' (Lang 2000: 66).

The first and the most regularly invoked of the limits to Holocaust representation is a sense of responsibility to its victims. When the artist Bruce Nauman was asked in 1992 to design a Holocaust memorial for Hanover, he proposed a sign that read: 'We are sorry for what we did, and we promise not to do it again'. For art critic Peter Schjeldahl, this sentence represented the limits of speech for Holocaust perpetrators. Beyond an apology and an assurance, perpetrators cannot speak; 'Whatever else might be said has belonged to the victims' (Schjeldahl 2002). In *Mirroring Evil*, the Israeli artist Boaz Arad transforms apology into art. Having trawled film and sound archives of Hitler's

propaganda speeches, he edited together ‘Hebrew Lesson’ (2000), a film that shows Adolf Hitler saying, in Hebrew, “Greetings Jerusalem, I apologise” (“Shalom Yerushalayim, Ani mitnatzel”).² The stilted footage repeats itself; the apology is re-stated seven times, enabling the viewer gradually to comprehend the initially inaudible message. Some viewers reported that they could never make out the message, and —consequently — that Hitler had failed to learn his lesson (Ray 2005: 121-134).

Centering the victim in Holocaust discourse is impossible without also addressing the perpetrator; one does not stand in Holocaust discourse unaccompanied by the other. Arad’s film takes the artist and the viewer towards the perpetrator position. The catalogue entry describes how Arad, in the meticulous process of editing the footage, ‘has become intimate with Hitler, deeply familiar with his words, his inflections’ and yet how, through the project, ‘he is able to exert power over the Führer and manipulate him, using the same propaganda films that Hitler used to exert power over the German public’ (JL in Kleeblatt 2002a: 121-122). This catalogue description suggests that the exhibition’s curators have conflated artistic choice with genocidal intent, claiming some kind of equivalence of power between artist and Führer. It is this article’s argument that the fundamental problem in the debate over visually representing the Holocaust is the mistaken claim to equivalence or resemblance — the *mirroring* of evil in art. Art may show evil, but it is not implicitly capable of evil. Both may be wrong, but they are not examples of the same wrongness. They operate in separate registers and need to be assessed on their own terms. A video artist in Israel wields none of the power exercised by Adolf Hitler. Nor does he seek to do so. To say that the artistic process has made the artist Hitler’s ‘intimate’, to say that Arad now ‘exert[s] power over the Führer’, is the kind of specious curatorial blather that warrants the kind of critical sanction that followed the opening of *Mirroring Evil*. As this article’s opening epigraph (by Elvis Costello) asserts, each representation has its ‘proper place’ and it is our duty to put it in its place; whilst things may fall out of their place, there is also a limit which they must never transgress. Here,

this is the point where art itself becomes an act of depravity: making lampshades from the skin of one's victims.

Whilst Arad's film achieves its subversive intent, and also its demand that the viewer decide whether or not it is possible to forgive Hitler, it (more so than the catalogue entry describing it) remains aware of the dangers of occupying the perpetrator position. The impossibility of representing Holocaust crimes without dealing with the perpetrators is the point of much of the art of Anselm Kiefer. Writing about the 'transcendence' made possible by Kiefer's photographs of himself saluting before German national monuments, James R. Watson wrote, 'Kiefer's point is that there is no art undertaking which does not partake of that which it critiques', and that 'No representational medium can be used after Auschwitz that does not somehow bear the traces of the transformative event' (1992: 178, 179). This is despite Bruno Bettelheim's warning that any attempt to come close to the perpetrator may lead us to an 'understanding' that 'may come close to forgiving'; he wrote, 'I believe there are acts so vile that our task is to reject and prevent them, not to try to understand them empathetically' (in Browning 1992: 35-6). Christopher Browning (1992: 36) refused to accept that understanding can be conflated with forgiveness. Nevertheless, our responsibility to the victim is negotiated through our refusal to allow the perpetrator to speak, except in the most limited terms. In Arad's work, the perpetrator's voice is halting, stuttering, and his gestures unnatural. It clearly performs the precarious balance that makes the suffering of the victims available without making the perpetrator's position inhabitable.

Saul Friedlander speculated that we have set representational limits that arise from the arbitrary historical outcome that the Nazis were defeated. He asked, 'what would have happened if the Nazis had won the war? No doubt there would have been a plethora of pastoral emplotments of life in the Third Reich and of comic emplotments of the disappearance of its victims' (1992b: 10). The work of Israeli artist Roei Rosen in *Mirroring Evil* enters this terrain. His installation, 'Live and Die as Eva Braun' (1995) is a book of 60

black-and-white drawings in various genres and media, frequently using the conventions of children's book illustration, illustrating the life and death of Braun. The catalogue entry states, 'She [Eva] shares intimacies that are at once naïve, titillating, and vulgar. At every turn, the narrative is accompanied by drawings that mirror its paradoxical juncture between naïveté and pornography' (NLK in Kleeblatt 2002a: 101). Rosen's work, for his exploration of perpetrator psychology, saw him denounced as a Holocaust 'relativiser', and an earlier exhibition of this piece in the Israel Museum in 1997 led to the Israeli Minister for Education to call for its closure. International media reports challenged Rosen's use of sexualised imagery, its sense of intimacy with Braun, and accusations that his work was gratuitous, sensational or pornographic. The curator of *Mirroring Evil*, however, suggested that Rosen's position 'possessed greater "legitimacy" than many because he is the son of a Holocaust survivor' (NLK in Kleeblatt 2002a: 101); this logic is widely debated and disputed amongst Israeli Jews, diaspora Jews, and gentiles: that surviving the Holocaust confers extra entitlements. Rosen's aim was not to claim such 'legitimacy' for his contentious artwork; his aim was, in part, to confront a long-standing Israeli cultural proscription against visually representing the Holocaust. More recently, Ari Libsker's documentary film *Stalags: Holocaust and Pornography in Israel* (2007) reveals that there was, in the early 1960s, an underground publishing phenomenon in Israel, known as 'stalags', where the Holocaust and Nazi themes were portrayed in pornographic modes. Libsker's film posits that this was the first form of locally-produced pornography in Israel, and the creator of the series attributed their motivation and popularity to the public interest in the trial of Adolf Eichmann in Jerusalem in 1961 (Kershner 2007). 'Live and Die as Eva Braun' does not represent Jews, or indeed any Nazi victims, and contains none of the themes of victimisation and memorialisation apparent in Holocaust memorials created by other Israeli artists. Most seriously, however, it seems Rosen's offence was not only his choice to represent the perpetrator perspective, but also his imaginative departure from the historical record.

Whereas artists are generally free to exercise creative and

imaginative powers, they will confront a strictly-guarded disciplinary (and ethical) boundary when they make art about historical events and, especially, art about Holocaust crimes. Unlike artists, historians remain committed to finding ways of accommodating the Holocaust within existing historiographical limitations. For Christopher Browning, the distinction between 'indisputable fact' and 'falsification' requires our consideration of the 'degree of plausibility' of a claim, whether it is 'more or less coherent and persuasive' (1992: 33). Whilst he stated that 'archetypal cases [of fact or falsification] seem obvious', for 'borderline cases', he conceded, 'I do not know' (1992: 33). Perry Anderson was more certain: 'absolute limits are set by the evidence', and '*exterior* limits' prevent outright denial of the Holocaust or other 'counterfactuals' (1992: 64). Hayden White wrote, 'the facts of the matter set limits on the *kinds* of stories that can be *properly* ... told' (1992: 39). For Anderson, 'narrative strategies, to be credible' prevent the plotting of the Final Solution '*historically*' in romance or comedy genres (1992: 64). For White, 'comic' or 'pastoral' modes of emplotment are 'manifestly false to the facts — or at least to the facts that *matter* — of the Nazi era' (1992: 39). In the *responsible* historiography of the Holocaust, ethical representation requires close adherence to the facts. Hayden White said that ethics determines '*unacceptable* modes of emplotment' (1992: 38), unacceptable because 'they offended against morality or taste' (1992: 40–41). These positions suggest that, epistemologically speaking, Holocaust questions are settled. Holocaust representations, it follows, ought to hold close to the known facts. But knowing all the facts raises the difficulty of finding new ways of re-telling a story whose conclusion is well-known.

Michael André Bernstein, arguing against the narrative tendency to 'foreshadow' the doom that concludes so many Holocaust narratives, wrote that these texts should resist being 'monuments of inevitability' (1994: 4), reliant upon 'the *necessary* importation of our knowledge about the Shoah' (1994: 61). This suggests either that we shouldn't allow what we already know to operate upon us as we approach a representation, or else that we needn't know anything to begin to think about the Holocaust. Is it possible — *is it responsible* — to approach the Holocaust

in innocence, or with an open mind? If visually representing Holocaust crimes requires an imaginative enterprise, how does one unleash one's imagination within tight factually-confined limits?

Andreas Huyssen argued against our limiting the language or genres through which the Holocaust may be spoken. If, as he claimed, it is our 'responsibility to prevent forgetting', then it may be appropriate when addressing post-Holocaust generations to admit 'melodramatic soap opera' and the 'fictionalized' and 'emotionalized' narratives of prime time television (1995: 256). He argued, 'If the Holocaust can be compared to an earthquake that has destroyed all the instruments for measuring it, as Lyotard has suggested, then surely there must be more than one way of representing it' (1995: 256). The artists represented in *Mirroring Evil*, whilst diverse in their aims and methods, share one common feature. Rather than addressing themselves to a nominal, abstracted, historical Holocaust victim, requiring the ethical duty of responsibility and respect, they address a contemporary art viewer. Each of these artists tries to affect their audience, and their audience is presumed to be historically knowledgeable, culturally sophisticated and — and this is the troubling quality — preoccupied with their personal worries and bored with old routines. This audience, these artists presume, needs to be *shocked* into remembrance. New horrors need to be introduced to remind us that Holocaust crimes remain horrifying.

The demand to create a new visual repertoire returns us to one of the Holocaust's earliest representational crises: the challenge to achieve judicial proof of its crimes; the challenge of law. Law's first response to Holocaust crimes was to open itself up to the imaginative register, acknowledging the simultaneously probative and shocking power of images. Prosecutors at the Nuremberg Tribunal knew that existing modes of representation were insufficient for adducing and proving Holocaust crimes; as Lawrence Douglas wrote, 'the law had to locate an adequate idiom of both representation *and* judgment' (1995: 453). For Douglas, the Tribunal's role was to 'demonstrate law's power to reintroduce its ordering effects ... into a space of spectacular excess and

egregious lawlessness' (1995: 463). Because the crimes addressed were literally unprecedented, the Tribunal admitted new types of evidence — visual evidence — invoking the necessity 'to translate images of atrocity into a discourse of illegality' (1995: 457). Speaking particularly about the screening of the documentary film *Nazi Concentration Camps*, Douglas wrote that, by offering 'visual proof of astonishing atrocities', the evidence was persuasive for its 'symbolic content', and not any direct or conventional probative value (2001: 294). As Douglas identified, evidence of atrocity was admitted out of 'law's need to justify its own beleaguered normativity' (2001: 294).

Screening the documentary at Nuremberg, as well as tendering as exhibits flayed human skin covered in tattoos, and a shrunken head (the head of a Polish prisoner, the skull removed, shrunk, stuffed and preserved by the Buchenwald camp commandant as a grotesque curio for his wife), tested the limits of law. These items were evidence not of any direct legal guilt of the defendants. Instead they proved barbarity, depravity; as Douglas argued, they were evidence of '*crimes of atavism*: horrific deeds committed in an orgy of mass savagery and lawlessness' (2001: 278). The challenge for law was the reassertion of civilisation, order and control into a space where primitivism went unsanctioned. Douglas wrote, 'by serving as an icon of atavism, the shrunken head presented an image of atrocity familiar to liberal jurisprudence: of the law as civilization's bulwark against barbarism' (2001: 279). Whilst observers recoiled at the wrongness of this object, including its wrongness as an evidentiary exhibit, it was not as if head-shrinking was unknowable to civil society, or even to this court; Douglas tells us that its English Chief Justice, Geoffrey Lawrence, was elevated to England's High Court in 1932, the year that Oxford University, his alma mater, acquired two shrunken heads from the Jivaro of Equador. Postcards of these exhibits are still available today from the gift shop. Jivaro methods were said to have been studied by Nazi head shrinkers (Douglas 2001: 279). The point was that this civil society, this court, refused to tolerate the barbarism of the defendants, people who should have known better but did not exercise responsible restraint upon their barbaric fantasies.

The Tribunal, at this early stage, was drawing a distinction that had begun to disappear by the time of the *Mirroring Evil* exhibition: the distinction between wrong-doing and wrong-showing. This distinction was easily apparent to two of the defendants at Nuremberg. Of Field Marshal Keitel, Douglas wrote that, upon seeing the shrunken head presented to the court, 'Keitel, himself no stranger to brutal behavior, whispered "*Furchtbar! Furchtbar!*" – Horrible! Horrible!' (2001: 280–281). Hermann Goering's response to the screening of the documentary was to say 'And then they showed that awful film, and it just spoiled everything' (Douglas 1995: 449). Goering's comment here suggests that, quite apart from his culpability in mass crimes, there is an implicit wrongness in exhibition. The documentary film and the shrunken head highlight the distinction between evidence of legal guilt and evidence that evokes visceral responses, independently of legal guilt. The Holocaust's crimes inaugurated horror as a new legal category. As United States prosecutor Robert Jackson stated at Nuremberg, 'These are things which have turned the stomach of the world' (Douglas 2001: 282). For this reason these artefacts, although not probative of the crimes in issue, were given the status of legal evidence. Such evidence must have been lawful *because it was disgusting*. Law became the institutional process by which our disgust was classified, codified, given a vocabulary; from the pit of our stomach emerged a *system* of revulsion, a capacity for articulating visceral *judgment*. The disturbing exhibition, the visually-wrong representations, needed to be absorbed within the legal limits if law's ordering capacity was to continue to function. Far from expelling abject imagery, law brought it within its own jurisdiction.

Alison Young (2000), looking at the relationship between law and 'transgressive' art, explored the emergence of a jurisprudence of disgust, in particular, law's capacity to sanction 'disgusting' visual representations. Introducing the concept of 'aesthetic vertigo', she considered whether this sensation has the capacity to destabilise law, or whether it can be corrected through legal judgment and repression (Young 2000: 261). To consider that law has a relationship with disgust, that each has the capacity for conversation with the other, requires the

articulation of limits beyond which they do not engage. In the case of law and art, Young suggested that each may be testing the limitations of the other. Whereas law tends only to respond to art when so provoked, art — and artists — may engage in willful and deliberate testing of law's limits.

In response to provocative art, law embraced the category of 'obscenity' through which it could regulate artistic productions that are disgusting; but identifying obscenity always involves a degree of judgment. Lynda Nead wrote, 'obscenity's beginning is art's end; art starts where obscenity terminates' (1999: 205-6). Policing the boundary is law. The distinction was articulated by Harper J in the Australian obscenity case in which the Archbishop of Melbourne sought an injunction against the exhibition of Andres Serrano's 'Piss Christ': *Pell v Council of the Trustees of the National Gallery of Victoria*:

[There has been no] assumption by me of the role of art critic. It would not merely be presumptuous, but quite wrong, of me to attempt any such thing. It is not relevant to my task and it would take the court into places in which it has no business to be. There is much wisdom ... in the words of Landau J, the Israeli judge who presided over the trial of Adolf Eichmann. The courts, he said, speak with an authority whose very weight depends upon its limitations. No-one has made us judges of matters outside the realm of law (at 392-3).

It is significant that, in stating that law has places of business and places where it has no business, Harper J refers to a landmark example of transgression and law's attempt to deal with it: Holocaust. Citing Landau J in this context is intended to add incontrovertible legitimacy to Harper J's claim that law recognises limits; indeed, law is rendered possible and effective only because of its recognition of those limits. Art, by this argument, is separate from law and legal regulation until it becomes obscene. When it transgresses this boundary, it is brought within the governance of law; obscenity becomes law's *responsibility*.

But, for Young, the categories of 'art' and 'obscenity' are 'irrevocably insinuated' (2000: 250). And for certain artistic practices, it is the deliberate intention of the artist to insinuate one within the

other. Artists like Serrano aspire to more than 'the simple shudder of revulsion' in response to their art, 'desiring instead the full weight of censure from the paternal Law' (Young 2000: 262). Young wrote, 'Abjection — in its requirement that the disgusting object be expelled, outlawed and repressed — *demand*s a regulatory responsiveness in the subject' (2000: 262). By invoking law to take responsibility for regulating artistic work, artists attempt to expand the limits of both art and law, but to what end? Is it to enable repression, or to expose the repressive capacities of law? For Susan Sontag, it is the 'chronic habit' of contemporary art to displease, provoke or frustrate; but, as an actual *practice*, the regularity of its violations become anticipated, even accommodated: 'the artist's transgression becomes ingratiating, eventually legitimate' (Sontag 1976: 7). This is apparent when, in the Director's Preface to the *Mirroring Evil* exhibition catalogue, Joan Rosenbaum referred to the artworks as 'transgressive', 'difficult, challenging', 'provocative and troubling', positively inviting responses predicated upon disgust (2002: viii).

Contemporary notions of art suggest that art transcends all limits, that it defies all attempts to impose upon it responsibilities to anything, including to notions of aesthetic beauty. For Berel Lang, 'art appears here as independent of history, weightless, untouched by motive, cause, or purpose' (2000: 160-161). This view of art suggests that art can do anything, but that we can do nothing about it. Art's autonomy from moral discourse means that, for Lang, in the context of 'Holocaust images', special and serious attention is needed (2000: 164-166). Lang identifies four different representational transgressions: (1) impossible and unimaginable, (2) imaginable but impossible, (3) unimaginable but possible, (4) imaginable and possible (2000: 54-55). It is the fourth position that is the source of our enduring trouble; for Lang, it is here that 'the conception of limits as moral comes fully into view' (2000: 57). We are given a moral responsibility to observe certain boundaries when we seek to represent atrocities that are both possible and imaginable. But the actual requirements for moral conduct are never articulated explicitly. As Saul Friedlander observed, transgressions are identified through 'a kind of uneasiness' (1992b: 3-4).

Nazism is 'an unlimited field for a surge of the imagination, for a use of aesthetic effects, for a demonstration of literary brilliance and the power of one's intellect' (Friedlander 1984: 20). But, whilst it may inspire a 'masterpiece', it inspires also a feeling that it is 'tuned in the wrong key', that 'some kind of limit has been overstepped' and we have moved into a 'new discourse' (Friedlander 1984: 21). There is no clearly-drawn boundary, no black letter of law, just the expectation that we will shudder, and from this shudder will flow an act of responsibility. What makes for 'good' Holocaust art? Is it a matter of aesthetic judgment, or is it whatever makes us shudder? And, where certain Holocaust images come to achieve the status of 'icons' (Brink 2000: 137), or 'clichés' (Hirsch 2001: 5, Huyssen 1995: 255), or 'kitsch' (Friedlander 1984: 27), are newer and more destabilising representations justified for getting a now-jaded audience to shudder?

Looking at the *Mirroring Evil* exhibition, James E. Young asked, 'Just what are the limits of taste and irony here?' (2002: xvi). Michael André Bernstein argued that there are artistic or literary representations of the Shoah that are 'deeply offensive' because they are characterised by 'tastelessness', 'vulgarity' and 'exploitation' (1994: 52). That *taste* becomes a term of judgment indicates a conflation of artistic standards with moral ones. But it is not a moral judgment that proscribes; to say that a representation is in *bad taste* does not argue for its elimination or prohibition. Instead it ranks the representation in a hierarchical structure that reflects bourgeois social standards, where representations in bad taste appear beneath those that are in *better taste*. It suggests, also, that it is possible to imagine a representation that is in *impeccable taste*, flawlessly turned out. And a representation of the Holocaust that is *tasteful* is likely flawed for that very reason.

As Omer Bartov (1996) warned, even tasteful representation carries with it the mendacious potential for voyeurism, the dangerous pleasure that describes our fascination. Bartov identified the source of his unease in the 'obsession, with perversity and obscenity, inhumanity and criminality, aggression and horror'; but the viewing position is not rampantly depraved; instead it combines 'cool aesthetic pleasure'

and ‘mild nausea’, responding to representations that are ‘attractive, stimulating, *interesting*’ (1996: 116). Our ‘obsession with fascism’, he cautions, bears an ‘uncanny resemblance’ to the phenomenon itself (Bartov 1996: 116). It is this uncanny resemblance that seems to be encapsulated in the title of *Mirroring Evil*. But it is crucial to remember — and it is the central argument of this article — that fascinations with fascism, wringing artistically-provocative pleasures from Holocaust crimes — are not, in themselves, criminal acts. Whilst they may seem wrong or bad, they are not criminally so, and share no equivalence — they do *not* bear an uncanny resemblance — to acts of genocide.

The long-prevailing view, that the uniqueness of the Holocaust imposes special limits upon its representation, has begun to yield to another view, which sees those limits stretching with the passage of time. Saul Friedlander noted that ‘we are confronted with the two sides of Hitler: that of yesterday and that of today’ (1984: 72). Yesterday’s account is reliant upon ‘facts’ and ‘reality’; today we wrangle with ‘reinterpretation’ and ‘aestheticization’ (Friedlander 1984: 72). Further, the period immediately after the Allied liberation of the camps gave Holocaust representations the capacity to shock because of the element of surprise, a capacity that with their repetition over time may have worn away. Writing about the screening of the documentary at Nuremberg, Lawrence Douglas pointed out, ‘The horror captured in *Nazi Concentration Camps* is by now so familiar that it is difficult to imagine an original screening — that is, a screening that shocks not simply because of the barbarity of the images, but also because of their novelty’ (1995: 464). The film, he argued, provided a ‘visual register of atrocity’ where previously there had been none, ‘cross[ing] a threshold of representation from which there was no turning back’ (1995: 464). Sidra DeKoven Ezrahi also identified Nuremberg as a turning point in Holocaust representation. Whilst for many years certain types of representation were ‘unthinkable’, the post-war trials, beginning with the International Military Tribunal, rendered the barbarity ‘performative’, gradually enabling Nazism to become open to ‘more radical acts of imaginative projection’ (Ezrahi 2002: 25).

But whilst, for Ezrahi, these representations are to be congratulated for their ‘courageous self-examination and self-exposure’ (2002: 19), Susan Sontag cautioned us against giving in to the enduring fascination with fascism. When the artist Robert Morris posed in Nazi gear for an exhibition poster, he is said to have done so on the grounds that it is ‘the only image that still has any power to shock’, relegating Nazism to some back-catalogue of all-purpose icons (Sontag 1980b: 101). As a view of art, Sontag suggested, it conformed to the quest for ‘ever-fresh gestures of provocation’ (1980b: 101). As a view of society, it failed to address the mendacious allure of fascism, both aesthetically and politically (Sontag 1980b: 101). Her warning reminds us that novelty and shock value cannot be confined to the aesthetic context; any representation that uses fascism must, of necessity, commentate also on the operation of power and terror in fascist practices. That Nazi imagery is capable of teaching us about art says something far more troubling about the socio-cultural milieu in which repression, cruelty and mass murder have independent value as aesthetic iconography.

The curator of *Mirroring Evil*, Norman L. Kleeblatt, admitted, ‘most ideological boundaries — especially those regarding representation — have a way of dissolving with time. What has seemed shocking, transgressive, or inappropriate in one decade becomes normalized by repeating exposure and by distance’ (2002b: 11). Susan Sontag wrote that, in liberal societies, that which has been ‘hitherto unmentionable’ may be rehabilitated smoothly: ‘It is not that Reifenhahl’s Nazi past has suddenly become acceptable. It is simply that, with the turn of the cultural wheel, it no longer matters. ... [A] liberal society settles such questions by waiting for cycles of taste to distill out the controversy’ (Sontag 1980b: 83–84). Again: taste. And, in the case of Holocaust representation, there are those who take an orthodox position (that which promotes respect for victims and survivors as the primary consideration) who accept that the current ‘cycle’ of Holocaust representation will roll forward when the last of the survivors is dead. With the dying out of this generation, Peter Schjeldahl lamented that ‘both direct responsibility and proprietary grievance regarding the Holocaust are expiring like patents, and the business of reflecting on

it has become a free-for-all' (2002: 97).

Sontag made an additional claim for context:

The hard truth is that what may be acceptable in elite culture may not be acceptable in mass culture, that tastes which pose only innocuous ethical issues, as the property of a minority become corrupting when they become more established. Taste is context, and the context has changed (1980b: 97).

The crucial point about context is that the imposition of a single, official, orthodox or respectful standard to Holocaust representation nudges perilously close to those repressive practices that enabled the Holocaust in the first instance. As Saul Friedlander wrote:

Jean-Francois Lyotard takes "Auschwitz" as a reference to demonstrate the impossibility of any single, integrated discourse about history and politics. The voices of the perpetrators and those of the victims are fundamentally heterogeneous and mutually exclusive. The striving for totality and consensus is, in Lyotard's view, the very basis of the fascist enterprise (1992b: 5).

Similarly, Michael André Bernstein wrote:

The freedom to choose — one's own philosophy, faith, communal affiliation, and historical sense, as well as one's mode of remembering and representing that memory — is precisely what Nazism made impossible for Jews, and although the affirmation of that freedom can do nothing for the victims of the Shoah, it is the only coherent rejection of the Nazi principle of nondifferentiation among Jews (1994: 44).

William Ian Miller's argument is that the singularity of the speaking position arises not politically (as fascism), nor discursively (as history), nor morally (as judgment). For Miller it is visceral, derived from a shared sense of disgust. He wrote:

The avowal of disgust expects concurrence. ... Disgust has ... powerful communalizing capacities and is especially useful and necessary as a builder of moral and social community. It performs this function obviously by helping define and locate the boundary separating our group from their group, purity from pollution, the violable from the

inviolable (1997: 194).

Just as a Holocaust representation must decide for itself whether to conform or confront, so too must the audience of these representations ask itself the question: why am I looking at this? For viewers, there is an important distinction between the quest for moral knowledge, on the one hand, and the compulsion to fascination and curiosity, on the other. Lawrence Douglas compared the punishment of *witnessing* that was imposed upon civilians who lived near concentration camps with the experience of watching a documentary such as *Nazi Concentration Camps*. He wrote, 'If we think of the act of viewing as a sanction, then the film seems to impose virtually the same punishment upon us' (1995:472). Why do we watch Holocaust documentaries or feature films? Why do we attend exhibitions of artworks about the Shoah? Is this an act of punishment or pleasure, or an entangled combination of the two? In what ways are we different from people who enjoy watching 'brutalities, perversions, pain, and rape'? (Bartov 1996: 128) What does it mean that we have gone to the cinema or the museum to look at the Holocaust?

The central contemporary question about Holocaust representation transforms the viewer into the subject of the work: What effect does it have upon me? Susan Sontag cautioned against being fascinated or titillated by representations of fascism. She referred to the 'definitely sexual lure of fascism' (1980b: 101) and displays of atrocity that risk being 'tacitly pornographic' (1980c: 139). Further, she warned that repeated exposure to images of atrocity, like acquired familiarity with pornography, had the effect of reducing 'shock' and 'making the horrible seem more ordinary' (1977: 20). Dan Stone wrote that, without historical information to contextualise imagery of the Holocaust, it descends into a 'pornography of violence' (2001: 141). The German artist Gerhard Richter asked 'whether the popular dissemination of Holocaust images amounted to a new, respectable kind of pornography'; he posed the question: 'Where is the line between the historically inquiring and the erotically preoccupied gaze?' (in Young 2002: xvii). These views locate pornography as the opposite of responsible

representation. They state that, when Holocaust imagery *crosses this line* we have gone too far.

For Jean-Pierre Geuens (1995-96), however, pornography performs precisely the transgression that Holocaust representation requires. His essay discusses a group of pornographic films set in concentration camps where female camp internees are sexually exploited by SS officer; films with titles like *Nazi Love Camp #27*, *Deported Women of the SS Special Sections*, *SS Hell Camp*. Geuens argued that the films, themselves part of a much larger genre of 'Holocaust porn' or 'Nazisploitation' films which include such titles as *Ilsa, She-Wolf of the SS* and *Gestapo's Last Orgy*, 'fall short' because 'they truly do not measure up to the situation' (1995-96: 126). The subject, he claimed, 'asked for a unique vision' which these films, by confining themselves within anticipated pornographic conventions, failed to fulfil (Geuens 1995-96: 126). These films ought to have 'transgress[ed] the good conscience that permeates, for instance, the ending of *Schindler's List*, where the colorful closure of the "good" people alive today permits us to relegate the darkness that preceded to an aberration of history' (Geuens 1995-96: 126). Concentration camp porn, Geuens insisted, needs to destroy the 'cordons sanitaires that society erects to protect us from being soiled by the stench and the excrescence of the camps' (1995-96: 127). This may be acceptable if it is the purpose of pornography and its consumers to engage in a discourse about the Holocaust. But if the pornographic enterprise relies upon an arbitrary context in which sexual gratification is played out, then Holocaust becomes a 'setting', a crime 'scene'; nothing more.

However, something else, something more than a crime scene, seems to be behind apocryphal claims, probably initiated by Andrea Dworkin (1990), that there is a Holocaust porn industry based in Israel, making films and magazines for the Israeli Jewish market. For Dworkin, the pornographic genre permitted power — including sexual power — to be reclaimed by victims who had survived, in order to themselves become victimisers (part of her larger critique of the Israeli state). Joshua Cohen, accepting Dworkin's claims that this

industry existed, wrote that this is where ‘things get dirty’ (2003). This is because, regardless of the veracity of Dworkin’s claims, they fit easily into Berel Lang’s transgressive representational register as both imaginable and possible. And they provide the necessary *shock* that motivates the contemporary viewer to experience Holocaust crimes with an intensity that would otherwise, with the passage of time, fade.

Sidra DeKoven Ezrahi, in her catalogue essay from the *Mirroring Evil* exhibition, imagined the effect of transgressive Holocaust representations as a lingering spectre tugging at our psyche:

And we, the audience, straighten a skirt here, a tie there, and prepare to exit. But as we are about to leave, perhaps – just perhaps – an invisible hand grips our throat and we realize that something of these acts of impersonation will continue to haunt us even into the sunshine of a world after Auschwitz (2002: 35, using metaphor from a poem by Wisława Szymborska).

Lawrence Douglas wrote that a ‘crisis of representation ... has come to characterise efforts to find an idiom capable of capturing the Holocaust’s central horror’ (1995: 452). Introducing the documentary film into evidence at Nuremberg, Robert Jackson said, ‘Our proof will be disgusting and you will say I have robbed you of your sleep’ (in Douglas: 1995: 450). It seems necessary to locate Holocaust representation within a discourse of disgust, because it may be the only way out of the sense of profound pointlessness that comes from strolling through a gallery and thinking about the Holocaust. Passive reflection on atrocity has no function; it makes no contribution to knowledge, it isn’t original or activist or pedagogical. The difference is in the pit of the stomach. Looking at art whilst thinking about atrocity represents failure in the social subject; *looking in disgust* seems a marginally more productive cultural practice. William Ian Miller wrote, ‘Disgust signals our being appalled, signals the fact that we are paying more than lip-service; its presence lets us know we are truly in the grip of the norm whose violation we are witnessing or imagining’ (1997:194).

Disgust becomes a cultural practice, representing the embodied difference between neutral curiosity and something more. For Miller, disgust describes ‘our responses to the ordinary vices of hypocrisy, betrayal, cruelty, and stupidity’ (1997: 194). But we must be careful that we do not impart a kind of equivalence upon these vices. Cruelty disgusts us: we condemn it. Stupidity disgusts us, but it is *not as bad*. When we have bad visceral responses to something, we must ensure that our sense of nausea does not prevent us from differentiating. To think about the shrunken head of Buchenwald invokes a churning in the gut; something similar happens when reading an interview with Tom Sachs about fashion’s manipulative potential to make us jealous. But one of these represents atrocities of dehumanisation, the other is a conceptual artist’s failure to think things through. Our ongoing responsibility is to remember that, despite our wish to sanction both of them, they do not transgress the same limit.

Notes

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- 1 Elvis Costello 1979 ‘Goon Squad’ from *Armed Forces* [CD] Radar/Columbia Records.
- 2 View the film – one loop, 12 seconds – here: <<http://www.boazarad.net/safam2.html>> accessed 13 July 2009.

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