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## The Cultural Background to the Changing Perception of Victims

We have seen that victims of crime are now at the center of attention. This could well be a temporary fashion or the result of clever political agenda setting, such as the endeavor to roll back certain reforms of criminal law and procedure that date back to the 60s and 70s. However, a look beyond the discussion about crime response reveals that this is not the case. Something that started elsewhere has entered the debate about the role of crime victims in criminal law. In this chapter we shall attempt to analyze the context of the altered perception of victims.

In trying to establish which memory narratives may be morally useful to groups of people, the Bulgarian-born French philosopher Tzvetan Todorov puts forward the following argument, which, on second thoughts, seems confusing. He first distinguishes between the benefactor and the beneficiary of a good deed, and between the perpetrator and the victim of wrongdoing. The first in each pair have evident moral connotations, says Todorov. "The latter two" seem "neutral, because they remain passive." This makes sense, for positive or negative judgment may be passed, at best, on a specific *reaction* to being the beneficiary of a good deed or the victim of wrongdoing – when a person is actively doing or refraining from doing something, stepping out of their passive role. "Actually," Todorov continues, "they do have moral connotations, whose strength depends on the strength of their relation to the two others. It is much less honorable to be the beneficiary of a good deed than to be the one who performs it, since the former role reveals our powerlessness; whereas it is distinctly more respectable to be a victim of wrongdoing than to be its perpetrator. Once again we recognize the two types of historical constructions: the heroic narrative that celebrates the triumph of my people, and the victims' narrative that recounts their suffering."<sup>i</sup>

That also sounds somehow plausible. But why does it? Only because Todorov has removed the element of passivity from the "victims' narrative," making the wrongdoer's wickedness enhance the role of the victim (though the benefactor's role doesn't enhance that of the beneficiary). This enables Todorov to go on: "Two roles reinforce the 'I,' that of the hero who performs a good deed and that of the innocent victim, and two are detrimental to the 'I,' that of the wrongdoer and that of the passive recipient."<sup>ii</sup>

Todorov's further argument need not concern us here,<sup>iii</sup> what matters for our purposes is that, in order to be able to present the role of the (innocent) victim as morally positive rather than neutral, Todorov needs to overlook the fact that victims' narratives are, as a rule, anything but "I-reinforcing". Victims' narratives are not "I-reinforcing" for the above-mentioned reason: because their subject matter is an experience of passivity and powerlessness. Consider how difficult it was (and, at some memorial sites, still is) for Israeli society not to portray the Shoah as a story of struggle; consider the difficulties facing Shoah survivors integrating into a society whose main conclusion from the victims' narrative is that it never wants to be a victim again.<sup>iv</sup> Consider furthermore how hard it is for victims of crime to describe their passivity adequately in court, or how tempting it is for them to alter their story accordingly.<sup>v</sup>

The reason why Todorov's argument looks plausible despite the evidence to the contrary is that a positive moral connotation is indeed being attached to victims' narratives, although this is a recent development. Strangely, it has become honorable to be the victim of a crime. In fact it is rather difficult to establish what should be honorable or morally positive about the status of a victim. Therefore people like to use an old narrative pattern that was created for a wholly different purpose: the martyr story. Implicitly, this is what Todorov is thinking of when talking about the "I-reinforcing" effect of a story which, after all, reflects mere passivity.

For the hero or heroine of a martyr story is everything but passive; his or her activity consists precisely in what earns him or her the name of "martyr," which derives from the Greek "martyrs" (= witness). The martyr bears witness to his faith and is prepared to suffer and die for it. Although, as a sufferer, he is passive in his suffering, he does actively thrust himself into this role. The martyr does not fall victim to an accidental raid. He is the activist for his cause whom the opposing party wants to force back into passivity – that holds true for the traditional Christian martyr legend as well as for secularized versions, such as stories from the anti-fascist or anti-communist resistance. The extent to which this active aspect – manifested both in the decision to embrace martyrdom and in the power to endure it – is part of the classical martyr story is demonstrated by one of its archetypes, the legend of Saint Polycarp. This story first refers to one who renounces his faith when faced with imminent torments, to warn against rushing into martyrdom carelessly.<sup>vi</sup> The story therefore approves of Bishop Polycarp's attempts to avoid arrest. However, when this is no longer possible, he meets martyrdom with composure. A voice resounds from the heavens to give him courage. The story ends with a miracle: the flames of the stake cannot burn him, and when the executioner stabs him, his blood extinguishes the flames. This story is not about suffering, but about steadfastness in the face of imminent suffering.

The martyr story is a story that doesn't even end unhappily – only lethally. The story of the victorious hero can come to resemble a martyr story so much as to become indistinguishable from it: just think of the Song of Roland, the story of El Cid, the legend of Winkelried, or Fontane's "John Maynard." These heroes are victims, but above all they sacrifice themselves (the German word "*Opfer*," meaning both "victim" and "sacrifice," tends to blur the distinction). We admire them for their sacrifice, but wouldn't if they were just victims, without the sacrifice. We do not even pity them in the strict sense of the term, for after all they made a choice. It may outrage our sense of justice if an innocent and unwilling person is turned into a victim; we may use their image, the story of their suffering as an emotionalizing weapon in the struggle for civil rights or social justice; and their images and stories may turn into symbols. Nevertheless, our morality is not substantively derived from their suffering. If their suffering lends itself to use as a symbol of the struggle against an immoral state of things, that is not because it has produced something like a moral surplus – contrary to the use of the image of the martyr, which is in itself, in a nutshell, a struggle for a better world. The suffering of the unheroic victim is only an occasion, and it is incumbent upon those who use that occasion to invest it with meaning. The martyr draws a following; the mere victim must be incorporated by a caring posterity that endows him with meaning.

This distinction is interesting not only because Tzvetan Todorov unwittingly undertakes to blur it at so interesting a point in his argument, but primarily because this blurring follows an actual cultural trend. Not so long ago an interesting case made the headlines. A man called Wilkomirski had written a book about his early childhood in an East European ghetto and a German extermination camp where he survived by chance. Wilkomirski had grown up with Swiss foster parents without knowing anything about his past. While in psychotherapy, he had learned to interpret certain memories; others had come to him during that therapy. Wilkomirski's book drew international attention. It was translated into many languages, the author won awards and was invited to give lectures and attend conferences. He was treated with deference, almost with awe. He who was but a victim was treated like a hero who had made a sacrifice. For a time, Wilkomirski was leading an auratic existence.

Such things are new to our historical world – it is fair to say so even if we know such claims always to be risky. "Before" (a time that will be specified below) someone like Wilkomirski would have been an object of pity, not of admiration; his fate would have been taken as evidence of the cruelty of a regime, but his existence would not have been used as an opportunity for whatever, capable of drawing a following. Wilkomirski's fate cannot be recounted using the narrative grammar of the martyr story, and yet he was regarded as a martyr. The distinction between victim and sacrifice was blurred.

After a while it turned out that Wilkomirski – whose real name was Doessecker – had been something like an impostor. Although he was indeed a Swiss family's adopted child, not only was there no evidence that he had been a victim of the German ghettoization and extermination policies – on the contrary, his story was easy to disprove conclusively.<sup>vii</sup> In the end, two plausible explanations were left: either Doessecker was a conscious impostor, or he had, in therapy, merged residual memories of a childhood that had been traumatic for different reasons with media images of the Holocaust and unconsciously fantasized himself as a Holocaust victim.

Whatever may have been the truth of the matter, Doessecker, as Wilkomirski, had fabricated a past for himself that, had it been true, wouldn't have done him dishonor, but, if the cultural background had been different, wouldn't have done him any honor either. He fabricated a past that was worse than his actual past, thereby reacting to it in an unexpected way: one usually embellishes terrible memories to make them easier to live with. And, what's more: Doessecker had (consciously or unconsciously) expected to gain something from fabricating a Holocaust victim's past for himself. Rightly so, as is evident from the success of his book and from the making of his international reputation, and perhaps even more from the embarrassment, disappointment, and sometimes anger which pervaded the comments that appeared after the truth was revealed.<sup>viii</sup> Doessecker was an impostor, everyone agreed on that. Deception and anger at the unmasked impostor merge in this reaction: everyone agrees that someone who fabricates a childhood in an extermination camp for himself is an impostor, and that he thereby gains prestige.

By virtue of comparison, consider the earlier (individual-neurotic) fashion for fantasizing a more noble childhood or at least ancestry than one has actually had, a Kaspar Hauser-type past life, or at least the inner certainty to be the fruit of one's

mother's extramarital affair with a nobleman or millionaire – Jean Paul's *Comet* was based on such a fancy, where one Nikolaus Marggraf imagines himself to be the son of Margrave Nikolaus. Sigmund Freud dealt with such fantasies in his essay *Family Romances*.<sup>ix</sup>

Thus, while the fancy of being a child of stigmatized origins (and even having suffered terrible things because of those origins) may not have replaced the fancy of having especially noble origins (and therefore maybe being set for an especially splendid future), it has gained in, let us say, psychological plausibility. This wouldn't have happened if such a fancy wasn't socially validated. It must stand a real chance of yielding the desired result should it turn out to be true. The story of Wilkomirski shows this to be the case.

That the social role of the victim has been reassessed in our culture in the past half century can be seen from the emergence of a new literary genre that I call "victims' memoirs."<sup>x</sup> Works written in this genre – examples are Primo Levi's *If this is a Man/Survival in Auschwitz*, Ruth Klüger's *Still Alive*, Jean Améry's *At the Mind's Limits*, Robert Antelme's *The Human Race*, Luz Arce's *The Inferno*, Thomas Hargrove's *Long March to Freedom*, or Katharina Bennefeld-Kersten's *The Hostage* – are characterized by the following features:

1. They are autobiographical accounts, often written in the first person singular.<sup>xi</sup>
2. They describe a life marked by an experience of extreme violence (often they describe only that experience).
3. They convey a sense of having something especially important to say and/or are usually read in that way.
4. They and their authors are perceived as having something like a moral and interpretive authority.

This genre was first constituted by memoirs of survivors of German or Soviet camps, and, in their wake (as will be explained below), accounts of victims of political persecution from all over the world, reports of captivity and torture, but also accounts by raped women, memories of being sexually assaulted in childhood, abducted, or taken hostage. Is this really a new genre? Laments about one's own suffering or that of one's friends has been part and parcel of literature ever since its inception, just like love or death: Gilgamesh laments for Enkidu, Achilles laments for Patroclus, and Andromache and Priam lament for Hector. Philoctetes cries like Laocoon. Greek literature, which represents the beginning of literature for our culture, is full of suffering and lamentation. In Euripides' *Trojan Women*, the helpless bemoan the fate that has befallen them and that which awaits them. No culture has ever needed literature to learn about suffering, pain, or fear; however, that a victim of extreme violence, who has nothing to say about himself except that he has been made a victim of extreme violence, should have written a book which essentially recounts nothing but that suffering, and, what's more, should have quite self-confidently said "I," is an historical novelty.

It was only the fictitious story of Robinson Crusoe that turned the suffering of the castaway Alexander Selkirk into a subject-matter that people took notice of and

appreciated – into the stuff of a novel. *Simplicissimus* is not an autobiography, and even where a novel might have been, in part, autobiographical – think of Moritz' account of an underdog's theatrical mission, *Anton Reiser* – it works only because it isn't. A real-life Little Nell's or an actual Uncle Tom's autobiography wouldn't have had the success of Dickens' or Beecher-Stowe's novels, nor – even if we imagine they would have – would they have attracted interest as anything but curious reports from distant social provinces. Schiller (*The Criminal from Lost Honor*) or Sue (*Mysteries of Paris*) would have been the appropriate authors, just as Scott or Cooper were, respectively, for Scotsmen and Indians.

Of course, there had been autobiographical reports on experiences of suffering before – let us take, for example, August von Kotzebue's *The Strangest Year of my Life*, where he gave an account of the year he spent as a convict in Siberia. The book was a best-seller, the truthfulness of the details related was hotly disputed, and it was perceived as a "horror and adventure story."<sup>xii</sup> There were also reports about conditions in Siberian mines (which Kotzebue had not experienced),<sup>xiii</sup> People read them and were outraged; they contributed to the moral improvement of Central Europe, but it wouldn't have crossed anybody's mind to bestow moral authority upon someone who had survived internment in such a camp, or to attribute special weight to an autobiographical testimony beyond its character as a document that may play a part in a debate about a humane penal system. And this was not only due to the fact that, as a former criminal, the author of such an account would not have been able to claim such authority.

A single book may be considered as a precursor of this genre – Dostoyevsky's *Memoirs from the House of the Dead*. However, even this book would scarcely have been read attentively if the author hadn't already been a well-known writer. It is still written as someone else's – a murderer's – account, but its reception is informed by the knowledge that it is based on the author's biography. Some time had to go by, but eventually this book came to carry a weight similar to that later acquired by the books of Levi, Antelme, Améry and other authors. This exception shows how new and different the literary genre of the survivor's memoir actually is.<sup>xiv</sup>

Interestingly, Dostoyevsky's book (like Levi's) doesn't know exactly why it wants to be read. Levi stresses that he wants to understand Auschwitz as a gigantic human experiment, an anthropological test whose results he wants to report. However, he is unable to say why the extreme should be capable of representing anything but itself. His unwillingness to elucidate this question, which does seem important, looks almost like a compensation for his inability do so: "These are reports from the camp; about Man outside the camp much has already been written."<sup>xv</sup> Nevertheless, at the beginning of the book stands an appeal that could hardly have been more resolute:

"You who live safe  
In your warm houses [...]  
Meditate that this came about:  
I commend these words to you.  
Carve them in your hearts  
At home, in the street,  
Going to bed, rising;

Repeat them to your children,  
Or may your house fall apart,  
May illness impede you,  
May your children turn their faces from you."<sup>xvi</sup>

Dostoyevsky's long, one is tempted to say: ethnological study of people in czarist prison camps is a highly informative, sometimes poignant document – why did he write it, why, as we would say today, did he want to bear witness to what he experienced? "How many great capacities perished in vain here?" he writes at the end.<sup>xvii</sup> This is an appeal to change the penal system, addressed to those who could have made the decision to stop this abuse of human beings in the service of an abstract ethics of punishment. An appeal to the authorities to show the convicts the mercy that, Dostoyevsky writes, simple Siberian folk naturally have on them. But wouldn't there have been a better way to do this than by writing a long, detailed study?

Dostoyevsky only says "I" in his book as the fictitious publisher of a fictitious other person's report. He describes the text as a report by someone who killed his wife out of jealousy, was released after ten years' imprisonment, and is earning his living as a private tutor in a small Siberian town. This tutor is a respected citizen, though perhaps reclusive and somewhat baffling – "enigmatic" would be too strong a word. One day he is dead; he has committed suicide, leaving nothing but the manuscript about his ten years' imprisonment which the fictitious publisher arranges to be printed.

A fictitious character publishing a manuscript someone has discovered is not a rare construction in literary history. Here, literary convention absorbs the writer's intention, which he is unable to explicate: the need to write, to put things into order by writing, but also to signal to the naïve reader, who likes to think that authors of books are trying to get something off their chest, that the suffering has prevailed over the attempt to overcome it – a message that is implicit in the information about the fictitious author's suicide; and, finally, the gesture by which the publisher, who is not involved in the story, says "Read it!", assuming a public interest in private suffering without explicitly justifying his assumption, simply by the act of publication itself.

We are not asking what arguments might be advanced to prove that texts belonging to the genre of survivors' memoirs have a value, i.e. how that value might be, so to speak, theoretically objectivated. It is more interesting to observe that these reports are *generally* seen as important, informative, instructive, and, *generally*, *relevant*, even if they themselves testify to the uncertainty about whether this interest may be justified. This observation is just as interesting as people's esteem for these accounts is, at heart, improbable. For it has had to surmount a general feeling of distrust or aversion to victims of violence encountered across cultures that stems from the following reasons:

1. People have an imagination. To a certain extent, they can imagine what has happened to other people,<sup>xviii</sup> and usually don't like this. To imagine what has happened to someone else is a temporary partial identification, and in these cases that means identifying with pain and fear and suffering.
2. Identification with pain and fear and suffering is not just superficially irritating or unpleasant; most often it stirs up fears that exist independently of the reality

confronted by a person made to concern herself with the fate of a victim of violence. People possess an imagination and knowledge of their vulnerability, and both things taken together bring out a repertoire of fears that is there in everyone (though everyone's fears differ) and that people don't like to confront with a reality – even a narrated one – which plainly shows that such things may actually happen.

3. Victims of violence are often annoying people. The irruption of violence into someone's life causes damage that may in turn have damaging effects on their social environment. It needn't necessarily have such effects, but there is a likelihood that it will, and, given people's imagination and ability to put themselves in other people's shoes, they may suspect it. "You have probably seen many things, boy, many atrocities," he said then, and I said nothing. 'Oh well,' he continued, 'the main thing is it's over,' his expression brightened, he pointed to the houses past which we were rumbling, and enquired what I was feeling, being back home, seeing the town I had left back then. 'Hatred.' He fell silent for a while, but then remarked that unfortunately he understood my feelings [...] and he knew well whom I hated. I said, 'Everyone'," we read in Imre Kertész's novel *Fatelessness*.<sup>xix</sup> Until early modern times, people who had been unjustly subjected to torture, thereby coming into contact with the executioner who inflicted that torture on them, were customarily declared impure and ostracized. This custom was outrageously barbarous, but it was partly based on the not unfounded psychological intuition that a person so tormented was no longer pleasant company.
4. Finally there is an assumption that the victim is somehow to blame for having become a victim. This is called the "effect of outcome knowledge": "The social cognitive mechanism this is based on was studied by Fischhoff<sup>xx</sup> in a psychological experiment. He asked test subjects to assess the probability of certain events. The experimental group was told that the events had already taken place, whereas the comparison group assessed the probability of the same series of events without being given that additional information. In all cases, the events that were said already to have taken place were assessed as 'more probable' and therefore 'easier to predict' [...] According to this logic, rape victims, for example, should have 'expected' the assault."<sup>xxi</sup>

Taken together, these four factors constitute a kind of "basic social sentiment" directed against victims of violence. This is not to say there aren't cases time and again where other factors carry greater weight and victims are shown sympathy and offered support. Of course victims of violence aren't always and everywhere shown aversion or harassed – but wherever they aren't, this sentiment must have been overcome or neutralized. It is there, as everyone who has been a victim of violence experiences over and over again even if otherwise they have nothing to complain about. Thus it must be especially stressed that the marginalization of victims in penal law corresponds to a basic social sentiment, even if it isn't caused by this sentiment.

Wherever other attitudes overcome the dominance of this sentiment in people's stance toward victims of crime, we are dealing with a remarkable effort of civilization, and we have no way of knowing how lasting its domination over collective space will be. The reassessment of the social role of the victim that we have experienced in our culture over the past decades may be understood as a reaction to the civilizational

catastrophe of the Holocaust, i.e. the largely successful German attempt to murder the Jews of Europe. It is well-known that only Germany's military defeat prevented this program of murder from being brought to completion. However, it has rarely been reflected upon that the victory over Germany, although none of the sides fought in the name of the persecuted European Jews, led to a remarkable break in the history of Western anti-Semitism. We shall not trace the history of that anti-Semitism here,<sup>xxii</sup> but it should be pointed out that long-standing histories of persecution always tend to turn into what are called auto-catalytic processes, i.e. they are self-reinforcing. This aspect is expressed in the classic anti-Semitic argument: "If there wasn't something strange about the Jews, they wouldn't be persecuted everywhere." At some point, the fact of persecution makes people ascribe to those persecuted the quality of being especially hateful, anti-social, or simply weak.<sup>xxiii</sup> The Holocaust did not lead to a further auto-catalytic surge. Why is that?

Realistically, no moralizing surge may be expected to come out of nowhere; rather, we must look for the specific circumstances in which the crime was perpetrated and forestalled.

1. Some people survived the crime. That holds true of many other mass crimes which, although they happened on a smaller scale, could "in fact" have led to similar changes in people's attitudes – as the vantage point of the changed attitude inclines us to expect.
2. The survivors could bear witness to the crime, making use of their own competences as writers or oral witnesses. This was a result of the fact that this crime, to the difference of other massacres, targeted people from across social classes. The intention of eradicating "a people" implied wanting to murder an unusually high proportion of intellectuals, scientists, artists, writers, and people who had grown up among them. This precluded collaboration between upper classes, such as may happen in other mass murders, for example after successful conquests.
3. Some of the survivors had *milieux* to return to after surviving – be it émigré circles, e.g. in the USA (where Bruno Bettelheim's texts quickly became well-known), or other European countries from which they had been deported.
4. The Nuremberg trials signaled to the world a refusal to regard Nazi Germany's crimes as falling within the range of policies such as are commonly implemented by all regimes. This created an environment where reports about the crimes could be attributed to the side that had not just *happened to win*, but was *morally vindicated* by the crimes of the defeated side. (It is important to stress here that we are not talking about sudden changes. The Holocaust was not a central topic in Nuremberg. Even after Nuremberg, courts treated witnesses who had survived the camps in a scandalous manner. Nevertheless, the Nuremberg trials caused a change in people's attitudes which, in Germany, is still not over.)
5. The people who wrote their own stories of survival were no strange foreigners. They belonged to the same culture: no cultural barriers could inhibit readers'

access to the text, and racist reservations could have that effect only where national socialist prejudice was still alive. This was indeed the case in Germany, but the public presentation of such attitudes became increasingly taboo. This means that, as time went by, accounts by Holocaust survivors only needed to overcome the culturally neutral attitude of not wanting to have anything to do with victims of crime in case of doubt.

This achievement was in turn an auto-catalytic process (which is not to say it will remain one). Other victims' narratives could now appear and receive a positive social sanction. The term "Holocaust" has been extended to other genocides, and we can see the rationale behind this: to show that what is being talked about is "at least as bad." Thus e.g. designating the Holocaust as "unique" is perceived by representatives of Hawaii University as culturalist arrogance and aggression.<sup>xxiv</sup> This phenomenon may be observed all over the world, at least where our Western culture has left its mark. To give an example: encyclopedias tell us that the aboriginal population of Tasmania was entirely wiped out by the end of the 19<sup>th</sup> century. Nevertheless, for a few years there have been demands to return bones and artifacts preserved in European ethnographic museums. Who makes these demands?

It had been overlooked that a few fishermen of European descent (possibly runaway convicts) had settled on small islands between Tasmania and the Australian mainland in the 19<sup>th</sup> century and, since no European women wanted to share the (probably hazardous and miserable) life there with them, they had managed, by way of exchange or abduction, to procure Tasmanian women. For decades, the descendants of these Euro-Tasmanian unions had successfully kept their blemished origins secret – until international criteria for prestige underwent a lasting change. Now these descendants are wearing their identity as a badge of honor and trying to recuperate the fragments of Tasmanian culture still kept in European museums.<sup>xxv</sup>

This competition for the status of a community that has been persecuted in an especially murderous way (whatever one may think of it) would be impossible without a cultural acceptance of building identities around a victim role. This is what connects these otherwise disparate examples. Before 1945, there was no such identity-building based on victim roles which, while they are genuine, are at the same time self-ascribed to put forward a claim to prestige. This is an outcome of the Shoah, of its world-wide reception, of the voices of survivors, of the way in which they were heard – and of the model that emerged as a result of that reception.

This has also provided the background to the changing attitudes toward individual victims of "completely normal," i.e. everyday, not politically or racially motivated crime. Some people may find it difficult to see the connection, precisely because these are crimes of such different kinds. However, we should bear in mind the way in which the new genre of victims' memoirs has influenced the domain of "normal" crime. Without the acceptance of, and the moral respect for, accounts of Shoah survivors, people would have been less prepared than they eventually became to listen to the stories of raped women, and victims would have been less prepared to bear witness to other situations of repression, debasement, and forced passivity. Anyone who has ever done so knows how strong an inhibition needs to be surmounted, and if the person who is trying to do this is faced with social scorn or contempt in addition to the inner

inhibition, then that person will scarcely go through with it, unless forced to do so by outside pressure (such as a subpoena).

But the inner inhibition is not an internalized external obstacle, and eliminating the latter doesn't remove the former. It is defiling to have to submit to someone else's will, to be forced passively to endure what the other wants. This is precisely the psychological meaning of "defilement." This is why it is nonsense to, as it were, try to talk someone out of it by saying "You couldn't help it!" to point out their passivity. This "not being able to help it" is at the heart of the disgrace suffered. It is the imposed passivity and intimacy. "The first blow makes the inmate aware of his helplessness – and thereby anticipates all that is to come. [...] With that blow, the other, against whom I physically exist in the world and with whom I can only be as long as his doesn't touch the border that is the surface of my skin, forces his corporeality upon me. [...] It is like a rape, a sexual act without the consent of one of the two partners," Jean Améry writes about the beginning of the torture he had to endure in Breendonk.<sup>xxvi</sup> The defilement is not a figment of the imagination, it is objective (to the extent that any mental process may be called objective). Those who suffered it cannot be "talked out of it," and it cannot be "obliterated" by their social environment. However, it is essential that no added stigma is attached to the defiled to mark them as people who have also become impure *for others*. Where this stigma ceased to be the social environment's expected reaction, people were prepared to listen to what such literature had to say.

The great proliferation of victims' literature *after, and independently of*, the memoirs of Shoah survivors, also shows what those first books were too embarrassed to tell. What can be learned from them? The moral pseudo-lessons that one shouldn't torment and murder human beings hardly required the Holocaust in order to become evident.<sup>xxvii</sup> Nor is it really a matter of catching a glimpse of a special and previously unknown region of the world – then there would be no difference between a report about an expedition to the Amazon or the Himalayas and one about a concentration camp or torture chamber. However, reports from such realms enable readers to espouse *the altered view of the whole world* that is adopted by the person who is bearing witness in the book. Reading victims' memoirs enables us to get an inkling of what is addressed in the question in Primo Levi's title, *Is This a Man?*, an inkling of the self-doubt<sup>xxviii</sup> caused by the defilement experienced; readers are thereby encouraged – perhaps in a lasting way – not to provide any social space to that unavoidable self-doubt.

This opportunity to view the world through the eyes of people who have been victims of violence forms the background to the new interest in victims that has awakened in criminal law and procedure. This is not easy to square with a traditionally perpetrator-oriented legislation.

*Translated from the German by Mischa Gabowitsch*

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<sup>i</sup> Tzvetan Todorov, "Zehn Jahre ohne Primo Levi," in *Mittelweg 36, Zeitschrift des Hamburger Instituts für Sozialforschung*, No. 5/1998, p. 8.

<sup>ii</sup> *Ibid.*

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<sup>iii</sup> He is concerned with the pointed conclusion that groups of people cannot learn anything from tales of heroism and victimhood they make up about themselves, which is why it is important for communities to create stories about situations in which they have played a part “when memory makes us aware of the weaknesses and errors of our group” (ibid., p. 9).

<sup>iv</sup> This topic is broached in Ephraim Kishon’s short story “Yigal and the Inquisition.”

<sup>v</sup> Jan Philipp Reemtsma, *Im Keller*, Hamburg, 1997, p. 17f.

<sup>vi</sup> “Now one named Quintus, a Phrygian, who was but lately come from Phrygia, when he saw the wild beasts, became afraid. This was the man who forced himself and some others to come forward voluntarily [for trial]. Him the proconsul, after many entreaties, persuaded to swear and to offer sacrifice. Wherefore, brethren, we do not commend those who give themselves up [to suffering], seeing the Gospel does not teach so to do (cf. Matthew 10:23)” (Euaristos, “Martyrium des heiligen Polykarpos,” in Hans-Peter Ecker, *Legenden. Heiligengeschichten vom Altertum bis zur Gegenwart*, Stuttgart, 1999, p. 31f. [quoted here in the Roberts-Donaldson translation – *translator’s note*]).

<sup>vii</sup> See Stefan Mächler, *Der Fall Wilkomirski. Über die Wahrheit einer Biographie*, Zurich, 2000; Sebastian Hefti, ed., ...*alias Wilkomirski. Die Holocaust-Travestie. Enthüllung und Dokumentation eines literarischen Skandals*, Berlin, 2002; Elena Lappin, *Der Mann mit zwei Köpfen*, Zurich, 2000.

<sup>viii</sup> See e.g. Leon de Winter, “Die erfundene Hölle,” in *Der Spiegel*, No. 40/1998, p. 230ff.

<sup>ix</sup> “Der Familienroman des Neurotikers,” in Sigmund Freud, *Gesammelte Werke*, Bd. VII: *Werke aus den Jahren 1906–1909*, 5<sup>th</sup> edition, n.p., 1972, p. 227–231.

<sup>x</sup> See “Die Memoiren Überlebender. Eine Literaturgattung des 20. Jahrhunderts,” in Jan Philipp Reemtsma, *Mord am Strand. Allianzen von Zivilisation und Barbarei. Aufsätze und Reden*, Hamburg 1998, p. 227–253.

<sup>xi</sup> Thus, strictly speaking, Elie Wiesel’s novels, Begley’s *Wartime Lies*, or Imre Kertész’s *Fatelessness* do not fall into this category, although even these ultimately fictitious narratives gravitate around the genre of survivors’ memoirs.

<sup>xii</sup> Richard J. Evans, *Szenen aus der deutschen Unterwelt. Verbrechen und Strafe, 1800–1914*, Reinbeck, 1997, p. 138.

<sup>xiii</sup> Ibid., p. 139.

<sup>xiv</sup> The other work that might be considered an exception from this rule (albeit for the German-speaking world only) is Christian Friedrich Daniel Schubart’s *Schubart’s Life and Convictions, Written Down by Himself While in Jail* (“Schubart’s Leben und Gesinnungen. Von ihm selbst im Kerker aufgesetzt,” in C.F.D. Schubart’s, *des Patrioten, gesammelte Schriften und Schicksale*, vols. 1 and 2, Stuttgart, 1839). However, even in the author’s intention, this autobiography, centered on the imprisonment that leads to his psychological breakdown, gains authority because this breakdown is described as a story of conversion.

<sup>xv</sup> Primo Levi, *Ist das ein Mensch?*, Munich, 1992, p. 117.

<sup>xvi</sup> Ibid., p. 9 [quoted in the Woolf translation – *translator’s note*].

<sup>xvii</sup> F. M. Dostojewski, *Aufzeichnungen aus einem Totenhause*, Frankfurt/Main, 1986, p. 413.

<sup>xviii</sup> To a certain degree. Victims of crime often say: “You can’t even imagine that!” And they’re right: what they have in mind is of course beyond ordinary imagination (if only because it actually happened, rather than being a figment of the imagination). On the other hand, listeners often say: “I can’t imagine that!” which only signals that they are (usually understandably) not keen on making an effort of imagination.

<sup>xix</sup> Imre Kertész, *Roman eines Schicksallosen*, Berlin, 1996, p. 270. Also see Jan Philipp Reemtsma, “Überleben als erzwungenes Einverständnis. Gedanken bei der Lektüre von Imre Kertész’ ‘Roman eines Schicksallosen’”, in Wolfram Mauser, Carl Rietcker, eds., *Trauma (Freiburger literaturpsychologische Gespräche/Jahrbuch für Literatur und Psychoanalyse*, vol. 19), Würzburg, 2000, p. 55–78.

<sup>xx</sup> See B. Fischhoff, “Hindsight is not equal to foresight. The effect of outcome knowledge on judgement under uncertainty,” in *Journal of Experimental Psychology: Human Perception and Performance*, No. 104(1)/1975, p. 288–299.

<sup>xxi</sup> Gottfried Fischer, Peter Riedesser, *Lehrbuch der Psychotraumatologie*, Munich; Basel, 1998, p. 180.

<sup>xxii</sup> See Jan Philipp Reemtsma, “Zur historischen Dynamik des Antisemitismus,” in Franz-Josef Hutter, Carsten Tessmer, eds., *Menschenrechte und Bürgergesellschaft in Deutschland*, Opladen, 1999, p. 109–117.

<sup>xxiii</sup> Similar effects may be observed in other histories of persecution (though they are less pronounced, which is due to the fact that the persecution of Jews has been going on for almost two thousand years): thus, North and Central American Indians’ unwillingness to become slaves was seen as an argument in

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favor of persecuting them, just as the successful deportation and enslavement of Africans was used to justify their enslavement.

<sup>xxiv</sup> See Manfred Henningsen, "Die Regime des Terrors," in *Merkur*, Vol. 51., No. 575/1997, p. 105–116.

<sup>xxv</sup> See Matthew Kneale's wonderful novel *English Passengers* (*Englische Passagiere*, Stuttgart; Munich, 2000).

<sup>xxvi</sup> "Die Tortur," in Jean Améry, *Jenseits von Schuld und Sühne*, Stuttgart; 1980, p. 55f. Attentive readers will have noticed that the present text has taken advantage of a fact it has explained: the authority of victims' memoirs. This can often be used instead of an argument.

<sup>xxvii</sup> Although one keeps seeing history or civics teachers stumbling through concentration camp memorial sites with their classes, trying to teach their pupils about how terrible life in the camps was.

<sup>xxviii</sup> Note that the question in Levi's title doesn't refer to the "inhuman" treatment by the Nazis, but to the passivity that inmates are no longer able to overcome by themselves (see Levi, p. 206).