Winning & War Crimes: What *Eichmann in Jerusalem* Means for *The Act of Killing*

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Abstract: In order to complicate facile comparisons between *Eichmann in Jerusalem* and Joshua Oppenheimer's *The Act of Killing*, this paper argues that each work can illuminate the other if they are examined by the gesture that organizes each: Arendt's and Oppenheimer's efforts to humanize their subjects. This approach allows us to understand the motivations driving each work: refining institutional memory for Arendt, agitating for official recognition of war crimes for Oppenheimer. Arendt's commitment to taking Eichmann seriously is mirrored by Oppenheimer's earnest engagement with individual perpetrators of the genocide that occurred in Indonesia in 1965-66. Because the regime that initiated these events is still in power, these perpetrators enjoy public admiration for their murderous pasts. Through this film, Oppenheimer is able to describe some of the costs of these unrecognized crimes against humanity—as well as the costs of ignoring an unpunished and so unapologetic regime. The film also reflexively highlights *Eichmann in Jerusalem*'s continuing significance as a moment of profound resistance to official narratives that oversimplify the significance of crimes against humanity. Rather than collapsing either of these works into a catalogue of guilt, taking them in alongside each other highlights the demands of justice unique to each colossal infraction against the global community. Indeed, Arendt thought the Eichmann trial should have helped legitimate the idea of a global community and support an international judicial system capable of meting out justice across the borders of nation-states. But *The Act of Killing* demonstrates just how inadequate the safeguards meant to ensure such a process are—the film interrogates what kinds of community current international human rights laws are capable of supporting while imagining a new community in pursuit of justice.

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Several commentators have drawn comparisons between Joshua Oppenheimer's *The Act of Killing* and Arendt's *Eichmann in Jerusalem*. For students of Arendt, Oppenheimer's film seems to invite comparison and not least at moments when its subjects, perpetrators of genocide, discuss relationships between their pasts to official history and to international human rights law. But most of these commentators simply align Arendt's Eichmann with the film's central subjects, Anwar Congo, Herman Koto, and Adi Zulkandry, and uncritically conclude that their

murderous behavior and intolerable (lack of) defense are simply another example of the banality of evil. Such conclusions ignore the debate Arendt had with herself over the appropriateness of the term, and (an especially un-Arendtian move) conflate the enormous contextual differences between these two documents and the events they depict. (In *Origins of Totalitarianism*, Arendt argues that each instance of genocide needs to be examined in its specificity to understand the unique threat it poses to the contemporaneous world order.) In *Eichmann*, Arendt speaks as member of an international community that recognizes the atrocities of World War II as crimes against humanity—part of the Eichmann trial's project was to incorporate this history into a judicial system. In contrast, Oppenheimer works from a position that is unintelligible to official historical and juridical discourse, agitating for recognition of these crimes against humanity as such. Instead of constructing a relation of identity between all of these killers, links between *Eichmann in Jerusalem* and *The Act of Killing* are better drawn from the gesture that organizes each of them: Arendt's and Oppenheimer's efforts to understand and humanize their subjects.

It is precisely this gesture that prompts fruitful questions about what it means to share a world, about judgment's relation to justice, about who makes history, and about what defines community. Each time Arendt considers one of Eichmann's points, exploring them thoroughly so she may refute them entirely, her critics find sympathy or worse, forgiveness. One such nod to Eichmann's personal account: "You told your story in terms of a hard-luck story, and, knowing the circumstances, we are, up to a point, willing to grant you that under more favorable circumstances it is highly unlikely that you would have ever come before us or any other criminal court" [i]. For decades critics have found this moments like these particularly distasteful—but their accusations of sympathy with Eichmann depend on a fundamental misunderstanding of Arendt's commitment to taking him seriously. They might understand her better if they look closely at the moment in *Eichmann* when Arendt re-condemns him to death. She closes the book by recapitulating and rejecting each aspect of his defense, continually returning to his instrumental role in the Holocaust:

> And just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations—as though you and your superiors had any right to determine who should and who should not inhabit the world—we find that no one, that is, no member of the human race, can be expected to want to share the earth with you. This is the reason, and the only reason, you must hang.[ii]

She invokes their mutual humanity not to diminish the seriousness of his crime but to highlight their mutual obligation to a worldly community—this move helps her describe the extent to which he has assaulted that community.

Her refusal to dismiss the man as a monster is, in my view, one of the reasons this book remains a work of politics in her special, restrictive sense—that is, a work that

allows individuals to understand each other, themselves, and the world they share with new clarity. This guiding commitment allows Arendt to make a certain mechanism of totalitarianism legible: in short, the thoughtlessness fostered by totalitarianism allowed Eichmann to go about his business without a twinge of conscience—and Arendt is only able to pinpoint this lack of conscience by studying his words carefully, by taking him seriously. From this standpoint, his crimes become appropriately horrifying precisely because (and not in spite of the fact) they were committed by a common person and not by a diabolical monster. And Oppenheimer's corresponding gesture demands that Congo's and Koto's stories of murder also receive the treatment that the idea of mutual humanity dictates. His decision to organize *The Act of Killing* this way allows some of these murders' distinct, singular effects to start becoming legible in multiple registers—historically, changing the categorical significance of these acts from murder to genocide; politically, documenting how a regime of fear institutionalizes and valorizes cruelty; and legally, reproaching the Indonesian government for its role in directing this slaughter.

In an interview with Amy Goodman, Oppenheimer tells us that the history of WWII atrocities gave him context for the ones in Indonesia: "it's as though I'm in Nazi Germany 40 years after the end of the Holocaust, and it's still the Third Reich, the Nazis are still in power. So the official history says nothing about the killings."[iii] The official history instead tells of a heroic purge in 1965-66, when a series of assassinations left Sukarno in power, who subsequently ordered that communists living in Indonesia be exterminated. Oppenheimer does not report this extermination as a series of undocumented crimes, however. Instead, he works to expose the costs of a regime built on uncriminalized and thus unpunishable genocide. He finds access to unacknowledged trauma at this community's core through the men commissioned to carry it out, the gangsters who helped found the regime by murdering thousands individuals and who continue to enjoy widespread admiration for it.

Indeed, the official history effectively commands these men to boast about their murderous pasts. Always happy to tell Oppenheimer their stories, two death squad leaders gladly accept his offer to tell their killing stories through film. Anwar Congo and Herman Koto, like Eichmann, are difficult to take seriously. But while Eichmann's stubborn defense makes him almost comic, it is Congo's and Koto's unchecked swagger that makes them difficult to believe. Like Arendt's sustained meditation on Eichmann's personal account, Oppenheimer's patient interlocution teases out some of the most nuanced effects of Sukarno's regime. It's worth noting here that facile comparison between Eichmann's "just following orders" defense and Anwar's and Herman's boasts carries the undesirable implication that we, or anyone, might meaningfully judge the latter. That assumption elides the fact that there is no institutional or political support to make such judgment meaningful (or political in Arendt's sense).

This fact draws us to a conversation Oppenheimer has with Adi Zulkandry, a death squad leader we meet halfway through the film. More than his flamboyant counterparts, Adi is vocal about his concerns regarding their film project and how it may contradict Indonesia's official history. A startling moment comes when Oppenheimer asks Adi about his past in the context of international law:

> Oppenheimer: I don't mean to make you uncomfortable, but I have to ask. By telling yourself it was war, you're not haunted like Anwar. But the Geneva conventions define what you did as 'war crimes.'
>
> Adi: I don't necessarily agree with those international laws…The Geneva conventions may be today's morality, but tomorrow we'll have the Jakarta Conventions and dump the Geneva Conventions. "War crimes" are defined by the winners. I'm a winner, so I can make my own definition. I needn't follow international definitions. And more important, not everything true is good…
>
> Oppenheimer: But for millions of victims' families, if the truth comes out, it's good.
>
> …
>
> Oppenheimer: What if you were brought to the international court in the Hague?
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> Adi: Now?
>
> Oppenheimer: Yes.
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> Adi: I'd go! I don't feel guilty, so why would I go? Because I'd be famous. I'm ready. Please, get me called to the Hague!

Adi's logic about international justice belies how easily viewers may take it for granted—and makes the work Arendt did to refine institutional memory (as reflected through supposed safeguards like the Universal Declaration of Human Rights, the Nuremberg laws, and the Eichmann trial) all the more admirable. Yet his logic also points out how flimsy those safeguards can be–making the work Oppenheimer is trying to do profoundly more difficult. Here again it becomes important to understand Arendt's argument about Eichmann's banality: she wants to understand it as a historical phenomena corresponding to the unprecedented development of totalitarianism. The banality of evil needs to be understood in its *novelty*, made visible by its historical situation as such. The history that gave rise to Adi's crimes is not the same; his discussion with Oppenheimer here also highlights how distinct events breed different evils—these events in Indonesia have bred an officially unrecognized evil which may, therefore, continue without apology. His pithy replies point toward all the communal work to be done in order to officially recognize his acts as crimes and begin on a path toward justice. By declaring himself a "winner"

who may thus define war crimes, Adi also paradoxically calls for the formation of a community to reassess and reassign his criminal status, to call the regime that validates his claims to account.

Later in *The Act of Killing*, Anwar plays the victim in a re-enactment of one of his own murders: piano wire around his neck, blindfold over his eyes. Visibly upset by the act, he claims to now understand how his victims must have felt. From behind the camera, Oppenheimer immediately corrects him, reminding him that the people he killed knew they were going to die while Anwar knows he is only acting. In the same interview, Oppenheimer notes that the remorse Anwar feels, feigned or not, is simply illegible under a regime that valorizes these murders as acts of heroism. He points out how Anwar Congo is unable to verbalize his pain at approaching these events: "the pain…that would be all over his face when he would watch his re-enactments, he would not dare articulate, because to do so would be to admit what he did was wrong. And he's never been forced to do so."[iv] Here we understand how this unacknowledged genocide precludes any attempts at defense, remorse, or apology by the perpetrators themselves; Anwar's negative feelings about the ordeal point less to his winging conscience that its total invalidity under the current regime.

It is in this light that Arendt's judgment, and her methods for reaching it (rigorously distinguishing between juridical propriety and historical necessity, between monstrosity and banality) take on historical significance as a moment of pressure on competing official discourses about the past, discourses that attempt to preclude earnest consideration of cultural trauma. Oppenheimer's agitation for communal and international recognition of this genocide highlights *Eichmann*'s continuing relevance as Arendt's attempt to install a nuanced memory into an international juridical consciousness. And it drives home the fact that the crucial difference between these documents is that of a communal order able to recognize and the crimes they describe. Oppenheimer makes this point explicit in a piece for the Guardian: "*The Act of Killing* is not about a genocide 50 years ago. It is an exposé of a present-day regime of fear…It is a film about fear itself, about the lies victors tell to justify their actions, and the effects of those lies, about an unresolved traumatic past that continues to haunt the present." With Arendt, then, we can recognize the stakes of ignoring such a regime, for it jeopardizes an international community's capacity for justice and undermines the role of institutional memory in that pursuit. She reminds us that, in a functional judicial system a

> "wrongdoer is brought to justice because his act has disturbed and gravely endangered the community as a whole, and not because, as in civil suits, damage has been done to individuals who are entitled to reparation. The reparation in criminal cases is of an altogether different nature; it is the body of the public itself that stands in need of being "repaired," and it is the general public order that has been thrown out of gear and must be restored, as it were."[v]

The Act of Killing makes its viewers a part of this public body, and does a great deal of work in rendering visible the community in need of repair.

Notes

i Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin Classics. 1964.
ii Ibid.
iii Joshua Oppenheimer, Interview by Amy Goodman. *Democracy Now!* July 19, 2013.
iv Ibid.
v Arendt, *Eichmann in Jerusalem*.

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