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The Holocaust as Fiction: Derrida's *Demeure* and the Demjanjuk Trial in Philip Roth's *Operation Shylock*

Tamas Dobozy

Witnessing for the Witnessing of the Witness

In *Demeure: Fiction and Testimony*, Paul Celan haunts Jacques Derrida's meditation on juridical testimony: "no one / bears witness for the / witness" (Celan 241). Seeking to avoid the infinite recurrence suggested by Celan—that of one witness testifying to the legitimacy of another witness testifying to the legitimacy of another witness—juridical authority introduces a pragmatic interruption, authorized by an oath "to tell the whole truth and nothing but the truth," that makes testimony possible. Derrida's reference to Celan suggests the equally troubling fact that language, as the mode of testimony, always attests to temporal discontinuity, to the loss of the instant testimony recalls (*Demeure* 31). In other words, legal truth is continually confronted with its inability to recapture the witnessed instant, except as a juridically guaranteed performance on the part of the witness, whose credibility rests on the fact that the witnessed instant is exclusively his or hers (43). The witness, in testifying, has juridical legitimacy insofar as he or she transmits an experience that remains irreducibly private. The act of witnessing makes witnessing impossible, since it permits the jury to act on behalf of a knowledge that—by the very juridical process that authorizes the witness—it cannot claim. The credibility of testimony is such that any admission of that testimony becomes in-credible.

To be a witness and to remain a witness is to be the keeper of what cannot be spoken: "What I testify to is, at that very instant, my secret; it remains reserved for me. I must be able to keep secret precisely what I testify to; it is the condition of the testimony in a strict sense, and this is why one will never be able to demonstrate [. . .] that a perjury or lie has in fact taken place" (*Demeure* 30). In the instant that the instance of experience becomes testimony, its transmission blasphemes precisely what grants it status: the experience of an

event that cannot belong, except under the illusion of an oath, to any other. However, in becoming language, in permitting a belonging of the experience to the jury as language, testimony fuses its possibility with the possibility of fiction, with the “observations” of one who did not actually witness.

This deconstructive turn on witnessing provided by Derrida’s *Demeure: Fiction and Testimony* illustrates the central aim of this essay: to bring together Derrida and the representation of the Demjanjuk trial in Philip Roth’s *Operation Shylock: A Confession*. The focus on the Demjanjuk trial is not meant to detract from the remainder of the novel but to critique how Roth’s depiction of testimony—his deconstruction of the juridical legitimacy of the witness—offers possibilities for Holocaust writing beyond the polarized debate that it frequently inspires. Faithful to both the necessity of maintaining the unspeakability of the Holocaust and of not permitting the Holocaust to lapse into silence, Roth, in dramatizing the Demjanjuk trials, crafts a Holocaust testimonial that speaks of unspeakability, that maintains silence and history.

The Honest Nazi

Of course, Derrida’s discussion of testimony seems, by now, yet another of deconstruction’s tired stalemates. For Derrida’s adherents, it is another instance of the inoperability of our epistemological procedures; for his detractors, it is a dismissible attempt to make us think that those procedures are inoperable. But when John Demjanjuk, the man reputed to be “Ivan the Terrible” of the Treblinka concentration camp, stands at his trial in Roth’s *Operation Shylock* and accuses Eliahu Rosenberg, a former prisoner at the camp, of bearing false witness against him, the deconstructive “play” becomes grave. After Demjanjuk’s lawyer dismantles Rosenberg’s testimony, proving it nothing more than a “particular version” (300) of what happened at Treblinka, Demjanjuk stands and shouts, “*Atah Shakran!*,” which Roth translates as “You are a liar” (301). Thus does the juridical process render the testimony of a Holocaust survivor fiction, in support of a man who, if not actually Ivan the Terrible, was most certainly employed in effecting Hitler’s “Final Solution” (Muravchik 48). More horrifically, the Holocaust, in this instance, serves Demjanjuk’s defense as an irreducible phenomenon, resistant to communicability.

Here, Roth’s novel, in a prescient move, cuts to the heart of critical debate on the Holocaust—one caught between the necessity of recognizing the Holocaust’s unspeakability (Steiner 123) and the ethical necessity of remembering and historicizing the Holocaust to ensure that it never happens again (Rosenfeld 14; Schwarz 22–23; Wiesel 15). As *Operation Shylock* demonstrates, the risk of the first critical mode is that the Holocaust becomes a kind of negative theology, wherein the only proper approach is a silence that risks forgetfulness; the threat of the second is that it will result in competing versions of the Holocaust, wherein the six million dead are subordinated as proof, lesson, or justification for a greater political “truth,” suggesting that the Holocaust is redeemable within the

economy of a specific cultural or political program. Cynthia Ozick expresses this notion most eloquently in an essay on Primo Levi:

Cardinal John O'Connor's theologizing not long ago—which led him to identify the torments of Auschwitz as a Jewish gift to the world—is no doubt indisputably valid Roman Catholic doctrine concerning the redemptive nature of suffering; but, much as the observation was intended to confer grace on the victims, it strikes me as impossible, even for a committed Christian, even for an angel of God, to speak of redemption and Auschwitz in the same breath. What we learn overwhelmingly from [Primo] Levi is this: if there is redemption in it, it cannot be Auschwitz; and if it is Auschwitz, it is nothing if not unholy. (44–45)

As with Levi, so it is with Roth, or at least the Roth of *Operation Shylock*. Quite simply, there is no way of rendering the “unholy” that was the Holocaust in a language of redemption. The challenge in speaking of the Holocaust is to somehow enact in language—the very vehicle, if not essence, of meaning and, hence, redemption—the unholiness that is the Holocaust.

Roth clearly situates his text in the midst of this challenge, documenting “both the impossibility and the need to speak about the Holocaust” (Colin ix). In the aforementioned courtroom scene, the lapses and contradictions in Rosenberg’s testimony raise the specter of testimony as narrative, pitting the consistency required for juridical credibility against the illogic evident in the elisions of storytelling. Simply put, there can be no “versions” of the Holocaust; it lies outside the subjectivity of a given rendering or meaning. The “false” testimony of Rosenberg is, in the courtroom, made to attest to the singularity of the Holocaust. Furthermore, in Demjanjuk’s appropriation of Hebrew—turning the language of the Jew against the Jew in his accusation “*Atah Shakran!*”—Roth demonstrates an appropriation of the Holocaust as negative theology; the unutterability of the *Shoah*, underlined in this case by the negating use of the official language of the Israeli state, Hebrew, threatens to turn Demjanjuk, a prison guard at a Nazi death camp, into the moral conscience of twentieth-century Jewish history.

The Art of Adorno’s Paradox

This disturbing development marks a novel whose formal aspect obstructs the development of a rationality that would make the Holocaust either a justification for political agendas—such as Smilesburger’s right-wing Zionism, or Pipik’s anti-Israeli diasporism—or an inexplicable event situated in a no man’s land outside history and language. As critics have attested, *Operation Shylock* is a novel in which meaning and nonmeaning dialectically merge. At every turn, the novel expresses an ambiguity that never permits the Holocaust to settle into the ideological or the sacrosanct, and nowhere is this ambiguity more apparent than at the moment when the Holocaust, as a juridical, historical, empirical fact, becomes accessory to the acquittal of a Nazi. At the same time, however, Roth does not suggest that the Holocaust is somehow redeemable in art, that only as fiction can the Holocaust exist, because this

would be to suggest that the Holocaust can only be signified negatively, as a false testimony, where denunciation acts as a shadow to the real. As Roth suggests, this would result in the Holocaust becoming an entertainment—a “Holocaust industry”—an insult delivered to survivors of the death camps to make us more deeply aware of the unapproachable uniqueness of their experience. With characteristic irony and terror, Roth transforms an advertising slogan late in the novel: “FOR THE SMOKE SCREEN THAT HIDES EVERYTHING, SMOKE HOLOCAUST” (296; capitals in original). In *Operation Shylock*, with its many doppelgängers and its blurring of genre distinctions between fiction and nonfiction, Holocaust writing becomes an extreme metafiction that attempts to continually outdo its own fictionality to preserve the Holocaust either from inexplicability or appropriation. The trick, for Roth, is neither to remain silent on the Holocaust, nor to define it, but to be voluble to the point of logorrhea on how and why one cannot speak. The proper disposition toward the Holocaust is to speak and speak and speak of its unspeakability. In this way, the Holocaust remains active in historical memory, rather than becoming “settled”—another link in a chain of causality legitimizing this or that ideology.

Operation Shylock thus presents itself as a fiction that continually charges itself with the crime of perpetrating a nonfiction, and vice versa, in an aesthetic of extreme wariness that Roth suggests should inform all attempts at rendering the Holocaust, either as testimony, juridical fact, self-evident history, or art. The novel turns on the paradox discussed by Theodore Adorno:

It is the situation of literature itself and not simply one's relation to it that is paradoxical. The abundance of real suffering permits no forgetting [. . .]. But that suffering—what Hegel called the awareness of affliction—also demands the continued existence of the very art it forbids; hardly anywhere else does suffering still find its own voice, a consolation that does not immediately betray it. (88)

As Roth is well aware, the Holocaust novel is poised between history's “demand” for representation and the “forbidden” transformation of the Holocaust into the entertaining medium of art. Throughout, *Operation Shylock* remains resolutely suspicious of the “demand” it fulfills (including the supply and demand of the Holocaust industry) and the “consolations” it offers. The central “voice” of the many voices in the novel is that of the novelist aware of the false witness he bears, the “betrayal” that does not happen “immediately,” but, as per Adorno, eventually. The disclaimer at the end of the novel, which details the conversion of nonfiction into fiction (399) or, rather, merges fiction with nonfiction, makes us wary of the mutual dependence of these two genres, how the possibility of one is the possibility of the other, without at the same time knowing which one comes first. Roth makes us aware that it is the frame around the language (“fiction” or “nonfiction”) that provides the truth-value for any given utterance. His novel is in keeping with Derrida's contention that testimony is a performance rendered legitimate not by its internal consistency or self-evidence, but by the political and social scene of its

performance. This scene, however, often poses the greatest threat to the viability of historical memory, as well as determining the language that by its very function nuances and “interprets” the Holocaust.

Languages Sacred

Operation Shylock takes repeated stabs at Hebrew as the vehicle of authenticity: “As if this Jew who now speaks Hebrew isn’t just *another kind of Jew*—as if speaking Hebrew is the culmination of human achievement!” (125; emphasis in original). Although this bit of dialogue belongs to the rabidly anti-Zionist George Ziad, it foreshadows one of the central dilemmas occupying Roth’s novel and its critique of testimony: namely, that juridical legitimacy, like the Hebrew of Zionism, rests on sanction rather than the self-evident. This situation recalls *Demeure’s* depiction of testimony through literature: “Its passion consists in this—that it receives its determination from something other than itself” (28). What “determines” the given effect or value of literature is that its “passion” is always “determined” from elsewhere, the place from which one can designate the simulation that is literature (29). Nonfiction is the place from which literature can be designated, although it, in turn, depends on literature as an exteriority against which it erects its boundaries, over which it determines its jurisdiction. Ziad’s statement points out that the “official” language is dangerous because it posits a “place” from which official pronouncements may be made, preventing the recursion that would destabilize its singular authority: “*another kind of Jew.*” Ziad suggests that the authenticating principle of Hebrew—strategically deployed by Demjanjuk—is dangerous precisely because it is used not to enable Jewish identities, but to maintain an authenticity by designating the inauthenticity of “other kinds” by all who do not speak in the language of legitimacy. In bringing together Hebrew and Demjanjuk—with the words “*atah shakran,*” no less—Roth suggests that the use of Hebrew to designate a “true” Jew verges on a monolithic view of “Jews” not much different from that posed by the “language” of Nazi Germany, which also designated the “true” Jew. Roth nihilistically suggests that the establishment of Hebrew is itself as arbitrary as the “others”: “Zionism undertook to restore Jewish life and the Hebrew language to a place where neither had existed with any real vitality for nearly two millennia” (44).

What is determinate is oppressive, arbitrary, and false; what is indefinable, ambiguous, and formless is, more often than not for Roth, the theater of life. This is perhaps his greatest blasphemy: it is as literature that the Holocaust is most faithfully, albeit paradoxically, preserved, as a site beyond official (and thus transferable) appropriation: “Even when [literature] harbors the unconditional right to say anything, including the most savage antinomies, disobedience itself, its *status* is never assured or guaranteed permanently, at home, in the inside of an ‘at home’” (*Demeure* 28–29). The experience of the Holocaust is never a “status,” a measure or category of a juridical, national, or even epistemological

index. Only as the constantly questionable, the never “at home,” does Holocaust testimony ethically subsist, demanding we recognize its status as “homeless” in and as language.

Languages Profane

In suggesting that the language of testimony is the language of literature, Derrida, like Roth, deconstructs the assumptions inherent in juridical testimony:

How can one testify to what, in principle, is destined to refuse itself to testimony? The engagement to keep secret is a testimony. The secret assumes not only that there should be some witness, be it, as one says, to share in a secret, but it assumes that the testimony will not simply consist in knowing or making known a secret, in sharing it, but in engaging oneself, in an implicit or explicit manner, to keeping the secret. In other words, the experience of the secret is, however contradictory this may seem, a testimonial experience [. . .].

Testimony seems to presuppose the instance of the instant that, at that very instant, however, it destroys. It destroys it as if it were destroying its own condition of possibility. (*Demeure* 32)

Derrida suggests that testimony is an act of testifying to an “instance” that must forever remain a “secret”—that is, only fully experienced by the witness him- or herself—which is “shared” and made into a witnessed instance through a language act (29–30). The point here is revelation: the notion that language, within the proper political-social context, can result in a transcendence of self and history. This becomes important for *Operation Shylock* if we consider that the notion of a “secret” or nontransferable experience is part and parcel of Holocaust ethics. However, because testimony is always an “instant” of attestation to an instant, which, to retain its weight as testimony, remains “secret”—exclusive to the witness—then testimony is, at best, the “simulation” of experience for the jury. By making the event no longer secret, by making it public, testimony “destroys” the very instant testified to. The problem, then, is not that Demjanjuk discredits Rosenberg on the basis of creating a fiction, but that the court fails to see the fiction—authoritative language, the juridical performance, the demand for narrative consistency—on which Demjanjuk’s defense rests. The very act of an authenticating testimony, then, returns us to the specter by which all testimony is haunted: language-as-simulation (*Demeure* 29–30). In pointing this out, Roth suggests that it is the awareness of the inoperability of testimonial language that safeguards the actuality of the Holocaust beyond the national and political concerns that subordinate it to their own purposes.

By drawing attention to Rosenberg’s “lie,” Demjanjuk returns us to historical experience not in spite of fiction but because of it. Therefore, the “*atah shakran!*” is an authenticating not of Demjanjuk’s innocence (indeed, it casts his experiences back into an inaccessible secrecy), but of the veracity of the Holocaust, Rosenberg’s experiences, and the existence of Ivan the Terrible—not as determinations of a politicized trial, or of the aims of Israeli statehood, but as events in

and of themselves. The very simulation by which juridical testimony functions keeps before us the partiality of all testimony, all evidence, produced in the name of singular or monolithic truths. The “secret” that is the Holocaust experience prevents the emergence of a mendacious, unselfconscious, absolutist agenda such as that of the Nazis. By presenting the fiction of public record and the juridical violation of the secrecy of experience, Roth reminds us of how the Holocaust is preserved from appropriation either by the right or the left. The problem, of course, is that in doing so, he preserves it from any sort of appropriation whatsoever, including that of the Holocaust survivors who witnessed it. If any speaking of the Holocaust is a profanation, then there is no way to properly speak of the Holocaust at all.

The Weld of Opposites

Critics such as Derek Parker Royal have noted the inseparable cohabitation of fact and fiction that characterizes *Operation Shylock*: “[Roth] asks us to consider [the] relationship between fiction and autobiography, the dynamics involved, and the implications of this mixture” (50). As a “confession,” the novel also is a testimony, namely to the presence of the self before the unspeakable secret; a testimony, because of the intransmissibility of what it speaks about, that can only emerge as fiction. As Steven Milowitz writes, Roth’s fictions, especially *Operation Shylock*, are marked by a “fascination” (148) with the Holocaust that continually returns the reader to the horizon of the unspeakable, never further: “Fascination connotes not merely curiosity or morbid wonder but excitement, the thrill of investigating an event beyond the realm of understanding, an inexhaustible and unique subject. It is the fascination that both moves Roth and his protagonists and which cements a sense of shame, a twentieth-century original sin” (148). In the same sense that Derrida’s deconstruction is “inexhaustible,” continuing along an infinite chain of terms (*Grammatology* 15), so too are the possibilities for speaking of the unspeakable Holocaust.

According to Milowitz, the shame of appropriating the Holocaust for the purposes of artistic, personal, and/or political meaning motivates a number of Roth’s fictions and ultimately comes to feature as a “sin” against the “uniqueness” or privacy, self-evidence, and self-containment of that occurrence. What Roth’s fictions note, what they mark as a “sin,” is the “exhausting” of the Holocaust, its use as a definitive meaning in a comprehensive political program. To counter this, his fictions demonstrate the inexhaustibility of the Holocaust, its constant deferral into yet more signification, continually reintroducing the Holocaust as beyond definitive representation and, thus, appropriation. It is the “versions” of the Holocaust that prevent its emergence as a definitive language or mode of language. When Demjanjuk accuses Rosenberg of lying, he confines the truth of the Holocaust to a set of specific juridical co-ordinates or narrative structure, and it is this, ultimately, that features as a “sin,” as an unethical response to the Holocaust, rather than Rosenberg’s testimony, whose interpretative, aesthetic, fictionalizing gesture returns us to the impossibility of operating in a singular manner vis-à-vis the

Holocaust. While Milowitz is speaking of the depiction of the non-Holocaust Jew and his or her guilt-ridden relationship to the Holocaust and its survivors, his observations dovetail with the deconstructive turn given Holocaust witnessing in *Operation Shylock*.

Similarly, Alan Cooper describes how the playfulness of *Operation Shylock* reveals Roth's "higher understanding that fiction was itself an indirect apprehension of truth" (255). The keyword here is "indirect." It is this indirection of "fiction," its oblique referencing of a "truth" that cannot be directly gazed on, that forms the crux of the novel; the "directness" demanded of Rosenberg by Demjanjuk's lawyers to prove their client's guilt is exactly what demonstrates their appropriation of the Holocaust to their purposes, dismissing artistic truth as "untrue" because it does not follow the narrative pattern laid down by the law. However, this playing of the Holocaust on a register of "truths" is, as Milowitz notes, the "original sin" of the twentieth century, one condemned by the writer Aharon Appelfeld in the interviews included in *Operation Shylock*:

I tried several times to write "the story of my life" in the woods after I ran away from the [concentration] camp. But all my efforts were in vain. I wanted to be faithful to reality and to what really happened [. . .]. The result was rather meager, an unconvincing imaginary tale. The things that are most true are easily falsified.

Reality, as you know, is stronger than the human imagination. Not only that, reality can permit itself to be unbelievable, inexplicable, out of all proportion. The created work, to my regret, cannot permit itself all that. (86)

In turning the Holocaust into a creative work of jurisprudence, Demjanjuk's lawyers, like Appelfeld, break "faith" with reality to create a tale that is "believable," "explicable," and "in proportion." However, unlike Appelfeld, whose work evinces a "childlike simplicity" that reduces "events to their essentials" to render the "experience of the unspeakable" (Schwarz 250), Demjanjuk's lawyers are unwilling to admit the artifice that produces the reality effect of their account. What they condemn in Rosenberg's account is precisely a reality that, narrated as such, is "stronger than the human imagination" and can only appear as a "falsified" or "unconvincing" tale. Paradoxically, the believability of the Holocaust depends on its degree of aestheticization. Here, Roth's critique of the fictionality of nonfiction becomes most acute, because Demjanjuk can, as Appelfeld points out, hide reality behind what amounts to the dominant mode of truth. What Roth points out is that the reality effect is a determination of genre. Demjanjuk's defense relies on the illusion of commensurability between "representation" and "effect" that Michael Bernard-Donals critiques: "Events of history are heterogeneous because their interpretive significance and their effect upon the participant's and the observer's lives are by definition incommensurable" (67). Bernard-Donals's argument is in keeping with Appelfeld's recognition that only in fiction—a manifest untruth—can we apprehend the rupture that accompanies any attempt at putting the Holocaust as an instant, as a "reality," as an "effect" on the life of

the Holocaust survivor, into the “proportion” of language and narrative (73). In other words, a believable discourse on the Holocaust can only exist as a fiction of nonfictionality, or a nonfictional fiction, precisely the sort of work that Roth crafted in *Operation Shylock*. His work continually reminds us that any discursive rendering of the Holocaust is ultimately an act of the imagination, confining to limits what can only ever be radically “disproportionate.”

Roth’s Holocaust writing, then, welds together incommensurables: fiction and nonfiction. We might say that its fiction must testify to its nonfictionality and hence to the reality of an instant that is intransmissible except in a metaphor that obscures rather than reveals what it represents. The moment that Holocaust discourse purports to be “faithful to reality” it “domesticates” the Holocaust (Bernard-Donals 70) or turns it into a mere “convention” (67). Appelfeld’s project, like that of Roth or of Bernard-Donals, is not to determine who lies and who tells the truth about the Holocaust, but to craft narratives ruptured by the unspeakability of the Holocaust, in which the human “imagination” encounters its limits and, in doing so, encounters the “extremity that lies beyond it” (Bernard-Donals 73). This requires not a respectful silence, but a continuous speaking that is both a denial of silence and also recognition of it. While Demjanjuk’s lawyers are involved with maintaining “proportion,” with keeping reality and history “homogenous”—that is, transmissible from person to person in the form of a stable “truth”—Roth is busy illuminating the “heterogeneity” of history, as it manifests between “interpretive significance” and “effect.” *Operation Shylock*, then, is less concerned with whether Rosenberg is telling the truth, but in what the interplay between Rosenberg’s “story” and Demjanjuk’s accusation brings us back to: a moment of rupture in which we are left babbling before the actuality of the Holocaust. This is not to ease Demjanjuk’s guilt, but to cast the squabbles of lawyers over the specific identity of a verified death camp guard as precisely that: squabbles, with no relation at all to justice in any ultimate sense.

A Morality of Lies

Operation Shylock offers a dialectical vision in which the authority of testimony and the “lie” of fiction return us to the instant where speaking about the Holocaust begins, when effect begets interpretation, or when reality and fiction are, for a moment, inexplicably fused. Indeed, there is no comprehension of an event without simulation, without the thought that registers its occurrence, but always after the fact, and is thus already reflecting on or interpreting it. Speaking of his cousin Apter’s persecution conspiracies, Roth says, “I myself never inquire about their veracity. I think of them instead as fiction that, like so much of fiction, provides the storyteller with the lie through which to expose his unspeakable truth” (58). Here is another moment of synthesis: Lie with truth, spoken with the unspeakable. Or, as *Demeure* puts it, the origin of testimony is the origin of fiction: “It is [. . .] with the technological both as ideality and prosthetic iterability, that the possibility of fiction and lie,

simulacrum and literature, that of the very right to literature insinuates itself, at the very origin of truthful testimony, autobiography in good faith, since confession, as their essential compossibility” (42). Here, Derrida comments on the transformation of an irreducibly personal, temporal moment into a communicable representation. “Iterability” is a “technological reproduction” of experience, in which the technology that is linguistic representation is both “ideality” (concept substituting for occasion) and “prosthetic” (language as a device for overcoming one’s temporal limitations, for extending one’s power over the occasion by being able to re-create it at will, even if only as a simulation). Thus, the technology of representation informs the “compossibility” of—the possibility of composing—both testimony and literature. Through this technology, a temporal occasion—occurring prior to representation—becomes repeatable as a description and thus intelligible, hence “idealizable,” as an event in the mind of another: “[T]he singular [becomes] universalizable” (41). The origin of truthful testimony is simulation itself—a language that, in the guise of reproducing experience, only ever simulates it. Testimony calls on the jury to exercise its imagination, to ideationally take the place of the witness, to pretend to experience what it did not experience. As Roth reminds us through Apter, “understanding” the testimonials of Holocaust survivors is only possible insofar as the technology of language (simulation) takes over from the “unspeakable truth” (the experience of the Holocaust). We become aware of the condition of testimony as the condition of fiction precisely because we did not experience the Holocaust, because we are not Holocaust survivors, because we speak of experience without experience, of effect without effect. Self-conscious fiction, then, becomes a means for recalling the unspeakable when juridical testimony forgets its own basis in simulation.

In Roth’s depiction of the Demjanjuk trial, fiction, therefore, becomes a fail-safe, a response to both George Steiner’s and Theodore Adorno’s assertions, and consistent with Milowitz’s suggestion that we can only “respect [the] uniqueness [of the Holocaust] by not invoking it” (153) or, better, by continually not invoking it. By returning to the limits where the possibility of testimony is the probability of fiction, Roth respects the Holocaust by making invocations that are not equivalent to it. In this way, Roth answers Lawrence Langer’s question, “How should art—how can art?—represent the inexpressibly inhuman suffering of the victims, without doing an injustice to that suffering?” (1). Roth represents the inexpressible by expressing it *in its inexpressibility*, by expressing it as a nonfiction that is continually haunted by its fictionality. Every Roth is shadowed by a Pipik. Every assertion of fact carries its lie with it, only to be followed by another assertion, thereby allowing Roth to speak the unspeakable. Justice is, therefore, negatively measured by the injustice of Demjanjuk’s remark, which reminds us that to speak of the Holocaust as fact, or under compulsion of consistency, is to further muddle an experience beyond transmission. To deny simulation where the Holocaust is concerned is to corroborate the Nazi lie, because all attempts to equate a

mode of discourse with reality is to perpetrate the basis on which the Holocaust occurred.

Throughout *Operation Shylock*, Roth marks the difference between a testimony of the Holocaust and the experience of the Holocaust as Derrida's "place of literature": "If testimony is passion, that is because it will always suffer both having, undecidably, a connection to fiction, perjury, or lie and never being obligated—without ceasing to testify—to become a proof" (*Demeure* 27–28). Significant here is precisely the problem of "obligation," that testimony is not obliged to be "proof" precisely because it is, by its very function, not provable. This "thing," then, testimony, which is never "undecidably" itself but always present in sufferance for something else, to "[claim] to testify in truth to the truth for the truth" (27), is marked by an instability, by a function in service of the truth but without being decidably true. Therefore, Demjanjuk's accusation, "*Atah Shakran!*," is, in fact, the lie, the unethical treatment of experience and effect, because it suggests that his juridical language, in contrast to Rosenberg's, is absolutely true. This view in which a modality of language is equivalent to truth raises the specter of Nazism, whose singular reading of history led to the Holocaust, whose unutterability forestalls any discourse that does not recognize simulation as its "compossibility." This, of course, is further complicated by the fact that for the English-speaking reader Roth needs to translate "*Atah Shakran!*" into "You are a liar,," removing us yet another step from the scene to which both men are testifying. Translation is both a literal and an ontological problem.

The Demon Side

Milowitz contends that Demjanjuk, in *Operation Shylock*, serves as "the demon side of deconstruction"; his "infinite play of words [. . .] drown all fact, all authorship, in language" and is "a means of removing the stain of the Holocaust, removing the guilt, removing the very facts of atrocity" (186). For Milowitz, Demjanjuk figures as a principal of over-theorization, as a character who denies the fact of the Holocaust by playing fast and loose with the discursive process of the trial. However, the opposite is quite true: Demjanjuk speaks only of the facts and is primarily a figure for the juridical, fact-based process, which everywhere derides and represses accounts not rendered in its one legitimate mode of address. It is by relying on fact that Demjanjuk manipulates the Holocaust to his own ends, evades responsibility, and thwarts justice, because his testimony occurs in opposition to the fictional mode of Rosenberg. It is because his lawyers demand that facts and only facts be presented in the case against him that the trial ends inconclusively, leaving us in the dark as to Demjanjuk's guilt or innocence.

By eliminating the "specter" of testimony, fiction, Demjanjuk manages to take shelter from the facts within factuality itself. By denying the truth of testimony arrived at by deconstructive logic—that the specter of fiction must be recognized within all testimony—Demjanjuk manages to leave the "truth"

open-ended, unresolved, forever embattled by the play of juridical “factuality.” However, Milowitz’s argument may be pressed into service even here, for he suggests that the primary thrust of *Operation Shylock* is the fusion of doubles rather than the erasure of one behind the other: “The integrated cannot leave one self behind, cannot use the deconstructive trope to make his past into a fiction” (186). Milowitz suggests that Roth’s novel, rather than seeking the separation of fact and fiction, as Demjanuk and his lawyers do, rather seeks a synthesis of the two, in a way that simultaneously suspends “contraries” to remind us of “consequence” (186). What is at stake, then, in the trial of Demjanuk is not so much whether or not he was Ivan the Terrible, but rather what happens when the Holocaust becomes transmissible fact, an experience no longer of the survivor who suffered but of a jury and a Nazi who was an instrument of suffering. By enacting a fusion of Demjanuk’s fact-based testimony and Rosenberg’s fictionalization, Roth, on the level of the text itself, restores us to the Holocaust as a unique event outside the appropriation to which it is subjected by the Israeli Supreme Court.

Rosenberg’s testimony is discredited because of its fictional modality. He is called to task for presenting an experience in a mode that falsifies that experience by running counter to the mode demanded by juridical testimony. In this sense, Appelfeld’s writings on the Holocaust would be equally suspect. In short, what Demjanuk’s lawyers do is make it impossible for Holocaust survivors to testify to their experiences through the very mechanics of juridical testimony. They misapply deconstruction, failing to recognize its ethical implications. Introducing the “memoir” of Treblinka written by Rosenberg in 1945, the defense notes the discrepancy between Rosenberg’s present testimony and the reportage in the memoir, “in which, apparently, just months before the end of the European war, Rosenberg had written of the death of the very man into whose ‘murderous eyes’ he had gazed with such horror and revulsion back on the seventh day of the trial, or so he had sworn” (291). The difference between Rosenberg’s “sworn” testimony on the stand contradicts the claims of the “memoir,” suggesting that one, or either, or both, are not “truth” at all, or not valid testimonials, but rather fiction. At this point, Chumak, Demjanuk’s lawyer, conflates testimony with truth: “And I put it to you that if you wrote this, you must have seen it” (292). However, as we have already seen, testimony is never proof but always an attempt to make something else true, although that something else is only made present, and thus true, by an oath. In other words, just because someone swears to the truth does not mean that what they are saying *is* the truth, an obvious point that is lost on the Demjanuk trial.

What Roth demonstrates is the difference between the “instant” of testimony—the moment, say, of taking the stand, swearing, and delivering testimony—and its “instance”—the content that it seeks to secure as truth. According to *Demeure*, the act of testifying is, therefore, an “offering” (38) to, rather than the presence of, the transcendental “instance” whose authority it

seeks to enforce: “I [the witness] could say to them in French: I am speaking English, and there would also be a content, it would be a false testimony, but it would be a content distinguishable from the act of testifying” (38). What Derrida illustrates here is the way testimony is never truth, but rather the act of making a “claim,” never determining its own truth but rather the truth of what it is enacted for, a truth, however, that it can never be since testimony is always only its present act, its present performance. In the above example from Derrida, we may understand French, but that affirmation, that linguistic compact between witness and jury, has no bearing on the truth or falseness of what the witness says. The French words may very well be saying that they are English without us misunderstanding what is being said; the problem is that the lack of misunderstanding on the literal level must not be equated with the idea that we have an “understanding” on *what* is being said, the truth or falseness of the utterance.

Although the Holocaust, as Naomi Mandel points out, is a word we understand as referring to a particular historical event, it by no means confers on us an understanding of the effect of the Holocaust (204–05), nor even that such an experience may be, without contradiction, encapsulated in a word. Yet this equation is precisely what lurks beneath the strategy of Demjanjuk’s defense lawyer, turning false witness into fact by an equation of testimony with proof and vice versa. Rosenberg’s “memoir” then, like all testimony, is an act that is not the Holocaust in itself but rather a passion for the Holocaust, and it is this distinction that Chumak seeks to efface.

Judging the Judgment of the Jury

What occurs, then, during the cross-examination of Rosenberg by Chumak is Roth’s interrogation of our own positions vis-à-vis the Holocaust: “Again Rosenberg set out to clarify that what he’d written was based, of necessity, on what he had been able to observe as a participant in the uprising and on what all the others had told him afterward, in the forest, about their involvement in what they had seen and done” (292). Here, Roth comes to the crux of ethical debates on the Holocaust, suggesting that the figure of Rosenberg is emblematic of the “necessity” that governs Holocaust testimony. On one hand stands the “participant” and “observer,” who was present at Treblinka during the uprising, and, on the other, the one to whom the “others” testify and who records that testimony. Rosenberg unites, in a single figure, the synthesis of particular/universal that must be observed if we are to attain the “necessity” of justice. Here, “justice” means the recognition of the Holocaust as an experience irreducible to a comprehensible/appropriable language and, at the same time, the necessity of recognizing that it did happen and that there are criminals who need apprehending. The Holocaust is unspeakable not because it did not happen but because it is incommensurable with anything (including language) other than itself. Justice comes in recognizing that, even while we seek to render its crime equivalent to a punishment imposed by the letter of

the law, we will never do it justice. For Roth, doing justice to the Holocaust requires a disposition wary of any law that would seek to “truthfully” answer for, or redress, or equate its terms with the Holocaust.

Certainly, neither Roth nor Derrida wishes to suggest that the Holocaust did not happen. Indeed, there is an enormous difference between fiction, the transmission of an experience that never happened, and Holocaust testimonial, which is the attempt at transmitting an experience that did happen but which is intransmissible. However, what Roth argues for is the mistaking of the modality of Holocaust recollection authorized by legal, political, and aesthetic discourse for the Holocaust itself. To believe in the absoluteness of any one discourse on the Holocaust is to lose a sight of the representation, or simulation, that attends all such discourse. To forget the partiality of such accounts is to displace the Holocaust in preference to a particular political-social-cultural register, which is ultimately to use the Holocaust instrumentally, to redeem it as a proof, to make it render a service. Roth reminds us that any such discourse creates a dwelling for experience where experience cannot reside and thus introduces an uncertainty that is the uncertainty of fiction: the place where experience does and cannot dwell. We do need to bring men such as Demjanjuk to trial, but doing so involves the responsibility of paying attention to our own representation of the Holocaust. It is not a question of inaction but of being vigilant against the consequences of and assumptions beneath such action. After all, it was the mistaking of representation for truth, in the case of the Jews, that Hitler relied on in advancing the “Final Solution.”

In other words, for Roth, the Holocaust can never become a permanent signifier. This imperative, this “must,” does not mean that Roth also is guilty of ideological appropriation, at least if we understand ideology as a representation that calls itself true. On the contrary, *Operation Shylock* is a “confession” that leaves out what its title confesses to, refusing to authorize language as the definitive transmitter, or dwelling place, of experience. Roth’s confession is that confessions are impossible. When Smilesburger finally admits, “I do what I do because I do it,” he reveals the absolutism underlying all ideological movements—the tautology of self-justification—one that Roth’s narrative undermines by reminding us that while we must act (as he himself acts, on behalf of the Israeli state, in the unspoken “operation” that forms the work’s title), we must remain in constant awareness of the representations that inform action and never mistake the truth of our “information” for truth itself. At the same time, Smilesburger’s statement suggests Roth’s problem: that explanations are never sufficient to actuality, which contains its meaning in itself. In this sense, *Operation Shylock* critiques the dehistoricizing of the Holocaust through ideological representation, as well as the dehistoricizing of a Holocaust that is “unspeakable,” because both of these ultimately present the Holocaust as a settled matter—whether as meaning or nonmeaning—and thus suggest an end to dialogue on the subject. Roth’s “message,” then, is “the unsureness of everything” (393) including that of “messages” themselves. He

does this not because “messages” are necessarily bad, but because unequivocally endorsing specific meanings, generic patterns, narratives of causality, and final truths can all too quickly enforce the sort of fascism that eventuated the Holocaust. His aim or goal is to activate historical memory against the co-optation of history to the “ends” of ideology (358–59), that is, activate memory against set patterns of recollection. Thus, historical memory is preserved as a constant reawakening to the past rather than the determination of a “truth” forever settled. To be constantly “working through” interpretation, reinterpreting one’s interpretations, or remembering that all is only an interpretation is not to surrender to paralysis, nor to ideology as such; on the contrary, it is to conceive of a way of thinking that is sensitive to history in its own place. It is the avoidance of substituting the present for the past.

In keeping with what Alan L. Berger identifies as the “testimony” offered by much Holocaust writing done by Jews who are one generation removed from it, Roth offers a vision of the Shoah in which it is “not a metaphor, nor [. . .] trivialized, amplified, or denied” (113). Roth’s purpose, in keeping with the instructive function that Berger sees in such literature (113), is to instruct us on how we are instructed: the way in which historical events, such as the Holocaust, can serve ideologies that “forget” or obscure the simulation that makes them possible, hence becoming as absolutist as Nazism. It was the denial of the self-evident as a fiction, the promotion of language and law as absolute truth, on which Hitler relied. Against this, Roth self-consciously merges fact and artifice to reveal the paradox of testimony: that there is no basis for an absolute truth that would override the temporal particularity (and hence untransmissibility) of what we, and only we, have witnessed in this life. In this way, the reality of the Holocaust is preserved from its appropriation into a transhistorical principle. Thus does it remain a singular occurrence, without equal, without metaphor, without the juridical/political “use” that proves, in the end, to be the ally of Ivan the Terrible.

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Call for Papers: "Philip Roth and Race"

Philip Roth Studies invites submissions for a special issue of the journal on "Philip Roth and Race."

For this special issue of *Philip Roth Studies*, the editors would like to explore how Roth uses—or produces, or subverts—the idea of race, from the racial status of Jews to the relationship between blacks and Jews to marked status of Roth's own work as a Jewish American author.

Many critics have already addressed Roth's American Trilogy, so of particular interest would be essays focusing on Roth's earlier novels, or which analyze early works in light of Roth's recent work. The editors encourage essays that explore the racial status of Jews; the presence of racial others in the novels; the idea of pluralism and multiculturalism in relation to race; the historical backdrop of the Civil Rights movement; the nexus of race, sexuality, and gender; and international racial ideologies and politics. Essays drawing on the study of race in other fields—e.g., Asian American, African American, Whiteness, or Post-colonial and Diaspora studies—or which situate Roth in a multiethnic context would be of particular interest.

Essays should be approximately 4,000 to 8,000 words and prepared according to the *MLA Style Manual*, 2nd ed. (1998). Submissions are due by July 1, 2005. Send submissions by mail or as an attached document in MS Word format to:

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