
MEMORY, HISTORY AND GUILT IN BERNHARD SCHLINK'S *DER VORLESER*

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Und die Vergangenheit, in der ich als Rechtshistoriker ankam, war nicht weniger lebensvoll als die Gegenwart. Es ist auch nicht so, wie der Außenstehende vielleicht annehmen möchte, daß man die vergangene Lebensfülle nur beobachtet, während man an der gegenwärtigen teilnimmt. Geschichte treiben heißt Brücken zwischen Vergangenheit und Gegenwart schlagen und beide Ufer beobachten und an beiden tätig werden.¹

1 Introduction

The aesthetic question facing a reader of Bernhard Schlink's *Der Vorleser* (translated and published as *The Reader*)² is rightly what Efraim Sicher describes as "the unbearable burden of remembrance ... with all its difficulties of metaphor and language, its risks of desecration and trivialisation".³ Schlink's *Der Vorleser* led to lively scholarly discussion on the topics of memory, guilt, identity, innocence, victimisation, and the so-called "*Vergangenheitsbewältigung*" in recent years, to name but a few. The novel cleverly captures relations between Germany's past and present allegorically through the love affair between a young boy (Michael Berg) and an older woman (Hanna Schmitz) who later becomes a defendant in a war-crimes trial. Through the trial that is a focal point in the novel, the reader is engaged to view the novel as both crime story and parable with Michael representing Germany's postwar generation that judges the Nazi-past (as the present/interrogator), the latter in turn represented by Hanna (the past/defendant).⁴ Strikingly absent is the third figure in the book's allegorical, legalistic equation: the Jewish accuser and victim.⁵

Following the operation of the Truth and Reconciliation Commission (TRC) in South Africa,⁶ which brought to light many of the horrors of a previous regime,

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1 Schlink *Der Vorleser* (1995) 172. The author is deeply indebted to Mariette Postma and André van der Walt for their valuable and stimulating literary comments relating to *Der Vorleser* and the author's interpretation of the novel.

2 Schlink *The Reader* (trl Janeway) (1997).

3 Sicher (ed) *Breaking Crystal: Writing and Memory after Auschwitz* (1998) 19.

4 Alison "The third victim in Bernhard Schlink's *Der Vorleser*" 2006 (81-2) *The Germanic Review* 163.

5 *Ibid.*

6 In South Africa, the Promotion of National Unity and Reconciliation Act, 1995 charged the Truth and Reconciliation Commission with investigating and documenting gross human-rights violations committed within or outside South Africa in the period from 1960 to 1994. The

many South Africans today find them in a similar position to that of the male narrator, Michael Berg, in *Der Vorleser*. Just as the present generation of Germans struggle with issues relating to their history, memory and identity following the Holocaust, so do many young South Africans in the post-*apartheid* period grapple with the revelations and atrocities that relate to and were committed by their elders. How should this generation comprehend and live with this knowledge and to what degree is this second generation also implicated?

The notion of the *caesura*⁷ as a radical break or hiatus (such as the Holocaust in Germany and *apartheid* in South Africa) demands a rethinking of the relation between past, present and future. Echoing Adorno's initial skepticism⁸ about the possibility of representing the radical break that the Holocaust represented, Krog, in her book on the Truth and Reconciliation Commission, stated as follows:

[M]aybe writers in South Africa should shut up for a while. That one has no right to appropriate a story paid for with a lifetime of pain and destruction. Words come more easily for writers, perhaps. So let the domain belong to those who literally paid blood for every faltering word they utter before the Truth Commission.⁹

The role of the literary and the function of narrative were central in the work of the Truth and Reconciliation Commission, as is clear from its report which states that “[t]he Commission sought to capture the widest possible record of people’s perceptions, stories, myths and experiences” and “[b]y telling their stories, both victims and perpetrators gave meaning to the multi-layered

Commission was to provide “as complete a picture as possible of the nature, causes and extent of gross violations of human rights” by listening to the stories of survivors or the families of victims of these abuses, as well as to those who wronged them (s 20). Apart from hearing the accounts of both victims and perpetrators, the Commission was authorised to grant indemnity from prosecution in the courts of law to those perpetrators who gave a full confession of their actions or those which were authorised by them.

- 7 As a poetic device, the term *caesura* (alternatively spelt *cesura*) denotes an audible pause that breaks up a line of verse. *Caesura* is indicated by punctuation marks which require a pause in speech such as a comma, a semicolon, a full stop, or a dash.
- 8 At first, Theodor Adorno stated as follows: “The aesthetic principle of stylization ... make[s] an unthinkable fate appear to have some meaning; it is transfigured, something of its horror removed. This alone does an injustice to the victims” (cf Adorno “Commitment” in Arato & Gebhardt (eds) *The Essential Frankfurt School Reader* (1982) 313 (hereafter referred to as Adorno “Commitment”). Earlier in 1949 Adorno stated “After Auschwitz, it is no longer possible to write poems” (cf Adorno as quoted in Ashton (trl) *Negative Dialectics* (1973) 362. Later, however, Adorno realised the role of art in the post-Holocaust period: “It is now virtually in art alone that suffering can still find its own voice, consolation, without immediately being betrayed by it [...]. [I]t is to works of art that has fallen the burden of wordlessly asserting what is barred to politics” (Adorno “Commitment” 318).
- 9 Krog *Country of my Skull* (1998) 237-238. For Krog, the victims themselves should provide the primary text, as their versions are the only authentic ones. This presents a problem, as these experiences are incapable of being transmitted. They elude representation and cannot be reduced to language or narrative.

experiences of the South African story".¹⁰ Almost one decade later, with the accounts of victims relegated to "history", the next generation who inherited the tainted past is confronted with a dilemma: whilst wanting to distance themselves from a history that should never be forgotten, they are searching for a new vision of history that must continue to bear witness to a past which, in Adorno's words, "is barred to politics".¹¹

As an example of second-generation post-Holocaust writing that exemplifies some of the moral and legal complexities of representing history in literary texts, *Der Vorleser* also offers a spectrum of challenging questions that touch on moral responsibility and accountability, and on exculpation and victimhood. The title, *Der Vorleser*, is translated as "the one who reads aloud (to other(s))". The English title, *The Reader*, refers to a solitary reader, however, and fails to capture the notion of an audience in the form of a listener. The German title, which has a more authoritarian tone, has specific significance, as this article will explain.

Der Vorleser has been described as a highly overdetermined text, already suggested in the novel's title. The protagonist's reading aloud from specific literary works in the novel leads one critic to conclude that *Der Vorleser* warns the reader against figural "illiteracy", namely against being bad readers who give in to "simplistic readings".¹²

From a legal-historical point of view, the novel offers an interesting perspective, revealed in the observations of the narrator, Michael Berg:¹³

Lange glaubte ich, daß es einen Fortschritt in der Geschichte des Rechts gibt, trotz furchtbarer Rückschläge und -schritte eine Entwicklung zu mehr Schönheit und Wahrheit, Rationalität und Humanität. Seit mir klar ist, daß dieser Glaube eine Schimäre ist, spiele ich mit einem anderen Bild vom Gang der Rechtsgeschichte. Darin ist er zwar zielgerichtet, aber das Ziel, bei dem er nach vielfältigen Erschütterungen, Verwirrungen und Verblendungen ankommt, ist der Anfang, von dem er ausgegangen ist und von dem er, kaum angekommen, erneut ausgehen muß. ... Was ist die Geschichte des Rechts anderes!

In terms of this view, the goal of legal history, after countless disruptions, confusions, and delusions, is its own original starting point, the story of motion

10 TRC Report, Vol 1 at 112. The Commission in its Report attaches not only a cathartic function to story-telling, but also a reconciliatory one, namely by ensuring that "the truth about the past included the validation of the individual subjective experiences of people who had previously been silenced or voiceless" (at 112). The literary, incidentally, also functions elsewhere in the Commission's final report – in the form of a poem by Bertolt Brecht, employed as a substitution for the Commission's conclusion on the health sector report. (TRC Report, Vol 4 at 154). The Report consists of five volumes (1998).

11 Adorno "Commitment" (n 8) 318.

12 Metz "Truth is a woman": Post-Holocaust narrative, postmodernism and the gender of fascism in *Der Vorleser* 2004 (77-3) *The German Quarterly* 313.

13 Schlink (n 1) 173.

which is simultaneously purposeful and purposeless, successful and futile (“... die Geschichte einer Bewegung, zugleich zielgerichtet und ziellos, erfolgreich und vergeblich”).¹⁴

The purpose of this article is to explore the themes of memory, guilt, moral responsibility and accountability portrayed in *Der Vorleser* and the legal-historical relevance of possible insights gained from this reading for the present post-*apartheid* South African society faced with similar questions, following the conclusion of the work of the Truth and Reconciliation Commission. Implicit in this purpose is the tentative exploration of the question regarding literary figurations of history and to what extent we should read literary representations of individual characters or interpersonal relationships as allegories of larger historical or social constellations (eg with Hanna representing the perpetrator generation and Michael as the 68er second-generation).¹⁵ The article will also consider to what extent literary texts can be viewed as a kind of counter-memory that not only creates new narratives and identities but also captures the discontinuities of legal history and its implications for the present.¹⁶

2 Memory

The *diegesis* starts with Michael Berg's recollections of his childhood and his relationship with Hanna. The fifteen-year old Michael's first encounter with Hanna is an unpleasant one: unknowingly ill with hepatitis, Michael becomes sick in front of the building in which Hanna lives and is roughly assisted by her.¹⁷ The reference to hepatitis (“*Gelbsucht*” or jaundice) is reminiscent of the yellow star of the Jews and the subsequent jaundice that (figuratively) plagued the German society. Hanna cleans the vomit from the pavement with the water from two pails of water. The relevance to Michael's hepatitis, alluding to the moral decay and unhealthy situation that prevailed in Nazi Germany, is countered with the cleaning of the vomit that suggests the possibilities of healing, restoration and forgiveness. The theme of water in the novel features mainly in connection with that of guilt as depicted in Hanna's ritual of bathing Michael before seducing him,¹⁸ illustrating early in the novel already the

14 *Ibid.*

15 Eigler “Writing in the new Germany: Cultural memory and family narratives” 2005 (23-3) *German Politics and Society* 27.

16 Eigler (n 15) 20 compares sociologically-oriented approaches to the study of memory with approaches used in literary and cultural studies in analysing German family narratives relating to the Third Reich.

17 “Die Frau, di sich meiner annahm, tat es fast grob”: Schlink (n 1) 6.

18 Hanna's sexual relations with Michael constitute a criminal offence in terms of art 182 of the German Criminal Code (*Strafgesetzbuch*). This provision criminalises sex between an adult and a person younger than sixteen years. Hanna's cleaning of the pavement may denote something else. Van der Walt “Modernity, normality and meaning: The struggle between progress and stability and the politics of interpretation” 2000 *Stell LR* 21-31 argues that this

inseparability of good and bad and the impossibility of absolute good and evil. Joseph Metz,¹⁹ interestingly, argues that Hanna's seduction of Michael represents the allegorical mapping of Germany's "seduction" by fascism.

Years later, the adult Michael is haunted by dreams in which Hanna's apartment building appears again and again but in different surroundings, frequently with the windows so dusty that he cannot see inside. The house is described as blind and situated in a lifeless setting ("Das Haus ist blind" and "Die Welt ist tot").²⁰ The image of the physical form of this building appears frequently, mostly pictured as inaccessible, isolated, abandoned or detached. Hanna's apartment building during Michael's childhood is one that he finds striking: made of dark sandstone, and darkened with soot, it seems to dominate the block with its elaborate balconies and pillars. For the young boy, the inhabitants are imagined as "wunderlich ... vielleicht taub oder stumm, bucklig oder hinkend".²¹ Many years later, the adult Michael notices across Hanna's apartment a construction site where the train station previously stood. New court and government buildings are to be built on this site,²² juxtaposing figuratively the space where the Third Reich and the new Federal Republic "meet" in *Der Vorleser* and also forming the ideal *locus* for an archetypal encounter or conflation between the German past and present.²³

Michael's memory of returning after his illness to visit Hanna to thank her for her assistance contains similar images of her apartment cast as dark and sombre, windowless and with little light inside.²⁴ Despite the imposing façade of Hanna's apartment building, Michael finds the interior shabby and worn, yet smelling of disinfectant.

One week after visiting Hanna to thank her, Michael and Hanna start a sexual relationship. As a prelude to this encounter, Hanna sends Michael with coal scuttles to the cellar to fetch coal. Michael accidentally caused the stacked coles²⁵ to topple and is covered from head to feet in black ash. Schlink could not have used a stronger metaphor to convey the taint of shame and guilt that

gesture signifies more than the suggestion that Hanna has a dark secret or bad conscience as it relates to an action that has symbolic meaning in the context of the private v public space in law.

19 Metz (n 12) 301.

20 Schlink (n 1) 10.

21 *Idem* 9. As the story later reveals, this is confirmed when it becomes clear that Hanna is illiterate.

22 *Idem* 13.

23 Metz (n 12) 303.

24 "Die Küche hatte kein Fenster. ... Nicht viel Licht – hell war die Küche nur, wenn die Tür offenstand": Schlink (n 1) 13. Michael has difficulty recalling her face; he must deliberately reconstruct it in his mind: *idem* 14.

25 Coke is the solid, carbonaceous material derived from low-ash coal.

awaits Michael, who, at this point, is contrasted with an industrious, meticulously and almost clinically clean Hanna. One cannot agree with the view of some critics that Hanna's cleanliness is obsessive and in keeping with "the clichéd view of the fascist personality".²⁶ Her unflinching and disciplined cleaning is perhaps rather a precursor to the type of personality that unquestioningly and unreflectively carries out tasks in a routinely manner (namely her job as tram conductor and later camp guard).²⁷

The inter-generational relationship between Hanna and Michael reveals more than just an age gap.²⁸ It signifies the conflict and the tension between those directly involved in the Holocaust and the so-called second generation in the context of moral responsibility, blameworthiness and guilt. *Der Vorleser* relies on a dual victimisation of Hanna as victim of her illiteracy and circumstances on the one hand, and Michael as a victim of Hanna on the other hand.

The choice of names of the protagonists is significant: Hanna, a Biblical (and Jewish variant of Hannah) means "favoured grace",²⁹ whereas Michael, also a Hebrew name, means "Who is like God?"³⁰ The choice of their Hebrew names reinforces the (Biblical) notions of sin, shame, judgment and forgiveness. The meaning of Hanna's last name (Schmitz, the patronymic form of Schmidt) is that of "the blacksmith's son", with an older meaning of the word denoting a stain, tainted spot or fault. The verb "*schmitzen*" refers, *inter alia*, to hitting with a whip or besmearing, which has a specific meaning, as will be explained below.³¹

As the relationship between Michael and Hanna progresses, Hanna is portrayed as the dominant party in their physical relationship, seeking primarily to satisfy her own needs.³² During their short vacation, Hanna assaults Michael with a leather belt one morning after discovering that he left the apartment but was unable to read the note that he had left explaining where he went.³³ Michael finds himself at the receiving end of Hanna's rage at her own illiteracy.

26 Parkes "The language of the past: Recent prose works by Bernhard Schlink, Marcel Beyer, and Friedrich Christian Delius" in Williams, Parkes & Preece (eds) *Whose story? Continuities in Contemporary German-Language Literature* (1998) 118.

27 As tram conductor, Hanna wears a uniform, a possible simulacrum of the SS uniform. The day Hanna is sentenced, she wears a dark suit that resembles an uniform: Schlink (n 1) 156-157.

28 The relationship between Michael and his father, a professor of philosophy, is distant. Michael describes his father's relationship with his family and him as an abstract, theoretical (philosophical) one, unconnected and unconcerned with their daily realities (*idem* 31).

29 <http://www.babynamespedia.com/meaning/Hannah> (2 May 2009).

30 <http://www.babynamespedia.com/meaning/Michael/m> (2 May 2009).

31 See "Schmitz" and "schmitzen" in Wahrig (ed) *Deutsches Wörterbuch* (1986).

32 "Auch wenn wir ons liebten, nahm sie selbstverständlich von mir Besitz": Schlink (n 1) 33. At times, Hanna treats Michael badly and then becomes cold and indifferent. He, in turn, becomes submissive and never opposes her, taking all the blame and even admitting to mistakes that he did not make: *idem* 47.

33 Michael left to find Hanna breakfast and a rose: *idem* 52.

For the first time, a dark and violent side of Hanna is revealed (alluded to above by the meaning of her last name, Schmitz). After this incident, the power balance in their relationship shifts, with Michael now taking possession of Hanna.³⁴ The poem that the adolescent Michael then writes shows how he has become submerged into Hanna and her guilt, on a different level pointing also to the suspension of the distance between the first and second generation. This becomes relevant later when questions of moral accountability and exculpation are explored:

Wenn wir uns öffnen
du dich mir and ich dir mich,
wenn wir versinken
in mich du und ich in dich,
wenn wir vergehen
du mir in und dir in ich.
Dann
bin ich ich
und bist du du.³⁵

Under Hanna's influence, Michael becomes criminal, false, deceitful, pathetically fixated and dispossessed of his moral probity.³⁶ Reflecting on the time with Hanna, the adult narrator ponders why what was beautiful is shattered when in hindsight it becomes clear that it contained dark truths.³⁷ This same question may also be asked by those confronted with a past of which they have good memories, only to discover that this past in fact harboured unspoken horror and evil (eg *apartheid*).

Michael gradually becomes resentful and subtly starts to betray Hanna. The form that the betrayal takes is disavowal, reaching a climax when Hanna unexpectedly visits him at the swimming pool where he relaxes with his class mates and, unsure how to react, he denies her presence.³⁸ Their relationship shortly hereafter comes to an end with Hanna's sudden departure. It becomes

34 "Dann hatte auch ich von ihr Besitz zu nehmen gelernt": *idem* 57.

35 *Ibid.* Michael shortly hereafter steals certain items on three occasions (*idem* 59-61), suggesting his moral deterioration at the hands of Hanna. He also becomes interested in Sophie, a class mate, after wondering (whilst translating the *Odyssey* in class) which of Hanna or Sophie he should imagine as the virginal and white-armed Nausicaa: *idem* 66.

36 Metz (n 12) 306.

37 "Warum wird uns, was schön war, im Rückblick dadurch brüchig, daß es häßliche Wahrheiten verbarg?": Schlink (n 1) 38.

38 *Idem* 71-72: "Ich weiß, das Verleugnen ist eine unscheinbare Variante des Verrats. Von außen ist nichts zu sehen, ob einer verleugnet oder nur Diskretion übt, Rücksicht nimmt, Peinlichkeiten und Ärgerlichkeiten meidet." At the swimming pool, Michael hesitates to get up to acknowledge Hanna's presence: "Ich konnte über die Entfernung den Ausdruck ihres Gesichts nicht lesen. Ich bin nicht aufgesprungen und zu ihr gelaufen" (at 78).

clear later that Hanna presumably left because the tram company for which she works has offered to have her trained as a driver (which would have exposed her illiteracy). Michael is devastated and overcome with guilt.³⁹

Michael's next encounter with Hanna, years later, takes place at a war trial where Hanna is one of the female ex-SS guards tried for failing to rescue Jewish women locked up in a church during a bomb raid. Michael's recollection of the court room resembles his earlier memory of Hanna's apartment building referred to above. The "milky glass" of the court room, although blocking the view of the outdoors, lets in a "great deal of light",⁴⁰ hinting here at the purging nature of these trials in unlocking the past and literally bringing to light the horrors of the past. Michael sees their role as students attending the trial in similar metaphorical terms of tearing open the windows and letting in the air, with the wind whirling away the dust that society has permitted to settle over the dark secrets of the past, in order for people to breathe and see.⁴¹

Michael, however, has been fundamentally changed by his childhood experience. As an adult, he displays the same indifference and careless cruelty as Hanna towards Sophie, with whom he has a meaningless fling before casting her aside, as well as towards his later wife and daughter.⁴² As the trial proceeds, Michael is overcome with a feeling of dislocation and numbness, unable to register any feeling. He describes his memory of Hanna as a "retrieved file" (an image that applies also to the victim testimonies recorded and stored during the work of the TRC in South Africa).⁴³ He notices a similar reaction amongst the lay persons and judges in the court – the initial shock reaction when listening to the victim's accounts is followed by numbness and emotional detachment:

Alle Literatur der Überlebenden berichtet von dieser Betäubung, unter der die Funktionen des Lebens reduziert, das Verhalten teilnahms- und rücksichtslos und Vergasung und Verbrennung alltäglich wurden.⁴⁴

That the recording of and listening to these accounts induce this effect on all who subsequently have to deal with these facts, is troublesome for Michael who questions whether the dead, victims, survivors, their descendants and the

39 *Idem* 80. As was the case when Michael met Hanna the first time, Michael becomes physically sick and vomits when discovering that Hanna has left. See also 83-85.

40 "Der Saal, in dem das Schwurgericht tagte, hatte links eine Reihe großer Fenster, deren Milchglas den Blick nach draußen verwehrte, aber viel Licht hereinließ": *idem* 90-91

41 "Wir rissen die Fenster auf, ließen die Luft herein, den Wind, der endlich den Staub aufwirbelte, den die Gesellschaft über die Furchtbarkeiten der Vergangenheit hatte sinken lassen. Wir sorgten dafür, daß man atmen und sehen konnte": *idem* 87.

42 *Idem* 84-85.

43 *Idem* 96: "Aber das Erinnern war ein Registrieren. Ich fühlte nichts."

44 *Idem* 98. This mental paralysis and indifference also apply in respect of some of the perpetrators (at 99).

perpetrators could be likened to each other or linked in this way.⁴⁵ His conclusion is that such comparisons should never attempt to relativise the critically important difference between being forced into the world of the death camps and entering it voluntarily; and between enduring suffering and imposing suffering on others.⁴⁶ His question on what his second generation should do with the knowledge of the extermination of the Jews, rings true also for this generation of South Africans reflecting on *apartheid's* horrors. His reply to this question is just as appropriate:

Wir sollen nicht meinen, begreifen zu können, was unbegreiflich ist, dürfen nicht vergleichen, was unvergleichlich ist, dürfen nicht nachfragen, weil der Nachfragende die Furchtbarkeiten, auch wenn er sie nicht in Frage stellt, doch zum Gegenstand der Kommunikation macht und nicht als etwas nimmt, vor dem er nur in Entsetzen, Scham und Schuld verstummen kann.⁴⁷

This passage points to a *caesura* that reduces everyone, witnesses, victims, perpetrators and the second generation, to a homogenising silence.⁴⁸ *Der Vorleser* hence provides the modalities and possibilities through which the specificity of Jewish suffering can be obliterated and the role played by perpetrators in their fate can be transcoded.⁴⁹

Yet, for Michael the idea that some would be punished and convicted while those of the second generation are silenced by their revulsion, shame and guilt somehow seems unsatisfactory.⁵⁰ His experience of reading the English version of the book (written by one of the two survivors of the incident involving the locked-up women prisoners killed in the burning church) is frustrating, creating in him a strange combination of both distance and immediacy. Rereading the book years later he concludes that it is the book itself that creates this distance, exuding the same numbness that he experienced when attending Hanna's trial.⁵¹ This reference to the nature of trauma literature necessitates a few cursory remarks on the role of literature and art in representing trauma, and moving beyond the *caesura* of the Holocaust.

45 "Schon damals, als mich diese Gemeinsamkeit des Betäubtseins beschäftigte und auch, daß die Betäubung sich nicht nur auf Täter und Opfer gelegt hatte, sondern auch auf uns legte, die wir als Richter oder Schöffen, Staatsanwälte oder Protokollanten später damit zu tun hatten, als ich dabei Täter, Opfer, Tote, Lebende, Überlebende und Nachlebende miteinander verglich, war mir nicht wohl, und wohl is mir auch jetzt nicht. Darf man derart vergleichen?": *idem* 99.

46 *Ibid.*

47 *Idem* 99-100.

48 Parry "The caesura of the Holocaust in Amis's *Time's Arrow* and Bernhard Schlink's *The Reader*" 1999 (29-3) *Journal of European Studies* 256.

49 *Idem* 257.

50 "Aber daß einige wenige verurteilt und bestraft und daß wir, die nachfolgende Generation, in Entsetzen, Scham und Schuld verstummen würden – das sollte es sein?": Schlink (n 1) 100.

51 "Ich mußte das Buch auf English lesen, damals ein ungewohntes und mühsames Unterfangen. Und wie stets schaffte die fremde Sprache, die nich beherrscht und mit der gekämpft wird, ein eigentümliches Zugleich von Distanz und Nähe": Schlink (n 1) 114.

2.1 Literary representations of historical trauma “barred to politics”⁵²

The role of literature and the possibility of writing after the Holocaust has been a lively topic in recent years, extensively debated by two French philosophers, Jean-François Lyotard and Philippe Lacoue-Labarthe.⁵³ Lyotard believes that in the post-war world, all are implicated in the events of the *caesura* and are under an obligation to come to terms with their radically disorienting impact.⁵⁴ For Lacoue-Labarthe, the extermination of the Jews represents for the West the terrible revelation of its “essence”.⁵⁵

Auschwitz (metonym for the Holocaust) is presented as a fundamental problem of historical knowledge: in general of the historical credibility of witnesses to a traumatic event and in particular the problem of knowing whether a situation had ever existed or occurred if there were no surviving witnesses, or if those who did survive cannot or do not report these events adequately, contradict each other or only describe fragments of an event. For Lyotard the question is how one can ever establish strict historical rules to determine conclusively whether these witnesses’ accounts truthfully represent part of the general situation or whether they account aberrations from the general situation or even a part of some other situation.⁵⁶

More difficult, however, is how to evaluate the historical sense of silence relating to these traumatic events. Lyotard expresses the idea that not only what is said in testimonies is important, but also what is not said and what cannot be said. Even when all is said, silent spaces may remain in testimony – not as a result of forgetting, distortion or traumatic repression – but because there is always something else and something more (or even less) that needs to be said. For Lyotard, these silences are not facts, but signs of history.⁵⁷ Speaking of Auschwitz, he explains:

52 See n 11 *supra*. To reiterate Adorno’s conclusion: “It is now virtually in art alone that suffering can still find its own voice, consolation, without immediately being betrayed by it ... paradoxically ... it is to works of art that has fallen the burden of wordlessly asserting what is barred to politics” (Adorno “Commitment” (n 8) 318). The discussion under Part 2.1 is loosely based on similar arguments expressed in Slabbert “In search of (unconveyable) truth: The Truth and Reconciliation Commission’s notion of narrative truth and a victimary hypothesis” 2004 *Stell LR* 113-115.

53 Lyotard *Heidegger and ‘The Jews’* (trl Michel & Roberts) (1990); Lacoue-Labarthe *La Fiction du Politique: Heidegger, l’Art et la Politique* (1988), trl as *Heidegger, Art, and Politics: The Fiction of the Political* (1990).

54 See in general, Lyotard (n 53). See also Lyotard *The Différend: Phrases in Dispute: Theory and History of Literature* (trl Van den Abbeele) (1988) Vol 46 pars 1 and 2. At the beginning of *The Différend*, Lyotard refers to Auschwitz as the first in a series of situations that serve to illustrate his *différend*, without actually mentioning the name Auschwitz.

55 Lyotard (n 53) 98.

56 Lyotard (n 54) pars 1 and 2.

57 *Idem* par 93.

The silence that surrounds the phrase, *Auschwitz was the extermination camp*, is not a state of mind [*état d'âme*], it is the sign that something remains to be phrased which has not been phrased, something which is not determined. This sign affects a linking of phrases. The indetermination of meanings left in abeyance [*en souffrance*], the extermination of what would allow them to be determined, the shadow of negation hollowing out reality to the point of making it dissipate, in a word, the wrong done to the victims that condemns them to silence—it is this, and not a state of mind, which calls upon unknown phrases to link onto the name of Auschwitz.⁵⁸

Silence, in this context and in that of *Der Vorleser*, signifies as much as explicit testimony and empirical historical evidence. It signifies differently. It is important to realise that Lyotard does not require that historians neglect the “facts” of history, but rather that they abandon the determination of reality in terms of cognition and the rules of knowledge used to determine it.⁵⁹ Auschwitz, the “most real” of all realities, is therefore an unprecedented occurrence in reality and history that constitutes a *différend* within history itself and within the ways we try to retrieve and represent the past. Lyotard is asking us not to let history, literature or philosophy forget *what was*, but to remember that there was and would always be something “forgotten” in what was remembered and presented as having been. This idea comes across more clearly in his work *Heidegger and 'The Jews'*⁶⁰ where he describes our “principal obligation” and “only lot” as the lot of forgetting neither that there is the Forgotten nor what horror the spirit is capable of in its madness to make us forget that fact.⁶¹ Our obligation therefore is not found in the phrase “never forget”, but in recognising that in all memory there is the Forgotten to which we are perhaps even more obliged than to the remembered past, the remembered truth. In all of this, art may become “an idiom for the unrepresentable”.⁶² Lyotard's *Différend* testifies to the simultaneous impossibility of and necessity for memory, a narrative of the necessity for and impossibility of narrative itself, as he writes in *Heidegger and 'The Jews'*: “The only narrative that remains to be told is that of the impossibility of narrative.”⁶³

Lacoue-Labarthe's discussion of the Holocaust also takes as a starting point the identification of Auschwitz as a “site of dissociation” which has revealed “a

58 *Ibid.*

59 *Ibid.*: “[T]he historian must break with the monopoly over history granted to the cognitive regimen of phrases, and he or she must venture forth by lending his or her ear to what is not presentable under the rules of knowledge. Every reality entails this exigency insofar as it entails possible unknown senses. Auschwitz is the most real of realities in this respect. Its name marks the confines wherein historical knowledge sees its competence impugned. It does not follow from that that one falls into non-sense. The alternative is not: either the signification that learning [*science*] establishes, or absurdity be it of the mystical kind.”

60 Lyotard (n 53) 93-94. In this contribution, Lyotard expresses the idea that Auschwitz represents “the moment of irruption of a new art” (at 85).

61 *Idem* 93-94.

62 *Idem* 44.

63 *Idem* 79.

quite other history".⁶⁴ He sees Auschwitz hence not as the result of a line of developments of which Jews were the victims, but as a "pure event" that forever interrupted history, closing off "all possibility of history".⁶⁵ What remains is a nullity, a "fractured temporality", condemning humanity to wander beneath the "Unthinkable", lost in an abyss founded upon the absence of meaning which is the consequence of this hiatus.⁶⁶

To return to the question of writing the "unwritable": It has been suggested that reading fiction and poetry on the Holocaust provides little indication of the limitations inherent in representing this history.⁶⁷ The idea that the history of the Holocaust can be "contained ... can be redeemed by metaphors, by language or literary form" arises.⁶⁸ The literary critic, Cheyette, fears that fiction will alter the nature of the *caesura* by giving it a shape and meaning that belie the comprehensibility of the cruelty and the moral and metaphysical negation that are at the centre of the Holocaust.⁶⁹ Survivor testimony is the exception for Cheyette, as the latter is built upon "agonized uncertainty" and a fear that narrative will "betray the dead".⁷⁰ In contrast, novelists, such as Joseph Skibell,⁷¹ argue that fiction should not be seen as competing with survivor testimony, but instead as an ongoing engagement with the *caesura*, as an effort to "re-imagine" it. In a world removed from the *caesura* in time, with subsequent generations becoming less connected to it, fiction will provide an assurance that "we are still dealing with it".⁷² Art, literature and music will be the only means available to re-inhabit an event that continues "to force on us a re-evaluation of ourselves and our place in the world."⁷³

Turning again to *Der Vorleser*, Michael's experience of Hanna's trial captures the dilemma that befalls generations that follow the Holocaust (or *apartheid*): we are simply all implied, whether we wish to be or not:

Ich war Zuschauer gewesen und plötzlich Teilnehmer geworden, Mitspieler und Mitentscheider. Ich hatte diese Rolle nicht gesucht und gewählt, aber ich hatte sie, ob ich wollte oder nicht, ob ich etwas tat oder mich völlig passiv verhielt.⁷⁴

Looking for an answer to the moral dilemma of how to save Hanna without exposing her, Michael decides to talk to his father, the philosophy professor

64 Lacoue-Labarthe (n 53) 45.

65 *Idem* 44.

66 *Ibid.*

67 Parry (n 48) 251.

68 Cheyette, Amis, Ellmann & Skibell "Writing the unwritable" 1998 (45-2) *The Jewish Quarterly* 14.

69 Parry (n 48) 251. See also Cheyette *et al* (n 68) 14.

70 Cheyette *et al* (n 68) 14.

71 Known for his much acclaimed novel, *A Blessing on the Moon* (1998).

72 Cheyette *et al* (n 68) 15.

73 Parry (n 48) 251.

who has published articles on Kant and Hegel. Again, the inadequacy of philosophy to provide direction in certain moral issues is captured, this time in a window image: The windows of his father's study did not open the room to the world outside, but are described as frames in which the outside world hung like a picture (a copy or picture of the world, not the real world itself).⁷⁵ This image is strengthened by Michael's next observation that his father's study is "ein Gehäuse, in dem die Bücher, Papiere, Gedanken und der Pfeifen- und Zigarrenrauch eigene, von denen der Außenwelt verschiedene Druckverhältnisse geschaffen hatten".⁷⁶ As expected, Michael's father cannot give him a direct answer and suggests that he approaches the problem as one of accrued responsibility ("eine Situation zugewachsener oder übernommener Verantwortung"): ⁷⁷ If one knows what is best for another person who is blind to it, one must try to convince this person of this, but leaving his or her free will intact.

For those of the second generation, the wealth of literature and films on the death camps has become part of what Michael sees as our collective imagination; it has become more than just a registering of the events. However, as a result of the exposure to these films and literature, it has supplemented and embellished our imagination, contrary to the time of Hanna's trial where his imagination was static and his experience of the testimonies of the surviving victims "froze[n] into clichés".⁷⁸ In an attempt to rid himself of these clichés, Michael decides to visit a nearby concentration camp in Alsace, hitching a ride with a person who turns out to have been a German officer overseeing the shooting of Jews. This man, after discovering where Michael is going to, and assuming that the purpose of Michael's visit is to try and understand why people can commit brutal deeds to one another, tells him that the executioners did not hate the people they killed. They are killed simply because they (the Jews) are a matter of pure indifference to him and the others who executed the Jews.⁷⁹ Arriving at the camp, Michael struggles to construct a picture in his mind of a camp with prisoners, guards and the unspeakable suffering.⁸⁰ The dilemma he feels in wanting to simultaneously understand Hanna's crime and

74 Schlink (n 1) 131.

75 "Hier [...] weiteten die Fenster den Raum nicht in die Welt draußen, sonder hängten diese in das Zimmer wie Bilder": Schlink (n 1) 135.

76 *Ibid.*

77 *Idem* 137.

78 *Idem* 143.

79 "Der Henker befolgt keine Befehle. Er tut seine Arbeit, haßt die nicht, die er hinrichtet, rächt sich nicht an ihnen, bringt sie nicht um, weil sie ihm im Weg stehen oder ihn bedrohen oder angreifen. Sie sind ihm völlig gleichgültig. Sie sind ihm so gleichgültig, daß er sie ebensogut töten wie nicht töten kann": *idem* 146.

80 "Aber es war alles vergeblich, und ich hatte das Gefühl kläglichen, beschämenden Versagens": *idem* 149.

also condemn it, applies also to the second generation South Africans confronted with the revelations of *apartheid*:

Wenn ich versuchte, es zu verstehen, hatte ich das Gefühl, es nicht mehr so zu verurteilen, wie es eigentlich verurteilt gehörte. Wenn ich es so verurteilte, wie es verurteilt gehörte, blieb kein Raum fürs Verstehen.⁸¹

The indifference of perpetrators echoes what Hannah Arendt describes as the “banality of evil”.⁸² Whether this numbness experienced by the second generation is not perhaps a variation of this indifference, is an open question.

3 Guilt, shame and accountability

A first-level reading of *Der Vorleser* suggests that Hanna’s illiteracy represents moral illiteracy, a glaringly obvious allegory mentioned by Schlink himself in an interview.⁸³ This conclusion is supported by Michael’s first impressions of Hanna. Watching Hanna putting on her stockings, Michael observes that it was as if she had withdrawn into her own body, unbothered by any input from her mind, oblivious to the outside world (“schien sie sich in das Innere ihres Körpers zurückgezogen, diesen sich selbst und seinem eigenen, von keinem Befehl des Kopfs gestörten ruhigen Rhythmus überlassen”).⁸⁴ It is also no coincidence that this state of oblivion and lack of critical thought or reflection corresponds with his desire to submit to the “invitation to forget the world in the recesses of [Hanna’s] body”.⁸⁵ Michael’s subsequent seduction by Hanna draws him into the net of her guilt and tainted past. With his innocence (moral innocence) compromised by their relationship, he begins – on Hanna’s request – to read to her from various German plays and novels, which, as becomes clearer later, may be seen as the first step that will change Hanna’s illiteracy. The significance of this is expressed in Michael’s observation of the light that falls through the kitchen immediately hereafter that is described in “lighter and darker shades of grey” and no longer in terms of dark, impenetrable windows.⁸⁶ One of Michael’s most vivid memories of Hanna is in his father’s study, where she touched the book spines, staring out into the darkness and to her own reflection and that of the books.⁸⁷ Again, this image shows the metaphorical function of light and darkness: Hanna’s reflection and own darkness is

81 *Idem* 151.

82 Arendt coins this term in the title of her work *Eichmann in Jerusalem: A Report on the Banality of Evil* (1963). With this term, Arendt explains that the great evils in history are usually not perpetrated by sociopaths, but by ordinary people.

83 Wachtel “Bernhard Schlink interviewed by Eleonor Wachtel” 1999 (106-4) *Queens Quarterly* 544.

84 Schlink (n 1) 17.

85 “[...] die Einladung, im Inneren des Körpers die Welt zu vergessen”: *idem* 18.

86 *Idem* 44.

87 *Idem* 61.

illuminated and made visible through the light in the study. Some critics, however, see Hanna's illiteracy as an allegory for the reduced responsibility and culpability of Germans in the Third Reich.⁸⁸ The question of her illiteracy is explored in more detail below.

Hanna's dominance in their sexual relationship is suggestive of the force of moral illiteracy in general, leaving Michael often without any choice but to be submissive, apologising for things he did not do or say and succumbing to immoral and criminal actions himself (eg the theft described above).

At the end of the trial, when Michael finally realises that Hanna cannot read or write, he struggles once more with what to do – should he inform the judge that Hanna was illiterate, which may perhaps lead to a less severe punishment but exposure of something that she has kept hidden for many years, or should he keep quiet, which means she will go to prison with her sense of self intact?⁸⁹ Michael in the end concludes that Hanna's role was not a calculated one: she decided against a position at Siemens as this would have exposed her illiteracy; became a guard at Cracow where she did not send the weakest prisoners to Auschwitz because they had read to her; and she preferred to be branded a criminal instead of revealing her illiteracy at the trial. She accepted that she would be called to account and did not want to suffer further exposure. She was, as Michael wants to believe, fighting for her own truth, her own justice (a pitiful truth and pitiful justice, but nevertheless hers, her struggle). A climactic moment during the trial takes place when the judge questions Hanna on how the selections were made regarding those to be sent to Auschwitz and Hanna, confused, asks the judge what he would have done in the same particular situation.⁹⁰ By putting the same question to the judge, this question becomes an appeal by those of the first generation to the second generation for an understanding of the particular context within which the crimes took place. In an ironical twist, Hanna's illiteracy functions to facilitate her accountability, whereas literacy in the context of the trial (eg knowledge of procedural law; law of evidence) would have had the opposite effect of

88 See, in general, Donahue "Illusions of subtlety: Bernhard's Schlink's *Der Vorleser* and the moral limits of Holocaust fiction" 2001 (54) *German Life and Letters* 60-81. See Welzer "Schon unsharf: Über die Konjunktur der Familien- und Generationenromane" 2004 (36-1) *Mittelweg* 53-64.

89 Schlink (n 1) 126-129.

90 "Was hätten Sie den gemacht?' ... Sie wußte nicht, was sie hätte anders machen sollen, anders machen können, und wollte daher vom Vorsitzenden, der alles zu wissen schien, hören, was er gemacht hätte" (*idem* 107). Hanna asks the same question again later, also directed to the judge, when he asks her why she did not unlock the doors of the burning church to save the prisoners (*idem* 123). It is clear to Michael that what Hanna tries to explain, was the conflict she felt between two (for her, equally compelling) duties that required action, namely saving the prisoners and preventing them from escaping.

manipulating the evidence and hence softening the subsequent punishment.⁹¹ Hanna in the end admits to have written the incriminating report on the church incident (which she did not), appearing to finally take responsibility for the events.⁹²

Commenting on collective guilt, Michael later observes that whatever the validity of the concept of collective guilt, it has always been a lived reality for the second generation. Although pointing at the perpetrators did not release the second generation from their shame, it at least assisted them to overcome the suffering they experienced as a result of it, turning the passive suffering into aggression, activity and energy.⁹³ What repulses him, however, is the “swaggering self-righteousness” so characteristic of some of the second generation, and he rightly questions how self-righteousness and shame can be reconciled in this manner. He concludes that the second generation’ love for their parents makes them irrevocably complicit in their crimes:

Wie kan man Schuld und Scham empfinden und zugleich selbstgerecht auftrumpfen? War die Absetzung von den Eltern nur Rhetorik, Geräusch, Lärm, die übertönen sollten, daß mit der Liebe zu den Eltern die Verstrickung in deren Schuld unwiderruflich eingetreten war?⁹⁴

The moral superiority of the second generation regarding their parents’ involvement in the Third Reich, however, carries the risk of displacing the historical victims of Nazi-Germany by portraying themselves as victims of their parents.⁹⁵

It is perhaps this idea that we are all complicit in this, both first and second generation, that leads the elderly Hanna, shortly before her suicide, to explain to Michael that no one can call her to account, not even a court, that only the dead can manage this.⁹⁶ Hanna naively attempts to absolve herself from the past by leaving a bequest to the only living survivor of the fire at the time of her death. In a recent interview, Schlink explains that once Hanna started reading and started thinking about her own role and what she has done, she starts to theorise and build excuses, in other words, accepting, but at the same time denying responsibility for what she has done.⁹⁷

91 *Idem* 110-111. When the lawyers of the other defendants realised that Hanna’s voluntary concessions implicated their clients, they switched to another strategy: using her concessions to incriminate Hanna and exonerate the other defendants.

92 *Idem* 124.

93 *Idem* 161.

94 *Idem* 162-163.

95 Eigler (n 15) 24.

96 Schlink (n 1) 187: “Auch das Gericht konnte nicht Rechenschaft von mir fordern. Aber die Toten können es. Sie verstehen.”

97 Wachtel (n 83) 555.

It is important to distinguish between the concepts of “shame” and “guilt” in the context of *Der Vorleser*. As Martin Swales⁹⁸ explains, shame has less to do with what he sees as the “judicially forthright causality of guilt than with the strangely oblique operation of overlapping and clashing contexts of inadmissible adjacencies and discomforting propinquities”. All the key junctures in *Der Vorleser* are more closely related to shame than with guilt (Hanna’s shame about her own illiteracy; Michael’s shame about revealing his relationship with Hanna to outsiders; his shame at not coming to Hanna’s assistance at the trial, etc). An analysis of guilt would require the asking of questions relating to moral autonomy (and hence responsibility), whereas shame has more to do with self-consciousness or self-awareness, playing out in the contexts of the socio-psychological, the cultural and the ontological, but irrelevant in determining culpability and punishment.

During Hanna’s time in prison, Michael sends her recordings on tape of books, and with the assistance of these tapes, Hanna teaches herself to read. After her death, Michael realises that she has read scholarly literature on the concentration camps, Hannah Arendt’s report on Eichmann, as well as a broad range of literature of Nazi-victims.⁹⁹ The reason for her suicide is not given, but the most obvious conclusion seems that as she overcame her illiteracy, she becomes morally “literate”.¹⁰⁰ Grasping for the first time the extent and scope of her involvement during the Third Reich, she became unable to continue living.¹⁰¹ That she left money in a tea caddy to the Jewish daughter, who survived the fire in the church, is also significant. The daughter, however, refuses to accept this money from Michael, even to use it for a purpose associated with the Holocaust, as this would grant Hanna absolution, which she was not prepared to give.¹⁰² The *leitmotiv* of the building is carried through right to the end. Michael describes the house of the Jewish survivor as a dark, sandstone building, with its surroundings sketched in severe autumn tones.¹⁰³

98 Swales “Sex, shame and guilt: Reflections on Bernhard Schlink’s *Der Vorleser* (*The Reader*) and JM Coetzee’s *Disgrace*” 2003 (33-1) *Journal of European Studies* 9.

99 Alison points out that Hanna’s illiteracy is strongly contrasted with the literateness of the Jewish daughter who not only publishes, but is fluent in German and English: see Alison (n 4) 166.

100 Not to be understood that she was totally immoral before; Hanna appears to have lacked moral insight into what was happening around her, presumably because she spent so much energy in concealing her illiteracy. Hanna’s suicide is based on a historical example: Ilse Koch (1906-1967), better known as the “Hexe von Buchenwald”, serving a life-long sentence in the Aichinger prison for her involvement in the Buchenwald atrocities, committed suicide by hanging herself in her cell in 1967. See Herbert, Orth & Dieckmann *Die nationalsozialistischen Konzentrationslager: Entwicklung und Struktur* (1998) 19. The only legitimate daughter of Heinrich Himmler (1900-1945). Gudrun Burwitz, again, committed suicide in a British prison in solidarity with her Nazi father’s role. She was a champion of the Old and Neo-Nazi movement.

101 Her last days were described as if she were living in a monastery, hinting to the change that took place in Hanna: Schlink (n 1) 196.

102 *Idem* 201.

103 *Idem* 200.

This house has an identical façade to the rest of the houses down the street, hence, contrary to the building that Hanna inhabited, which was described as an extraordinary one, this one is ordinary and anonymous.

Claims that *Der Vorleser* is intended to create sympathy for the perpetrator (Hanna) are unjustified. Weisberg's suggestion that we consider its effect as rather one of judgment with a sympathy that does not condone, seems more correct.¹⁰⁴ It is submitted that *Der Vorleser* leaves little redemption for either Michael or Hanna.

4 Significance of the title

The translated title, *The Reader*, automatically invokes notions of the reader-response or reception theory in literary theory.¹⁰⁵ Briefly, this school focuses on the reader and his or her experience of a literary work, in contrast to other schools in the theory of literary that emphasise the role of the author, the content or the form of the work. The original German title, however, denotes a completely different exercise. One who reads aloud to others suggests a willing and responsive (perhaps also illiterate or less literate) audience, with the one reading aloud in charge of the process, determining what to gloss over or what to emphasise. If this interpretation is correct, then Schlink has deliberately chosen a title that hints at the dubious relationship between the first and second Holocaust-generation (between the one that reads aloud, who has control over the reading content) and second generation (the listener/audience who absorbs what is listened to). The narrative of *Der Vorleser* shows us the locus of accountability, as Weisberg points out,¹⁰⁶ providing a space in which human behaviour may perhaps be (better) understood and (more) accurately judged.

Many commentators and critics agree that *Der Vorleser*, on the surface, is a smooth and easy read. Its smooth, accessible and "realist" prose, stereotypical scenarios, and power to seduce readers into passively accepting the values and viewpoints of the narrator, makes *Der Vorleser* a classic example of what

104 See, eg, Ozick (ed) *The Rights of History and the Rights of Information* (2000) 103-119. See also Weisberg "A sympathy that does not condone: Notes in summation on Schlink's *The Reader*" 2004 (16-2) *Law and Literature* 229-233. Weisberg emphasises that such an assumption is wrong, as *Der Vorleser*, instead of projecting limitless exculpation, associates judgment with a sympathy that need not condone.

105 See, eg, the theorists Norman Holland, David Bleich, Stanley Fish, Wolfgang Iser and Hans Robert Jauss. Literary text is hence seen as a potential structure that is "concretized" by the reader. For Iser, eg, the reading process is a process that takes place in relation to the extra-literary norms and values through which the reader makes sense of the reading experience. For more detail, see Rice & Waugh *Modern Literary Theory: A Reader* (1989) Part 5: Reader theory.

106 Weisberg (n 104) 232.

Roland Barthes¹⁰⁷ described as “the readerly text”.¹⁰⁸ As an allegory of the relation between the generations, *Der Vorleser* is also a tale about the duplication of the first generation’s blindness in the second generation, with Michael as bad a reader of Hanna as Hanna herself of the evils of the Third Reich.¹⁰⁹

5 “Doing” history and justice after the Truth and Reconciliation Commission

This article has opened with Michael Berg’s observation that the past he arrived in as a legal historian was no less active than the present. Doing history, he says, means building bridges between the past and the present, observing both “banks of the river”, taking an active part on both sides. His research area of law in the Third Reich has taught him how the past and the present come together in one single reality where escape, he says, is not a preoccupation with the past, but a determined focus on the present and the future that is blind to the legacy of the past which brands us, and with which we must live.¹¹⁰ Instead of believing that there is a progress in the history of law, he concludes that although it may have a purpose, the goal it finally attains, after countless disruptions, delusions, and confusions, is its own original starting point.¹¹¹ With *apartheid*’s legacy still too vivid and painful to many, *Der Vorleser* may suggest that we are doomed to repeat errors of the past, forever locked in the pattern of arriving at an end which is nothing but a repetition of the same or similar beginnings.

With the Truth and Reconciliation Commission relegated to “history”, South Africans are continuing to confront the consequences of the past. This includes the dilemma of both wanting to distance themselves from a history that should never be forgotten, but also searching for a new vision of history that must continue to bear witness to the past. *Der Vorleser* shows the effect of the *caesura* of the Holocaust: it reduces everyone (witnesses, victims, perpetrators and the second generation) to a homogenising silence. This silence, as Lyotard argues, is necessary, as it signifies as much as explicit testimony and empirical

107 Barthes makes a distinction between “the readerly text”, associated with the nineteenth-century realist novel, and the “writerly text”, which challenges readers to engage actively in the production of textual meaning. See, in general, Barthes *S/Z: An Essay* (trl Miller) (1974) 200.

108 Metz (n 12) 300.

109 *Idem* 310.

110 “Und die Vergangenheit, in der ich als Rechtshistoriker ankam, war nicht weniger lebensvoll als die Gegenwart. Es ist auch nicht so, wie der Außenstehende vielleicht annehmen möchte, daß man die vergangene Lebensfülle nur beobachtet, während man an der gegenwärtigen teilnimmt. Geschichte treiben heißt Brücken zwischen Vergangenheit und Gegenwart schlagen und beide Ufer beobachten und an beiden tätig werden”: Schlink (n 1) 172.

111 *Idem* 173.

historical evidence, but signifies differently. In all of this, art may become “an idiom for the unrepresentable”. Literary texts, able to straddle the boundary between the public and private, are able to communicate traumatic experiences that are not usually socially validated.

In his essay “On the uses and disadvantages of history for life” (“Vom Nutzen und Nachteil der Historie für das Leben”) written in 1874, Nietzsche argued that we need history, but only to the extent that “history serves life”.¹¹² Nietzsche was critical of those studying history as a purely “antiquarian” pursuit, because this approach treats history as a repository of dead memories, containing no lesson for the present and providing at most a small measure of comfort for those who wish to escape the present into the past.¹¹³ Distinguishing between “monumental” history and the “critical” attitudes to history, he warns that “monumental” history, which looks to history to discern an unbroken chain of great events, tends to distort the product of the past, namely the present, and so lose sight of the present. By focusing on those great moments, others relevant for “critical” history are negated.¹¹⁴ He believes that every past is worthy of being condemned, as it is in the nature of human things that violence and weakness have always been instrumental.¹¹⁵ Subjecting the past to scrutiny will implicate each of us, as all of us have pasts that are vulnerable to scrutiny. The danger with critical history, however, is that it may become self-serving. By identifying the aberrations of the past (in order to free ourselves of them), we attempt to give ourselves “as it were *a posteriori*, a past in which one would like to originate rather than the one in which one did originate”.¹¹⁶ As Dyzenhaus¹¹⁷ observes, critical history risks deteriorating into “monumental” history, as the victors in the process of recollection construct the past they wish to take forward. For Nietzsche, critical history is worthy of this risk, as the forgotten or distorted past still encumbers the present as a “dark” and “invisible burden”.¹¹⁸ Referring to Arthur Chaskalson’s words that “little [is] to be gained by lamenting the past”, Dyzenhaus¹¹⁹ argues that Nietzsche rightly warned that one has to take care in setting the limit to forgetfulness. Nietzsche explained as follows:

112 Nietzsche *Unzeitgemässe Betrachtungen (Untimely Meditations)* (trl Hollingdale) (1997) 57.

113 Dyzenhaus *Truth, Reconciliation and the Apartheid Legal Order* (1998) 23.

114 Nietzsche (n 112) 70-72.

115 *Idem* 76.

116 *Idem* 76-77; see also Dyzenhaus (n 113) 24.

117 Dyzenhaus (n 113) 24.

118 *Idem* 61.

119 *Idem* 24. These words come from a speech by Chaskalson in 1989, marking the tenth anniversary of the Legal Resources Centre. The speech was published as Chaskalson “Law in a changing society” 1989 *SAJHR* at 295.

To determine this degree, and therewith the boundary at which the past is to be forgotten if it is not to become the gravedigger of the present, one would have to know exactly how great the plastic power of a man, a people, a culture is: I mean by plastic power the capacity to develop out of oneself in one's own way, to transform and to incorporate into oneself what is past and what is foreign, to heal wounds, to replace what has been lost, to recreate broken moulds.¹²⁰

Chaskalson's statement that "little [is] to be gained by lamenting the past" should hence rather be seen as an anticipation of the dangers of revisiting a past when the bonds that unite those who lament the past "are not only fragile, but in the process of being forged".¹²¹ It does not matter where the limit is set, as conflicting and equally legitimate considerations will resist wherever the limit is set, as has been clear from the Truth and Reconciliation Commission's attempt to balance the need for reconciliation with retribution. The past that must be remembered cannot be complete without narratives that flesh out the competing interpretations of recent history, a process that has started with the Truth and Reconciliation Commission's victim and perpetrator narratives. In the absence of the possibility of amnesty for perpetrators these narratives may not have been possible. The historical record would remain silent, as perpetrators would not have taken the opportunity of a full or partial confession and victims would have been denied the satisfaction of having an audience acknowledging their suffering. Although the Truth and Reconciliation Commission may have failed to provide retribution in a strict legal sense, it has, on a different level, avoided the injustice of denying recognition of suffering.¹²²

In this sense, it becomes clear that "doing history" and "doing justice (law)" are similar in certain respects. Historians, like lawyers, are concerned with asking questions such as why transgressions happened, and although not able to render judgment in a legal sense, share the law's aspiration for a narrative that Maier¹²³ describes as both synthetic and open to conflicting testimony. The judge and the historian both exhibit a quality that is best described as "jurisprudential wisdom":¹²⁴ the ability to judge outcomes in terms of normative plausibility, aspiring to produce a coherent narrative that explains and interprets, as well as records. In making sense of a *caesura*, the focus on the narrative is important for both the judge and the historian, as both history and the legal trial are based on a highly ordered recitation of events that try to interpret these by placing them in a sequence structured by time.¹²⁵ The narrative explains causality and establishes individual roles within an

120 Nietzsche (n 112) 62.

121 Dyzenhaus (n 113) 24.

122 Maier "The narrative of the historian and of the truth commission" in Rotberg & Thompson (eds) *Truth v Justice: The Morality of Truth Commissions* (2000) 267.

123 *Idem* 270.

124 *Idem* 270-271.

125 *Idem* 271.

institutional context, offering explanations for violence, transgressions and resistance, hence making sense of action.

The narrative that is constructed by a truth commission is most often one of the abuses of power and coercion. The truth commission cannot complete the type of narrative that is emancipatory and that goes beyond presenting the dark side of a regime. It only offers us the possibility, as Maier claims,¹²⁶ but hardly a guarantee either of justice or democracy. Reducing diverse voices and narratives into a single coherent story line is dangerous, as this means valuing some testimonies more than others or privileging the significance of some narratives more than others.¹²⁷

The postmodern historian may be tempted to say that the possibility of narrative is impossible as a result of fragmentation.¹²⁸ However, despite this concern, the historian must create a narrative that allows for contending voices across the spectrum. Maier's¹²⁹ musical analogy illustrates this point clearly: written history must be contrapuntal, not harmonic, in other words, the particular histories of groups should be woven together so that the listener can follow them distinctly, hearing the whole together with the parts.

6 Conclusion

It has been argued above that fears that fiction will alter the nature of a *caesura* such as the Holocaust or *apartheid* by giving it a shape and meaning that belie the comprehensibility of the cruelty and moral and metaphysical negation that were present at the centre of these occurrences, are unfounded. In time, subsequent generations will become less connected and further divided in time from the *caesura*. An ongoing engagement with the *caesura* is necessary, as a continuous effort to "re-imagine" it. Art, literature and music should complement history by re-inhabiting the *caesura* for subsequent generations.

The discussion on guilt, shame, accountability and moral responsibility in *Der Vorleser* prompts a number of obvious and also less obvious conclusions. The tension between the first and second generation of the *caesura* is very clear in *Der Vorleser*. The dilemma Michael feels in wanting to simultaneously understand Hanna's crime and also condemn it, likewise applies to the second generation South Africans confronted with the revelations of *apartheid*. To

126 *Idem* 273.

127 *Idem* 274.

128 Benjamin "Über den Begriff der Geschichte" in Tiedemann & Schweppenhäuser (eds) *Gesammelte Schriften (Theses on the Philosophy of History)* Vol 2 (1972-1989) 695.

129 Maier (n 122) 275.

understand may exclude condemnation, whereas condemnation leaves no room for understanding. Just as Michael is repulsed by the “swaggering self-righteousness” in condemning their elders, which he finds irreconcilable with the shame they simultaneously suffer, we as second generation South Africans should accept (as Michael concludes) that our connectedness to the first generation makes us irrevocably complicit in their crimes.

Njabulo Ndebele states that the stories that were told during the times of the Truth and Reconciliation Commission “seem posed to result in one major spin-off, amongst others: the restoration of narrative”.¹³⁰ Ndebele is hinting at the possibilities locked up in fiction in bearing witness to the suffering of *apartheid* victims, an idea supported by André Brink.¹³¹

At first sight the solution may appear to lie in compiling as many diverse narratives as possible so that the resulting jigsaw puzzle... would be as comprehensively as humanly attainable. But even more so than in the case of the TRC, there is the double bind that the kind of whole the exercise is aimed at can never be complete and that ultimately, like all narratives, this one must eventually be constructed around its own blind spots and silences (as, in different contexts, Macherey (1978), Derrida (1976), and Jameson (1981) have argued). So memory alone cannot be the answer. Hence my argument in favour of an imagined rewriting of history or, more precisely, of the role of the imagination in the dialectic between past and present, individual and society.

The South African narrative of *apartheid* lies neither in compiling as many diverse narratives as possible, nor in attempting to construct a “grand concluding narrative”.¹³² The book on *apartheid* can never be closed. The story of our violent past must be continually told and retold, without displacing the victims from their own tales. Literary texts, in the final instance, as a type of counter-memory not only create new narratives and identities but also succeed in capturing better than any other medium, the discontinuities of legal history. Literature in this sense not only assists us to guard against one grand narrative, but it helps to fill the silent spaces left by a *caesura*. Even if it fails to say the unsayable, it should at least say that it cannot say it. As survivors of the *caesura*, those remaining behind have an obligation, as Krog¹³³ explains: “I, the survivor, I wrap you in words so that the future inherits you. I snatch you from the death of forgetfulness. I tell your story, complete your ending.”

130 Ndebele “Memory, metaphor and the triumph of narrative” in Nuttall & Coetzee (eds) *Negotiating the Past: The Making of History in South Africa* (1998) 27.

131 Brink “Truth, memory, and narrative” in Nuttall & Coetzee (n 130) 37.

132 De Kok “Cracked heirlooms: Memory on exhibition” in Nuttall & Coetzee (n 130) 61.

133 Krog (n 9) 27.