

Tapestry *of* Memory

Evidence and Testimony
in Life-Story Narratives

Nanci Adler
Selma Leydesdorff
editors



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Historicizing Hate: Testimonies and Photos about the Holocaust Trauma during the Hungarian Post-WWII Trials

Andrea Pető

Introduction

The trial of László Endre (1895–1946), the former State Secretary of Home Affairs, was followed by the Hungarian media with keen interest. Endre had overseen—with the assistance of an efficient state apparatus of 200,000 civil servants—the deportation of 400,000 Hungarian Jews over the course of three months in the summer of 1944. On one of the days of the trial, which lasted from 17 December 1945 until 7 January 1946, he was escorted on foot by two policemen to the “People’s Courtroom” in Budapest. A photograph, preserved in the archives of the Hungarian National Museum, captured the moment when a middle-aged woman on the street shouted at Endre, while shaking her fist. The accused seems to be smiling smugly at the woman. She could not reach him, as he was protected by the two policemen. The photo was part of a photographic genre; photojournalists documented the post-war lustration process, accompanying the defendants on their journeys from the courtroom to the prison—and sometimes even to the gallows. To my knowledge, this particular photo was never published, unlike others possibly taken on the same day in the courtroom. They show that very same woman, wearing sunglasses and sitting silently in a prominent spot on the public benches.

Hungary represents a unique case in terms of the institutionalization of war crimes tribunals.

During the trials the actors of transitional justice were able to speak about emotions, in relation to the events that caused their reactions.⁶ By exploring this aspect of their testimonies, this chapter aims to contribute to the extensive literature on emotions, while also investigating the legal documents in two ways.⁷ First, the People's Tribunal process was a way to construct "emotional communities."⁸ Investigating transcripts of the trials thus helps us to trace how the language of emotions was learned and performed in court.⁹ Second, the trials served as a civilized form for the expression of hate and reflected the emotional standards of the period. Whereas "fear is felt," hate can be manifested.¹⁰ After the cataclysm of war, the expression of hate became a form of resistance and agency. As Sara Ahmed pointed out, "hate is involved in the very negotiation of boundaries between selves and others,"¹¹ and trials were the spaces where this negotiation "between the subject and the imagined other"¹² happened through the ritualized language of the law.

The People's Tribunals were expected to start the process of normalization and to reconstruct social cohesion by determining the meanings of social interactions during World War II. As a part of the post-war normalization they were supposed to transmit moral judgments about emotions and about the acts stemming from them. Their function was also to punish and to serve as a warning to the perpetrators. The legal language of the court served to mediate and express emotions. The court was a highly structured space for communication between criminals, victims, and witnesses.

The Function of People's Tribunals

The People's Tribunal provided a space in which different social conflicts were staged while various parties struggled to define the meaning of the Holocaust and its consequences. Their agency was based on class (the victorious Communist Party of Hungary used these trials to label the previous ruling elite as responsible for class bias) and gender (ten percent of the perpetrators were women, a comparatively high percentage). They all became part of this particular legal discourse when approximately 60,000 cases were heard.¹³

The manifestations of these conflicts in the courtroom determined interpretations of post-WWII social life. Trials were crucial institutions in the post-war normalization because they redefined citizenship as one "set of institutionally embedded political, social, and cultural practices";

their legal practice also served as a site for the “display of certain ‘civic emotions’ as a marker of a person’s inclusion in the political word.”¹⁴ For example, the Eichmann trial was instrumental in formulating not only the narrative frame of the Holocaust as seen through the lens of the victim, but it also laid a foundation for an Israeli identity.¹⁵ Historians have tended to neglect those emotions. They often did not see them because emotions do not leave any traces in legal historical sources. To make emotions visible, we need testimonies, such as those in the early People’s Court Tribunals, which were dynamic and volatile.

Methodology and Sources

This article is part of a larger research project, based out of Budapest, entitled “The Memory of WWII and Transitional Justice.” In the Budapest City Archives, researchers have at their disposal a register containing the names of defendants during the People’s Tribunals. Based on this register, I conducted my research, selecting 6,000 female defendants from a list of 70,000 people convicted in Budapest. I examined approximately 200 files of female perpetrators in detail. I also read the contemporary press, interviewed judges, lawyers, children of the convicted, survivors, and witnesses to the People’s Tribunals, and I tried to find all possible photographs and newsreels about the People’s Tribunals for a larger research project on legal memory of WWII. In this chapter, based on an analysis of these sources, I seek to connect the emotions, cultural meanings, and social organization—the post-WWII People’s Tribunals in Hungary—that were expected to “deal with” the emotion of hate from both sides. Their aim was to prevent social explosions, such as lynching, and to “normalize” the post-war situation. In this chapter I would also like to explain the construction of a divided memory and competing narratives about World War II, by showing how the testimonies given at the People’s Tribunals served as a space for the articulation of emotions, while shaping the discourses on emotions and on emotional normalization.

The Importance of People’s Tribunals: Corrective Justice and Negotiating Emotions

After 1945, the purpose of the court cases conducted throughout Europe was to demonstrate, by educating and enlightening the *populus*, the norms and values of the post-Holocaust world. Ernst Cassirer stated that only those constitutions that were “written into the citizens’ mind”¹⁶ could function. The institution itself, the People’s Tribunal, was

completely unprepared in both institutional and emotional terms for its historical mission. István Bibó (1911–1979), in his seminal 1948 article on the “Jewish question,” noted the absence in post-liberation Hungary of lynching and revenge murders, which he referred to as “explosive and disorderly ways of seeking satisfaction.”¹⁷ In the immediate aftermath of the war in France, Yugoslavia, Bulgaria, and Italy (where, incidentally, significant resistance and partisan movements had existed), collaborators faced various forms of street justice—none of which had any kind of institutional approval.

In Hungary survivors and victims’ relatives awaited liberation, because for them it meant moving on with their life, but also the possibility of corrective justice. The fabric of Hungarian society had been torn apart by World War II; there was no social cohesion. Moreover, there had been neither domestic armed resistance nor a partisan movement in Hungary. Individual cases (the “rescuers” who have received wide publicity in recent years) do not obscure the fact that the Hungarian administrative state system and bureaucracy collapsed. The contradictory operations of the Jewish Council and its (lack of) choices have been examined, analyzed, and illuminated.¹⁸ In Hungary as in many other places in Europe, there was no institution or organization that was ethically beyond reproach—and which could therefore have operated as a cohesive force in the aftermath of the war. This was the political and institutional vacuum that the People’s Tribunals were expected to fill.

The verdicts of the People’s Tribunal depended on timing and the identity of the accused. When the first cases came up, the west of the country was still a conflict zone. Meticulous legal work was almost impossible. After the liberation of Budapest, the city’s Jewish survivors immediately filed their complaints. When the survivors of the death camps began to return to Hungary in mid-1945, a whole series of accusations and complaints were filed. The People’s Tribunals were not prepared to examine all these cases because the institution was overwhelmed by their sheer number. In Germany the feeling was that the “lesser murderers” were punished and the “big ones” got off,¹⁹ but in Hungary just the opposite was true. Due to the ideological zeal and political ambitions of the Communist Party, those prosecuted tended to be prominent politicians, government ministers, and military leaders. This zeal was absent when it came to ordinary collaborators, who were so numerous that for practical reasons many of them were never punished.²⁰

Snyder and Vinjamuri outlined a typology of international justice: the first type is legalism, where courts are the main institutions of justice;

the second is pragmatism, where deals are made with the participants in the process; and the third is emotionalism, where one may observe "an emotional catharsis in the community of victims and an acceptance of blame by the perpetrators."²¹ In the case of Hungary only the legalist approach was present; pragmatism was not politically viable after the Holocaust, and emotionalism was not possible given the lack of consensus on the interpretation of the Holocaust. The legalist approach was not without consequences. Various historians have criticized the political and legal framework in Hungary.²² As far as criticism of the political framework is concerned, the general point of departure of such analysis is that the People's Tribunals became a tool of the Communist authorities who controlled the Ministry of Justice. They contributed to the development of a new political system through the use of retroactive justice and exceptional courts for punishment. I shall argue that the importance of this legal procedure as a site of communicative memory is related more to the construction of emotions through memory than to direct "conspiratory" political aims of the Communist Party to orchestrate a political takeover; moreover, I will argue that the structure of the People's Tribunals also served as a site of resistance to establishing guilt and responsibility for the Holocaust in Hungary. Instead of denoting the guilty, this forum facilitated the labeling of its participants as victims of Communist oppression.

During the legal process both the victims (and witnesses) and the perpetrators were asked to retell their stories in front of those present. For the victims, the testimonies were acts of re-experiencing and an attempt to normalize past feelings in the present, in front of the perpetrators and other victims. The first testimonies were given in the investigative phase of the trials. The witnesses were expected to answer questions raised by legal professionals. In this way the trials created the legal language of remembering the Holocaust. The legal procedure brought under one roof members of the various groups—including people who had despised each other—in order to construct a narrative version of events by means of the legal rituals of remembering. The genre of the manifestation of emotions was the "confession . . . as a locus of social control and discourse production."²³ This approach raises two questions: What sources can the historian use to trace these expressions of emotion? And how do these emotions shape the meanings assigned to them?

The emotions constructed during this process were a part of a history, and the retelling of their stories had major consequences for those involved. The lengths of trials at the People's Tribunals could vary from

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a couple of months to one or two years. As I analyzed the documents of the People's Tribunals case by case, I could see how the argumentation and explanations for certain acts changed over time.²⁴ Between 1945 and 1949, both the legal framework of the People's Tribunals and the political climate changed. Witnesses and defendants found themselves in a continuous process of renegotiating their experiences before the court as they gave their testimonies. The whole juridical process changed after the adoption of Act VII (1946) on the "Criminal Law Protection of the Democratic Order of the State and the Republic," which included a rather broad definition of "anti-democratic statements and actions" as major crimes. This enabled the system to use the exceptional courts for direct political purposes and to eliminate open opposition to Communism.²⁵ After 1946, the term "Jew" was slowly omitted from the documents; it was replaced by the terms "victims" and "persecuted." The construction of these terms obscured Jewish identity. This process was part of the revival of post-war anti-Semitism that made Jews invisible at the social level. Being a "class enemy" turned out to be more important in that political situation than what actually happened before 1945. Such coded language counteracted the formation of unified identities. In this way the discourses of emotion reinforced status differences as a result of the logic of individualized corrective justice. Still, this *individualized* approach to crime, which did not allow an alternative, did not accord with the larger historical narrative, the normative appraisal of war. Legal loopholes and counterarguments made by the defense and defense witnesses rendered it impossible to pass judgments on individual responsibility without accepting this approach to justice.²⁶

The politics of victimhood, constructed through particular discourses, was an attempt to gain political influence and compensation by the survivors. In the Hungarian context this strategy could not work, since victimhood came to be seen as responsible, in a figurative sense, for the establishment of—and instrumental to—the transitional legal system in Hungary. Manifestations of emotion were mostly shaped by language and in the courtroom. The past was mediated through legal language.²⁷ As Svasek points out, the "social self is constantly reconstituted through perceptual experience."²⁸ The trials served as a site for the formation of victims' inter-subjectivity. The language of the confession was constrained by the legal milieu from which it stemmed and was influenced by social interaction and its construction of meaning. The court trials also required "disciplined" behavior and a prescribed choreography on the part of the actors. Even though the People's Tribunals were new institutions, they

adhered to a criminal code and judicial practice that had been regulated in the nineteenth century. Although the People's Tribunals are portrayed as exceptional courts, they nevertheless represented a continuity of legal tradition in the sense that, in the aftermath of World War I, the Hungarian Soviet Republic was similarly eliminated by transitional legal means that set up exceptional courts.

We have little or no information regarding the emotions that were manifested in the courtroom; they were not recorded in the court documents. (Very few and only the so-called high-profile court cases were recorded by audio or audiovisual means.) The lynching mood of the trials and their disruption, which included whistling and shouting, were all "felt" in the courtroom as a manifestation of emotions. These phenomena can be analyzed through sources that refer to such moments during the trials. Those who violated the norms of good behavior were removed physically from the courtroom, and disruptive onlookers risked becoming the targets of police action.²⁹

The trials were institutionalized processes of learning at two levels: the high-profile cases that received much publicity in the media and the so-called minor cases, addressing crimes and conflicts in a localized context. The learning process affected all the actors, because the People's Tribunals represented a public ceremony with a commemorative character. Rituals, such as trials, legitimize and control emotions.³⁰ The court trials can be interpreted as social dramas or, as Turner defined them, as "units of a harmonic or disharmonic process, arising in conflict situations"³¹ with four phases: breaching of the norm, crises, redressive action, and reintegration of the disturbed social group.³² In the next section I shall analyze the actors in the process and attempt to explain how they influenced the rituals. Here, the People's Court will be viewed as a form of transmitting trauma by means of the testimonies and through judgments and the justifications for such judgments.

Players in the Social Drama

The Legal Professionals

The newly appointed People's professional judges of the tribunals needed an immaculate past—spotless as far as collaboration with the Horthy regime was concerned. Therefore the professional judges were either of Jewish origin or refugees from Hungarian territories that were detached from Hungary after WWI. These jurists had no access to professional networks, and therefore they had no other possibility but to accept

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appointments in the People's Courts, which had very low prestige in the legal profession.³³ In the course of their work, the judges tried to use the framework provided by the Criminal Code and to apply the provisions of the Criminal Code as well as the special regulations of the People's Tribunal legislation. Their verdicts, which were often quoted verbatim in newspapers, served as judgments not only of the events but also of the acts at a general political level.

Five other nonprofessional civil judges were appointed by the five coalition parties, the Communist Party being only one of them. They did not have any legal background, so they needed to be trained during the trials. These nonprofessional judges "learned" how to react to certain situations but mostly followed the instructions they received from their parties—if they received any. They did not intervene in the trials as far as we can reconstruct such intervention from the documents, but we can see where they had different opinions on wording, that is, in classifying the crime during the appeal process.

The court did not ask for emotions but for specific memories of actual events. This, of course, raises the question of whether, and to what extent, people can remember traumatic events. As we know, traumatic experiences tend to shatter cognitive and perceptual capacities. The rhetoric of the testimony changed from weighty description to those codes that the court was able to decipher easily by means of the newly established legal framework.³⁴

Perpetrators

As far as the perpetrators were concerned, it was a matter of life and death to know, and possibly influence, the classification of their wartime actions when they testified, thereby gaining a chance to secure an acquittal. Lughod has argued that the "discourses of emotion and emotional discourses can serve . . . for the relatively powerless as loci of resistance and idioms of rebellion."³⁵ In this case, however, these "emotional discourses" served to empower the perpetrators, because the legal discourses constructed around the crimes of the Holocaust provided a site of resistance to "old Hungary." The legal and political criticism of the process of the People's Courts undermined the justice of war. In view of the controversial character of the process,³⁶ there was some space to establish a parallel moral value system of superiority for those who were judged by the trial, regardless of their crimes.³⁷ In this context the powerless were the perpetrators, who tried to insist upon the application

of the letter of the law while questioning the justice of the war and the legitimacy of the law. The counter-narratives were constructed in the same way as during the Auschwitz trials: the perpetrators were presented as individuals, with "no necessary relationship to anything but their own moral choices."³⁸ This approach, which was combined with criticism of retroactive justice, created a sentimental bond among those who considered themselves to be victims of "Stalinist justizmord," the Sovietization of the Hungarian criminal system. It both diminished the importance of the crimes they had committed and ignored social and structural dimensions.

Victims

A key figure in this process was the plaintiff, who had suffered and survived the violation.³⁹ For therapeutic and other reasons, rituals were needed to provide justice to those who had suffered. The court cases were mixed: in some cases, the state—in the form of an attorney—took over the role of the plaintiff, because the victims had been killed; even their bodies were missing. In all the cases, some of the witnesses were Holocaust survivors.⁴⁰ The mixed character of the narration—attorneys speaking for the dead and the living, witnesses testifying for themselves and for those they missed—shaped the narrative space available for the articulation of emotions in the form of answers to the questions.

Addressing the issue of loss, LaCapra differentiates between absence at a transhistorical level and loss at the historical level. He writes: "When absence is converted into loss, one increases the likelihood of misplaced nostalgia and utopian politics in quest of a new totality or fully unified community."⁴¹ The social space where emotions were mediated and where loss was expected to be converted into absence was the tribunal. I argue here that one of the reasons why this mediation or conversion process failed in post-war Hungary was the unified and essentialized construction of emotion as a form of "coping with" the post-war crises. The essentialized concept of "hate" exhibited by anti-Semites towards Jews, and a hunger for revenge on the part of surviving Jews, were expected to be mediated by the newly constructed institutions of the People's Tribunals.

These court trials were designed in the framework of reconstructing the truth, but we need to ask whether that was the proper place to reconstruct objective truth. The court trials used various types of evidence. When high-profile former politicians were the accused, their speeches, interviews, and published articles were used as evidence. At first, attorneys

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used press material as proof.⁴² The problem was that the atrocities were mostly undocumented; moreover, they were committed in the hope that the witnesses would be killed and never return from the camps. When survivors did return or come out of hiding, they gave testimonies.

Audience and Language

The bodily interaction, perceptual experience, and construction of meaning happened in the same space of the court but with a very different outcome.⁴³ On the public benches, relatives of perpetrators and victims sat next to each other. Reviewing the photographs taken at the trials, we can see that 90 percent of the people in the public gallery were women. In the dark, privately owned amateur photos, we see crowded rooms and people sitting in their winter coats because there was no heat.⁴⁴ Some of them showed open sympathy toward former members of the Arrow Cross Party (Hungarian Nazi Party), offering them food parcels; others wanted to lynch them. For example, on August 24, 1948, a protest broke out at the trial of the defendants who had been based at the Arrow Cross headquarters in the Fifth District of Budapest. Many in the audience of the courtroom confessed that they were "going to the trials out of curiosity."⁴⁵ In the next hearing it was obvious that those disrupting the courtroom were the perpetrators' relatives, while the counter-protests came from relatives of the victims, who wanted to prevent the former from handing over parcels of food to the accused. This was an extraordinary case of loss of control in the midst of Communist dictatorship. The trial had to be canceled because of these events.

All of this can be read in the minutes of the trial, but historians are not always so lucky when it comes to finding sources. The court hearings, and subsequent discussions of events among those who had attended the hearings, contributed to the formation of a common narrative, based on the different versions of the story told by the survivors and on behalf of the survivors. The story of the events was constructed as a canonized language of the tribunal. During the court process a hegemonic memory of events was constructed from the various individual testimonies, and this version was recorded in the court documents and repeated in the verdict.⁴⁶

The victims formed, learned, and mastered the language of the People's Tribunal which was to offer them justice. Although all the daily newspapers published reports on the People's Tribunals, press coverage would not have been sufficient in itself to prepare victims for what they could expect in the court. Therefore victims and witnesses went to the tribunals

not only to see justice take place but also to learn how to formulate and speak about their experiences with a view to achieving their goals in the courtroom. In the case of Uncle A.,⁴⁷ during his frequent visits to the trials he managed not only to identify the woman who was responsible for the mass murder committed in his house—which had taken the lives of his son, wife, mother, and father—but also to learn the language of the courtroom. We see this in the various documents he submitted to the attorney's office describing the events of October 15, 1944, in a manner that reflected the legal language of the People's attorneys.⁴⁸ The public benches represented the space where individual opinions could be expressed as a part of the public ritual. The February–March 1946 trial of Szálasi, who was the leader of the fascist Arrow Cross Party and the head of the Hungarian Quisling government, was overseen by the notorious Judge Péter Jankó. It was broadcast by Hungarian Radio, and some parts were also shown in newsreels at movie theaters. Listeners were surprised by the public expressions of dissatisfaction as Szálasi made his statements; Judge Jankó made no attempt to silence the public. Before and after the trials, discussions among the audience and the interaction between the audience and the court gave a meaning and words to experiences of suffering during the war.

Truth in Testimonies

Peter Brooks has pointed to the religious roots of testimonies at courts and the consequences of this for the kind of truth revealed during such procedures. The truth is not an issue, because what counts is the therapeutic value and explanatory force of the testimony. Brooks, following Freud, differentiates between “material truth” and “psychic truth” in psychoanalysis, which is “that truth of mind and emotions that offers a coherent and therapeutic life narrative . . . and is not wholly dependent on referential truth or correspondence to a set of facts.”⁴⁹ I am arguing here that during the People's Tribunals, parts of the “material truth” were revealed without the “psychic truth,” and this contributed to the controversial construction of emotionality.

Following the typology of Campbell, four types of memories were presented in the court: the testimonial memories of witnesses, the prosecutor's model of memory in the paradigm of truth and error, the defense concept of mentality, and the judge's evidential memories evaluating the material of the court as evidence.⁵⁰ Each of them understand memory in a different way, and this, in turn, influenced how the emotions were shaped. Applying

Campbell's analysis to the People's Court trials, the built-in discrepancies relating to the construction of meaning during the trial caused the most dissatisfaction with the activity of the court among the various parties involved. Moreover all parties returned home with a belief that they were "right." However, in the case of the witnesses, "memory functions both as a description of the traumatic injury and as a claim of a wrong."⁵¹ The testimony is not an individual activity; it is constructed to impress the audience and to appeal to the community. The defense defines memory as a mentality, and questions not only its content but also its reliability. In the case of the People's Tribunals, this also called into question the legitimacy of the procedure. The prosecutor was expected to check the relationship between the event and the recollection of the event. I know of no cases of witnesses or perpetrators changing their testimonies after being cross-examined by the prosecutor. If there was a change, it always resulted from the intervention of prosecutors who were "professionally" and politically convinced that the accused was guilty. Especially in the initial trials in the first half of 1945, the tribunal did not assess the accuracy of the facts presented by witnesses or the legal framework in which these acts were judged. Therefore the defendants and their lawyers tended to apply "cognitivist, empirical epistemology,"⁵² and this enabled them to successfully challenge the verdicts—particularly in the low-profile cases. The consequence was that cases heard by the People's Tribunals lasted for years. Because of the sheer numbers, many defendants were out on bail until the verdicts were pronounced, very often living in the same house where the crimes had been committed—together with survivors of these crimes. This did not contribute to a process of reconciliation in post-war Hungary.

Conclusion

Actors on both sides entered the legal process trusting in a fair trial. Such trust was risky, and in this case everyone was left disappointed, not only because of the ways in which the People's Tribunals operated but also because of the manner in which individual corrective justice functioned. Brooks points out that in confessions "truth is an inter-subjective, transactional, transferential kind of truth," and this contributed to the mixed reception of the results of the trials at the People's Tribunals.⁵³

Reading the recollections of the perpetrators and talking to their children, one gets the impression that the People's Tribunals were passionate and violent venues for revenge. On the other hand, talking to the victims and witnesses one gets an impression of fear and dissatisfaction. The

members of the legal apparatus talked about the activity of the People's Tribunals in technical terms, as a process for the in-group professionals who were, of course, aware of the technical deficiencies of the institution but whose profession—and defense of the interests of their clients—was independent of both the political regime and the courts.

Renate Rosaldo viewed emotions as moral forces that control and shape political and social actions.⁵⁴ The emotions manifested in the People's Tribunals left all parties dissatisfied. Bourdieu's term "emotional capital"⁵⁵ is also an instrumentalization of sentiments and feelings as a form of agency. This "emotional capital" also informs the competing versions of victimhood and suffering in all participants of the judicial process. To express an opinion is to gain power over the narrative and the constructing agency. In the Cold War context, criticizing the process was a contribution to undermining the dominant anti-fascist historical narrative frame. This chapter has been an attempt to illustrate the consequences, in a particular historical situation, of the failure of the courts—the only possible means of remedy—to give the impression and "feeling" of a "fair" trial, and to reconcile feelings of hate.

Notes

1. Andrea Pető, "Death and the Picture: Representation of War Criminals and Construction of Divided Memory about WWII in Hungary," in *Faces of Death. Visualising History* eds. Andrea Pető, Klaertje Schrijvers (Pisa: Edizioni Plus, Pisa University Press, 2009), 39–57.
2. On the post-war trials in Hungary see László Karsai, "The People's Courts and Revolutionary Justice in Hungary, 1945–46," in *The Second World War and its Aftermath* eds. István Deák, Jan T. Gross, Tony Judt, (New York: Columbia University Press, 2000), 137–51.
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