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# Translation and the Language of Testimony: Filip Müller's Testimony at the Frankfurt Auschwitz Trial

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## **Abstract**

This paper examines the interaction between the Auschwitz survivor Filip Müller, the interpreter Otto Stegmann, and the Presiding Judge Hans Hofmeyer during Müller's cross-examination during the Frankfurt Auschwitz Trial. A close reading of testimony, made possible by the audio recordings, allows us to show how Müller's decision to speak German, as opposed to his native Slovak or Czech, led to an interesting dynamic between the participants: Müller's testimony arises out of their interaction and the moments of conflict and collaboration that characterized it. In particular, this essay explores the role of the interpreter in enabling Müller to make his testimony, and shows how translation processes help to shape the way that the testimony is formulated.

## **Keywords**

Translation; interpreting; Auschwitz; testimony; *Sonderkommando*; trial testimony; German language; Czech language

The Frankfurt Auschwitz Trials (1963–65) have attracted significant interest in the last decade or so, both in scholarship and in the German media: in particular, two well-received films have generated public interest (*Im Labyrinth des Schweigens (Labyrinth of Lies)*, dir. Giulio Ricciarelli, 2014, and *Der Staat gegen Fritz Bauer (The People vs. Fritz Bauer)*, dir. Lars Kraume, 2015). Work by historians and scholars of Critical Legal Studies has assessed the trials in terms of their significance for the jurisprudence of genocide or for the social and political context of *Vergangenheitsbewältigung* in the 1960s.<sup>1</sup> Less detailed attention has been paid to the witness statements themselves, though there has been work evaluating them as historical evidence, as well as interview projects with the surviving witnesses.<sup>2</sup>

The Frankfurt witnesses were in a very difficult situation: many of them had never been to Germany, except perhaps on one of the death marches in the final months of the war or as a displaced person. For many, Germany was still hostile territory, and, at least initially, there was little or no support available for the witnesses when they arrived, including translation services: voluntary associations took on this role, for example the Sh'erit ha-Pletah group and volunteers led by Emmi Bonhoeffer. Even before they arrived, witnesses from Eastern Bloc countries had often gone through an elaborate process of briefing and political pressure from the authorities at home.

The proceedings themselves could be an emotional ordeal for the witnesses: even questions about family or personal details could evoke memories of family members who had been murdered. The institutional and linguistic rituals of the trial, which aimed at neutrality and objectivity, could have unexpected effects on the witnesses: for example, a simple question about the witness's family circumstances could bring up agonizing memories of family members who had been murdered. The requirements of court testimony often clashed with the way in which the witnesses told their stories, and the need to produce verifiable evidence clashed with the need of the witnesses to bear witness to their own suffering, and pay tribute

to the dead. This could produce a situation of tension and mistrust, made more intense by the fact that the witnesses were standing in the courtroom under the eyes of the accused.

Translation was a problem in the court, as it was hard to find specialist translators available for the many languages spoken by the witnesses. The translators themselves worked in different ways; there appears to have been no agreed standard on the perspective that the translator should take up, for example, whether to use the first or third person when translating a witness's words. Some appear to feel it is their job to support the witness, while others are concerned to take up an 'objective', professional distance.

There would be important questions to ask about the work of the interpreters in terms of their accuracy and professionalism, but in this case, I am interested in how processes of translation will often structure the situation that makes testimony possible, how the interpreters support the witnesses, and how they contribute directly to the formulation of the testimony. So, rather than automatically assuming that translation is a problem or a barrier, it is useful to show how it enables the testimony; making translation visible is therefore not about separating out the 'pure' testimony from the translation, but is instead a way of helping us understand how a testimony emerges in a specific context.

These general points will be illustrated by looking at the Frankfurt testimony of the Slovak Jewish Auschwitz survivor Filip Müller and the interaction between Müller, the interpreter Otto Stegmann, and the Presiding Judge Hans Hofmeyer. Born in 1922, Müller was deported to Auschwitz in April 1942. He was selected to work for the *Sonderkommando*, that is the group of Jewish prisoners who were forced to dispose of the bodies and possessions of those who were murdered in the gas chambers. Though most of the *Sonderkommando* members were themselves killed after a short time, being replaced by others, Müller survived through a combination of luck, manipulation and political solidarity with members of the Czechoslovak resistance in the camp. His testimony is thus unique – he may be the only prisoner to survive

three years of work in the *Sonderkommandos* both of the Auschwitz main camp and the Auschwitz-Birkenau complex.

Müller gave testimony to trials in Czechoslovakia shortly after liberation, and collaborated on a testimony in Czech with other survivors and resisters. He was called to Frankfurt in 1964 to give evidence to the trial of 22 former Auschwitz guards, some of whom he had known well; during his testimony, he described his own experiences, paid tribute to other prisoners, and provided evidence for the sadistic behavior of the defendants. His unique testimony played a key role in the conviction of former SS officers who had organized the operation of the gas chambers and committed many other acts of sadistic murder.

He emigrated to West Germany in 1969, after the Prague Spring, and continued to speak and write about his experiences for a number of years, before withdrawing from public life in the 1980s. At various key moments in his life, translation played a decisive and defining role in the way he performed the role of witness in public, but this paper will concentrate on the one that has attracted the least attention, namely certain details of the interaction between the witness, the judge and the translator during Müller's testimony to the Frankfurt trial.<sup>3</sup>

My intention is to try reading this testimony in terms of translation, by bringing questions of translation to the foreground. In doing so, I want to look at how the translator contributes through a few interventions to the situation in which the testimony is given, and to think about what this means for the testimony itself. Is it possible to think about this testimony in terms beyond its value as evidence in a trial or as historical documentation?

If we look at it carefully, we can see this kind of trial testimony as a specific form of collaborative performance, with the testimony produced in the interaction of the agents involved in this specific situation – with its ritualistic structure, its rules and particular language, and with its inbuilt power imbalances. Witnesses act within a shifting network of relationships and temporary alliances within the highly structured dialogues of the witness

examination, and have a certain amount of space for strategies that conform to their own interests.<sup>4</sup>

But there is still a tendency amongst scholars working on Holocaust testimony to downplay the value of trial testimony as a source of knowledge beyond its evidential value in the terms set by the legal system – trial witnesses are seen by scholars of testimony and memory, such as Aleida Assmann as passive, caught in a ritualistic process of question and answer that allows them no agency and may simply reproduce their victimhood.<sup>5</sup> For this reason, the knowledge to be gained from their statements is of limited value, as it conforms only to the specific needs of the court. There is some truth in this – the interests of the court and the interests of the witness in describing his/her own experiences may be very different – but it is not the whole story.

The witness's intentions may coincide with or clash with the intentions of other actors, over a long period or a brief episode. The key issue here is that witnesses are caught between the different conceptions of the purpose of the trial: they have an investment in seeing justice done, and this will affect how they present their testimony in terms of direct eyewitness observation, immediate personal experience, and precise statements about time or place, but they may well also share the intention to educate the German public about the nature of the camp, the attitudes of the perpetrators, and the effects of their own experiences. Additionally, they may wish to shift the focus onto the victims or to pay tribute to particular individuals.

Witnesses employ many different strategies to negotiate their path through the questioning and within the network of conflicting expectations they are confronted with, and they encounter the strategies of the professional jurists involved in the investigation, prosecution and defense. We might name compliance vs resistance, concealment vs directness, obfuscation or complication vs. simplification, distraction or strategic feints and switches of direction, flattery, intimidation, attempts to impress or please. Witnesses switch between

general observations and personal narratives, precise descriptions of visual impressions or events and accounts of emotional states – but the specific demands of the situation, namely to provide concrete eyewitness evidence and to connect specific individuals with specific actions, establishes a basic structure for the witness’s narratives.

Reading – and in particular listening – closely to the witness statements allows us to follow the interactions between the various participants at a level of detail that would not otherwise be possible, and to trace their constantly shifting relationships in terms of power hierarchies, consent, conflict, agreement, resistance, cooperation, temporary alliances, and many other processes. My aim here is to show that the interpreters are active participants in these complex, dynamic relationships, and that paying close attention to their work can give us a more detailed insight into how the witness testimonies emerged.

In terms of the work of translators and interpreters in this context, one could consider questions of cultural appropriation, interpretation or distortion that might arise when thinking about this situation, or consider the perspective of the translator and the ethical issues that arise from the situation. But instead, I will consider translation as a form of re-narration. The first person narratives of personal testimony – at its simplest, telling the story of something that happened to me yesterday – act as a catalyst for the production of a first person narrative in the listener: a hypothetical narrative in which the listener follows the events described, imagines it happening to him/her self, or positions self in relation to the events.

This makes first person narrative testimony a very powerful tool in social interactions and for generating and passing on knowledge: as a listener, I position myself in relation to the story being told, visualize it and generate my own potential narratives, which say as much about me and my attitudes as they do about the teller of the story.<sup>6</sup> Applying this to translation, an individual translating a first person testimony narrative - or contributing to its formulation through translation – is likely to be developing their own subjective narrative in the process.

The translator does not simply translate the words, but visualizes the situation in all its violence and horror, an internal narrative that influences the translation performance, and which is affected by the translator's own feelings and interpretation of what is being described.

Müller himself is for the most part confident and composed, even where he struggles with the language. He has a clear sense of what he wants to achieve, and is willing to describe in minute detail the topography of his surroundings and the character and actions of the perpetrators in order to provide verifiable testimony. He shapes the narrative clearly in response to questioning, interrupting the proceedings and returning to points if he wants to clarify something. There are moments in which the emotional stress becomes overwhelming, however, an aspect of his testimony that is picked up and commented on by the judges in their final verdict.

I will concentrate here on a specific aspect of Müller's long testimony, namely the interaction between witness, judge and translator. On the first day of his appearance, 5 October 1964, he spoke in German, asking for occasional support from the translator Otto Stegmann; it is clear that after a number of hours, this is becoming harder to sustain, and he reverts to Czech more often. On the second day, 8 October, he spoke in Czech in more formal style, with the translator Erwin Jarolim providing consecutive translation. He is always able to understand the questioning of the Presiding Judge Hans Hofmeyer and the defense and prosecution councils. A small number of examples will be examined that show how the testimonial narrative emerges out of a collaboration between witness, translator and investigating judge, and how this narration interacts with the evidential narrative that emerges through the judge's questioning, including moments in which the judge tries his own hand at translation.

The documents used here are the written transcripts of the audio recordings of the cross-examinations, which have been made freely available online by the Fritz-Bauer-Institut.<sup>7</sup> I have on occasion adjusted the transcript in the light of repeated listening to the audio, with the aim

of giving the reader a more immediate impression of Müller's speaking voice, including his problems with German syntax and vocabulary. For each citation, I have given the page number in the transcript and the time on the audio recording, to make it easier to locate these exchanges within Müller's long testimony. I have kept the punctuation marks of the original transcript: "... " marks an interruption or overlapping speech, and [ ] marks clarification of incorrect vocabulary or an editorial insertion. My English translations are designed to clarify what is happening and illustrate the points made in my argument. For this reason, where Müller's choice of vocabulary is incorrect – for example, when he addresses the judge as 'Rechtsanwalt' (lawyer) – but it has no material bearing on the argument, I have corrected in translation ("Your Honor") in order to avoid confusion.

These extracts are taken from the first day of Müller's testimony, in which he speaks German, with the support of Stegmann, as this enables us to explore how translation is woven into the collaborative process by which the testimony is produced. After the witness and translator are sworn in, Müller begins by stating that he wishes to speak German:

Zeuge Filip Müller:

Herr Rechtsanwalt, ich werde probieren...

Vorsitzender Richter:

Deutsch zu sprechen.

Zeuge Filip Müller:

Deutsch zu sprechen. Und vielleicht, wenn ich mich nicht gut ausdrücke, daß der Herr Dolmetscher soll mir...

Vorsitzender Richter:

Ja.

Zeuge Filip Müller:

Dann ist es vielleicht besser. (p. 1, 1')

(Müller: Your Honor, I will try.... / Judge: To speak German. / Müller: To speak German. And maybe, if I don't express myself well, the interpreter should... / Judge: Yes. / Müller: Then it's perhaps better.)

One should not underestimate the courage that it takes to do this: it means interrupting the judge in a German courtroom, where Müller is the only non-native speaker of German, and where the proceedings are conducted in the language associated with the perpetrators who are lined up watching and listening. The intention is clear, though: to speak directly to German speakers in the courtroom and beyond, rather than just fulfilling the requirements of a witness statement. So Müller clearly sees translation as a potential barrier to speaking directly to the audience in and beyond the court.

Judge Hofmeyer's interruption shows that this is not something unexpected: many witnesses made the same choice, and it is clear that the court supports it. It also shows, however, a feature of Hofmeyer's questioning: the occasional anticipation of answers and completion of sentences, even when it means anticipating the translator and producing his own (false) translation from Czech. What seems like a minor issue demonstrates that the participants in these exchanges are all developing their own narratives of the events through translation.

For the most part, the translator's job here is to help to build up an exact picture of events, the topography of the camp, and the appearance of the perpetrators, in order to help identify them. Stegmann is not being asked to interpret for Müller, and is never in a position in which he has to decide what perspective to take up, for example, whether to use the first or third person when translating another's words. There are, however, one or two occasions when he adds detail to the picture. For example, when Müller is describing the appearance of the victims on opening the gas chamber:

Zeuge Filip Müller:

Sagen wir, da haben wir gesehen ein Kind, das ist an der Brust, die Mutter hat — pěnu.

Dolmetscher Stegmann:

Schaum.

Zeuge Filip Müller:

So Schaum

Dolmetscher Stegmann:

Schaum vor dem Mund. (p. 8, 14')

(Müller: Let's say, we saw a child, it's at the breast, the mother has – pěnu. / Interpreter:

Foam. / Müller: Sort of foam. / Interpreter [interrupts]: Foam at the mouth.)

Here, it is clear that Stegmann is filling in the picture himself. Small details like this make it clear that it is not only Müller who has images of the camp in his head, but that the other

participants are visualizing the situations described here before their mind's eye and constructing parallel narratives. This leaves us with the disturbing idea that translation in a situation like this involves not only finding linguistic equivalents, but also creating one's own images and narratives in parallel and assessing them for their usefulness or appropriateness: for the most part, this is not visible as it is a cognitive process, but there are moments when it becomes clear.

If we look closely at the role of the judge in these exchanges, bearing this idea in mind, we find that he is operating according to the same principle. Of course, his task is to lead an investigation through critical questioning, and the construction and critical assessment of narratives that accord with the rules of evidence and the formulation of guilt and innocence. However, I am here deliberately not reading these texts in terms of jurisprudence and judicial procedure, but rather as a form of witnessing, which, if not exactly collaborative, arises out of a specific situation of ritualistic questioning

If we consider the relationships between the participants in this process in translational terms, we can observe how judge Hofmeyer engages in the same process of parallel visualization and narrative construction. He does this in various ways. On occasion it is a matter of small 'corrections', replacing a word with one that appears to be more appropriate to the situation, or intervening to confirm information from previous knowledge, even though Müller is trying to present a more subjective view, giving the prisoner's language and perspective:

Zeuge Filip Müller:

Und dort war das große »Sonderkommando« Birkenau, das schon gearbeitet hat in den großen – wie man es genannt

Vorsitzender Richter [unterbricht]:

Krematorien.

Zeuge Filip Müller:

»Fabriken des Krematoriums« (p. 26, 68')

(Müller: And the large Birkenau *Sonderkommando* was there, who were already working in the large – as they were called / Judge [interrupts]: Crematoria. / Müller: “Crematorium factories.”)

It is often clear that the judge is creating his own interpretation of what Müller describes; in the following example, he has his own view of the psychology of inmates who cannot find the motivation to participate in the revolt:

Zeuge Filip Müller:

Aber es waren da solche Häftlinge, die so...

Vorsitzender Richter:

Ängstlich.

Zeuge Filip Müller:

Verzweifelt.

Vorsitzender Richter:

Verängstigt. (p. 42, 99')

(Müller: But there was also that kind of prisoner, who were so... / Judge: Fearful. / Müller: Despairing. / Judge: Frightened.)

This is a significant difference, with judge Hofmeyer thinking in terms that he is able to understand, or perhaps imagining how he would feel in this situation and *believing* that he is assisting in a translation problem.

There are moments when judge and witness appear to be creating a narrative together, when the insistent ritual of question and answer seems to become something else, as in this sequence where Müller describes having to pull bodies from a pit filled with water:

Zeuge Filip Müller

Wir müssen alle die Leichen ziehen.

Vorsitzender Richter:

Herausziehen.

Zeuge Filip Müller:

Aus dem Wasser auf einen...

Vorsitzender Richter:

Haufen.

Zeuge Filip Müller:

Haufen geben. Und wir konnten nicht, weil die Leichen schon voll Wasser waren. Und

als wir sie nahmen, da...

Vorsitzender Richter:

Glitschte man ab.

Zeuge Filip Müller:

Fließt es, ja, und wir fallen in das Wasser. (pp. 13–14, 30')

(Müller: We have to pull the corpses. / Judge: Pull them out. / Müller: Out of the water onto a... / Judge: Pile. / Müller: Put them on a pile. And we couldn't because the corpses were already full of water. And when we picked them up... / Judge: You slipped. / Müller: It runs, yes, and we fall into the water.)

These moments stand out, as Hofmeyer for the most part allows Müller to speak freely, interrupted only by questions for clarification. But in exchanges like the this, it becomes clear that the judge has his own images and narrative in mind, put together from what this witness is saying and his own previous knowledge. We also gain some insight into the judge's emotional response to the story, in his choice of words and the insistent nature of his interruptions. At moments like this, the two narratives come together, in a striking but potentially problematic way.

Where translation is necessary, Stegmann participates in this ritualistic act of witness, as in a sequence where Müller describes listening to the cries of those inside the gas chamber:

Zeuge Filip Müller:

Und da hören wir auf einmal schweren — kašel.

Dolmetscher Stegmann:

Husten.

Zeuge Filip Müller:

Einen Husten. Und sie schreien, die Menschen. Man hört die Kinder, und alles zusammen schreit. — Bouchají na dveře

Dolmetscher Stegmann:

Sie schlagen an die Tür.

Zeuge Filip Müller:

Jako z dálky je to slyšet.

Dolmetscher Stegmann:

Wie aus der Ferne ist das zu hören.

Zeuge Filip Müller:

Zu hören, wie sie an die Tür schlagen. Dann langsam, wieder Schlagen und nicht mehr, langsamer, langsamer, langsamer, noch [hustet] so.

Vorsitzender Richter:

Ein Husten, und dann

Zeuge Filip Müller [unterbricht]:

Ein Husten.

Vorsitzender Richter:

Verstummte das Geschrei. (p. 18, 44')

(Müller: And then we suddenly hear loud – kašel. / Interpreter: Coughing. / Müller: Coughing. And they cry out, the people. You can hear the children, and they are all crying together. – Bouchají na dveře / Interpreter: They bang at the door. / Müller: Jako z dálky je to slyšet. / Interpreter: You can hear it as if in the distance. / Müller: Hear them banging at the door. Then slowly, more banging and no longer, slowly, slowly, slowly, again [coughs] like this. / Judge: Coughing, and then / Müller [interrupts]: Coughing. / Judge: The crying went silent.)

I would argue that this is a unique and significant mode of witnessing, not necessarily because it produces new facts, but because it exposes certain things about all forms of witnessing that are otherwise hidden: the collaborative nature of the act of witnessing, the way that the enabling context structures the witness narrative, how different interests may be at work in the production of the final text, and how the witness may have to make compromises under pressure in order to tell the story in a way that fits the context and satisfies the other interests. Above all, we are able to see processes of translation at work in a concrete context and understand the extent of their contribution without resorting to simplistic theories of 'loss' or 'distortion'.

If we look closely at the translation relationships in this transcript, we find that there are moments when the narratives being constructed clash with each other. Judge Hofmeyer

attempts his own translations in a way that shows the development of his own inner narrative and the way in which he visualizes the events:

Zeuge Filip Müller:

Dort waren wir in dieser Nacht, dieser schrecklichen Nacht. Wir waren so schon, ich möchte sagen — duševně a fyzicky zničení.

Dolmetscher Stegmann:

Seelisch und...

Vorsitzender Richter:

Zusammengebrochen.

Dolmetscher Stegmann:

Ja [unverständlich] vernichtet.

Zeuge Filip Müller:

Und gebrochen, daß wir dort auf der Erde wie die Tiere schliefen. (pp. 14–15, 30')

(Müller: There we were in this night, this terrible night. We were already, I'd like to say – duševně a fyzicky zničení. / Interpreter: Mentally and... / Judge: Collapsed. / Interpreter: Yes [unclear] annihilated. / Müller: And collapsed, that we slept on the earth like animals.)

These are small examples, but they show Hofmeyer making assumptions and trying to lead the construction of the narrative. They also demonstrate the pressure on Müller: he is on occasion able to correct the judge, but at other times accepts Hofmeyer's interpretation, even if the word 'vernichtet' seems to belong more fully to the 'world' of the camp and the language of the Holocaust.

I will look at one final example of tendentious translation, which has real consequences for the formulation of the verdict against Hans Stark, the SS officer who oversaw the *Sonderkommandos* for a while. Here, Müller is discussing Stark's habit of taking prisoners out of the group being led to the gas chamber and shooting them individually:

Zeuge Filip Müller:

Schauen Sie, Herr Rechtsanwalt, ich möchte auch nur paar, ich möchte nicht – aber ich sollte Ihnen zeigen, was Stark war. Sagen wir, es kommt Transport. Viele Male nimmt er sich jüdische Frauen, acht, zehn, fünf [unverständlich]: »Sarah, zu die Wand!« Die gehen alle ins Gas. Jetzt nimmt er zwei Frauen, aber vorher geht er in die Politische Abteilung und bringt eine — pušku.

Dolmetscher Stegmann:

Ein Gewehr.

Zeuge Filip Müller:

Ein Gewehr. Aber das Gewehr hört man nicht, da war nur: »tschck«.

Dolmetscher Stegmann:

Ein lautloses.

Zeuge Filip Müller:

Und er packte es immer, und herauf lief so eine kleine Patrone mit Z, eine kleine rote Patrone. Und er stellt sich die zwei Frauen – das war nach dem Vergasen, aber nicht einmal, viele Male –, da stellt er sich die Frauen, und die Frauen sehen, daß er auf sie [+ zielt]. Die Frau — si klekla.

Vorsitzender Richter:

Sie zittert.

Dolmetscher Stegmann:

Sie kniete.

Zeuge Filip Müller:

Sie kniet. Und sie sagt, weil sie nicht weiß, was Stark ist: »Herr Kommandant, ich bitte Sie, lassen Sie mich leben. Ich habe doch nichts gemacht.« Und: »Los, Sarah, stehen! Sarah stehen! Sarah stehen! Los, mußt du stehen!« Er spricht ja so. So spricht er. Er schießt erst mal hier oder hier, dann wieder in die Füße. Die fünf, sagen wir, müssen zuschauen, die anderen. Das kann man nicht schildern. Und da erschießt er sie alle. Ich will nicht noch so eine Gedächtnis, eine schrecklichere. Ich sage so: Ich sehe mein ganzes Leben Stark. Mein ganzes Leben. Wo ich gehe, sehe ich ihn. Furchtbar.

(pp. 21–22, 55')

(Müller: Look, Your Honor, I would like just to, I don't want to – but I should show you, what Stark was. Let's say, a transport arrives. Many times he takes aside Jewish women, eight, ten, five [unclear]: "Sarah! To the wall!" They all go to the gas. Now he takes two women, but first he goes into the Political Department and brings a – pušku. / Interpreter: A gun. / Müller: A gun. But you can't hear the gun, it just went: "tshk." / Interpreter: A silent one. / Müller: And he always grabbed it, and up went a little cartridge with a Z, a little red cartridge. And he positions the two women – that was after the gassing, but not just one, many times – he positions the women, and the women see that he is aiming at them. The woman – si klekla. / Judge: She trembles. / Interpreter: She knelt down. / Müller: She kneels. And she says, because she doesn't know what Stark is: "Commandant, I beg you, let me live. I haven't done anything." And: "Come on, Sarah, stand! Sarah stand! Sarah stand! Come on, you have to stand!" He speaks like that. That's how he speaks. He shoots first here or here, then again at the feet. The five, let's say, have to watch, the others. You can't describe this. And then he shoots them all. I don't want another memory like this, a terrible one. I'll say this: I see Stark my whole life long. My whole life. Wherever I go, I see him. Terrible.)

In the middle of this description of a horrific act of torture and murder – a description that is vital in order to achieve a verdict of murder, as Stark has acted on his own initiative and from 'base motives' – judge Hofmeyer attempts a translation. Müller is being supported by Stegmann's interventions, which here go a little beyond direct translation to become more active collaboration, in describing precisely what happened. His narration oscillates between past and present in German, characteristically for witnesses who are reliving an event that haunts them and to which they are not able to establish a healthy distance. The ambiguity of tenses causes some confusion in translation, as the speakers shift back and forth, attempting to

get to grips with the extremity of the situation. Judge Hofmeyer provides his own, incorrect, translation, indicating that he is imagining the scene himself; the image of the woman trembling tells us something about his emotional response to the description, and shows us the power of first person witness accounts to produce parallel narrations within the hearer's mind, which can then emerge during translation exchanges.

This passage is taken up in the trial verdict, in which Stark is convicted of murder (though he was eventually sentenced under the youth penal code, as he was a minor at the time of his arrival at Auschwitz). Müller's evidence plays a specific role in the conviction of Stark, aside from his detailed recall of the functioning of the gas chambers and the hierarchies of power within the crematoria: Müller provides evidence for the individual murder of Jewish women before they entered the gas chamber, and for killing from base motives in excess of the structures of authority and orders in the camp. In other words, it shows Stark acting on his own initiative.

In their summary of the evidence against Stark, the judges write:

Bei weiteren Vergasungen jüdischer Menschen im Mai 1942 nahm Stark häufig vor den Vergasungen einige jüdische Frauen beiseite. Wenn dann die anderen jüdischen Menschen in den Gaskammern waren, stellte er die Frauen im Hof des Kleinen Krematoriums an die Wand. Dann schoß er eine oder zwei Frauen in die Brust und in die Füße. *Wenn dann die anderen Frauen zitterten, auf die Knie fielen* und den Angeklagten Stark anflehten, sie am Leben zu lassen, schrie er sie an: 'Sara, Sara, los, steh!' Dann erschöß er sie alle nacheinander.<sup>8</sup> [my italics]

(During further gassings of Jews in May 1942, Stark often took aside a few Jewish women before the gassing. When the other Jews were in the gas chambers, he stood the

women against the wall in the courtyard of the small crematorium. The he shot one or two women in the chest and in the feet. *When the other women trembled, fell to their knees* and begged the defendant Stark to let them live, he shouted: “Sara, Sara, come on, stand up!” The he shot them all dead one after the other. [my italics])

Remarkably, the story told by the judges here includes Hofmeyer’s mistranslation of Müller’s Czech words, indicating in this small detail that Müller’s voice as witness is interwoven with Hofmeyer’s own narration. This text also includes Müller’s rendering of Stark’s speaking voice, here tidied up and translated into correct standard German: the voice of Stark that is imitated here is also a product of translation.

Thus, even here in a text predicated on the authenticity of witness testimony and the authority of judicial theory, translation is at work beneath the surface. First person witness statements invoke parallel narratives in the minds of the listeners, and translation is implicated here as a form of re-narration: in this situation, translators (including mistaken ones) produce their own visualization of the events described and work it into a new narrative in the target language.

Court interpreting, especially where the proceedings concern victims of violence, is often discussed in terms of perspective and the ethical problems arising from the question of how the interpreter positions him/herself between the victim and the institution, from the problem of identification with a victim, and from the range of possibilities for voicing a victim’s speech. These questions are all highly relevant here – and it’s worth remembering that the court had at that time no established standards for interpreting – but there’s more going on here, too. The judge and interpreter appear to be producing their own inner narrative of the events, invoked by Müller’s, but with their own slant – here, translation is mingling with the cognitive processes involved in responding to first person testimony narratives, and translation

involves visualization and recreation in the mind, of the scene described.

Trial testimony provides a fascinating and instructive example of the collaborative production of witness narratives, with translation playing a key role. Transcripts and recordings such as these gives us an important insight into how translation is implicated from the beginning of the process: it is not simply the post facto mediation of an already completed act of witnessing into another language. Instead, it makes witnessing possible.

We are also confronted with uncomfortable questions about the degree of control that a witness is able to exercise over the process of witnessing through translation (especially if a judge is likely to pay attention to his own inner visualization when formulating a verdict). As these extracts have shown, it is hard to generalize about the role of translation in the framing of an act of witnessing, but making it visible allows us to begin to understand the network of relationships between individual agents, the specificity of the context with all its potential power imbalances, and the back-and-forth of collaboration, conflict, support and appropriation that we can find even within a single exchange.

## Notes

<sup>1</sup> Bloxham, *Genocide on Trial*; Pendas, *The Frankfurt Auschwitz Trial, 1963–1965*; Wittmann, *Beyond Justice*.

<sup>2</sup> Braese, *Rechenschaft*; Freudiger, *Die Juristische Aufarbeitung von NS-Verbrechen*; von Plato, “Vom Zeugen zum Zeitzeugen”; Renz, “Tonbandmitschnitte von NS-Prozessen als historische Quelle.”

<sup>3</sup> A fuller account of the translation issues in Müller’s testimonies can be found in Davies, *Witness between Languages*, 264–335.

<sup>4</sup> José Brunner’s analysis of the strategies adopted by witnesses in the Eichmann Trial is particularly useful here: Brunner, “Trauma in Jerusalem”.

<sup>5</sup> See Assmann, “Vier Grundtypen der Zeugenschaft.”

<sup>6</sup> See Schmidt, *Ethik und Episteme der Zeugenschaft*.

<sup>7</sup> ‘1. Frankfurter Auschwitz-Prozess, »Strafsache Gegen Mulka u.a.«; 4 Ks 2/63 Landgericht Frankfurt am Main; 97. Verhandlungstag, 5.10.1964 und 98. Verhandlungstag, 8.10.1964; Vernehmung des Zeugen Filip Müller’ (Fritz-Bauer-Institut <http://www.auschwitz-prozess.de/>; last accessed 24 April 2018).

<sup>8</sup> Gross, *Der Frankfurter Auschwitz-Prozess (1963–1965)*, vol. 2, 751.

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