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Benjamin Murelstein, a man from the “Town ‘as if’”: a discussion of Claude Lanzmann’s film *The Last of the Unjust* (France/Austria, 2013)[†]

Yvonne Kozlovsky Golan

Graduate program for Culture and Film Studies, Humanities Faculty, University of Haifa, Haifa, Israel

ABSTRACT

Claude Lanzmann’s film *The Last of the Just* (2013) presents the director’s extended interview with Rabbi Dr. Benjamin Murelstein, the only survivor of the Jewish Council of the Elders of Theresienstadt. Lanzmann had shelved his 1975 footage until 2013 for perspective, and now supplemented it with historical material and filmed sequences of the landscapes of “Ghetto Terezin,” Vienna and other locations. The current article treats the interview as a visual document of first-person court testimony delivered by an eyewitness, examines the interviewer-interviewee relationship and the moral implications of Murelstein’s actions in the context of the chaos in which he acted.

KEYWORDS

Judenrat; Lanzmann;
Murelstein Eichmann;
Theresienstadt

Introduction

The current article discusses the filmed testimony of Rabbi Dr. Benjamin Murelstein of Vienna, the last surviving member and head of the Judenrat (pl., Judenräte) of the Theresienstadt ghetto. The Nazis established a Jewish Council in each ghetto to allocate food, housing, and labor among the Jews confined there, provide Jewish police to enforce German policies, and eventually to determine which Jews would be deported to the extermination camps. This simultaneously reduced the numbers of Germans needed to administer these policies, created divisions among the Jews, and fostered the illusion that Jewish leaders retained some semblance of power.

Until now, most research on the Judenräte has consisted of testimony from survivors of the ghettos, but no first-person testimony from Council members. All but Murelstein – the last “Altester” (elder) of Theresienstadt – perished in the Holocaust either by committing suicide, being executed as reprisals for failing to carry out German orders or suppress resistance activities, or being deported to extermination camps after the ghettos were liquidated. How Murelstein managed to survive raised numerous moral questions.

Based on 10 hours of footage from his interviews of Murelstein in 1977, Claude Lanzmann made a three-hour documentary in 2013 entitled *The Last of the Unjust*. The film can be considered an accompanying chapter to Lanzmann’s renowned film *Shoah* (1985),

CONTACT Yvonne Kozlovsky Golan  ykozlovsky@univ.haifa.ac.il

[†]Dedicated to the memory of David Cesarani.

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or perhaps an “outtake” chapter from it. *Shoah* included many interviews with survivors of concentration camps located in Poland, initially including extended conversations with Rabbi Dr. Marmelstein, which were finally cut. It was only in 2013 that Lanzmann edited and arranged the material into a separate documentary.

Although Lanzmann is not a historian, it is commonly assumed that his cinematic works constitute a visual and oral history of the Holocaust, comprising testimonies of ghetto and death camp survivors, Polish bystanders, a member of the Polish underground, and German perpetrators.¹ The conclusion about Lanzmann’s contribution to historical research assumes that Holocaust history should be based, first and foremost, on filmed eyewitness testimony.

Steven Spielberg’s massive oral history project of interviewing Holocaust survivors, as well as the interviews conducted by Yad Vashem and the US Holocaust Memorial Museum, are aimed at collecting and preserving their memories for future generations and for contemporary and future research.² These interviews are the most accessible to the public since many are posted online. Holocaust survivors and their families have recorded their stories on audio- and videotape, published them in memoirs, and produced documentary films based on them. These testimonies, in turn, have inspired feature films and novels. Having the opportunity to hear and watch a survivor speak about his or her ordeal on film has enabled viewers to bond cognitively, emotionally, and morally with him or her and to explore issues of “choiceless choice,” as Lawrence Langer characterizes them, that confronted the survivor coping with the dehumanizing dilemmas imposed on him or her by Nazi persecutors.³ Even the concept of “testimony” in the filmed interviews undergoes a change, since the testimony is provided to the camera, not to a court, and therefore is not subject to legal rules of evidence. The viewer could be anyone, not necessarily a lawyer or historian. The filmed interview contains an infinite number of visual and verbal cues, enriching the testimony with a depth and dimension that might not be permissible or relevant in the formal setting of a court.

An important approach in analyzing a survivor’s testimony involves cross-checking the story of the individual with other accounts by those who encountered the same or similar situations. This provides scholars and viewers with a fuller picture of the period and its events, and contextualizes the experience of individual survivors. In this lies the importance of the testimony provided by Benjamin Marmelstein in Lanzmann’s film.

Marmelstein’s testimony complements and contrasts with the graphic images presented in the concentration camp liberation films screened at the Nuremberg Trials as legal evidence of Nazi crimes. Both serve as substitutes for witnesses, both dead and alive.⁴ The liberation footage focused on the grisly remains of the corpses, the ghostly appearance of the survivors, and the physical remains of crematoria, gas chambers, instruments of torture, and the expropriated belongings of those interned and killed in the camps. These haunting images, which were recycled in Alain Resnais’ landmark documentary *Night and Fog* (1955) and many other documentaries about Nazi Germany, remained in the memory of viewers who repeatedly saw this atrocity footage and construed it as representing the reality of the camps.⁵ Conversely, Lanzmann’s film relies primarily on the recollections and rationales of Marmelstein, which elicit empathy for the plight of the Jewish Council leaders like him whose coerced compliance falls into the moral “gray zone” postulated by Primo Levi.⁶

The liberation footage set the initial way in which memory would be transmitted from the Allied soldiers who witnessed the liberation of the camps to future generations. The inborn visual intelligence of humans imprints the filmed images on people's historical consciousness: what to remember, how to remember it, whom to remember, and why. The human mind, drawing the data from photographic memories, created the iconographic images of the Holocaust: people believed that this is how things were in the concentration camps and this is how the prisoners looked.⁷

There are five transitional stages in the viewer's consciousness as they move from the onset to the conclusion: first, the camera as a visiting critic; second, the camera as a witness; third, the camera as informing, confirming, and authorizing the viewer's doubts and fears; fourth, the camera proving the horrors - photographing "their" (circumlocution in Hebrew for those who refuse to say the words "Nazis" or "Germans") deeds as supporting evidence; and fifth, insight and conceptualization.

The concentration camp liberation films and many others were distributed in Israel and across the world. These and other films are screened periodically on television as depicting the Holocaust on commemoration days (particularly in Israel).⁸ Such films became perceived as constituting the collective memory of the Jews who perished in the Holocaust.

Claude Lanzmann's films, *Shoah* and *Last of the Unjust*, belong to the corpus of documentaries comprised of survivor interviews that have given a face and a voice to those who managed to evade death in the concentration camps and ghettos.⁹ During an era in which "the medium is the message,"¹⁰ seeing the emotions and body language expressed by survivors as they recount their experiences enhances the impact of their descriptions. Visibility enhances the impact of the verbal evidence, on screen in film or television, on smartphones or computers, whether in museums, cultural institutions, or galleries.¹¹ Two shifts in consciousness are generated in the viewer: the moving images and powerful narratives dance across the digital format, reinforcing their emotional, cognitive, and sensory load. It changes in verisimilitude from a two dimensional photograph into a coherent narrative of an event and its historical insight. This expands a two-dimensional photograph or film frame into a subjective narrative of an event and its historical significance. The projected image captures body and form, infiltrating the viewer's brain, crossing the barriers of criticism and distinction.¹² Fiction takes on the semblance of truth, what Hayden White has called "metahistory."¹³ Clearly, therefore, cinematic or other audiovisual materials, such as Ophuls' films *The Sorrow and the Pity* (1969) and *The Memory of Justice* (1976), play a significant role in constructing human memory and restructuring the historical consciousness of the past. Such materials do so even more strongly when a survivor personally recalls his or her experience of the Holocaust.¹⁴

Here lies the importance of the interview of Benjamin Murmelstein, as filmed and documented through Claude Lanzmann's lens. The film will be considered, therefore, a film of "doubles," a kind of look into the mirror¹⁵ - Lanzmann's cinematic gaze on a momentous historical event is embodied in the Jewish Council Head. Murmelstein looks directly back at the camera and Lanzmann, raising the question of what Lanzmann would have done were he in Murmelstein's place. Could history have happened otherwise in a lawless place of chaos in which the Devil decided who would live and who would die?

However, because the film is the only first-person testimony of a Jewish Council elder, the current article focuses only on statements made by Murmelstein about the situation he faced and the justifications for his actions, and on the cinematic gestures he and

Lanzmann exhibit during their conversations. The article deals less with the history of the Judenräte than with the personalities of the protagonists – interviewee and interviewer – presenting how they frame the issues being discussed. The author discusses the direct context of Murlmelstein’s statements, referring to the film as a means of transmitting a historical event from an eyewitness to it.

The film raises several questions: first, has Murlmelstein’s visual testimony as a “defendant,” representing himself alone, without witnesses to support or contradict his statements, influenced the director to lose the objectivity so necessary as a documentarian and practical visual historian? Or, as Dominick LaCapra has observed regarding Lanzmann’s *Shoah*, is it the case that

With respect to the filmmaker or historian as secondary witness, ... the goal should not be full empathy in the sense of an attempt to relive the trauma of the other, but the registering of muted trauma and the transmission of it to the reader or the viewer[?]¹⁶

Second, how did Murlmelstein’s relationship with Lanzmann, the film’s alter ego, whose mid-’70s portrait was shaped by his mission and artistic output, affect the film? Third, Murlmelstein’s position is similar to that of Josephus Flavius (37–c.100 CE), a Jewish general during the revolt in Judea against the Romans. During the revolt, he was captured by the Romans and later collaborated with them. Josephus was also the subject of most of Murlmelstein’s doctoral dissertation, as a controversial figure accused of collaboration with his captors, and the only historian whose version of events was the only one to survive the fall of Judea. Similar accusations were brought against Murlmelstein: did he collaborate with the Nazis or not? What is the value of the testimony of someone who knowingly cooperated with Eichmann? What can we learn from this testimony and what conclusions can the viewer possibly take away from the film after it has been edited down from 10 hours of filmed interviews and presented as the “truth” to the audience?¹⁷

Fourth, as for the cinematic medium through which the testimony is being transmitted, should the film be treated as a primary source, like the camp liberation films that were screened as evidence of the guilt of the Nazi war criminals tried at Nuremberg? In 2013, it was time for Murlmelstein to ascend to the cinematic witness stand and give his version of events.

The Last of the Unjust as testimony

Lanzmann abridged and edited the 10 hours of footage he shot of his interviews with Murlmelstein down to the three hours’ running time of the film. Since the film’s leading character is no longer among the living, Lanzmann in effect became his spokesperson, and defender. Given the evolution of how the Holocaust has been interpreted over time, reading the film requires contextualizing Murlmelstein’s account according to the dates of the interviews and the release of the film. After all, Murlmelstein reconstructed his recollections of what occurred when he was interviewed, whereas Lanzmann and many in the audiences who saw the film developed more sympathy for the “choiceless choices” made by “privileged Jews” under Nazi duress. These shifts presumably altered how Murlmelstein’s testimony is perceived.¹⁸

While the first section of the film was banal, its second part containing Murlmelstein’s testimony was of great importance. Murlmelstein touches upon several acute historical and

moral issues accompanying the history of the memory and representation of the Holocaust, while at the same time breaks out of them. The strength as well as the weakness of the film is that Marmelstein's testimony was filmed in full. Everything he said in 1975 constitutes a personal defense. Under the circumstances, no prosecutor could cross-examine him to refute it. Yet as the only surviving elder of a Jewish Council, his testimony sheds light on the reasoning his counterparts employed to justify their compliance with German orders. This was a perspective missing in the Eichmann trial, which enabled observers like Arendt to condemn the Judenräte for their subservience to Nazi demands.

In the text opening the film, Lanzmann declares:

These long hours of interviews, rich in firsthand revelations, have continued to dwell in my mind and haunt me. I knew that I was the custodian of something unique but backed away from the difficulties of constructing such a film. It took me a long time to accept the fact that I had no right to keep it to myself.

In the film itself, Marmelstein declares that his talks with Lanzmann, 30 years after the war, were “a later epilogue to my activities during that period.”

Psychologist F.C. Bartlett argues that when an individual remembers, he or she creates the past from the beginning again and again, each time restructuring it in favor of the present.¹⁹ When Lanzmann became the interviewer as well as the director, he should have treated the testimony itself in such a way that it was not obviously true. He had the responsibility to verify and investigate the truth, to examine the narrative strategy employed by the witness – not necessarily in terms of the factual content, but in terms of Marmelstein's selective memories of what factors exonerated his actions as a Jewish elder immediately after the war, and now when he faced the camera. He should have scrutinized Marmelstein's narrative more critically, taking into consideration the circumstances of the testimony, the motives of the witness, the psychological process of memory, the interpersonal dynamics between Marmelstein and himself, and the impact of the testimony on those who would hear and see it when it was screened.

The film raises questions about the interviewer and issues of ethics and morality, Marmelstein's responsibility and guilt. Could Marmelstein be blamed for his conduct? Was it immoral? Did he collaborate to preserve his community or just to ensure his personal survival? How do those who did not live through the Holocaust judge the decisions he made alone or with his colleagues during it? As the interviewer and director searching for the truth, Lanzmann is supposed to maintain his objectivity and not identify with the interviewee. He should have asked difficult questions and probed deeper when Marmelstein's answers were ambiguous and required further explanation.

It is possible to ascertain variations in Marmelstein's testimony based on when he was being interviewed. In his earliest testimony immediately after the war, he exhibited less emotion, focus, and introspection on specific details than he evinces in his interviews with Lanzmann. This testimony was recorded at the end of the war when Marmelstein was in prison with the threat of execution for collaboration with the Nazis hanging over him. During his subsequent interviews with Lanzmann, he is at ease facing the camera. The filming was done in the comfort of his apartment and the familiar environs of Rome where he resided. At a very early stage in the film, it is evident that he stops referring to the presence of the camera, and appears to be having a tête-à-tête with the filmmaker, or speaking aloud to himself. The camera has become a kind of “confessional,”

encouraging the speaker to elaborate on open-ended and traumatic questions. This lessens the repression of incriminating and personally disturbing admissions he displayed in his prison interrogations. Lanzmann, as an experienced, friendly, and empathic interviewer, exploits this vulnerability to his advantage, managing to get Marmelstein to disclose what Lawrence Langer calls “deep memory” to witness it himself, and transmit it to viewers as he sees fit.²⁰

An analysis of Marmelstein’s testimony should take into account the changes it has undergone over time.²¹ In Marmelstein’s case, his memories are multilayered and enfolded within and outside of the film through the witness’s viewpoint and the socio historical context in which the testimony was documented. Thus, it is subject to simplification, flattening the narrative to be more linear, and validating the decisions he took vis-à-vis the Germans. During the war and immediately after it, Marmelstein saw his actions within his perspective of how he could most effectively cope with the demands the Nazis made upon him, but that perspective was always ad hoc and constantly changing, since it had to accommodate the transition from administering the ghetto to determining who would be deported to their death in Poland.²²

When he spoke on camera to Lanzmann, Marmelstein expressed more regret based on his retrospective understanding of his actions, even though he continued to rationalize his wartime behavior.²³ Of course, he had passed away and could no longer respond to his detractors by the time the film was screened and became a topic of public debate. Therefore, audiences were likely to see in these scenes a summation of Marmelstein’s experiences and empathize with the predicament in which the Jewish elders of ghettos found themselves.²⁴ His account to Lanzmann is more self-consciously constructed following the paradigm of a narrative.²⁵ At the time of liberation, his testimony was personal, superficial, and lacking historical contextualization. Interviewers seek narrative unity to obtain a coherent concept of what took place. The witnesses react by making it appear that the interviewer imposed a moral message on their testimony.²⁶ The format of the filmed interviews is more relaxed and has both a visual and verbal dimension, encouraging Marmelstein to more freely express himself while simultaneously rationalizing his wartime conduct as a strategy to ensure the survival of the ghetto.²⁷

Benjamin Marmelstein’s testimony is reminiscent of Josephus Flavius’s *The Jewish War*. Like Marmelstein, Josephus was a prisoner who “voluntarily” served his Roman masters in exchange for the “freedom” to live. By chronicling their experiences, Josephus and Marmelstein provided historical insights on the process of how an oppressor attempted to destroy the Jews as a nation in the case of the former and as a “race” in the case of the latter. In the outtakes of the interviews of Marmelstein, he mentions that Zdenek Lederer, survivor of Theresienstadt who authored a history of it, had dubbed Marmelstein “the second Josephus.”²⁸ As the editor of an anthology of Josephus’s works, Marmelstein denies this comparison because Josephus secured his personal survival by collaborating with the Romans. Although Lanzmann omits this incriminating comment in *The Last of the Just*, he visually implies the parallels between Josephus and Marmelstein by having the Arch of Titus in the background of the closing shot of the film. The Arch commemorates the Roman destruction of the Second Temple by the emperor who employed Josephus as his translator.²⁹

As Henry Greenspan emphasized, “In their role as recounters, *everything* survivors say about the destruction is part of their retelling, part of their ‘making stories’ and finding

forms.”³⁰ The essential common denominator between the two is the issue of responsibility for and blame from their communities. Josephus found a stage to tell his story. By doing so, he managed to persuade his readers to understand his complex situation and to sympathize with him. In Murlmelstein’s case, at first no one wanted to hear his story and the movie was an excellent opportunity for him to prove himself to his people as “not guilty.”³¹ However, he never experienced his vindication because the film was not screened until years after he passed away.

The trial of Murlmelstein followed formal laws of evidence, depriving him of the opportunity to tell his entire story to a listener who appreciated the historical constraints within which he operated as a Council elder.³² The verdict the court reached was grounded in laws devised for normal circumstances and was formulated by people incapable of judging or understanding the regime of lies that the Nazis imposed, such as the description of his job as someone empowered to lead the ghetto. The dialogue in the film begins with Murlmelstein describing the double meaning of his job. First, he argues that he could not testify as the elder of the Jews since there was no such category: “No, no, that implies a category that doesn’t exist. They form a professional body. An engineer can talk about engineers. Elder of the Jews is a category that changed with the circumstances,” “It was an invented job.”

In this sense, *Last of the Unjust* serves not only as a historical document on the Holocaust per se, but as a corrective to the initial postwar testimony given by Murlmelstein. The film asserts an outlook that bursts the postwar negative assessment of Jewish Councils. For Lanzmann, who fought in the French Resistance and considered himself a survivor, and witness,³³ the film adds another layer to the eyewitness remembrances of the Holocaust he has constructed in his corpus of films. Murlmelstein’s testimony reveals the borderline experience of a privileged Jew whose responses to the “choiceless choices” coerced upon him test the limits of legal notions of culpability in extremis and the limitations of evidence in general.³⁴

Editing the film decades after it was shot enabled Lanzmann to change the gaze at the past. If in the past he presented himself as an outsider and objective observer, like Susan Sontag in *Promised Lands* (1974) or Chris Marker in *Description of a Struggle* (1960),³⁵ Lanzmann referred to his films as essay films; now he is more of an advocate for the witness with the goal of changing the audience’s minds about the Judenräte in particular. To this end, he employs historiographical practices. In Lanzmann’s previous film, he avoided using archival materials, arguing that only testimony from survivors should be taken into consideration, in contrast to historians who considered survivor testimony a belated and thus a secondary source. He called this a “reincarnation,” a kind of philosophical look at the historical narrative that can always change with “new findings.”³⁶

In the current film, Lanzmann features archival material to tell the story of Theresienstadt, but manages the historical narrative with his camera. In this sense, *Last of the Unjust* is both a continuation of and a divergence from Lanzmann’s oeuvre: from a formal viewpoint, the film moves between past and present. The filmmaker/director visits the site of the Theresienstadt ghetto and reads aloud from a history of Theresienstadt³⁷ and Murlmelstein’s own book, *Theresienstadt: Eichmann’s Model Ghetto* published in Italy in 1961³⁸ to supply the historical context to Murlmelstein’s narrative.³⁹ He selects shocking passages in which Murlmelstein describes events in graphic detail, expressing his great pain and rage.⁴⁰ In contrast with Lanzmann’s previous cinematic approaches, this incomprehensible act is

clarified further in the film through the warm relationship that he develops with Marmelstein and his aim of making Marmelstein's testimony "live" by elaborating upon it. This is a more personal film than his others – *Shoah*, *Sobibor*, and the *Karski Report*.⁴¹ Here Lanzmann places himself at center stage, recounting the Jewish tragedy like a Greek chorus. Unlike Lanzmann's previous films, which adhered to stringent artistic and aesthetic criteria, the desire here to uncover the essence of Marmelstein's dilemma overshadows his concern with achieving an aesthetic look.⁴²

For a moment the scenes seem uncharacteristically sloppy and unformulated, such as the unsuccessful shots at the beginning, with the noise of passing trains preventing him from reading his text for several minutes.⁴³ Immediately thereafter, Lanzmann shifts his attention to the missing presence of the Jewish community of Vienna and its rabbi who is in exile in Rome, like his "hero," Josephus Flavius. For Lanzmann, Rome symbolizes more than anything else the fall of civilization to the barbarians and the birthplace of Jewish exile. The Jews, the symbol of western civilization, were destroyed, and their presence is missing in Rome. The prayers and the synagogue epitomize these values, and their integration into the scene is intended to make the absence of Jews and Judaism stand out. It also highlights the uniqueness of the film's protagonist.⁴⁴

For the first time, Lanzmann resorts to pathos by visiting the Prague synagogue and recording the *Kol Nidre* prayer and *Kaddish* recited by the cantor in Vienna's restored synagogue. He clearly intends to prepare the viewer emotionally to meet the man who was the rabbi of Vienna's largest Jewish district at the time of the Anschluss – Rabbi Dr. Benjamin Marmelstein.

The relationship between the interviewer and interviewee in the film is seen first of all in their visual reflections. At first, the camera is hesitant, a bit distant, as if it is an eye seeking a place on which to focus. First, Lanzmann seems to recoil from his subject, but then he transitions from the medium shots to a more intimate shot, with a medium close-up focusing on Marmelstein's face. His full face, with its double chin, red stains on the neck, protruding tongue and loud voice, humanizes the figure of the man accused by the Viennese and the inmates of Theresienstadt of being an informer and collaborator.⁴⁵ The beginning of the interview is devoted to the years in Vienna immediately following the Anschluss when Marmelstein worked for Eichmann in the Emigration Department. The second part discusses life in Theresienstadt.

The descriptions of the bond of trust formed between Eichmann and "his Jew" are unsettling to both interviewer and viewers, eliciting a mixture of antipathy at the obsequious interviewee and empathy for the human being who had a gun to his head to make him carry out what was asked of him. Marmelstein attempts to persuade the interviewer that he was coerced into cooperating: "I had to do it. It was very serious ... And although I needed three hours, the job had to be done in [less], otherwise ... It was very serious"

As Marmelstein explains his actions against the backdrop of documentary photographs and artwork produced in the camp to illustrate life in the ghetto, the bond between interviewer and interviewee becomes closer. Lanzmann imagines how terrorized the Jews interned at Theresienstadt were, and begins to identify and understand the absurdity of his situation. As he did in *Shoah*, Lanzmann acts simultaneously as narrator, interviewer, and researcher. As the narrator, he recounts the historical testimony he has heard as interviewer. As researcher, he interrogates Marmelstein to delve further into unsettled issues raised in the testimony. He probes further into matters where there is a tension

between what Marmelstein discloses and what he may have forgotten or repressed. Since Lanzmann acts as both researcher and interviewer, Marmelstein as the witness adopts a second voice to frame his behavior within the historical realities of Nazi rule in general and at Theresienstadt in particular.⁴⁶

Further into the interview, a feeling of trust can be discerned in the relationship developing between the two, and the tone of Lanzmann's questions becomes softer. The viewer now sees a double drama: on one hand, Lanzmann poses more difficult questions, while on the other hand, their physical closeness as seen by the camera mirrors their growing emotional rapprochement.

In the second part of the film, they talk about life in the "model ghetto." Lanzmann enters the frame. The filmmaker and subject share the same sofa. Gradually, Marmelstein convincingly conveys his sincerity, as he airs his painful truths, testifying to the tremendous difficulty in making decisions under coercion. His rational and emotionless explanations create the impression that he did the right thing. He places his detailed recollections of how he comported himself within the framework of German methods of compelling obedience from the elders of the Judenräte, whose task ultimately was to take part in the destruction of their own nation and themselves, and to deny this was what they in effect were doing to themselves and their community.

He recognizes that "the Germans were concealing the truth from other countries ... If possible, the Jews should handle the whole departure process. It was to take place in such a way that the Jews deported themselves." From his vantage point, the Jewish leadership was entrapped by the Nazis into assisting in the "Resettlement", so that the Jews would blame the leadership for the deportations rather than the Nazis.

Consequently, Marmelstein's compliance with Nazi resettlement policies becomes understood as a justifiable response to the sophisticated stratagem employed by the Reich to allocate this role to the Judenräte. In his mind, there was no option for him to evade responsibility to determine which categories of Jews in the ghetto would be deported. In contrast to survivors of ghettos and camps who emphasize what they endured there, Marmelstein testifies about the clever tactics and bureaucratic mechanisms employed by the Nazis to exact the cooperation of Council elders. His testimony is important and unique, because very few Jewish survivors had access to and worked in such close proximity to high Nazi officials. Marmelstein worked directly under them, and his viewpoint is as both victim and functionary vis-à-vis the bureaucracy intent on destroying him.

"I was a marionette who had to operate itself in a place where there was no room to act or with anyone." In a high pitched and excited tone, he exclaims:

Where Theresienstadt begins, the lie begins, too. People cannot rid themselves of that lie. It was all a lie, from top to bottom ... The Town "as if," inspired by the famous "as-if" philosophy. The town "as if." One acts "as if." One didn't eat, one didn't work, nothing like that. It was all made up.

Lanzmann confronts and reiterates the common denunciations of him by survivors of Theresienstadt: that he acted like a dictator, starved people, and embellished the façade of the town so it would look like a benign detention center to Red Cross officials who visit Theresienstadt in 1942, as the Nazis wanted. However, Marmelstein's defense of his actions erodes the categorical quality of those condemnations by countering them with credible rationales.⁴⁷

Parrying these charges, Murrelstein attempts to clarify the picture of what actually happened: “The ‘circus’ that took place during the first Red Cross visit was conducted by the one who was in charge at the time, Eppstein.” Murrelstein reminds Lanzmann that he was in charge of the Technical and Health Departments. In these capacities, he contends that he contained the typhus by forcing people to be vaccinated as a condition for receiving food, thereby protecting the residents. Following German orders, he embellished the town for the filming of the ghetto in 1944: “The ghetto had to continue to exist, to have people visit, to know about it and so it would be impossible to destroy it.” He continued:

Eichmann wanted to make something of Theresienstadt. If we could bring him to show Theresienstadt to someone, that would be an anchor. Theresienstadt could no longer vanish. It was a safety factor ... If they showed us; they couldn't [kill us]. Logical! That was my logic and I hope that my logic was right.

Well aware of the criticism of him after the Nazi propaganda film was made, Murrelstein compares himself to Sancho Panza by commenting: “He’s a calculating realist with both feet on the ground, a pragmatic, while others tilt at windmills.”

Nevertheless, he concedes that the preparations for the film led to the deportation of tuberculosis patients, the disabled, and infirm to Auschwitz, since they did not “fit in with the scenery” of a benign detention center that was planned. With deep regret, he declares, “I must admit that in this sphere, the responsibility still lies heavily on me today.” Because Edelstein and Eppstein with whom he could have shared joint responsibility for executing Nazi orders were no longer among the living, it was clear to him, and now clear to the interviewer and viewers as well, that he was subsequently ostracized by the postwar Jewish community not only because of his own deeds, but because of those of the preceding Jewish elders of Theresienstadt too. As the sole surviving elder, he was the only one left to blame. Edelstein and Eppstein were shot in the back of the head by the Germans.

Since Murrelstein repeats his story mechanically and unemotionally, Lanzmann attacks him: “Anyone would think you feel nothing as you talk about Theresienstadt.” Murrelstein chokes up. “It was hell,” he says. “I had to find ways for the ghetto to survive.” At first, he decided to take initiatives to banish the despair. “When the community leaders were ordered to appear in the commandant’s office, they came in pairs, so that one of them would be a witness. Each leader understood German differently.” Murrelstein asserts that each elder responded differently to what the Germans expected them to do.

Serving the Nazis, and the extraordinary caution taken by the leaders of the Jewish Councils, raises inevitable questions: could Murrelstein be blamed for his conduct? Did he collaborate with the Germans or manipulate them to preserve his community and survive personally? How can we possibly judge the decisions he made alone or with his colleagues? There are many differences of opinion on these questions among historians and philosophers.

Jewish leadership under Nazism: the Jewish Council (the “Alttestenrat”)

On 21 September 1939, Reinhard Heydrich sent an express letter from Berlin setting out policy directives and actions to be taken against the Jews in the German-occupied territories. The letter was directed to the heads of the Einsatzgruppen (task forces) of the

Security Police, ordering them to set up Jewish Councils of Elders according to the following guidelines:

1. In every Jewish community a Jewish Council of Elders is to be set up which, as far as possible, is to be formed from persons in authority and rabbis who have remained behind. Up to 24 male Jews (according to the size of the Jewish community) are to form the Council of Elders. It is to be made fully responsible, within the meaning of the word, for the exact and punctual carrying out of all instructions issued or to be issued.
2. In the event of the sabotaging of such instructions, the strictest measures are to be announced to the council.
3. The Jewish Councils are to undertake a temporary census of the Jews – if possible arranged according to sex (ages (a) up to 16 years, (b) from 16 to 20 years, and (c) over) and according to the principal professions – in their localities, and to report thereon within the shortest possible period.
4. The Councils of Elders are to be advised of the days fixed and the appointed times of the evacuation, the possibilities of evacuation, and finally the evacuation routes. They are then to be made personally responsible for evacuation of the Jews from the country.
5. The Councils of Elders in the “concentration” towns are to be made responsible for the suitable accommodation of the Jews from the country.
6. The Council of Elders is to be made responsible for the suitable feeding of the Jews during their transportation to the towns.
7. Jews who do not comply with the order to move to the towns are, in certain cases, to be given a short respite. They are to be advised of the strictest punishment if they do not comply with this time limit.⁴⁸

Establishment of the Judenräte preceded the establishment of the ghettos. In each community occupied by the Nazis, no matter what the size, a Judenrat was appointed to act as the mediating body between the German authorities and the Jews. It was to bear full responsibility for the functioning of the ghetto and follow the Germans’ orders. The Council lessened the numbers of Germans needed to administer the ghettos, minimized as much as possible the direct contact between the Nazis and the Jewish population, and made it easier to transmit orders to the ghettos. The Judenräte also undermined resistance by Jewish individuals and organizations, forcing Jews to address their complaints to their elders and not to the Germans. Thus, the Councils, rather than the Germans, would be perceived as the oppressors. This divided the Jewish community, causing a “civil war” within the ghettos. The Nazis preferred to have someone with a good command of German to head the Council. They established Judenräte in all of the areas under German occupation.

Most Council heads were public figures such as rabbis or prewar community leaders, such as Adam Czerniaków in the Warsaw ghetto; Edelstein, a Zionist activist, in Theresienstadt; and Rabbi Gedalia Rosenman in the Bialystok ghetto. When these leaders became less cooperative, they were replaced by less conscientious and reputable Jewish individuals. The Jewish community did not know that their appointed officials lacked any authority, and all they managed to achieve was the result of their own initiatives to bargain with Nazi officials. The intense rage at the Council was, therefore, often unfounded.⁴⁹

The Jewish leadership in Theresienstadt

In Theresienstadt, as in other ghettos, the Nazis established a Jewish Council comprised of 12 members. During its four years of existence from November 1941 through the spring of 1945, three “Altestenjude” stood at its head. The third and last Altester, Rabbi Dr. Benjamin Marmelstein, succeeded in keeping the ghetto functioning from September 1944 until the final days of the war, and then saved the residents from the death march ordered by Hitler.

Lanzmann’s film *Last of the Unjust*, whose title refers to André Schwartz-Bart’s masterpiece, *Last of the Just* (1959),⁵⁰ is focused on the interview with Marmelstein.⁵¹ The importance of the film is the unique and intensely personal testimony of the last surviving Jewish elder. Marmelstein was abhorred by his community and other survivors, and was not invited by the State of Israel to testify at the Eichmann trial in Jerusalem.

Marmelstein had worked very closely with Eichmann, and contacted Israeli authorities with an offer to provide testimony, which was rejected as “unneeded.” In retrospect, his testimony could have been interpreted by Israelis and those following the trial throughout the world as evidence that Jews had collaborated with Eichmann. Consequently, the prosecution preferred not have his account be exploited by the defense lawyers to mitigate Eichmann’s culpability. Although Marmelstein wrote a book, no one treated it seriously and its dissemination was limited. Since then, he was not heard in public.⁵²

Lanzmann’s film reveals what happened in Theresienstadt and how Marmelstein justified his cooperation with the Germans. Marmelstein’s visual testimony challenges the early negative scholarly judgments of the complicity of the Judenräte in the Final Solution expressed by Raul Hilberg,⁵³ Gerald Reitlinger,⁵⁴ or Hannah Arendt.⁵⁵ Subsequent scholars have been less condemnatory of the Jewish Council leaders and more cognizant of the limited options each elder of the Jews confronted.⁵⁶

Israeli attitudes towards the Judenräte

The public opinion of Israelis towards the Judenräte’s functions was predominantly negative. Most Israelis were unaware of the complexity of their functions during the mid-1940s to the mid-’50s, and did not distinguish between the spectrum of responses by Jewish Council leaders. Most people considered Council members collaborators with the Nazis. The survivors, mostly members of Zionist youth movements in the ghettos, who arrived in Israel in the early years of the state, such as Rozhkah Korczak from Vilna (who arrived in late 1944), Abba Kovner, also from Vilna (who arrived in 1945), Zivia Lubetkin from Warsaw (who arrived in 1946), and Yitzhak (“Antek”) Zuckerman (who arrived 1947), vilified Judenräte elders like Ephraim Barash of Bialystok, Adam Czerniaków of Warsaw and Chaim Rumkowski of Łódź.⁵⁷ They accused the Judenräte of preferring collaboration with the Germans over working together with the Zionist youth movements. This often entailed suppressing Jewish resistance movements within the ghettos, whose members were drawn either from the ranks of Zionist or non-sectarian left-wing groups. Ignoring the historical contingencies influencing the decisions of the elders, the political parties in the new State of Israel shared these criticisms of the Judenräte, which mirrored the common perception held by Israelis in the 1950s that the Jews of Europe went “like sheep to the slaughter.”⁵⁸

A gradual change in the sociopolitical climate in Israel began with the trials of Jewish kapos from the camps and policemen from the ghettos who had survived and arrived in Israel; they were accused of collaborating with the Nazis against their own co-religionists.⁵⁹ But the trial that received the most media coverage was the Gruenwald trial in 1955, also called the Kastner trial.⁶⁰ From a discussion of Kastner's deal with Eichmann to rescue a trainload of Jews in return for diamonds, gold, and money, and silence about the fate awaiting less fortunate Jews deported to Auschwitz, the trial quickly became a public argument over whether the Jews should have resisted the Nazis or tried to mollify the Nazis by complying with their orders in the hope of delaying the deportations and diminishing their pace and scope. The verdict rendered by the presiding judge charged that Kastner had "sold his soul to the Devil." This phrase became a popular expression in Israel, intensifying the already negative Israeli attitudes towards the Jewish leadership during the Holocaust.

However, this harsh judgment was moderated by the Eichmann trial in 1961. Survivors testified about their lives in the concentration camps and the ghettos and provided new evidence about the Judenräte.⁶¹ Over recent years, it has become common to examine each Council and its leaders on a case-by-case basis.⁶²

On the other hand, the prosecution in the Eichmann trial refused to have Murelstein testify, despite his being the Jewish elder who had worked most closely with Eichmann during the war years and who knew him very well. He certainly could have shed some light on the complexity of the relations between Nazi officials and Jewish community leaders, and perhaps challenged Hannah Arendt's pronouncement that Eichmann was merely a "cog" in a system epitomized the term "the banality of evil," which she coined to characterize a government official's obedience to the state by implementing legislation without consideration of the moral implications of the law itself. In this sense, the Eichmann trial failed the test of history by ignoring and silencing evidence that was important both to the guilt of Eichmann and the extent to which the Judenräte were implicated in it.

Some historians, like Raul Hilberg, have argued that the Jews collaborated with the Nazis as they had with their oppressors throughout all of Jewish history.⁶³ Basing his charge only on German documents available to him when he wrote his magnum opus, Hilberg enumerated the historical precedents of Jewish leaders complying with anti-Semitic regimes to appease them and mitigate the persecution of their communities. Gerald Reitlinger, in *The Final Solution*,⁶⁴ maintained that Eastern European Jewry traditionally accepted its oppression as punishment for its sins, contributing to the paralysis of Jewish elders there when Nazis aimed at extermination rather than discrimination and persecution. Philosopher Hannah Arendt articulated an even more extreme argument when she reported on the Eichmann trial by insisting that the Judenräte consciously collaborated with the Nazis. If there had been an absence of Jewish leadership, she speculated, it would have created chaos and fewer Jews would have been murdered.⁶⁵

These three scholars were considered the most important in their field in the 1950s and 1960s. For many years, their books were the standard texts in teaching about the Holocaust. Naftali Blumenthal recognized that the Judenräte were not knowingly criminal, since the Nazis deceived them about the purpose of their appointment. Nevertheless, he believed, they became an agent in the killing machine.⁶⁶

Documents from the Jewish Councils that have become available in recent years show evidence to the contrary. By the beginning of the persecution processes, the leaders already

understood how they were entrapped but were helpless to extricate themselves. Within their coercive circumstances, they tried, unsuccessfully most times, to devise ways to alleviate their co-religionists' suffering. They hoped that by acting as a conduit between the Germans and the ghettos, they might be able to benefit their communities. As a historian and survivor of Theresienstadt, Ruth Bondy wrote that some did collaborate while others resisted, which varied from ghetto to ghetto. Publication of Isaiah Trunk's book on the Judenräte in 1975⁶⁷ provided a corrective voice to the sweeping condemnations that were leveled against the Jewish Councils. Aharon Weiss's differential view took into consideration the various stages of the Nazi policy, the personality and conduct of the leaders and the options (if any) remaining at their disposal.⁶⁸ Dan Michman of Yad Vashem examined the structure of the Jewish Councils and concluded that they lacked any concrete authority and had very limited options to shield their ghettos from being transformed into sites of extreme deprivation and eventual deportation.⁶⁹ He felt it was impossible to judge them, since they acted within such horrific circumstances. Or, as Primo Levi wrote: "In general, what was the significance of collaboration? Providing the names of Jews to be deported? Or the Sonderkommando putting Jews into the gas chambers? Who of the two supported the Final Solution?"⁷⁰

Conclusion

We can summarize the film under discussion here as a psychological dialogue between two protagonists – interviewer and interviewee. Their process of becoming better acquainted evolves into friendship and mutual understanding. As a legal drama of a single accused vs. the ghosts of his past, the millions who watched and will watch his testimony are searching for a moral standard with which they can judge Marmelstein's coerced complicity. Yet it is doubtful it can be found.⁷¹ While *Shoah* develops a complex, dialectical argument regarding historical truth, memory, and representation, in *The Last of the Unjust* Lanzmann ends up sympathizing with Marmelstein and pronouncing "Not Guilty" in the film's prologue:

Marmelstein had a striking appearance and was brilliantly intelligent, the cleverest of the three [elders] and perhaps the most courageous.

Unlike Jacob Edelstein, he could not bear the suffering of the elderly. Although he succeeded in keeping the ghetto going until the final days of the war, and saved the population from the death marches ordered by Hitler, the hatred of some of the survivors came to be focused upon him.

He could easily have fled. He refused; preferring to be arrested and imprisoned by the Czech authorities after a number of Jews accused him of collaborating with the enemy. He spent 18 months in prison before being acquitted of all charges.

[...] All the elders of the Jews met a tragic end. Benjamin Marmelstein is the only Jewish Council elder who survived the war, making his testimony infinitely precious. He does not lie; he is ironic, sardonic, harsh with others and with himself.

Marek Lilla stated that Lanzmann violently objected to Arendt's understanding of the Holocaust: "To understand totalitarianism is not to condone anything, but to reconcile ourselves to a world in which these things are possible at all."⁷² Lanzmann stuck to his refusal to understand what happened, feeling that this was his only ethical pathway.

Hoberman also wrote about this with strong language: “The best one can say for this troubling, if intermittently fascinating, mess is that it succeeds in raising questions, moral as well as aesthetic, that it cannot answer.”⁷³ As Primo Levi wrote about the “law” taught to him at Auschwitz by an SS guard upon arrival at the camp: “*Hier ist kein Warum*” – “Here there is no ‘why’.”⁷⁴

This makes Lanzmann’s conundrum clear. Did he feel that he was manipulated by Murmelstein, or was he convinced by his rationale for cooperating with the Germans from 1939 until liberation? If Murmelstein was such an artful manipulator, why could he not have manipulated Eichmann at the time for the benefit of the community? Was he only trying to protect himself? On the other hand, perhaps *Shoah* was not the appropriate film to feature Murmelstein’s testimony, since its focus was on the killing process, German guilt, and Polish indifference or hostility rather than on the Jews possessing any agency to hasten or halt it.⁷⁵ In practice, Lanzmann blocked Murmelstein’s testimony from reaching the public at a time when he still could have received some compassion and understanding from the public and from scholars. His testimony helps us to understand, if not condone, the considerations he had to take into account in making life and death decisions in the ghetto.

No matter what the reason, Lanzmann’s *Last of the Unjust* leads audiences through the labyrinths of the past to contemporary times, and back and forth, without a full vindication of the man who ran Theresienstadt, in a place he called the “Town ‘as if’.” The phrase, “the town ‘as if’” is reinforced by Lanzmann not in the horrific meaning of the word, but in order to support Murmelstein’s thesis that it was a pseudo-town, and all of Murmelstein’s efforts were to maintain the façade of a normal town, to maintain its value as a “model ghetto” for the Nazi propaganda machine and thus to keep its residents alive (or at least some of them).⁷⁶

The viewer is left with mixed feelings about this “dinosaur,” as Murmelstein calls himself, unable to decide whether he was an angel or a devil. At least his testimony remains on film as another piece of the puzzle that explains a key aspect of the Holocaust.

The interview ends with the filmmaker and friend taking a tour of the Arch of Titus to remember the man who razed Jerusalem and captured Josephus Flavius. Murmelstein had published an anthology on Josephus in 1938, in which he summed up his subject: “His divided and ambiguous nature turned him into a symbol of the Jewish tragedy.” Marek Lilla and J. Hoberman concur; Lilla wrote that the epigraph was perfectly fitting for Murmelstein himself.⁷⁷ Hoberman concluded: “In his new film, Lanzmann has entered a moral and aesthetic ‘gray zone’ of his own and, alas, failed to illuminate it.”⁷⁸

Notes

1. Brody, “Claude Lanzmann’s ‘The Last of The Unjust’.”
2. The Steven Spielberg Oral History Project.
3. Langer, *Holocaust Testimonies: The Ruins of Memory*.
4. Kozlovsky Golan, “The Shaping of the Holocaust Visual Image.”
5. Avisar, *Screening the Holocaust*.
6. Levi, *The Drowned and the Saved*.
7. Kozlovsky Golan, “The Shaping of the Holocaust Visual Image.”
8. Meyers, et al., “Structuring the Sacred.”
9. Avisar, *Screening the Holocaust*.

10. McLuhan, *Understanding Media*.
11. James, "Films of the Year."
12. Baudrillard, *America*.
13. White, *Metahistory*.
14. Kozlovsky Golan, "Shaping of the Holocaust," 1–53; see also Michalczyk, *Filming the End of the Holocaust*.
15. Klein, "International Holocaust Remembrance Day."
16. LaCapra, *History and Memory after Auschwitz*.
17. Johnson and Scott, "Eichmann's Rabbi Gazes Backward."
18. Langer, *Holocaust Testimonies*, 39.
19. Bartlett, *Remembering: A Study in Experimental and Social Psychology*.
20. Langer, *Holocaust Testimonies*, 39–76, 162–206.
21. Hartman, *Preserving Living Memory*, 198.
22. Kushner, "Holocaust Testimony, Ethics, and the Problem of Representation," 275–295, 288.
23. Langer, *Holocaust Testimonies*, 39–76; 162–206.
24. *Ibid.*, 39–76.
25. *Ibid.*, 121–160.
26. Lilla, "The Defense of a Jewish Collaborator."
27. Greenspan, *On Listening to Holocaust*, 209.
28. Lederer, *Ghetto Theresienstadt*, 167.
29. Vice, "Supplementing Shoah," 54–5.
30. Greenspan, *Beyond Testimony*, 209.
31. Lilla, "The Defense of a Jewish Collaborator."
32. *Ibid.*, 211–212.
33. Felman et al., "In an Era of Testimony."
34. *Ibid.*
35. Landesman, "When Lanzmann, Marker and Sontag Visited Israel."
36. Felman et al., "In an Era of Testimony," 10.
37. *Ibid.*
38. Murrelstein, *Terezin*.
39. *Ibid.*
40. Brody, "Claude Lanzmann's 'The Last of the Unjust'."
41. Johnson and Scott, "Eichmann's Rabbi Gazes Backward."
42. Austerlitz, "Claude Lanzmann and Benjamin Murrelstein."
43. Schweitzer and Tessé, "On Last of the Unjust (2013)."
44. Brody, "Claude Lanzmann's 'The Last of The Unjust'."
45. Johnson and Scott, "Eichmann's Rabbi Gazes Backward."
46. Felman et al., "In an Era of Testimony," 12.
47. Johnson and Scott, "Eichmann's Rabbi Gazes Backward."
48. *Trials of War Criminals*, 119–123.
49. Trunk, *Judenräte*, 19–240.
50. Klein, "Last of the Unjust."
51. Karpel, "Claude Lanzmann's Journey."
52. Murrelstein, *Terezin*.
53. Hilberg, *The Destruction of the European Jews*.
54. Reitlinger, *The Final Solution*.
55. Arendt, *Eichmann in Jerusalem*.
56. Michman, "A New Look at the Judenräte."
57. *He'asor harishon*, 5708–5718, 49–52.
58. *Ibid.*, 52–53.
59. The trials were held pursuant to the Nazis and Nazi Collaborators (Punishment) Law, 1950.
60. Dr. Israel Rudolph Kastner (Hung.: Rezső Kasztner, April 1906–March 15, 1957) was a member of the Budapest Aid and Rescue Committee during the Holocaust and organized various rescue activities, such as the "Kastner Train." Following the accusation by an

Israeli journalist, Malchiel Gruenwald that Kasztner had collaborated with the Nazis, Chaim Cohen, Israel's Attorney General, accused Gruenwald of libel. The trial, which aroused public interest, turned into a broad investigation of the fate of the Jews of Hungary during the Holocaust and Kastner's actions during the war. This was known as the "Kasztner Trial." During the trial, Kastner was assassinated. See also Beeria Barnea, "Kasztner: Savior or traitor?," [/https://israelkastner.wordpress.com](https://israelkastner.wordpress.com)

61. Yablonka, *The State of Israel vs. Adolf Eichmann*.
62. Weiss, "The Debate: Further Research on the Judenräte."
63. Hilberg, *Destruction of the European Jews*.
64. Reitlinger, *The Final Solution*.
65. Arendt, *Eichmann in Jerusalem*.
66. Blumenthal, Teudot mighetto lublin [Documents from the Lublin Ghetto].
67. Trunk, *Judenräte*, 19–240.
68. Weiss, "The Debate," 279–95.
69. Michman, "A New Look at the Judenräte," 2–8.
70. Levi, "The Drowned and the Saved," 36–69.
71. Lilla, "The Defense of a Jewish Collaborator."
72. Ibid.
73. Hoberman, 'The Last of the Unjust'.
74. Levi, "The Drowned and the Saved."
75. Liebman, "Lanzmann's Memory Theatre."
76. Ibid.
77. Lilla, "Defense."
78. Hoberman, "'The Last of the Unjust'."

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Notes on contributor

Yvonne Kozlovsky Golan, PhD, is a Senior Lecturer and chairs the graduate program for Culture and Film Studies, Humanities Faculty, at the University of Haifa.

Dr. Kozlovsky Golan researches the connection between history, law and film - the cinematic representation of the wars of the twentieth century and the traumatic events of the century. Her research examines cinema's influence on the viewers' historical knowledge and the cultural and social discussion following the representation of history in cinema. She is a fellow in Yad Vashem, the International Institute for Holocaust Research, and a member of the Israeli Film Academy.

She is the author of three books: *The Shaping of the Holocaust Visual Image by the Nuremberg Trials – The Impact of the Movie Nazi Concentration Camps* (Yad Vashem Publications, 2006); *"God Have Mercy on Your Soul": The Death Penalty in the USA: History Law Cinema* (Resling, 2010); and *The Death Penalty in American Cinema: Criminality and Retribution in Hollywood Film* (I.B. Tauris, 2014).

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