

Nazis Disguised as Jews and Israel's Pursuit of Justice: the Eichmann Trial and the *kapo* Trials in Robert Shaw's *The Man in the Glass Booth* and Emanuel Litvinoff's *Falls the Shadow*

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The preposterous figure of the Nazi disguised as a Jew destabilises boundaries between perpetrator and victim, a blurring of identity that is particularly provocative in relation to the Eichmann trial and the Israeli *kapo* trials of the 1950s and early 1960s. Robert Shaw's *The Man in the Glass Booth* (1967) responds to the Eichmann trial and Hannah Arendt's analysis of the perpetrator, ultimately reinforcing the image of the monstrous Nazi. Emanuel Litvinoff's *Falls the Shadow* (1983), takes the figure as a starting point for a complex exploration of Jewish collaboration and culpability, in relation to the Israeli *kapo* trials of the 1950s and Israel's relationship to justice following the Sabra and Shatila massacres.

Keywords: Nazi, disguise, war crimes trials, Eichmann, *kapo*, Israel

Nazis Disguised as Jews

Ulrich Schnaft was a gentile German born in Königsburg, Germany in 1923 who joined the SS in 1941. After the war, he assumed the identity of Gavriel Wiessman, obtained the economic aid offered to survivors, and then joined a group trying to emigrate illegally to Palestine in November 1947. The ship was detained by the British, but after being released from detention on Cyprus in May 1948, Schnaft entered Israel and was conscripted to the Israeli Defence Forces (IDF) where, 'experienced in military techniques, he soon rose to the rank of captain'. Surprisingly, Schnaft would speak about his Nazi past when he was drunk, so his commission was not extended, but no further action was taken. At this point he was unemployed and wished to return to Germany, leaving Israel in 1954. However, as an Israeli citizen, he could not enter Germany, for Israeli passports were not valid for travel to Germany owing to Israel's boycott of it. Instead he revealed his past to the Egyptian consulate in Genoa, here assuming another passport in the name of Robert Hayat. Refusing the Egyptians' offer to return to the IDF as a 'sleeper', they nevertheless helped him to get to Germany in

the hope that he might be useful in future. In 1955, shortly after Schnaft's arrival in Germany, the Israeli Security Agency (ISA, Israel's internal security service) decided to bring him to trial in Israel. In order to lure him back, for he (rightly) feared the skill of the ISA, an ISA agent, Shmuel Moria, contrived to meet Schnaft and 'accidentally' revealed himself as an Iraqi officer, Captain Adnan. 'Adnan' then persuaded Schnaft to return to Israel to get information for the Iraqis, whereupon he was duly arrested, tried and sentenced to seven years in prison. He was released after five years in 1961.¹

This dramatic account, rendered by Ephraim Kahana in his dictionary of Israeli intelligence, is the most sensational example of Nazis disguising themselves as Jews. Most are documented in the years immediately following the liberation of the camps. The *Canadian Jewish Chronicle* reported that 'hundreds of Nazis, posing as Jews, voluntarily entered the concentration camps of Dachau, Sachsenhausen and even Buchenwald, shortly before the arrival of the Allies', and describes that they 'circumcised themselves and tattooed their bodies' in order to evade justice.² In a paragraph that itself somewhat confuses central European national identity, the *Jewish Telegraphic Agency* announced 'Bugarian [sic] Fascists Attempting to Escape Europe As Jews' before explaining that Hungarian Nazis in Germany's French zone 'are posing as Jewish refugees' in order to escape to South America.³ The same paper reported in June 1947 that the Nazi Ludwig Muellaner, 'a former supervisor at the Birkenau death camp and a member of the Gestapo', had been posing as Jewish for a year in Transylvania, integrating himself into local politics and presenting himself as a democrat.⁴ And it reported in 1948 that Julius Israel Holm was exposed by members of a refugee group of which he was vice-chairman, of being Erich Hohn, a former 'Gestapo official'.⁵ In 1963 the *Toledo Blade* told of information released by the Israeli police that a suspected Nazi war criminal had lived in Israel with his wife and two children, masquerading as a Jewish doctor, Alexander Fuert, before leaving for Argentina in 1954.⁶ And as late as September 2006 a number of newspapers reported a case with a not dissimilar twist. Elfriede Rinkel (née Huth), who had been a guard and dog-handler at Ravensbrück concentration camp, lived for approximately forty years with her Jewish husband in San Francisco without, as she stated, telling him of her past. She was deported to Germany in 2006 and *Haaretz* reported in 2015 in relation to revelations about ongoing social security payments, that she was assumed still to be alive.⁷

These real-world cases are remarkable precedents for a wide-ranging body of fictional works that take as their starting point the figure of the Nazi disguised as a Jew. He is a preposterous figure, for he seems brazenly to undermine the differences between Nazi perpetrators and Jewish victims specifically, and the blurring of categories of perpetrator and victim more broadly. Yet by bridging the identity of perpetrator and victim, and by linking the society which carried out the genocide with post-war societies that are committed to it never happening again, the figure serves as both a spark and a conduit for concerns about the legacy of the Holocaust in contemporary society. Furthermore, the revelation that an ordinary Jewish citizen was once a perpetrator and is now indistinguishable from others, suggests that anyone might be exposed as a perpetrator. Read metaphorically, this figure personifies the fear that citizens who are held to be ‘ordinary’, who are integrated in and contribute to society and who show no sign of being capable of atrocity, are indeed capable of extreme violence, and that the society into which they fit so seamlessly may also be complicit or capable of complicity or even atrocity.

The character of the Nazi masquerading as Jewish becomes especially arresting and provocative when its blurring of roles between perpetrator and victim leads to the painful topic of Jewish complicity and when it is Israeli justice and society that are questioned. By focusing on two novels which have Israeli trials at their center, the article analyzes how this startling literary character links the atrocities of the Holocaust with later concerns about war-crimes trials held in Israel, and whether perpetrators have been appropriately brought to justice. First, I offer a brief overview of the corpus in which the Nazi disguised as a Jew appears, pointing to the way in which the figure may express contemporary social concerns about culpability in the Holocaust, at an individual and social level. I then consider how each of the novels, Robert Shaw’s *The Man in the Glass Booth* of 1967 and Emanuel Litvinoff’s 1983 novel *Falls the Shadow*, engages with war-crimes trials. Both have Israeli trials at their center, through which they address the nature of justice more generally, and the effectiveness and legacy of trials for achieving justice in particular. Shaw’s novel directly responds to the Eichmann trial of 1961 and was published soon after the First Frankfurt Auschwitz Trial of 1963-65. I analyze how Shaw both stages and comments on the Eichmann trial, integrating Hannah Arendt’s analysis in *Eichmann in Jerusalem*. *Falls the Shadow* was published a year after the Lebanese War of 1982 and considers the complex legacy of the Eichmann trial and the 1954 Kastner trial in its exploration of justice and complicity. I explore the

way in which Litvinoff articulates his anxiety about narratives of complicity and victimhood in contemporary Israel by evoking the painful legacy of the 1950s *kapo* trials.

Many examples of this figure occur in crime fiction and thrillers, for such a character lends itself to suspense, plot twists and the piecing together of clues. Robert Fish's 1978 novel *Pursuit* is an unapologetic, racy thriller, which brazenly demonstrates the potential of this figure for thriller and crime genres. The protagonist, Helmut von Schraeder, aka the 'monster of Majdanek', transforms himself with the help of plastic surgery into the Majdanek survivor, Benjamin Grossman. After emigrating to Israel, Grossman becomes a military hero and leader, whereupon he is blackmailed by Odessa, the Nazi organization formed to help Nazis evade capture, into stealing enriched Uranium. This scheme will ensure the final triumph of Third Reich. *Pursuit* remains at the more lurid end of fictional representations and was adapted for a television mini-series in 1989 under the title *Twist of Fate*. The transformation from novel to screen domesticates von Schraeder from being a self-serving, cruel man into the archetypal Good German whose moral integrity is sentimentally signaled by his involvement in the 20th July plot on Hitler's life. The disguised Nazi is at the center of the *Magnum PI* episode 'Never again...Never again' in 1981, in which the Jewish couple, Lena and Saul Greenberg, are being pursued by Nazis, but are finally exposed by the private detective as a Nazi couple being followed by Mossad. In the same year, the pilot movie of *Cagney and Lacey* has a Nazi living in New York as a Hassidic Jew, who commits murder to keep his identity safe. The detective Cagney drily sums up the case once she and her partner have caught the murderer: 'Ironic isn't it, a Nazi killing to retain his identity as a Jew'.⁸ In Arne Dahl's 2001 novel, *Europa Blues*, the internationally respected Emeritus Professor, neuroscientist and camp survivor Leonard Sheinkman, turns out to be a world leader in his field by virtue of having had a head start: as Anton Eriksson he experimented on the cerebral cortex of concentration camp inmates in a specialized center in Weimar, near Buchenwald. And in a recent alternative-history twist, Lavie Tidhar's *A Man Lies Dreaming* (2014), presents a framework narrative in which Schomer, being worked to death in Auschwitz, imagines what might have happened if the communists had won in Germany in 1933. He dreams up a pulp fiction, which functions as the novel's main narrative, in which Hitler is living as an impoverished private detective in London in 1939. While investigating the disappearance of a Jewish gangster's daughter, Hitler discovers a sex-trafficking ring

with Eichmann at its head, is forcibly circumcised by the gangster, and ends by assuming the identity of the Jewish Moshe Wolfson. Hitler finally leaves London for Palestine on the *Exodus*, after Oswald Mosley is elected Prime Minister and he, as a German foreigner, is under threat from British fascists.

The role of the Nazi masquerading as Jewish in these texts extends beyond an unexpected plot twist or the suspense of being exposed. At the heart of these texts, and in keeping with the theme of crime, is an exploration of themes of culpability and justice in various forms. These imagined disguise stories articulate disquiet about perpetrators of extreme crimes evading justice and about the identity of a perpetrator who is indistinguishable from his victims. Furthermore, the specifically Jewish disguise functions to unsettle essentializing distinctions between perpetrator and victim, which in turn complicate our understanding of appropriate justice. A concern with justice is central to the corpus, even when the figure of the disguised Nazi is not set within the conventions of crime fiction. In Edgar Hilsenrath's provocative satire, *The Nazi and the Barber* (1971), Max Schulz, Einsatzgruppe member and concentration camp guard, murders his oldest friend, Itzig Finkelstein, and then assumes his identity. He then emigrates to Israel where he lives a fulfilled life, occasionally taunting the spirits of the dead with the fact that no justice has been done, as his own happy existence testifies.⁹ Michael Lavigne's *Not Me* (2005) tells the very personal story of Michael Rosenheim's discovery that his father, Heshel Rosenheim, now dying in a nursing home with extreme dementia, was actually Heinrich Müller, a member of the SS who worked as an accountant first in Majdanek and then in Bergen-Belsen. In his memoirs, Heshel Rosenheim recounts how he adopted the identity of a prisoner at Belsen, emigrated to Palestine, and finally moved to the US, where he became a committed member of the Jewish community and social activist, seeking to atone for his deeds, though continuing to keep his identity secret. In this novel, questions of justice and guilt are played out in Michael's horrified response to learning that he, a Jewish American, is the son of a Nazi perpetrator. The 2015 film, *Remember*, presents justice in the form of personal revenge, as Zev Guttman, the ninety-year old Auschwitz survivor goes in search of Otto Wallisch, the SS *Blockführer* who killed his family and Max Rosenbaum's, a fellow patient in the nursing home. Zev must follow Max's detailed written instructions to track down Wallisch, since Zev is suffering from dementia. In the final confrontation with the man he believes is Wallisch, it emerges that he was indeed a former SS guard, but he was Kunibert Sturm and Zev himself was Otto Wallisch. Zev shoots Sturm, his

dementia lifts and he admits 'I remember' before shooting himself. In the final scene it transpires that this was Max's plan for revenge all along.

In many of these texts, the exploration of justice is less to do with the specific historical circumstances of Nazi atrocities than with concerns about contemporary society, its role in the Second World War and the ways in which the memory of atrocity is being repressed or eroded with time. Thus in *Europa Blues*, the detectives uncover the secret that Scheinkman performed murderous experiments alongside his Nazi colleagues but decide not to tell his son about his real identity. This echoes the growing debates in Sweden in the 1990s about the Holocaust and Sweden's official silence over collaboration with the Nazis and the question of whether Sweden should lift its statute of limitation in relation to crimes committed during World War II.¹⁰ A history in which the British might have become fascist persecutors under Mosley has particular resonance at a time of growing Islamophobia and anti-Semitism in the UK. And the dominant theme of dementia in *Not Me* and *Remember*, reflects a more general and growing anxiety about the possibility of the Holocaust being forgotten as those who survived it or who were involved in it as perpetrators age and die. The time for justice is running out as perpetrators are deemed unfit to stand trial.

As with Hilsenrath's scathing satire *The Nazi and the Barber*, where the enthusiastic Nazi readily becomes an enthusiastic Zionist, the disguised Nazi is particularly challenging when the blurred dichotomy between perpetrators and victims is brought to bear on Israeli justice and society. Indeed, the interrogation of contemporary society and whether justice is achieved in response to perpetration and complicity is particularly evident in the corpus in relation to Israel. The 1952 British television drama, *The Prisoner*, revolves around an off-screen character, Spiegelman, the Israeli Minister of Security, who before the war lived in Germany under the name of Schreiber. He was a Nazi at the time, and betrayed the Jewish wife of a friend, who was never seen again. Spiegelman kept secret the fact that his mother was Jewish, then had to flee in 1939 when his Jewish descent was revealed, at that point adopting his mother's surname. *The Prisoner* provoked considerable furore in its depiction of two Jewish perpetrators, for another character, the Israeli Captain Goldsmith, is aggressive and models his imperialist ambitions on the Third Reich.¹¹ James Jordan argues that one cannot conclude from the fact that the play featured Jewish perpetrators as its villains that the BBC 'was anti-Semitic, anti-Jewish, anti-Zionist or anti-Israeli'. Rather, the

play was still aimed at a demographic based on the BBC's 'rather conservative idea of its audience' that did not include its British Jewish viewers.¹²

The Nazi and the Barber, Pursuit and Not Me all depict Nazi perpetrators, with no Jewish ancestry to aid their cover-up, who become Israeli citizens, indistinguishable from those around them. Their successful integration into Israeli society is actively helped by the military skills and determination they have learned as Nazis. With relentless and grotesque irony, Hilsenrath presents his protagonist as a Nazi nation builder who is well prepared in his attitude, military skills and nationalist rhetoric to contribute to the establishment and consolidation of the State of Israel. A historically rooted and explicit concern with Israel's judicial response to Nazi perpetration and to questions of Jewish complicity is, however, particularly acute in Shaw's *The Man in the Glass Booth* and Litvinoff's *Falls the Shadow*. In what follows I analyze the unease each novel articulates in response to the trials and Israel's place in pursuing justice, and the ways in which the novels' exploration of perpetration and complicity interrogates and complicates the relationship of trials to justice.

The Man in the Glass Booth

Robert Shaw's *The Man in the Glass Booth*, published in 1967 and set in 1964, was adapted into a play, which was directed by Harold Pinter at the St. Martin's Theatre, London in the same year and at the Royale Theatre, New York in 1968.¹³ It was made into a film in 1975, directed by Arthur Hiller and with Maximilian Schell in the title role, for which he gained an Oscar nomination for Best Actor. The adaptations are very close to the novel, in that the novel itself is largely structured through episodes of dialogue, with only limited passages of narrative description. The narration offers no explanation or privileged insight into motive that is not given by the dialogue and all three versions are dominated by the eccentric character of Arthur Goldman. Goldman is a Holocaust survivor and now property magnate in Manhattan. He fears he is being followed by Adolf Karl Dorff, who was first a Colonel in the Einsatzgruppen and who then continued to persecute and murder Jews in the camps. Goldman is indeed being followed, but by Mossad agents, who kidnap him and smuggle him to Israel, having identified Goldman as being Dorff himself, passing himself off as Jewish. In the dock, where he is determined to do better than 'Eichy the Clerk' (167), Dorff willingly admits to his crimes and uses his position to challenge notions of justice and responsibility.

Only in the last pages of the novel does it emerge that Dorff is in fact Goldman pretending to be Dorff-disguised-as-Goldman, precisely so that he can speak the truth as he sees it at a major trial. Goldman's plan has involved elaborate planning: he burns a scar into his left underarm, so that it appears that he has removed the blood type that SS members had tattooed onto them; he forges records so that X-rays of his collar-bone and knee cap are substituted for Dorff's; and he uses bribery and forgery to lay a trail of records that implicate him as the SS Colonel (97, 107, 136, 209).

The novel is suffused with the view that injustice needs to be challenged in the service of truth. In interview, Shaw described himself as having an 'iconoclastic sense of justice', a description that equally applies to his character, Goldman, for whom no target is exempt if he detects that justice has been undermined. The text starts with an expletive: 'Jesus! [...] the Pope has forgiven the Jews' (9), an expression of indignation at the news of the Second Vatican Council's repudiation of Jewish guilt for killing Christ on November 20th, 1964. Here, Goldman dismisses forgiveness as an inadequate, indeed ludicrous, response to the anti-Semitism that was theologically condoned by the Catholic Church. Forgiveness fails to acknowledge the pernicious injustice of anti-Semitism and the more recent complicity and collaboration of the Catholic Church with European fascist regimes. The disquiet over an unjust gesture of forgiveness was one of the triggers for Shaw to write the novel. When he heard the announcement that the Pope "was kind enough to forgive the Jews of the death of Jesus Christ" [sic] Shaw told the news to his friend "a Jewish tailor [...] called Mordie Sills [...] and Mordie said, who needs it!"¹⁴ The desire for countering injustice extends to the Eichmann trial, and its limitations and failures are interrogated in the novel through the imaginative restaging of a similar event and the incorporation into the proceedings of Hannah Arendt's analysis of the trial. How this is done, and with what effect, is the subject of the following analysis.

The purpose of Goldman's elaborate deception, that he is really Dorff pretending to be Goldman, is to stage his own version of the Eichmann trial and to use the trial as a platform to tell the truth as he sees it about the Germans, about the failure of the Eichmann trial and about Jewish cooperation in their own murder. As the Presiding Judge says, Goldman needed to put a Nazi in the dock who would not make excuses, someone 'who would say what it is necessary to say... say what no German has ever said in the dock' (216). In his preliminary interrogation, speaking as Dorff, Goldman denies wanting to do his 'part in lifting the burden of guilt from German

youth' (171), scathingly quoting Eichmann's reason for cooperating with his trial.¹⁵ He offers no excuses, but describes his involvement in Einsatzgruppe C, his un-euphemistic reports about the killing (165) and his job satisfaction: 'It was enjoyable and it was necessary' (171). He refuses to fall back on standard lines of defense: that his crimes are being determined only retrospectively; that Hitler's orders were the rule of law; and that he 'couldn't have acted differently' (153). In the trial he repeats that he does not feel guilty about his crimes, he shows no remorse and proclaims that he would do it all again (188). And not only does he brazenly express his continued anti-Semitism by referring to Jews as 'scum of the earth' who 'deserve all they got' (200), he enthusiastically describes how the Germans loved the Führer to the bitter end, even under extreme hardship (203), effectively negating the widespread post-war narrative that German support was achieved through coercion.

'Dorff's unabashed and enthusiastic avowal of his actions and Nazi beliefs act as a foil to exculpatory narratives, not least Eichmann's. As the 'first honest man' (143) in the dock, he is well aware that he is refuting the 'dumb' Eichmann (166), and by telling the truth he plans to outdo 'the Clerk' (180). 'Dorff's crass anti-Semitism is part of the truth that Goldman wishes to tell in the dock, his repost to Eichmann's lie that he was not personally anti-Semitic. 'Dorff' wittily ironises the lie, pronouncing that he 'personally-never-had-anything-against-the-Jews-even-though-some-of-my-best-friends-are-anti-Semitic' (167). And as the old woman who exposes Goldman's disguise admits, 'Mr. Goldman was enlightening me' (212). However, in his persona as Dorff, Goldman's concern with justice extends beyond wanting a Nazi on trial who attests to his crimes and attitudes without excuses. He also uses his role as Nazi to 'enlighten' his audience about the way in which the Eichmann trial served the political purposes of the Israeli State and which therefore fell short of achieving justice, understood as being independent of instrumentalization. The vital text for this enlightenment is Hannah Arendt's *Eichmann in Jerusalem*. 'Dorff' clearly knows Arendt's book well and in much of his criticism he seems like a mouthpiece for her analysis, taking her criticisms and reservations to the heart of a parallel trial. Whereas he expresses confidence in the Judge, he dismisses the prosecutor as 'Benny's man' (186). Arendt, too, criticizes the trial as Ben-Gurion's show trial, with the Prime Minister as the 'invisible stage manager of the proceedings' and the prosecutor, Gideon Hausner, as a servant of the State of Israel. This is in contrast to the independence of the presiding judge, Moshe Landau.¹⁶

Many of ‘Dorff’'s objections echo Arendt in this way. Despite being in court of his own free will and waiving his right to call witnesses, ‘Dorff’ denounces the court as being little more than a vehicle for vengeance (188). Justice cannot be its concern if he is being tried while the German authorities who permitted his actions remain untouched, as do the many citizens who were involved. These range from ‘Civil Servants, business men, Ministers, Priests, Doctors, Lawyers, Generals, Whores and Haus Fraus’ (193), a breadth of reference that extends perpetration and complicity even to the women who were supporting the men and the family structures so central to National Socialist ideology. ‘Dorff’ further emphasises his function as scapegoat by implying that Ben-Gurion is, for reasons of trade with Germany, reluctant to expose the German authorities. Arendt makes these points, albeit briefly, referring to the good relationship between Ben-Gurion and Adenauer, Israel’s attempt to negotiate a loan from West Germany and the trial’s avoidance of the question of ‘almost ubiquitous complicity’ in Germany.¹⁷ Finally, it is ‘Dorff’s’ contention that the trial, if its concern is justice, should not be about the suffering of the Jewish victims in general, but about his actions in particular (184). He asks the Judge why he is not being tried at an International Court and suggests that the Israeli court is pro-Semitic, privileging the murder of Jews over that of Poles and gypsies. Arendt too asserted that the Eichmann trial was ‘built on what the Jews had suffered’.¹⁸ She criticized the trial as weakening justice because it failed to contend with the fundamental issue of whether justice is compromised if it takes place in a victor’s court: the trial neither admitted defense witnesses nor involved neutral countries.¹⁹

However, by gleefully reproducing Arendt’s views, ‘Dorff’ effectively uses her critique of the Jerusalem court as part of his own defense, seeking to discredit the trial. His telegraphic reduction of selected aspects of her argument undermines the profound purpose of Arendt’s criticism of the Jerusalem court. In Arendt’s view, the court was a failure because it did not contend with three ‘fundamental issues’, the first of which was that it did not properly address the problem of victor’s justice. But what ‘Dorff’ distracts from in his accusation of the court’s pro-Semitism is Arendt’s radical point about the importance of an International Court for Eichmann’s trial, based on her distinction between murder and genocide. It is the inability to recognize that genocide is of ‘an altogether different order’ and violates ‘an altogether different community’ that prevents a new international penal code from emerging.²⁰ So far from thinking it inappropriate for a Jewish court to sit in judgement, it is because ‘the crime was a crime

against humanity, [that] it needed an international tribunal to do justice to it.²¹ The Jerusalem court, however, did not adequately consider the definition of ‘crime against humanity’; it at no point entertained the possibility that ‘extermination of whole ethnic groups – the Jews, or the Poles, or the Gypsies – might be more than a crime against the Jewish or the Polish or the Gypsy people’ and constitute a violation of ‘mankind in its entirety’.²²

It is within this wider analysis that Arendt’s critical conclusion that the cooperation of the Jewish Councils and leaders contributed to the high numbers of Jewish victims is made. Arendt held another of the trial’s failures to be that it avoided the truth concerning the cooperation of Jewish leaders with the Nazis, which in her view was ‘the darkest chapter of the whole dark story.’²³ ‘Dorff’ is keen to make up for this omission. He repeatedly accuses his audience of avoiding all discussion of Jewish complicity and enthusiastically points to the involvement of Jewish Councils in deportations, the involvement of Jews in killing other Jews and the fact that Jewish camp inmates became like the Nazis in their brutality (172, 187, 201). But despite his anti-Semitic posturing, ‘Dorff’ does not blame Jews in general for their compliance with the Nazis, insisting that ‘Gentiles would have been no different’ and pointing to the ‘great system’ the Nazis had: they combined torture (‘a thousand deaths’) and murder when they met with resistance with deceit, keeping the Jews’ fate from them during deportation (190, 192). He thus repeats, almost verbatim, points that Arendt makes, such that ‘no non-Jewish group or people had behaved differently’, or her example of Dutch Jews who were tortured to death in Buchenwald and Mauthausen: ‘For months on end they died a thousand deaths’.²⁴

Arendt has understandably earned strong criticism for deflecting blame from the Nazis for the scale of the genocide to the Jews themselves. In echoing her views, Jordan thus suggests that ‘*The Man in the Glass Booth* does literally [...] what many felt Hannah Arendt had done metaphorically in her analysis of the Eichmann trial, as the Holocaust survivor is placed in the dock.’²⁵ Yet Arendt’s judgement forms part of a vital broader argument: her purpose in discussing Jewish cooperation with the Nazis is to draw attention to the ‘totality of the moral collapse the Nazis caused’, which distinguishes genocide as a crime against humanity as a whole.²⁶ For her, Jewish involvement in the work of killing was ‘only horrible, it was no moral problem’, and Jewish police brutality seems self-evident to her: ‘of course, [...] since so much more was at stake for them’.²⁷ Her point about Jewish cooperation is thus not part of a moral

judgement: moral responsibility lies with the Nazis. Rather, it is part of her fundamental insistence on the universal implications of genocide.

Arendt's ethical concerns about genocide as a crime against humanity are evident in 'Dorff's' stance in that he refers to the Nazis' 'great system' in which all people would have behaved the same. At the same time, he points to current injustices he sees carried out or supported by Jews, such as Israeli laws on mixed marriages (187) and Jewish South Africans who tolerate Apartheid (195, 200). If we remember that 'Dorff' is the means for Goldman to voice truths from his glass pulpit, then his position can be understood as an interesting critical intervention in two ways. First, he counters any lingering attitudes, prevalent in the cultural atmosphere of Israel during the 1950s, that survivors were culpable for going 'like lambs to the slaughter' and not resisting.²⁸ Secondly, 'Dorff' agitates against the trial becoming, like the Eichmann trial, a means for mythologizing victimhood and encouraging Israelis to 'internalize their own privileged and eternal status as victims.'²⁹ However, the critical potential of 'Dorff's' interjections are undermined by the fact that at this point in the novel we are not aware that he is Goldman in disguise. So, combined with his virulent anti-Semitism, which the reader accepts at face value as that of a Nazi, many of 'Dorff's' utterances sound like little more than the self-exculpatory fallback of a Nazi claiming he is no worse than others, because they too have committed similar crimes or worse. Goldman, as 'Dorff', may of course be understood as performing the anti-Semitism that Eichmann denied and that functioned as one of his key ideological drivers. Nevertheless, although his demonstrable anti-Semitism emphasizes the centrality of ideological anti-Semitism to Nazism in a way that Eichmann sought to deny at trial, 'Dorff's' particular performance of it fails to put right what Arendt held to be the third failing of the Jerusalem court; that it did not gain clear recognition that the 'new criminal' who commits genocide is 'terribly and terrifyingly normal'.³⁰

The Man in the Glass Booth is an obvious reference to Eichmann, who sat in a booth for his own protection. But Shaw's novel was also published within eighteen months of the verdicts of the First Frankfurt Auschwitz Trial, which took place from December 1963 until August 1965 and which received considerable international attention and press coverage.³¹ 'Dorff's' fictional trial thus overlaps with that of the twenty-two middle and lower ranking Auschwitz functionaries. The Auschwitz trial was similar to the Eichmann trial in that its significance too was intended by its initiators to be more than the trials of the specific defendants; it was designed 'to put the whole

system of mass extermination on trial'.³² It also differed for this reason, for the accused were men who 'under "normal" conditions were unlikely to have committed the crimes attributed to them': after 1945 most of them had returned to ordinary middle class lives and none had criminal records.³³ The trial therefore had the potential to lead to precisely the greater understanding of genocidal criminality that Arendt had hoped for from the Eichmann trial. In some ways it was able to do this, not least through its very conception, since defendants were selected to reflect the range of roles across Auschwitz, including Birkenau and Monowitz. The trial drew on and stimulated expert opinion and detailed historical research which extended the understanding of how industrial scale murder had occurred. The defendants' exculpatory narratives offered considerable insight into how ordinary men were mobilized within the system. Their narratives point to the willingness to obey orders, and the importance of orders for conferring apparent legitimacy on acts of collective violence. Similarly, the defendants frequently claimed to have been distant from the 'real' evil and even ignorant of it, a defense they sought to justify by referring to the distinct tasks they performed in a process of murder that depended on a division of labor. Such a division facilitated an individual's involvement in violence, precisely because individuals could distance themselves from the outcome of the task and from bearing responsibility for it.³⁴ The separation of tasks was then later used as a defense against culpability.

It is in part inevitable, for in the nature of a criminal trial, that such wider insights into the nature of collective violence were overshadowed in favor of determining the specific truth or otherwise of those defense narratives in individual cases. However, even when Kurt Hinrichsen, an expert witness, challenged the ubiquitous exculpatory narratives, that functionaries had to obey criminal orders, pointing out that the defense was a retrospective justification, the defense continued to be accepted as viable. Indeed, it was a defense that continued to be considered viable in other trials.³⁵ The sustained validity of such defenses was reinforced by the West German focus on malicious intent and excessive violence in determining whether an individual was guilty of murder, categories which could not be easily mapped onto systematized murder. How far, then, the trial contributed to the recognition that a 'new criminal' needed to be posited, is debatable. Certainly, the widespread reporting of routine cruelty may have contributed to this, and the notion of collective guilt was most frequently mentioned by German newspapers in relation to the Auschwitz trial.³⁶ But the Attorney General of Hessen, Fritz Bauer, who along with Hermann Langbein had

instigated the trial, thought the trial a failure in this regard. In his view, the trial consolidated the view that most Germans had merely followed orders and that the Holocaust was perpetrated by a monstrous few.³⁷

The figure of 'Dorff' perpetuates precisely the paradigm that Bauer wished to challenge, for he is far from normal. Indeed, ironically, by putting a Nazi into the dock who 'tells the truth', Shaw presents a Nazi who, by being exceptional in terms of his self-representation, undermines a wider understanding of the structures and organizational roles of genocide. Conversely, and also ironically, Arendt reaches her conclusion about the normality of perpetration in genocide by taking Eichmann's performance as a mere administrator at face value and consequently misjudging the degree to which Eichmann was neither normal nor merely a clerk, but an extreme anti-Semite and important proponent and implementer of ideological genocide. The figure of Dorff certainly acts as a corrective to Eichmann's banality in this respect, but it undermines the wider and more significant point that Arendt makes and Bauer was concerned to demonstrate: that normal people perpetrate genocide. The novel omits any exploration of this insight, indeed reinforces an image of the cruel perpetrator who derives sadistic satisfaction from others' suffering. This is not naively done, however, for Goldman admits that his over-performance was his downfall: 'So I over-simplified...so I acted Dorff grand. [...] How else could I make my points?' (217) Indeed, it is precisely because he is enjoying his performance so much that the old woman in the audience feels compelled to expose his disguise. The novel does, therefore, self-consciously reflect upon the importance of performance in the court setting. Arendt too is aware of this, but her discussion of performance focusses on the performativity of justice: the court house, its lay-out and its rituals are those of a theatre, the usher's shout like the rising curtain, Ben-Gurion as the stage manager, and the prosecutor enjoying the limelight.³⁸ The novel, in contrast, extends the drama of the court to include the defendant's own act, one that he has spent years rehearsing and planning. Thus the novel, and more obviously, Shaw's play, offer a late corrective to Arendt's remark that Eichmann's trial 'never became a play'.³⁹

We learn only retrospectively, following the old woman's trial revelation, that Goldman's 'Dorff' act has been long in the making and involves laying clues to give credence to the pretense that he is Dorff masquerading as Goldman. Thus, in the build-up to being caught by Mossad agents, there are moments when 'Dorff' breaks through his Jewish disguise. He suddenly starts whistling German marches in the gym before

shouting out orders as though to inmates in an extermination camp, telling them that the only way out is through the chimney (60). He quotes and refers to the Führer with familiarity and refers enigmatically to a phial he is said to carry in case of suicide (118). Most of all, the locked room in which Goldman keeps Nazi paraphernalia, wax figures of the Nazi leadership and where he dresses in SS uniform, sustains the lie that his hidden identity is that of Dorff. Alone in the room it is as though he sheds his mask, listening to the Horst Wessel march and giving his Hitler salute. Thus the reader, like Mossad, is duped into accepting that Goldman is really Dorff, and is surprised at ‘Dorff’'s exposure. Yet what remains unclear, even retrospectively, is how far the persona of Dorff is acted, or whether Goldman has progressively assimilated or assumed it. Goldman articulates the split between himself and Dorff as an apparently essentializing split between German and Jewish: ‘Who is German? Who is Jewish?’ (40) he asks. Yet Goldman’s behavior belies the clear distinction his question seems to assume. Just as his secret room serves both as a site of Nazi memorabilia and as a macabre museum of the Jewish genocide, so too there seems little defined distinction between Goldman and his Dorff persona. The Judge encapsulates this confusion in his question, which echoes Goldman’s own, ‘did you not become here more German than Jewish?’ (216).

Goldman’s performance bombastically reinforces an image of the Nazi perpetrator as monstrous. The fact that Goldman seems, to a degree, to have taken on the identity of Dorff, raises the question of how far performing a role can develop its own momentum and bring with it a willingness to behave that attaches to the role. However, this question is not explored other than in terms of Goldman’s individual pathology. One of the final ironies of the novel is the fact that Goldman was the real Dorff’s cousin: the men’s mothers were Jewish sisters, but in Dorff’s case, the mother was forgotten and he and his father both became enthusiastic Nazis (164). According to the old woman who confirms Goldman’s identity, he owes his survival to Dorff, who brought his cousin food in the camp. This put Goldman in the position of a ‘Jewish prominent’, though not, according to the woman, one of the ‘cruellest Jews’ (214), for he further distributes the food. Nevertheless, in distributing the food he ‘made judgements’ and never gave food to the *Muselmänner*. This revelation leads to a renewed focus on Goldman, his personal identity crisis and feelings of guilt. It exposes the way in which Goldman has been acting out the guilt of being a victim, yet with power over the fate of other prisoners, thereby assuming the role of the ‘German’. Even

as he appears to suffer a breakdown at the end, shifting in and out of being Goldman and Dorff, his performance becomes ‘grand’ and he strips naked, assuming the role of Christ, seeking crucifixion. The language of Christian sacrifice might be understood as Goldman’s somewhat depraved attempt to repent on his own behalf or on his cousin Dorff’s.⁴⁰ Yet the language of redemption is out of place in either case and Goldman’s hyperbolic utterances serve only to emphasize its inadequacy.

Goldman’s exaggerated performance, the fact that he ‘over-simplified’ and ‘acted Dorff grand’ (217), is also an apt verdict on the novel. It is governed by Goldman’s persona, either as himself, which is just as over-dimensional as his enactment of the Nazi, or as ‘Dorff’. Goldman’s dramatic pull circumscribes the novel’s own impact, and the interjections of others are too brief and unbalanced to offer nuance. The novel, through the device of a later restaging of a trial that bears strong parallels with Eichmann’s, and with a protagonist who self-consciously aims to do better than him, offers an interesting opportunity to engage with Arendt’s concerns. Yet the figure of ‘Dorff’ functions as little more than a device to voice Arendt’s criticisms within the very setting that triggered them. No opportunity is taken to imagine a trial in which her points have been integrated into the proceedings in order then to evaluate them and explore what might be very interesting answers. The insight of the novel is to be found in its emphasis on performance and self-representation, as Eichmann himself was well aware. Yet the significance of performance for understanding how those involved in perpetration represented their actions to others and themselves is diminished through exaggeration. The same exaggeration reinforces the popular image of the evil, monstrous Nazi perpetrator that Arendt and Bauer were, in different ways, seeking to topple.

Falls the Shadow

A man’s desire to stand trial in order to have a public platform is also central to the narrative of Emanuel Litvinoff’s novel, *Falls the Shadow*. Published in 1983, it is set in Israel in the early 1980s and follows the investigation of Amos Shomron, a detective in the Tel Aviv police, after the murder of Avram Benamir by the Holocaust survivor Frank Sinclair. Sinclair claims that Benamir, an upright Israeli citizen, was Oberleutnant Ulrich Walther Kampfmann, who selected Jews for extermination in Dachau. Sinclair commits murder out of revenge and immediately gives himself up so that he will be put

on trial. Shomron's investigation, then, is not about identifying who the murderer is, but about understanding Sinclair's history and motivation. In a trip to London, Shomron finds Sinclair's memoirs and discovers that his family was murdered in Dachau. Sinclair survived and worked after the war investigating war crimes for the Allies. This gave him the opportunity to trace Kampfmann, the man who selected his family for execution, but also revealed to him the failure of Allied justice. His disillusion resulted in his decision to take justice into his own hands, a disillusion that intensifies into fury with Israel when he finds Kampfmann living in Tel Aviv. By murdering Kampfmann and going on trial, Sinclair sees the opportunity to put the State of Israel in the dock, for in his view the fact that Kampfmann was so seamlessly integrated into society is evidence that Israel has become a society that harbors the very values that let Nazism triumph. Shomron's investigation also determines that Benamir could well have been Kampfmann, but definitive evidence is missing. However, in trying to establish the facts, Shomron meets strong opposition from Mossad, who want to prevent the trial which they see as a threat to State interests.

The title *Falls the Shadow* is taken from the fifth part of T. S. Eliot's poem, 'The Hollow Men' (1925), where the phrase is repeated three times to emphasise the gulf between ideals and actuality, articulated in different ways. The quotation from Eliot is not incidental, for in 1952 Litvinoff publically read his poem 'To T. S. Eliot' in critical response to the fact that Eliot was willing to re-publish earlier poems with negative representations of Jews, including 'Burbank with a Baedeker: Bleistein with a Cigar', after the Holocaust in his 1948 *Selected Poems*.⁴¹ The quotation thus evokes the shadow of antisemitism that Litvinoff actively campaigned and wrote against. This same shadow falls across the characters of the novel, particularly in the pervasive legacy of the Holocaust, and its effect on individuals' lives and on Israel. More specifically, however, the quotation from 'The Hollow Men' draws our attention to the shadow 'Between the idea/And the reality/Between the motion/And the act'.⁴² One such shadow is the space between the idea of justice and its reality, echoed in Captain Garfunkel's conclusion after working as a lawyer investigating Nazi crimes: '*justice is unattainable. For a lawyer, that's a crippling conclusion*' (146). The impossibility of attaining ideal justice is explored in the novel in different ways: through Sinclair's murderous revenge, itself a response to the failed justice of the Nuremberg Trials; the reverberations of the Eichmann trial and the Nazi Collaborator Trials; and in the way justice comes into conflict with State interests. The novel also suggests another shadow that falls between

the idea and the reality, and indeed ‘Between the conception/And the creation’:⁴³ that between Israel’s identity as nation built on victimhood and its acts. This directly reflects Litvinoff’s concerns at the time, for as Patrick Wright remarked: ‘Litvinoff knew his book would be found provocative, but he wrote it because he was worried by the way Israel was invoking the memory of the Holocaust to justify outrages of its own.’⁴⁴

The novel’s provocation is, however, neither polemical nor straightforward. Sinclair, who justifies his act of murder because of his Holocaust experience, but who also wishes to place Israel on trial for failing to live up to its ideals, is depicted as an impoverished man, inhabiting the shadow ‘Between the emotion/And the response’ (ibid). He murders Avram Benamir, convinced he was the SS man responsible for selecting his parents and sister for deportation and gassing. His act of personal revenge arises directly from his sense of betrayal at what he sees as the failure of the Nuremberg trials to achieve justice. We learn from Sinclair’s diary that many things have fueled his anger: the Germans’ focus on their own suffering; the fact that in 1949 the Germans in Berlin seem so ordinary and not monstrous at all; and the de-Nazification questionnaires in which Germans declared themselves ‘*guilty of nothing*’ (153). His anger is crystalized by reading transcripts of war trials and attending an appeal trial by three concentration camp guards. As a survivor, he is angered by ‘how little the recital of atrocities conveyed the anguish of reality!’ (155), but it is the inadequacy of the courts and their punishment that make him ‘cold with rage’ (164). In his view, whereas the Russians and East Europeans are committed to justice, because they too were victims of atrocities, the Western Allies prefer to forget and the British are depicted as being especially lenient to Nazis. Sinclair witnesses how three mass murderers win their appeal against their sentence in 1949, claiming that they acted under duress and looking so ordinary that it is difficult to imagine them as mass murderers. It is upon their release that ‘there and then the assassin was born in my soul’ (164), as he writes in his diary.

Through the eyes of Shomron, from whose perspective events are told and who discovers and reads Sinclair’s diary, Sinclair’s murderous revenge is understandable. Indeed, in contrast to the supercilious British official who dismisses the Old Testament eye for an eye ‘stuff’ as primitive, and who suggests that ‘we have to be generous enough to forgive’ (158), Sinclair’s attempt to pursue justice elicits a certain empathy in Shomron. However, the type of extra-judicial justice Sinclair’s murder represents is challenged in four different ways in the novel. First, and unsurprisingly, the police authorities view Sinclair’s murder as a crime for which he should stand trial. The police

should determine facts and motivation, but an independent trial remains the proper process for ensuring justice is done. Secondly, and re-enforcing the importance of a trial, rather than private revenge, Benamir's son Yuval is devastated that his father had no opportunity to contest the accusation that he was Kampfmann and prove his innocence. What for Sinclair is a form of justice creates a new injustice that extends to Benamir's family, who are also deprived of a fair trial and will be 'destroyed by rumor' (70). Thirdly, the figure of the avenging Sinclair is represented as rigid and lacking a humane ability for pragmatic compromise or for recognizing how social or historical factors influence the process of justice. It is refreshing to have a survivor who is not sentimentalized or idealized by virtue of his suffering: Sinclair is 'brittle' (167) and alienating, diminished by his trauma. He is obsessed with vengeance and is 'no Simon Wiesenthal intent on bringing war criminals to justice' (ibid). In fact, his mission has assumed messianic intent: over and above killing Kampfmann for revenge, he wants to kill him in order to put the State of Israel on trial.

In conversation with psychiatrists, Sinclair denies that his motive was revenge and insists that he was only concerned to achieve justice; had he found Kampfmann hiding in another country, he would have pursued justice through the courts. But precisely because Kampfmann is living in Israel, Sinclair concludes that justice will not be done. The reality of Kampfmann's normal and 'unquestioned existence' among Israelis is scandalous: 'How could he pass unrecognized unless he could merge with people who were not unlike himself?' (180). The normality of his life raises the question of whether Nazism has triumphed. In a statement prepared for his trial, Sinclair suggests that in Israel the combination of 'education and militant nationalism' is the same combination that led to Nazism, and he plans to challenge Israelis to deny that there is 'no gratuitous cruelty, no slaughter of innocents, no racist arrogance, no alliances with regimes that practice torture' (198). He wishes through the trial to force 'a public examination of Israel's conscience' (180).

In what becomes a self-fulfilling prophesy, Sinclair's instrumental murder of Benamir, so that he can pronounce from the dock the '*j'accuse* of a concentration camp survivor' (198), meets with resistance from the Israeli State. What for the detective Shomron is a civilian homicide that must be treated as such, is for David Lester, the Mossad officer, and for Yoram Halevi, the Attorney General, a threat to national security. Benamir's son is a brilliant electronics engineer whose work is indispensable to Israel's defense and whose ability to work should not be destroyed by a high profile

public trial. And reinforcing this pragmatic reason for avoiding a trial is a wider question of what is in the national interest. Halevi fears that the cathartic effect of the Eichmann trial, which represented the ‘reassertion of human justice’ (69), would be undermined by a trial in which Israel becomes the subject of appraisal. Rather than passing judgement on Nazism, Sinclair’s trial would re-ignite the controversy surrounding the 1950s trials of Jewish collaborators and would re-open a wound, causing renewed, and potentially unjust, judgements. Lester and Halevi’s view represents the fourth challenge to Sinclair’s sense of righteous justice.

The novel ends with the start of Sinclair’s trial. In the face of opposition and threats, Shomron ensures that the trial takes place, refusing to follow Mossad’s orders to drop the case and losing his job as a result. He is committed to the view, enshrined in the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights, signed by Israel in 1966, that, whatever the consequences, a man has a right to justice and a fair trial. The inter-agency tension between the police and Mossad resonates more widely with the battle played out in crime fiction between good policing and the pursuit of truth on the one hand and the interference of superiors concerned with political expediency and their careers on the other. Yet here the inter-agency rivalry is morally complex, for Shomron senses that the trial will ‘bring no good’ (250), and for all that he feels sympathy for Sinclair, he nevertheless sees the survivor’s intentions as treacherous, as those of an ‘enemy within’ (180). He knows that the trial will function in part as a symbolic restaging of the Jewish collaborator trials of the 1950s.

In 1950, the Nazis and Nazi Collaborators (Punishment) Law was passed in Israel, ostensibly in response to cases when survivors recognized *kapos* and accused them of collaboration with the Nazis; the law would offer citizens a legal means to seek justice rather than personal revenge. The fact that Sinclair is a survivor, a Jewish defendant in the dock who is accusing the Israeli State of a type of collaboration, of being like the Nazi it was apparently harboring, evokes the collaborator trials of the 1950s. Litvinoff does not leave this association to chance, for Shomron immediately thinks of the Rudolph Kastner libel trial of 1954, in which the trial judge denounced him as having sold his soul to the devil for collaborating with the Nazis in his former role as one of the leaders of the Budapest Aid and Rescue Committee, not least by negotiating the rescue of a small group of ‘prominent’ Jews with Eichmann. The

judgement was largely overturned on appeal in 1958, but this was too late to prevent Kastner's assassination in 1957.

Shomron's revulsion at the prospect of another trial emphasizes how far Kastner's trial and the Jewish *kapo* trials were judicially and emotionally fraught from the outset. Contrary to the argument that the Law allowed survivors legal redress against *kapos*, Idith Zertal argues that 'the law was meant to appease society's disgust at "Jewish conduct" during the Holocaust. Israel introduced an anomaly into its legal code not in order to confront Nazism, [...] but to purge the new and "pure" state of Jewish shame.'⁴⁵ Michael J. Bazyler too sees the law's intention 'most likely was to distance Israelis from what they regarded as the shameful response of Europe's Jews to their destruction',⁴⁶ a shame that was also reflected in the minimal media attention paid to the trials: 'A *kapo* trial was a filthy and embarrassing story'.⁴⁷ This wider ideological and affective context marked the law itself, which Orna Ben-Naftali and Yogev Tuval describe as 'unique for the distinction that it does not draw between the Nazis and their collaborators' and because it does not 'differentiate explicitly between various forms and degrees of collaboration'.⁴⁸ Indeed, the law did not define what a 'collaborator' was.⁴⁹ As a result, the law reinforced a view of the Holocaust that ignored its complexity and the reality of those who were subjected to genocidal policies: 'the experience of ordinary people was overshadowed by a culturally constructed dichotomy between "slaughtered lamb" and "heroes"'.⁵⁰

Interestingly, however, and in a manner that goes some way to temper Zertal's description of the trials as 'purges', the sentences delivered by the trial judges were often relatively lenient compared to the language with which the defendants' behavior was described. Nevertheless, the trials left a legacy that simplified the question of complicity or responsibility. During the 1950s the Israeli courts increasingly expressed dissatisfaction with applying the criteria of 'war crimes' and 'crimes against humanity' to Jewish defendants. In 1964, the Supreme Court reversed the Tel Aviv District Court's conviction of Hirsch Barenblat as a Nazi collaborator on all counts. Barenblat was deputy commander and then commander of the Jewish police in the Bedzin ghetto between 1941 and 1943, and the Supreme Court's decision followed the growing recognition of the extreme circumstances in which Jews and Jewish leaders were constrained to act. Indeed, the ruling may be understood to '[emanate] more from the court's goal of putting an end to the trials against Nazi collaborators than from a strict reading of the law'.⁵¹ The Court achieved its goal: trials against Jewish collaborators

came almost to a complete end, consolidating a process whereby the question of Jewish collaboration became taboo in Jewish circles during the 1960s.⁵²

The collaborator trials are not the only trials evoked in *Falls the Shadow*, for their memory is also overlaid with that of the Eichmann trial. Just as Eichmann's trial assumed a significance that exceeded its specific function as a trial of an individual perpetrator, so too will the meaning of Sinclair's trial transcend that of a straightforward homicide. Sinclair intends to turn his trial into one that questions Israeli identity, thus functioning as a type of inversion of the Eichmann trial. By focusing on the narratives of victims of the Nazis, Eichmann's trial served as an affirmation of Jewish and Israeli identity. The image of Eichmann as "total villain" became dominant, overwriting that of the Jewish collaborator.⁵³ Following the trial, the 'classification of victims and perpetrators and their public evaluation became frozen into two inflexible categories: Jewish victims and Nazi perpetrators. As a result, it became widely unacceptable in Jewish society to discuss any questionable behavior by some Jewish victims.'⁵⁴ Thus the 1950s collaborator trials and the Eichmann trial in different ways contributed to putting 'a mental ceiling on the space of indeterminacy' and are evoked in the novel as being inadequate to a complex task of justice.⁵⁵ Indeed, the memory of the *kapo* trials actively contributes to the defensive stance of Halevi, the Attorney General, who claims that the public discussions about choices made by collaborators and survivors were exploited by enemies to 'present us as a people more degraded and vile even than those who devised and operated the vast factories of death' (69).

Shomron thinks of Sinclair as an 'enemy within' for raising again the anguished question of Jewish collaboration, and conceivably Litvinoff wondered whether he would be seen in the same way, given that his book was controversial. His 'more or less friendly argument with Israel'⁵⁶ was in part based on his passionate defense of his identity as 'a Jew of the dispersion',⁵⁷ and at a symposium of Anglo-Jewish and Israeli writers in Israel in 1966 he defended his diasporic identity and Yiddish against suggestions that Jews in the diaspora were rootless. By ending the novel with the start of the trial, Litvinoff voices his concerns about Israel's identity and its relationship to justice and culpability without passing judgement. The fiction remains an open question, though a challenging and prescient one, for the issue of Jewish complicity is not limited to the past, but is also directed at Israel's invasion of Lebanon and occupation of Beirut in 1982. The novel, published only a year after the war, does not refer specifically to the Lebanon war, but the prospect of war seems imminent.

Shomron's wife, Deborah, asks him whether there will be another war (31) and as Shomron's conflict with the Israeli intelligence services intensifies, culminating in his decision to resign before he is pushed, a squadron of Israeli jets speeds towards Lebanon. They disrupt the 'deceptively peaceful' evening, on their way to an action that will result in headlines the next morning (202).

Although references to conflict remain unspecific, Sinclair's challenge to Israeli society to deny that it is involved in the 'slaughter of innocents' serves as a stark reminder for the reader of Israel's involvement with the Sabra and Shatila massacres. In the night of 16th to 17th September 1982, a phalangist militia entered the Sabra and Shatila refugee camps and massacred 1,700 Palestinian and Lebanese Shia Muslims. In response to the massacres, 400,000 Israelis demonstrated against the war. The independent MacBride commission, which did not distinguish between degrees of responsibility in its report, concluded that Israel was responsible for the massacre. The Israeli Kahan commission of 1983 found that Israel was indirectly responsible and that Ariel Sharon, the Israeli Defense Minister, bore personal responsibility for not preventing bloodshed. The war and the massacres put into question two fundamental narratives of Israeli identity. The first was that Israel was defending itself when it took military action, for in this case Israeli troops invaded Lebanon beyond the forty kilometers authorized by the cabinet. The second was that Israel was a state formed in response to persecution and genocide, yet here it was implicated, to whatever degree, in murdering civilians; civilians who lived in camps. It is in this context that Litvinoff's concern with justice is also an interrogation of contemporary Israeli identity and its founding narrative of victimhood that was consolidated by the trials.

In keeping with the tenor of the novel as an open question, Litvinoff's 'more or less friendly argument' is not based on schematization. Certainly, Shomron is no idealist of Israeli society. He is dismayed by Jewish racists for whom Ashkenazi Jews are superior to '*shvartzers*', Jews from Yemen, and who despise Jews from Arabic countries for 'their profligate fertility, lack of hygiene, primitive habits and educational backwardness' (55). In contrast, through the benevolent figure of Shomron, the novel is keen to emphasize the diversity of Jews, including 'narrow-eyed Tartars, fair-haired Visigoths, [...] kinky-haired Assyrians' (56), 'Slavs, Teutons, Latins, Vikings' and Arabs (243). It is racial stereotyping that allows David Lester, 'blond and English-looking' and a ruthless Mossad agent, to pass as a gentile Anglo-Saxon, and for Sinclair to assume that the Berlin-born Hugo Krantz is a 'caricature of a coarse German, [...] a

middle-aged stormtrooper run to seed', when he is Jewish. Shomron functions as a judicious voice in the novel, a man who does not believe that justice is found in extremes. When Deborah, upon hearing about the Benamir case, responds by saying that there are Nazis everywhere, Shomron is outraged by her lack of differentiation, even though he readily admits that Israelis are capable of cruelty and have their own fanatics (202).

In contrast to the monologic voice of *The Man in the Glass Booth*, *Falls the Shadow* offers diverse and ambivalent voices and resists any simplification of good and evil and of victims and perpetrators. Litvinoff demonstrates the advantage of fiction for exploring complex issues, for the competing perspectives need neither serve the purpose of an overall argument, nor are they subject to the need to pass a judgement. On the contrary, the multiple perspectives are an attempt to put right the 'missed opportunities' of the *kapo* and the Eichmann trials to develop a complex discourse around questions of complicity and culpability.⁵⁸ Further, while through the figure of Shomron the novel advocates the need for trials to uphold the rule of law, it casts doubt on the notion that trials are the place where the development of complex discourse may take place. It does so in a number of ways: by refusing to structure the novel around the process of a trial itself; by showing the failure of historical trials, such as the Nuremberg trials which failed to prosecute most of those who were involved in the genocide and prematurely acquitted those it did sentence; by suggesting that trials are instrumentalized in the service of aims, ideological or pragmatic, that are not centrally concerned with justice; and by showing that the legacy of trials is to simplify complex issues and reinforce dichotomies.

Concluding Remarks

Litvinoff's doubts about trials being the adequate arena for resolving complex issues of justice and ethics in relation to Jewish collaboration resonate with what Primo Levi was soon to articulate powerfully in 'The Gray Zone'. *Falls the Shadow* presaged Levi's *The Drowned and the Saved*, published in 1986 (and in 1988 in the English version). The chapter, 'The Gray Zone', was instrumental in creating a space for discussing collaboration and victimhood without denying victimhood.⁵⁹ In it, Levi writes about the impossibility of dividing the world of the concentration camp into good and evil. Indeed, the destruction of comprehensible boundaries was an immediate lesson on

arrival in the camp: ‘the enemy was all around but also inside, the “we” lost its limits, [...] one could not discern a single frontier but rather many confused, perhaps innumerable frontiers, which stretched between each of us.’⁶⁰ Levi’s gray zone was the space in which a perverse state of extreme coercion resulted in victims becoming *kapos* and instruments of the authorities in order to survive. It was a space so morally complicated that it becomes almost impossible to judge those within it; certainly, Levi knows ‘of no human tribunal to which one could delegate the judgement.’⁶¹

The emotional complexity and anguish inherent to the issue of Jewish cooperation, and the shortcomings of the *kapo* trials in addressing the ‘totality of the moral collapse the Nazis caused’ as Arendt saw it, continue to be relevant. The potency of these discussions is perhaps reflected in the fact that there was no Hebrew edition of Litvinoff’s novel.⁶² It is without a doubt reflected in current scholarship in the inability of Michael Bazylar and Frank Tuerkheimer, both Professors of Law, to co-author the chapter on the *kapo* trials in their analysis of forgotten trials, a book that they have otherwise written together. Bazylar, the chapter’s sole author, concludes that no state criminal trial of *kapos* should have occurred, since state law simply cannot recognize the ‘inconceivable circumstances’ in the camps. If anything, such cases should have been heard by a Jewish religious court, for they were better able to respond to ‘the gray zone’. In contrast, in a brief final paragraph of dissent, Tuerkheimer points to the fact that some *kapos* did act with a brutality beyond what was required and that even in the camps they were able to make choices at this level. Thus they should not be exonerated, but their situations should be treated as a mitigating factor.⁶³ What in their different ways both Bazylar and Tuerkheimer seem both to be arguing for is a system of justice that allows for greater complexity, and this is very much in keeping with the purpose of Litvinoff’s novel.

The figure of the Nazi disguised as a Jew is provocative, for it destabilizes the notion of a perpetrator identity and personifies, sometimes in grotesque form, the anxiety that perpetrators are much like those around them. The figure is a potent literary tool for exploring justice and trials, for by unsettling stable categories, it also raises broader questions about both the role of trials in consolidating identity and social complicity. These are questions that continue to be relevant in many national contexts. The figure has some historical precedents, but is a particularly potent figure in fiction. Fiction belongs to the realm of play, masquerade and fantasy, and this figure has been variously used as a means for imagining contradictions, difficult paradoxes and

unresolved emotions without being in the service of an argument or requiring definitive judgements. Both *The Man in the Glass Booth* and *Falls the Shadow* remain unresolved and do not offer solutions to the questions they raise. By so doing they challenge us to be cognizant of the ambivalent emotions and moral ambiguity that influence the practice of justice.

Notes

1. Kahana, *Historical Dictionary of Israeli Intelligence*, 246.
2. "Nazis Pose As Jews," *The Canadian Jewish Chronicle*, May 11, 1945, 9.
3. "Bugarian Fascists," *Jewish Telegraphic Agency*, April 29, 1947.
4. "Police Arrest Nazi War Criminal," *Jewish Telegraphic Agency*, June 29, 1947.
5. "Gestapo Official Posing As Jew," *Jewish Telegraphic Agency*, September 26, 1948.
6. "Fleeing Nazi Poses As Jew," *Toledo Blade*, September 2, 1963.
7. "Guard Who Married a Jew," *Haaretz*, June 1, 2015. Rinkel's case was extensively reported in the British, American, German and Israeli print media in 2006.
8. Cagney and Lacey, 1:21.
9. For a full discussion of justice and perpetrator trauma in Hilsenrath's novel, see my chapter 'Edgar Hilsenrath and Jonathan Littell: Perpetrators, Comedy, and the Fantasy of Justice', in Bird, *Comedy and Trauma*, 167-198.
10. See Östling, *Sweden after Nazism*, 8-9 and Nordlund, "The War is Over," 171-72.
11. Jordan, "The Prisoner," 195.
12. Jordan, *Ibid.*, 199.
13. Baker, *Harold Pinter*, 70-71.
14. Jordan, *Nuremberg to Hollywood*, 117.
15. Adolf Eichmann, quoted in Arendt, *Eichmann in Jerusalem*, 221.
16. *Ibid.*, 2-3.

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17. Ibid., 15.
 18. Ibid., 4.
 19. Ibid., 251.
 20. Ibid., 249.
 21. Ibid., 247.
 22. Ibid., 252.
 23. Ibid., 104.
 24. Ibid., 9.
 25. Jordan, Nuremberg to Hollywood, 117.
 26. Arendt, *Eichmann in Jerusalem*, 111.
 27. Ibid., 109 and 105.
 28. See Drucker Bar-Am, “Revenge and Reconciliation,” 283.
 29. Ben-Naftali and Tuval, “Punishing International Crimes,” 177.
 30. Arendt, *Eichmann in Jerusalem*, 251 and 253.
 31. Cohen et al, *Holocaust and the Press*, 19.
 32. Fulbrook, *Reckonings*, chap. 11.
 33. Cohen et al, *Holocaust and the Press*, 19.
 34. Fulbrook, *Reckonings*, chaps. 3 and 20.
 35. Ibid., chap. 11.
 36. Cohen et al, *Holocaust and the Press*, 121.
 37. Wittmann, *Beyond Justice*, 255.
 38. Arendt, *Eichmann in Jerusalem*, 2-4.
 39. Ibid., 7.
 40. Skoot, *The Darkness We Carry*, 87.

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41. "Obituary Emanuel Litvinof." 2011. *The Telegraph*, Sept 27.
 42. Eliot, "The Hollow Men," 91-92.
 43. *Ibid.*, 92.
 44. White, "Identity in the East End."
 45. Zertal, *Israel's Holocaust*, 65.
 46. Bazylar and Tuerkheimer, *Forgotten Trials*, 205.
 47. Segev, *The Seventh Million*, 262.
 48. Ben-Naftali and Tuval, "Punishing International Crimes," 130 and 138.
 49. Bazylar and Tuerkheimer, *Forgotten Trials*, 207.
 50. *Ibid.*, 149.
 51. Porat, "Changing Legal Perceptions," 315.
 52. Jockusch and Finder, "Introduction," 3.
 53. Porat, "Changing Legal Perceptions," 320.
 54. Jockusch and Finder, "Introduction," 12.
 55. Ben-Naftali and Tuval, "Punishing International Crimes," 178.
 56. White, "Emanuel Litvinoff."
 57. Litvinoff, quoted by Rubin, "Precarious fringes," 61.
 58. Ben-Naftali and Tuval, "Punishing International Crimes," 175.
 59. See Jockusch and Finder, "Introduction," 13.
 60. Levi, *The Drowned and the Saved*, 38.
 61. *Ibid.*, 44.
 62. White, "Emanuel Litvinoff."
 63. Bazylar and Tuerkheimer, *Forgotten Trials*, 224-5.

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