Should we try Holocaust survivor-collaborators?

Book raises profound moral questions about victimhood, complicity and justice.

By GLENN C. ALTSCHULER  JANUARY 2, 2020 18:02
In the immediate aftermath of World War II, Sgt. Meir Davidson, a member of the British Army’s Jewish Brigade stationed in Milan, Italy, asked refugees to identify Nazi collaborators. A survivor of Block 3 of the Mauthausen concentration camp pointed to a man dressed in a leather jacket, boots and breeches, with a full head of hair and gold teeth. He had not seen this kapo, who had been in Block 11, beat anyone, the refugee acknowledged, “But a kapo must be bad; he must be a killer, a murderer.”

For Jews raised in Mandatory Palestine, who valued independence and courage, Dan Porat indicates, collaborators also embodied the worst traits of Diaspora Jews: fear, submissiveness, and selfishness. This perspective played a role in the passage of the Nazi and Nazi Collaborators Punishment Law by the Knesset in 1950. Many
concentration camp kapo aided and abetted the Nazis. Consequently, the legislation exempted defendants from criminal responsibility or reduced their sentences only in the rare instances in which they acted under immediate threat of death or to avert more serious consequences for Jewish people.

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In Bitter Reckoning, Dan Porat, a teacher and researcher at the Hebrew University of Jerusalem and the author of The Boy: A Holocaust Story, draws on recently declassified police investigation files and court records to examine several dozen trials of Jewish survivors accused of collaboration. As he reviews the testimony of survivors pitted against each other, and the decisions of judges, Porat raises profound moral questions about complicity, justice and victimhood. Bitter Reckoning makes an important, and perhaps pivotal, contribution to our understanding of the Holocaust.

Porat documents the changing views of Israelis about alleged collaborators. In the early 1950s, he writes, they took “a negative view of survivors in general and an especially vindictive approach” toward those in positions of responsibility in the ghettos and camps. Over time, they asserted the victimhood of all European Jews; Jewish functionaries were no longer charged with crimes against humanity or war crimes; Jewish Councils were no longer labelled “enemy organizations,” whose leaders were, by definition, liable to criminal prosecution.

A SUPPORTER of the Collaborators Punishment Law in the Knesset, an attorney-general who prosecuted many cases under it, and then a judge, Haim Cohn was among the most prominent Israelis to make this radical shift. Cohn came to believe, he wrote years later, “that those of us who did not experience the Holocaust ourselves have no ability or the right to try a person for his actions, intentions, and constraints when he was trapped in that Hell.” If an individual assisted the Nazis in order to save victims, Cohn concluded in the 1950s, he should not be prosecuted, even if his actions resulted in negative consequences.
According to Porat, the trial of Adolf Eichmann helped silence any account that cast moral doubt on the behavior of any Jew during the Holocaust. In this trial, attorney-general Gideon Hausner declared in his opening statement, “We shall not deal with Jews who carried out orders,” because they were victims, acting under duress, not “destroyers.”

And when Hannah Arendt claimed that the “role of Jewish leaders in the destruction of their own people is undoubtedly the darkest chapter in the whole dark story,” Gershon Scholem condemned her assertion as “heartless, frequently almost sneering and malicious.” Acknowledging that among the leaders of the Judenräte were swine as well as saints, Scholem reminded Arendt that they were “compelled to make terrible decisions in circumstances that we cannot even begin to reproduce or reconstruct. I do not know whether they were right or wrong. Nor do I presume to judge.”

Porat laments the shift in Israeli society “from one extreme to the other, from charges of complete guilt to sweeping vindication.” Both poles, he suggests, miss the complexity of victimhood. After all, victimhood does not confer moral superiority, and serving as a kapo does not necessarily define a person as cruel or sadistic. Along with Primo Levi, Porat is uncomfortable with dichotomous rhetoric, “useful only for celebrations,” that does not encourage the exposure of the moral
Convinced that criminal courts are not the place to evaluate survivors’ actions, but intent on deliberating “on their dilemmas in order to deepen our own humanity,” Porat proposes that communal courts should have been tasked with issuing social judgments, an approach that was considered before the passage of the 1950 law. Weighing behavior against a moral code, these courts, which were deployed in displaced persons camps in Europe, could have made rulings ranging from “verbal condemnation to social excommunication.”

Although, of course, Holocaust victims and perpetrators can no longer be prosecuted, Porat’s assessment of the limits of criminal courts in rendering moral judgments seems well worth pondering.

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