Jewish Honor Courts: Revenge, Retribution, and Reconciliation in Europe and Israel after the Holocaust

David Abraham

*University of Miami School of Law, d.abraham@miami.edu*

Follow this and additional works at: [https://repository.law.miami.edu/fac_articles](https://repository.law.miami.edu/fac_articles)

Part of the Courts Commons, Human Rights Law Commons, Law and Race Commons, and the Religion Law Commons

**Recommended Citation**

reoriented politically, culturally, and linguistically from German to Hungarian. The Hungarians, on the other hand, who ruled a territory in the dual-monarchy barely half Hungarian, resisted any kind of Ruthenian, Slovak, or “Pan-Slavic” nationalism. About 135,000 Jews found themselves no longer in northern Hungary after WWI, but rather in the Slovak region of a new state called Czechoslovakia. Klein-Pešová’s book tells the story of how these people became “Slovak Jews,” a term that came to reflect a political, geographical, and for a portion of the population linguistic, reality, but not a cultural or national one.

The Jewish experience with the new Czechoslovakia began inauspiciously. Jews were the targets of violence and looting during November and December 1918, but the state came to recognize the national minority rights of Jews. This began with the first census in 1919, which recognized Jewish nationality as a self-defined category (rather than religious or linguistic) according to “internal conviction” for the entirely practical purpose of lowering the number of Germans and Hungarians who would appear in the census if determined linguistically. In contrast to the comparatively tolerant and secular interwar Czech society, where Jews and Czechs in the cities saw their interests aligned, Jews saw little appeal in acculturating into Slovak society and the Slovak public viewed Jews as foreign. While suspected of being pro-Hungarian by Slovaks, the fact that Jews in interwar Czechoslovakia had civil equality and national recognition compared to the Jews in increasingly antisemitic Hungary, who did not, made it far easier for the formerly northern Hungarian Jews to reorient their political loyalty to Czechoslovakia.

Like previous scholars of nationalism (in particular Benedict Anderson and Francine Hirsch), Klein-Pešová demonstrates how the Czechoslovak state used both the census and map as tools in its attempt to consolidate nationalities and centralize the state’s view of the alignment between nationality and language. Even so, when Jews had the opportunity to identify as nationally Jewish and build a separate Jewish politics they did so, and Klein-Pešová provides examples of Jews who actively resisted attempts to equate nationality and language and thereby eliminate the separate national status of the Jews. Yet for Jews, first as Hungarian Jews, then as Slovak Jews, there was no way out of the middle, especially as interethnic tensions rose in the 1930s. As Klein-Pešová concludes, “Hungarians and Germans understood the state’s decision to count Jewish nationality without regard to language as an attack on their own language-based minority rights within the state. . . . Slovaks saw Jewish nationality as a defense against aligning with the Slovak nation” (145). After the Nazis’ ascension to power in Germany, Slovak Jews saw their physical security assured only by maintaining the borders of Czechoslovakia, but their loyalty to the Czechoslovak state put the Jews in direct conflict with the growing Slovak autonomist movement. In sum, Klein-Pešová has contributed a succinct and sophisticated profile of an understudied community, one that can help us understand the impossible dynamic faced by all Jews who lived among multiple nationalities with competing national claims.

SIMON RABINOVITCH
Boston University


doi: 10.1017/slr.2017.29

If only the haggard survivors of Nazi crimes, Jews in particular, had had access to the literature of the past decade or two, they would have realized that resistance,
collaboration, and guilt cannot be effectively assigned and that their efforts to identify and punish those who betrayed them were actually about the need, in the words of the editors of this outstanding volume, to “reclaim agency,” “reassert their dignity,” and “work through their traumatic pasts” (22). This collection of deeply-researched essays fortunately also provides readers contemporaneous understandings of what the participants thought they were doing and why. In some perverse way, the self-image of Jews as a “collective of victims” (138) could only be overcome by identifying villains as well as heroes.

Just as there was among the Jews real resistance, there was real, if unwilling, collaboration—whether in the pathetic and wretched form of camp kapos or in the form of the dubious behavior of Budapest elites. And whether in the “rehabilitation commissions” in the DP camps of central Europe, the Central Committees and Honor Courts of various Jewish communities, or the courts of a newly-established Israel, some justice—legal and/or ethical—had to be done before benign neglect or a reestablishment of pre-war hierarchies and leadership could set in in the name of a rebuilt Jewish community and emerging postwar order, whether conservative, communist, or Zionist.

It is true that we now honor and respect the victims, and sympathy is deemed a better palliative than the search for vengeance, particularly against small fry. This “fog of collaboration,” “gray zone,” “honor the victims” evolution was reflected in Louis Malle’s classics, Lacombe, Lucien (1974) and Au Revoir aux Enfants (1987) as well as in Primo Levi’s wrenching The Drowned and the Saved (1988) and Bernard Wasserstein’s The Ambiguity of Virtue (2014). The essays in this collection however cover a time that predates the elevation of victimhood and derogation of heroism. Most cover the first post-war decade in over half a dozen different countries, a time when victims sought not solace or attention but rather guilty parties to blame, stigmatize, exclude, and punish. And while Nuremberg and the Eichmann trial focused attention on those at the top of the machinery of death, no one (with the partial exception of the Soviets, who had their own reasons) paid much attention to those at the bottom of the hierarchy, camp guards or, lower still, people like Jewish ghetto police or camp kapos and block elders. For survivors, however, such persons were both traitors and an immediate face of terror. They needed to be identified and punished and expelled from communities in which they might now try to disappear or reinvent themselves.

As these essays show, speaking the truth was less about communal memory, let alone healing, than about punishing the guilty, those who had “raised their hands against other Jews” (57, Germany) or “damaged the Jewish community” through behavior “irreconcilable with the most elementary principles of solidarity” (119, Holland). Most of the trials and courts discussed by the authors—other than the Israeli—were improvised and did not enjoy a state’s authority to punish. Why the allied occupation authorities and several sovereign states granted jurisdiction to these Jewish tribunals and generally countenanced their tenuous legitimacy is not entirely clear and is a matter worthy of greater attention than it receives. Was it done in conjunction with or apart from other purges, to restore dignity to the country as a whole, out of respect and deference, lack of interest, bad conscience and malign neglect, recognition of some level of Jewish autonomy, antisemitic desire to show that Jews also collaborated with the enemy, or something else?

Sanctions were of different sorts, and one of the strengths of this volume is the exploration of varieties of depuration meted out in the heat of the war and months after the war’s end—ranging from vigilante assassination to impressive due process hearings. In his essay, “Why Punish Collaborators?,” David Engel argues that besides retribution, revenge, and purification, the focus on eliminating collaborators already in the Warsaw Ghetto demonstrated a deterrent or preventative function—a position which, willy nilly, resonates with Hannah Arendt’s contentious claim that Jewish
cooperation was not only treasonous but also key to Nazi success. After the war, as Gabriel Finder argues, creating “a path to future Jewish reconstruction” required showing that “with the exception of a small minority, all Polish Jews had exhibited high moral standards” (85), and the outliers therefore especially merited punishment. Elsewhere, shame and a desire to atone for their own passivity led to the wish of many to punish and excommunicate those who had collaborated actively. Nonetheless, as a general matter, with the passage of time, caution, if not empathy, began to displace the harsh rigor and asperity characteristic of the first courts.

Nearly destroyed, the Jewish communities of Europe needed validation. With their surviving communal organizations often weak and riven, these Jewish citizens’ tribunals were largely devoted to inquiry with a retributive rather than restorative aim. Exposure could be its own punishment, bring opprobrium and exclusion (and sometimes withholding of welfare benefits). Generally, a desire to avoid finding responsibility in oneself was strong—many individuals even presented themselves hoping to win exoneration and avoid ostracism. There were countercurrents as well, however, especially in the cases where former communal leaders and Judenräte members were called upon to explain their fatal and sometimes self-serving decisions. Judenräte-type cases often involved an element of anti-elite class conflict, yet even there, outcomes only infrequently matched intentions, and many cases, in some countries most, foundered or saw “convictions” reversed or vacated. Whether “the process” itself was salutary seems even now uncertain.

In Israel, of course, the temptation to highlight the vulnerabilities and confused loyalties of diaspora Jewish life and its leaders proved unavoidable, as the Israeli contributors demonstrate. The new state of Israel, while welcoming Nazism’s victims, to a significant degree validated itself as the negation of diaspora weakness, and trials there also served state-legitimating purposes, albeit rather different from the successor regimes in the lands aligned with or accepting the Nazis. In retrospect, it seems difficult to believe that Jewish communities undertook to purge themselves as if they had stood on the same or similar footing as the non-Jewish communities that often conspired with the Germans in the effort to eliminate them.

David Abraham
University of Miami


This short book is an analysis of 500 files of court cases. The materials come from the work of the Hungarian “People’s Tribunals” from the years 1945–1949. Pető and Barna purposely eschew posing questions whether the judgments were just or not. Indeed, they examine no individual case and the reader will get little sense of how the trials actually functioned. Instead, the authors provide us with a statistical analysis of the social background, age, geographic distribution, and gender of the accused, as well as of those who made the denunciations and even those of the witnesses.

The authors’ findings are not particularly surprising, but nevertheless interesting and valuable and can be easily summarized. People from the social elite were more likely to be tried for collaborating with the Nazis, and the most prominent among them received severe punishments that made the greatest impression on the public. People from the lower classes and especially in the countryside were most frequently