

Jewish Betrayal: The Court as an Emotional Arena in Legal Proceedings of Jewish Collaborators

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This article exposes the negative sentiments expressed by the witnesses-survivors in the legal proceedings of Jews accused under the Nazis and Nazi Collaborators (Punishment) Law, 1950. The article offers a narrative analysis of the testimonies that enable us to understand the reality of the lives in the ghettos and camps, not only as a legal exposition intended to convict or acquit, but also as a community story that seeks to breathe life into the legal categories, thereby joining the legal rules to create a more complete legal story.

Offering an analysis of the testimonies, the article exposes the tension and discrepancy between the negative sentiments expressed by the witnesses and the legal categories of the Law. It reveals that the roots of this tension and discrepancy lie in the State of Israel's decision to deal with the extraordinary phenomenon of Jewish collaboration with the Nazis through "ordinary" criminal categories that were never intended to cope with the highly tensioned and complex situations. The survivors-witnesses, understood what the legislators missed: the devastating emotional impact of being under the control of their Jewish brethren cannot be translated into "ordinary" criminal categories. As the article shows, during their testimonies, the witnesses presented the defendants, and in fact all Jewish functionaries, with socio-moral charges that had nothing to do with the Law and the formal indictments. In doing so, the survivors established within the legal arena an "emotional community" rendering the court a public "emotional arena."

The article contributes to the contemporary discussion of the place of sentiments in criminal proceedings, seeking to challenge the assumption that the legal process and procedure allow channeling feelings into a legal language that is consistent with the law. Here I show that in the case of the proceedings of Jewish collaborators, the legal language entirely failed to touch the survivors or do justice to their lived experience in the ghettos and camps