

lack of sustained focus on this aspect may have cost him some interpretive leads. For example, in 1900 Jabotinsky wrote a positive review of Pietro Mascagni's opera *The Masks*. The episode is noted, although the composer is identified erroneously as "P. Mascani" (p. 141). Jabotinsky praised the work for its "witty symbolism" and "pure Italianness, its refusal to succumb to artificial and unnatural foreign influences." The two compliments—the appreciation of wit and the assertion of national purity—combine unexpectedly. Even more interesting is the unnoted fact that this work of Mascagni's was universally panned; Jabotinsky must have known that he was solitary in his praise.

The argument that Jabotinsky (and, indeed, Nordau) proceeded from cosmopolitanism to nationalism is tempered by the title and argument of the final chapter: "Jabotinsky: Cosmopolitan Ultra-Nationalist." Here, as well, cosmopolitanism modulates from a cultural and aesthetic category to a political one. But the category is simultaneously emptied of meaning. The chapter traces Jabotinsky's attempt to argue the compatibility of individualism—not cosmopolitanism—and national loyalty, a project Stanislawski deems, quite plausibly, "philosophically incoherent" (p. 211). "Individualism" here finally means nothing else than the "voluntary submission of individual will to a cause." This, in turn, is the argument Jabotinsky used to assert the nonauthoritarian character of Betar, the paramilitary youth movement he advocated in his final period. If *Zionism and the Fin de Siècle* therefore implies, in spite of itself, that cosmopolitan nationalism is a contradiction in terms, then the persistence of the contradiction may itself be understood as a remnant of the European fin de siècle's landscape of symptoms.

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The Memory of Judgment: Making Law and History in the Trials of the Holocaust. By Lawrence Douglas.

New Haven, Conn.: Yale University Press, 2001. Pp. viii + 318. \$35.00.

In this book, Lawrence Douglas develops a new approach to studying the trials of the Holocaust. At the outset, he explains, "Most studies of the great perpetrators' trials have sought to resolve whether these proceedings fulfilled their requirement to do justice to the defendants. My book will be largely devoted to answering a different question: Did the trials do justice to the unprecedented crimes of the Holocaust? Did they present a responsible portrait of a horrific subject?" (pp. 1–2). Douglas's approach requires a shift from normative questions about defendants' rights and fair trial to questions of historical representation, of developing legal tools capable of addressing these "unprecedented events."

Questions about the representation of the Holocaust have been occupying historians, sociologists, psychologists, and writers for quite a while (see, e.g., Saul Friedlander, ed., *Probing the Limits of Representation: Nazism and the "Final Solution"* [Cambridge, Mass., 1992]). The role of law has been perceived by such scholars instrumentally, at best, as providing some of the evidence needed for the historical research or, more often, as having a negative role by distorting the understanding of the past through legal procedures that are meant to achieve other purposes. Even within the legal profession, Holocaust trials were dealt with cautiously, as trials in which purely legal considerations are often to be sacrificed for pedagogical and political goals.

In order to put the question of representation at the center of legal attention, no less

than a revolution in the philosophy of law and jurisprudence was needed. This revolution has been taking place in stages—beginning with the legal realist movement of the 1930s, continuing with critical legal studies in the 1970s, feminist legal writing in the 1980s, and cultural studies in law in the 1990s. Notwithstanding the growing sophistication in understanding the role of law in society, it didn't affect, for the most part, the way legal scholars treated the Holocaust trials. Rather, it was outsiders to the legal establishment, such as political scientist Judith Shklar (*Legalism* [Cambridge, Mass., 1964]) and the philosopher Hannah Arendt (*Eichmann in Jerusalem: A Report on the Banality of Evil* [New York, 1963]), who saw Holocaust trials as raising deep jurisprudential questions that cannot be divorced from questions of historical representation. Douglas's book is therefore an important contribution not only because of the new questions that it poses but also due to its sophisticated use of new theoretical approaches to law (such as narrative jurisprudence and victims' rights) in addressing these questions.

At the core of the book's inquiry stands the issue of how to judge the unprecedented event. This is an especially thorny issue for a profession whose whole legitimacy lies in abiding by precedents. In this respect, Douglas, who is often critical of Arendt's book on the Eichmann trial (pp. 110–11), makes good use of her observation, in a letter to Karl Jaspers, that "it seems to me to be in the nature of this case that we have no tools to hand except legal ones with which we have to judge and pass sentence on something that cannot even be adequately represented either in legal terms or in political terms. That is precisely what makes the process itself, namely the trial, so exciting" (Arendt to Jaspers, December 23, 1960, *Hannah Arendt/Karl Jaspers Correspondence*, ed. Lotte Kohler and Hans Saner, trans. Robert Kimber and Rita Kimber [New York, 1992], p. 417). Indeed, Douglas identifies several "unprecedented" tools that were introduced and developed by legal practitioners to address the Holocaust in court. These include, among others, a new legal category ("crimes against humanity"), a new type of representation (the film *Nazi Concentration Camps*), and a new role for the victim as witness (particularly in the Eichmann trial). In doing so, Douglas's book is able to open new ways of looking at the old materials, from unexpected perspectives.

Moreover, Douglas is not satisfied with examining these novelties in isolation; rather, he undertakes to study the changes and developments that they undergo in subsequent Holocaust trials. As he explains, "I seek to demonstrate how legal understanding can be revised through a process of juridical restaging" (p. 4). Indeed, the span of the inquiry's trajectory reaches from the Nuremberg trials of the major Nazi war criminals (1945–46), to the Israeli trials of Adolf Eichmann (1961) and John (Ivan) Demjanjuk (1987), to the Klaus Barbie trial in France (1987), and ends with the Canadian trials of Holocaust denier Ernst Zundel (1985, 1988). Choosing this "end" casts a new light on the controversies that were presented in the previous chapters—signaling that Holocaust trials will long continue after the death of the people who were there (as perpetrators, victims, or bystanders) and turn into trials about illegitimate representations of the Holocaust. This historical approach allows the reader to understand the legal constraints involved in approaching the Holocaust as rooted not only in legal doctrine but also in the society and time in which Holocaust trials take place.

Another of the book's achievements is the critical dialogue it establishes between the trials, in a way that helps explore the difficulty in finding the right idiom for judging the Holocaust. Thus, for example, Douglas argues that the Eichmann trial should be understood as rectifying two flaws in the Nuremberg trial: the reliance on perpetrators' documents to the exclusion of survivors' testimonies, and the subordination of "crimes against humanity" to the confining framework of "war crimes." Both of these flaws,

he claims, prevented the Nuremberg trial from adequately representing the Jewish Holocaust. Indeed, this new view of the Eichmann trial also allows Douglas to reject Arendt's approach to the trial as an outmoded legalist approach that misses its narrative and representational potential for creating a collective memory of the Holocaust (p. 111).

Placing the issue of representation in the center of the discussion of the trials, however, is not free of risks. In his essay "Historical Emplotment and the Problem of Truth" (in *Probing the Limits of Representation: Nazism and the "Final Solution,"* ed. Saul Friedlander [Cambridge, Mass., 1992], pp. 37–53), Hayden White raises the question of how to draw the line between narrative history and Holocaust denial. Douglas is faced with a similar dilemma: can narrative legal scholarship defend the pedagogical uses of trials without falling prey to the relativizing efforts of political lawyers and to the subversive uses of the trials by Holocaust deniers? Douglas, who celebrates the pedagogical aims of the prosecution in the Nuremberg and Eichmann trials, has to explain why uses of the trial for opposite pedagogical purposes are illegitimate (as, e.g., its use to demonstrate the bias in refusing to extend "crime against humanity" to the war in Algeria by defense attorney Jacques Vergès in the Barbie trial). In other words, a jurisprudence that makes a place for the political aspects of the trial (didactic legality) should learn to come to terms with the "defense of rupture" of political lawyers. Thus, the question is no longer whether the trial was a show trial but of how to choose among different representations of the past that enhance different political agendas while doing justice to defendants and victims.

This is maybe the most profound challenge that the Holocaust trials present to narrative jurisprudence: what can be the normative guideline to distinguish legitimate from illegitimate pedagogical uses of the trial? This book at times seems to hint that a new focus on victims' rights can give some guidelines (p. 113). As becomes clear from the description of the trials, however, a focus on victims' rights can be in tension with historical understanding no less than the previous focus on defendants' rights. It seems that the only way to begin to overcome the crisis of judgment and the crisis of representation in the wake of the Holocaust is by combining the two (for other attempts in this direction, see Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* [New Brunswick, N.J., 1997]; and Leora Bilsky, ed., "Judgment in the Shadow of the Holocaust," special issue of *Theoretical Inquiries in Law* 1, no. 2 [2000]). In this respect, Douglas's book is a strong reminder of the benefits that lawyers and legal scholars can reap from approaching these crucial questions with the tools of cultural studies.

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Reading History in Early Modern England. By *D. R. Woolf*. Cambridge Studies in Early Modern History. Edited by *Anthony Fletcher, John Guy, and John Morrill*. Cambridge: Cambridge University Press, 2000. Pp. xvi + 360. \$69.95.

"Historians," D. R. Woolf reminds us, "do not create books on their own but within a social context" (p. xi). Though he uses this tag line to introduce his own scene of writing and his acknowledgments, the statement also indicates the ambitious plan and magisterial scope of the book he has produced. Woolf's is not a history of history in a Great Man format, from Ranulf Higden to David Hume. Instead, *Reading History in Early Modern England* is "about the history of the history book as book" (p. 1). Woolf