

Lawrence Douglas, *The Right Wrong Man: John Demjanjuk and the Last Great Nazi War Crimes Trial*. Princeton, NJ and Oxford: Princeton University Press, 2016. 332 pp.

Lawrence Douglas offers a sliver of positive analysis to the traditionally critical assessment of postwar, transnational justice for crimes perpetrated during the Holocaust. *The Right Wrong Man: John Demjanjuk and the Last Great Nazi War Crimes Trial* tells the story of Ivan Demjanjuk's prosecution—a story that began in 1975 and only ended in 2011. The work carries its readers to three judicial sites of exploration: the United States, Israel, and Germany. Demjanjuk's story offers Douglas a vehicle of analysis to investigate the legal, historical, and geopolitical layers in the process of postwar transnational justice. Though he does not question the poor records of western states in effectively prosecuting individuals responsible for war crimes, he argues that courts and bureaucratic investigatory bodies have made some progress in instituting important adjustments in their proceedings.

He sets up his argument by situating the Demjanjuk case among the Nuremberg Trials, from 1945 to 1946, and the Eichmann case from 1961 to 1962. In doing so, Douglas argues for a particular trajectory of postwar transnational trials. On one hand, the Nuremberg Trials relied heavily on statistics and proceeded in a dry, documentary-like fashion. On the other hand, the Eichmann case was driven by victim testimony. The Demjanjuk trial, however, departs from the preceding cases in its use of history, and historians, to contextualize the crime and drive the prosecution forward. More importantly, the successful prosecution of Demjanjuk has set a positive precedent for future cases in Germany.

Douglas's cast of characters includes a colorful range of historians, lawyers, judges, bureaucrats, and survivors. The leading personality, Ivan Demjanjuk, was both ordinary and unique. Born in present-day Ukraine, Demjanjuk was drafted into the Red Army during the Second World War only to be captured by the Germans and become a prisoner of war, working in various camps. After the

war, Demjanjuk settled in Cleveland and lived comfortably for thirty years. The crux of the narrative takes place between 1975 and 2011 when he was mistakenly identified as a camp guard in Treblinka, denaturalized as a US citizen, and tried in Jerusalem where he served time until the real identity of the Treblinka guard was found. After returning to the United States for eight years he was then, in 2001, correctly identified as a guard in Sobibor, denaturalized again, and this time sent to Germany where he endured trial, was convicted, and lived out the last few months of his life in a nursing home in Upper Bavaria until 2012.

The book follows a chronological structure and sets out much of the historical, bureaucratic, and legal context that drove Demjanjuk's prosecutions in Ohio, Jerusalem, and Munich. Douglas discusses the postwar and early Cold War period as a background to situate the ways in which the United States developed its Displaced Persons laws and the Office of Special Investigations. In his section on Israel, Douglas sheds light on the closeness of Demjanjuk's trial with society more broadly, as well as on the use and failure of witness testimony. Finally, in Munich, he gives a detailed background on German legal behavior prior to Demjanjuk, particularly when it came to identifying and properly prosecuting perpetrators. By outlining the legal limitations within which judges and experts were forced to work, he argues that the German Central Office's successful prosecution of Demjanjuk in 2011 demonstrates a positive progression rather than yet another failure.

There are a few points that allude to the importance of the Soviet Union's role in inhibiting a comprehensive investigation. Douglas also briefly mentions how the Soviet Union's collapse affected Demjanjuk's case. However, the work could have benefitted from more contextual information regarding the Soviet Union's role in postwar justice and East-West legal power struggles. These elements were particularly important as they affected why the West was reluctant to send back former Soviet citizens to the Soviet Union and why, in turn, the Soviet Union stalled in its full cooperation in investigations. This background would have further

underscored the precariousness of Demjanjuk's situation and the legal tensions between the United States and the Soviet Union.

One of the most important contributions of this work is Douglas's transnational approach, which departs from existing scholarship.¹ In applying this perspective, he successfully demonstrates the necessity for multiple regional perspectives to understand one case and, at the same time, he makes use of Demjanjuk's case to unpack the legal, historical, and political challenges within each of the three countries. To solidify his argument, Douglas uses substantial court material from the trials in the United States, Israel, and Germany but it is his personal experience attending the Munich trial that adds to the rich insight he offers, particularly in the later portion of the book. Readers benefit from the experience of Douglas who not only attended the trial itself but personally comments on his interactions with lawyers and Holocaust survivors—most of which happened when proceedings were cancelled for those days. This personal element also enriches his writing, which reads smoothly and will appeal to legal experts, historians, and general audiences alike.

As each case developed over the years in different countries, the role of historians in providing necessary context on the nature of the camps was crucial. The role of historians also becomes increasingly more important as fewer and fewer survivors are able to testify. The other “heroes” of this story are legal experts who worked with historians to engage with existing legal parameters in order to offer some paths to the successful prosecution of

¹ While the existing scholarship is rich in its in-depth analysis of legal structures and treatment of former wartime collaborators in one country, Douglas's work departs in its inclusion of multiple regional sites for exploration. See for example: Richard Breitman and Norman J.W. Goda, *Hitler's Shadow: Nazi War Criminals, US Intelligence and the Cold War* (Washington, DC: National Archives and Records Administration, 2010); Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Hill and Wang, 2004); John Loftus and Mark Aarons, *The Secret War Against the Jews; How Western Espionage Betrayed the Jewish People* (New York: St. Martin's Press, 1994); and Kerstin von Lingen, *Allen Dulles, the OSS, and Nazi War Criminals; The Dynamics of Selective Prosecution*, trans. Dona Geyer (New York: Cambridge University Press, 2013).

perpetrators. Collectively, the greatest legacy of cooperation between historians and legal experts, seen in Demjanjuk's trial in Germany, is that they offer a nuanced view of legal understandings of the Holocaust. Rather than criticizing German courts for doing too little, Douglas acknowledges their efforts to adapt the law creatively with a view to improving the procedures for prosecuting different kinds of perpetrators.

Aleksandra Pomiecko
University of Toronto