



The ‘strange Mr Kastner’ – Leadership ethics in Holocaust-era Hungary, in the light of grey zones and dirty hands

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Abstract

As the leader of a group of rescue activists in Holocaust-era Budapest, Rezső Kasztner saved the lives of large numbers of Jews through negotiations with Nazi officials. This activity coincided with the deportation of thousands of others, and after the war Kasztner was considered by some to have made a Faustian bargain: his silence in return for the lives of the few. The ethics of this case have been approached from a variety of theoretical vantage points, none of which have the analytical power and pertinence to render justice to an existential challenge of this magnitude. The article therefore draws upon dirty hands as an alternative. Sustaining a dirty hands argument in this case relies on retaining a measure of skepticism with regard to established narrative framing, acknowledging the incidence of grey zones and replacing the implicit norm of agency in studies on Holocaust-era leaders with context focus.

Keywords

Holocaust, dirty hands, grey zones, leadership ethics, Rezső Kasztner, Adolf Eichmann

Introduction

There are well over two dozen mentions of the ‘strange Mr Kastner’ in Hannah Arendt’s *Eichmann in Jerusalem* – a reference to Rezső (later: Israel) Kasztner, the executive head of the Relief and Rescue Committee in Budapest (Va’adat Ha-Ezrah ve-ha-Hatzalah be-Budapesht, short: Va’ada), in 1944–1945. Run by Zionist activists, this committee bargained

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over the lives of thousands of Jews with Nazi officials in Budapest, offering cash, valuables, goods, contacts or promises of alibis as an inducement. This activity coincided with the deportation of hundreds of thousands of Hungarian Jews, in whose death Kasztner was considered, by some, to have been complicit. Although the majority consensus is that Kasztner negotiated in good faith, the fact that he was aware of Nazi intentions, but failed to alert his co-religionists – in order to not endanger the negotiations – makes his action uniquely controversial.

Arendt's reference was part and parcel of a larger over-arching snide at what she saw as the (negative) role of Jewish Holocaust-era leaders, whom she found co-responsible for the Jewish catastrophe. One of Arendt's conclusions was that, in this situation, leaderlessness and chaos would have been preferable (Arendt, 2006: 125). Kasztner corresponded to Arendt's archetype, but the use of the word 'strange' indicates that, contrary to other such leaders, she had difficulties situating him within the wider leadership landscape. This uncharacteristic vagueness on the part of a thinker who built an entire reputation on the quality of her razor-sharp dissections of reality is puzzling. It is owed to the fact that the Kasztner affair presents an ethical conundrum of the tallest order and that high-stake existential emergencies have a tendency to render conventional ethics approaches, such as utilitarianism and deontology, inoperable. It follows from this, that the only category that can make sense of Kasztner's borderline behaviour is one that engages with the specific challenges of duress ethics.

In terms of organisation, following a descriptive outline of the case, we will turn our attention to the narratives that have dominated the Kasztner debate. We will find that these are heavily conditioned by the peculiar source problems of the historiography of the Hungarian Holocaust. At the same time, they fail to adequately accommodate the manifest moral grey zones of the case.

As a matter of definition, 'narrative' refers to a heuristic and cognitive device that enables the framing of reality, thereby satisfying the human need for sense-making. As compelling story-lines that follow literary conventions, narratives structure and explain sequences of events, allow inferences to be drawn and facilitate human reactions to ongoing developments (Arquilla and Ronfeldt, 2001; Freedman, 2006: 22–24). While common usage of the term suggests binomial 'false' and 'true' narratives, the scientific understanding is that all narratives are representations of reality. They correspond to a 'telescoping of logic and temporality' (Barthes, 1977: 79–124), and they rely on deliberate or inadvertent omissions that fashion collective blind spots (Jaraus, 2002: 140–162). Their epistemic limitations clash with their longevity and tenacity, attributes narratives owe to their role in the formation and formulation of collective identity.

The discussion then turns to the investigation of two ethical constructs that have figured prominently in the Kasztner debate, double effect and triage. However, as their predecessors, they are unable to deliver. The critical synthesis that follows proposes the theorem of dirty hands as an adequate frame of reference for rationalising Kasztner's behaviour. This reconfiguration is reinforced by references to uncertainty, context and contingency – essential notions which enable the discussion to accede to a higher level of abstraction.

The Kasztner affair

The Va'ada was spearheaded by a Budapest couple, Hansi and Joel Brand, in 1941, to provide aid and assistance to Jewish refugees fleeing to the relative safety of Hungary.

The organisation established good connections to the outside world, with regular couriers operating as far afield as Slovakia, Poland, Turkey and Switzerland. The Brands' intermediaries included policemen, members of both the German and Hungarian intelligence services, neutral diplomats, but also printers, blackmarketeers and smugglers. Kasztner, a lawyer, journalist and political lobbyist from Kolozsvár, joined this effort later, as did Otto Komoly, the chairman of the Zionist Federation of Hungary.

When the Germans occupied Hungary in March 1944, the Va'ada reoriented its efforts towards Hungarian Jewry. The route they chose was an unconventional one: taking advantage of German corruption and obtaining concessions by the way of negotiation. The precedent had been set by a similar relief committee in Bratislava who had bribed Dieter Wisliceny, a member of Eichmann's special unit, in 1942. Halting deportations to Auschwitz had seemingly worked there and then. What was not known at the time, however, was that the halt had had nothing to do with the bribes paid to Wisliceny. Still, the coincidence reinforced the belief that rescue of substantial numbers of Jews through negotiation was possible. In early April 1944, Brand and Kasztner arranged a first meeting with Wisliceny in Budapest. The agenda points they submitted included the abandonment of concentration and deportation, and the putting together of a convoy of 600 heads who could travel on the remaining quota of official exit permits to Palestine, in exchange for cash (Landau, 1961: 72). The startling response of Wisliceny (and later Hermann Krumei, Eichmann's deputy) to this proposal was that the SS were not interested in the emigration of small groups but expected a bolder proposal.¹ In reality, however, the ensuing Va'ada cash payments produced no perceptible effect, and ghettoisation gathered pace from the second week of April.

Then suddenly, at the end of April, Eichmann cited Brand to his office, where he extended an offer over thousands of lives in exchange for goods. In mid-May, Eichmann dispatched Brand to Istanbul, together with Bandi Grosz, another Hungarian Jew and former Abwehr agent, to submit the offer to Zionist officials,² and to then return Budapest with an answer.

The episode occurred at a time when Eichmann's bureaucracy, the Gestapo, was digesting the absorption of German military counterintelligence (*Abwehr*). In view of the important role of rogue *Abwehr* agents in the Va'ada's foreign network, the latter – an *Abwehr* heirloom of sorts – had intelligence potential (Biss, 1982: 11). Eichmann, who had the monopoly on the operational aspects of anti-Jewish policy (together with the Hungarian authorities, who were never informed about blood-for-goods), was instructed to maintain the contact and became the handler for blood-for-goods.³ He did this although he resented the intelligence and diplomatic ramifications of blood-for-goods, which provided a launch pad for outside interference into his area of competence (Bauer, 1995: 164ff.).

As could be expected, the blood-for-goods proposal was rejected by the Allies, and Brand was detained by the British when he crossed the border into Syria on his way to a meeting with Jewish Agency heavy-weight Moshe Shertok, in early June.

While the motivation of the Va'ada for keeping the iron hot is clear, the German rationale bears the hallmark of Himmler's wavering and maneuvering.⁴ This opacity has led some into arguing that blood-for-goods was a perverted cat-mouse game, to delude Jewish leaders and expedite the destruction of their coreligionists (Braham, 1981: 950ff., 1015 (n80)). A spin-off of this is the argument that the Brand mission was a failure or doomed to be one.⁵

What must be clear is that it makes little sense to rationalise the multiple Nazi initiatives to establish contact with the Allies, at this late stage in the war, as a mere deception (Aronson and Breitman, 1992: 180; Rose, 1991: 916). Although the Brand proposal itself

featured only the extortion of material benefits, Grosz' mission served the wider purpose of extending feelers to the Western Allies; perhaps even splitting the Allied coalition. If this could not be achieved, then the proposal could at least serve to embarrass the Allies who, it could be argued, were not doing enough to save the Jews. At the same time, the argument whereby the chance of success of the Brand mission was close to nil does not factor in the convoluted logic of the Nazis. It is based on assumptions about behaviour that do not fit Nazi rationality (Bialasa, 2013). Historiography has made little progress in helping us grasp the mind-games, however warped, that could result from the Nazi *Weltanschauung*. But one of the precepts of Nazism was the power of 'World Jewry' as a historical driving force and the conspiracy theory that behind all malice stood the Jews. The logic that underpinned the proposal then was that, as World Jewry controlled Allied governments, a good way to reach them was through the Va'ada (Biss, 1966, 1982).

After Brand's departure, his wife Hansi, together with Kasztner, took over the contact with Eichmann, insisting that the 600-strong emigration convoy discussed in March be finally waved through. However, by the end of May to beginning of June, the ambition of the Va'ada scheme, to save a substantial part of Hungarian Jewry, was becoming increasingly obsolete.⁶ From mid-May 1944, tens of thousands were deported to Auschwitz. These first deportations targeted the unassimilated *Ostjuden* from the territories of Carpatho-Ruthenia and Northern Transylvania (deportation zones 1 and 2) (Aly and Gerlach, 2004: 249ff.). And in early June, the attention turned to the assimilated Jews of Hungary within her borders of 1918 ('Trianon Hungary', deportation zones 3 to 6). Contrary to what some had expected, Hungarian attitudes to these 'national' Jews were no different than to the others. The lapse between ghettoisation and deportation even shrank further, from a few weeks in zones 1 and 2, to a few days in zones 3 to 6.

By early June, it was also clear to both sides that Brand would not return. Kasztner tried to regain the initiative by bluffing that the elimination of the 'exchange material' was harming the negotiation. After protracted haggling, Eichmann conceded the departure of a 'sample train' that would eventually comprise almost 1700 Jews. This transport was taken to Bergen-Belsen internment camp, on 30 June 1944. Sometime later in June, Kasztner made another attempt, now advancing the figure of 100,000 Jews who should be exempted from deportation (Landau, 1961: 112–113). This move was rebuffed by Eichmann, but the idea resurfaced in the context of a transfer of about 15,000 Jews to labour camps in Austria (the 'Strasshof Jews'), also at the end of June 1944. While Kasztner's critics have argued that this transport had no input from the latter – its origin lay in a request for 'work Jews' from Vienna – the fact that it comprised entire families, of which only one-third were employed in labour, gives the operation an unmistakable humanitarian flavor (Biss, 1966: 96–97).⁷

Kasztner's efforts to maintain momentum gathered additional speed when the text of an 'interim agreement', dated 29 May and carrying the signatures of Brand and a Zionist official in Istanbul, Menachem Bader, arrived in Budapest on 10 July. This raised the stake of the negotiation and provided Kasztner with a means to impress Kurt Becher, another high-ranking SS officer (Bauer, 1995: 206). Initially sent to Hungary to mop up Jewish assets for the SS, Becher showed interest in Kasztner's activities (Bauer, 1995: 206, 216). A wily opportunist – and probable war criminal – Becher was smart enough to have realised that being involved in schemes to contact the Allies offered a hedge that could become useful as a post-war alibi. From Kasztner's perspective, Becher was an equally useful – if ambivalent – partner. Enjoying Himmler's personal trust, Becher had the power to oust Eichmann from the negotiation track, which the latter had always considered an irksome distraction from his

real task. Insisting on goodwill gestures, Kasztner now played a leading role in assembling a half-way credible conduit between Becher and two US-sponsored relief organisations, the Joint Distribution Committee (JDC) and the World Refugee Board (Landau, 1961: 100). One direct consequence of these later efforts was the final release of the Kasztner train passengers to the safety of Switzerland, in two separate batches (Bauer, 1995: 200).

After the war, Kasztner sustained criticism from those who held that he had not done enough to warn the public about the impending danger. For his detractors, his silence was the price he had been willing to pay in exchange for the rescue of a small and select number of Jews. The accusations continued after his move to Palestine in 1947, where he took up government employment and became politically active. In 1954, Kasztner entered into a libel suit against Malachiel Grünwald, a pamphletist who had leveled accusations of collaboration against him. Kasztner did this on instructions of his employer but against the advice of some members of his entourage.⁸ As Kasztner was a prominent member of MAPAI, the opposition sought to exploit the trial and recruited the astute Shmuel Tamir to Grünwald's defense. Tamir produced a deformed picture of the Va'ada activities, laying a trail from Kasztner's alleged collaboration to the door of the Israeli political left. The tipping point in the trial came when Tamir caught Kasztner red-handed at perjury: having denied in court that he had provided a 'clean bill' for Becher in 1947, when the latter was in Allied custody, Tamir was able to prove the contrary (Weitz, 2011: 119). The verdict was a fiasco, as it dismissed the libel accusations against Grünwald (except one). Presiding judge Benjamin Halevi subscribed to Tamir's version, namely that Kasztner had offered his silence in exchange for the lives Eichmann had been willing to grant. In 1957, Kasztner was assassinated by extremists, almost a year before the Supreme Court of Israel overturned the previous ruling and rehabilitated Kasztner on all but one point – his post-war intervention in favour of Becher.

Grey zones and problems of historiography

Gaining a better vantage point on Holocaust-era leadership and rescue initiatives has had to contend with two obstacles. First of these is the preference of leadership students for wholesome, preferably heroic, role models. The problem with this, however, is that – except for a few cases – this does not fit with the experience of wartime Jewish leaders. Secondly, there is the towering influence of the institutional model of the *Judenräte* developed by Raul Hilberg and later adopted by Arendt.⁹ This model argues that, instead of resisting, Jewish leaders relied on *history of play*, trying to soften the effect of German demands through submission and special pleading. This attempt to safeguard what could be saved had the opposite effect to what was intended: it turned Jewish leaders into unwilling collaborators and readied the populations under their stewardship for extermination. According to Hilberg, official Jewish bodies were incapable of nurturing parallel, clandestine activities. In some cases, they even collaborated with the Germans in neutralising resisters, who were framed as the objective menace to the survival of the dwindling communities.

A counterpoint to this dichotomy is to be found in the 'grey zone'. The term was first drawn upon by Italian Holocaust survivor Primo Levi, in his autobiographical account *The Drowned and the Saved* (1989). Levi had a particular interest in overcoming the hagiographic and rhetorical stylisation in the post-war literature. These baseline narratives could not deal with the ambiguity of the period, as their Manichean simplification of the experience of war and genocide left no space for what Levi termed 'choiceless

choices'. At the same time, he conceptualised the extreme context of the ghettos and the camps as grey zones.

The framing around heroic narratives was particularly accentuated in Israel, where the reference point in public memory was the resistance of the Warsaw and Vilna ghettos, in 1943. This choice shut out the overwhelming majority of survivor memory. Levi's criticism was that the heroic narratives glossed over the fact that 'the harsher the oppression, the more widespread among the oppressed... the willingness to collaborate' (Levi, 1989: 28). In his analysis, heroic bias in approaching collaboration was a falsehood, as the Nazi system tried to bind complicities by compromising its victims and burdening them with guilt:

(A)n infernal order such as National Socialism... exercises a frightful power of corruption, against which it is difficult to guard oneself. It degrades its victims and makes them similar to itself, because it needs both great and small complicities. (Levi, 1989: 49)

Levi spoke of the *impotentia judicandi*, the imprudence 'to hasten to issue a moral judgment'. Levi himself was prepared to absolve all individuals 'whose concurrence in the guilt was minimal and for whom coercion was of the highest degree', for, in his view, responsibility lay with the system. Circumstances were extenuating (Levi, 1989: 28–29, 43, 49).

We will argue here that it is possible to go one step further than Levi's *impotentia* and to find redeeming features in the behaviour of grey zone leaders. Leonard Ehrlich, the biographer of Benjamin Murmelstein, a member of the Vienna Jewish Council and later *Lagerältester* in Theresienstadt, criticised both Hilberg and Arendt as 'cherry pickers' whose theses were disconnected from reality (Ehrlich, 2008). One important counter-argument is that conditions across Europe differed, whereas Hilberg and Arendt argue an archetype of Jewish leadership that was to have had validity across Europe. At the same time, the strategies and objectives of Jewish leaders were not as uniform as described by Hilberg and Arendt (for illustration, Trunk, 1996: 388–450). And, while Jewish leaders in Europe may have contributed to the Holocaust, they were not necessarily conscious of this, or they faced choiceless choices. Finally, Arendt's argument that chaos would have been preferable cannot be generalised: the absence of Jewish leadership in the occupied territories of the Soviet Union in no way slowed the mass murder, quite to the contrary.

Examples illustrating these counter-arguments can be found in Michel Laffitte's study on the UGIF in France, some of whose leaders did provide assistance to the Germans, while others encouraged (successful) self-help and rescue (Laffitte, 2003). As regards strategies and objectives, we might refer to Mordechai Rumkowski in Lodz, who sought to save what he could, by rendering his protégés useful to the German war effort. By the summer of 1944, the Lodz ghetto contained the largest surviving urban concentration of Jews in the whole of Poland. Had these Jews not been deported to Auschwitz in August 1944, post-war assessments of Rumkowski's many controversial actions would, no doubt, have been more forgiving. At around the same time, Rabbi Murmelstein in Theresienstadt tried to get his protégés through the ordeal by enforcing the maintenance of minimal living standards, through a well-functioning system of self-administration, and by forging contacts with outside entities such as the Red Cross.

One particularly instructive case has come to light through Christopher Browning's recent study of the Jews of the Starachowice/Wierzbnik labour camp (Browning, 2005, 2010). It deals with a cluster of 1600 prisoners, an unusually high proportion of whom survived the war. This high survival rate was down to a rather unique constellation of

factors: Starachowice was managed by German industrialists; it had no permanent SS presence; and it operated as a so-called open ghetto until 1942. Browning offers several core insights, two of which stand out. First, Hilberg's argument of the irrationality of conventional Jewish behaviour in not reverting to mass flight, while they still had the opportunity, is an assumption, for most Eastern European Jews felt that they were, indeed, choiceless. Taking to the forests or living on false papers never could be an option for significant numbers. There then was nothing illogical in preferring the relative comfort of the community to risks that were both unfathomable and incalculable. At the same time, staying put heightened the chances of survival, which depended on a very high degree of social segregation (or ingroup–outgroup differentiation) among the prisoners; the maintenance of kinship ties, but also bribery. Frank Bajohr has dedicated an entire monograph to the latter subject but limits his approach to investigating how corruption worked against the victims of persecution (Bajohr, 2001). However, as Browning now shows, corruption could also work in their favour.

Grey zones are not merely useful as a conceptual device, but they also highlight methodological and epistemological problems in the historiography of Holocaust-era leadership. In what some have described as a 'second murder' of the victims, the perpetrators destroyed incriminating evidence, and the few who had to answer for their crimes garnished their narratives with copious lies. The result is a historiography that often has had to rely on an uneasy source mix of courtroom and oral testimony, memoirs and survivor accounts. While this is a general feature, the source problems in the Hungarian case are particularly acute. In the final year of World War II, the paper trail grew even thinner than before. Much of what was committed to paper about the events was written with the benefit of hindsight and under the influence of trauma. It is impacted by cognitive bias. This could enter narratives through subconscious repression or through the post-event restructuring of information, a phenomenon known as 'false memories' (Mecklenbräuker and Steffens, 2007). This does not yet factor in conscious processes, such as post-event self-apologism or the manipulation of survivor memory for political ends. As though this was not enough, nowhere was the disinformation designed to mislead the victims as systematic as in Hungary.

Taken in the aggregate, these features could not fail to impact on the quality of the source material, leading to a Hungarian Holocaust literature that is not immune from the dangers of anachronism and other logical fallacies (Aly and Gerlach, 2004: 16). Two of the most common pitfalls are over-reliance on specific testimony or eyewitness accounts and lack of method in the exploitation of oral sources (Aly and Gerlach, 2004: 16). In other cases, the accounting for chronology and periodisation (or phasing) in the unfolding of the Final Solution in Hungary is insufficient. This leads to events being lumped together in one single argument, although their intrinsic connection (or even simultaneity) is not proven beyond doubt. Finally, a liberal attitude seems to prevail with regard to the quoting and cross-quoting from a secondary literature that cannot be considered fail-safe. With regard to Kasztner, this can lead to binary utilitarian arguments of the type that his action was permissible, seeing that the effort saved lives, and that the saving of the few was a superior outcome compared to the annihilation of all.¹⁰ Such arguments fail to engage with half of the story: Kasztner's critics never contested that he saved lives (this is beyond doubt). The issue they raised was one of proportion: why, as a leader of a group of Zionist activists dedicated to rescue, did he save so relatively few? And why were the others not warned?

Kasztner: Villain or hero?

Building historiographical interpretations from the patchy evidentiary base has given rise to two distinct Kasztner narratives, vilification and heroisation, as well as to median positions that are more appreciative of the grey zones but fail to provide compelling narratives. The versions of the Kasztner saga by Biss (1966, 1982), Löb (2010), Hecht (1961) and Reichenthal (2011), to name but a few, stand for the two opposing poles. Braham (1981: 718–731, 932–975), Bauer (1995), Aly and Gerlach (2004) and Szita (2005) take median positions. Other attempts, such as Anna Porter's docu-fictional account (2008), are heroic stylisations.

To adepts of the first narrative, Kasztner was at best incompetent and at worst outright treacherous. They argue that his strategy monopolised the rescue agenda at a time when the Nazis were deporting hundreds of thousands of Hungarian Jews (Braham, 2000: 293, n. 38). Kasztner acknowledged this Achilles heel himself, when commenting the situation in early June 1944 in his later report. By then, the Va'ada had failed to save a single Jew, yet a large proportion of Hungarian Jewry had already perished (Landau, 1961: 101–103). This implies that by his own standards Kasztner, the ambitious rescue worker who eyed a comprehensive scheme, failed at his task. The narrative holds that later successes are inconsequential, as his action at the critical juncture of spring 1944 was incommensurate to what the situation required.

The overall reproach is reinforced by Kasztner's alleged information advantage. According to some, he had detailed knowledge of the process of extermination through the Vrba-Wetzler report, as early as late April 1944 (Szabo, 2011: 116). The simultaneity of his limited rescue and the hottest phase of the Final Solution in Hungary has led them to establish a causal link between Kasztner's silence and the rescue of the few. A particularly acrimonious battle has continued to rage around the issue of Kasztner's behaviour during his at least one visit¹¹ to Kolozsvár, his home city, three weeks before the commencement of the deportation of the 16,000 Kolozsvári Jews (indicatively, Linn, 2004: 44–46; Reichenthal, 2011: 225–230), on 25 May 1944 (Mayer, 2014: 102).

In addition, Kasztner's rescues entailed applying interventionist criteria, to determine who would be saved and who would be left to his or her own devices. The accusation has been that Kasztner operated triage along sectarian lines.

The most unpalatable feature of Kasztner's policy was that this obliged Va'ada operatives to maintain close contacts with leading genocidaires. Some of these men, such as Wisliceny and Krumej, would exploit their relationship with Kasztner to create alibis. The latter, in fact, became indebted to them for services rendered in facilitating his rescue programme, and he would intervene on their behalf after the war.¹² While Kasztner appears to have dreaded Eichmann as much as other Jewish leaders who had contact with him, his relations with Becher became uncomfortably close. To many, he seemed to have overstepped the invisible red line.¹³

Pro-Kasztnerians, in turn, argue that the accusation whereby Kasztner monopolised the rescue agenda is incorrect on two separate counts. First, Kasztner was not alone in coordinating rescues but did this in conjunction with his Va'ada colleagues and Jewish functionaries from other institutions. Second, it relies on the assumption that there were other options that were not pursued because of Kasztner's bullying and scheming. While these alternatives existed in theory, they offered no practical solution when they were needed most, in spring 1944.

The first of these options was open resistance. Arguing this case is a post-war extrapolation, modeled on the example of the Warsaw ghetto uprising. As such, it does not take into account the realities of Hungarian Jewry. This was divided into several factions, none of which had an armed or militant wing. Organising resistance required time, a factor that was unfavourable. Even more important was the lack of mental preparation. Hungarian Jews had an inborn trust in authority, and they were delusional about the level of Hungarian protection they would receive. A critical mass of people believed that open resistance – which would have entailed indiscriminate slaughter – was pointless and morally reprehensible as long as it looked like other options still existed. Once the error was realised, it was too late. The second option was for the Kasztner group to warn the Hungarian Jews about the reality behind Auschwitz. However, this would have only had impact, if it had been done by a leader enjoying genuine influence, and even then success was by no means preordained. Aly and Gerlach cite many examples where warnings were issued but where people refused to believe (Aly and Gerlach, 2004: 299, 304–306). The third option was to solicit third-party assistance. This option is contradicted by the zeal with which the Hungarian authorities pursued ghettoisation and deportation; any attempt to inform the gentile population about the real fate of the Jews was easily countermanded through disinformation and propaganda. In addition, many Hungarians had a vested interest in the expropriation and expulsion of their Jewish compatriots. Similar reflections relate to the idea of leveraging the influence of the neutral representations in Hungary, in particular the Swiss. This activity could only be deployed in the immediate vicinity of where the embassies themselves were located, in Budapest. *Vis-à-vis* their own hierarchies, the diplomats could only get away with the generous interpretation of the rules of their trade that an ambitious rescue agenda required once the context had changed. However, a decisive weakening of the German position did not occur before the turning point of June–July 1944, as a result of Regent Horthy's about-face and the changed geostrategic situation following the success of operations Overlord and Bagration.

When considering whether Kasztner failed at his task, it is necessary to ask which Hungarian or Hungarian-Jewish leader's action was adapted to the situation. Sadly, the answer is 'none'. Kasztner's failure was the general failure of all leaders who, for whatever reasons, did not alert the victims to their fate. On balance, the Kasztner group even comes out better than most, as they took personal risks, by at least trying to influence the course of events. Their behaviour was no doubt borderline, but hardly more so than the epoch itself.

The argument that Kasztner's silence led the Hungarian Jews to perdition is based on post-war misrepresentations of his status. The idea of Kasztner as a powerful wartime leader is a social constructivist rationalisation that created its own retrospective reality. An effort described as amateur and grassroots in a post-war interview by Hansi Brand, which had no 'rescue experts' and no established hierarchy,¹⁴ was re-constructed into a structured corporate entity.¹⁵ It was also based on a misrepresentation of Kasztner's influence on Hungarian Jewry. Regardless of whether they belonged to Orthodox or Neolog Judaism, Hungarian Jews were overwhelmingly hyper-patriotic. This meant that they would follow the recommendations of the Hungarian and Hungarian-Jewish elites but pay no notice to a Zionist nobody from Kolozsvár; especially if the latter's speech could in any way be interpreted as criticism of the authorities, have likened to treason.¹⁶ Therefore, a Faustian bargain, aimed at leading Hungarian Jewry into the trap,¹⁷ would have been of no consequence, as Kasztner would have been unable to keep his side.¹⁸

As to the final accusation, Kasztner's working relations with perpetrators, the most senior surviving Va'ada operative, Andreas Biss, argued that rescue workers could not afford to ignore divergences in the enemy camp and the possibility of exploiting these, even if this entailed sustained contact (Biss, 1982). While it is impossible to take Becher's post-war self-portrayals as a *Menschenfreund* seriously, it is possible to argue that Becher and Eichmann were *not* two sides of the same coin. Compared to the Nazi idealist Eichmann, Becher was an opportunist who played a double game. Kasztner's consideration for him after the war cannot suffice as a matter of outright condemnation; the argument needs to be nuanced.¹⁹

Into the grey zone

If the narratives of vilification or heroisation fail to convince, then for two reasons: first, they give short shrift to the grey zones that surround the case. These pertain principally to three issues: Kasztner's operation of triage, the extent to which he matched his demeanour to German expectations and his silence in Kolozsvar. Second, they derive the strength of their argument from an (anti-)heroic bias and from an emphasis on assessing leadership behaviour in isolation from context.

Triage refers to the process by which moral choice can be oriented in life and death situations. Most commonly used in medical emergencies, triage principles indicate where health professionals should prioritise their resources and efforts. In view of differing levels of injury, there will be patients who are more likely to live or to die, no matter what effort is made, but there will also be cases where immediate intervention will make a life-saving difference. Triage also applies to less acute situations that touch upon distributive justice, such as access to medical treatment that may make a difference on people's lives, but the supply of which is limited. Distribution can be formulated according to criteria: it can be random, but it can also focus on the ability to pay, age and life-years, worthiness, character, social or family responsibilities or contributions to society. The philosopher Jonathan Glover argues that one cannot afford to systematically shy away from making such choices. However, while he does not deny the pertinence of criteria such as life-years or quality of life, he has misgivings about more subjective criteria such as worthiness, contribution to society or moral status. In any case, a significant moral difference exists between the act of withdrawing someone's life and the omission of denying access to potentially life-saving or life-enhancing medical treatment (Glover, 1977: 220–226).

The problem with triage, however, is that it quickly loses its pertinence in circumstances where factors outside the frame of reference, codified by protocols, cannot be controlled. This was the case with the Va'ada rescues, which were subject to a volatile environment. Kasztner relates that the instinct of the operatives involved in putting together the first group of passengers (from Kolozsvar) was to give precedence to children and young people. Older or middle-aged people had enjoyed a number of life-years, but it was particularly cruel to see life taken away from someone who had not even lived yet. This suggestion, however, was unacceptable to Eichmann who did not want to let the Hungarians get wind of his deals and therefore insisted on camouflaging the transport as Zionist plotters who were being sent to a camp in Germany with their families. For the same reason, Kasztner's initial idea, to let the Kolozsvar Judenrat put together the transport, had to be abandoned, as Eichmann insisted on being furnished with a list of names (Landau, 1961: 108). While a semblance of genuine triage is still recognisable in the final draft of the Kolozsvar list,²⁰ the criteria that served to establish the remainder of the sample train passenger list are no longer reconstructible.

The one certainty is that one small group of rich Jews travelled on the basis of their ability to pay the ransom the Germans had demanded. To these were added the Kolozsvár group, a group of artists, scientists and intellectuals, and several groups selected on religious or political criteria. Finally, there were also orphans, refugees from Poland, Slovakia and Yugoslavia (Landau, 1961: 130–131), and people who fitted no specific criteria (Löb, 2010: 45–49).

Kasztner's description of the train as a Noah's Ark of Hungarian Jewry was a poetic metaphor for saving the essence of sorts of Hungarian Jewry. But it also has an uncanny semblance with other morally dubious decisions, such as the triage criteria chosen by the Amsterdam *Judenrat*, in May 1943.²¹ Similar patterns in the behaviour of Holocaust-era leaders were already noted by Hannah Arendt (quoted in Braham, 1981: 723). Sadly, this was not the only time the Va'ada reasoning slipped from egalitarianism to elitism. Other examples of discourse demonstrate that potential émigrés to Palestine, the chief recruiting ground for which were the Eastern territories, were considered more 'valuable' than the assimilated element of Trianon Hungary (Landau, 1961: 66–67). Eichmann later claimed that Kasztner was primarily interested in saving this 'valuable ethnic material' (Eichmann, 1960).²² It would be easy to dismiss Eichmann's enunciations as yet another example of his post-war story-telling, if the Zionist preference for emigration rather than outright rescue was not also supported by other evidence.²³

It seems that as far as particularism was concerned, the Va'ada had not much to envy the traditional Hungarian-Jewish elites. Notions of 'human worthiness' followed an ingroup-outgroup pattern that can also be found in Bulgaria, Romania and France. This often pitched the assimilated against the unassimilated Jews, or the Zionists against the assimilationists.

The deportation of the Hungarian Jews was not decided before late April–early May 1944, and it, at first, concerned those living in zones 1 and 2. This was patterned on a salami tactic whereby the Hungarian authorities pretended, for a while, to differentiate between six categories of Jews: the unassimilated Jews in the reacquired territories, the Jews in the provinces of Trianon Hungary, the Jews of Budapest, the men of the labour service, exempted Jews (those living in mixed marriages and decorated war veterans) and those with letters of protection (Aly and Gerlach, 2004: 268–269). When they indicated that they were *only* targeting the unassimilated Jews, this could sound quite genuine to some establishment figures (Aly and Gerlach, 2004: 424–425). Many Jewish leaders in Budapest played into the hands of this *divide and rule*, by referring to the Jews in zones 1 and 2 as 'hopeless cases'; the little effort that was expended to turn the tide was concentrated on the Jews of Trianon Hungary (Aly and Gerlach, 2004: 301). Although he does mince his words, Braham's mention of a *conspiracy of silence* in his history of the Hungarian Holocaust refers to the fatalism that prevailed when the Jews in zones 1 and 2 were deported in May (Braham, 1981: 691ff.).

Considering some groups hopeless, on the basis of subjective value criteria, makes triage problematic. Many of the grassroots activists involved in illegal rescues became suspicious of traditional leaders for precisely this reason (Cohen, 1986: 103; Bauer, 1995: 158; Braham, 2000: 201–202; Szita, 2005: 77).

As to the extent to which Kasztner accommodated to his German interlocutors, it is obvious that once he accepted the offer to put families, associates and *prominents* on the special train, he put himself at the mercy of the SS. In a letter to Hillel Danzig, one of the Bergen-Belsen passengers, in 1946, he admits having been forced to play a 'straight game'

with the Germans in order to not derail his policy of negotiation.²⁴ His other controversial actions²⁵ owed to the same motive of not endangering the policy of negotiation.

While all this may look unequivocal, the incidence of entrapment should not be overstated. The German perpetrators certainly displayed considerable skill by slipping into the role of advisers and letting the Hungarian authorities appropriate the ownership over anti-Jewish policy. There is also circumstantial evidence that they put a premium on neutralising factors that could interfere with the clockwork of deportation. This included encouraging obedience to authority, schmoozing the naïve assimilationists, while putting out of commission those leaders who could ferment resistance.

Naturally, Eichmann had every interest to assert that he always held the upper hand over the Jewish functionaries he had dealings with (Bauer, 2006: 708). After the war, he would state that on his arrival in Hungary, he was keen to avert any repeat scenarios of the uprising in the Warsaw ghetto or the flight of the Danish Jews (Aschenauer, 1980: 335). However, at closer view, nothing exists in the sources to confirm these claims. On the same token, Eichmann's scenario whereby he was Kasztner's 'handler' has the distinct look of one of his characteristic flights of fancy and demagoguery.

Other factors reinforcing the idea that Kasztner retained some leverage over the relationship can be gauged from the fact that by 1944 an internal contest was raging within the SS over the direction that was to be taken to improve Germany's rapidly deteriorating situation. The split faced off Himmler against the ideological purists who never flinched from considering extermination as an absolute priority. Although already amenable to the idea of negotiating with the Western Allies, Himmler, had not yet come around to fully endorsing this option at the most critical point in the Hungarian deportations, April–June 1944.²⁶ The early negotiations between the SS, the Va'ada and other Jewish organisations therefore appear less as a fully developed policy option than as a pilot (or prototype) that local SS chieftains could experiment with as they saw fit. Many of the rank-and-file (including members of Eichmann's entourage) sensed this internal contest and therefore became more amenable towards Jewish functionaries who would occupy influential positions in the post-war order (providing they survived). It can be no coincidence that Brand's British interrogators noted a 'desire by members of both the Abwehr and the SD²⁷ for good testimonials from Jews'.²⁸ Once the writing was on the wall, Kasztner would be solicited in very much the same manner. This gave him more leverage, in particular after June–July 1944, than Eichmann's handling scenario would suggest.²⁹

As to the final point, Kasztner's unexploited influence on the Kolozsvari Jews, it must be remembered that Kasztner was a light-weight on the Budapest scene, whereas his societal standing in Kolozsvar was different (Weitz, 2011: 287). A Zionist was more likely to be taken seriously here, as the city had a strong Zionist presence, including the only Va'ada antenna outside the capital (Hecht, 1961: 98). As a previous editor of the Kolozsvari daily *Uj Kelet* and as a political fixer, Kasztner was well-introduced into the local establishment. In 1934, he had married the daughter of Dr Fischer, a prominent and wealthy Zionist who was also a former member of the Romanian parliament and later the head of the Jewish Council in Kolozsvar.

When Kasztner visited Kolozsvar in early May, he knew that the attempt to stave off ghettoisation had failed. The wave of ghettoisation had started the previous month, reaching Kolozsvar one day before his visit. As one of the better-informed Hungarian Jews, he was aware that ghettoisation increased the likelihood of deportation and that deportation increased the likelihood of extermination. It could be argued, that this knowledge informed

a moral duty to issue a warning, at least to those willing to take his word seriously. While some historians claim that he did issue a warning (although in a back-handed way), others are less categorical.³⁰ What is clear, in any case, is that there was no sustained campaign to inform a maximum number of people about what lay in store for them if they boarded the trains. What could justify taking such an approach?

Despite an extensive literature on the Kasztner saga, no consistent ethical analysis of this particular aspect exists. The topos of Kasztner's silence in Kolozsvar has been lumped together with the discussion of the case under the terms of double effect, a legal and moral doctrine that was the basis of the revision of Halevi's ruling. Double effect distinguishes between the intended and the unintended (but still foreseeable) consequences of one's actions in decision-making contexts involving questions of life and death (Glover, 1977: 90–91). Under double effect, only intended ill-doing is morally reprehensible. This implies that two actions with identical outcomes need not have the same moral validity; it operates a distinction between acts and omissions. The moral philosopher Philippa Foot endorses double effect as far as 'the rightness or wrongness of our actions is not determined solely by the goodness or badness of their consequences' (Hacker-Wright, 2013: 95). In this view, any direct cause–effect relationship, such as a deliberate act contributing to the killing of some Jews on the part of Kasztner, as a means to save others, would have made him guilty under the terms of double effect. In his Supreme Court opinion, Judge Agranat refuted the contention of such a causal relationship.³¹

Following Foot's train of thought, one could argue that Kasztner had not initiated the sequence that led from Hungary to Auschwitz. Also, it is uncertain whether the only way in which he may have influenced this sequence, by sounding a general alarm, could have been successful under the conditions reigning at the time. When it came to choosing between the three options of fight, flight or freeze, most Hungarian victims seem to have responded with freeze.³² On the other hand, he would have sacrificed not only himself and his co-workers but also the Jews whom he had wrested from Eichmann's hands early into his negotiations. Therefore, it could be argued that this sequence, which Kasztner had initiated, commanded his absolute loyalty.

Nevertheless, applying double effect to this case is a big maybe, as key factors surrounding the level of knowledge, of both Kasztner and the Kolozsvari Jews, remain under dispute. The practical philosopher Jonathan Glover has criticised double effect, on the grounds that it is not clear why acts and omissions with identical outcomes should invite a different moral assessment:

The conscious failure to save a life is in some circumstances conventionally regarded either as killing or as morally equivalent to it, but in other circumstances the conventional view is that they are neither identical nor morally on a par... this conventional difference of moral evaluation is defensible to the extent that it reflects differences of side-effects. But in so far as it results from thinking that an act and deliberate omission with identical consequences can vary in moral value, the conventional view should be rejected. (Glover, 1977: 116)

Although Kasztner's omission to not alert Jews to their fate cannot be argued to have led to identical consequences, the grey zone surrounding the question of just how much he knew about German extermination plans, and the timing of this knowledge, leaves one with a sense of unease. Can Kasztner's actions stand the test of reasonableness, as Agranat argued? Or did his vantage point require him to choose a different type of action than plodding along the preordained course of negotiations with the Germans? These questions pose the moral

challenge of leadership during the Holocaust in a fundamental way. They lead to the question as to whether there can be an alternative to framing the leadership ethics of an existential emergency in terms other than double effect.

Towards a critical synthesis: The ethics of dirty hands

At least as far as could be known in spring 1944, the most promising course for saving substantial numbers of people was the Kasztnerian line. Apart from this, only one other option existed: to do nothing. Forgoing the chance to actively influence outcomes would have prevented the Va'ada from endorsing the idea of the feasibility of mass rescue.³³ This belief departed from availability heuristics and was based on a number of (false) assumptions, such as the very success of their rescue work before the occupation or the belief that bribing Wisliceny could yield similar results as those obtained in Slovakia.³⁴ Apart from avoiding entrapment, however, it is not clear what other tangible results doing nothing could have achieved. And this still leaves unanswered the issue of the moral adequateness of doing nothing. What are we to make of the leader who watches things go by, as opposed to the leader who 'dirties his hands' and runs the risk of being condemned by his own once the storm has blown over? In fact, leaders are expected to take the initiative, precisely to avoid being seen as 'fence-sitters' who assign the responsibility to act to others: 'Those acting on the presumption that the end does not justify the means open themselves to the suspicion of being obsessed with... their own moral purity regardless of the cost to others' (Alexandra, 2007: 76–91).

Along similar lines, Glover criticises ethicists who disallow anything but utilitarian or deontological responses to questions of life and death as 'moral doctrinaires'. According to Glover, the murky contexts that often characterise dilemmas are rarely a good basis for ethical analysis along conventional lines (Glover, 1977: 223, 225).

Kasztner's grey zone behaviour cries out for a different category. A suitable theorem exists within what has been termed 'dirty hands'. The concept appears for the first time as the title of a play by Jean-Paul Sartre, which premiered in 1948, but its origins are much older. It is preconfigured in Plato's noble lies, and it provides the bedrock for Machiavelli's take on a utilitarian 'doing good by doing evil'. The beginnings of a structured dirty hands discussion stretch back to the context of the Vietnam War and the work of Michael Walzer (1973, 1977, 2004), and the notion was reactivated in the wake of 9/11, when it informed the debate on the war on terror (Ignatieff, 2004). Dirty hands does not attach to the metaphysics of manifest or absolute evil but to those good people who find themselves under an obligation to commit transgressions which they themselves would deem unethical in other contexts, such as their private lives. It caters to the fact that duress does not allow the luxury of straightforward solutions devoid of moral ambiguity but requires the identification of a lesser evil. Dirty hands shares one feature with common dilemmas, namely that all existing options for action are unpalatable. However, unlike dilemmas, where no direction exists as to which action should be taken, in dirty hands situations the necessary choice of option is painful, but obvious (Coady, 2009). One particular characteristic of dirty hands leaders is their inclination to question themselves whether they are doing the right thing. Far from indicting the leader, his scruples and doubts provide him with moral depth.

To what extent, we must ask, was Kasztner such a leader? Dirty hands clearly were at work with regard to his controversial actions, such as his silence in Kolozsvár, the Waldsee postcard distribution or the case of the parachutists.³⁵ This was based on the requirement for

internal consistency with the policy of good-faith negotiation. Dirty hands also appear in his post-war statements for Becher, Wisliceny, Krumei and others. While his earliest statements still described them as war criminals or blackmailers, by late 1945, his attitude underwent a change. From thence onwards, he demonstrated a tendency to put a positive spin on how they had contributed, positively, to his rescues. Kasztner's wavering in this situation was a typical manifestation of dirty hands. It should also be noted that he was not acting all on his own accord in this matter, but on instructions from his political paymasters, the Jewish Agency. The latter were interested in locating and claiming assets seized from Hungarian Jewry, before some other entity had the same idea. They were also willing to let the lesser fry go scot-free if they could obtain information that would lead to the apprehension of Eichmann, considered the chief villain (Barri, 1997).

Agonising over the 'right path' also appears in Kasztner's wartime correspondence.³⁶ Indicative of the fact that he was not always in one mind is a letter, sent to Nathan Schwab, the Hechalutz leader in Geneva on 12 July 1944, in which he voiced regrets about not having encouraged open resistance or flight:

The hundreds of thousands went to Auschwitz in such a way that it was unclear to them what it was all about and what was going on. We, who knew it all right, tried to resist, but after three and a half months of bitter struggle, I found out that we were only spectators watching the unfolding and inevitable tragedy, without being able to do anything significant to stop it.³⁷

As other dirty hands leaders Kasztner was aware that failure was not an option, that the loser in this game would also be considered a traitor by his people. If we can trust his recollection in his later report, this realisation came to haunt him when Eichmann cancelled the Kolozsvár convoy, in early June 1944 (Landau, 1961: 101–104).³⁸ Although Kasztner managed to talk him out of this, for a moment, it had looked as though even the effort to save this tiny flock had come to naught. Second thoughts about having tied his silence to the success of the negotiations also appear in a note he dictated to his secretary, one month later. Here, the self-criticism was even more explicit:

The people boarded the trains like cattle because we trusted in the success of the negotiations and missed telling them their imminent fate. . . . It would probably have been more reasonable to arrange active opposition to boarding the trains, with the aid of the Halutz youth, instead of negotiations; [even if it had achieved nothing] at least we would have preserved our integrity.³⁹

When Kasztner pronounced himself thus, he was doing so with the benefit of hindsight. But this cannot be the baseline from which his earlier action is to be judged. This can only be judged from the vantage point of the evidence that was available to him in March–April 1944, when the Va'ada inaugurated its policy of negotiation. What he acted on was imperfect information, giving rise to the hope that negotiation would save, if not all, then at least significant numbers. Had Kasztner abandoned this approach early on, he would have opted out of what he had every reason to consider a good chance of saving an, as yet, incalculable number of Jews.

By the time he came to Kolozsvár, in early May 1944, he had somewhat more information, realising that the plan to prevent ghettoisation and deportation was not working. His options were now already a lot more constrained. It deserves mention that Kasztner never made claims that he went to Kolozsvár for any purpose other than arranging the departure of the transport of Palestine certificate holders. His haste in putting together the group was owed to the fact that Krumei had lied to him before his departure, stating that the group

would be able to travel in one or two weeks (Landau, 1961: 82).⁴⁰ In the end, the Kasztner train passengers were retained in Kolozsvár until the very end of the deportations from the city and only travelled to Budapest on 10 June 1944. Kasztner's unconcern for matters other than the putting together of the convoy could have been justified by a belief that this would not remain the only transport of its kind.⁴¹ While some have criticised his thoughts of a more comprehensive rescue scheme as megalomania (or worse),⁴² Kasztner was not a moral hazardeur. While some of the Va'ada information from Polish and Slovak refugees or from German and Hungarian insiders and couriers would have confirmed the worst fears, other information existed that pointed in the opposite direction. He based himself on credible information indicating that the worst case scenario of total annihilation was not the only possible outcome and that gaining leverage over the situation increased the survival chances of those already deported and selected for slave labour.⁴³

Throwing in the towel and sounding the alarm in Kolozsvár would have had value, if there had been reason to believe that it would lead to a significantly better outcome. However, the idea that the Jews of Kolozsvár would have definitely acted on stronger advice cannot be a foregone conclusion. According to Löb's eyewitness account, feelings in the ghetto were diffuse, with a majority remaining susceptible to Hungarian and German disinformation, taking refuge in illusions or repressing negative premonitions (Löb, 2010: 215–216). Although several Kolozsvári survivors came forward during the Grünwald trial to testify that they would have never boarded the trains had they known what awaited them in Auschwitz, it cannot be said to which extent these statements constitute ex-post facto rationalisations. Whether attitudes in the ghetto could have been swayed by Kasztner must remain equally doubtful.

Secondly, an evaluation of the potential benefits of Kasztner sounding the alarm must evaluate whether fight and/or flight would have outweighed the benefits of the negotiation line. To be sure, these first two options did exist. But to argue, in any definitive sense, that their pursuit would have led to the rescue of more people than the 388 Kolozsváris who eventually boarded the Kasztner train is a debatable proposition (Löb, 2010: 216). The benefit side of sounding the alarm is rather shaky then. By contrast, the cost side is clear: had Kasztner adopted a policy of warning, he would have compromised not only the Va'ada activity (and its future benefits) but also the emigration convoy. As Supreme Court judge Shlomo Chesin argued, the chance to save a small number would have been forfeited in pursuit of the illusory goal of saving a greater number (quoted in Hecht, 1961: 242–243).

Uncertainty and imperfect information

This brings me to my final point, the partly erroneous idea that the Va'ada enjoyed considerable information superiority over other Hungarian Jews (and did not use it appropriately). Eli Reichenenthal is not the only anti-Kasztnerian who concedes that the Hungarian Jews, and their leaders, were subdued by the force of events, while failing to concede the same thing to Kasztner, who alone is supposed to have 'known' all along (Reichenenthal, 2011: 222).

This reasoning, of course, makes no sense. Viewing Kasztner through the lens of teleological retrospection leads to an interpretation that is less favourable than need be. Although Kasztner had access to a better mix of information than was the norm, the notion that this provided absolute clarity is based on the wisdom of hindsight. This applies in particular to the erroneous idea of a master plan for the destruction of Hungarian Jewry (Aly and Gerlach, 2004: 266). The insinuation, of course, has always been that if such a plan existed

and if Kasztner – due to his information advance – was aware of it, this would make him more culpable.

In reality, however, the speed with which the situation unfolded surprised even the Germans, who had not arrived with a master plan. Initially, Eichmann had assumed the usual complications that arose whenever he had had to deal with sovereign governments, such as in Bulgaria, France, Denmark and Romania, in the past. He had not expected the Hungarian deportations to take place before July 1944,⁴⁴ and he was baffled by the zeal of the Hungarian authorities.⁴⁵ The uniqueness of the Hungarian chapter of the Holocaust is owed to the fact that it witnessed an entanglement of economic, labour, military, foreign policy and ideological interests that had not interacted on a similar level of complexity before. This led to a very distinct phasing pattern. A periodisation shows that the idea of exploiting Hungarian Jewry for slave labour dominated the German mind in early April (Aly and Gerlach, 2004: 251). Until later that month, nobody knew what the fate of Hungarian Jewry would be, as a German intent to deport the Hungarian Jews to Auschwitz for extermination and slave labour is not attestable before 23 April (Aly and Gerlach, 2004: 252–253). At which speed the deportation would take place is only finalised by the perpetrators on 4–5 May (Aly and Gerlach, 2004: 254). And, as we have seen, the Jews of Trianon Hungary were still afforded a short breathing space; their ultimate fate is not decided before a period stretching from 25 May to 1 June (Aly and Gerlach, 2004: 266).

Both Brand's and Kasztner's already existent knowledge of Auschwitz (Aly and Gerlach, 2004: 8) was reinforced by the fact that at least the gist of the Vrba-Wetzler report was known to them in the days following its completion (Landau, 1961: 82).⁴⁶ Brand's British interrogation report of June 1944 is indicative of the level and depth of information. Referring to his fourth meeting with Eichmann, on 15 May 1944, Brand stated that the latter 'had been responsible for the horrible deaths of hundreds of thousands of Jews'.⁴⁷ On the other hand, he made only one single mention of Auschwitz, in a document covering 37 single-spaced typed pages.⁴⁸ Also, Brand and Kasztner had no understanding of how exactly selection for labour and the SS-Va'ada negotiations about 'putting on ice' might affect the fate of Hungarian deportees once they arrived in Auschwitz (Aly and Gerlach, 2004: 321, n. 372).

The short time lapse between the onset of ghettoisation (3 May) and the beginning of deportation (25 May to 9 June) in Kolozsvár has sometimes been interpreted as indicating a path that was clearly predictable. However, the tendency to conflate the rapidity with which the situation deteriorated with the notion that what would occur three weeks down the line was foreseeable should be resisted on logical grounds. As we know from several recent publications, ghettoisation was not as homogenous a process as previously thought; it did not always lead to identical outcomes, via identical routes and according to identical schedules (indicatively Browning, 2010; Michman, 2014).

When Kasztner visits Kolozsvár, he has a hunch, but no complete certainty about German intentions. He cannot predict that the trains people were to board three weeks later would be bound for Auschwitz. At the Grünwald trial, he stated having told Kolozsváris that their lives were in danger and that deportation meant extermination. He also admitted having known about Auschwitz at the time of his visit (quoted in Hecht, 1961: 97) but not that the Kolozsvár transports would be sent to Auschwitz (quoted in Weitz, 2011: 189–190).

This patchiness of knowledge is internally consistent with his description of exchanges with leading perpetrators in the days surrounding his visit to Kolozsvár: when Krumej lied

to him that the very first Auschwitz convoy, of 28 April, was on its way to 'Waldsee', Kasztner told him to stop 'playing games', he disbelieved him, but that was all. Some days later, on his arrival in Kolozsvár, he submits pointed questions to Wisliceny, asking him whether deportation was imminent, and, if yes, whether it would be total or concern only the work-able.⁴⁹ The second question was based on the fact that German labour needs since the end of 1943 had opened a breach in the programme of extermination.⁵⁰ Wisliceny evaded the answer but promised to 'find out' on his return to Budapest. Only there, a few days later, does Kasztner learn, from Wisliceny, that deportation would be total and that the success of Brand's mission was the only way it could be averted (Landau, 1961: 85, 88). If Kasztner had had hopes that a twist in the plot might occur and open a door to concessions, then these dissipated at the end of May, when he lost faith in the comprehensive rescue plan in its initial form.⁵¹

The essential lesson that can be re-learned here is a well-known theme: raw intelligence does not speak for itself. The information that Kasztner had access to was diffuse, often even contradictory or conflicting, pieces in a giant jigsaw puzzle that needed piecing together, and the meaning of which only revealed itself over a longer period of time. As Bauer writes, it takes time for information to consolidate into knowledge, especially when it concerns a reality as somber and unprecedented as that of the Holocaust; it then requires yet another step to translate this knowledge into actionable consciousness (Bauer, 1997: 299). The principal reproach one can address to the Va'ada is that they threw in their weight in favour of an optimistic assessment, which led to the endorsement of the idea of the feasibility of mass rescue, when the evidence made a worst case scenario just as likely, if not likelier. However, in falling for a positive confirmation bias, they were no different to the majority of their contemporaries who refused to believe in a worst case scenario.⁵² People on the ground in wartime Hungary had no heuristic short-cuts that could have facilitated the interpretation of raw data. And in any case, a cognitive bias is not a malicious crime of collaboration, but a core problem in the exploitation of intelligence.

Uncertainty and imperfect information relate us back to the importance of context and contingency. A context focus is an effective antidote to a Holocaust literature that is often too focused on individual leadership behaviour and plagued by a heroic (or anti-heroic) bias which negates that some contingencies can diminish (or altogether override) the impact of agency (Provizer, 2008: 457–458). The Hungarian chapter of the Holocaust was subject to a particularly high level of volatility, best witnessed in the frantic tempo of the deportations. Whereas elsewhere in Europe the process of extermination spread over many months, the deportation of over 430,000 Hungarian Jews (with the notable exception of Budapest) was accomplished in a matter of weeks, even days. Within a general dynamic that was adverse in every respect, the environment of the period from March to June 1944 was punishingly unforgiving for anyone with leadership responsibility. It was Kasztner's misfortune that his uncanny ability to extract concessions⁵³ was mismatched by the unprecedentedly and unexpectedly frenzied tempo of the Hungarian deportations in spring 1944.

Aronson (2004) has used the image of a 'quadruple trap' to account for this situation, but one could also liken it to a chaotic pendulum,⁵⁴ or to a 'black swan', an event that, although improbable, and therefore impossible to predict, has major impact (Taleb, 2007). Although the German occupation did not arrive out of the blue, those who lived through the Hungarian Holocaust were nevertheless surprised by the magnitude of an onslaught of unimaginable destructiveness. This was due, in great part, to the fact that a process that,

elsewhere in Europe, had taken considerable time to materialise could be squeezed into such a short time frame in Hungary.

Evidence of black swan dynamics during the Holocaust can be backed up by multiple references. We can find it in the behaviour of the Hungarian victims who, overwhelmingly, did not attempt to go on the run, but stayed put, often resigning themselves to their fate. Descriptions of the 10 months of German occupation conjure the image of a whirlwind, or of a deluge. In terms of developing behaviour conducive to survival there was no frame of reference that could have provided orientation to the victims. As Aly and Gerlach have noted, a survival strategy that worked at one point could spell death the next (Aly and Gerlach, 2004: 310–312).

A second feature of black swans is that they escape the scientific gaze, which has a tendency to concoct retrospective ex-post facto rationalisations that make these events look less random than they are (Taleb, 2007). If human perception has filters that prevent us from recognising a black swan until it is too late, what does this mean about the ability to apprehend reality and react adequately? Could it be that, in the grey zone between knowing, not-knowing and sort-of-knowing, even well-informed leaders do not have a straightforward capacity to ‘read’ events (the full meaning of which only reveal themselves in retrospect)?

Conclusion

If Kasztner’s downfall was not caused by any particular moral failing, what caused it? The answer to this fascinating question lies in a paradox: Kasztner’s downfall was caused by exactly the same character qualities that allowed him to stand his ground with the likes of Eichmann and Becher in Nazi-occupied Budapest, and it may well have been inevitable. Naturally, Kasztner was aware of the grey zones that surrounded his wartime activity. Already in his July 1944 correspondence with Schwalb, he had admitted that the ‘big plan’ of a comprehensive rescue had not materialised. This was a tight spot to be in after the war, when Kasztner had to justify his continued proximity to the perpetrators, beyond the arrival in Switzerland of the last passengers on his train, in December 1944. Otherwise, he, indeed, risked being viewed as a traitor, a fool or as both. Instead making a retreat, Kasztner chose to tackle the bull by the horn and consolidate his legacy, no doubt also relying on a political calculus that a ‘climb-down’ would only indicate that he had something to hide. This then was the genesis of the unverifiable assertion that the talks at the Swiss border saved not only the passengers on his train (fact) but also the Jews of Budapest in August 1944 (disputed claim).⁵⁵ Biss later added to this claim, by arguing that the talks induced Himmler into an official halt to gassings in November and that Kasztner and Becher saved tens of thousands of concentration camp prisoners in the last months of the war (Biss, 1966: 236).

Some authors have attributed Kasztner’s post-war grand-standing to purported character defects, but these allegations are unfair. Kasztner’s lack of modesty was acquired habit. As Hansi Brand would state later, apart from her husband (and herself), Kasztner was the only male Va’ada member who could look eye-to-eye with Eichmann without losing his composure.⁵⁶ Such exceptional ability is not given to everyone. Finding it in a Jew in 1940s Budapest makes the whole thing even more extraordinary. The remainder of Kasztner’s demeanour was a mix of genuine pride over what had been achieved (even though its legacy was contested); of future political ambition, which does not allow the luxury of being modest; and of necessity, attack being the best form of defense.

It was this pride and ambition – in addition to political calculus – that led Kasztner to disregarding an unspoken principle of dirty hands: after dancing with the devil, you do not hold your head high, and you do not step into the limelight. For someone as exposed as Kasztner, it was misguided to accept the position of the Israeli government and charge forward in the libel proceedings against Grünwald in 1954. The road to disaster was consolidated when, again acting on government advice, Kasztner denied that he had provided the infamous Becher statement (Barri, 1997). The fear that the Israeli public would not be able to appreciate why the Jewish Agency had let a Nazi off the hook was no doubt justified. But in the final analysis, it was not the reality of Kasztner's Becher testimony that turned the trial in his disfavour, but that he denied having done so, and was caught red-handed.⁵⁷ As Foot argues, any assessment of double effect attaches particular attention to a man's integrity (Hacker-Wright, 2013). In this sense, acting as though he had done something wrong resulted in Kasztner's character suicide.

We may contrast Kasztner's fate with that of another Jewish functionary during the Holocaust, Benjamin Murmelstein, the last camp elder of Theresienstadt. After his dance with the devil, Murmelstein exiled himself to Rome, ironically referring to the city as not too bad as 'a desert' in an interview with Lanzmann (Hajkova, 2011: 99). He lived there in obscurity until his death in 1989, and when he died, he was denied burial in the local Jewish cemetery – the ultimate price to pay for having occupied a leadership position during the Holocaust and having survived the experience. In her biographical sketch of Murmelstein, Hajkova (2011) resists the temptation of a heroic or antiheroic framing and prefers to rationalise Murmelstein's action in terms of self-assertion and the defense of human dignity. Like Murmelstein, Kasztner probably also knew during the war that the odds were against him and that he was running the risk of being branded a *Mit-täter* but decided to stay put and hang on.

The article contrasts the voluminous popular and academic literature on Kasztner with the absence of an authoritative and stringent ethical evaluation of the case. Since the 1950s, this ethical conundrum has been approached from a variety of theoretical vantage points, including double effect, triage and utilitarianism. However, conventional ethics approaches lose their analytical pertinence when applied to high-stake existential emergencies; these call for a Machiavellian frame of reference. The article therefore introduces a construct that has not figured in this literature: dirty hands. The ability to sustain a dirty hands argument in this case revolves around several pillars: first, mistrust of established narrative framing in the secondary literature. The article advocates a return to the earliest sources,⁵⁸ as well as a more comprehensive exploitation of judiciary sources, in particular the relevant documentation relating to the Grünwald trial at the Israeli State Archive. Up until now only one attempt, by Weitz (2011), has been made to consistently exploit this material. The other unexploited resource existing today in meaningful supply is oral sources. As Browning (2010) demonstrates in his contribution on the Jews of Wierzbnik-Starachowice, the level of sophistication in history is such that this rather mercurial material can now be exploited to produce meaningful and representative results. Researchers using oral sources would do well to follow Browning's example in fine-tuning their methodologies.

On a second level, the article advocates taking into account the incidence of grey zones and readjusting the scholarly debate on Holocaust-era leaders, which is plagued by the implicit norm of individual behaviour (and agency), as well as an assumption of the latter's (near-)perfect knowledge. Instead, this article appropriates a Tolstoyan view of history emphasising context (and uncertainty), as outlined in Isaiah Berlin's seminal

The Hedgehog and the Fox (2013). Disciplinary tunnel vision is certainly of no help in grappling with the type of case outlined in these pages. An appropriate understanding requires not only the opening of new conceptual, theoretical and methodological windows but also the nurturing of an interdisciplinary perspective. Another conclusion, therefore, is that the Kasztner case is best approached with a mix of historiography, leadership, ethics, complexity theory, negotiation, communication studies and cognitive psychology. Finally, the article draws attention to the intrinsic connection between an appropriate and reliable theoretical framework for factual accuracy and the quality of ethical analysis. This problem is often not taken seriously enough, but leadership (and management) researchers would do well to be versed in the historical method.

In terms of defining research desiderata, it must be stated that abstracting from 'heroic bias' also entails abandoning viewing Kasztner in isolation from his committee co-members and others who assisted in his endeavours. Especially important in this context is the role of Otto Komoly, who, to begin with, was more established as a leadership figure in Budapest than Kasztner. Equally important, if not more so, was Hansi Brand. The fact that historians have generally over-relied on the accounts of the leading men, introduces an additional gender dimension. It helps to know that until her husband's departure for Istanbul, the Va'ada leadership was in the hands of what one might call 'team Brand'. There is even some evidence that Hansi may, in fact, have been the 'real brains' behind the organisation. After the war, Hansi, who also emigrated to Israel, was discrete about her experiences, which had included torture. Hansi had a better instinct for the political sensitivities and realities of the day than Kasztner. She advised him against taking the witness stand in the libel trial against Grünwald, and she later also advised him to defy the government and come out about his Becher testimony (Brand and Brand, 1960: 119, quoted in Weitz, 2011: 118).⁵⁹ Maintaining her low profile, she did not put herself forward as a witness in the Grünwald trial but only testified some years later (in the Eichmann and the Krumei-Hunsche trials), when public attitudes had already mellowed. Otherwise, Hansi only stepped into the public limelight once, in 1960, in an interview for an Israeli woman's magazine (Geva, 2014). The next time she dared to be more outspoken in front of a camera was in the late 1970s, in an interview for Claude Lanzmann's *Shoah*. But even then she remained on her guard and opened the floor with the proviso that '(f)or many years we didn't discuss the past because we realised that people would not believe us because they would be simply unable to understand what we lived through (sic)'.⁶⁰

The ideal scenario for factoring in the impact of followership and networked leadership would consist in a prosopographical piece of research, backed up by social network analysis. It is in introducing a quantitative dimension to this present analysis that one might be able to break further ground. The Va'ada operation was not the only rescue initiative concerned with Hungarian Jews. Context and complexity is lost in approaches studying individual rescue initiatives in isolation from other such initiatives and relating them through the sole method of narrative description. Treating the rescue effort as a learning curve that proceeded by trial-and-error and that benefitted from network effects, a network analytical approach would be able to showcase the momentum attained by the confluence of various rescue initiatives. It would also be able to make a contribution to the issue of leadership in extreme contexts or emergency situations. Hannah Arendt's dictum that Jews during the Holocaust would have fared better without their leaders is not generalisable (Arendt, 2006). Her error lies in the extrapolation of conditions in the ghettos and camps of Eastern Europe to conditions in other parts of occupied Europe, where the situation was different. It has now

been shown, however, that certain leadership dispositions can have positive effects in situations where no such thing could have been anticipated (Sanders, 2010, 2015).

Notes

1. According to Brand, Wisliceny

was opposed to removal by us [the Va'ada] of small groups of Jews from Hungary, because in that case we would remove the rich, the leadership, and he would be left with the rest... However, we should work out a plan for the evacuation of all of Hungarian Jewry.

Statement of Joel Brand. *Testimony in the trial of Adolf Eichmann, Session 56, 29 May 1961*. Available at: <http://www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/Sessions/Session-056-02.html> (accessed 8 June 2015).

2. According to Kasztner, the blood-for-goods offer concerned 100,000 souls (Landau, 1961: 73), according to Brand, 1,000,000 (Weissberg, 1956: 94, 100).
3. Stellungnahme von Dieter Wisliceny betr. Bericht des jüdischen Rettungskomitees aus Budapest von Dr R Kastner, 25 March 1947, Fritz-Bauer-Institut, Krumei-Hunsche Prozess, Landgericht Frankfurt, 1968/1969, Zeugenvernehmungen (Mitschrift), p. 5.
4. Brand's British interrogation report describes the opportunistic nature of the German terms: Eichmann was unspecific about whom Brand should address the blood-for-goods proposal to ('international authorities') (p. 18); the mention of lorries and other goods was 'casual' (p. 20); no precise figures or quantities were mentioned on the list of goods Brand took to Istanbul (pp. 26–27). Brand's British interrogators therefore concluded that the German proposal could not have been sincere (p. 35), SIME Report No. 1. Joel Brand, dates of interrogation: 16–30 June 1944, 2 July 1944, NA. KV 2–132
5. After the war, both Kasztner and Biss argued that the mission failed because Brand did not return before the expiry of Eichmann's deadline (Biss, 1982: 8; Landau, 1961: 92ff.). Diamant et al. (1973: 108ff.) concurred. While Bauer (1979: 680–682) has pointed out Biss' bias against Brand, the view that Brand's non-return doomed the mission is not consistent with what Brand stated to the British, namely that Eichmann set no fixed deadline for his return, telling him only that he should 'hurry', SIME Report No. 1. Joel Brand, dates of interrogation: 16–30 June 1944, pp. 26–27, 2 July 1944, NA. KV 2-132. It is also not consistent with other statements by Biss. Testifying under oath in 1968, Biss said that Brand was the only Va'ada operative who believed he could pull off blood-for-goods but that the others had the 'certain feeling that he would not return', Zeugenaussage Andreas Biss, Öffentliche Sitzung des Schwurgerichts I/68, Frankfurt am Main, 1 November 1968, Hessisches Hauptstaatsarchiv Wiesbaden, Abt. 461, no. 33574, Hauptakten Krumei-Hunsche Prozess, Bd XLIV (Protokollband III). Even more important is a contemporaneous memo in which Biss argued that Brand's return never had been set as a binding pre-condition for the release (*Weiterleitung*) of the sample train, Andreas Biss, Aktennotiz, 22 July 1944, Hessisches Hauptstaatsarchiv Wiesbaden, Abt. 461, no. 33720-4, Aussagen von André Biss über die Hilfsaktion zur Rettung der ungarischen Juden. Aronson (2004) cites context for arguing that the mission could not have succeeded. Rubinstein (1997) argues in a similar direction.
6. During the Grünwald trial, Kasztner stated: 'My hopes were dispersed only at the end of May. Until then I thought—maybe not—maybe not so many', quoted in Hecht (1961: 102).
7. Eichmann and members of his *Sondereinsatzkommando* referred to this transport in commercial terms, as Jews 'put on ice' (Aly and Gerlach, 2004: 321–324).
8. Hansi Brand advised Kasztner against putting himself forward as a prosecution witness in the trial, Weitz (2011: 93, 114); also author's interview with Daniel Brand, Budapest, 13 October 2014.
9. For a general critique, see Michman (2010).
10. Binary utilitarianism is best exemplified by a chapter on Kasztner in Mnookin (2010: 53–82), which quotes material that does not have the quality and depth to allow for a utilitarian argument

of this kind. Indicative of a major problem is the fact that judge Halevi argued the exact opposite, albeit using the same doctrine.

11. In his report, Kasztner spoke of one visit, shortly after 3 May 1944 (Landau, 1961: 84–86). However, in the 1954 trial, he mentioned a second. For his first visit, Kasztner had a travel authorisation from Krumei; the second was green-lighted by the Hungarian authorities. Otherwise, Kasztner had telephone contact with his father-in-law (Hecht, 1961: 100; Weitz, 2011: 189).
12. It is symptomatic that Kasztner's post-war assistance to Becher (to say nothing of his intercessions in favour of Krumei and others, which were not yet known at the time) was the only libel charge where the 1958 appeal upheld Halevi's earlier ruling.
13. As Hajkova (2011: 84–85) writes, Jewish functionaries who had regular intense contact with Nazi officials were automatically suspicious, whatever their motivations. The deviant behaviour visible in a working relationship with the enemy trespassed against the innermost rules of group cohesion. Communication across group boundaries was seen as a crime against one's own group, as it suggested the recognition of the other.
14. Hansi Brand – Original transcript of interview with Claude Lanzmann, reel 245. *Claude Lanzmann Shoah Collection, Steven Spielberg Film and Video Archive, United States Holocaust Memorial Museum*. Available at: http://data.ushmm.org/intermedia/film_video/spielberg_archive/transcript/RG60_5002/E7F1FA73-EBA3-435F-AF58-21BF76DE63BC.pdf (accessed 8 June 2015).
15. Paradoxically, the deformation was bolstered by the post-war legitimization of the Zionist cause through the events of the Holocaust. The former marginals of Hungarian Jewry, who had negotiated with arch-fiend Eichmann, could now be re-cast in the role of influential leaders. Measured against this aura, the actual achievements of the Va'ada looked like a drop in the ocean, and this engendered a cognitive gap.
16. For illustration of the prevailing attitude, see the testimony of Sigismund Leb, president of the Kolozsvar Orthodox Community, Krumei-Hunsche Prozess, 40. Verhandlungstag, 27 November 1968, Hessisches Hauptstaatsarchiv Wiesbaden, Abt 461, No 33600, Sitzungsübersichten, Bd II (Sitzungen 40 – 114, November 1968 – August 1969).
17. In his *Life* magazine article, Eichmann (1960) claimed that he had an agreement with Kasztner – his silence in exchange for the lives of the few. Although Eichmann bangs on endlessly about Kasztner in his post-war musings (Aschenauer, 1980), we must consider that he was screening *Gegnerliteratur* in the 1950s, in order to fine-tune his web of lies for a future defense in court, see Stagneth (2014). His narrative of Kasztner as a 'fanatical Zionist – in some ways not so unlike myself' may have well been based on what he had learnt about the Grünwald trial while in Argentina. On the reliability of Eichmann's *Schrifttum*, see Gerlach (2001: 428–452). As for Kasztner, it is only too obvious that he postured and pandered, in order to accommodate the preferences of his antagonists. With regard to Eichmann, this would have included sounding out the latter's weak points, pretending that they were on a similar 'wavelength', that he represented powerful interests and was authorised to engage in comprehensive deals, but also that certain categories of Jews meant more to him than others.
18. The worst damage a rogue Zionist leader could have caused was the neutralisation of the most activist part of Hungarian Jewry. However, as the Zionists were a minority phenomenon, the effects of any such manipulation would have been small; for a discussion, see Szita (2005: 87).
19. Such a nuanced opinion was offered by Henry Ormond, joint plaintiff attorney in the Krumei-Hunsche trial, Replik von Henry Ormond (Nebenklagevertretung), pp. 2–5, 20 January 1965, Fritz-Bauer-Institut, Plädoyers Krumei-Hunsche Prozess, NL_01/86.
20. The triage criteria were only somewhat spurious: people who had distinguished themselves in Jewish public life, those who had laboured for the community or served Jewish social concerns, and the wives and orphans of labour service men. Kasztner also writes that they could not bring themselves to separate families (Landau, 1961: 108); this also is evoked in Hansi Brand – Original

- transcript of interview with Claude Lanzmann, reel 252. *Claude Lanzmann Shoah Collection, Steven Spielberg Film and Video Archive, United States Holocaust Memorial Museum*. Available at: http://data.ushmm.org/intermedia/film_video/spielberg_archive/transcript/RG60_5002/E7F1FA73-EBA3-435F-AF58-21BF76DE63BC.pdf (accessed 8 June 2015).
21. When asked to submit a deportation list of 7000 names, they exempted the ‘best’, the intellectuals and the well-to-do, and let others board the trains (Presser, 1988).
 22. Hansi Brand testified that Eichmann refused to include Eastern Jews in Va’ada rescue proposals. Statement of Hansi Brand. *Testimony in the trial of Adolf Eichmann, Session 58, 30 May 1961*. Available at: <http://www.nizkor.org/hweb/people/e/eichmann-adolf/transcripts/Sessions/Session-058-04.html> (accessed 8 June 2015).
 23. While it does not seem to have impacted on the composition of the Kasztner train and Strasshof contingent, it did emerge on other occasions. Aly and Gerlach (2004: 316–317) cite post-war correspondence where Kasztner refers to his rescue of ‘valuable servants to the Jewish cause’, as well as to his objection to the ‘valueless’ human material transiting through Moshe Krausz Palestine Office. Kasztner also usurped the 600 emigration certificates to Palestine that underpinned the beginning of his negotiations with Eichmann from Krausz in April 1944, an episode evoked in Löb (2010: 56).
 24. Letter to Hillel Danzig, 6 February 1946, Yad Vashem, p. 54, Archive of Dr Israel Kasztner, quoted in Reichenthal (2011: 233).
 25. In the Grünwald trial, Kasztner’s rival Moshe Krausz stated that Kasztner facilitated the distribution of 400–500 postcards from the offices of the Budapest Judenrat in 1944 (cited in Reichenthal, 2011: 234). Sent from Auschwitz by Hungarian deportees, these postcards contained reverberating and monotonous messages whereby the senders had arrived in a camp by the name of Waldsee and were well. How effective the deception was is subject to doubt, as is known from the reaction of another Jewish leader in Budapest, Fülöp von Freudiger, who was able to decrypt ciphers on the cards. The large delivery mentioned in von Freudiger’s testimony took place from the end of May, in several batches, but it cannot be excluded that it was preceded by smaller ones (Diamant et al., 1973: 105ff.). In any case, Reichenthal’s lack of dating is unhelpful, as Kasztner spent the days after 27 May under arrest. What raises an additional eyebrow is the relatively low number of postcards (from an estimated total of 30,000) whose distribution Kasztner is said to have facilitated, see Oberstaatsanwalt bei dem Landgericht an der 3. Strafkammer des Landgerichts Frankfurt/Main, Schwurgerichtsanklage gegen Hermann Krumej und Otto Hunsche, 8 March 1963, Bundesarchiv Ludwigsburg (BA-B162), file 2961, Staatsanwaltschaft Frankfurt, Akte Krumej. Reichenthal also mentions letters Kasztner sent to Zionist representatives in Switzerland, from mid-June 1944. In these, he wrote that word from thousands of deportees had reached Budapest, Correspondence of Israel Kasztner, 13 June 1944, The Gershon Rivlin Archive, Hagana Archive, Tel Aviv, 32/781/80; letter to Nathan Schwalb, 24 June 1944, JDC Archive, New York, file 16–20, roll 7 (quoted in Reichenthal, 2011: 235). In defence of Kasztner, it can be argued that he could not be sure to what extent his correspondence was being monitored and that he was acting ‘in character’. What weighs even heavier is that, by mid-June 1944, extermination was an open secret and not merely among Budapest Jewry. Similarly controversial was Kasztner’s advice to Peretz Goldstein, one of three Palestinian Jews parachuted into Hungary by the SOE in June 1944, who had sought his assistance, to surrender to the Germans (Reichenthal, 2011: 232, 235).
 26. The ‘goods’ component of the negotiations was Himmler’s alibi (Hitler having authorised the emigration of Jews in exchange for material benefits, in 1942); it was destined to hide their genuine purpose, secret peace feelers. The real turning point in Himmler’s attitude, however, is not reached before July–August, when he resigns himself to Horthy’s about-face, allows the first batch of Kasztner Jews to cross into Switzerland and orders Eichmann to cancel the deportation of the Budapest Jews to Auschwitz. By this juncture in the war, Romania has quit the Axis and Germany’s position in south-eastern Europe is becoming increasingly critical. It is only in this

situation that Himmler becomes amenable to bargaining over substantial numbers of Jewish lives. Pandering to the international spotlight that Budapest was drawing by now, Himmler is dissimulating the fact that deporting Budapest Jewry to Auschwitz is no longer logistically or politically feasible; see Rose (1991: 916). It is instructive to contrast this development with the simultaneous extermination of the last urban concentration of Polish Jews, the ca. 70,000 inhabitants of the Lodz ghetto, also in August 1944.

27. Although Eichmann's service is often referred to as SD (*Sicherheitsdienst*), it actually belonged to department IV (Gestapo) of the RSHA (*Reichssicherheitshauptamt*).
28. SIME Report No. 1. Joel Brand, dates of interrogation: 16–30 June 1944, pp. 35–36, 2 July 1944, NA. KV 2-132; before Brand departed for Istanbul, he was taken aside by Eichmann's deputy, Krumev, who tasked him to put in a good word for those SS officers (like himself) who had 'demonstrated an understanding for Jewish concerns' (Weissberg, 1956: 149).
29. Other evidence of cracks in the image of unity, in contexts where the Germans were on the back foot, can be picked up from accounts of the mass flight of Danish Jews to Sweden, in October 1943. This rescue would have been impossible without many Germans keeping both eyes wide shut (Lidegaard, 2014: 331–332, 337–341).
30. Kasztner testified that he gave one clear hint to his father-in-law that the Jews of Kolozsvár were being deported to their deaths (quoted in Hecht, 1961: 103). Bauer (1995: 159) accepts this assertion; Reichenthal (2011: 224–225) contests it. Braham (2000: 94–95) takes a median position, contending that the evidence is not clear whether Kasztner did issue a warning; see also Braham (2004) and Aly and Gerlach (2004: 324, n. 385).
31. Agranat argued that Kasztner was motivated by the sole motive of rescuing the maximum number of Hungarian Jews; that this motivation coincided with his 'moral duty of rescue'; that 'he exercised a system of financial or economical negotiations'; that this 'can withstand the test of reasonableness'; that he saw in this system 'the only chance of rescue'; that his 'loyalty to the same system' required him to implement a plan that would only benefit a small number and that he would not be able to inform the others about extermination nor encourage 'resistance operations and large scale escapes', quoted in Hecht (1961: 246, n. 176) and in Orr (1994: 109–110).
32. On the three human defense mechanisms in a critical stress situation, see Löb (2011: 89–90); also Diamant et al. (1973: 143–144).
33. During the Grünwald trial, Kasztner claimed to have believed in the feasibility of mass rescue until the end of May, quoted in Hecht (1961: 102); the 'big plan' is also referenced in his letter to Nathan Schwalb of 12 July 1944, quoted in Bauer (1995: 196).
34. Brand misinterpreted the Abwehr-SS merger of spring 1944, and Biss overstated the potential for exploiting scission within the SS.
35. See Note 25.
36. See the following exchange during the Grünwald trial:

Tamir: 'Is it true, Dr Kastner, that some people in Budapest warned you that all your negotiations with Eichmann were only for the purpose of distracting the Jews from the knowledge of their extermination?'

Kasztner: 'Yes, there were such opinions expressed. And I also felt the same thing in my heart', cross-examination of Kasztner in the D.C. Jerusalem, quoted in Hecht (1961: 101).

37. Letter to Nathan Schwalb, 12 July 1944, quoted in Bauer (1995: 196).
38. According to Biss (1966: 128–129), on 17 July, Eichmann threatened to have the Bergen-Belsen convoy sent to Auschwitz, if Brand did not return. This could have been an attempt to undermine the relationship in the making between Kasztner and Becher, as their first meeting had taken place two days earlier; see Bauer (1995: 216).
39. Dictate of Kasztner to his secretary Lili Ungar, 15 July 1944, Safed Museum for the Jews from Hungarian speaking countries, quoted in Reichenthal (2011: 229).

40. See also Schwurgerichtsanklage gegen Hermann Krumej und Otto Hunsche, 8 March 1963, p. 74, Bundesarchiv Ludwigsburg. BA-B162. File 2961. Staatsanwaltschaft Frankfurt, Akte Krumej.
41. In his report, Kaszner argued that the transport of 600 Palestine certificate holders was a 'first installment' and that similar such transports were supposed to have followed, Landau (1961: 101–103); Hansi Brand confirmed this view, see Hansi Brand – Original transcript of interview with Claude Lanzmann, reel 248. *Claude Lanzmann Shoah Collection, Steven Spielberg Film and Video Archive, United States Holocaust Memorial Museum*. Available at: http://data.ushmm.org/inter-media/film_video/spielberg_archive/transcript/RG60_5002/E7F1FA73-EBA3-435F-AF58-21BF76DE63BC.pdf (accessed 8 June 2015).
42. The notion of a more comprehensive rescue programme is contested by Reichenthal who argues that by the time of Kaszner's visit to Kolszvar, the only concession Eichmann had been willing to grant concerned the 600 Palestine certificate holders. Based on Otto Komoly's diary entries for 2–3 May, Reichenthal argues that there was no indication of any future installments. 2 May: 'Kaszner says that the Germans have given exit permission for the transport of 600. They demand a list [of candidates]. . . I can't take people's constant pressures and the inevitable injustice that accompanies the selections'; 3 May: 'a list of 600 is impossible to draw up. 600 names out of 800,000', Otto Komoly Collection, Diary, entries of 2–3 May 1944, Yad Vashem, p. 31, File 44, quoted in Reichenthal (2011: 228). Reichenthal (2011: 222) insinuates that Kaszner 'knew' that the 600 were meant as an upper limit and committed the unforgiveable sin of not walking out of the negotiations at this critical juncture. In my view, this is too much extrapolation from too small a sample: the fact that Kaszner informed Komoly that the 600 were Eichmann's upper limit does not prove that he himself was convinced that this was Eichmann's final word; it has to be borne in mind that at this point, Brand had not even departed yet.
43. During a meeting with Kaszner in Budapest in late 1943, Oskar Schindler detailed a change in the German attitude with regard to the selection of Jews for labour; that this had, in fact, opened a breach in the policy of extermination and that survival chances of Jews selected for labour were improving (Aly and Gerlach, 2004: 7–9, also 321ff., 439–440).
44. Stellungnahme von Dieter Wisliceny betr. Bericht des jüdischen Rettungskomitees aus Budapest von Dr R. Kastner, 25 March 1947, Fritz-Bauer-Institut, Krumej-Hunsche Prozess, Landgericht Frankfurt, 1968/1969, Zeugenvernehmungen (Mitschrift), p. 5.
45. According to Eichmann, László Endre, the State Secretary in the Ministry of the Interior wanted to 'eat the Jews with pepper' (Landau, 1961: 109).
46. See also SIME Report No. 1. Joel Brand, dates of interrogation: 16–30 June 1944, p. 26, 2 July 1944, NA. KV 2–132.
47. SIME Report No. 1. Joel Brand, dates of interrogation: 16–30 June 1944, p. 34, 2 July 1944, NA. KV 2–132.
48. Brand stated that he

had definite information from Jewish contacts in Slovakia that the Jews were being taken in the direction of Auschwitz (sic.) – a red flag to the Jews, because it had been the scene of some of the most ghastly massacres and gas-chamber episodes. (SIME Report No. 1)

Joel Brand, dates of interrogation: 16–30 June 1944, p. 26, 2 July 1944, National Archives London (NA), KV 2-132.

49. Landau, *Der Kastner-Bericht*, pp. 84–85.
50. See Note 43.
51. See Note 6.
52. Looking back on 1945, Philippa Foot wrote decades later that the news of the concentration camps was 'shattering in a fashion that no one now can easily understand. We had thought that something like this could not happen', quoted in Hacker-Wright (2013: 1). When US Supreme Court Justice Felix Frankfurter was briefed on the situation in Poland by Jan Karski in 1943, he replied: 'I

- don't believe you. I did not say that you are lying but I don't believe you', quoted in Boulouque (2012); there are myriad other examples that testify to this reflex, such as the incredulity of the renowned Viennese psychiatrist Viktor Frankl on his arrival in Auschwitz; also Löb (2010: 216).
53. Evidence of how far Kasztner pushed the art of negotiation under more favourable conditions can be gleaned from the fact that he unblocked the talks at the Swiss border each time they hit choppy waters (indicatively Bauer, 1995: 229–230; Landau, 1961: 176). In December 1944, he persuaded Krumei to let the second consignment of the Bergen-Belsen transport pass the Swiss frontier, although the latter had not been presented with the receipts proving that the corresponding funds had been transferred (Verfahren gegen Hermann Krumei und Otto Hunsche, 2001: 192ff.). Pro-Kasztnerians also advance that his activities may have had some incidence on survival rates in the German concentration camps and that the Va'ada activities may have influenced Himmler's *Deportationsstopp* in August and his *Endlösungsstopp* in autumn 1944 (Biss, 1966).
 54. Chaotic pendulum refers to a device that produces infinitely complicated oscillations, which make it impossible to anticipate its movements.
 55. Bauer (1995: 215, 221) writes that Himmler's cancellation of the deportation from Budapest, on the night of 28 August, was a direct result of the Swiss talks, 'initiated and promoted by Kasztner'; this clashes with Aly and Gerlach (2004: 349) who claim that the new geostrategic situation after the Romanian and Bulgarian about-faces made the plan impracticable.
 56. Interview with Hansi Brand. *Claude Lanzmann Shoah Collection, Steven Spielberg Film and Video Archive, United States Holocaust Memorial Museum*. Available at: http://www.ushmm.org/online/film/display/detail.php?file_num=4735 (accessed 2 October 2015); however unreliable Eichmann's reminiscences may be as source, Kasztner left a lasting impression (Aschenauer, 1980: 336ff; Eichmann, 1960: 146).
 57. I am grateful to Daniel Brand for raising this point during the discussion of a previous version of this paper, on 13 October 2014.
 58. One notable step in this direction is the recent publication of the Kasztner report, by Yad Vashem, in a first critical English language edition by László Karsai and Judit Molnár (Kasztner, 2013).
 59. Also author's interview with Daniel Brand, Budapest, 13 October 2014.
 60. Interview with Hansi Brand. *Claude Lanzmann Shoah Collection, Steven Spielberg Film and Video Archive, United States Holocaust Memorial Museum*. Available at: http://www.ushmm.org/online/film/display/detail.php?file_num=4735 (accessed 2 October 2015).

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