The Judicial Imagination: Writing after Nuremberg

Anna Bernard

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Lyndsey Stonebridge’s most recent book takes on two reasonably familiar subjects in literary and cultural studies: literary responses to the Holocaust and the work of Hannah Arendt. Yet *The Judicial Imagination* does not simply repeat arguments about Arendt’s importance for our understanding of narratives of extreme suffering, although an account of Arendt’s legacy is part of its project. Instead, Stonebridge sets Arendt’s thought in a wider historical and intellectual context, claiming her as part of a ‘generation’ of women writers – Rebecca West, Muriel Spark, Elizabeth Bowen, Iris Murdoch, and (briefly) Martha Gellhorn – who together evoke ‘one of the final constellations of Anglo-American cosmopolitanism’ (p. 13). Stonebridge argues that each of these writers confronted the problem of how to understand, and more importantly, how to judge the Nazis’ crimes, which seemed to render existing mechanisms of legal and moral judgement obsolete. Working through examples of the group’s journalism, criticism, and fiction, Stonebridge aims to return her readers to the particular historical juncture of the years spanning the Nuremberg and Eichmann trials, when empathy with the victim was not yet established as the primary motive for justice; she calls this period ‘the pre-history of the era of the witness’ (p. 26). By calling attention to the insufficiency of a justice that is conceived solely as a response to traumatic testimony, Arendt and her contemporaries resist a ‘straightforward shift from politics to ethics’ (p. 14), in contrast with some influential work in contemporary cultural trauma studies. They insist instead on the need for a ‘juridical politics’ (p. 14), envisioning a justice that can only be achieved within transformed structures of law and governance.
The brief but compelling introduction lays out the main points of this argument, ending with a moving account of the need to imagine justice taking place within a future ‘just city’ (p. 16), not in an alternative ethical space that is somehow beyond politics (p. 14). The rest of The Judicial Imagination is divided into two parts. The first, ‘Writing after Nuremberg’, considers West, Arendt, and Spark’s responses to the Nuremberg and Eichmann trials; the second, ‘Territorial Rights’, begins with Arendt’s well-known work on the figure of the postwar refugee, and moves from there to Bowen and Murdoch’s failed attempts to find a new home for this figure within the form of the novel (p. 120). This is not a generational literary history in the conventional sense: while some of these writers knew one another, published in the same venues (notably the New Yorker), or shared intellectual influences (the strongest link is between Bowen and Murdoch), they probably would not have seen themselves as engaged in a common project. Stonebridge is aware of their political and artistic differences, and she does not attempt to impose a unity of method or outlook on her subjects. Instead, the chapters are connected by their shared chronology, and by Stonebridge’s emphasis on the contribution that the pursuit of a literary ‘aesthetics of judgement’ (p. 9) can make to our thinking about justice and the work of the law.

The attention to the literary is maintained even in the chapters on Arendt, through Stonebridge’s thoughtful reading of Arendt as a prose stylist. Stonebridge sees Arendt as particularly concerned with the ‘threat of linguistic meaninglessness’, not only in her famous assertion of Eichmann’s banality, but also in her challenge to the State Prosecutor’s rhetorical emphasis on Eichmann’s victims’ suffering instead of Eichmann’s guilt (pp. 52–53). Stonebridge draws attention to Arendt’s pointed use of the tools of humour and irony, which she suggests seek to restore conceptual rigour to language – and thus, to judgement – by ‘generat[ing] the kind of perplexity necessary to thought’ (p. 107). West’s Nuremberg writing, by contrast, makes use of a decidedly melodramatic register in its attempt to ‘make the law meaningful’ (p. 30). Yet this mode, Stonebridge argues, also works against itself: melodrama’s insistence on poetic justice calls attention to the absence of an equivalent sense of justice after Nuremberg. The emphasis on the added value of the literary in Stonebridge’s discussion of the three novelists is less surprising, but here the focus shifts interestingly to these writers’ creative use of literary conventions and forms, which Stonebridge sees as responses to the problem of how to represent suffering without placing it beyond the reach of worldly justice. Spark’s thriller The Mandelbaum Gate (1965), with its wry humour, convoluted plot, and blend of worldly and otherworldly elements calls attention to its own fictionality, foregrounding ‘the problem of finding a fictional form capacious enough’ for the Holocaust victims’ suffering
Bowen’s final novel *Eva Trout* (1968) refuses the postwar effort to find a model for the human person in the eighteenth- and nineteenth-century novel, ‘as if modernism had never happened’ (p. 123). Instead, this self-consciously implausible *Bildungsroman* problematizes the demand for fictional narratives of human development after the Nazi genocide, raising the question of what form the novel would now have to take to make imaginative justice possible. Finally, in Murdoch’s early fiction, particularly *The Flight from the Enchanter* (1956), Stonebridge sees an attempt to represent the postwar refugee as a magical figure. Rather than making light of the refugees’ suffering, she argues, the novel’s exuberance should be seen as refusing to normalize or make sense of their predicament.

Stonebridge is particularly concerned to distinguish her approach to these writers from that of scholars like Shoshana Felman and Ravit Reichman, whose work on some of the same material has privileged its relationship to testimony. This puts *The Judicial Imagination* in a difficult, though important, relationship to its most obvious audience – students and scholars of literature and trauma – since so much of what it has to say problematizes this field’s emphasis on narratives of witness, and its reliance on ideas of empathy and ethics. Stonebridge keeps the tone collegial, however, reserving her most trenchant charges for the footnotes. Moreover, her suggestion that the turn to testimony from Eichmann onwards responds in part to the failure of the novel to become ‘a refuge for the missing persons of the mid-twentieth century’ (p. 13) opens up a fascinating line of enquiry for scholars with interests in this body of writing, and in the history of the field itself. Some of these readers may find themselves wishing for a wider range of geographical reference, in the wake of Michael Rothberg’s influential book *Multidirectional Memory*.¹ The discussion of Murdoch’s experiences in the United Nations Relief and Rehabilitation Administration camps seems almost to demand a comparison with the catastrophic aftermath of the 1947 partition of India, which Arendt famously invoked in her account of the modern condition of statelessness, and a few tantalizing references to Palestinian statelessness go undeveloped. However, Stonebridge’s staff web page at the University of East Anglia indicates that her next book will take on contemporary refugee writing, which should give her space to expand these insights.

In any case, *The Judicial Imagination*’s close historical and literary focus has obvious strengths. In addition to its scholarly rigour, it also avoids (and implicitly chastises) an all-encompassing notion of ‘trauma’ that takes a dehistoricized notion of the Holocaust as its starting point. The historicization of Arendt’s work is equally welcome, and could go even further. Stonebridge refers (pp. 7, 10) to Arendt’s legacy as the ‘Cold War theorist of liberal democracy par excellence’,² but she spends more time rescuing Arendt from the charge of being insufficiently attentive
to the Holocaust survivors’ trauma (most famously, of course, in *Eichmann in Jerusalem*) than defending her against criticism from the left. Stonebridge’s salutary insistence on Arendt’s ‘refusal to abandon political judgement’ (p. 8) might sometimes be more explicit about Arendt’s actual politics, or at least what they have become for some of her successors. This would be in keeping with Stonebridge’s frankness about the political standpoints of some of her other subjects: she notes Bowen’s conservatism, Murdoch’s liberalism, and so on.

What impressed me most about *The Judicial Imagination* was Stonebridge’s insistence on the inadequacy of a justice that is premised on an empathetic response to suffering. Stonebridge rightly points out that this notion of justice is not only extremely politically vulnerable, but also politically unproductive. As she observes by way of conclusion, suffering is valuable only insofar as it unites us to take political action to end it (p. 162). To support this important claim, Stonebridge mobilizes the work of writers who, apart from Arendt, do not command the kind of contemporary attention that they should, even though the conditions of mass dispossession, violence, and statelessness that they confronted are still very much with us. For these insights, and for its demonstration of what literature can do beyond giving ‘voice’ to the voiceless, this book deserves to be read widely.

Anna Bernard
*King’s College London*
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Notes

Jonathan P. Eburne


Near the conclusion of Tom McCarthy’s *C* (2011), the novel’s Edwardian-era protagonist, Serge Carrefax, visits Egypt as a part of an imperial committee charged with surveying damages to His Majesty’s communications