

**A Survivor, a Legislator, and a Jurist:
Joseph Lamm's Legal Legacy in Relation to the Nazis and Nazi Collaborators
Law (1950)**

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Joseph Lamm was one of the rare people to help enact a law and then to serve as a judge in a criminal proceeding conducted pursuant to that law. His story is even more unique since he had experienced firsthand the need for such a law.

Lamm's legal and political paths were intertwined. He was born in Austria in 1899. He received his doctorate degree in Law from the University of Vienna in the mid 1920s and was licensed as a lawyer. After the events of Kristallnacht in November 1938, he was imprisoned in the Dachau concentration camp for four weeks. Following his release, he immigrated to Palestine in September 1939. Nine years later he was appointed to the judiciary of the Tel Aviv Magistrate's Court, but he relinquished his robe after less than five months and was elected to Israel's first Knesset as a member of Ben Gurion's Mapai party. Just two years later, Lamm resigned and returned to his judicial post, this time at the Tel Aviv district court, where he served as a judge and later as vice president of the court until his retirement in 1969.

During his Knesset tenure, Lamm served on the Constitution, Law and Justice Committee during its deliberations of the Nazis and Nazi Collaborators Law (1950). A review of the committee's discussions shows that Lamm recognized the fundamental importance of this law even beyond his role as legislator. As he himself put it, "This law is not only for practice, but also for study, and it is also a cultural document." His legal education enabled him to be meticulous in deliberating the provisions of the law and in comparing them with international legislation designed to deal with Nazi crimes.

Lamm's personal experience as a prisoner in the Dachau camp taught him that "there is a distinction between collaborator and collaborator," between "a 'kapo' in the camp who helped

maintain order" and another who "handed people over to the Nazis." Shortly after the law was enacted in the Knesset, Lamm presided over two trials of Jewish defendants who had served as kapos in labor camps in Poland during World War II. In one of these trials, Lamm, in a minority opinion, sought to exonerate the defendant of crimes against humanity, stating that he had been "only an instrument in the hands of the Nazis," and that, although he had "facilitated the Nazis' plan to exterminate the Jewish people," he himself had not been a partner to this intention.

An examination of Lamm's extraordinary legal work alongside his personal background provides us with a rare glimpse into the worldview of a Jewish jurist who experienced firsthand the horrors of the Nazi regime and had an opportunity to shape Israel's policy with respect to the Holocaust, both in the legislature and in the courtroom. The study seeks to substantiate the claim that Lamm's experience as a prisoner in the Dachau camp shaped his legal views with respect to Jews accused of collaborating with the Nazis, as reflected in his roles as both legislator and judge.