

VOLUME XXI, NUMBER 1, WINTER 2020/21

# CLAREMONT

## REVIEW OF BOOKS

*A Journal of Political Thought and Statesmanship*

Larry P.  
Arnn:  
**Crisis of  
the Two  
Constitutions**

Daniel  
McCarthy:  
**Who Counts as  
Conservative?**

Charles  
Moore:  
**Hitler's  
Downfall**

David P.  
Goldman:  
**Judaism  
Straight Up**

Martha  
Bayles:  
**Life and  
Fate**

### The Unmaking of a President

Essays by  
Andrew E. Busch  
William Voegeli  
Michael Anton  
Charles R. Kesler



Christopher  
DeMuth:  
**The Old  
Electoral  
College Try**

James  
Hankins:  
**Facing  
China**

Arthur  
Herman:  
**McCarthyism,  
Then & Now**

Helen  
Andrews:  
**Eleanor  
Roosevelt**

Spencer A.  
Klavan:  
**Aeneas  
& Us**

A Publication of the Claremont Institute

PRICE: \$6.95

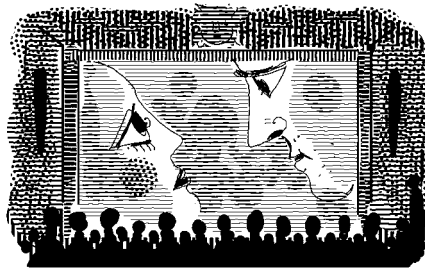
IN CANADA: \$9.50



---

## SHADOW PLAY

by Martha Bayles



# Heroic Witness

ON JUNE 22, 1941, THE FULL FORCE of the German Wehrmacht—13 armies, 14 mechanized corps, 3 million soldiers—invaded the Soviet Union. In their wake came the SS *Einsatzgruppen* (“special action groups,” more accurately “mobile killing units”) bent on murdering every political commissar, partisan, disabled person, Roma, and Jew they could find.

At the time, the preferred method was mass shooting, assisted by Soviet citizens who were intensely anti-Semitic and hostile to the Stalinist regime because of the forced collectivization of agriculture a decade earlier—in which hundreds of thousands of kulaks (property-owning peasants) were killed or deported, and which led to the Terror Famine, or Holodomor, in which 6 to 8 million people in grain-producing regions like Ukraine died of starvation and disease.

The Nazis knew just how to whip these hostilities into genocidal hatred. In July they seized Berdichev, a city in central Ukraine whose large Jewish population dated back to 1593. Many Jews had emigrated in the early 20th century, but since 1939 many others had arrived as refugees from Nazi-occupied Poland. Following a template laid down in Poland and repeated throughout the Eastern Front, the *Einsatzgruppen* herded Berdichev’s 30,000 Jews into a makeshift ghetto. From there, the killers marched their victims into the surrounding forest where deep pits had been dug, and shot them in batches, taking care not to waste bullets on infants, toddlers, invalids, old people, or others too weak to crawl out of the heap.

Between 7:00 a.m. and 9:00 p.m. on September 15, 1941, the *Einsatzgruppen* murdered more than 10,000 Berdichev Jews. Among them was Yekaterina Grossman, a cultivated French teacher from a highly as-

simulated family whose only son, Vasily, later wrote a novel in her honor called *Life and Fate*.

Weighing in at 850 pages and containing a full cosmos of characters, *Life and Fate* is often compared to *War and Peace*, and extolled by scholars like Leon Aron as “the greatest Russian novel of the 20th century.” Yet there is a difference. As John and Carol Garrard point out in their biography, *The Life and Fate of Vasily Grossman* (2012; originally published in

as a reporter for its official newspaper, *Krasnaya Zvezda* (“Red Star”), thereby launching a journalistic career that gives new meaning to the word “embedded.” In the titanic battles of Moscow, Stalingrad, Kursk, and Berlin, he became known as an honorary *frontovik*, or frontline soldier, who his biographers argue “witnessed more action than any other correspondent in any theater of World War II.”

In 1943-44, as the Red Army pushed westward through Ukraine, Grossman saw the mass graves at Babi Yar and other locations, including Berdichev. In his capacity as a member of the Jewish Anti-Fascist Committee (a Communist Party organization then in favor with Stalin), he took part in the inspection of the Nazi concentration camps Majdanek and Treblinka in Poland. The latter had been razed to the ground by the SS after a successful breakout by Jewish *Sonderkommandos* (“special commands,” more accurately “corpse disposal workers”). But while walking “the fathomless earth of Treblinka, as oozy as the sea bottom,” Grossman witnessed how “it ejects crushed bones, teeth, bits of paper and clothing; it refuses to keep its awful secret.”

Grossman was also co-editor of *The Black Book*, a compilation of letters, journal extracts, and personal testimony by eyewitnesses to the Shoah. While at Treblinka he interviewed camp survivors, villagers who lived within earshot, even “executioners who had been taken prisoner.” On the basis of those interviews and extensive research, he then wrote an essay, “The Hell of Treblinka,” published in the literary journal *Znamya* (“Banner”) in November 1944. Combining the precision of a chemical engineer, the passion of an investigative reporter, and the pathos of a poet, that essay was the first account in any language of the full horror of the death camps.

### Discussed in this essay:

*Life and Fate*, by Vasily Grossman,  
translated by Robert Chandler.  
NYRB Classic, 904 pages, \$24.95

*The Life and Fate of Vasily Grossman*,  
by John and Carol Garrard. Pen &  
Sword Books, 464 pages. out-of-print

*Zhizn i subda* (“Life and Fate”),  
directed by Sergei Ursulyak,  
screenplay by Eduard Volodarsky.  
Telekanal Rossiya. Available  
on Amazon Prime Video

1996 as *The Bones of Berdichev*), “Grossman’s characters live in a far bleaker world than Tolstoy’s and are pushed into more extreme situations.” For all the power of Tolstoy’s imagination, he never envisioned Berdichev, much less Auschwitz, Treblinka, Bełżec, Chełmno, Sobibór, or Majdanek.

But then, Grossman never envisioned those things, either. Until he did.

When the Germans invaded, Grossman, a chemical engineer turned aspiring writer, volunteered for combat but was rejected on medical grounds. So he joined the Red Army



### Understanding Constitutional Law Fifth Edition

William D. Araiza, Brooklyn Law School

2020, ISBN 978-1-5310-1870-2, 680 pp, \$51.00

*Understanding Constitutional Law* is a succinct but comprehensive treatment of constitutional law topics typically encountered in a first-year Constitutional Law class. The book provides the current black letter law doctrines alongside the historical background needed to understand them and the major lines of dissenting thought. It explains the methodological approaches the Court has taken to the topics it covers and is interspersed with commentary to help readers understand both those approaches and the rules they generate. Thus, the book is ideal for both students beginning their education in constitutional law and those seeking a deeper understanding. It's also suitable for practitioners seeking a sourcebook to help them analyze the constitutional law issues confronting them.

### The Cherokee Supreme Court 1823–1835

J. Matthew Martin, Administrative Law Judge

2020, ISBN 978-1-5310-1841-2, 238 pp, \$39.00

The first legal history of the first tribal court upends long-held misconceptions about the origins of Westernized tribal jurisprudence. This book demonstrates how the Cherokee people—prior to their removal on the Trail of Tears—used their judicial system as an external exemplar of American legal values, while simultaneously deploying it as a bulwark for tribal culture and tradition in the face of massive societal pressure and change.

### COVID-19

#### The Legal Challenges

Stephen Dycus, Emeritus at Vermont Law School

Eugene R. Fidell, Yale Law School

2020, ISBN 978-1-5310-2045-3, 360 pp, \$50.00

The first of its kind, this volume brings together essays by respected experts in national security and related fields on the many legal dimensions of the COVID-19 pandemic. Events have unfolded so quickly and so unpredictably that it has been difficult to integrate the myriad ways in which the coronavirus has challenged legal and political institutions in the United States and elsewhere. This book critically examines those challenges through a variety of lenses, including the history of epidemics; public health institutional arrangements; the tools available for maintaining public order and marshalling resources; the elusive but crucial role of leadership; transparency and access to information; and military aspects including both lockdown operations, the responsibility of commanders, and the administration of justice within the armed forces. Because the pandemic has from the outset ignored national boundaries, the contributors at times offer candid comparative assessments. The book is intended for the general reader and includes notes and questions that make it an excellent and timely resource for university courses in law, political science, public and public health policy, and public administration.

Save 20% off these titles with the discount code, CROBWIN20, through March 31st, 2021. For more information, and to view other titles, please visit [www.caplaws.com](http://www.caplaws.com).

700 KENT STREET, DURHAM NC 27701 | 800.489.7486

*The Black Book* was completed around the same time, and its 500 pages revealed for the first time that the Nazi genocide had begun on Soviet soil, that its main targets were Jews, and that it was aided and abetted by thousands of Soviet citizens. These revelations stood in flat contradiction to the Stalinist party line, which insisted that the Nazis had attacked *all* Russians regardless of ethnicity, and that *all* Russians regardless of ethnicity had heroically repelled that attack under the flawless leadership of Comrade Stalin. The Garrards recall what happened next: “Stalin proscribed all mention of Jews as the primary victims of Nazi genocide[,]...forbade publication of *The Black Book*, arrested and executed leading members of the Jewish Anti-Fascist Committee, then instituted the ‘anti-cosmopolitan’ campaign, in effect an elaborate state-sponsored pogrom.”

### The Survival of a Masterpiece

HOW DID GROSSMAN SURVIVE? ONE factor was the popularity of his war writings, which were reprinted several times by the state publishing house. Another was the influence of admirers highly placed in the cultural bureaucracy. But most important was Stalin’s death in March 1953, which brought the long nightmare of denunciation, arrest, torture, forced confession, and execution to a slow but significant halt. It was then that Grossman began work on his masterpiece, *Life and Fate*.

I first heard about *Life and Fate* from my hairdresser, a Jewish immigrant from Ukraine who had recently bought Robert Chandler’s translation, published in 2006 by NYRB Classics, and placed it on a shelf above her work station, along with a half-dozen other serious books. On my next visit the shelf was empty, and she confided that her boss had told her to “lose the books” because they were “giving the wrong impression.” Only later did I appreciate the irony of an American hair salon proprietor taking the same view as the KGB. In 1960, when Grossman submitted *Life and Fate* for publication, the response was a raid on his apartment the following year by three KGB officers who “arrested” not the author but the book. Along with the typed manuscript, they made off with all of Grossman’s notebooks, drafts, carbon paper, even typewriter ribbons.

Prudently, Grossman had given copies to three friends, who kept them safe until 1974, ten years after his death, when a microfilmed copy was finally smuggled out to the West—where it failed to attract any publishers. As

noted by Grossman’s biographers, this “long novel about war on the Eastern Front by an unknown author” went virtually unnoticed, in part because “[p]eople in the West knew little or nothing about the Eastern Front.” As for the few who might have cared, their attention was riveted on the high-profile drama of Aleksandr Solzhenitsyn being forced into exile by the Brezhnev regime.

I confess I did not read *Life and Fate* when my hairdresser recommended it. I read it only recently, after watching the 12-part TV series made in 2012 but only now available with English subtitles (on Amazon Prime Video). I further confess that when I first started watching the series, I could not get into it. Distrustful of Russia-1, the state channel that produced it, and turned off by the empty rhetoric of the English voiceover at the beginning, I decided that, rather than an honest dramatization of the events surrounding the Battle of Stalingrad, it was just another slab of propaganda-entertainment from the Ministry of Truth at Putingrad.

I was wrong. If you crave such a slab, by all means watch *Stalingrad* (2013), the first Russian blockbuster to be released in IMAX 3D (also on Amazon Prime Video). That film cost \$30 million to make and earned \$68 million at the global box office. But it has no heart and no soul. How could it, when the hacks who assembled it simply copied the eye-popping computer graphics, ear-bleeding explosions, and brain-dead musical soundtracks that have already crushed the heart and soul of Hollywood?

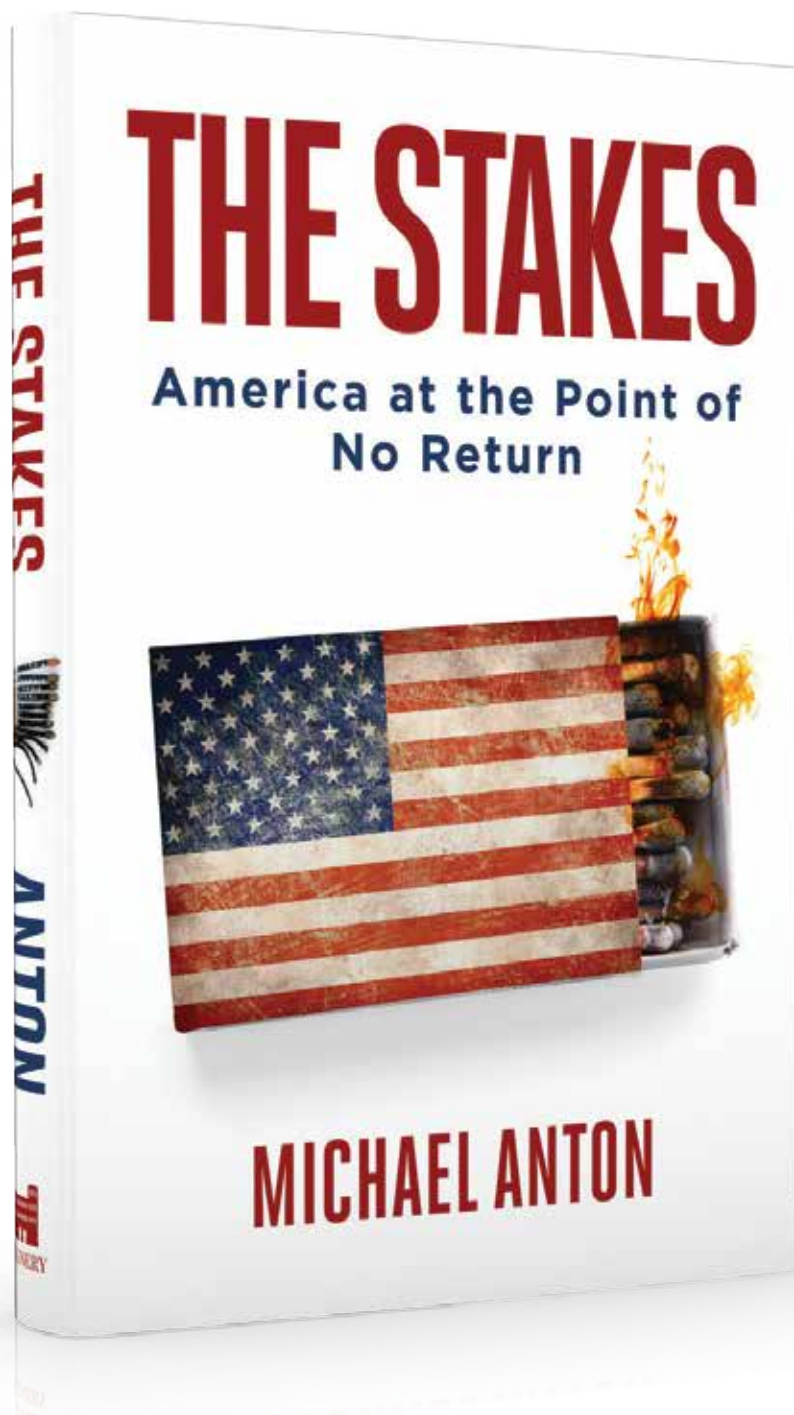
The TV series *Life and Fate* is orders of magnitude better. But of course, the relevant comparison is not with a crummy film made a year later but with a great novel written half a century earlier. The criticisms lodged against the TV series have been threefold: 1) that it downplays the momentous theme of the Shoah; 2) that it reduces a literary masterpiece to a Soviet-style war movie; and 3) that it neglects Grossman’s hard-won conviction that the Nazi and Soviet regimes were mirror images of each other. I will address these in turn.

### An Orwellian Twist

THERE IS NO QUESTION THAT THE director, Sergei Ursulyak, and the screenwriter, the late Eduard Volodarsky, decided (or were persuaded) to downplay the Shoah. Early in the novel, one of the lead characters, a Jewish nuclear physicist named Viktor Shtrum, receives a long letter from his mother on the eve of her death at the hands of the Einsatzgruppen.



EXCLUSIVE OFFER TO  
CLAREMONT REVIEW OF BOOKS  
SUBSCRIBERS



## Get Michael Anton's New Book for \$15!\*

\*Shipping included in price

**A \$38.94 VALUE—SAVE \$17.99!**

**HURRY!**

This offer  
expires on  
April 15, 2021.

**TO ORDER, Go to: [www.CRBBBook.com](http://www.CRBBBook.com)**

Offer valid only on the hardcover version of the book titled "The Stakes: America at the Point of No Return" by Michael Anton (product number 9781684510610) purchased between publication of the Winter 2020 edition of the Claremont Review of Books and April 15, 2021 from the website <https://regnery.myshopify.com/pages/buy-the-stakes-for-15> (the "Book"). Offer not valid on eBook, audio, or other versions of the Book, nor any other products. This offer cannot be combined with any other offer. While supplies last. Void where prohibited by law. All information collected through your purchase will be treated consistent with the Regnery Publishing Privacy Policy located at <https://regnery.myshopify.com/policies/privacy-policy>.



## In the Next Issue

**CRB Spring 2021**

**Joseph M. Bessette**  
Obama's Promised Land

**James Hankins**  
Politics Amid Conformity

**Daniel Oliver**  
Tech Monopolies

**Robert Royal**  
Live Not By Lies

**Harvey C. Mansfield**  
Recovering Family Life

**James Bowman**  
Boomers

**Diana Schaub**  
The Zealot & the Emancipator

**Joseph Epstein**  
David Hume

**Spencer A. Klavan**  
First Principles

**Christopher Flannery**  
Reading Westerns

**Subscribe today**

**claremontreviewofbooks.com/  
subscribe**

The letter is clearly an imaginative rendering of what Grossman's mother must have experienced in Berdichev. The series devotes a lot of attention to Viktor, but the short letter he receives in Episode 5 contains only a vague portent of doom. No details.

Further, the TV series omits all the chapters set in the Nazi death camps. Most notably, this includes Grossman's wrenching account of a doctor named Sofya Levinton, who is a friend of Viktor's wife, being captured by the Germans while serving with the Red Army outside Stalingrad. On the transport to Treblinka, Sofya finds herself caring for an orphan called David. When they arrive at the camp and the call goes out for doctors and other skilled professionals to gain a reprieve by being "useful," Sofya remains silent. Without conscious deliberation, she understands it is better to die with her arms around David than to abandon him at the door of the gas chamber.

It could be argued that the producers acted prudently in not reducing the Shoah to a subplot in a 12-episode series already packed with them. Certainly a bit more detail about the murder of Viktor's mother would have helped to accentuate his struggle with the anti-Semitism of his colleagues at the prestigious research institute where he works. To be fair, however, the series makes it clear that, while anti-Semitism does not officially exist in the wartime Soviet Union, it pervades every aspect of Viktor's life—especially when his brilliant theoretical synthesis is dismissed, along with Einstein's theory of relativity, as an unacceptable departure from the "materialism" of Soviet science.

The series shows every phase of this struggle, including the Orwellian twist by which Viktor (played by Sergei Makovetsky) is finally induced to drink the Stalin Kool Aid. At the nadir of his career, when his colleagues are about to eject him from the institute, he summons the courage to condemn their cowardice and hypocrisy. But then he receives a phone call from the Man of Steel himself, a.k.a. the Brilliant Genius of Humanity, extolling his work and promising lavish support. From there it is but a short step to Viktor's signature on a letter denouncing two innocent Jewish doctors for having assassinated Maxim Gorky. This twist captures perfectly the power of a tyrant to reward as well as punish. As Grossman writes, "Viktor had found the strength to renounce life itself—and now he seemed unable to refuse candies and cookies. But how can one just push off an omnipotent hand when it strokes your hair and pats you on the back?"

## Victory of the Frontoviks

THE SECOND CRITICISM OF THE SERIES comes from the late Russian critic Alexander Timofeevsky, who accused it of reducing Grossman's masterpiece to "a classic Soviet film about the Second World War." Echoed by several Anglophone reviewers, this comment reminds us that for several decades now, Russian audiences have been saturated with the message: *We won the war at Stalingrad!* But it is not clear why this is considered a criticism. American and British audiences have been saturated with a similar message: *We won the war at Normandy!* Does this mean it is no longer possible to make a good film about either battle?

As a matter of historical record, the military turning point of the war in Europe was not the Allied invasion of France. It was Stalingrad. For Western audiences unaware of this fact, the series *Life and Fate* offers a gritty, searing, but also realistic portrayal of what happened in the charred ruins of that city in the arctic-cold winter of 1942-43. Out-numbered ten to one, the Russians had two advantages. The first was that the Luftwaffe's bombs filled the streets with mountains of rubble and the empty hulks of buildings, thus inadvertently raising a barricade to the German tanks—while at the same time creating a warren of tunnels, trenches, and hideouts that allowed the Russians to wage a highly asymmetric guerilla war.

The Russians' second advantage was the frayed, sometimes snapped lines of communication between the *frontoviks* and their political overlords. Like the novel, the TV series shows the party commissars sent to imbue the troops with Leninist ideology preferring to dally in the rear, where the food is better and there is plenty of vodka. This allows the more enterprising unit commanders the freedom, however temporary, to make their own decisions. One such is Grekov (Sergei Puskepalis), a revered army captain whose dozen men (and one young girl, a radio operator) valiantly hold a single ruined house against repeated German assaults.

Another spirited officer is Novikov (Evgeniy Dyatlov), a colonel and commander of a tank corps who deliberately delays sending his men into the great Soviet offensive of November 19-23. The timing should be Novikov's call, since he is the one with the ground-sense of when the enemy artillery will stop and his men can proceed without being needlessly blown to bits. But in a black-comic sequence, we see the telephoned order move down the chain of command from Premier Stalin, the Gardener of Human Happiness, to a succession

---

of underlings, each more groveling than the last, until it reaches Novikov—who ignores it. Coolly rational, he waits for the artillery to cease, then with a war cry sends his tanks rolling through the snow to complete the fatal encirclement of the German 6th Army.

### Moral Equivalence

NOVIKOV IS IN LOVE WITH ZHENYA Shaposnikova (Polina Agureeva), the younger sister of Viktor's wise but sorrowful wife, Lyudmila (Lika Nifontova). Like the intertwined families at the heart of *War and Peace*, the Shaposnikovs are related in some way to just about every major character in *Life and Fate*. As it happens, both Shaposnikova sisters were previously married to "Old Bolsheviks." One of these, Lyudmila's former husband, Abarchuk, was arrested in the Great Purge of 1937 and sent to a labor camp in Siberia. In the series he is mentioned only in passing, because his son Tolya, beloved by Lyudmila, ends up in Stalingrad with Grekov's brave band. The other Old Bolshevik, Zhenya's former husband, Nikolai Krymov, is a party loyalist who during his marriage was unrepentant about his role in the "dekulakization" of Ukraine. "The kulaks can go to the devil," the sisters recall him saying.

Here we encounter the third criticism of the series: that it downplays the Gulag. As with the Nazi death camps, there are no scenes in the Soviet forced-labor camps. But as with anti-Semitism, the scourge of Stalinist repression is felt by every major character—especially the valiant Gerkov, the spirited Novikov, and the long-suffering Krymov. Of these three, it is hard to say which is most compelling. But the most poignant is Krymov

(masterfully played by Aleksandr Baluev), a comrade of Lenin's whose loyalty does not save him from being falsely arrested, stripped of his identity from the stars on his uniform to his uniform itself, and in the shadows of Lubyanka prison tortured until, half out of his mind, he signs the confession that sends him to Intalag, a mining camp in the far north.

We now encounter the question, painful for Grossman, of whether there is a moral equivalence between the crimes of Stalin and those of Hitler. In the novel, another Old Bolshevik named Mostovsky is clinging to life in Auschwitz when, in a surreal chapter, he is invited by an SS officer named Liss to debate this question. Presented as a mild, thoughtful man, Liss holds forth:

"Stalin didn't shilly-shally—he liquidated millions of peasants. Our Hitler saw that the Jews were the enemy hindering the German National Socialist movement. And he liquidated millions of Jews. But Hitler's no mere student; he's a genius in his own right. And he's not one to be squeamish either. It was the Roehm purge that gave Stalin the idea for the purge of the Party in 1937... You've kept silent while I've been talking, but I know that I'm like a mirror for you—a surgical mirror."

"A mirror?" said Mostovsky.

Today it is a commonplace that the totalitarian systems resemble one another. But for Mostovsky, the thought is like a poison needle in the heart. It would be nice to say that *Life and Fate* proceeds from there to a ringing endorsement of Western-style liberal democracy, but it does not. In the next chapter, Mostovsky

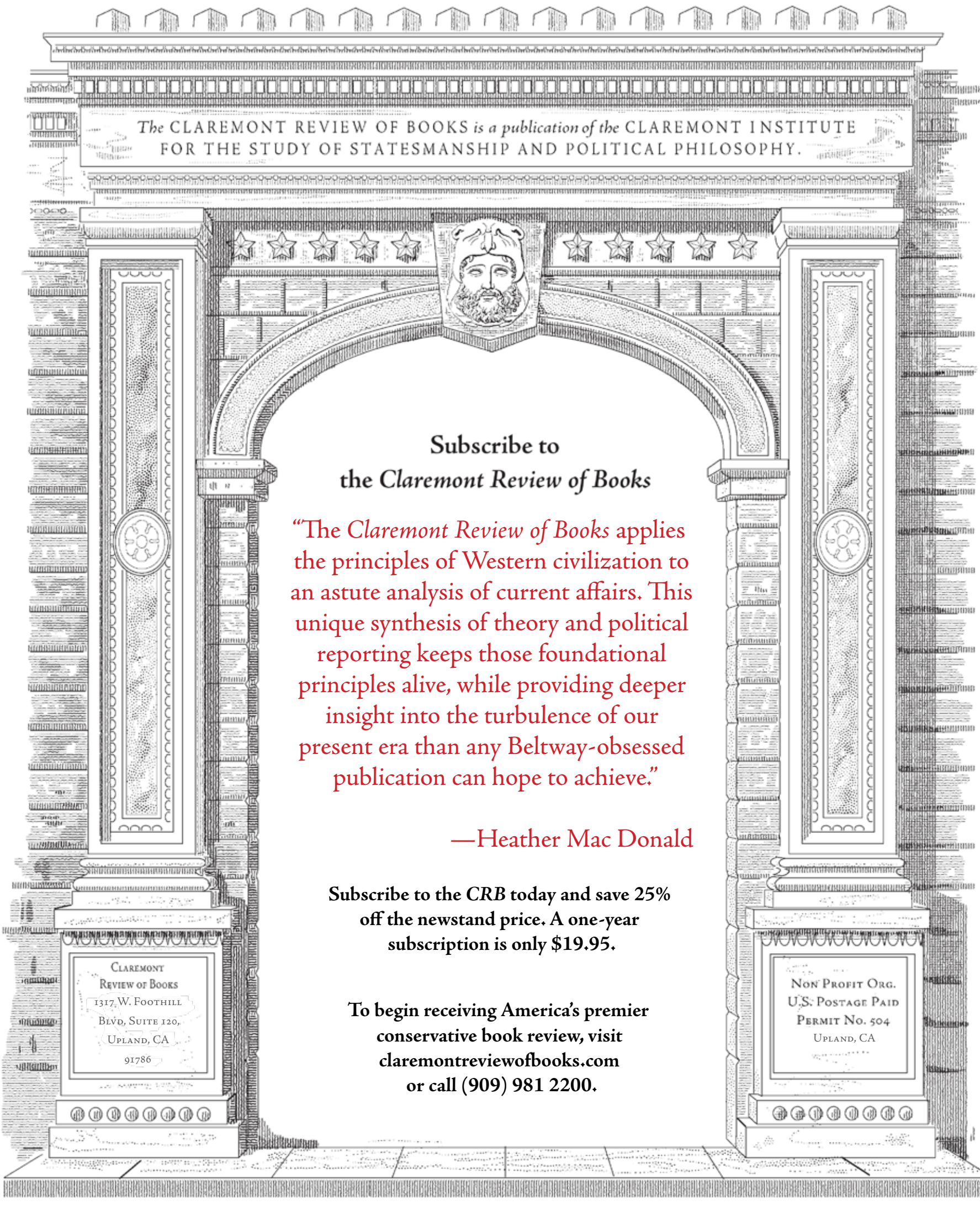
reads a manifesto scribbled on filthy paper by another prisoner, the "holy fool" Ikonnikov. That manifesto begins by stating that all governments are evil because they rely on force. Then it asserts that the only true answer to evil is "[t]he private kindness of one individual towards another; a petty, thoughtless kindness; an unwitnessed kindness. Something we could call senseless kindness. A kindness outside any system of social or religious good."

Having chronicled the worst evils of the 20th century, Grossman is clearly drawn to this Tolstoyan philosophy—and not just in the abstract. The next few lines express rather beautifully the power of his witness:

[I]f we think about it, we realize that this private, senseless, incidental kindness is in fact eternal. It is extended to everything living, even to a mouse, even to a bent branch that a man straightens as he walks by. Even at the most terrible times, through all the mad acts carried out in the name of Universal Good and the glory of States, times when people were tossed about like branches in the wind, filling ditches and gullies like stones in an avalanche—even then this senseless, pathetic kindness remained scattered throughout life like atoms of radium.

There are no such speeches in the TV version of *Life and Fate*. Nor is there any political remedy offered. And the English voiceover at the end rings even more hollow than the one at the beginning. But the story itself, and the superb performances of the actors, offer a portrayal of human nature that inspires hope, even if it cannot promise it.





The CLAREMONT REVIEW OF BOOKS is a publication of the CLAREMONT INSTITUTE  
FOR THE STUDY OF STATESMANSHIP AND POLITICAL PHILOSOPHY.

Subscribe to  
the *Claremont Review of Books*

*“The Claremont Review of Books applies the principles of Western civilization to an astute analysis of current affairs. This unique synthesis of theory and political reporting keeps those foundational principles alive, while providing deeper insight into the turbulence of our present era than any Beltway-obsessed publication can hope to achieve.”*

—Heather Mac Donald

Subscribe to the CRB today and save 25%  
off the newstand price. A one-year  
subscription is only \$19.95.

To begin receiving America's premier  
conservative book review, visit  
[claremontreviewofbooks.com](http://claremontreviewofbooks.com)  
or call (909) 981 2200.

CLAREMONT  
REVIEW OF BOOKS  
1317 W. FOOTHILL  
BLVD, SUITE 120,  
UPLAND, CA  
91786

NON PROFIT ORG.  
U.S. POSTAGE PAID  
PERMIT NO. 504  
UPLAND, CA