

ORDINARY CITIZEN OR WAR CRIMINAL? THE CASE OF IMRE FINTA



KATHERINE LITTLE

**NIPISSING UNIVERSITY
SCHOOL OF GRADUATE STUDIES
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Supervisor(s):

Dr. Hilary Earl

Examiner(s)

Dr. Valerie Hébert

Supervisory Committee:

Dr. Katrina Srigley

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Dr. Nathan Kozuskanich
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Abstract

This Major Research Paper (MRP) examines the history of Nazi war criminals in Canada. The Simon Wiesenthal Center for Holocaust Studies estimates that approximately two thousand former Nazis and Nazi collaborators immigrated to Canada after the Second World War. As of 2015, not a single one has been convicted of war crimes. Focusing on the case of Imre Finta, my research explores how war criminals have been dealt with in Canada. This MRP will argue that a combination of political, social, and legal factors have shaped the experiences of former Nazis and Nazi collaborators who immigrated to Canada after World War II.

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Imre Finta and Eartha Kitt, c. 1957¹

Introduction

Imre Finta (1912-2003), a successful restaurateur in downtown Toronto in the 1950s and 1960s, served celebrities, local politicians, and Hungarian immigrants alike.² He was known as a charming business-owner, kissing the hands of female patrons and taking photographs with celebrities. In the photograph above, Finta is pictured at one of his restaurants with famed singer, Eartha Kitt, who, according to Finta himself, was just one of the “rich and famous [who] were falling over themselves to dine there.”³ Finta later worked as a food consultant, and published a book on healthy eating for older people that was endorsed by Governor-General Roland Michener.⁴ In the 1970s, Finta

¹ Paul Moloney, “Finta Acquitted of War Crimes,” *Toronto Star*, May 26, 1990, A13, <http://pqasb.pqarchiver.com/thestar/doc/1367653550.html?FMT=PAGE&FMTS=CITE:PAGE&type=current&date=May+26%2C+1990&author=&pub=Toronto+Star+%281971-2011%29&desc=Page+A13> (accessed December 27, 2015).

² James McCready, “Imre Finta, 1912-2003: ‘The lord of life and death,’” *The Globe and Mail*, January 14, 2004, (Toronto, ON), R7, <http://moxy.eclibrary.ca/login?url=http://search.proquest.com/docview/1400770576?accountid=12792> (accessed February 22, 2015). Imre Finta was the owner of the Candlelight Café and the Moulin Rouge.

³ Paul Moloney, “Finta Acquitted of War Crimes: Theatrical charmer sought fame as gendarme and in everyday life,” *The Toronto Star*, May 26, 1990, A13.

⁴ James McCready, “Imre Finta, 1912-2003: ‘The lord of life and death,’” *The Globe and Mail*, January 14, 2004, R7.

retired to “a comfortable bungalow in suburban Toronto,” where he lived on his Canadian old age pension.⁵ Having immigrated to Canada in 1951, Finta became a naturalized Canadian citizen in 1956. He was also considered “a benefactor to many of the Hungarian refugees” who came to Canada during the Hungarian Revolution.⁶ By all accounts, Finta was a well-respected member of Toronto’s Hungarian community, a family man, and an “exemplary” Canadian citizen.⁷ However, looks can be deceiving.

Finta, as it turns out, was a known war criminal. In December 1987, at seventy-six years of age, on the recommendation of the report of the Commission of Inquiry on War Criminals, the RCMP arrested Finta and charged him under Canada’s new War Crimes and Crimes Against Humanity legislation with the “unlawful confinement, robbery, kidnapping, and manslaughter” of Hungarian Jews during the Holocaust.⁸ In his role as a police captain in the Royal Hungarian gendarmerie in 1944, Finta helped kidnap and confine nearly 9000 Jews in the Szeged ghetto.⁹ Starting in mid-May 1944, the ghetto was located in the Jewish quarter in the heart of Szeged’s urban center (a couple blocks surrounding Szeged’s Synagogue), but in mid-June, local authorities moved Szeged’s Jews to a ghetto located in a brickyard on the outskirts of the city. The brickyard ghetto served as a transition camp before the gendarmes “removed [the Jews]

⁵ CTV W5, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30.

⁶ CTV W5, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30.

⁷ CTV W5, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30.

⁸ CBC *The National*. “Imre Finta Charged with War Crimes.” CBC Digital Archives – Fleeing Justice: War Criminals in Canada, December 10, 1987, 2:28,

<http://www.cbc.ca/archives/categories/war-conflict/war-crimes/fleeing-justice-war-criminals-in-canada/imre-finta-charged-with-war-crimes.html> (accessed December 28, 2014).

⁹ The Szeged Ghetto was located at a brickyard in Szeged, Hungary. For more information on the Szeged Ghetto see: Tim Cole, “Debating the Ghetto: Newspapers from Szeged,” in *Traces of the Holocaust: Journeying In and Out of the Ghettos* (London: Continuum Books, 2011), 41-55.

from the city altogether.”¹⁰ During the period of ghettoization, Finta ordered that all baggage, money, gold, and jewels be handed over to the authorities, and according to survivors, Finta also participated in forcibly confiscating any and all wealth from the Jews of Szeged. Then, after SS-Obersturmbannführer Adolf Eichmann, in conjunction with the Hungarian Ministry of the Interior, gave the deportation order, Finta helped load 8,617 Jews onto three cattle-cars; one was bound for Auschwitz and two were destined for the slave labour camp in Strasshof, Austria.¹¹ Without food, water, or fresh air, at least two people died before they even arrived at the camps.¹² In a 1983 interview, survivor Rabbi Frankel called Finta “the lord of life and death.”¹³ Finta claimed that he was merely a “dispatcher.”¹⁴

The Nazi occupants did not execute Hitler’s “Final Solution” in Hungary alone; average Hungarian local officials and police officers, such as Imre Finta, also took part. The Nazis’ Hungarian accomplices were not the initiators, but rather those who carried out orders, some more ruthlessly than others. The willingness of local authorities to participate in the ghettoization, deportation, and murder of Hungarian Jews was influenced by Hungary’s wartime context. Hungary joined the war on the side of the Axis in November 1940, and at that time, Hungary’s Jewish population numbered

¹⁰ Cole, “Debating the Ghetto,” 54.

¹¹ Adolf Eichmann, Nazi SS-Obersturmbannführer, was the head of the Office of Jewish Affairs, which made him responsible for organizing and managing the mass deportation of Jews during the war. Eichmann and the Relief and Rescue Committee of Budapest established the “Blood for Goods” agreement, which sent some Jews to work slave labour at Strasshof. Instead of being sent to the death camp at Auschwitz. Eichmann “spared” these Jews in exchange for goods, including 10,000 trucks. For more information on the Strasshof Concentration Camp and the “Blood for Goods” offer, see: Yad Vashem Shoah Research Center, http://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%206049.pdf.

¹² *R. v. Finta*, 1993, 1 SCR 1138 <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/990/index.do> (accessed November 12, 2014).

¹³ CTV W5, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30.

¹⁴ CTV W5, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30.

approximately 725,000 people.¹⁵ The annihilation of the Jewish population began in 1941, when the Hungarian government adopted antisemitic legislation that demanded the deportation and murder of 20,000 so-called “alien Jews”, who could not prove their Hungarian citizenship.¹⁶ In the following two years, a further 42,000 military-aged Hungarian Jewish males died after being forced into labour battalions in Ukraine and Serbia.¹⁷ Then, after the Allies destroyed the Second Hungarian Army in 1943, there was a “strong impetus to explore the possibility of leaving the war,” which was supported by secret peace overtures that the new moderate-conservative Hungarian Prime Minister Mihály Kállay’s government was making with the British and American governments.¹⁸ Between Germany’s fear that Hungary might switch alliances and the fact that almost 700,000 Jews still lived in Hungary, by March 1944, the fate of Hungarian Jewry was sealed, and within three months Hungary deported 437,000 Jews to Auschwitz-Birkenau, where “the majority were gassed on arrival”.¹⁹ In total, Hungary deported over 500,000 Jews of which the Nazis murdered approximately 400,000.²⁰

On March 19, 1944, Hitler ordered the occupation of Hungary – “Operation Margarethe” – by 100,000 Wehrmacht troops and almost two hundred SS men under

¹⁵ Randolph L. Braham, *The Politics of Genocide: The Holocaust in Hungary* (New York: Columbia University Press, 1994), 251.

¹⁶ Tim Cole, “Hungary, the Holocaust, and Hungarians: Remembering Whose History?” in *Hungary and the Holocaust: Confrontation with the Past* – symposium proceedings (Washington D.C.: USHMM, 2001): 4, <http://www.ushmm.org/research/center/publications/occasional/2001-01/paper.pdf> (accessed October 18, 2012).

¹⁷ Cole, “Hungary, the Holocaust, and Hungarians,” 4.

¹⁸ László Borhi, “Secret Peace Overtures, the Holocaust, and Allied Strategy vis-à-vis Germany: Hungary in the Vortex of World War II,” *Journal of Cold War Studies*, Vol. 14, No. 2 (Spring 2012): 35, <http://muse.jhu.edu/journals/cws/summary/v014/14.2.borhi.html> (accessed November 20, 2012).

¹⁹ Cole, “Hungary, the Holocaust, and Hungarians,” 4.

²⁰ Cole, “Hungary, the Holocaust, and Hungarians,” 4.

the leadership of Adolf Eichmann.²¹ As soon as Germany invaded, Hungary's longstanding Regent, Admiral Miklós Horthy, obediently appointed a pro-Nazi government. A few months after the invasion, the majority of the 100,000 troops were pulled out of Hungary, leaving thousands of Hungarian local authorities and police officers (gendarmes) to fully take charge of the ghettoization and deportation of almost 450,000 Hungarian Jews.²² By the beginning of April 1944, the government established a series of new anti-Jewish laws. The new legislation forbid Jews from owning gold, jewelry, or valuables; prohibited marriages and intercourse between Jews and non-Jews; prohibited Jews from employing non-Jews in their households; prohibited Jews from leaving their homes for more than two days; and all Jews over the age of six had to wear a Jewish star on a yellow patch measuring four by six inches.²³ Moreover, by May 1944, Jews could not buy food before eleven o'clock in the morning, and they were never allowed to buy rationed goods such as butter, eggs, rice, poppy seeds, or paprika – all of which are staples in a traditional Hungarian diet.²⁴ The Hungarian police officers enforced all of these anti-Jewish laws, and the “ever-present element of the amoral power dynamic” between Jews and police officers only became more pronounced once

²¹ Borhi, “Secret Peace Overtures,” 67.

²² For more information on the Holocaust in Hungary see Randolph L. Braham, *The Politics of Genocide: The Holocaust in Hungary* (New York: Columbia University Press, 1994); Randolph L. Braham and Scott Miller, *The Nazis' Last Victims: The Holocaust in Hungary* (Michigan: Wayne State University Press, 2002); Tim Cole, “Hungary, the Holocaust, and Hungarians: Remembering Whose History?” in *Hungary and the Holocaust: Confrontation with the Past* (Washington D.C.: USHMM, 2001); David Cesarani, ed., *Genocide and Rescue: The Holocaust in Hungary, 1944* (Oxford: Oxford International Publishers, Inc., 1997).

²³ Hannah Berliner Fischthal, “Jewish Ghettos in Sighet and Dabrowa Górnicza,” *Studies in American Jewish Literature*, vol. 31, no. 2 (2012): 152, http://muse.jhu.edu.roxy.nipissingu.ca/journals/studies_in_american_jewish_literature/v031/31.2.fischthal.html (accessed November 20, 2012).

²⁴ Cole, “Hungary, the Holocaust, and Hungarians,” 13.

the ghettos were established.²⁵ Historian Hannah Fischthal emphasizes the role of local Hungarian officials and police officers in the establishment of the ghettos by stating that, “the ghettos in Hungary were temporary. They did not last longer than a few weeks. The Germans did not set up the ghettos; the Hungarian authorities set them up.”²⁶ In the ghettos, the police officers had to guard the Jews, and they alone had the power to allow a Jewish person to cross the ghetto boundary.²⁷ The conditions in the Hungarian ghettos were particularly bad because they were such temporary institutions. After only a few weeks of ghettoization, police officers were responsible for loading the Jews onto cattle cars bound for the slave labour and death camps.

Based on the role of the police in the ghettoization and deportation of Hungary’s Jews, Finta was not a “dispatcher,” but a Nazi collaborator and perpetrator of the Holocaust. As a police captain, Finta helped kidnap and confine almost 9000 Jews in the Szeged ghetto; he gave the order and participated in the forcible confiscation of Jewish wealth; and he helped deport 8,617 Jews to Auschwitz-Birkenau and the Strasshof slave labour camp. At the time of his arrest in 1987, however, he was also an upstanding Canadian citizen. Finta stood trial in Toronto for the crimes he committed during the war, but on May 15, 1990, a jury of his peers found him “not guilty.”²⁸ The Crown appealed the decision, however, the Ontario Court of Appeal and the Supreme Court of Canada upheld the acquittal in April 1992 and March 1994, respectively. The

²⁵ Jonathan Friedman, “Togetherness and Isolation: Holocaust Survivor Memories of Intimacy and Sexuality in the Ghettos,” *The Oral History Review*, vol. 28, no.1 (Winter-Spring 2001): 3, <http://www.jstor.org/stable/3675709> (accessed October 18, 2012).

²⁶ Fischthal, “Jewish Ghettos,” 153.

²⁷ Tim Cole, “Building and Breaching the Ghetto Boundary: A Brief History of the Ghetto Fence in Körmen, Hungary, 1944,” *Holocaust and Genocide Studies*, vol. 21, no. 1 (Spring 2009): 55, <http://muse.jhu.edu/journals/hgs/summary/v/23/23.1.cole.html> (accessed October 18, 2012).

²⁸ *R. v. Finta*, 1993, 1 SCR 1138.

Finta trial was over, and in December 2003, at age 92, Imre Finta died, considered by the courts to be an innocent man.²⁹ As the story of Imre Finta makes clear, the history of Nazi war criminals in post war contexts is not straightforward. Issues associated with politics, law, society, gender, memory, and interpretations of justice complicate an already complex historical narrative.

Remarkably, Finta was not the only Nazi war criminal to make Canada home. The Simon Wiesenthal Center for Holocaust Studies (SWC), a “global human rights organization that researches the Holocaust and hate in historic and contemporary contexts,” estimates that two thousand former Nazis and Nazi collaborators immigrated to Canada during the chaotic aftermath of the Second World War.³⁰ As of 2015, not a single one has been convicted of war crimes, including Imre Finta. Furthermore, since 2002 the SWC has released annual reports that grade members of the international community on their efforts to investigate and prosecute perpetrators of the Holocaust.³¹ The 2014 “Annual Status Report on the Worldwide Investigation and Prosecution of Nazi War Criminals” gave Canada a “D” for Insufficient and/or Unsuccessful Efforts.”³² This is not the worst ranking that Canada has received. Repeatedly, over the last thirteen years, Canada has been graded an “F-2”, which is assigned to “those countries in which there are no legal obstacles to the investigation and prosecution of suspected

²⁹ James McCready, “Imre Finta, 1912-2003: ‘The lord of life and death,’” *The Globe and Mail*, January 14, 2004, R7.

³⁰ “Nazi War Criminals in Canada,” Prepared by the Friends of the Simon Wiesenthal Center for Holocaust Studies, 2011. http://www.friendsofsimonwiesenthalcenter.com/war_criminals.aspx (accessed November 22, 2014); for more information on the Simon Wiesenthal Center see www.wiesenthal.com.

³¹ The Simon Wiesenthal Center was established in November 1977.

³² Efraim Zuroff, “Annual Status Report on the Worldwide Investigation and Prosecution of Nazi War Criminals,” Simon Wiesenthal Center (April 27, 2014), http://www.wiesenthal.com/site/apps/nlnet/content2.aspx?c=IsKWLBpJLnF&b=4441467&ct=13866901#.VHt7_75N3zI (accessed November 24, 2014).

Nazi war criminals, but whose efforts (or lack thereof) have resulted in complete failure [to prosecute] during the period under review.”³³ The SWC argues that this failure is “primarily due to the absence of political will to proceed and/or a lack of the requisite resources and/or expertise.”³⁴ This means that not only have Canadian courts failed to convict any former Nazis or Nazi collaborators, but in the wake of the Finta trial, Canada’s obligation to prosecute or extradite Nazi war criminals has been met with apathy. Essentially, since the horrors of the Second World War, Nazis and Nazi collaborators, including Imre Finta, have lived in Canada as ordinary Canadian citizens without facing legal consequences for the crimes that they committed during the Holocaust.

The story of Imre Finta raises interesting questions about the nature of justice and the extent to which different kinds of justice relate to the history of Nazi war criminals in Canada after World War II. Justice is a difficult concept to define, especially as it pertains to the horrors of the Holocaust and the state-planned murder of six million European Jews. In fact, in a February 2015 editorial for *The New Yorker*, Elizabeth Kolbert argues that there is “never going to be justice for the Holocaust, or a reckoning with its enormity.”³⁵ This paper is not about whether Imre Finta was brought to justice, but instead, it is an exploration of how war criminals have been dealt with in Canada. While it is impossible to carry out justice and reparations for the millions of victims of Nazi atrocities, some governments have certainly tried. Since the end of the Second

³³ Efraim Zuroff, “Annual Status Report on the Worldwide Investigation and Prosecution of Nazi War Criminals,” Simon Wiesenthal Center (April 27, 2014).

³⁴ Efraim Zuroff, “Annual Status Report on the Worldwide Investigation and Prosecution of Nazi War Criminals,” Simon Wiesenthal Center, 2014 (April 27, 2014).

³⁵ Elizabeth Kolbert, “The Last Trial: A great-grandmother, Auschwitz, and the arc of justice,” *The New Yorker*, February 16, 2015, <http://www.newyorker.com/magazine/2015/02/16/last-trial> (accessed March 15, 2015).

World War, western, democratic societies have sought justice through the process of war crimes trials. Yet, is justice enacted through the process of having the accused stand trial, or is justice enacted in the trial's verdict?

At Nuremberg in 1945, Jerusalem in 1961, and in the democratic courts of European nations since the end of the war, former Nazis and Nazi collaborators have been put on trial for crimes they committed during the war.³⁶ In 1985, forty years after the war ended, the Canadian Department of Justice opened the Commission of Inquiry on War Criminals, which led to legislation that allowed for the prosecution of war criminals in Canada. Justice is a "reflection of the society from which it emanates," so in Canada, justice is enacted by an impartial judiciary.³⁷ Arguably in Canada, this means bringing a war criminal to justice requires having the accused stand trial for war crimes in front of an impartial judiciary. If the authority of the war crimes legislation is recognized, and the evidence – both tangible and testimonial – is admitted, then justice is met and solidified with a war crimes conviction. This concept of legal justice aligns with Hannah Arendt's argument that, "the purpose of a trial is to render justice...[and] the law's main business is to weigh the charges brought against the accused, to render

³⁶ For more information on justice at Nazi war crimes trials see: Hilary Earl, *The Nuremberg SS-Einsatzgruppen Trial, 1945-1958: Atrocity, Law, and History* (Cambridge: Cambridge University Press, 2009); Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001); Michael R. Marrus, "History and the Holocaust in the Courtroom," in *Lessons and Legacies, Volume V, The Holocaust and Justice*, edited by Ronald Smelser, 215-240 (Evanston: Northwestern University Press, 2002); Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking, 1963); Donald Bloxham, *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory* (Oxford: Oxford University Press, 2001); Erich Haberer, "History and Justice: Paradigms of the Prosecution of Nazi Crimes," *Holocaust and Genocide Studies*, vol. 19, no. 3 (Winter 2005).

³⁷ Hilary Earl, *The Nuremberg SS-Einsatzgruppen Trial, 1945-1958: Atrocity, Law, and History* (Cambridge: Cambridge University Press, 2009), 298.

judgment, and to mete out punishment.”³⁸ Justice, as it pertains to Nazi war criminals, is to be rendered within the rules of law. This becomes complicated when an impartial judiciary acquits a war criminal, especially one like Imre Finta, who admitted to participating in the deportation of Hungarian Jews. As such, an exploration of the Finta case cannot be done within a framework of justice served or justice denied. In order to avoid the impossible, roundabout questions of “What is justice?” and “Was justice served?”, I intend, instead, to simply ask, “What happened?” and “Why did it happen?”.

By the time the Canadian judicial system had the legislation to prosecute war crimes and seek justice for the millions of Jews who had died, the Holocaust was already a memory. For example, Finta was arrested and charged in 1987, 43 years after he ghettoized and deported Jews from Szeged; therefore, the crimes he committed during the war were represented as historical, and were subject to questions of historical interpretation. War crimes trials, particularly those that take place decades after the crimes occur, are problematized by historical truth. Lawrence Douglas challenges Hannah Arendt’s argument that trials exist for the sole purpose of finding individuals guilty or not guilty of a crime. He examines the complicated intersections of history and law in war crimes trials, and argues that, “[the law] has had to find a way both to represent and judge the Holocaust’s horror.”³⁹ The objective history of the horror of the Holocaust is validated by the outcome of war crimes trials. Erich Haberer explains that war crimes trials are often seen as “presenting the truth about, and fortifying the

³⁸ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking, 1963), 233.

³⁹ Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001), 5.

memory of, the Holocaust and related genocidal crimes.”⁴⁰ As such, war crimes trials serve a didactic purpose, by representing and rendering a kind of historical justice.⁴¹ Lawrence Douglas contends that legal proceedings are tasked with “doing justice to unprecedented crimes, clarifying a tortured history, and defining the terms of collective memory.”⁴² Unfortunately, although law and history intersect during war crimes trials, they do not always come to the same conclusions. The standards of proof in a court of law are such that a war criminal can be acquitted. This is evidenced by the fact that Imre Finta was found “not guilty of war crimes” by a Canadian court even though he had admitted to participating in the deportation of Hungarian Jews in the summer of 1944 and both expert historians and Holocaust survivors identified him as a perpetrator of genocide. According to the Canadian legal system, Finta died an innocent man.⁴³

The question is why? Why was Finta acquitted? This paper is a study of the impediments to a war crimes conviction in Canada. The three themes that will be analyzed throughout this paper are the political, social, and legal obstacles that have shaped the experiences of Nazi war criminals in Canada. Focusing on how these themes applied to a case study of Imre Finta, my research asks: How have Nazi war criminals been dealt with in Canada? The answer, this paper will argue, is that a combination of political, social, and legal factors, both inside and outside the courtroom,

⁴⁰ Erich Haberer, “History and Justice: Paradigms of the Prosecution of Nazi Crimes,” *Holocaust and Genocide Studies*, vol. 19, no. 3 (Winter 2005): 488, http://journals1.scholarsportal.info.roxy.nipissingu.ca/pdf/87566583/v19i0003/487_hajpotponc.xml (accessed January 20, 2015).

⁴¹ For more information about justice and didactic legality, see Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001).

⁴² Douglas, *The Memory of Judgment*, 6.

⁴³ David Matas, *Nazi War Criminals in Canada: Five Years After* – B’nai Brith Canada, Institute Report (Canada: Institute for International Affairs of B’nai Brith Canada, 1992), 12.

blurred the lines between ordinary citizen and war criminal. As a result, the image of the ordinary, elderly Canadian man outweighed the will to see him prosecuted and convicted for crimes committed decades earlier.

Historiography

Since the Canadian Department of Justice opened the Commission of Inquiry on War Criminals in 1985, scholars have taken an interest in understanding and analyzing how Canada has dealt with former Nazis and Nazi collaborators. Because the historiography on Nazi war criminals in Canada emerged after the Commission of Inquiry, its focus is on the law, and how, since the International Military Tribunal at Nuremberg in 1945, courts have struggled with the law's ability to confront genocide and war crimes. The historical focus on the law is also due, in part, to the fact that the history of Nazi war criminals in Canada has primarily been written by lawyers. David Matas, senior legal counsel for the League for Human Rights of B'nai Brith Canada, is the preeminent scholar on the legal history of Nazi war criminals in Canada.⁴⁴ Matas's book, *Justice Delayed: Nazi War Criminals in Canada*, examines the historical and legal setting that allowed Nazis and Nazi collaborators to immigrate to Canada and live for over forty years without consequences for their war crimes.⁴⁵ After stressing how easy it

⁴⁴ David Matas represented the League for Human Rights of B'nai Brith Canada in the Commission of Inquiry on War Criminals. According to its website, the League for Human Rights is tasked with combating antisemitism, racism, and bigotry. It offers assistance to victims of antisemitism and hate-motivated crimes. League members interact on an ongoing basis with the community, the police, synagogues, and schools, legal and legislative experts, and government agencies that deal with racism. For more information on the League for Human Rights of B'Nai Brith Canada see www.bnaibrith.ca/league/.

⁴⁵ For more information on the legal history of war criminals in Canada see Irwin Cotler, Symposium - "Canadian Responses to World War Two War Criminals and Human Rights

was for Nazi war criminals to move to Canada, Matas reveals that *The War Crimes Act* (passed by Parliament in 1946) and the *Geneva Conventions Act* (1965) provided Canada with the legal capacity – and moral obligation – to punish Nazi war criminals.⁴⁶ Essentially, there were no legal obstacles to prevent the prosecution of war criminals; yet, Matas demonstrates that a lack of political will allowed Canada to open its borders to war criminals and then silence the issue of Nazi war criminals in Canada for over four decades. His work has focused exclusively on the judicial process that has made Canada “an attractive haven for war criminals.”⁴⁷

The legal focus is also present in the few individual cases that have been written about Nazi war criminals in Canada. Stephan Landsman’s case study of Imre Finta in *Crimes of the Holocaust: The Law Confronts Hard Cases* focuses entirely on the judicial intricacies of the Finta trial.⁴⁸ Matas and Landsman repeatedly argue that evidence-related issues, the defense counsel’s conduct, the lay jury, and the judicial style contributed to Finta’s acquittal and the end of Nazi war crimes prosecutions. My research builds on this legal history by examining the case study of Imre Finta, and by exploring the political and social history that shaped the way that Canadians thought of Nazi war criminals.

Although the legal history is the most obvious, the experiences of war criminals in Canada transcend the courtroom. The postwar immigration crisis and Cold War political anxieties, both international and domestic, shaped how Canada dealt with Nazi war

Violators: National and Comparative Perspectives,” *Boston College Third World Law Journal*, vol. 8, no. 3 (Boston, 1988): 33-45.

⁴⁶ David Matas and Susan Charendoff, *Justice Delayed: Nazi War Criminals in Canada* (Toronto: Summerhill Press, 1987), 108, 111.

⁴⁷ Matas, *Justice Delayed*, 117.

⁴⁸ Stephan Landsman, *Crimes of the Holocaust: The Law Confronts Hard Cases* (Philadelphia: University of Pennsylvania Press, 2005).

criminals.⁴⁹ The scholarship on Cold War Canada further contextualizes how political anxieties shaped the post-1945 immigration crisis, the decision to ignore the presence of Nazi war criminals in Canada, the political backlash toward the trials, and the restrictions on trial evidence.

Mary Louise Adams argues that the Cold War began in Canada in 1945 with the Gouzenko Affair, when “Igor Gouzenko, a cypher clerk in the Soviet embassy in Ottawa, defected and claimed that the Soviets had been running a spy ring in Canada. Investigations into his allegations focused national attention on the need for internal defenses against Communism.”⁵⁰ The desire to eliminate any existing domestic Communist threat and exclude any communists from immigrating to Canada became a priority for the departments of Immigration, Labour, External Affairs, Justice, and the RCMP.⁵¹ Despite the Communist threat, the postwar period saw an expanding Canadian economy that meant that there was a demand in Canada for a larger population, more workers, and a greater market.⁵² In the decade after the Second World War, Canada opened its borders to over a million immigrants, but continuously shut out

⁴⁹ For more information on the impact of the postwar immigration crisis and the Cold War on the history of Nazi war criminals in Canada see David Matas, “The Historical Background” in *Justice Delayed: Nazi War Criminals in Canada* (Toronto: Summerhill Press, 1987); Reg Whitaker, *Double Standard: The Secret History of Canadian Immigration* (Toronto: Lester & Orpen Dennys, 1987); Robert Teigrob, *Warming Up to the Cold War: Canada and the United States’ Coalition of the Willing, from Hiroshima to Korea* (Toronto: University of Toronto Press, 2009); Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-1997* (Toronto: Dundurn Press, 1997); Donald H. Avery, *Reluctant Host: Canada’s Response to Immigrant Workers, 1896-1994* (Toronto: McClelland and Stewart, 1995).

⁵⁰ Mary Louise Adams, *The Trouble with Normal: Postwar Youth and the Making of Heterosexuality* (Toronto: University of Toronto Press, 1997), 22. Igor Gouzenko’s defection led to the Canadian government’s use of the War Measures Act to arrest 39 people who were believed to be Soviet spies.

⁵¹ Donald H. Avery, *Reluctant Host: Canada’s Response to Immigrant Workers, 1896-1994* (Toronto: McClelland & Stewart, 1995), 141.

⁵² Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-1997* (Toronto: Dundurn Press, 1997), 125-126.

Communists, the “ultimate pariahs.”⁵³ In David Matas’s *Justice Delayed* and Donald H. Avery’s *Reluctant Host*, they further examine the Cold War political influence on immigration. Matas details how Canada’s immigration policies changed between 1945 and 1955, as hundreds of thousands of Europeans were admitted to Canada, “many without papers or any form of identification.”⁵⁴ Meanwhile, Avery explains that,

Initially, most of the emphasis was placed on excluding Nazis, collaborators, and war criminals. All this changed by the spring of 1946 when revelations that the Soviet espionage ring had been operating in Canada, combined with the lingering fear of left-wing subversion, prompted the federal government to establish a more rigorous apparatus for screening out Communists in the country. A Security Committee was established, which had as one of its functions the job of co-ordinating the task of keeping Communist subversives from Canadian shores.⁵⁵

Increasingly, the Canadian government allowed former Nazis and Nazi collaborators into the country, while Communists were kept out. The lack of restrictive immigration policy that applied to former Nazis and Nazi collaborators meant that war criminals were able to easily immigrate to Canada and start new lives.

Cold War politics also served to harbor Nazi war criminals in Canada, as the Canadian government supported the stop to all Nazi war crimes trials in 1948, and refused to co-operate with any investigations or extradition requests that came from behind the Iron Curtain. In Irwin Cotler’s article, “Canadian Responses to World War Two War Criminals and Human Rights Violators: National and Comparative Perspectives,” he examines how Nazi war criminals lived in Canada without facing legal consequences for their wartime actions for over thirty years. He argues that, “The Canadian government had a clear and unequivocal policy of no investigation,

⁵³ Knowles, *Strangers at Our Gates*, 133.

⁵⁴ Matas, *Justice Delayed*, 23.

⁵⁵ Avery, *Reluctant Host*, 141.

regardless of how serious the allegations were, or of how incriminating the evidence was.”⁵⁶ Cotler’s work emphasizes that a lack of political will to see former Nazis and collaborators prosecuted was an “obstruction of justice.”⁵⁷

The fear of a Communist threat and the subsequent lack of political will to take action against Nazis and Nazi collaborators were largely the result of the American influence on Canadian politics. Mary Louise Adams and Robert Teigrob both examine the American influence on Canadian politics and culture during the Cold War.⁵⁸ Adams argues that, “Few Canadians could have escaped the American Cold War hype that infused the popular culture of the era,” while Teigrob focuses on “the intensity of American anti-communist discourse available to Canadians.”⁵⁹ For over thirty years Cold War political anxieties prioritized the image of Canada as an anti-communist nation over the need to deal with Nazi war criminals. This meant that former Nazis and collaborators immigrated to Canada and integrated into the Canadian nation without the threat of investigation, extradition, or prosecution. Told through the story of Imre Finta, my research builds on the work of Cold War political scholars, to examine how political anxieties shaped the immigration system that allowed former Nazis and collaborators

⁵⁶ Irwin Cotler, Symposium – “Canadian Responses to World War Two War Criminals and Human Rights Violators: National and Comparative Perspectives,” *Boston College Third World Law Journal*, vol. 8, no. 3 (Boston, 1988): 40, <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1357&context=twlj> (accessed Nov. 24, 2014).

⁵⁷ Cotler, “Canadian Responses to World War Two War Criminals,” 40.

⁵⁸ For more information on Canada-United States relations during the Cold War, see Bryan Palmer, *Canada’s 1960s: The Ironies of Identity in a Rebellious Era* (Toronto: University of Toronto Press, 2008); Stephen J. Whitfield, *The Culture of the Cold War* (Baltimore: The Johns Hopkins University Press, 1991).

⁵⁹ Adams, *The Trouble with Normal*, 22; Robert Teigrob, *Warming Up to the Cold War: Canada and the United States’ Coalition of the Willing, from Hiroshima to Korea* (Toronto: Toronto University Press, 2009), 4.

into Canada, silenced the issue of war criminals in Canada, and then influenced the war crimes trials that followed.

Lastly, the experience of Nazi war criminals in Canada was also shaped by social factors, particularly their role as contributing members of Canadian society. It was their role as ordinary Canadians, which made it particularly difficult to accept their role in atrocities committed during World War II. Finta and his fellow former Nazis and collaborators worked hard, raised families, participated in their local communities, and conformed to the expectations of what it means to be upstanding Canadian citizens. Moreover, by the time Nazi war crimes trials commenced in Canada, the defendants were little old men, which significantly influenced how they were perceived by the media, the Canadian public, and in the courtroom. Although, the legal and political scholarship provides a useful framework for understanding how a politically anxious Canada dealt with Nazi war criminals in court, what these historiographies do not offer is a way for considering how former Nazis and Nazi collaborators were perceived in Canadian society. The scholarship on social perceptions of these men is understandably limited considering that they were so conspicuously ordinary. Franca Iacovetta's work, *Gatekeepers*, examines how European immigrants integrated into Canadian society during the Cold War. Her work on masculinity demonstrates that men were expected to be "good providers," rejecters of communism, authority figures, and "ideal father figures."⁶⁰ Additionally, Christopher Dummitt's, *The Manly Modern: Masculinity in Postwar Canada*, demonstrates that in postwar Canada, there was an

⁶⁰ Franca Iacovetta, *Gatekeepers: Reshaping Immigrant Lives in Cold War Canada* (Toronto: Between the Lines, 2006), 177. For more information on the postwar ideal father figure see, Mary Louise Adams, *The Trouble with Normal: Postwar Youth and the Making of Heterosexuality* (Toronto: University of Toronto Press, 1997); Doug Owsram, *Born at the Right Time: A History of the Baby Boom Generation* (Toronto: University of Toronto Press, 1996).

emphasis on “rejuvenating postwar patriarchy,” which was focused on masculine control, rationality, stoicism, and a balance between risk and risk-management.⁶¹

Iacovetta’s and Dummitt’s works provide a framework for considering the relationship between Nazi war criminals and dominant notions of masculinity in postwar Canada.⁶² Men who met the 1950s and 1960s expectations of masculinity had the privilege of social and political power, and noninterference by the Canadian government.

Furthermore, while the perceptions of immigrants is useful for understanding how former Nazis and collaborators became ordinary Canadians, there is nothing written historically on how they were perceived as elderly men. Here, I am drawing on sociological studies done by A.A. Fleming, “Older men in contemporary discourses on ageing: absent bodies and invisible lives,” and Edward H. Thompson Jr., “Images of Old Men’s Masculinity: Still a Man?” Fleming argues that, “Older men have been categorized as ‘invisible men’ in contemporary society.”⁶³ Similarly, Thompson demonstrates that old men are often viewed as emasculated and feminine, making them unthreatening.⁶⁴ These sociological works exhibit how old men are largely seen as

⁶¹ Christopher Dummitt, *The Manly Modern: Masculinity in Postwar Canada* (Vancouver: University of British Columbia Press, 2007), 7.

⁶² For more information on the social expectations of new immigrants in Cold War Canada see: Valerie J. Korinek, *Roughing It in the Suburbs: Reading Chatelaine Magazine in the Fifties and Sixties* (Toronto: University of Toronto Press, 2000); Stanley R. Barrett, *Is God a racist? The right wing in Canada* (Toronto: University of Toronto Press, 1987); Alexander Freund, ed., *Beyond the Nation? Immigrants’ Local Lives in Transnational Cultures* (Toronto: University of Toronto Press, 2012); Barrington Walker, ed., *The History of Immigration and Racism in Canada: Essential Readings* (Toronto: Canadian Scholars’ Press, Inc., 2008).

⁶³ A.A. Fleming, “Older men in contemporary discourses on ageing: absent bodies and invisible lives,” *Nursing Inquiry*, vol. 6 (1999): 4, <http://onlinelibrary.wiley.com/store/10.1046/j.1440-1800.1999.00002.x/asset/j.14401800.1999.00002.x.pdf;jsessionid=509640267BD7F39809C9F27F7C708B7A.f04t01?v=1&t=iamejom6&s=fc2a90559bbcb634c4ff7678a7993447828d2264> (accessed March 22, 2015).

⁶⁴ Edward H. Thompson Jr., “Images of Old Men’s Masculinity: Still a Man?” *Sex Roles*, vol. 55 (December 2006): 634, <http://link.springer.com/article/10.1007%2Fs11199-006-9119-7> (accessed March 1, 2015).

invisible members of society. I am building on Iacovetta's and Dummitt's works on how immigrants integrated into Canadian society, and Fleming's and Thompson's work on perceptions of old men, in order to show how the perception of Nazi war criminals as ordinary, elderly Canadians shaped how the Canadian public reacted to these men, and with the court's ability to prosecute them as war criminals.

Methodology

For the purpose of this study, I am assessing the media coverage of Imre Finta as a way to understand, at least in part, Finta and Canadian perceptions of the war crimes issue. Between 1983 and 2004, Finta was the focus of two CBC television reports, one CTV *W5* investigative report, three CBC radio segments, and over 150 newspaper articles, mostly in *The Globe and Mail* and *The Toronto Star*. Media coverage can be analyzed to determine what the Canadian public knew about the Finta case and the presence of Nazi war criminals in Canada. These sources elicit questions about Finta's life in Canada, and his life before immigrating to Canada. The way that the media covers the Finta case both informs and reflects the Canadian public's image of Finta as a man. The one similarity that all of the Nazi war criminals living in Canada, including Finta, share is that at the time of their arrests, they were elderly, middle-class, white men. As such, my analysis of the media coverage is shaped by the role of masculinity in these sources and the characterization of historical actors.

My examination of the Finta case employs gender as a category of analysis. One of the arguments of this paper is that age and gender impact Canadian perceptions of war criminals, which, in turn, impacted how they were dealt with in Canada. John Tosh

and Mariana Valverde both examine how gender is formed, negotiated, and understood. Their work on the analysis of gender can be applied to histories of masculinities in order to determine how individuals' masculine identities were constructed and viewed by society. Tosh specifically discusses masculinity and manliness, arguing that masculinity is power, and manliness expresses or represents that power through social constructs.⁶⁵ He suggests that a patriarchal society, such as Canada, is inherently masculine because it is shaped by "hegemonic masculinity," meaning, "those expressions of masculinity – like exclusive heterosexuality, or the double standard, or the assumption that paid work is a male birthright – which serve most effectively to sustain men's power over women in society as a whole."⁶⁶ His argument proposes that dominant expressions of masculinity sustain and secure a man's power in society; therefore, if a man conforms to society's expectations of masculinity and manliness, then his place in society will not be challenged.⁶⁷ As such, one way of using gender as a category of analysis is to determine what the gender expectations were at a certain time and place, and use those gender expectations as a framework for examining a source. Tosh concludes that masculinity can be analyzed as a social identity because it is "inseparable from peer recognition, which in turn depends on performance in the social sphere."⁶⁸ Valverde supports the conceptualization of masculinity as a social construction, because she contends that gender is to be understood as both "social"

⁶⁵ For more information on Tosh's definitions of "masculinity" and "manliness," see John Tosh, "What Should Historians Do with Masculinity? Reflections on Nineteenth-Century Britain," *History Workshop*, no. 38 (1994): 180-181, <http://www.jstor.org/stable/4289324> (accessed January 18, 2015).

⁶⁶ Tosh, "What Should Historians do with Masculinity?," 192.

⁶⁷ *Ibid.*, 192.

⁶⁸ *Ibid.*, 198.

and “linguistic.”⁶⁹ The “linguistic” element of Valverde’s conceptualization incorporates discourse, which means that the ways expressions of masculinity are discussed may suggest a number of conflicting identities.⁷⁰

To use gender as a category of analysis, Tosh and Valverde argue that the expectations and expressions of gender are historically contingent, therefore they are constantly changing. Valverde maintains that to use gender critically as an analytical methodology, historians should examine how it is “formed and reformed, renegotiated, contested.”⁷¹ Ultimately, this analysis focuses on how the media characterized Finta’s masculinity, and how those notions of masculinity conformed or challenged historically contingent expectations of masculinity. In doing so, it illustrates that far from being anomalous, Canadians recognized Finta’s masculinity. They were comfortable with it. It also takes into account the significance of the plurality of conflicting identities, because as a Nazi collaborator, upstanding Canadian citizen, and little old man, Finta embodied multiple conflicting masculine identities.

The Case of Imre Finta

Imre Finta’s life in Canada cannot be understood without an explanation of his life before he immigrated. He was born on September 2, 1912, in Kolozsvár, Hungary

⁶⁹ Sonya O. Rose, “Introduction to Dialogue: Gender History/Women’s History: Is Feminist Scholarship Losing its Critical Edge?” *Journal of Women’s History*, vol. 5, no. 1 (Spring 1993): 93.

⁷⁰ For more information on Valverde’s explanation of masculinity as a social construction, see Mariana Valverde, “Comment” in Sonya O. Rose, “Introduction to Dialogue: Gender History/Women’s History: Is Feminist Scholarship Losing its Critical Edge?” *Journal of Women’s History*, vol. 5, no. 1 (Spring 1993): 121.

⁷¹ Valverde, “Comment,” 123.

(modern day Cluj-Napoca, Romania).⁷² He was an aspiring actor, and his parents gave him permission to perform in many local theatre productions on “condition that he eventually attend law school.”⁷³ He completed one semester of law school in 1935 before transferring to the Ludovika Academy of Military Studies in Budapest. Graduating in 1939 as a lieutenant in the Hungarian Mounted Police, Finta rose to the rank of captain within three years.⁷⁴ Finta also married and had two children.⁷⁵ Not much else is known about what he was doing during the first years of the war, other than that he served as a gendarme in Debrecen before being transferred to Szeged.⁷⁶

After Operation Margarethe on March 19, 1944, Admiral Horthy, under instructions from Adolf Eichmann, appointed a pro-Nazi government to lead Hungary, and ultimately oversee the annihilation of Hungarian Jewry. Within weeks, thousands of local Hungarian authorities and police officers became responsible for the ghettoization and deportation of approximately 725,000 Hungarian Jews.⁷⁷ Imre Finta was one of these officers. Between April 7 and June 30, 1944, Finta forcibly kidnapped, ghettoized, and imprisoned 8,617 Jews in the Szeged ghetto and then in the transition camp at

⁷² “Imre Finta,” *TRIAL*, <http://www.trial-ch.org/en/resources/trial-watch/trial-watch/profiles/profile/599/action/show/controller/Profile.html> (accessed May 20, 2015).

⁷³ “Finta appears on war-crime charges,” *The Globe and Mail*, December 19, 1987, A16, <http://moxy.eclibrary.ca/login?url=http://search.proquest.com/docview/1291350575?accountid=12792> (accessed February 22, 2015).

⁷⁴ “Finta appears on war-crime charges,” *The Globe and Mail*, December 19, 1987, A16. Not much is known about Finta’s wife and children.

⁷⁵ “Two sharply conflicting portraits were painted in court descriptions,” *The Globe and Mail*, May 26, 1990, A13, <http://moxy.eclibrary.ca/login?url=http://search.proquest.com/docview/1144210555?accountid=12792> (accessed February 22, 2015).

⁷⁶ “Two sharply conflicting portraits were painted in court descriptions,” *The Globe and Mail*, May 26, 1990, A13. Debrecen is the second largest city in Hungary.

⁷⁷ For more information on the Holocaust in Hungary see Randolph L. Braham, *The Politics of Genocide: The Holocaust in Hungary* (New York: Columbia University Press, 1994); Randolph L. Braham and Scott Miller, *The Nazis’ Last Victims: The Holocaust in Hungary* (Michigan: Wayne State University Press, 2002).

Szeged's brick factory.⁷⁸ A survivor of the Szeged ghetto, Margit Klein, remembers Finta threatening her son's life. She recalls him saying, "If you don't hand over your money and your gold, you will never see your son alive again."⁷⁹ Similarly, Shoshana Halmos remembers asking Finta for water for her sick mother; he replied, "Go to hell you stinking Jews! You don't need any water, you don't need anything!"⁸⁰ On June 25, 1944, the first transport of Jews was loaded onto boxcars at Szeged's Rokus railway station, destined for Auschwitz.⁸¹ On June 27 and 28, the remaining Jews in the ghetto were deported to the Strasshof slave labour camp, near Vienna.⁸² Survivor Margit Hahn recalls that Finta "screamed like a wild beast and berated a young gendarme who had helped the victims with their luggage during the march from the brickyard."⁸³ By the end of June 1944, all of the Jews from Szeged were deported to the camps. One week later, on July 7, after receiving notes of protest from all over the world, and after 450,000 of Hungary's 725,000 Jews were deported, Horthy reasserted his authority as Regent and ordered the immediate end to all deportations.⁸⁴ This brought Finta's participation in the ghettoization and deportation of Hungarian Jews to an end. Finta's whereabouts during the last year of the war and in the immediate postwar years are unknown, but he claimed to have spent time in a camp for "disarmed enemy forces" in France, before working as an actor in Germany, and later returning to France to work in a variety of

⁷⁸ *R. v. Finta*, 1993, 1 SCR 1138.

⁷⁹ CTV W5, "Imre Finta: Toronto Immigrant Alleged to be a War Criminal," March 4, 1983, 18:30.

⁸⁰ CTV W5, "Imre Finta: Toronto Immigrant Alleged to be a War Criminal," March 4, 1983, 18:30.

⁸¹ *R. v. Finta*, 1993, 1 SCR 1138.

⁸² *R. v. Finta*, 1993, 1 SCR 1138.

⁸³ "Two sharply conflicting portraits were painted in court descriptions," *The Globe and Mail*, May 26, 1990, A13.

⁸⁴ Cole, "Hungary, the Holocaust, and Hungarians," 4.

hotels and restaurants.⁸⁵ What is known is that, in 1951, Imre Finta travelled to Canada on the RMS Ascania and started his new life in Toronto. This is where the study of Canada's handling of the Finta case begins.

The Cold War (1945-1991) political context is a defining factor of the Finta case.⁸⁶ It explains how he immigrated to Canada and why he was able to live in Canada for almost forty years without facing any legal consequences for his war crimes. It should be noted that while the Cold War political context changed over time, so too did its impact on the Finta case and how Canada treated former Nazis and collaborators. Valerie Knowles explains that in the immediate postwar years Canadians began advocating for "a more generous immigration policy" because it meant "a larger population and therefore a larger market, more economies of scale, and greater productivity, i.e. continuing expansion of the Canadian economy."⁸⁷ By opening the border and offering refuge to people living in the displaced person camps in allied-controlled territory, the Canadian government could represent itself as a humanitarian nation while simultaneously meeting the growing demand for workers. In fact, David Matas explains that between 1945 and 1948, "more than 180,000 persons were admitted to Canada – some 65,000 of them from displaced person camps, many without papers or any form of identification."⁸⁸ The challenge was that in the wake of the Gouzenko affair, national security and the need to screen out the perceived Communist threat dominated Canada's immigration policy. Although Avery contends

⁸⁵ Paul Moloney, "Finta Acquitted of War Crimes," *The Toronto Star*, May 26, 1990, A13.

⁸⁶ Historians contest the beginning and ending dates for the Cold War. For the purpose of this MRP, I use 1945 – the year of the Gouzenko affair – as the starting date for the Cold War, and 1991 – the year the Soviet Union collapsed – as the ending date.

⁸⁷ Knowles, *Strangers at Our Gates*, 125.

⁸⁸ Matas, *Justice Delayed*, 23.

that when the war ended “most of the emphasis was placed on excluding Nazis, collaborators, and war criminals,” by the time the Gouzenko affair garnered national attention in 1946, excluding communists became more important than excluding former Nazis and collaborators. Indeed, Matas argues that, “Above all, Canada was far more concerned –indeed, obsessed – with screening out Communist sympathizers than suspected Nazi war criminals.”⁸⁹

Then, in July 1948, the British Commonwealth Relations office sent a secret telegram to each of the Commonwealth governments, proposing “to end the Nazi war crimes trials” in Europe, and “dispose of the past as soon as possible.”⁹⁰ Irwin Cotler, the Former Minister of Justice and Attorney General of Canada (2003-2006), past President of the Canadian Jewish Congress (CJC) (1980-1983), and the CJC’s Chief Counsel at the Deschênes Commission, argues that,

While survivors walked around dazed in displaced persons camps, while the UN General Assembly was on the eve of the adoption of both the Genocide Convention and the Universal Declaration of Human Rights, the United Kingdom decided not to enforce international criminal law, and called upon Canada to do the same.⁹¹

The Canadian government under Liberal Prime Minister Louis St. Laurent acquiesced to the request, and in 1950 Canada’s immigration policy, which had previously favoured British, Irish, French, and American immigrants, expanded. The Canadian border opened to include “any healthy applicant of a good character who had skills needed in

⁸⁹ Matas, *Justice Delayed*, 21.

⁹⁰ *Ibid.*, 12. For more information on Cold War politics in Canada see: Gary Marcuse and Reginald Whitaker, *Cold War Canada: The Making of a National Insecurity State, 1945-1957* (Toronto: University of Toronto Press, 1996); Howard Margolian, *Unauthorized Entry: The Truth About Nazi War Criminals in Canada, 1946-1956* (Toronto: University of Toronto Press, 2000).

⁹¹ Irwin Cotler, “Bringing Nazi War Criminals in Canada to Justice: A Case Study,” Proceedings of the Annual Meeting of the American Society of International Law, vol. 91 (April 9-12, 1997): 263, <http://www.jstor.org/stable/25659128> (accessed October 9, 2014).

Canada and could readily integrate into Canadian society.”⁹² The Canadian government opened the border to former Nazis and Nazi collaborators, and by 1955, only Nazis who were known to be concentration camp guards were denied entry.⁹³ At this time, white European immigrants who could prove that they were anti-communist were welcomed into Canada. As an anti-Soviet Hungarian, Finta had no trouble immigrating to Canada. The Cold War’s influence on Canadian immigration policies and practices helped determine how Canada dealt with war criminals. Men, such as Imre Finta, were able to immigrate and integrate into Canadian society without fear of retribution for the crimes that they had committed during the war.

Once in Canada, Finta was the ideal Canadian immigrant. Franca Iacovetta argues that a man in 1950s Cold War Canada was expected to be a “good provider,” a rejecter of communism, an authority figure, and an “ideal father figure.”⁹⁴ Moreover, Valerie Korinek emphasizes that the “prevailing images” of masculinity in the 1950s were characterized by the fathers in *Father Knows Best* and *Leave It to Beaver*.⁹⁵ Mary Louise Adams explains the political importance of this masculine ideal, stating that the “idealized image of the nuclear family was promoted as the first line of defense against the perceived insecurity of the Cold War years.”⁹⁶ New immigrants to Canada were expected to conform to an image of masculinity that emphasized career, patriarchal authority, routine, and ideological indoctrination of the Canadian nation. Interestingly, these characteristics are similar to the behavioural characteristics of a Holocaust

⁹² Knowles, *Strangers at Our Gates*, 136.

⁹³ Matas, *Justice Delayed*, 111.

⁹⁴ Iacovetta, *Gatekeepers*, 177.

⁹⁵ Valerie Korinek, *Roughing It in the Suburbs: Reading Chatelaine Magazine in the Fifties and Sixties* (Toronto: University of Toronto Press, 2000), 268.

⁹⁶ Adams, *The Trouble with Normal*, 21.

perpetrator. In “Ordinary Masculinity: Gender Analysis and Holocaust Scholarship,” Stephen R. Haynes analyzes the final chapter of Christopher Browning’s *Ordinary Men*. He concludes that the “ordinary man” perpetrator – such as Imre Finta – was characterized by “wartime brutalization, racism, segmentation and routinization, special selection, careerism, obedience, deference to authority, ideological indoctrination, and conformity.”⁹⁷ So, if former Nazis, white European males (“the racially preferred group”), were able to transform “into happy and democracy-practicing Canadian citizens” then they fulfilled the expectations of the Canadian masculine ideal and were therefore not considered a threat.⁹⁸ As a white European male, business-owner, anti-communist, and father, Finta was not considered a threat to Canadian society; in fact, he would have been considered an asset.

The authorities were not oblivious to Finta’s past. In 1964, a University of Toronto student walked into Finta’s restaurant looking for a summer job. The student recognized Imre Finta’s name, and contacted a friend of his in Vienna, Magda Wagner, a survivor of the Holocaust whose parents were deported from the Szeged ghetto to Auschwitz. Wagner contacted the Simon Wiesenthal Center with the information.⁹⁹ On a trip to Canada in 1967, Simon Wiesenthal met with Cabinet Minister Mitchell Sharp to discuss the issue of Nazi war criminals. Wiesenthal told Sharp that Finta was a former Nazi collaborator and a wanted Nazi war criminal. In fact, he had been tried and convicted in

⁹⁷ Stephen R. Haynes, “Ordinary Masculinity: Gender Analysis and Holocaust Scholarship,” *The Journal of Men’s Studies*, vol. 10, no. 2 (2002): 154, <http://men.sagepub.com/content/10/2/143.full.pdf> (accessed March 1, 2015).

⁹⁸ Iacovetta, *Gatekeepers*, 294, 115.

⁹⁹ James McCready, “Imre Finta, 1912-2003: ‘The lord of life and death,’” *The Globe and Mail*, January 14, 2004, R7.

absentia of war crimes in 1948 by a pro-Soviet Hungarian court.¹⁰⁰ However, the Cold War's impact on Canadian interpretations of Pro-Soviet war crimes trials, likely meant that the Canadian government saw Finta less as a war criminal and more as an anti-Communist. As such, they chose not to pursue the case as it would have gone against the orders from the 1948 telegram from the Commonwealth Office, supported the decision of the "vindictive" Soviet court, and "(pandered) to Jewish revenge."¹⁰¹

Essentially, accusations were ignored and investigations simply did not happen. There is no evidence that the Canadian government pursued an investigation of Finta until the 1980s. In fact, David Matas revealed in his book, *Justice Delayed*, that in 1982 the Canadian Department of Immigration had actually begun destroying immigration files from the post-war period.¹⁰² According to Robert Simmonds, the Commissioner of the RCMP between 1977 and 1987, the immigration files included "crucial evidence" and their destruction would "seriously impair the RCMP's efforts to bring Nazi war criminals to justice."¹⁰³ For thirty years Finta, a known war criminal, lived in Toronto, but the Departments of Immigration, Citizenship, and Justice did nothing to pursue his case; instead, they chose to destroy potential evidence against him. Cotler calls the Canadian government's thirty years of inaction an "obstruction of justice."¹⁰⁴ Decades of inaction were the direct result of the lack of political will or popular demand to see former Nazis and Nazi collaborators face legal ramifications for the crimes that they committed.

¹⁰⁰ CTV W5, "Imre Finta: Toronto Immigrant Alleged to be a War Criminal," March 4, 1983, 18:30.

¹⁰¹ CTV W5, "Imre Finta: Toronto Immigrant Alleged to be a War Criminal," March 4, 1983, 18:30. A 1956 communiqué from the Commonwealth Office suggested that by doing anything about the suspected Nazi war criminals, they would be "pandering to Jewish revenge." For more information see Cotler, "Canadian Responses to World War Two War Criminals," 40.

¹⁰² Matas, *Justice Delayed*, 67.

¹⁰³ Cotler, "Bringing Nazi War Criminals in Canada to Justice," 267.

¹⁰⁴ Cotler, "Canadian Responses to World War Two War Criminals," 40.

The lack of political will to see Nazi war criminals dealt with in Canada, continued until the 1980s when the silence on Nazi war criminals in Canada was finally broken. In 1982, Albert Helmut Rauca was arrested and extradited to West Germany, twenty-one years after the Canadian government received the extradition request. The warrant for Rauca's arrest stated that, "As an SS master sergeant and a member of the command headquarters of the Security Police and the SS Security Service (SD) for the general district of Lithuania, (Rauca) did, in the so called 'Big Operation' in the ghetto of Kaunas, single out to be shot 10,500 Jewish men, women, and children...the shooting occurring on 29 October 1941 in the IXth Fort in Kaunas."¹⁰⁵ As with Finta, the international search for Rauca began in 1948, but he still managed to immigrate to Canada in 1950, and despite a number of extradition requests from East and West Germany, the bureaucratic Canadian justice system – particularly the RCMP, which had no formal guidelines for investigating war criminals, and instead had an unwritten "hands off" policy – repeatedly denied that he was living in Canada.¹⁰⁶ Meanwhile, Rauca was "living under his own name, drove a car, possessed an Ontario driver's license, received an old-age pension, paid his taxes, had several bank accounts, owned a cottage, and travelled regularly on a Canadian passport."¹⁰⁷ His arrest and 1982 extradition are credited to the persistence of the West German courts and the singular efforts of

¹⁰⁵ Sol Littman, *War Criminal on Trial: The Rauca Case* (Toronto: Lester & Orpen Dennys Publishers, 1983), 6.

¹⁰⁶ For more information regarding the bureaucratic stalling of the Canadian justice system, read "Forty Years of Inaction" in David Matas's *Justice Delayed*. Matas describes the RCMP's unwritten "hands-off" policy and the internal web of memoranda and hesitant stalling between the OPP, RCMP, Department of Justice, and Department of External Affairs.

¹⁰⁷ Littman, *War Criminal on Trial*, 126.

Solicitor-General Robert Kaplan.¹⁰⁸ Rauca died before he could stand trial in West Germany for “aiding and abetting in the murder of 10,500 persons on or about October 29, 1941, in Kaunas, Lithuania.”¹⁰⁹ It is important to note that the Canadian Rauca trial was one of extradition, not prosecution for war crimes. The Rauca trial is important because it garnered significant media attention and an interest in Nazi war criminals that had not been experienced in Canada since before 1948 and the onset of the Cold War when actions against possible Communist threats took precedence over actions against former Nazis. As the first legal action to be taken against a Nazi war criminal in Canada, the Rauca case incited demands for war crimes legislative reform and paved the way for the prosecution of Imre Finta.

The media played a significant role in revealing the Finta case to the Canadian public. The 1982 Rauca case coincided with the first national media coverage of Imre Finta, who had come to the attention of the Canadian Holocaust Remembrance Association in 1974 through the Simon Wiesenthal Center’s efforts.¹¹⁰ Although Cold War political inaction persisted in the Finta case, he was involved in two bizarre civil suits in the early 1980s. An article in *The Jewish Post & News* from March 25, 1993 detailed Finta’s early interactions with the law, stating: “Sabina Citron, a local Holocaust survivor, accused Finta in public of war crimes: he denied her charges and called her a liar. Citron sued him for libel and won. CTV broadcast a similar accusation against Finta, and he sued the network for libel. After CTV gathered videotaped evidence

¹⁰⁸ Bernie Farber, “Robert Kaplan fought to uncover Nazis in Canada,” *The Toronto Star*, November 6, 2012, http://www.thestar.com/opinion/editorials/2012/11/06/robert_kaplan_fought_to_uncover_nazis_in_canada.html (accessed April 17, 2015).

¹⁰⁹ Littman, *War Criminal on Trial*, xi.

¹¹⁰ The war crimes accusation against Imre Finta had been mentioned in a 180-word *Medicine Hat News* article from October 16, 1974, titled “Denies Charges.”

against him, he withdrew his libel suit.”¹¹¹ In *Nazi War Criminals in Canada*, Matas reveals that Finta was ordered to pay \$30,000 plus court costs to Sabina Citron, and court costs to CTV, which he refused so they seized his house.¹¹² Although these two cases were, in fact, civil libel suits, not war crimes trials, the media attention that they received was significant. CTV’s investigative journalism program, *W5*, produced and aired a 15-minute television segment on Finta, accusing him of being a war criminal, including the testimonies of six survivors from the Szeged ghetto.¹¹³ Finta was elevated into the public consciousness, and the issue of war criminals in Canada became national. Although the Finta case ultimately ended in an acquittal and a return to political inaction, it briefly advanced the public awareness of Nazi war crimes and Nazi war criminals living in Canada.

Encouraged by significant media attention, pressure from Jewish groups, and a newly-elected Progressive Conservative government under Brian Mulroney, Supreme Court Justice Jules Deschênes opened the Commission of Inquiry on War Criminals in 1985.¹¹⁴ This was the first proactive step in forty years to address the presence of Nazi war criminals in Canada. In *Justice Delayed*, Matas writes that, “The purpose of the hearings was to determine whether there were any war criminals currently living in Canada, to find out how they entered, and to ascertain what legal remedies were

¹¹¹ “Prosecutions of war criminals moving at ‘snail’s pace,’” *The Jewish Post & News*, March 25, 1993, A3, <https://news.google.com/newspapers?nid=1812&dat=19930325&id=A-FOAAAIBAJ&sjid=EUwDAAAIBAJ&pg=2300,1445096&hl=en> (accessed May 24, 2015).

¹¹² Matas, *Nazi War Criminals in Canada*, 1-2.

¹¹³ *CTV W5*, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30.

¹¹⁴ Matas, *Justice Delayed*, 13. In chapters 8 and 9 of *Justice Delayed*, Matas describes how Canada’s changing political landscape – the end of the Trudeau Liberal leadership and the federal election of Brian Mulroney’s Progressive Conservatives – influenced the decision to open the Commission of Inquiry on War Criminals.

available to deal with them.”¹¹⁵ The Commission and the subsequent *Deschênes Report* led to the 1987 amendment of the Criminal Code, which made war crimes and crimes against humanity punishable offenses in Canada. It also named 774 potential Nazi war criminals and collaborators living in Canada, and it recommended, “immediate action against twenty suspects and advised the government to carry out investigations on 218 others.”¹¹⁶ Decades of silence and a lack of political will to see former Nazis and collaborators prosecuted for war crimes, dictated how Imre Finta, and his fellow Nazi war criminals, were dealt with in Canada.



Imre Finta, c. 1987¹¹⁷

Cold War politics were not the only obstacle to work their way into the courtroom. Media portrayals and social perceptions of who Imre Finta was as a Canadian citizen played an important role in the court’s decision not to convict. Finta was not a monster. On the contrary, the photograph above shows that he was an ordinary, elderly, middle-class, white man. Finta’s ordinary image dominated the media coverage of his case, and later became an obstacle for the prosecution and an undeniable asset for the

¹¹⁵ Matas, *Justice Delayed*, 14.

¹¹⁶ *Ibid.*, 209.

¹¹⁷ James McCready, “Imre Finta, 1912-2003: ‘The lord of life and death,’” *The Globe and Mail*, January 14, 2004, R7.

defense. He appears to be a kindly grandfather, and nothing in the photographs of Finta as an old man suggest that he would ever be capable of committing any crime, let alone violently kidnapping, ghettoizing, and deporting 8,617 Hungarian Jews. A gender analysis of television and newspaper coverage of the Finta case reveals that contradictory notions of masculinity, particularly as they pertain to criminality, are a leading factor in Canada's handling of Nazi war criminal cases.

In the media's coverage of former Nazis and collaborators, their masculinity and manhood are not discussed in any articles or reports, instead, they are simply characterized as "old men." The lack of attention paid to their gender or image could reflect the fact that masculinity is so normalized that it does not require discussion. Sociologist Edward H. Thompson Jr. supports the normalized conceptualization of masculinity, asserting that, "relatively little attention has been paid to later life masculinities."¹¹⁸ Although masculinity often foregoes discussion, it plays an important role in framing legal and social history, therefore, it is important to understand how masculinity is understood in the law and society. Miranda Alison argues that the law is "underpinned by masculinist assumptions."¹¹⁹ Conversely, A.A. Fleming contends that, "Older men have been categorized as 'invisible men' in contemporary society."¹²⁰ Based on these conflicting arguments, our conceptualization of the old man's place in law and society is paradoxical. While masculinity is "defined as that which [is] powerful," studies have shown that elderly men are perceived by society as having diminished

¹¹⁸ Thompson, "Images of Old Men's Masculinity," 633.

¹¹⁹ Miranda Alison, "Wartime Sexual Violence: Women's Human Rights and Questions of Masculinity," *Review of International Studies*, vol. 33, no.1 (January 2007): 82, <http://www.jstor.org/stable/20097951> (accessed March 22, 2015).

¹²⁰ Fleming, "Older men in contemporary discourses," 4.

masculinity.¹²¹ Essentially, old men are both powerful because they are men, and invisible and weak because they are old. This paradox becomes exceedingly important when the “old man” is charged with war crimes. By analyzing the portrayal of former Nazis and Nazi collaborators in the media, by juxtaposing notions of their elderly masculinity with notions of Holocaust perpetrator masculinity, and by conceptualizing the transition from perpetrator to immigrant to old man, we can begin to understand how social norms shaped how Imre Finta and his fellow Nazi war criminals were dealt with in Canada.



Imre Finta's House, c. 1990¹²²

By the time the accusations against Finta were picked up by the media, he was 71 years old. In all of the subsequent media coverage, Finta is most often characterized as, simply, an “old man.” In the first television coverage of his case, the 1983 CTV *W5* investigative report, the narrator begins by saying, “In a comfortable bungalow in suburban Toronto [shown above], Imre Finta lives on his Canadian old age pension.”¹²³

¹²¹ Dummit, *The Manly Modern*, 16-17; See Fleming, “Older men in contemporary discourses on ageing: absent bodies and invisible lives,” 3-8; Edward H. Thompson Jr. “Images of Old Men's Masculinity: Still a Man?,” 833-648.

¹²² Paul Moloney, “Finta Acquitted of War Crimes: Theatrical charmer sought fame as gendarme and in everyday life,” *The Toronto Star*, May 26, 1990, A13.

¹²³ CTV *W5*, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30.

He was retired and he lived in the regular, inconspicuous house. Without stating it outright, the media conveys that he could be any old man. In fact, almost identical descriptions were also used in the media's characterization of other former Nazis living in Canada. When Michael Pawlowski was charged with the 1942 murder of 490 Byelorussians, *The Toronto Star* reported that he "lived in his bungalow on the quiet street for some 23 years," and that he was "the ideal neighbour" who is "very low-profile."¹²⁴ Similarly, *The Record's* coverage of the Helmut Oberlander case included that, "His two-storey house, at the end of a quiet cul-de-sac, is spacious and pleasant, but not showy."¹²⁵ Based on these descriptions, Finta, Pawlowski, and Oberlander are almost interchangeable, both with each other, and with any other elderly Canadian man. This notion of unassuming ordinariness aligns with Fleming's "invisible man" argument, because without knowing about the accusations against Finta, he would not be given a second thought.

The unassuming image of the old man is given even more weight when he is portrayed not only as elderly, but also as ill or weak. Illness played a very important role in the coverage of the Finta trial, as Finta repeatedly had his health featured in the newspapers. A *Globe and Mail* article from December 19, 1987, titled "Court excuses Finta from hearing" described his illness. The newspaper claimed that, "Mr. Finta suffers

¹²⁴ Tim Harper, "Accused 'real shy guy' who loves gardening," *The Toronto Star*, December 19, 1989, A24, <https://secure.pqarchiver.com/thestar/doc/436086222.html?FMT=FT&FMTS=ABS:FT&type=current&date=Dec+19,+1989&author=Tim+Harper+Toronto+Star&pub=Toronto+Star&desc=Accused+%27real+shy+guy%27+who+loves+gardening> (accessed January 20, 2015).

¹²⁵ Tony Reinhart, "'I will fight this case until death': Waterloo man faces deportation over links to Nazi killing unit," *The Record*, May 6, 2000, A1, <http://pqasb.pqarchiver.com/therecord/doc/266885732.html?FMT=ABS&FMTS=ABS:FT&date=May+6%2C+2000&author=Reinhart%2C+Tony&pub=The+Record&edition=&startpage=&desc=%27I+will+fight+this+case+until+death%27%3B+Waterloo+man+faces+deportation+over+links+to+Nazi+killing+unit> (accessed October 10, 2015).

from a heart ailment and internal bleeding and was finding it difficult to sit through the long legal arguments ‘which he doesn’t really understand.’”¹²⁶ Interestingly, the article does not mention the illness or weakness experienced by the 8,617 people who were ghettoized in Szeged before being deported to Auschwitz and Strasshof. The media focus on Finta’s ailing health is supported by the fact that newspaper coverage of the trial paid overwhelming attention to Finta’s lawyer, Douglas Christie, who spent a great deal of time focusing on Finta’s age and health. Almost twice as many of the newspaper report headlines during the trial mentioned Christie’s defense over the prosecution. A report written shortly before the end of the trial in May 1990 quotes Christie telling the jury that, “If they acquit Mr. Finta ‘the war will be over.’ If they don’t, ‘the war will go on for a lot of tired old men who are too weak and sick to defend themselves.”¹²⁷ Again, Finta is represented as old and sick, while Christie demands sympathy for the men accused of committing war crimes. Finta was not the only former Nazi to have his health commented on in the media. In its coverage of the Pawlowski case, *The Globe and Mail* reported that Pawlowski “watched the proceedings in the Ottawa courtroom through half-closed eyes; he walked haltingly and stooped slightly...” and it quoted his lawyer telling reporters, “He isn’t feeling well, I don’t think he is well. He’s a diabetic.”¹²⁸

¹²⁶ Rudy Platiel, “Court Excuses Ailing Finta from hearing,” *The Globe and Mail*, June 8, 1989, C15,
<http://moxy.eclibrary.ca/login?url=http://search.proquest.com/docview/1237721791?accountid=12792> (accessed February 22, 2015).

¹²⁷ Rudy Platiel, “Declare war over by acquitting Finta, Christie urges jury,” *The Globe and Mail* (May 9, 1990), A9,
<http://moxy.eclibrary.ca/login?url=http://search.proquest.com/docview/1151345365?accountid=12792> (accessed February 22, 2015).

¹²⁸ Mary Gooderham, “Man charged under war crimes law freed on bail,” *The Globe and Mail*, December 20, 1989, A12,
<http://search.proquest.com.roxy.nipissingu.ca/hnpglobeandmail/docview/1237206253/614D629139434006PQ/45?accountid=12792> (accessed November 22, 2014).

The Globe and Mail also reported that the “grey-haired” Stephen Reistetter, “was wearing hearing aids in both ears” when he was arrested for the 1942 kidnapping of 3000 Slovak Jews.¹²⁹ The comment that Nazi war criminals are “too weak and sick to defend themselves” draws false parallels between the perpetrators and victims of the Holocaust. Illness and weakness elicit sympathy because, as the Thompson study demonstrates, there is an “association of an old man with death.”¹³⁰ The media focus on Finta’s health is consistent with the findings of Fleming’s article, which contends that, “the images of older men in contemporary society are fundamentally shaped through the pervasive effects of ageism.”¹³¹ The older man, regardless of how strong he was in his youth, is imagined as weak and non-threatening, so instead of wanting to see him prosecuted for war crimes he committed in his youth, the public feeling is that he should be left alone as an old man. As former Nazis and Nazi collaborators age, the likelihood that they will get away with the war crimes they committed as young men, increases. This exact sentiment was offered a few years before the Finta trial by a cameraman who worked on the Rauca coverage; He asked: “The old codger is how old? Seventy-three? Why not let him die on his own? What’s the point of prosecuting him?”¹³² Essentially, when the war criminal is old, the desire to see him prosecuted diminishes.

The pervasive effects of ageism and illness also influence the image of the old man by feminizing him. Thompson explains that due to the effects of aging, the “old

¹²⁹ Donn Downey, “Judge sets \$100,000 bail for war-crimes accused,” *The Globe and Mail*, January 20, 1990, A11, <http://search.proquest.com.roxy.nipissingu.ca/hnpglobeandmail/docview/1149656521/fulltextPDF/B9A35C9170A34191PQ/1?accountid=12792> (accessed January 6, 2016).

¹³⁰ Thompson, “Images of Old Men’s Masculinity,” 637.

¹³¹ Fleming, “Older Men in Contemporary Discourses,” 5.

¹³² Littman, *War Criminal on Trial*, xi.

man” could be seen as “a woman as much as a man.”¹³³ If elderly war criminals are emasculated, then they challenge what Miranda Alison calls the “male-perpetrator/female-victim binary.”¹³⁴ In a hegemonic masculine society, there is an association between masculinity and perpetration. Indeed, this is supported by the fact that the overwhelming majority of the violence committed during the Holocaust was at the hands of male perpetrators. Focusing on Holocaust perpetrators, Stephen R. Haynes explains that, “in the language of perpetrators at every level of the ‘Final Solution’, maleness is consistently defined against what is ‘soft’ and emotional,” which are typically regarded as feminine traits.¹³⁵ However, if the media’s portrayal of elderly former Nazis feminizes them, then people begin to see them, less as the ‘male-perpetrator’ and more as the ‘female-victim.’ Ultimately, Finta’s trial could then be misunderstood as persecuting a feminized old man instead of prosecuting a virile and young war criminal, which Finta was when he committed his crimes.

On May 25, 1990, *CBC News* reported that Imre Finta had been found not guilty of all charges.¹³⁶ The report began, “It took more than forty years for the case to come to trial, but the jury needed less than twelve hours to come to a verdict.”¹³⁷ This commentary speaks to Canada’s position on Nazi war criminals, because after forty years of silence, it took the jury of twelve ordinary Canadians less than twelve hours of deliberation before acquitting Finta of all charges. This sentiment is similarly found in

¹³³ Thompson, “Images of Old Men’s Masculinity,” 634.

¹³⁴ Alison, “Wartime Sexual Violence,” 89.

¹³⁵ Haynes, “Ordinary Masculinity,” 148.

¹³⁶ *CBC News*, “Imre Finta: Not Guilty of War Crimes.” CBC Digital Archives – Fleeing Justice: War Criminals in Canada, May 25, 1990, 2:46, <http://www.cbc.ca/archives/categories/war-conflict/war-crimes/fleeing-justice-war-criminals-in-canada/imre-finta-not-guilty.html> (accessed December 28, 2014).

¹³⁷ *CBC New*, “Imre Finta: Not Guilty of War Crimes,” CBC Digital Archives – Fleeing Justice: War Criminals in Canada, May 25, 1990, 2:46.

Finta's post-trial statement, "This verdict is Canada."¹³⁸ Finta is suggesting that Canadians do not wrongfully convict. Arguably, this case study reveals that, in fact, Canadians do not actively pursue the prosecution and conviction of little old men, especially decades after the crimes were committed. Interestingly, there is no mention of Finta's age or health in this *CBC* report, just a reminder that he was once a successful restaurant owner. Weakness and illness ceased to be featured in the media's characterization of Finta, and the old, sickly man, who could barely sit for the trial, disappeared as soon as the jury acquitted him.

The media coverage of Finta consistently focused on images of who he was at the time of his arrest, an old man. These images of Finta as grey-haired, hunched over, and occasionally walking with a cane, led media consumers to make assumptions regarding his illness and weakness. Moreover, the persistent image of the "old man" problematizes the fact that the crimes that Finta committed occurred when he was a healthy, strong young man in his early thirties. This suggests that the masculine image that is most often portrayed in the newspapers and television reports does not reflect the masculine identity of the individual who committed the crime at the time when the crime was committed. The only time the media portrays the wartime image of the perpetrator is when it includes survivors' testimonies. When survivors talk about Finta, they talk about how he behaved during the Holocaust, not during the trial. For example, a *Globe and Mail* article from 1990 describes Finta as the "elderly accused" who spent most of his time in court "with his eyes closed, listening to the translation of testimony

¹³⁸ *CBC News*, "Imre Finta: Not Guilty of War Crimes." CBC Digital Archives – Fleeing Justice: War Criminals in Canada, May 25, 1990, 2:46.

on his earphones.”¹³⁹ This characterization of Finta as elderly and benign is typical of the trial’s media coverage.

When the article mentions a seventy-three year old survivor recalling that Finta “called us whores, Jewish whores,” his old man identity becomes problematized by a war criminal identity.¹⁴⁰ In fact, the media’s portrayal of Finta completely changes when survivors are given a platform to voice their memories of him. The survivors’ portrayals of Finta are characteristic of a much more violent, hyper-masculine individual than the retired restaurateur. Thompson explains that, “The old man [is] perceived as significantly less masculine when compared to a younger man.”¹⁴¹ Kathleen Canning also explains that within the context of the Second World War, fascist institutions like the Nazi party and the Hungarian Arrow Cross revitalized “an authoritarian and violent masculinity.”¹⁴² If we can ascribe these notions of violent masculinity to Finta then it is easier to imagine him as a perpetrator.

An interesting example of the tension between the ways that the media portrays former Nazis versus the ways that Holocaust survivors view their perpetrators is seen in the opening of the 1983 *W5* report on Imre Finta. In an interview between a *CTV* journalist and Shoshanna Halmos, a survivor of the Szegeged ghetto, the interviewer begins their discussion by saying, “Mr. Finta says that...” but before he can finish his

¹³⁹ “Two sharply conflicting portraits were painted in court descriptions,” *The Globe and Mail*, May 26, 1990, A13.

¹⁴⁰ “Two sharply conflicting portraits were painted in court descriptions,” *The Globe and Mail*, May 26, 1990, A13.

¹⁴¹ Thompson, “Images of Old Men’s Masculinity,” 646.

¹⁴² Kathleen Canning, *Gender History in Practice: Historical Perspectives on Bodies, Class, and Citizenship* (Ithaca: Cornell University Press, 2006), 48.

statement, the survivor cuts him off, asking, “Mr. Finta?”¹⁴³ The journalist rephrases, stating, “Imre Finta,” and the survivor replies with a grunt. This short interaction is fascinating because it reveals the unconscious respect that the journalist has for Finta by addressing him as “Mr. Finta” and the obvious annoyance that the survivor has for the respectful portrayal of the man who put her on a train bound for Auschwitz. She recognizes and remembers Finta as the man he was in 1944, not as the man he was in 1983. The challenge that the CTV journalist, survivor Shoshanna Halmos, and Canadians faced is coming to terms with the fact that he is both a former Nazi collaborator and an elderly Canadian man.

One of the main problems with this binary of masculinity is that the old man is the one in the courtroom, in the newspaper, and on television. As such, the Canadian public is more familiar with the little old man as opposed to the violent war criminal. It is difficult to imagine the old man committing extraordinary violence, so in turn, the desire to see him prosecuted or convicted is diminished, and Canadians start asking: Can’t we just leave him to die on his own? Hasn’t he been through enough?

Cold War politics and the perception of the “little old man” stalled war crimes proceedings and weakened the desire to see Finta, and other former Nazis, prosecuted and convicted. But in December 1987, three months after war crimes legislation was passed, Imre Finta was arrested while he was boarding a bus to Buffalo, New York.¹⁴⁴ He was charged under the *Criminal Code*, R.S.C. 1927, with the “unlawful confinement,

¹⁴³ CTV W5, “Imre Finta: Toronto Immigrant Alleged to be a War Criminal,” March 4, 1983, 18:30; Szeged, located in southern Hungary near the borders of Romania and Serbia, is one of Hungary’s largest cities. The ghetto, which housed 8617 Jews, was liquidated on June 16-17, 1944.

¹⁴⁴ CBC *The National*, “Imre Finta Charged with War Crimes,” CBC Digital Archives – Fleeing Justice: War Criminals in Canada, December 10, 1987, 2:28.

robbery, kidnapping and manslaughter of the victims of Szeged.”¹⁴⁵ Each of the four charges was counted twice – once as a war crime and once as a crime against humanity. The prosecution had expert witnesses and nineteen survivors willing to testify against Finta.¹⁴⁶ Moreover, Finta himself never denied that he was an officer in the Szeged ghetto – rather he claimed that he had never hurt anyone. Overall, the Crown had a strong case; it never would have gone to trial otherwise. But unfortunately, the trial proceedings were derailed by questions regarding the validity of the war crimes legislation, and unanticipated evidence-related issues that were the result of the defense counsel’s antisemitic conduct by Doug Christie, Finta’s lawyer and a member of the Institute for Historical Review (IHR) – a Holocaust Denial group located in California.¹⁴⁷ After close to forty years and despite numerous political and social hurdles, Finta was on trial, but legal impediments became an insurmountable obstacle to conviction.¹⁴⁸

Courtroom Challenges

A key problem with the Finta trial was the question of the war crimes law itself. Stephan Landsman argues that because the trial jury in the Finta case was made up of “twelve ordinary Canadian citizens rather than a jurist or panel of judges trained in the

¹⁴⁵ *R. v. Finta*, 1994, 1 SCR 701, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1124/index.do> (accessed November 12, 2014).

¹⁴⁶ *R. v. Finta*, 1994, 1 SCR 701.

¹⁴⁷ Jamie Polesky, “Armchair Antisemites: A History of the Institute for Historical Review,” (Nipissing University, 2015).

¹⁴⁸ The trial has previously been dissected and analyzed at length by David Matas and Stephan Landsman. My legal analysis builds on their work by focusing on the more political and social elements of the trial, particularly the role of Holocaust denial. For more information on the legal intricacies of the trial see Matas, *Nazi War Criminals in Canada – Five Years After*, 1992; Stephan Landsman, *Crimes of the Holocaust: The Law Confronts Hard Cases*, 2005.

law” – as had been the case in the Nuremberg trials and the Eichmann trial – the “propriety of the underlying law [became] more of a controversial issue.”¹⁴⁹ Arguably the complexity and the newness of the law detracted from the jury’s understanding of it. Landsman continues that, “the prosecution’s failure to realize that the jury had to be persuaded of the justice and importance of the new law proved fatal to its case, for jurors’ doubts about the framework underlying the trial undermined their willingness to convict.”¹⁵⁰ Meanwhile, the Defense took every opportunity to undermine the new legislation. In fact, Christie motioned to have the war crimes and crimes against humanity law struck down, as he called it a “convoluted and diabolically twisted piece of legislation.”¹⁵¹ He claimed that the law “violates the Charter of Rights and Freedoms,” because he argued that it “discriminates on the basis of national origin because it targets the actions of citizens in countries formerly at war with Canada, but not Canada’s allies.”¹⁵² He was trying to suggest that Finta was being unfairly targeted with vengeful legislation because he was Hungarian, and Hungary had been a World War II enemy of Canada. By arguing that Finta was targeted with the war crimes legislation and made to stand trial, Christie positioned Finta as a victim of the court. He contended that they were unfairly persecuting an old man instead of prosecuting a war criminal. Ultimately, the judge denied Christie’s motion, but that does not mean that the jury of eight women and four men was not swayed by his argument.

¹⁴⁹ Landsman, *Crimes of the Holocaust*, 181.

¹⁵⁰ *Ibid.*, 185.

¹⁵¹ Rudy Platiel, “Declare war over by acquitting Finta, Christie urges jury,” *The Globe and Mail*, May 9, 1990, A9.

¹⁵² Rudy Platiel, “Court excuses ailing Finta from hearing,” *The Globe and Mail*, June 8, 1989, C15.

In addition to the difficulty that the court had in navigating the new war crimes legislation, the Finta trial was derailed by the questionable conduct of Douglas Christie. Known for defending Holocaust deniers, Ernst Zündel and James Keegstra, Christie was himself a Holocaust denier.¹⁵³ Holocaust denial became a significant issue immediately prior to the Finta trial, with the Israeli war crimes trial of Ukrainian-American John Demjanjuk, a former Soviet POW who volunteered to be a guard at the Treblinka death camp.¹⁵⁴ The 1974 publication of Ernst Zündel's pamphlet, "Did Six Million Really Die?" and the creation of the Institute for Historical Review in 1978, represent the spread of Holocaust denial and the proliferation of antisemitic literature decades after the Holocaust. Vera Ranki explains that, "Holocaust deniers claim that no crime has been committed," which in turn suggests that, "our understanding of the Holocaust...(is) an abstract concept, an interpretation."¹⁵⁵ Lawrence Douglas argues that the Demjanjuk trial was "a repudiation of the hateful arguments of Holocaust deniers," and was "a response to those who wish to rewrite history."¹⁵⁶ However, the trial encouraged Holocaust deniers by "volatizing memory," exposing minor inconsistencies in survivor testimonies and then extrapolating to question and doubt all elements of the history of the Holocaust. By the time Finta went to trial, the culture of Holocaust denial had infiltrated his case. David Matas explains that, "The Crown in the Finta case came prepared to fight one battle, to present the evidence and law necessary to get a

¹⁵³ For more information on Christie's other cases see: Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001).

¹⁵⁴ Douglas, *The Memory of Judgment*, 186.

¹⁵⁵ Vera Ranki, "Holocaust History and the Law: Recent Trials, Emerging Theories," *Cardoza Studies in Law and Literature*, vol. 9, no. 1, Boalt Hall: Law and Literature Symposium Part 2 (Spring-Summer, 1997): 22, 26-27, <http://www.jstor.org/stable/743405> (accessed October 9, 2014).

¹⁵⁶ Douglas, *The Memory of Judgment*, 187, 207.

conviction. But, as it turned out, there was a second battle to be fought, for which the Crown was totally unprepared, the battle to use the courtroom as a forum for anti-Semitic hate propaganda.”¹⁵⁷ Christie manipulated the inconsistencies between the survivors’ memories and the experts’ testimonies to deny the universality of the Holocaust and the Holocaust as historical fact. Christie made the trial about questioning the crime itself instead of questioning the culpability of the defendant. Basically, instead of questioning whether Finta was guilty, Canadians started to question whether a crime even happened in the first place. Holocaust denial played a prominent role in Christie’s handling of survivors’ and expert witness’ testimonies.

The notable deciding factor in the Finta case was the question of reliable evidence, and whether survivor testimony and the testimony of expert witnesses was enough to prove, beyond a reasonable doubt, that he was guilty of war crimes. Throughout the trial Christie repeatedly accused the Holocaust survivors who testified of being vengeful or greedy, suggesting that they were being paid to testify against Finta not because Finta had done anything wrong. While questioning survivor Wolfgang Scheffler, Christie explained: “It is my intention to suggest that there is a motive on the part of many people who are Zionists to exaggerate the Holocaust to inflate their claims for reparations.”¹⁵⁸ Christie also suggested that because expert witness Randolph Braham, the leading historian on the Holocaust in Hungary, was Jewish, he was biased in believing that the Holocaust even happened. Christie made the Holocaust’s existence a point of opinion instead of historical fact, thereby questioning the validity of the witness’s testimonies and of the Holocaust itself. Even though nineteen survivors

¹⁵⁷ Matas, *Nazi War Criminals in Canada*, 15.

¹⁵⁸ *Ibid.*, 10.

testified that Finta helped ghettoize and deport them from the Szeged ghetto, their testimonies were deemed insufficient evidence for a conviction. Finta's acquittal set a precedent for such a high standard of proof that as the war crimes unit produced cases for possible prosecution, Justice Minister Allan Rock recommended that the cases be held for further investigation or forwarded to the Ministry of Immigration for possible deportation proceedings.¹⁵⁹ By 1995, all Nazi war crimes investigations for the purpose of criminal trials ended. The court's response to evidentiary testimony was the nail in the coffin for Nazi war crimes prosecutions in Canada.

For months the prosecution presented its case, but when it came time for the defense to present its argument, Christie reportedly "surprised both the prosecution and Mr. Justice Archie Campbell" by declining to present any evidence.¹⁶⁰ Christie said that, "there was no need to call Mr. Finta to testify," and then in one of his most absurd comments of the entire trial, he compared Finta to Jesus as he read a chapter from the New Testament "in which Jesus Christ refused to reply to the charges against him."¹⁶¹ Finta, according to Christie, was being persecuted like Jesus. If this equivalence was not enough, Christie also told the jury, "You had better have moral certainty if you are to convict, because if somebody 45 years from now puts you on trial in another country for persecuting Imre Finta and that country might be as hostile to Jews as we are to Nazis,

¹⁵⁹ For more information on the transition from Nazi war crimes prosecutions to denaturalization and deportation proceedings see *War Criminals: The Deschênes Commission*, Prepared by Grant Purves, Political and Social Affairs Division (Library of Parliament: Parliamentary Research Branch, revised 16 October 1998), online.

¹⁶⁰ Rudy Platiel, "Defence declines to call any evidence in Imre Finta case," *The Globe and Mail*, April 18, 1990, A12, <http://search.proquest.com.roxy.nipissingu.ca/hnpglobeandmail/docview/1151348838/35EAE4F903B64F77PQ/1?accountid=12792> (accessed May 1, 2015).

¹⁶¹ Rudy Platiel, "Declare war over by acquitting Finta, Christie urges jury," *The Globe and Mail*, May 9, 1990, A9.

who would you be calling? Don't call me."¹⁶² Not only did Christie equate Finta with Jesus, but he also equated the trial against Finta with the Nazi persecution of the Jews. After the Crown and the Defense gave their closing remarks, it was up to the jury to make their decision. On May 25, 1990, *CBC News* reported that Imre Finta had been found not guilty, acquitting him on all eight war crimes and crimes against humanity charges. Holocaust survivor testimonies, and Finta's own admission that he was an officer in Szeged, were deemed insufficient evidence to convict a Holocaust perpetrator.

Almost immediately after Finta's acquittal, the Crown appealed the court's decision to the Supreme Court of Ontario (SCO). The SCO deliberated for fifteen months before ruling to uphold the acquittal in a narrow 3-2 decision.¹⁶³ Despite their decision, the Supreme Court Justices agreed that Christie's remarks were "improper in the extreme" and "tainted the trial."¹⁶⁴ Unsatisfied with the decision, the Crown then appealed to the Supreme Court of Canada (SCC). In addition to the numerous counts of appeal based on Christie's conduct, the Crown also appealed the validity of the 'superior orders' defense, which deemed that although Finta participated in the ghettoization and deportation of Hungarian Jews, he would not be held responsible because the orders came down the chain of command. The Finta trial was one of the only Nazi war crimes trials to allow this defense. The Parliamentary Research Branch's revised edition of the *Deschênes Report* offers the SCC's rationale for allowing the 'superior orders defense.' It states,

¹⁶² Matas, *Nazi War Crimes Trials*, 3.

¹⁶³ Rudy Platiel, "Court upholds Finta acquittal of war crimes charges," *The Globe and Mail*, April 30, 1992, A8, <http://moxy.eclibrary.ca/login?url=http://search.proquest.com/docview/1151513079?accountid=12792> (accessed February 22, 2015).

¹⁶⁴ Rudy Platiel, "Court upholds Finta acquittal of war crimes charges," *The Globe and Mail*, April 30, 1992, A8.

The rationale for these defenses is that a realistic assessment of police or military organizations requires an element of simple obedience and some degree of accommodation to those who are members of such bodies. Essentially, obedience to a superior order provides a valid defense unless the act is so outrageous as to be manifestly unlawful. Further, an accused will not be convicted of an act committed as a result of an order that he or she had no moral choice but to obey.¹⁶⁵

By allowing this rationale, the SCC determined that Finta's war crimes were not "manifestly unlawful." Moreover, it suggests that he had "no moral choice but to obey."¹⁶⁶ Ultimately, this rationale is incredibly problematic and has been widely criticized by legal experts, Holocaust historians, and Jewish groups. Nevertheless, on March 24, 1994, the Supreme Court of Canada upheld the acquittal of Imre Finta in a 4-3 decision.¹⁶⁷ The Finta trial was officially over. He was, by law, an innocent man.

After the Finta trial, attempts to prosecute Nazi war criminals were futile as the amount of evidence required to convict became too high. In fact, only three other former Nazis and Nazi collaborators were charged with war crimes in Canada and all three cases were stayed before they went to trial.¹⁶⁸ Landsman contends that after the Supreme Court upheld Finta's acquittal, "Canada retreated from its courageous stance on prosecuting genocidal crimes and turned back to civil denaturalization and

¹⁶⁵ *War Criminals: The Deschênes Commission*, Prepared by Grant Purves, Political and Social Affairs Division (Library of Parliament: Parliamentary Research Branch, Revised 16 October 1998), online.

¹⁶⁶ *War Criminals: The Deschênes Commission*, Prepared by Grant Purves, Political and Social Affairs Division (Library of Parliament: Parliamentary Research Branch, Revised 16 October 1998), online.

¹⁶⁷ *War Criminals: The Deschênes Commission*, Prepared by Grant Purves, Political and Social Affairs Division (Library of Parliament: Parliamentary Research Branch, Revised 16 October 1998), online.

¹⁶⁸ Only three other former Nazis were charged with war crimes in Canada: Michael Pawlowski in 1989; Stephen Reistetter in 1990; and Radislav Grujicic in 1992. Pawlowski's case was dropped because the Judge refused to allow the prosecution to go to the Soviet Union to collect evidence. Reistetter's case was stayed after a witness died. Grujicic's case was stayed because of his ill health. For more information on these cases see *War Criminals: The Deschênes Commission*, Prepared by Grant Purves, Political and Social Affairs Division (Library of Parliament: Parliamentary Research Branch, revised 16 October 1998), online.

deportation proceedings. The government's defeat in the Finta case undermined efforts to bring Holocaust perpetrators to justice."¹⁶⁹ The progress regarding the criminal prosecution of former Nazis and collaborators that had been made following the Deschênes Commission quickly became undone as the government stopped prosecuting Nazi war criminals living in Canada. Furthermore, the 1993 federal election resulted in a Liberal government that had a much more relaxed stance on the prosecution of Nazi war criminals than the previous Conservative government. In fact, on January 31, 1995, the Supreme Court of Canada decided to stop further Nazi war crimes prosecutions under the *Criminal Code*, to instead focus on deporting alleged war criminals who lied about their backgrounds in order to enter Canada.¹⁷⁰ This is problematic because it demonstrates that the Canadian government favours using civil immigration law over criminal law when dealing with Nazi war criminals. In fact, the decision to denaturalize and deport Nazi war criminals has been criticized as a "not-in-my-backyard" policy.¹⁷¹

Twenty years since the Canadian government retreated from Nazi war crimes prosecutions, the issues with denaturalization and deportation proceedings can be seen in the cases of Helmut Oberlander and Vladimir Katriuk. During the Second World War Oberlander was a member of *Einsatzkommando 10a*, a sub-unit of Einsatzgruppen D,

¹⁶⁹ Landsman, *Crimes of the Holocaust*, 173.

¹⁷⁰ Department of Justice and Department of Citizenship and Immigration, *Canada's War Crimes Program Annual Report, 1997-1998* (July 21, 1998), http://epe.lacbac.gc.ca/100/202/301/can_war_crimes_public_report/1998/english/war1998.html (accessed January 24, 2015).

¹⁷¹ Menno T. Kamminga, "Lessons Learned from the Exercise of Universal Jurisdiction in Respect of Gross Human Rights Offenses," *Human Rights Quarterly*, Vol. 23, No. 4 (November 2001): 968, <http://www.jstor.org/stable/4489367> (accessed October 9, 2014).

which was responsible for the murder of 90,000 Jews in the Ukraine and Crimea.¹⁷² Oberlander immigrated to Canada in 1954, receiving his Canadian citizenship in 1960. In 2012, Oberlander was stripped of his citizenship, not because he committed war crimes, but because he may have lied about his wartime record on his immigration papers.¹⁷³ After Finta's acquittal and the decision to stop war crimes prosecutions, the Canadian government used the civil courts to charge Nazi war criminals with violating immigration laws when they came to Canada. However, despite the standing deportation order, Helmut Oberlander still lives in Waterloo.¹⁷⁴ Similarly, Katriuk was a volunteer member of *Schutzmannschaft* Battalion 118, which carried-out numerous *Aktions* in Byelorussia, including the infamous Khatyn massacre.¹⁷⁵ On March 22, 1943, 149 Byelorussian Jews, Communists, and partisans were burned alive in a barn, while Katriuk "lay behind a stationary machine gun, firing rounds on anyone attempting to escape the flames."¹⁷⁶ Katriuk immigrated to Canada with his wife in August 1951, and he was granted his Canadian citizenship in 1958.¹⁷⁷ Because the War Crimes Unit pursued the Katriuk case after the decision was made to stop Nazi war crimes

¹⁷² *Oberlander v. Canada (Attorney General)*, 2009 FCA 330 (CanLII), <http://www.canlii.org/en/ca/fca/doc/2009/2009fca330/2009fca330.html?searchUrlHash=AAAAQAKb2JlcmxhbmRlcmgAAAAAB> (accessed May 27, 2015).

¹⁷³ *Oberlander v. Canada (Attorney General)*, 2009 FCA 330 (CanLII); This was actually the second time Oberlander had his Canadian citizenship revoked. In 2007 it was revoked and then reinstated a year later.

¹⁷⁴ Jeff Outhit, "Helmut Oberlander prosecution enters third decade," *Waterloo Region Record*, January 27, 2015 <http://www.therecord.com/news-story/5276980-helmut-oberlander-prosecution-enters-third-decade/> (accessed May 20, 2015).

¹⁷⁵ Pers Anders Rudling, "The Khatyn Massacre in Belorussia: A Historical Controversy Revisited," *Holocaust and Genocide Studies*, vol. 26, no. 1 (April 2012): 34-35, http://journals2.scholarsportal.info.roxy.nipissingu.ca/pdf/87566583/v26i0001/29_tkmibahcr.xml (accessed June 17, 2015).

¹⁷⁶ Rudling, "The Khatyn Massacre in Belorussia," 39.

¹⁷⁷ Tu Thanh Ha, "Alleged Nazi war criminal died two weeks after Russia sought extradition," *The Globe and Mail*, May 29, 2015, <http://www.theglobeandmail.com/news/national/vladimir-katriuk-died-two-weeks-after-russia-sought-extradition/article24707200/> (accessed June 17, 2015).

prosecutions, the Canadian government sought to deal with his immigration violations instead of his war crimes. A 1999 Federal Court ruling found that Katriuk had entered Canada under a false name, but his deportation case was dropped in 2007 due to evidentiary issues, possibly related to the government's 1982 destruction of immigration files. Since 2012, he retained the second spot on the SWC's list of "Most Wanted Nazis" and on May 8, 2015 Canada received an extradition request for Katriuk from Russia.¹⁷⁸ Two weeks later, on May 22, 2015, 93-year-old Katriuk died of a stroke in a hospital near his farm in Ormstown, Quebec.¹⁷⁹ Katriuk never faced any legal ramifications, and Oberlander remains in Waterloo despite a standing deportation order; yet, both of these men were included in the SWC's 2015 list of top 10 "Most Wanted Nazi War Criminals."¹⁸⁰ The Oberlander and Katriuk cases represent that since the failure of the Finta trial, the Canadian government's policy of deporting former Nazis and collaborators who lied on their immigration forms has been an unreliable and often ineffective method of dealing with Nazi war criminals.

Conclusion

For over thirty years the Canadian government was silent on the presence of Nazi war criminals in Canada. During this time former Nazis and Nazi collaborators,

¹⁷⁸ Steven Chase, "Russia seeks extradition of alleged Nazi war criminal living in Quebec," *The Globe and Mail*, May 8, 2015, <http://www.theglobeandmail.com/news/politics/russia-seeks-extradition-of-ex-ukrainian-alleged-nazi-war-criminal/article24354223/> (accessed June 17, 2015).

¹⁷⁹ Tu Thanh Ha, "Alleged Nazi war criminal died two weeks after Russia sought extradition," *The Globe and Mail*, May 29, 2015.

¹⁸⁰ "Annual Status Report on the Worldwide Investigation and Prosecution of Nazi War Criminals," Simon Wiesenthal Center, 2015, <http://www.wiesenthal.com/site/apps/nlnet/content.aspx?c=IsKWLbPJLnF&b=8776547&ct=14583557> (accessed April 23, 2015). It should be noted that since the SWC's 2015 report was released, Vladimir Katriuk has died, never having gone to trial.

men like Imre Finta, Michael Pawlowski, Stephen Reistetter, László Csatóry, Helmut Oberlander, and Vladimir Katriuk made Canada their home. They worked hard to become upstanding Canadian citizens, which would largely overshadow their image as war criminals. Since the 1987 inclusion of war crimes and crimes against humanity in the *Criminal Code*, Canada has had the legal precedent to criminally charge former Nazis and Nazi collaborators and prosecute them as war criminals. Moreover, as a member of the International Criminal Court, Canada is also “party to international conventions that include the obligation to prosecute or extradite persons involved in specific types of atrocities, notably war crimes committed in international armed conflicts and genocide.”¹⁸¹ However, despite having the legislation and obligation to prosecute Nazi war criminals, in the seventy years since the Second World War, Canada has only prosecuted Imre Finta and that case resulted in an acquittal. Why?

The Imre Finta case demonstrates that in order for the law to work, the public has to want it to work. The law does not stand alone. Evidence is not enough to convict. The legal obligation to prosecute or deport can be ignored. Political and public will are necessary to carry out war crimes trials. But, as Matas notes, “when the accused is old, when he has been a quiet, friendly neighbour for decades, when the crime was committed a long time ago and far away in another country, when the victim is a stranger and a foreigner, there are many in Canada that (sic.) have little or no interest in prosecution.”¹⁸² Ultimately, the Cold War inaction, political stalling, and public indifference demonstrate that there is simply not the impetus in Canada to charge, try, and convict former Nazis and Nazi collaborators with war crimes.

¹⁸¹ Department of Justice, *Canada’s War Crimes Program Annual Report, 1997-1998* (July 21, 1998.)

¹⁸² Matas, *Nazi War Criminals in Canada*, 16.

In a 1988 letter to the editor of *The Globe and Mail* regarding the trial against Imre Finta, Bert Raphael of the Jewish Civil Rights Educational Foundation wrote, “Professor Irving Abella’s book on Canada’s abysmal record with regard to Jewish immigration in the 1940s was entitled *None is Too Many*. When a historian records Canada’s ultimate response to the recommendations to the Deschênes Commission, I hope the title of the book is not *One is Enough*.”¹⁸³ The Imre Finta case reveals that one may have in fact been too many. Legal, political, and social obstacles have resulted in a lack of public will to see Nazi war criminals prosecuted. Within a perfect storm of Cold War politics, skewed media portrayals, and courtroom dynamics, former Nazis and Nazi collaborators were seldom charged and never convicted in Canada for the murder of European Jews.

¹⁸³ Bert Raphael, “Nazis in Canada – Letter to the Editor,” *The Globe and Mail*, September 13, 1988, A6, <http://moxy.eclibrary.ca/login?url=http://search.proquest.com/docview/1238363530?accountid=12792> (accessed February 22, 2015).

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