The Legal Historian as Detective

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Abstract

Legal history is often depicted through evoking the metaphor of the magic mirror. This essay examines two series of detective novels by British author Sarah Caudwell and Israeli author Batya Gur which focus upon protagonists who themselves are legal historians and who deploy legal historical method. Caudwell's sleuth, an Oxford scholar, seeks to uncover the details of crimes by using textual analysis. Gur’s detective, on the other hand, places homicides in their context and solves these murders by detecting those social norms which are so critical to a closed society that their violation might lead to violence. By using these novels themselves as a mirror it is possible to probe the promise and limitations of legal historical method. If, as the metaphor of the magic mirror suggests, law mirrors society, legal history serves as a looking glass for legal norms, and the fictional cosmos constructed by Caudwell and Gur reflects in its glass legal historical method, what can we learn about legal history as a narrative technology? And what happens when—as is the case in the last novels of both mystery series—the methods collapse, and neither the technic of text nor context adequately captures the complexity of the past?

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How might legal historical method be deployed by fictional detectives solving homicides? And what does this tell us about the methodological possibilities and limitations inherent in the scholarly technologies of legal historians? This essay examines two mystery novel series, one British and one Israeli, whose protagonists are legal historians. Sarah Caudwell's Hilary Tamar and Batya Gur's Michael Ohayon are not the only fictional historian detectives. Nevertheless, the fact that they employ approaches to time radically at odds with each other provides a striking representation of two dissimilar historical approaches. Tamar is the master of the telling error embedded in text. Text’s microcosmic details capture the past—like amber trapping insects—providing a glimpse of criminal

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† Dorothy Sayer’s protagonist, Lord Peter Wimsey, received a first in history from Balliol College. Cyril Hare, An English Murder (1951), written by a British judge trained in history and law at Oxford, features a Jewish Central European émigré historian. Renowned French medieval historian Fred Vargas (Frédérique Audoin-Rouzeau) authored a series of romans policiers—or polars—about a threesome of underemployed historians inhabiting a ramshackle house in Paris: Débout les morts (1995), Un peu plus loin sur la droite (2000), and Sans feu ni lieu (2001).
shifting motives. Ohayon, alternatively, constructs historical narratives describing underlying tensions found in a crime’s particular social milieu. He views the historian’s role as dynamic excavation across a broad expanse of time—to uncover the structure of what historian and mystery novelist Fred Vargas calls the *histoire de plaques qui déconnectent dans tous les sens à la surface de la terre—impossible de tenir en place* (shifting time as tectonic plates sliding in all directions across the earth, unable to stay in one place).²

Although concerned with time, these novels remain deeply rooted in place. Drawing upon her background as a Chancery barrister, Caudwell’s four Tamar books portray a quintessential Oxford Don—waspish, pompous, and a bit dithering.³ A member of the law faculty at St. George’s College, Tamar is “happy to confess that I am an historian rather than a lawyer, and there is little in the English law of taxation after the year 1660 which I find of absorbing interest.”⁴ Endlessly procrastinating, Tamar claims to be writing a study of *causa* in medieval common law. Yet Tamar’s real métier seems to be snooping: “I am an historian. My profession largely consists of speaking ill of the dead.”⁵

Literary critic for *Haaretz* newspaper, Gur’s six Ohayon novels follow the investigations of a Sephardic detective uncovering webs of deception in various corners of Israeli society.⁶ Ohayon intended to complete his history doctorate in the structure of medieval guilds. But, as we learn from personal details scattered through Gur’s novels, he was sidetracked by marriage, divorce, and fatherhood. The parallels—and differences—of these two crime fiction series are striking. Both are closed *œuvres*. Caudwell and Gur died of cancer at comparatively young ages. As we shall see, their last novels created a kind of thematic ending to their series. Both identify their fictional epicenter as a major city. Caudwell begins her books with Tamar’s visit to the London chambers inhabited by former students in Lincoln’s Inn. Tamar’s London revolves around high culture and high finance—full of legal loopholes, where navigating tax and trust issues emerge in a chaotic world of economic exuberance. Ohayon’s Jerusalem is a “withdrawn, austere, provincial place” that had been transformed into a “city pretending to be a metropolis.”⁷ Elsewhere Gur idealizes this lost city in an extended essay, “Requiem for Humility or Living in Jeru-

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² Vargas, Debout les morts, supra note 1, at 109.
⁴ Caudwell, *Sirens Sang of Murder*, supra note 3, at 5.
salem.” Her novels are constructed with political events—war and intifada—drawing a circle of violence around Jerusalem’s dense patchwork culture.8

Caudwell—daughter of Jean Ross, purported model for Christopher Isherwood’s Sally Bowles in Goodbye to Berlin, and sister of Alexander Cockburn—writes in a jocular fashion.9 Raised by a communist single mother, Caudwell (a pseudonym, for Sarah Cockburn) had a peripatetic upbringing. After reading classics at Aberdeen University, she studied law at Oxford. Caudwell’s writing is sharply plotted, irreverent, and nonchalantly witty. Nevertheless, Caudwell’s novels—Thus Was Adonis Murdered, The Shortest Way to Hades, The Sirens Sang of Murder, and The Sibyl in Her Grave—are crammed with classical allusions. Gur’s writing remains more somber. Her central character, Ohayon, dwells in a fragile society, and was intended to be a social critic with a conscience as much as a literary sleuth.

In her 1935 Oxford lecture, “Aristotle on Detective Fiction,” Dorothy Sayers stressed the formulaic aspect of the genre. It begins with a murder, “the middle is occupied with the detection of the crime and the various . . . reversals of fortune arising out of this, and the end is the discovery.”10 Caudwell and Gur exemplify this Aristotelian poetics of mystery fiction, since their novels remain tightly bound by convention. But, this essay argues, two counter-punctual formulae are employed by the legal historians in these novels. Tamar is a textual scholar who employs the techniques of scholarly close reading to uncover inconsistencies. Stepping beyond the ordinary deductive reasoning of Hercule Poirot’s little gray cells, Tamar sees life as experience transmuted through some strange alchemy into text. By rigorously employing academic textual analysis, it is possible to expose the traces of concealment—the clues left behind in the aftermath of murder’s immense disruptive power.

Gur’s half-dozen novels are equally fixed in their approach. Each identifies a closed society and asks what deeply-held norms particular to that society have been violated—damaging such fundamental norms as to provoke murder. The closed societies vary: a psychoanalytic institute, Hebrew University’s literature department, a kibbutz, the symphony orchestra, a tightly-knit Jerusalem street, or a public television station. But the formula is always the same. By immersing himself in the historical mentalité of each society, Ohayon interrogates what “different laws apply here.”11 Seeking to understand “the essence of things” (parshat ruach ha-detarim), Ohayon must “become part of the environment he was investigating, to sense the subtle nuances of the murdered person’s world.”12 This

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8 Gur approaches Jerusalem with a sense of loss, mourning the quiet, intimate academic community built by Jewish refugees in the early and mid-twentieth century. See Batya Gur, In Jerusalem leben: Ein Requiem auf die Bescheidenheit (2000).


11 Gur, Literary Murder, supra note 6, at 152.

12 Id. at 71, 99.
is the historian’s *métier*, tracing closed societies over decades from their beginnings to the troubled period when the homicide occurred. If Caudwell’s Tamar makes textual problems legible in order to uncover what might be lost in time, Gur’s Ohayon frames an extended narrative arc when exploring the social historical context.

My essay interrogates this difference through both focusing attention upon the literary sleuths themselves, Hilary Tamar and Michael Ohayon (for their particular counter-punctual approaches of text and context are deeply rooted in their character), and through providing examples of their methods at work. Mystery novels rely upon a variety of conventions as technologies of detection—from logical deduction to forensics—and the historian’s gaze will be analyzed within this broader framework. However, I do not intend this essay simply as an exploration of how legal history has been mined by two well-regarded detective fiction writers in order to expand their genre beyond predictable police procedurals.

Legal historians, too, often use text and context as formulaic conventions. Their formulae, tropes, and narrative framing conventions can be as two-dimensional as those employed in crime fiction. I argue at the conclusion of the essay that these conventions inevitably break down. Other understandings of history as charged with redemptive meaning exist beyond text and context: *Heilsgeschichte* (such as Nat Turner’s prophetic utterances described in this issue by Christopher Tomlins), Marxist historical dialectics, utopian conjuring, and various eschatological musings represented by Jewish messianism and Christian formulations of *Parousia* (Christ’s return as the culmination of history). These alternative, wildly imaginary, unruly conceptions of history ultimately come to unravel—to “displace and estrange” in Theodor Adorno’s words—more formulaic historical methods.\(^{13}\)

I therefore conclude by examining more closely how prophetic readings of history unsettle Caudwell’s and Gur’s last novels. Text and context ultimately disappoint as historical methods. Caudwell’s sleuth, Tamar, comes to recognize the limits of relying only upon reason when employing textual analysis to probe the makings of a crime of passion. Behind the traces of past actions—the accretions of life transmuted into text—Tamar reluctantly uncovers an irrational, emotionally volatile character who eludes hermeneutic analysis. Ohayon, Gur’s police detective, finds that closed societies are never truly closed. He must look at the social context as a fabular text imbricated with utopianism, and constructed in the midst of a frightening larger world. In their final novels, these two arch-formulaic writers abandon their conventions—resulting in the uncanny overturning of text and context.

**I. Literary Detectives Take an Historical Turn**

At the beginning of *The Sibyl in Her Grave*, Hilary Tamar drops a playful tease. Although “some of my readers, it is true, have been kind enough to say that they would like to know more about me—what I look like, how I dress, how I spend my leisure hours, and other details of a personal and sometime even intimate nature,” Tamar chooses to main-

tain the “modest reticence which I think becoming to the historian.” However, there is more at work than mere diffidence. In Caudwell's quartet of novels, his/her gender is never revealed. This partly explains why the books are written in the gender-neutral first person. What do we know about Tamar? He/she is fussy, sponges off friends—especially at the pub near Chambers called the Corkscrew, is pedantic, sighs about the burdens imposed by college life, and drops a bit of Latin (O Tempora, O Mores, he/she exclaims about those failing to learn classical tongues). But is he/she a man or woman?

Caudwell avoids descriptions of dress, gestures, or attractions for these might reveal his/her sex. It is as if Caudwell is taking to the point of absurdity Sayers’s claim that detective fiction might have episodes without character. What does it mean to step beyond Virginia Woolf’s gender-shifting Orlando or Jeffrey Eugenides’s hermaphrodite Cal Stephanides, and to devise a character completely lacking an ascribed gender? Occupying social terrain apart from kin relationships, he/she cannot be classified as a lover or parent or significant other. Instead, Tamar appears self-invented through a purely professional identity. Hilary Tamar’s epicene, gender-bending first name might be a gesture referring to Oxford’s Hilary Term (January to March) or the division of England’s court calendar, which has four quarters—Hilary, Easter, Trinity, and Michaelmas. Tamar’s relationships are solely professional: the college Commons Room and the court.

Being ungendered also means being unsexed. Not even the hint of a romantic relationship appears in any of Caudwell’s mysteries. Somerset Maugham claimed that romance has no place in detective fiction since the main purpose is solving a murder. “To introduce a pretty love story in the unraveling of a mystery,” wrote Maugham, “is an error of taste for which there is no excuse. Marriage bells have no place in a detective story.” Sayers tried to prove him wrong in her novel, Gaudy Night (1935), which featured an extended romance between sleuth Lord Peter Wimsey and Oxonian mystery writer Harriet Vane. She sought “to bring the love problem in line with the detective-problem so that the same key should unlock both at once.” Tamar’s textual detective key, the capacity to view existence as disembodied text, neatly fits his/her particularly sexless existence.

Tamar’s sexual ambiguity is not simply disembodiment, a gaping omission in a gendered world. Tamar decenters commonplaces about authority in detective literature. Crime fiction has often been riven by gender. Male protagonists dominate hardboiled genres—those featuring private investigators or police procedurals. They do not mind the

14 Caudwell, Sibyl in Her Grave, supra note 3, at 2.
15 Caudwell, Shortest Way to Hades, supra note 3, at 69.
16 Sayers, supra note 10, at 225.
occasional brush with violence. Women—from St. Mary Mead’s Miss Marple to Melbourne’s Phryne Fisher—pry, gossip, and seduce, often relying largely upon psychological insight when solving crimes. Sleuthing authority remains divided by gender through male deduction and female intuition, male forensics and female gossip, male physical assertions into the plot’s action while women shift story lines from the periphery. Tamar possesses the neutered power/powerlessness of a eunuch. He/she is curiously ignored and belittled even by the closest friends. “Shifting to and fro between libraries and senior commons rooms, and giving the odd lecture or two on novel disseisin,” one character remarks, “isn’t exactly training in the tough school of life.”19 Julia Lathrop says she could explain his/her awkward presence by introducing Tamar as a distinguished academic lawyer whose advice we have found useful. After all, “she added in a tone of surprise, ‘there is a sense in which one could say that’s actually true.’”20

Tamar nevertheless deploys this vexed ungendered status as a source of strength. He/she wryly notes that “character is a myth invented by novelists for the sake of adding interest to the narrative. Human beings are not so different from one another as the authors of fiction would have us believe.”21 Writing of the interwar Golden Age of Detective Fiction, and of Sayers in particular, Raymond Chandler criticized the thin creation of character:

> Her kind of detective story was an arid formula which could not even satisfy its own implications. If it started out to be about real people . . . they must very soon do unreal things in order to form the artificial pattern required by the plot. When they did unreal things, they ceased to be real themselves. They became puppets and cardboard lovers and papier-mâché villains and detectives of exquisite and impossible gentility.22

Mysteries, in Aristotelian terms, favor plot (mythos) over character (ethos). Caudwell does not deny this fundamental prescription by fattening up characters to make them ever-the-more rounded with nuances, complexities, and psychological dimensions that might surprise the reader. Instead, she accentuates their caricature-like quality. If detective fiction uses character as a common carrier for transporting the plot from one point to another, then Caudwell creates the ultimate protagonist—who through lacking a gendered embodiment transcends sex. De-gendering also speaks to an historian’s professional myth as well: the idealization of historical objectivity. Leopold von Ranke identified the historian’s main duty as reporting the past wie es eigentlich gewesen (as it actually happened).23 Tudor scholar Geoffrey Elton’s Practice of History (1967) marked the apotheosis of the objective historian. It distinguished the historian’s role as an empiricist eschewing

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19 Caudwell, Sirens Sang of Murder, supra note 3, at 145.
20 Caudwell, Sibyl in Her Grave, supra note 3, at 203.
21 Id. at 236.
reified theory, partisan ideology, and—does this deny the historian a body?—personal identity politics. Caudwell simultaneously mocks the concept of thin character exemplified by detective fiction and, perhaps the equally emaciated notion of the objective historian.

All Caudwell’s novels begin—again, formulaically in the style of Greek epics—with an invocation. Take, for example, the first few lines of Thus Was Adonis Murdered: “Scholarship asks, thank God, no recompense but truth. It is not for the sake of material reward that she (Scholarship) pursues her (Truth) through the undergrowth of ignorance, shining on Obscurity the bright torch of Reason and clearing aside the tangled thorns of Error with the keen secateurs of Intellect. Nor is it for the sake of public glory and the applause of the multitude: the scholar is indifferent to vulgar acclaim.”24 Despite such protestations, Tamar quickly puts aside his/her research on the monograph Causa in the Early Common Law, and is inevitably drawn into a murder investigation at the urging of a somewhat rowdy crowd of barristers in Lincoln’s Inn.

In The Sirens Sang of Murder, Caudwell burlesques detective fiction’s formulaic character construction through the contrivance of Cantrip and Julia Lathrop, two members of Lincoln’s Inn, co-authoring a steamy novel about life at the bar entitled (what else?) Chancery. Drawing upon the chamber’s lovely new temporary typist as the model for the novel’s romantic interest, and idealized portrayals of themselves, the novel has as much to do with everyday legal practice as the British detective cozy might have to do with real murder. By transforming the typist into a mere sketch of a figure, Caudwell suggests a counterpoint to Sayers’s invention of the “Cattery,” an unofficial investigative agency staffed by typists whose prowess at gossip, snooping, and emotional intuition make them more than mere attractive women.25 Yet the write-by-the-numbers approach to character is Chancery’s most striking feature. Cantrip and Julia determine that some novels have “heroines who are sort of fragile and waiflike . . . and some of them have heroines who are more sort of regal and imperious. . . . So to be on the safe side we’re going to have one of each.”26

Julia Lathrop is a gendered reverse-image of Tamar. She read classics at Oxford. But in her case, study of Athenian texts led to a fatal attraction for comely Greek youths. Julia spends much of her adult life slipping in and out of bed in her quest for Adonis. She employs text, through dropping literary references, while practicing the art of seduction. Incredibly absent-minded, Julia is the antithesis of the ordered Tamar, and ultimately resembles “one of the more disheveled heroines of Greek tragedy.”27 Julia is constantly in a shambles. Although an expert on tax law, she is hounded by Inland Revenue for her disregard of income tax payments. Her “strategy for dealing with real life, on those rare

24 Caudwell, Thus Was Adonis Murdered, supra note 3, at 1.


26 Caudwell, Sirens Sang of Murder, supra note 3, at 11.

27 Caudwell, Thus Was Adonis Murdered, supra note 3, at 7.
occasions when she came across it, was to keep very quiet and hope it would go away.”

Hopelessly impractical, Julia breaks the boundaries of space by constantly scattering books, papers, and her ample body. Julia’s clothes, like her erotic practices, are described as “dégagé.” If Tamar is ungendered, Julia is oversexed. Selecting erotic partners purely on the basis of physique, she decenters gender categories by objectifying the opposite gender in pursuit of casual sex.

Gur’s Ohayon, on the other hand, is a soft-boiled detective. Endowed with Dalglieshian interiority, he is “tall, polite, quiet, with that sadness, and those eyes” which prove irresistible to women. Ohayon is ill at ease with others. When, P.D. James has asked, do we find a well-adjusted fictional detective? Ohayon’s own past is slowly revealed through the novels. Born in Morocco and coming to Israel as a young child, Ohayon experienced the dislocation of being sent to a northern moshav after his father’s death. No place ever felt like home. His mother’s abode “radiated strangeness and alienation.” Sent to a boarding school in Jerusalem as an adolescent, Ohayon underwent an erotic and cultural initiation under the tutelage of a classmate’s sophisticated Ashkenazi mother. His love of classical music and literature comes from their being intermingled with a sexual awakening during these trysts.

Ohayon experienced dislocation as a Sephardic Jew in an Ashkenazi world. His brief marriage to the only daughter of a Polish-born diamond dealer—who blackmailed him into the commitment by becoming pregnant—proved disastrous. New family responsibilities cost him a scholarship to Cambridge. While at the ever-so-Germanic Hebrew University his Moroccan background stood out, he also never fit within the largely Sephardic, working-class police force. Detectives are idealists, Ohayon tells us, “who believe there’s a world with laws, a nearly utopian world.” And this leads to detachment—what a colleague would call “your preference for solitude, your withdrawal, your perfectionism.” But it also provides the distance needed for a participant-observer in culturally dissimilar worlds.

28 Caudwell, Shortest Way to Hades, supra note 3, at 18.
29 Caudwell, Thus Was Adonis Murdered, supra note 3, at 37.
30 Gur, Murder Duet, supra note 6, at 8.
31 P.D. James, Talking about Detective Fiction 154 (2009).
32 Gur, Bethlehem Road Murder, supra note 6, at 93.
33 Id. at 96.
34 Gur, Saturday Morning Murder, supra note 6, at 152.
35 Gur, Murder on a Kibbutz, supra note 6, at 85; Gur, Saturday Morning Murder, supra note 6, at 190.
36 Gur, Murder Duet, supra note 6, at 241.
Gur playfully underscores the importance of interiority. She describes Ohayon telling a social worker that he does not read detective fiction:

They seem completely unreal to me . . . . It’s all so contrived. What is interesting is not the whodunit. It is what is going on in the murderer’s mind. How can Raskolnikov live with himself after what he has done—the remainder of his life. . . . When everything serves the plot there is no room to breathe, no beauty. No digressions from the central concern . . . . A conversation like this, between us now, couldn’t take place in a detective story because it’s not functional.37

Indeed, much of Murder Duet’s plot has little to do with the homicide. It involves Ohayon’s attempt to construct a peculiarly assembled family—including a needy neighbor and a foundling infant—as he grapples with his own emotional detachment from his troubled adolescent son. When a child is unexpectedly left on his doorstep, Ohayon turns to the young, single mother upstairs to help care for the infant. It is a purely instrumental relationship intended to share child care duties, and without—at least so he claims—a romantic dimension. Can Ohayon, whose post-divorce life has been so well insulated (an occasional affair with a married woman, rented apartments), take all this human driftwood and build something more closely resembling a permanent home? “A man needs a framework,” Ohayon would say. “It’s human nature.”38 But the child welfare investigator assigned to his case insists that he is acting just like a fictional detective. He has embraced his loneliness—“detectives hardly ever have intimate relationships—they lack basic trust.” They cannot create bonds of affection. Parenting, she tells him, requires the anxious anticipation of the possible loss of a partner.39 Telling Ohayon that he was trying to create an instant family absent all the complications of an emotion, the welfare investigator denied him custody.

This story—Ohayon’s bloodless failed ménage—is the counterpoint to the central plot in Murder Duet, which traces the intense (and lethal) sibling rivalry within a musical family as two brothers contend for their violin teacher’s affection. Duets have particular emotional intensity. Ohayon discovers how musicians locate their own place within an expressive spectrum that extends from untrammeled romanticism to restrained period instrumentation in early music. Reared in a musical household, his single-mother neighbor struggles with such a powerful emotional legacy. Ohayon, who often fails to answer his cell phone, prefers disconnection. Although capable of reconstructing a history of sentiment among musicians through a close examination of their norms, he ultimately finds their intensity overwhelming. Ohayon retreats into solitude. The duet—both dangerous and alluring—proves elusive.

37 Id. at 242.
38 Id. at 11.
39 Id. at 245.
II. Literary Formula and Social Fabrication

When in *Thus Was Adonis Murdered* Tamar tries to save Julia from a false accusation of murder which lands her in a Venice prison, he/she encounters an Italian investigator who explains the case: an intellectual woman falling in love for the first time turns to unyielding, violent fury when she discovers that she has been deceived. It seems that the *questore* suffers from the same malady common to so many of Caudwell’s characters—thinking in Mandarin cultural terms. On this occasion, the world is all rather operatic.40 A lover murdered in Venice, especially if the death occurs in a hotel named *The Cytherea* (Aphrodite), only requires a bit of *bel canto* to explain the motives behind the homicide. Tamar dismisses this sort of psychological explanation. Instead, he/she shows how textual analysis can assist in recognizing a case of false identification. Resorting to text, of course, is Tamar’s specialty. “For the scholar,” Tamar elsewhere explains, “the reasoning was very simple. When one finds that two manuscripts have a curious number of features in common, one is disposed to conclude that one is a copy of the other or that they are copies of the same original.”41

All this comes naturally to Tamar, for life imitates books. Why do people kill out of jealousy? Is there a hot-blooded temperament? No, he/she answers. It is less a matter of temperament than literary traditions of honor. “People do what books have taught them to do and feel what books have taught them to feel.”42 Tamar blames the English bar’s *Guide to Professional Conduct* for making barristers believe that every ethical issue places them in the sort of existential dilemma faced by Sir Thomas More.43 Such a deep-seated attachment to text makes Tamar an *idiot savant* in the realm of context. Tamar announces to the Chambers that he/she is a “refugee from a gathering of sociologists.”44 Caudwell, of course, underscores the vexed relationship between a set of rules—which are created in the abstract—and their quite tangible, though fraught, application to a less-ordered set of real life circumstances.

Caudwell’s novel *The Shortest Way to Hades* provides perhaps the best example of Tamar’s unlocking past motives through identifying a textual discrepancy. The method he/she employs was haplography—writing once what should have been copied twice—a common problem found among copyists. In this case, a last will was drafted with the wrong name. Caudwell utilizes a classic device of detective fiction. The investigator deploys his or her gaze in an interpretive fashion that remains inexplicable to others until revealed at the opportune moment. Yet Tamar’s interpretive strategies are different.

40 Caudwell, *Thus Was Adonis Murdered*, supra note 3, at 160-61.
41 Caudwell, *Sirens Sang of Murder*, supra note 3, at 152.
42 Id. at 175.
44 Id. at 7.
He/she does not rely upon the customary modes of detection from classic works of detective fiction writing: observational skills (Sherlock Holmes), the stitching together of gossip in pursuit of the puzzle (Miss Marple), straight-forward deductive logic (Hercule Poirot), or the psychological quarrying of motivation (Inspector Maigret). Tamar examined a document and noticed what is known in textual criticism as dictation interne—a copyist reads a document but mentally repeats the words—and writes what is mistakenly heard. Caudwell’s Tamar is radically focused upon hermeneutic clues. For, as Freud famously observed in Moses and Monotheism, “The distortion of the text is not unlike a murder. The difficulty lies not in the execution of the deed, but in the doing away of the traces.”

In The Sirens Sang of Murder, Julia is scandalized by the introduction of a monogrammed fountain pen at a murder site. “On the subject of the pen, Julia became indignant.” She had never heard of such a thing, “at any rate not in any respectable crime fiction published since the beginning of the Second World War. A physical object, forsooth, with the initials of a suspect engraved on it—why, it was worse than a fingerprint. If we must have a clue of a physical nature—and in Julia’s experience the best authors nowadays wholly eschewed such vulgarities—then let it at least be one invisible to the naked eye and identifiable only by the most sophisticated techniques of modern pathology. If the progress of the past half-century was to count for nothing, then one might as well go back, said Julia scathingly, to murders committed by means of arsenic or for motives of matrimonial jealousy.” Forensic technology permits the body to serve as a legible text—through fingerprint analysis, fragments of DNA, or a study of the pattern of wounds. To the contrary, Tamar largely ignores the presence of the corporal forensic subject in much the same way as he/she denies a sexual embodiment.

Throughout her novels Caudwell plays on the contrast between the practical, hard-nosed world of British money-making and the odd surreal spheres of toff-inflected literary and legal culture. Greek classicism influences sexual conduct when Julia, at one point, takes the Alcibiades approach to seduction—let the man know you are willing rather than take the initiative. Tamar’s quotidian experiences are cast in epic form. Arriving at the Victoria Station to set off by train for Sussex, Tamar sounds as if he/she is embarking on the Trojan War: “Victoria—ah, Victoria, starting-point of all true journeys, all southward voyages of pleasure or exploration, all escapes, all elopements, all flights from financial and emotional creditors. At the thought of her infinite possibilities what pulse could fail to beat faster?” Legal texts, similarly, are portrayed as a kind of elite literary gesture. Impenetrable statutes are strewn across the pages of Caudwell’s novels: the Variation of Trusts Act, the Finance Act, and the Inland Revenue Act (which Julia unfortunately

45 Id. at 106.
46 Sigmund Freud, Moses and Monotheism 32 (Katherine Jones trans., 1939).
47 Caudwell, Sirens Sang of Murder, supra note 3, at 97.
48 Caudwell, Shortest Way to Hades, supra note 3, at 75.
leaves by the bedside of a murdered lover). When Cantrip’s loony uncle wreaks havoc in chambers, Ragwort considers suing under the classic tort case, *Rylands v. Fletcher* (1868), which concerns damages for a wild beast.49

With its opaque legal English and claims to be a separate sphere unmoored from immediate self-interest, legal culture has become superstructure in much the same way as a culture of taste with its *Bildungsreise* (Julia travels in *Thus Was Adonis Murdered* to Italy with an Art Lovers group), classical allusions, and Oxbridgian affectations. Law’s anomalous relationship to a sordid underworld forms a recurring trope in Caudwell’s novels. As legal advisor, Cantrip is tasked with reading a tabloid, *The Daily Scuttle*, before it goes to press. He explains that the publishers are “subject to the endearing superstition that they will protect themselves, by this ritual, against all claims and proceedings for libel, blasphemy, obscenity, sedition, contempt of court, *scandalum magnatum*, or any other crime or civil wrong known to English law.”50 Law, indeed, balances the apparent contradiction of claiming legitimacy through its ancient traditions and serving as an instrument for modern corporations. A rather lengthy subplot in *The Sibyl in Her Grave* involves the building of new bookcases in Chambers. Basil Ptarmigan (the name comes from a particularly sedentary species of bird), QC, “the most silken of Chancery silks,” opposes modernization. He demands woodwork that looks like a “set of Chambers where Lord Nottingham just invented the Rule against Perpetuities.”51 Cantrip’s solution is simply to hide computer terminals and all sorts of practical devices behind the bookcases. Is law, Caudwell seems to be asking, simply an instance of creative carpentry?

While Caudwell emphasizes the tug of war between British notions of the actual (market economy) and the ideal (legal regulation), Gur focuses upon Israel’s social diversity as a patchwork of micro-societies. Gur discovers normative pluralism grounded in the diverse origins of Jewish citizens—ethnic and political—as well as their unsettling capacity to set themselves apart. In Gur’s first novel, *The Saturday Morning Murder*, Ohayon investigates a killing in Jerusalem’s psychoanalytic institute. His first intuition is that “the Institute had something in common with the guilds of the middle ages”—its ceremonies, setting high barriers to entry through training analysis, and its peculiar sense of custom. When a professor of literature is murdered, and Ohayon discovers that his graduate student and acolyte tacitly agreed to his wife’s affair with the professor, Ohayon observes that “different laws apply here.”52

Gur’s closed societies trace their lineage to the locked room of the British cozy detective story. In his classic study of British detective fiction, *Snobbery with Violence*, Colin

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50 Caudwell, *Thus Was Adonis Murdered*, supra note 3, at 27.


52 Gur, *Literary Murder*, supra note 6, at 152.
Watson describes constructing this sort of hedged-off setting for crime stories, “what we might call the Mayhem Parva school,” as a cross between a village and a commuters’ dormitory in the South of England, self-contained and largely self-sufficient. It would have a well-attended church, an inn with reasonable accommodation for itinerant detectiveinspectors, a village institute, library and shops—including a chemist’s where weed killer and hair dye might be bought. The district would be rural, but not uncompromisingly so—there would be a good bus service for the keeping of suspicious appointments in the nearby town—but its general character would be sufficiently picturesque to chime with the English suburb dweller’s sadly uninformed hankering after retirement to the country.53

A kibbutz or a psychoanalytic institute or a symphony orchestra in Gur’s novels provides the hermetic milieu much like a remote country house in Yorkshire or a steamship slowly making its way down the Nile. Reflecting the idea of a closed society (and a well-defended psyche), her novel about the psychoanalytic institute begins with images of locks and keys. There is a ritual unlocking of the main door in the morning, training analysts are granted keys as a sign of status, and even the telephone is locked. The gates of the kibbutz make it difficult for a lover from the outside to enter without detection. It is sealed off by large bales of hay which had been stacked into a “broad, high golden wall.”54 But there are fundamental differences between the conventional English mystery taking place in isolated manor house and Gur’s Israeli sealed locations. The barriers constructing the boundaries of Gur’s world are not accidents of geography, they are purposeful cultural constructions. Nothing closes off the literature department at Hebrew University except its own peculiar social norms.

Nor are Gur’s closed societies mere artifacts of emplotment intended to limit suspects to those who can fit within an ample drawing room. Particular cultural milieus construct their own hermeneutics establishing a truth-test for social facts and fabrications. The historian Dilthey distinguished between empathy—the immediate recognition of the other—and understanding (Verstehen), which is a mediated process taking into account the history, language, and episteme of the other.55 Ohayon slowly slips into the character of these different social settings—but more as a means to following its rhetoric and logical measure of authenticity than to creating a connection with his interlocutor. Indeed, the insiders in these closed societies often perceive Ohayon’s chameleon-like use of their cultural capital as disconcerting. He urges a psychoanalyst to free associate. At the literature department his speech is peppered with literary references. Psychoanalysis and literary interpretation, of course, have their own particular hermeneutics. But in Murder on a Kibbutz, Ohayon discovers that the kibbutz, too, bases its authenticity upon a reading of

54 Gur, Murder on a Kibbutz, supra note 6, at 1.
individual actions—the commitment to collective work as expressing redemption through labor (kiddush ha-avodah).

Ohayon’s insistence upon knowing the “inner life” of the closed society shapes his particular approach to interrogation,

the only way to get onto the wavelength of the person sitting opposite him and pick up the ostensibly trivial thing, the things people said between the lines and sometimes never said at all, that in the last analysis provided the master key solving the mystery. He privately referred to this as “my historical need.” In other words, the historian’s need to see everything concerning human beings . . . as part of an overall process like a historical process possessing laws of its own, which—he repeatedly explained—if only we are able to grasp their meaning, provide us with the tools for going right to the heart of the problem.56

Ohayon detests usual modes of interrogation: the covert threats, grilling a suspect with the Punch and Judy figures of the good and bad cops, the alternative reality of a sealed room with bright lights. He is angered when a Palestinian is questioned alone—for fear undermines understanding.

Instead, Ohayon’s method of interrogation is to prod the suspect into justifying himself to the interrogator. In order to create trust, Ohayon reveals details from his own personal life. Perhaps his interest in psychoanalysis in *The Saturday Morning Murder*—and in the whole issue of transference—connects to his interrogation practice. The detective questioning must succeed in “becoming a figure with moral authority. One capable of granting absolution. People have a great need for moral justification in general. And sometimes, with some luck, the interrogator can turn into someone who in the suspect’s mind’s eye can insure forgiveness, pardon, or moral legitimization. He becomes an authority figure.”57 In part, this trust rests upon an understanding of the context, the particular norms of the society—and therefore it is also necessary to know the past. What is the genealogical connection between Freud’s disciples and the community of Jerusalem psychoanalytic believers? And what fractures existed in this small world even from the beginning?

Amos Oz’s famous essay “Under this Blazing Light” (1972) argues that as a new society Israel lacked the “attic”—the repository of past strata—which makes for a truly great literature.58 Yet Gur’s Ohayon uncovers precisely the sorts of earlier secrets, desires, and transgressions that can only be discovered by rummaging about the past. Not surprisingly, this sort of Freudian stripping away of earlier palimpsest layers might best be found in Gur’s novel about Jerusalem’s Psychoanalytic Institute, *The Saturday Morning Murder*. Eva Neidorf, a well-respected woman psychoanalyst of a certain age, is killed before she could deliver a lecture on ethical dilemmas encountered during analytic treatment. She has been shot in the temple (any significance?) and drafts of her lecture are missing. In order to solve this mystery, Ohayon needs to unpack in portmanteau fashion the movement’s

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56 Gur, *Saturday Morning Murder*, supra note 6, at 50-51.

57 Gur, *Murder Duet*, supra note 6, at 420.

Vienna roots, the construction of a clinical chronicle through assembling case histories, the narrative of how a band of cultivated Central European émigrés purchased a large house in Jerusalem’s Bukharin Quarter—the predecessor to the Psychoanalytic Institute—in order to create a Freudian community, and what it means to establish a pedigree through training analysis passed down from Freud to leading disciples to a younger, Israel-born generation with very different, decidedly non-Germanic cultural norms.

Yet the novel is so remarkably similar to a true story from the history of Jerusalem’s Psychoanalytic Institute that it is difficult to avoid the conclusion that Gur’s novel has its own repressed past. Although Gur never mentions this story in any of her writings, it has been suggested—though it is also contested—that the actual founder of the Institute, Max Eitingon, was guilty of murder. In 1988, Stephen Schwartz published a sensational accusation: Eitingon was part of special unit established by Moscow to assassinate anti-Bolshevik exiles in the West. Born to wealthy East European Jews, Eitingon was a trusted and devoted apostle of Freud’s in Vienna and the leading psychoanalytic figure in interwar Berlin. Yet Schwartz charges him with serving the Soviet secret police in conjunction with other émigré intellectuals such as the anthropologist Mark Zbrowski and, possibly, working with his close relative, Leonid Eitingon, who was the architect of Trotsky’s murder in Mexico City.59

In Murder on a Kibbutz, Ohayon again finds himself confronting the historical transformation of a hermetic place. The Hebrew title, *Linah Meshutefet*, refers to the collective sleeping arrangements for kibbutz children. But the contemporary kibbutz is wrenched in new directions: parents want offspring to stay at home overnight, kibbutz organizational meetings—now televised for the benefit of older members—are watched at home by members disinclined to attend in person, and a clubhouse has replaced the old dining hall. Quotas and bonuses for work supplant an ethos of volunteerism.60 Pro-privatization members speak of the “new concept.” But what really seems to have transpired is a kind of comfortable materialism. Busses now transport kibbutzniks to concerts in town. The kibbutz is suffering from “the curse of affluence.”61 For the first time, members find themselves locking rooms to prevent burglaries.62 Violent crime is quite rare in kibbutz society, and the kibbutz has survived in the past both profiteering and ro-


60 Gur, Murder on a Kibbutz, supra note 6, at 22-23.

61 Id. at 151.

62 Id. at 49.
mantic entanglements. However, in this case embezzlement leads to homicide because it ruptures the entire mythology of the kibbutz at a moment when its cultural fabric is most vulnerable. An old-timer explained to Ohayon what the kibbutz means to those who experienced its founding fifty years earlier:

Those were different times, hard times . . . . It's difficult to transmit what the first contact with the land was like. The hardship, the dryness, the water, the hunger. Especially, the hunger and the hard work. Twelve hours at a stretch sometimes, clearing and plowing, and gradually building. And the heat in summer, the cold in winter, the poverty and the hunger. The men were weak with hunger and hard labor, all of us were. There were days . . . . when all we had to eat were two slices of bread and half an egg a day for a pregnant woman, and a few olives.63

Such chronicles become the warp and woof of norms. Elton’s objective history does not exist. Instead, a deeply embraced set of beliefs inform an inherited past’s character. The homicide in Bethlehem Road Murder was grounded in the claim of Yemenite Jews that in the course of mass immigration to Israel (1948-54) thousands of their young children disappeared from absorption camps, and were subsequently adopted by Ashkenazi parents. Gur never examines the validity of this accusation. Indeed, three commissions of inquiry—the Bahlul-Minkowski Committee (1967), the Shalgi Committee (1988), and the State Commission of Inquiry (1995)—determined that in almost all cases the children had died of natural causes, and there was little basis for the allegations. Yet for the purposes of solving the murder, and for understanding the profound ethnographic rifts in a Jerusalem neighborhood, the truth, even if it can be determined conclusively, is less important than the perceived past.

Ohayon employs what Dilthey identified as Verstehen, and Atticus Finch would call standing in the shoes of another. Part of The Saturday Morning Murder involves digressive conversations about the nature of analysis. In other novels, Ohayon would immerse himself in various sub-cultures. In Murder Duet, he attends a master class by a musician. In Murder on a Kibbutz, he reads the extensive, tedious kibbutz debates found in crumbling movement journals. He carefully studies the bookcase of a homicide victim in Literary Murder. In The Saturday Morning Murder, he scrutinizes the row of photographs of the founding generation of psychoanalysts for its genealogical significance. “It’s important to us,” Ohayon tells a colleague, “because it’s important to them. You have to try and enter their world.”64 Accessing the past of another often means uncertainty about what matters:

Only in retrospect is it possible to know whether something is pertinent or not. And, in fact, as an historian, you should realize this. . . . If you go digging around in documents, you don’t always know what you are going to find . . . . and sometimes you find something completely unexpected which turns out to be the most important thing of all.65

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63 Id. at 169.
64 Gur, Literary Murder, supra note 6, at 183.
65 Gur, Bethlehem Road Murder, supra note 6, at 126.
A different sort of forensics applies when sleuthing mental worlds. The fundamental principle is that “every contact leaves a trace.” Ohayon explains his technique to a skeptical colleague: “I sense the person, I get inside his mind, I think like him, I hear him speak, and then I know. Not the fact, perhaps, but the principle.”

Every closed society has its norms, every society its own violations. But to understand these, it is necessary to recognize that closed societies are not static. In each of Gur’s novels the hermetic world stands at the cusp of a social transformation. In *The Saturday Morning Murder*, the rigid, somewhat Germanic notion of the training analyst who declined the social functions of analysands crumbled as Israelis shifted to more informal personal relationships. The kibbutz was becoming more individualistic, undergoing economic privatization. In *Murder Duet*, a member of a musical family breached a taboo through advocating the performance of Wagner’s music in Israel. And in *Bethlehem Road Murder*, the old Capulet and Montague style feud between Yemenite and Ashkenazi Jews on this crowded Jerusalem street might be turned topsy-turvy by a younger, romantically adventurous generation.

Fracture and the breakdown of mechanisms to deal with dissension—such as the *sicha* (the collective debate) in the kibbutz—form the fissures in these closed societies. Yet it is still necessary to know what norms are so powerful as to lead to murder. The commonplace equation in detective fiction is Eros plus Mammon leads to Thanatos. But in Gur’s psychoanalytic institute, sex only becomes explosive when it takes place in the midst of the transference and counter-transference of analysis. Greed prompts homicide when it undermines the collective ethos of self-sacrifice in a kibbutz. A young lecturer can subjugate himself to a literary mentor, even acquiescing to his wife serving as a mistress, until his cherished notions of art are violated by the older man’s plagiarism. Violations of sexual taboos and the betrayal of trust in the pursuit of riches have existed in almost every time and place, mostly without recourse to homicide. Gur’s norms are more than simple social customs or legal frameworks. Breaching potent cultural norms infused with almost sacred meaning—for love or for money—can lead to defilement, a rupture so powerful than a character is compelled to turn towards murder.

### III. Text and Context

It comes as no surprise that two detective fiction series should see text and context as the identifying features of the historical method. What else are hallmarks of modern historiography? Throughout their mysteries, Caudwell and Gur sharpened their focus on legal textual hermeneutics and social analysis as mechanisms of detection. What is striking, however, is the way that these approaches fail the protagonists in Caudwell’s and Gur’s last novels. Sayers’s Aristotelian conventions for the mystery novel underscore the psy-

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67 Gur, *Literary Murder*, supra note 6, at 245.
chological importance of closure. A world shattered through the tearing of social fabric by violence must be restored to justice. Detection is a return of the rational, of the moral, of the setting aside of the fundamental fear that we ourselves might be a potential victim, or still worse, a murderer. Why do these authors cast aside their formulae and set up their investigator protagonists for failure? What happens when we press forward in time—and the trauma is not healed? Are there secrets impenetrable to the historian’s gaze?

Caudwell’s final novel, *The Sibyl in Her Grave*, is the mystery Tamar cannot solve. Robert Renfrew, an aging respected private banker, faces a problem with inheritance. He has two possible successors as head of the bank. Edgar Albany is a member of the family by both blood and marriage with Eton and Cambridge pedigrees (a gentleman’s third-class degree in history). By contrast, Edgar Bolton is said to come from Lancashire, to have a red-brick university education, and to have been influenced by American business culture while living in New York. Albany, of course, is the conservative choice. Bolton’s claims to being heir rest upon his tremendous energy. Nothing, however, is as it first appears. It turns out that Bolton actually was educated at an elite public school and received a first at Oxford in Philosophy, Politics, and Economics (PPE). He discovered that he was more trusted if he employed a midlands brogue than if he spoke with a posh accent. The plot is thickened with details too intricate to recount at present. But Renfrew suspects one of his potential heirs might be leaking confidential information to traders.

Moreover, there are a string of deaths in the small town of Parsons Haver. Isabella Del Comino, a psychic who lived in the Old Rectory, mysteriously turns up dead. A craftsman from outside the village who seems overly interested in the church’s stained-glass windows suddenly appears for her funeral. It turns out he uses an assumed name. An ancient book, employed by the psychic to prophesize, is possibly the object of burglary. Another villager was struck down by an unknown automobile. Has Parsons Haver suddenly become the crime capital of West Sussex? The local parson in his white robe ascends the pulpit, delivers an odd sermon on Virgil as a prophet citing the Fourth Eclogue (which refers—for readers who do not have their *Oxford Classical Dictionary* handy—to the fact that even in the Apollonian age “old crimes will remain”), and then collapses, dying under suspicious circumstances. The minister leaves his entire estate to the craftsman. The psychic’s niece, Daphne, who has taken upon herself the role of succeeding her aunt as a soothsayer and healer, is found dead in her home. And, finally, a black Mercedes had been spotted in Parsons Haver. Who might be the owner? What is the connection to these recent occurrences?

It sounds like a classic British cozy: a remote village with a limited list of suspects, two sets of stories which intertwine—since Renfrew (we later discover) is the owner of the Mercedes, and, for Tamar’s benefit, the tale includes a reference to Virgil. Textual analysis leads Tamar to the person guilty of revealing intelligence about pending mergers and acquisitions involving a private London bank. Indeed, with a customary Caudwell

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68 Caudwell, Sibyl in Her Grave, supra note 3, at 323.
touch, he/she confronts her beneath a statue of Hermes (god of thieves and tricksters) in London’s Sir John Soane’s Museum. But the suspicious string of deaths among those connected to this insider trading proves elusive. It is only when Tamar begins to understand that a psychic medium believed in her powers that he could determine that, indeed, there had been no actual murders, and a series of accidental fatalities were simply linked in her mind. The burglary was bogus and the hit-and-run accidental—though the medium believed her spiritualist intervention caused the death. *The Sibyl in Her Grave* is a detective novel without a homicide. By desperately seeking to be a psychic healer like her aunt, the niece employed hemlock as a healing potion and brought about the deaths of the people to whom she was most devoted. Cantrip, who plays a role in all Caudwell stories, expresses his dissatisfaction with the story’s dénouement. Have we “been all wasting our time,” he asks disappointedly, since “nothing sinister is going on?”

Like all of Caudwell’s mysteries, *The Sibyl in Her Grave* has a major epistolary component. The letters provide texts that Tamar can parse. But the truth embedded in them does not demand fancy textual footwork. Rather, it requires understanding the mentalité of an oracular figure. Partly the problem is that Tamar, notably lacking personal attachments, misses the niece’s, the Sibyl’s, psychological longing to be an irreplaceable caregiver. More striking, however, is the oversight within the ambit of Tamar’s expertise as a medievalist. The person who most believed the Sibyl was the Sibyl herself. “In order to deceive others, it is necessary also to deceive oneself. The actor playing Hamlet must believe that he is indeed the Prince of Denmark, though when he leaves the stage he will usually remember who he really is. On the other hand, when someone’s entire life is based upon pretense, they will seldom if ever return to reality.” How could a young clairvoyant in West Sussex see herself as if she spoke prophecies in Delphi or Erythrae? Tamar’s tardiness in unraveling the mystery, of course, is ironic. The noted medievalist S.D. Goitein would ask whether a secular scholar could completely understand a person from the middle ages for whom religion is the overriding concern in life. Tamar understands the hermeneutic of medieval texts. Yet he/she remains utterly baffled by the social context and psychological posture of those who live in earlier ages.

At the end of *A Sibyl in Her Grave*, Tamar receives as a gift the mysterious book which was used by the medium for oracular purposes. But now it is disenchanted. He/she describes the volume as a “pleasing addition to my modest personal library.” Has Tamar learned anything from the failure of his/her method? Caudwell may have left us one final clue. Virgil’s Fourth Eclogue represents the prophecy of the last Sibyl, the Cumaean Sibyl.

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69 Id. at 270.

70 Id. at 293.


72 Caudwell, Sibyl in Her Grave, supra note 3, at 296.
It is this Sibyl whom Aeneas consults in Book VI before he descends into Hell, and it is this Sibyl which Virgil presents as foretelling the coming of a messianic savior (who is identified by later Christians as Jesus). The Eclogue begins with an invocation “born of time, a great new cycle of centuries begins. Justice returns to earth.” Moral choices take place in context. All the psychological perturbations, the passions, the desperate desires to be essential to another embodied by the prophetic Sibyl in Caudwell’s novel echo the alternatives posed by Virgil’s Sibyl: leading either on the way of a netherworld or towards salvation. Tamar cannot, and will not, ever learn how to identify these directions. He/she remains unprophetic as well as ungendered.

Gur’s final novel, *Murder in Jerusalem*, looks at the microcosm of state-sponsored television. There are all the usual fracture points: politics, religion, lust, and the egotism of those working in a performative milieu. But the real problem is the tension between reality and representation. This is reflected in Gur’s original Hebrew title: *Retzah, Metsalmim*—which might be loosely translated as *Murder, Photographing*. As shall be described below, the killing itself is directly linked to the idea of the camera as a technology for (personal and collective) self-fashioning. By recording images, the camera dangerously serves as an ocular presence for recording a past that will be too candid, too threatening. But, alternatively, the photographic record is a contrived artifact, and therefore can be rehabilitated to create an idealized representation. The title also refers to the first murder, which occurs during the filming of a production of S.Y. Agnon’s *Ido and Enam* when the actress, Tirzah, who played the female lead role, is murdered on the set.

Agnon’s enigmatic story—itself a kind of sibylline tale—revolves around prophecy. It describes the possession of Gemulah, the young wife of an antiquarian bookseller who was brought from a distant land to Jerusalem. She remains attached to Dr. Ginath, a mysterious philologist, who somehow compels her to set forth on mysterious nightly journeys across the city, especially when there is a full moon. While her wanderings are prompted by erotic urges, Ginath also seeks to draw from her lips a lost book written in a distant tongue. Yet the expression of that mythic language leads to an ever less controlled somnambulism, and, ultimately, both moonstruck lovers plummet from a rooftop and die.

Ginath is obsessed with recovering a pure, absolutely complete text of a missing book, *Enamite Hymns*, a “new-found link in a chain that bound the beginnings of recorded history to the ages before.” The philologist shares Ohayon’s remorseless need to uncover the past—but, in his case, the impulse is so great that he wishes to destroy the flawed, partial record of the *Hymns* that he has within his possession. In the end, he creates a new text of sorts through compelling Gemulah’s moonlit recital of the verse chronicle: not the lost book, of course, but the record of destruction wrought on the rooftops of Jerusalem.

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This is a disquieting parable. Does the unrelenting desire for a perfect text (or a perfect historical narrative of an idealized past) bring about cataclysmic results? Is photography, when pressed to assume a relentless truth-telling role, simply a modern-day version of Ginath’s mania? It is clear that Gemulah’s death is the ur-murder in Murder in Jerusalem much as Eitingon’s alleged killings serve that unspoken role in The Saturday Morning Murder. Journalistic norms such as transparency and responsibility to the public are conflicted throughout Gur’s novel. Gur tosses out the usual red herrings: professional jealousies and a love triangle involving Tirzah. Yet the real story is more ominous. It emerges that a handful of ex-soldiers kept a painful secret. During the 1973 Yom Kippur War, a platoon of Israeli soldiers brutally killed surrendered prisoners. Agreeing to keep silent, the former soldiers convinced themselves that they intended to forestall the damage such a disclosure might inflict on the fragile peace with Egypt. But, mostly, the problem lies in the trauma of the past event itself. For to cover up this war crime a member of the platoon was willing to murder even those closest to him, Tirzah and other fellow secret bearers.

Murder in Jerusalem is Gur’s most overtly political novel. But it is also her most psychological. The mythological parents of a generation were holocaust survivors, refugees from Arab pogroms, heirs to ideologies of collective purity such as the kibbutz movement—the enemies of violence. Purity, it turns out, was a “constructive lie.” The slaughtering of prisoners in cold blood therefore implied the symbolic murder of these parents. “My whole life, our whole lives,” confesses the killer, “are a cover-up for the murder of our mother and father, and for the murder we committed. It wasn’t exactly a lie; the fig leaf was not a lie, but a culture, a way of life. It was all that we had.”

Tirzah, the actress performing the enigmatic Agnon tale, did not consider decades of atonement after the War of Atonement sufficient. Believing in the purity of the mythological past, she refused to keep silent and instead accused a member of the platoon of committing this ultimate patricide. Tirzah, like Agnon’s protagonist, found that mythic speech led to death. What about Ohayon? At the conclusion of the novel he has a heartfelt discussion with his deeply critical adolescent son about Israel’s future. Ohayon finds himself defending the very notion of a homeland. Connection, national narratives, and commitment are raised as crucial to the process of making a society. In the end, truth may not be his highest value. The foundational myths, the very core values, of self-contained realms such as psychoanalysis, kibbutz collectivism, music and literature, journalism and, perhaps even modern Israel, which was conceived as part of a utopian project, might in the end lead to murder. But they also form the fabric of society. After solving the homicide in the television studio, Ohayon remains troubled by the consequences. The truth threatens to corrode idealistic impulses. “What’s so disagreeable about myths?” Ohayon asks.

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75 Gur, Murder in Jerusalem, supra note 6, at 373.
76 Id.
77 Id. at 385.
Text and context turn back on themselves in Möbius fashion. In the end, Caudwell’s Tamar understands that text must take into account the particular cultural context (even if these are irrational) of individuals. The past, with its peculiar mentalité, resurfaces as a dense cultural matrix shaping a person’s choices. Gur’s Ohayon discovers that closed societies are not set apart simply by guild rituals or segregated space such as he found at the psychoanalytic institute and the kibbutz. Israel’s particular redemptive conception of history makes the country increasingly hermetic. Its distinctive narratives as a utopian-refugee state, and its sense of being under siege by hostile neighbors, not only have provided the sinews for a new society, but also served to construct barriers. These myths, Gur’s last novel tells us, demand to be read as texts.

Neither of these last two novels leaves us with a neatly packaged conclusion. There are no homicides in Caudwell’s novel—simply the bringing to light of a medium’s worldview as she claims the oracular power to shape matters of life and death. Gur’s Ohayon does apprehend the murderer. He nevertheless harbors lingering doubts about the destructive legacy of uncovering truth. Most importantly, both Caudwell and Gur abandon the historical forensics established in their earlier books. While Aristotelian principles might work to establish a poetics of sleuthing, historical method can never be mechanistic or conventional. Neither text nor context alone can truly explain a phenomenon as complex as the past—its endless labyrinth of “cunning passages, contrived corridors.” But these concluding novels impart a more profound conundrum. Text and context is now joined by a third, destabilizing, historiographic voice: prophecy. How might historians react when their own comfortable formulae are shattered by those whose episteme include the unreal, the apocalyptic, or the utopian? A distant, mythic, disruptive prophetic past—evoked by both the Virgilian Sibyl and Agnon’s Gemulah—unsettles even the most adroit historian’s craft.