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Donald Bloxham. *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory.* Oxford: Oxford University Press, 2001. xix + 273 pp. $24.95 (paper), ISBN 978-0-19-925904-5; $149.00 (cloth), ISBN 978-0-19-820872-3.

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Holocaust Trials and Historical Representation

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We have always known that the historical representation of the Holocaust was profoundly influenced by the Nuremberg Trials–in particular, the trial of the major Nazi war criminals by the International Military Tribunal, whose chief prosecutor was Associate Justice Robert Jackson of the U.S. Supreme Court. Many books have been written about the various Nuremberg trials by both journalists (e.g., Robert Persico) and participants (Telford Taylor), some of them primarily descriptive, and some more analytic. One of the later trials, that of the Nazi judges, was fictionalized in the Stanley Kramer/Abby Mann film *Judgment at Nuremberg* (1961); more recently, in 2001, the USA cable TV network produced a fairly effective dramatization of the first trial, simply called *Nuremberg*, which focused on Justice Jackson (played by Alec Baldwin) and included a love story that connected Jackson with his devoted secretary Elsie Douglas (played by Jill Hennessey).

In 2000 Lawrence Douglas's excellent book, *The Memory of Judgment* examined the trials from a perspective that combined the law and media analysis. Douglas focused not only on the first Nuremberg trial, but on subsequent media-inflected courtroom events such as the Eichmann trial and the Canadian indictment of Holocaust-denier Ernst Zundel. Douglas suggests that all Holocaust-related trials have been deeply influenced by Justice Jackson's decision to present to the court vivid footage taken during the liberation of the Western camps of emaciated prisoners, dismembered corpses, crematoria, and ashes. This had the effect, for instance, of suggesting to succeeding generations that the Holocaust took place primarily in death camps via systematic starvation and execution. The use of ghettos and such extreme versions of "ethnic cleansing" as the mobile killing squads (the Einsatzgruppen) were given a secondary role in the dramatic representation of the Holocaust. The Allies felt the need to convince skeptical observers that the Nuremberg trials were instituted to bring to justice–and not merely "victors' justice"–perpetrators of war crimes and crimes against humanity. Douglas concludes that in this crucial dimension the various trials did not fully succeed, but that as politically motivated representations they were more successful.

In *Genocide on Trial*, British historian Donald Bloxham suggests that in setting up war-crimes trials after World War II the Allies (he focuses on the United States and Great Britain) were not only pursuing justice but were also trying to write the history of the war. Bloxham believes that the trials failed in this attempt because of political considerations, related primarily to the advent of the Cold War. But they failed as well because they also tried to define the war in ways that would be most effective in reaching Germans concerning their responsibility (avoiding the notion of "collective guilt") for starting and pursuing the war. The trials were seen, in other words, as an integral part of the process of denazification.

It is Bloxham's belief that the particular emphases of the trials retarded the development of Holocaust historiography, because they gave rise to a series of crucially misleading generalizations. Among them were the following: first, because of the initial and spectacular focus on liberated camps in the West–such as Belsen and Buchenwald–the earlier and extensive murderous work of the Einsatzgruppen was ignored until much later. Indeed, the trials of those involved in the mobile killing squads did not take place until more than a decade after the Nuremberg trials began. Second, because all the extermination camps were located in Eastern Europe (in both the occupied parts of Poland and in the Generalgouvernment) and were liberated by the Russian army, there was a general confusion in the West about the nature of the various types of camps. Belsen and Buchenwald were, for most of the war, concentration camps, not

involved primarily in the industrialized killing processes typical of Sobibor, Belzec, Treblinka, and Auschwitz-Birkenau. At the end of the war, however, they received thousands of prisoners who had been marched westward from the various remaining camps of all types in the Eastern sector. By this time Belzec, Sobibor, and Treblinka had been razed. The appearance of these starving, dying refugees (fewer than half had survived the Death Marches) made it seem to most observers, including Justice Jackson, that the camps liberated by American and British forces were extermination camps when, in fact, they were not. Third, because the SS had been assigned primary responsibility for the Final Solution of the Jewish Question, it was thought for many years that the Wehrmacht had played little or no role in the genocide of Jews, Poles, Russian soldiers, and Gypsies, when, in fact, in many sectors of the war they had actually assisted their SS colleagues in both round-ups and executions.

Bloxham believes, then, that it has been the academic historians who have more successfully constructed the history of the genocidal parts of the War, reconstructing it out of the distorted historical patterns promulgated by the various trials. The "re-educational" functions of the trials led to particular kinds of distortions, the two main causes being the perceived need to "de-Nazify" the population, and the growing importance of the Cold War along with the development of a new enemy out of our former ally, the USSR. Cold War strategists understood early on the importance of Germany as a future ally and as a geographical buffer state between Eastern and Western Europe. A governing elite would be needed to run a "democratic" Germany, and unfortunately many of the people needed for these purposes had been Nazi party functionaries during the Third Reich. As Jeffrey Herf has pointed out in *Divided Memory*, Konrad Adenauer also understood perfectly well that the lingering pro-Nazi sentiments among German survivors of the war would not allow him to push de-Nazificaction proceedings very far. To do so could well have cost him his elected position.

For Bloxham the first trial of the major Nazi war criminals produced "the seeds of the misrepresentations that were to characterize portrayals of Nazi criminality in the post-war era and in some cases up to the present day" (p. 10), by stressing the camps as the seats of atrocity and focusing on criminals whose crimes were so broadly based that they had "no particular geographical location" (p. 5). Even though the trials portrayed the camps as the center of the Nazi extermination process, the prosecutors wanted to settle responsibility on those who made the major policy decisions. As a result, the docket was filled with men, most of whom had never executed an individual Jew, Gypsy, or Russian prisoner during the war. Those who did the actual killing were dwarfed in their significance for the courts as well as the general public by such prominent figures as Goering, Donitz, or Speer, and most of the former escaped prosecution altogether and went on to live out their lives as middle-class citizens of the Federal Republic. This fact fit in with a political agenda that wanted to relegate the world war to the past and move on to rebuilding Europe and fighting the Communists.

Because the "'conspiracy-criminal organization plan' remained the greatest influence on the way in which major war criminals were prosecuted after World War II" (p. 21), it also served to protect the lesser criminals–those who were only following orders–from coming to trial. Likewise, by 1946, the British in particular understood how important a revived Germany would be against a Communist enemy. Initially, the American government insisted that the trials proceed, but as the Iron Curtain became more of a reality, the United States also became alerted to the political sensitivity surrounding the trials.

Bloxham discusses in great detail the formation of the various investigative and judicial agencies involved in facilitating the trials, confronting the reader with a bewildering number of acronyms and abbreviations. He does, however, provide a two-page list of these at the beginning of the book for which we can be grateful. Bloxham's archival research is excellent. He has examined not only the extensive trial records but also those documents held in both British and American archives that have been made available to scholars. In addition to discussing such judicial figures as Jackson, Taylor, and British Justice Sir Hartley Shawcross, Bloxham also discusses the roles played by such key figures as Adenauer, Ernest Bevin, General Lucius Clay, Anthony Eden, and John McCloy in the politicization of the various trials.

After discussing "The Politics of Trial Policy," Bloxham looks at "Race Crimes," particularly those committed against the Jews, and the various types of Nazi criminality. Because most of the crimes against the Jews were committed somewhere other than Germany, this gave both Germanys the opportunity to minimize their complicity. (It is instructive, by the way, to compare the hundreds of individuals tried for war crimes by the Polish Communist government with the minuscule number tried in the G.D.R.) Bloxham's detailed discussions of trials other than those of the International Military Tribunal are woven well into the context of his argument, and he is fully informed on the role of the Aktion Reinhard death

camps in the Final Solution and their absence from the immediate post-war trials. For instance, Franz Stangl, the commandant of Treblinka, was not captured and brought to trial until 1970. In addition, Bloxham is particularly effective in accounting for the slow acceptance during the post-war period of the Wehrmacht's complicity in both war crimes and crimes against humanity, and he pays special attention, in this regard, to the trial of Field-Marshal Fritz Erich von Manstein.

In a concluding chapter, Bloxham examines the role of the Nuremberg trials in establishing a historiography of the Holocaust. As an example, he discusses Raul Hilberg's decision to rely primarily on documents left by German bureaucrats rather than on survivors' testimony. Those were, after all, the kind of documents collected as evidence for the trials, and "it was unavoidable that trials would in large measure be perpetrator-centric" (p. 203). It is only recently that historians have begun to focus more on the victims themselves and to respect testimony from them about their own situations. Also, moving away from the legal perspective in which conspiracy is central has led more recent historians, including Bloxham himself, to take a "functionalist" rather than an "intentionalist" perspective on Holocaust historiography.

This is the kind of book that, because of its range of reference, will give rise to other studies that analyze specific elements of *Genocide on Trial* at greater length. The book contains an interesting blend of analysis and historical representation, although Bloxham's prose tends to be somewhat dry due to his overuse of the passive voice, a trait that makes the author's assertions seem disconcertingly timid and indirect. Perhaps this results from an insufficient revision of what was originally a Ph.D. thesis. Nonetheless, I think that all Holocaust scholars interested in both the post-war trials and Holocaust historiography will find this book stimulating and useful.

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