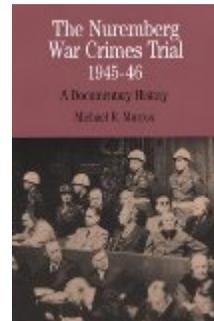


H-Net Reviews

in the Humanities & Social Sciences

Michael Marrus. *The Nuremberg War Crimes Trial, 1945-46: A Documentary History*. Boston: St. Martin's Press, 1997. xi + 276 pp. (paper), ISBN 978-0-312-13691-8; \$35.00 (cloth), ISBN 978-0-312-16386-0.

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Michael Marrus's *The Nuremberg War Crimes Trials, 1945-46: A Documentary History* provides students of the Second World War and international law with a fascinating documentary account of the most infamous war crimes trial of the twentieth century. Spanning the years 1919 through 1964, Marrus's work successfully incorporates hundreds of historic documents that help shed light on the proceedings of the first Nuremberg war crimes trial, as well as its historical precedents and impact later in this century. Additionally, the book provides an excellent introductory examination of the issues involved in holding international war crimes trials.

As indicated above, *The Nuremberg Trials, 1945-46* encompasses far more chronologically than the years 1945-46. The book begins with documents from the 1919 Commission of Responsibilities of the Authors of the War and the Enforcement of Penalties, excerpts from the Treaty of Versailles, and the Kellogg-Briand Pact. By utilizing these documents, Marrus successfully explores the Allied nations' reluctance to pursue war crimes charges against the German leadership following the First World War. This section is essential to any successful account of the Nuremberg Trial because it presents the reader with the necessary background of the difficulty the Allies had to contend with some twenty six years later.

Following his treatment of the historical background to the trial, Marrus launches headlong into the trial itself. In this part of the book, he outlines the wartime negotiations undertaken by the Allies in order to bring such an unprecedented trial to fruition. Marrus uses illustrative, well-chosen primary source documents to depict the thorny issues which hampered the trial from the beginning, namely how the trial would proceed, the dif-

ficulty in deciding on the charges to be leveled against the defendants, who the defendants would be, who would prosecute the defendants and who would judge the proceedings. Here Marrus's narrative picks up on what becomes a main theme throughout the book: the problems encountered by the Allies in prosecuting the Germans for crimes that many in England, France, and America felt had also been committed by the Soviets. Most problematic to the proceedings was the idea that it was difficult to make a case against the Germans for conspiracy to wage an aggressive war in the face of the 1939 Nazi-Soviet pact, and furthermore, that a charge of crimes against humanity would appear duplicitous in light of the then emerging discovery of Soviet guilt in the Katyn Forest massacre in Poland. As mentioned previously, the problem of Soviet guilt in these areas becomes a central theme throughout the remainder of the book and helps shed light on the most problematic aspects of the trial.

Continuing to present the trial in the vein described above, Marrus proceeds to describe the make-up of the court and the proceedings against the defendants. Marrus presents the reader with some of the key documentary evidence used by the prosecutors during the course of the trial, including the opening and closing arguments of the prosecution, excerpts of the testimony of the defendants, key witness testimonies, and the last words of the defendants. Marrus combines a fluid narrative with a large amount of documentary evidence, providing the reader with a clear picture of the Nuremberg proceedings.

Finally, Marrus concludes the book with a chapter appraising the trial itself. He correctly observes that the trial, far from being positively received, has been viewed

by many contemporary and later observers with a critical eye. Most notably, Marrus and others have pointed out that many of the prosecutors and judges had little or no experience in international law. Of the trial Marrus himself states that, "Nuremberg was not perfect, by any means, and it is possible to believe that its warts and blemishes—or even its structural faults—may be the most important things to be discussed today."

The importance of *The Nuremberg War Crimes Trial, 1945-46: A Documentary History* lies in its ability to uti-

lize a large sampling of primary source documents complimented by an easy to read historical narrative. For the lay person it provides a necessarily brief introduction to the topic and for those already proficient in the topic it provides a useful guide to the morass of documents surrounding the trial itself.

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