

*NUREMBERG – Infamy on Trial*, by Joseph E. Persico  
(New York: Penguin Books, 1994)

THE HAGUE, Netherlands—A United Nations tribunal announced Thursday the indictment of eight Bosnian Serb military and police officers in connection with rapes of Muslim women in Bosnian war, marking the first time sexual assault has been treated separately as a crime of war. The indictments were announced by the International Criminal Tribunal in the Hague after almost two years of investigations [the first such international body since Nuremberg]. Court officials said that...this indictment gave organized rape and other sexual offenses their due place in international law as crimes against humanity [Bremerton, WA: *The Sun*, Friday, June 28, 1996].

Persico's *Nuremberg, Infamy on Trial* is a timely retrospective on the Nazi war crimes trials now fifty years past. 1945-46 Nuremberg was at the center of the legal universe, and, emphasizing the theme of "the age-old distinction between law and justice" (p. xi), Persico takes you back to that pinnacle moment in history. Persico's writing style is smooth, if a little too casual; crisp narrative accents the excellent dialogue culled from transcripts, interviews and correspondences. Persico includes extensive source notes, index and bibliography, plus a marvelous photo section of judges, lawyers, and accused. For those who would rewrite history and manipulate truth, Persico documents well the fact: "Not a single defendant at Nuremberg ever denied that the mass killing had taken place, only that he had lacked personal knowledge and responsibility" (p. 441).

The first and second parts of the book deal with background and the case of the prosecution. Part three deals with the defense, the last part with the judgment. The prosecution's indictment against the accused was broken down into four counts: conspiracy to commit aggression; commission of aggression; crimes in the conduct of war; and crimes against humanity (p. 397).

One interesting character at Nuremberg was Gustav M. Gilbert, the psychologist at Spandau prison where the defendants were held. Gilbert's search for "the *why* of ingeniously organized, routinely administered mass murder carried out by presumably civilized people consumed him" (p. 207). He concluded there were three pieces to the puzzle: 1) the German cultural "cult of unthinking obedience"; 2) a nation bombarded for years, for generations, with propaganda that Slavs and Jews were less than human and responsible for their own misery, an anti-Semitism resonant in Fichte and Hegel; and 3) a lack of basic human feelings, empathy and kinship on part of Nazi leaders like Hitler, Hoess, Göring, Eichmann, and Kaltenbrunner (cf. pp. 319-320). At one point Gilbert decides the difference between Germany and the U.S. was that the bigots and schizophrenics came to *run* Germany!

Two individuals with pretty weird jobs were Protestant chaplain, Henry Gerecke, and Catholic chaplain, Sixtus O'Connor. They served Spandau prison, where the accused were housed during the trials. To face these Nazi leaders with a Bible in hand, with offers of repentance and salvation, must have been utterly soul-rending! And yet, in the face of such Christian witness, those who were wholly unrepentant—as Göring and Kaltenbrunner—these stood out all the more clearly in their arrogant inhumanity and cynical ruthlessness.

"The trial, in the final analysis, raises the distinction between law and justice. No saint or statesman lost his life or his freedom at Nuremberg. All the men who went to prison or mounted the gallows were willing, knowing, and energetic accomplices in a vast and malignant enterprise. They were all there for valid moral, if not technically perfect legal, reasons; but then, the murderer who gets off on a technicality has experienced law, not justice. The execution of a professional hate-monger like Julius Streicher, if legally debatable, does not begin to compare with the injustice done to a five-year-old sent to a gas chamber, an end encouraged by Streicher's race preachments. It can be argued that evil unpunished deprives us of a sense of moral symmetry in life, and that to punish evil has a healthy cathartic effect, confirming our belief in the ultimate triumph of good over

evil. Nuremberg may have been flawed law, but it was satisfying justice" (p. 440). If nothing else, the Nuremberg trials established beyond a doubt the historicity of the Holocaust!

Consider the proverb: "Hell is truth seen too late" (p. 411). German Armed Forces Chief of Staff, Wilhelm Keitel, voiced similar regrets at hearing his sentence, "to hang." There were those who saw, or said they saw, truth at their trials: for example, Hans Frank, known as the "Jew Butcher of Krakow," Albert Speer, *Reich* minister for armaments and war production, and Wilhelm Keitel. At one point Hans Frank confesses, "We cannot say that Adolf Hitler violated the German people; he seduced us" (p. 185). Then there were those who long before had chosen—had habituated themselves!—against seeing truth: Hermann Göring, *Reichsführer* and head of the SS. It might be said that Göring was shrewdly calculable in his madness, or evil, while Hitler was *incalculable* in his. The question: Which is the worst? I don't know the answer.

An arguable distinction between humans and the rest of the animal kingdom species is that the animal's world is trapped in the moment—"habit-memories" or instances of non-sapient "linguistic behavior" belong only to the *specious present* in which they arise. The homosapient's conscious-perceptual world—our world—includes *all human history!* This is human joy, art and memory, loyalty and comedy. This is the existential predicament, the human burden. It is both a curse and a blessing to remember. But remember we must. We must remember, without malice, and with wisdom. Joseph E. Persico does us all a great service, giving us this important book about remembering, and about learning from history remembered.

One of the virtues of Persico's book is the lack of extreme exploitative portrayals of violence and brutality; this is quite difficult when dealing with a subject like the Holocaust. At one place, however, the author gives in to it, but not inordinately, not without exceptional balance: Marie Claude Vaillant-Couturier, a woman of 33 and an Auschwitz survivor, appeared before the court. "One night, we were awakened by horrible cries," she said. "The next day we learned that the Nazis had run out of gas and the children had been hurled into the furnaces alive" (pp. 236-37).

In Jan Struther's World War II era novel, *Mrs. Miniver* (NY: Grosset & Dunlap, 1940, p. 173), the main character makes the following observations:

She put on a mackintosh and struggled up the square to the pillar-box. Outside the little news-agent's the evening paper placards were flapping under their wire grids like netted geese. The lower half of one of them had been folded up-wards by the wind, hiding everything except the word "JEWS." Mrs. Miniver was conscious of an instantaneous mental wincing, and an almost instantaneous remorse for it. However long the horror continued, one must not get to the stage of refusing to think about it. To shrink from direct pain was bad enough, but to shrink from vicarious pain was the ultimate cowardice. And whereas to conceal direct pain was a virtue, to conceal vicarious pain was a sin. Only by feeling it to the utmost, and by expressing it, could the rest of the world help to heal the injury which had caused it. Money, food, clothing, shelter--people could give all these and still it would not be enough: it would not absolve them from the duty of paying in full, also, the imponderable tribute of grief.

After the executions, the bodies were obliterated. "The Quadripartite Commission had fulfilled its aim, to obliterate any corporeal trace of these men and any relic around which a shrine to Nazism might rise" (p. 429). May the God have mercy. *Baruch HaShem*.

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