



## Prelude to Nuremberg: Allied War Crimes Policy and the Question of Punishment

*By Arie J. Kochavi*

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Between November 1945 and October 1946, the International Military Tribunal in Nuremberg tried some of the most notorious political and military figures of Nazi Germany. The issue of punishing war criminals was widely discussed by the leaders of the Allied nations, however, well before the end of the war. As Arie Kochavi demonstrates, the policies finally adopted, including the institution of the Nuremberg trials, represented the culmination of a complicated process rooted in the domestic and international politics of the war years.

Drawing on extensive research, Kochavi painstakingly reconstructs the deliberations that went on in Washington and London at a time when the Germans were perpetrating their worst crimes. He also examines the roles of the Polish and Czech governments-in-exile, the Soviets, and the United Nations War Crimes Commission in the formulation of a joint policy on war crimes, as well as the neutral governments' stand on the question of asylum for war criminals. This compelling account thereby sheds new light on one of the most important and least understood aspects of World War II.

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### Editorial Review

From Publishers Weekly

As WWII is now indelibly associated with the Holocaust, it may be startling to recall just how little these atrocities figured in Allied thinking of the time. According to Kochavi, inter-departmental conflicts and maneuvering for dominance within and between the U.S. and British governments, fear of Nazi reprisals against Allied POWs and the political positioning of Churchill, Roosevelt and Stalin blocked any unequivocal war crimes policy until after an Allied victory was deemed certain in 1945. The United Nations War Crimes Commission, conceived in 1943 by the British and the U.S. as a palliative to public opinion and governments in exile, was never intended by either government to have any decision-making power. Kochavi shows how persistent efforts, especially by U.S. UNWCC representative Herbert Pell, resulted in the powerful new concepts included in the idea of crimes against humanity. Prominent among these was the argument that the persecution of individuals for reasons of race, religion or personal beliefs is illegal?even when nationals are persecuted by their own government. Such decisions forced the incorporation of an entire new class of crimes into international law, for which the UNWCC then gathered invaluable evidence for postwar prosecution. Kochavi, a historian at the University of Haifa, has taken a complicated, nuanced subject and, through extensive research and forceful retelling, has shed light not only on WWII but also on the response to similar atrocities in Rwanda and the former Yugoslavia, in which, once again, political interests have outweighed moral considerations.

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From Library Journal

The Nuremberg trials were the culmination of a bitter, complex struggle to establish a policy to try war criminals after World War II. The author, a senior lecturer in history and director of the Strochlitz Institute of Holocaust Studies at the University of Haifa, presents an unbiased account of events that preceded the trials. In many ways, his book also reflects emerging Cold War politics, as Britain, Russia, and the United States each maneuvered to prevent the other from becoming a dominant power. Under pressure from Poland and Jewish refugees, Britain established the War Crimes Commission in 1942. But during the war it accomplished little as both the British Foreign Office and the U.S. State Department either opposed it or wanted to delay its actions, while Russia wanted to use it to punish her enemies, both internal and external. The commission did, however, lay the groundwork for the Nuremberg Trials, which were independent of it. Kochavi provides an excellent account of Allied efforts to control commission policies and of the developing policy for trying war criminals. A complex and detailed work; for informed lay readers and scholars. ARichard P. Hedlund, Ashland Community Coll., KY

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Review

This compelling account . . . sheds new light on one of the most important and least understood aspects of World War II.--*Jewish Times Outlook*

Kochavi analyzes the wartime politics of the Allied powers concerning war crimes, showing how their maneuvers led--not inevitably, by any means--to Nuremberg. This approach is especially interesting in light of contemporary events in Yugoslavia and Rwanda, where decisions on war crimes have also depended far more on big power politics than on legal concerns.--Henry Friedlander, author of *The Origins of Nazi*

*Genocide: From Euthanasia to the Final Solution*

An unbiased account of events that preceded the [Nuremberg] trials. In many ways, [t]his book also reflects emerging Cold War politics, as Britain, Russia, and the United States each maneuvered to prevent the other from becoming a dominant power. . . . An excellent account of Allied efforts to control commission policies and of the developing policy for trying war criminals.--*Library Journal*

*"In this meticulously researched and boldly argued book, Ariele Kochavi casts new light on the inter-Allied conflicts and considerations that ultimately resulted in the Nuremberg trials. Prelude to Nuremberg is a highly original analysis of the origins of the war crimes trials that followed World War II.--Robert E. Herzstein, author of Waldheim: The Missing Years and Roosevelt & Hitler: Prelude to War*

Kochavi writes clearly and well, and his book is tightly organized and meticulously researched. As a valuable addition to existing treatments of the road to Nuremberg, Kochavi's book reminds us of the steps and missteps--petty acts of politics and the great bursts of vision--that set the stage for Nuremberg.--*Journal of Military History*

Kochavi shows how persistent efforts, especially by U.S. UNWCC representative Herbert Pell, resulted in the powerful new concepts included in the idea of crimes against humanity. . . . Kochavi, a historian at the University of Haifa, has taken a complicated, nuanced subject and, through extensive research and forceful retelling, has shed light not only on WWII but also on the response to similar atrocities in Rwanda and the former Yugoslavia, in which, once again, political interests have outweighed moral considerations.--*Publishers Weekly*

Organized chronologically and clearly written, the work offers a judicious and convincing interpretation of events.--*Choice*

Confronted by Axis enemies engaged in unprecedented savagery and inhumanity against Allied soldiers and defenseless non-German civilians, . . . how did the Allied governments react? What policies did they develop, and how did they propose to deal with the issues of war crimes and war criminals? What plans did they develop for bringing war criminals to justice as an object lesson in accountability that might deter future wars and future acts of mass barbarism? Were their policy formulations the result of moral outrage and high-minded resolve, or equivocation and political expediency? These are some of the questions that emerge as themes in this illuminating and absorbing book. This is an extremely difficult story to tell, and Kochavi has done it admirably.--Charles W. Sydnor Jr., author of *Soldiers of Destruction: The SS Death's Head Division, 1933-1945*

Kochavi has written a serious and important book that should not be ignored.--*American Historical Review*

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