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The Jewish Response to the Nuremberg Trials

Melody Pruitt

HIST 3233: World at War

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World War II was characterized by extreme violence and hardship. People from all over the world faced incredible circumstances of hunger, destitution, disease, and death. Millions of lives were lost both through the waging of war and the extermination of people groups. World War II characterized the globe in several different respects that still affect it today. Political systems, societies, and policies would forever be changed by the war, and people began to see each other quite differently. Perhaps the most well-known example of this is the mass murder of millions of Jews by the Nazi regime known as the Holocaust. Jewish people throughout Europe were shipped off to labor and death camps to face their demise in a systematic and ruthless manner. Adolf Hitler poisoned the minds of the German people to believe that the Jews were responsible for their difficult circumstances after the first World War. The Nazi regime began by cutting off the Jewish population from society, and evolved to forcing them into gas chambers and dying by the millions.

After the defeat of the Nazis and the liberation of the camps and the occupied nations, the Allies wanted to impose harsh punishments for those responsible for these heinous crimes. The Nuremberg Trials, conducted by the International Military Tribunal, were a series of military trials against Nazi officials. The International Military Tribunal was composed primarily of the Allies, which included the United States, France, the United Kingdom, and the Soviet Union.¹ They took place over many years, from 1945 to 1949, in the city of Nuremberg in Germany. The main trial of the International Military Tribunal was the Major War Criminals Trial, which took place over the course of almost an entire year from 1945-1946. Subsequent trials also took place

¹ The International Military Tribunal, *Trial of the Major War Criminals Before the International Military Tribunal*. Nuremberg, Germany: 1947.

in Nuremberg lasting up until 1949, including the Doctors Trial and the Judges Trial. The Major War Criminals Trial, though, was the most popular one with people during the time and the primary basis for the literature. People's reactions and sentiments to the trials typically refer to the Major War Criminals Trial, and it was the primary dispensary of justice. Twenty-four Nazi officials were indicted in this specific trial, and eighteen of them were found guilty. Twelve of those defendants were sentenced to death, although one was in absentia.

The Nuremberg Trials left a lasting legacy, particularly in the field of international law. Many believed the trials to be a heinous misuse of justice, while others praised the precedents that they set. The reactions to the trials were also varying among different nations and people groups. A significant point of interest has been the Jewish population's reaction to, and thoughts on, the Nuremberg Trials. During the trials, Jews throughout Europe were beginning to rebuild what was left of their lives after the nefarious actions of the Nazi regime. The Nuremberg Trials, for some, were a way to finally put the past behind them and move on. For others, though, the trials became a point of contention and another disappointment in the way the world treated the Jewish people.

There has been much debate over whether or not the Nuremberg Trials actually achieved justice, particularly the Major War Criminals Trial. The Nuremberg Trials brought several Nazi officials to trial, which acknowledged that what they had done was criminal and allowed for some responsibility to be placed on actual individuals and groups of people for the atrocities of the Nazi regime. Twenty-four individuals along with the Reich Cabinet, the Leadership Corps of the Nazi Party, the SS, the SD, the Gestapo, the SA, and the General Staff and High Command of the German Armed Forces were all indicted by the International Military Tribunal for the Major

War Criminals Trial. The indictment had four main counts against the defendants, which were the common plan or conspiracy, crimes against peace, war crimes, and crimes against humanity. Under each of these broad counts were subcategories of each one which specifically laid out the heinous crimes that both the individuals and the Nazi groups were a part of.² The indictment of groups along with individuals was significant because it allowed the blame for Nazi crimes to be placed on both institutions and many other people rather than just a few individuals. The specificity of the crimes that were described in the indictment gave not only validation to those who had been victimized by these crimes, but also gave the world its first glimpse into the atrocities of the Nazi regime.

The Nuremberg Trials truly solidified what nefarious actions occurred within both the Nazi occupied areas and Germany itself. Information about the Holocaust and the atrocities brought upon Jews and other members was not fully known until evidence was shared at the Major War Criminals Trial. The International Military Tribunal gave the world its first real look at the heinous, evil crimes of the Nazis. The Wannsee Protocol was introduced as evidence during the Major War Criminals Trial and was a key document that led to the conviction of many Nazi officials. The document was actually the edited minutes of what is now referred to the Wannsee Conference, which was held to solidify the final solution to the Jewish problem. It laid out the desire of the Nazis to expel every Jew from German society, and encouraged a speedy emigration of the Jewish population. The Wannsee Protocol described how Jews that were of mixed blood or married to Germans would be treated as well. It delegated the responsibilities of

² The International Military Tribunal, *Trial of the Major War Criminals Before the International Military Tribunal: Indictment*. Nuremberg, Germany: 1947.

the final solution to the SD, and outlined the steps that would be taken for a speedy enactment of the final solution plan.³ Likewise, the prosecution used the testimony of Holocaust survivor Marie-Claude Vaillant-Couturier to give a first-hand account of part of the Nazi crimes. She was imprisoned at Auschwitz and became the first Holocaust survivor to ever testify in a court of law. In her testimony, she described how the camp worked, from roll call to punishments. She outlined the different units of Auschwitz, including the hospital and the factories and other labor institutions in which prisoners were forced to work. She also testified to the horrific experiments performed on the prisoners as well as how people died, whether it was from disease or gassing or being shot.⁴ This account gave the first real description of what it was like to be imprisoned in a Nazi camp and displayed how truly nefarious the Nazi crimes were.

The Nuremberg Trials certainly left a lasting legacy, both positively and negatively. Especially within the Major War Criminals Trial, precedents were set that are still in use today. The International Military Tribunal established the idea of crimes against humanity in the “Constitution of the International Military Tribunal.” The idea of crimes such as these had not been posited as a criminal act until then. The constitution defined them as actions or persecutions that are inhumane towards a civilian population that were committed either before or after the war. The constitution also included two other realms of crimes: crimes against the peace and war crimes, but these were concepts that had been used previously.⁵ Certainly, the most impactful legacy that the Nuremberg Trials left on the field of International Law was the creation of the

³ *The Wannsee Protocol*. Berlin, Germany: 1942.

⁴ *Nuremberg Trial Proceedings Vol. 6, Forty-Fourth Day*. Nuremberg, Germany: 1946.

⁵ The International Military Tribunal, *Constitution of the International Military Tribunal*. Nuremberg, Germany: 1945.

idea of crimes against humanity along with its subsequent use in the conviction of major Nazi war criminals and groups. This precedent would be used in the future for other trials involving Nazi officials and different cases around the world.

Despite the progress that the trials made and the symbolism they held, the Nuremberg Trials were not without their faults. They are widely considered fair in the literature, although some argue against the *ex post facto* nature of the crimes brought against the defendants.⁶ The idea behind this criticism is that since the International Military Tribunal created its own crimes after the actions had already been committed, this violated the *ex post facto* nature of law. Furthermore, these individuals and groups should not have been punished after the fact, then, if their actions were not even criminalized until after they were completed.⁷ Another criticism is that the trials were highly hypocritical since the Allies were never held responsible for their own war crimes. The term “victors’ justice” has been coined to describe this phenomenon. That is, the Allies, as victors, were able to avoid prosecution or punishment for their own war crimes simply because they were victorious. Some claim that by ignoring the heinous actions of Stalin or Churchill or Truman that the “moral force” of the trials was lessened overall, and they were invalidated to some degree.⁸ There is also the issue that many people have of assigning blame to individuals, who claimed that they were just following orders, for the massive entirety of Nazi war crimes. The International Military Tribunal did not accept the argument that the individuals that were actually tried did not have individual responsibility for their crimes. Psychological

⁶ Telford Taylor, “The Nuremberg War Crimes Trials,” *Proceedings of the Academy of Political Science* 23, no. 3 (1949): 244.

⁷ David Luban, “The Legacies of Nuremberg,” *Social Research* 54, no. 4 (1987): 797.

⁸ Luban, “The Legacies of Nuremberg,” 810.

experiments like those conducted by Stanley Milgram attempt to show that when under pressure by some authority, individuals will act in ways they may not normally. Although these psychological experiments appear to be valid, the International Military Tribunal did not believe that this lack of responsibility for each individual applied in this situation.⁹

The Jewish population's reaction to the Nuremberg Trials was a mixed bag. Some Jews received the trials positively, thinking of them as a final act of achieving justice over their Nazi oppressors. The Holocaust was finally recognized as an event that took place under the Nazi regime, and it was acknowledged as a crime against humanity under the new standard set forth by the International Military Tribunal. Each of the four major counts within the indictment included specific crimes against Jews along with the other crimes blamed on the Nazis.¹⁰ During the International Military Tribunal's investigation leading up to the trial, documents were discovered that described the nefarious actions of the Nazis as well as their systematic approach to mass murder.¹¹ This provided a platform for the Jewish people to share their story.

The majority of the Jewish population, though, viewed the trials in a negative light, citing major issues with Jewish representation and presence of the Holocaust within the Nuremberg Trials. The Allies each had a representative at the trial and one alternate for that representative. However, there was no Jewish representative whatsoever at the Major War Criminals Trial. Jews did in fact play a role in the trials, but primarily behind the scenes. Only three Jewish Holocaust

⁹ Luban, "The Legacies of Nuremberg," 817.

¹⁰ Laura Jockush, "Justice at Nuremberg? Jewish Responses to Nazi War-Crime Trials in Allied-Occupied Germany," *Jewish Social Studies* 19, no.1 (2012): 109.

¹¹ Taylor, "The Nuremberg War Crimes Trials," 250.

survivors took the witness stand during the almost year-long Major War Criminals Trial.¹² In the eyes of many Jews, the focus of the trial was more on the Nazis' act of aggressive warfare than the actual atrocities of the Holocaust. Although the International Military Tribunal established the concept of crimes against humanity, the stories of the survivors and victims of the Holocaust became more of a distant background in the trials than the primary focus that they deserved. Many believed that by including the crimes against Jews in the Major War Criminals Trial with all of the other Nazi crimes, it reduced the Holocaust and the final solution, among others, to the equivalent of aggressive warfare or other allegations within the indictment.¹³

The Jewish population that remained in Europe after World War II had certain expectations and demands going in to the Nuremberg Trials. These were primarily expressed through the World Jewish Congress. The World Jewish Congress was established in 1936 as a way to represent Jewish interests to the world. As rumors of the heinous actions of the Nazis towards Jews in Germany and the surrounding area spread, the World Jewish Congress founded the Institute of Jewish Affairs to gather information that could potentially be used as evidence of these crimes.¹⁴ In 1944, with the help of the evidence gathered by this institution, the World Jewish Congress created a "Statement and Resolution on the Punishment of War Criminals." Essentially, the document demanded that not only war crimes be charged against the Nazis, but humanitarian crimes as well. Furthermore, the World Jewish Congress requested Jewish representation in the prosecution of the Nazis and that enough attention would be granted to the

¹² Jockush, "Justice at Nuremberg?," 110.

¹³ Jockush, "Justice at Nuremberg?," 116.

¹⁴ Jockush, "Justice at Nuremberg?," 111.

the crimes against the Jews specifically. Lastly, the document insisted that crimes against Jewish nationals would be adjudicated by the United Nations instead of being handled by courts within Germany.¹⁵ Ultimately, most of their demands were not met. The International Military Tribunal did handle the prosecution of Nazi crimes against the Jews and they did establish the idea of crimes against humanity, but, arguably, representation of Jewish interests and adequate attention given to the Holocaust and other heinous actions towards Jewish people was lacking.

The Jewish population began to view the Allies negatively during and after the Nuremberg Trials. They believed that the Allies had the political power to conduct the trials, but not the moral power. The trials were seen by many in the Jewish population as an opportunity for the Allies to redeem themselves morally for allowing the Holocaust to go on for so long. However, they were sorely disappointed when the Major War Criminals Trial put the Holocaust on the back burner. The prosecution was shaped around the general nefariousness of the Nazi crimes, and the Holocaust was simply lumped into them. The Holocaust was not even defined as the Holocaust that is known today. It had no name, but just understood as general crimes against Jews that were added to the Nazis' general war crimes.¹⁶ Even when the mass murder of Jews was mentioned, it was biased by the Allies' own goals and ambitions that they planned to get out

¹⁵ World Jewish Congress, *Statement and Resolution on the Punishment of War Criminals*. Atlantic City, New Jersey: 1944.

¹⁶ Hanna Yablonka and Moshe Tlamim, "The Development of Holocaust Consciousness in Israel," *Israel Studies* 8, no. 3 (2003): 6.

of the Nuremberg Trials.¹⁷ Many criticized the trials' lack of acknowledgment of this mass murder, and the suppression of the survivors' stories.¹⁸

The majority of the Jews blamed the entire German population for the oppression they faced, not just the handful of Nazi officials that were put on trial. They believed in a "moral death sentence" for the entire German population, meaning that they wanted everyone to be condemned for at least their complicity, if not for whatever other role they might have played in the Nazis' heinous acts. The death sentence was not enough for many Jews. They desired a full condemnation of all Germans.¹⁹ It is not entirely clear how this would have been accomplished. The German people certainly suffered much hardship as a result of the war, but it can not be compared against the mass murder of millions of Jews. In a way, the Major War Criminals Trial attempted to do so by indicting Nazi groups along with individuals as well as accusing all of Germany for aggressive warfare.

World War II was a terrible mark on the history of humanity. Millions of people were killed as a result of battle, disease, and deliberate murder. The nefarious actions of the Nazi party had to be prosecuted somehow and justice was needed for many survivors who had lost everything. The Nuremberg Trials was the International Military Tribunal's attempt at doing so. They were not without their faults, but the trials certainly had many positive consequences. Precedents were established in the field of international law that are still in use today. Many Jews were able to finally move on and at least get some acknowledgement of the horrors that they

¹⁷ Jockush, "Justice at Nuremberg?," 109.

¹⁸ Yablonka and Tlamim, "The Development of Holocaust Consciousness in Israel," 7.

¹⁹ Jockush, "Justice at Nuremberg?," 131.

lived through. The lack of Jewish representation at the trials and the inadequate acknowledgement of the Holocaust and the final solution are certainly great mistakes of the International Military Tribunal. Perhaps a separate trial solely for the crimes against Jews would have been appropriate. It is invalid, though, to look back on the past and try to change what happened. Although the focus of this paper has been the Jewish reaction to the Nuremberg Trials it is important to note the trials they did for other people as well. For those in the defeated nations, it gave people the opportunity to obtain a blank slate and move on, even if they were involved at least partially in heinous war crimes. The trials gave people within the victorious Allied nations a sense of closure as well by allowing them to have tangible consequences of their hard work and sacrifice. The ramifications of the Nuremberg Trials are long-lasting and will continue to be studied for years to come.

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