In examining the rise of the Weimar Republic, a central question guides many historians: how did it all happen? Accordingly, one of the first things that Professor Kim Christian Priemel astutely mentions in his new book, _The Betrayal: The Nuremberg Trials and German Divergence_, is that German actions during World War II (and the Holocaust specifically) are some of the most studied incidents in history. Both contemporaries and modern scholars have dedicated their research, and in some cases their lives, to better understanding how the seemingly unimaginable came to pass from 1933 to 1945. But Priemel additionally notes that what followed for the architects and leaders of Nazi Germany was equally important, and similarly well-documented by journalists, legal scholars, and historians alike: the Nuremberg Trials.

Priemel seeks to uniquely connect Nuremberg to the greater Ally-constructed narrative about the Third Reich. _The Betrayal_ argues and illustrates that Nuremberg did not seek simply to expose, indict, and punish the atrocities of the Holocaust and World War II—instead, the Nuremberg trials sought to punish the path that the Germans took to arrive at those crimes against humanity.

In doing so, Priemel illustrates that while the trials represented a landmark of precedent in international law, more important is the way in which their structure, style, and presentation were built around the explanation provided by the Allied Powers. This story’s theme, throughout the many cases and proceedings, remained that the Third Reich was a divergence from the West, and that Germany should be punished for becoming the “other” who chose to stray from the Western path. It was this divergence, in the prosecutors’ minds, briefs, and arguments, which created the conditions for subsequent aggression and carnage.

_The Betrayal_ takes the reader on a tour through each of the Nuremberg cases, and does so through close analysis of the trial documents. The book represents the first time that a historian has relied heavily on the Nuremberg Military Tribunal proceedings’ transcripts, as opposed to those from the International Military Tribunal at Nuremberg. The former has never been published in full, and thus compiling them from “some forty archives and libraries” provided the opportunity to flesh out the goals that tied the Allies together.

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Priemel uses this opportunity to structure his book around the Nuremberg cases: what led to them, the actual trials, and their aftermath. Much time is devoted to the previously academic nature of international law, and how various policymakers (overwhelmingly American) sought to convert the esoteric to the pragmatic, starting truly from square one. Before deciding on an adversarial system or who to indict, academics had to agree upon a basic definition of a “war crime.”

The structure of the court itself proved to be a longer struggle in which the Americans took the lead.

In constructing Nuremberg, all decisions had to be agreed upon by the Allied leaders — the United States, Great Britain, France, and the Soviet Union. Priemel takes great pains to explain the cast of characters that made up each delegation: prosecutors, policymakers, generals, and others. What held them all together, in his view, was the purpose of each country’s role at Nuremberg. Soviets sought to “rewrite the western’s role in the war,” and the British endeavored to act as “guardians of the court procedure.” But Priemel finds that the French perspective is actually the most “historical”: that the Germans had abandoned the Western ideals of liberty, equality, and fraternity. With the abandonment of said ideals, the Nazis had chosen to take a “special path” away from the spirit of the West. With the Americans following suit and the others in tow, the French interpretation set the course of much of the trial’s didactic rhetoric and principled strategy.

Priemel believes that this strategy had inherent problems. How could the Allies act morally superior with Stalin at the Soviet helm and the Japanese interned in the United States? One of the most commonly cited arguments by German defense counsel was that of tu quoque, in English translated to “thou also.” In just about every trial, attorneys for accused war criminals (whether they were bureaucrats, businessmen, or concentration camp authorities) sought to object on tu quoque grounds, highlighting Western hypocrisy. Specifically, defense attorneys consistently pointed out that the war victors were no different than the Reich — Allied practices, policies, and even instances of racism were often not markedly different from those carried out by German citizens in many cases. Therefore, according to the defense teams, Nuremberg indictments were inherently unfair, since only one side was being prosecuted. Priemel, though, shows that in large part the argument was “ruled out by the bench” and went unconsidered in most verdicts. Unsurprisingly, the judges making these rulings were (mainly) Western themselves. This proved to be a boon for the divergence story that the prosecutors (and Priemel) sought to tell, with perhaps some judicial complexities — the tu quoque argument falling on deaf ears “immunized the trial’s narrative[s],” and allowed the French-led rhetoric to indict Nazis.

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book review of this analysis — there are many missed opportunities in the lack of comparison of Nuremberg to not only its legal offspring, but contemporary responses to terrorism and insurgency. The divergence narrative is relevant not only to criminal prosecution, but also to existing supranational organizations and their efforts to disarm, de-radicalize, and reintegrate insurgents in various contexts. Such application of Priemel's work may have had fascinating potential for designing transitional justice mechanisms.

But more important in Priemel's eyes are the subsequent WWII prosecutions — specifically the prosecution of one of Germany's major Holocaust architects, Adolf Eichmann, and the International Military Tribunal for the Far East, also known as the Tokyo Trials. Both occurred shortly after Nuremberg — despite the Nuremberg principles, institutionalization or implementation of such systems were not customary in international law, and as such, Nuremberg's structural and legal precedents were not ubiquitous in future international criminal procedures. Nonetheless, Priemel notes that the construction of a Nuremberg narrative, regardless of its veracity, is its strength — each subsequent court system also adopted one cohesive narrative throughout its many trials to keep a common thread among various prosecutions. For Priemel, the idea that court cases could be packaged in this manner is the best lesson that can be drawn from Nuremberg and applied to future international cases.

There are numerous publications that seek to criticize the Nuremberg trials or author's attempt to differentiate the trial efforts, the prosecutorial strategy, and the delivered verdicts. In painting a vivid picture of the judges hearing each case (and often, their own records of racism), the reader can see the potential danger in arguing the virtue of Western superiority, but the didactic nature of the prosecutions and verdicts trumped those concerns. By the same token, the Germans had been one of the most scientifically advanced and economically powerful founders of the Western world — Priemel shows how the Allies had to walk the tightrope carefully, condemning German practices of capitalism and efficiency, but not the concepts themselves.

Additionally, the Soviet participation in various cases made it especially problematic to paint Germans as the "other." As a result, the degree to which prosecutors relied on the "Western deviation" story varied based on all of these factors. Priemel successfully illustrates that the trial briefs, oral arguments, and written verdicts were held together by the narrative's glue.

Priemel concludes with an analysis of how Nuremberg served as a model for future courts — especially how (and whether) the United Nations co-opted the constructed tribunal systems, and the precedent that international law ultimately codified. Specifically, the comparison of the Holocaust's treatment at Nuremberg with the Rwandan genocide's prosecution at The Hague seeks to bring Nuremberg into the modern context. The Betrayal would have benefited from more of this analysis — there are many missed opportunities in the lack of comparison of Nuremberg to not only its legal offspring, but contemporary responses to terrorism and insurgency. The divergence narrative is relevant not only to criminal prosecution, but also to existing supranational organizations and their efforts to disarm, de-radicalize, and reintegrate insurgents in various contexts. Such application of Priemel's work may have had fascinating potential for designing transitional justice mechanisms.

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There are numerous publications that seek to criticize the Nuremberg trials or
to applaud their efforts. This book does not seek to do either. Instead, Priemel works to explain why Nuremberg looked the way it did, why actors within the system behaved as didactically, and where the cases share commonalities. While the Holocaust was a clear and convincing piece of evidence in many cases, it alone could not explain how or why Germany committed the crimes it did. In addressing the roots of the problem versus the branches, while simultaneously reinforcing that “Western-ness” had not caused the Reich, but instead could have saved it, Priemel’s narrative seeks to offer an illumination, not a defense, of Nuremberg.

In a time of uncertainty, with the British vote to leave the European Union, Russian annexation of Crimea, and the election of Donald Trump as U.S. president, the Western world has continued to change — and an analysis of how global politics have arrived at this moment is especially pertinent. In studying the Western world’s turn to the right, the danger of straying from what scholars have defined as the Western path and its principles can be better understood. Priemel’s book will force academics and citizens to ask hard questions about what comes next for the United States, Britain, and the West as a whole. The question will become not just how these countries can return to the traditional path of Western values, but additionally whether such a revival is now too late.

About the Author

Ellen Chapin is a first year Master’s student at the Yale Jackson Institute for Global Affairs. She spent two years at the U.S. Department of Justice, where she worked to calculate and monitor trends for national white collar crime takedowns and to assist with trials against top executives at BP following the Deepwater Horizon disaster. At Yale, Ellen is excited to return her focus to counterterrorism, national security, and the intersection of law and policy in those practices.
Manjanath is a bonded laborer who has been working on a tobacco farm in Mysore, India, for more than 55 years. A grassroots non-profit, Jeevika, is fighting for Manjanath’s release; however, corrupt law enforcement and the deep rooted caste system prevent significant progress for his freedom.