

Crimes and War Crimes: William Hodge & Co and the public understanding of the Holocaust in post-Second World War Britain

This article considers how existing public knowledge of legal procedure and criminality might have helped to shape the presentation and reception of the trials of ‘minor’ war criminals.

[expand] William Hodge & Co, publisher of the popular *Notable British Trials* series, published a related series, *War Crimes Trials*, between 1948 and 1952, and these volumes, especially *The Belsen Trial*, are compared with the newspaper accounts that they aimed to supplement.

Keywords: war crimes trials; Belsen; William Hodge & Co; Britain

Dr Victoria Stewart is Reader in Modern and Contemporary Literature at the University of Leicester, UK. She is the author of *Women's Autobiography: War and Trauma* (2003), *Narratives of Memory: British Writing of the 1940s* (2006) and *The Second World War in Contemporary British Fiction: Secret Histories* (2011). Her new book, *Crime Writing in Interwar Britain: Fact and Fiction in the Golden Age* will be published by Cambridge University Press in 2017.

There are no interests to declare.

Word count, excluding preliminaries: 9409

Crimes and War Crimes: William Hodge & Co and the public understanding of the Holocaust in post-Second World War Britain

A key point at issue for the war crimes tribunals that were held in the wake of the Second World War was whether mass killing, which in other circumstances would be considered murder, should be contextualised and treated as a legitimate act of warfare. Hartley Shawcross, chief prosecutor at Nuremberg, saw the scope of war crimes as the main point of differentiation: “Murder remains murder, though repeated a million-fold. But the mind which is lastingly impressed and shocked by a single crime staggers and reels at the contemplation of mass criminality.” Shawcross suggests that the excessive nature of these crimes can produce, in those who did not witness them, a sense of disbelief, a tendency he attributes, perhaps generously, to “subconscious wishfulness”, a hope that these things might not actually be true.¹ For Shawcross, this reinforces the need for an accurate record of war crimes tribunals, but, as I will show, neither the tribunals themselves, nor representations of them, however worthy their intentions, could overcome the shock that Shawcross describes.

In what follows, I examine how existing discourse about crime in Britain was adapted (or not) to accommodate and understand war crimes. Existing scholarship, such as Caroline Sharples’s work, has examined public responses to the tribunals, especially those held at Nuremberg relating to the “major” war criminals; Tony Kushner has made connections between these reactions and attitudes towards post-war recovery, immigration and the establishment of the state of Israel.² The question posed here is a slightly different one: how might existing public knowledge of legal procedure and criminality have helped to shape the presentation and reception of the tribunals? Donald Bloxham argues that the British war crimes trials were characterised by “a legal conservatism”, not least because of an emphasis on “‘war crimes’ as traditionally defined”.³ My contention is that this a certain “conservatism” can also be perceived in representations of the trials, because of the ways in which existing kinds of discourse about crime were adapted to accommodate and describe war crimes. This meant, among other things, that the differentiation

between the events that we now term the Holocaust and other war crimes in accounts of trials at this period was not always discernible, and that when it was, the results could be surprising.

The Belsen Trial, which heard the charges against forty-five defendants accused of war crimes committed at both Bergen-Belsen and Auschwitz. Unlike the Nuremberg tribunal, this trial, held at Lüneberg between 17 September and 17 November 1945, was established and run by the British military and was rooted in existing British military-legal practice. The British army had arrived at Belsen in April 1945, and as Tony Kushner notes, “from 1945 onwards [Belsen] had a particular resonance and centrality in the British imagination. It took many years before Auschwitz would become a metonym either for the crimes of the Nazi regime or more generally as [sic] a symbol of mankind’s capacity to commit evil deeds.”⁴ An analysis of some aspects of the representation of this trial will show that endorsing its symbolic role did not always mean respecting the experiences of individual victims.

My concern here is with the forms and genres through which proceedings were made accessible to the public. My focus will be the work of the Scottish legal publisher William Hodge & Co. Hodge & Co’s series *Notable Trials*, was an influential and widely referenced source for writers of both factual and fictional accounts of criminal proceedings.⁵ Here, I will examine how the existing format of this series was repurposed for a sub-series on war crimes trials. Comparing the material offered to readers by the *Notable Trials* and *War Crimes Trials* volumes to the newspaper reports that the series aimed to supplement and even supersede will show that in an attempt to avoid one set of representational pitfalls, the series was not always able to bypass certain others.

Publishing Trials: The Work of William Hodge & Co

The firm of William Hodge & Co was established in Edinburgh in the late nineteenth century, and supplied shorthand note-takers to the Scottish courts, as well as having printing and publishing concerns. The company’s list initially focused on books with a Scottish interest, and in 1905, Harry Hodge, son of William Hodge, initiated a series called *Notable Scottish Trials*. Each

volume began with an explanatory essay, identifying the main points of legal interest in the case, and the body of the text was a lightly and usually invisibly edited transcript of the trial.

Hodge & Co's catalogue for the *Notable Trials* included an introductory essay by James H. Hodge, who had joined the firm in 1927 and was editor of the series during its late-1920s and 1930s heyday. Hodge stressed the series' educative aims: "[Each] book's value to the lawyer, historian, and medical man is beyond dispute, and sensation and human interest abound, but its greatest attribute lies undoubtedly in its interest for the ordinary member of the community." Although an important characteristic of British justice is that trials are open to the public, Hodge observes that interested individuals are not always able to attend, and need an alternative to the often partial and occasionally "lurid" reports provided by the newspapers.⁶ [Brief outline of Penguin series.]

The *War Crimes Trials* series was, then, a sub-series of the established *Notable Trials* "brand" and was underpinned by the same educative principles. Nine volumes were published between 1948 and 1952, and as early as 1949, several other volumes had been announced by Hodge & Co as forthcoming.⁷ Sir David Maxwell Fyfe was appointed General Editor, the volume editors were all legally qualified, with many having had an involvement in the trials in question, and a roster of legal names including Hartley Shawcross provided prefaces, which supplemented the usual explanatory introductions by the volume editors. Evidently, given the nature of the tribunals, the crimes with which they dealt, and the particular points of law that they raised, it was deemed appropriate that the volumes presenting them to the public should have contributions from members of the judiciary and law professors, rather than the professional crime writers who were the most usual contributors of introductions to the pre-Second World War *Notable Trials*. In terms of the selection principles that were applied to the *War Crimes Trials*, Hodge notes in the catalogue that the "object of this series of trials is to present as wide as possible a cross-section of the various crimes committed by minor war criminals against the laws and usages of war and the elementary rights of the human race, during the Second World War." As with the original series, Hodge stressed the volumes' interest for a wide readership of "historians, lawyers and all

interested in political thought and international affairs.”⁸ Hodge’s characterisation of the books as focusing on “minor war criminals” can be contextualised by the fact that early in the planning of the series, he was steered away from his original plan of publishing the proceedings of the Nuremberg trials by Maxwell Fyfe, as other arrangements were already underway for their publication; to some extent, Hodge makes a virtue of necessity.⁹

[Condense this para?] The extent of British involvement in the trials covered by the volumes that did appear was varied. In some cases, such as the Belsen Trial, or the Velpke Baby Home case, British prosecutors tried the case because British forces had occupied the territory on which the crimes were committed. At the Belsen trial, it was also specifically noted in the indictment that one of the known victims at the camp was a British national. At the Velpke trial, the question of whether a British court had the right to try German nationals for crimes alleged to have been committed on their own territory against citizens of territory that was, at the time in question, under German occupation, formed part of the defense case. The Dulag Luft case centered on the torture of British prisoners of war in German captivity, and one of the cases that was announced as forthcoming in the series but never actually appeared would have dealt with the execution of British prisoners of war who were recaptured by the Germans in the wake of their escape from Stalag Luft III, the so-called “Great Escape”. An important aspect of each of these trials was that, although they were run by military courts, with a Judge Advocate General presiding and a panel of judges deciding the verdict, in other respects they proceeded according to recognisable British adversarial principles. Although the precedents cited were often from previous conflicts there were also instances at which *Archbold - Archbold Criminal Pleading, Evidence and Practice*, first published in 1822 and still the standard text book of English and Welsh criminal procedure - was cited by counsel.¹⁰ One area in which practice diverged from usual criminal law practice was in the acceptance of sworn affidavits where witnesses were unable to be present, a practice which made it impossible for the witnesses in question to be cross-examined by counsel but which was deemed unavoidable given the circumstances surrounding the trials. As I will show, these aspects

of “Anglicisation” of the proceedings could have varying results, where both the proceedings themselves and their representation were concerned.

Given that Hodge identifies the Belsen volume as notably profitable, it is worth observing that it was double the standard size for a *Notable Trial* at over 700 pages and was priced at 30 shillings; the usual price per volume in the immediate postwar years was 18 shillings; for comparison, a Penguin paperback at this period cost 1/6. Nevertheless, another factor in the curtailment of the *War Crimes* series could have been a wider diminishing of interest in the trials in general, especially after those directly concerning the fates of British subjects, such as the Natzweiler Trial and the Stalag Luft III Trial had been heard.¹¹

As I have noted, James Hodge made clear in his correspondence with editors at Penguin that his principal concern in the *Notable Trials* was to feature trials that had some particular point of interest from a legal perspective, and he was keen to distance himself from what he felt to be overly sensational cases.¹² As Claire Sharman points out, the terms of the Royal Warrant under which the British trials were established meant that the British “were able to avoid complex legal questions” but “the type of war crimes they could try was considerably curtailed.”¹³ Although Shawcross might have argued that the difference between crime in a peacetime context and war crimes, was, where public perception was concerned, largely one of degree, in fact the defendants in the cases covered by the *War Crimes Trials* series were charged, precisely with war crimes, not with murder, and the defence most often mounted on their behalf was one of “obeying orders”; these were “minor” war criminals in that they were judged to have knowingly participated in war crimes, even if they had not initiated them. As an examination of the Belsen Trial will show, social context rather than individual psychopathy was what most often came into focus in the trial proceedings, but representations of the trials would nevertheless sometimes draw on an idiom of criminality familiar from the reporting of domestic criminal cases.

[Condense this example] The tension between sameness and difference that resulted from the co-existence of the original *Notable Trials* and the *War Crimes Trials* sub-series is illustrated in an advert for Hodge & Co’s publications that appeared in the *Times Literary Supplement* in

November 1950. The volumes advertised were *The Trial of Peter Griffiths*, edited by George Godwin, and *The Velpke Baby Home Trial*, edited by George Brand, with an introduction by Hersch Lauterpacht. The paragraph describing the Griffiths volume provides the essentials of the case:

On the night of 15th May, 1948, June Anne Devaney, a little girl of three years eleven months, was stolen from her bed in the Queen's Park Hospital, Blackburn, taken into the hospital grounds and brutally killed by dashing her head against a wall. Fingerprints were found on a Winchester bottle in the ward, and the police proceeded to take the fingerprints of all males over sixteen in the Blackburn area – the first time mass fingerprinting had been contemplated in England. Eventually the prints were traced to a young ex-guardsman named Peter Griffiths, who was convicted of the murder at the Lancaster Assizes in October, 1948. The defence of schizophrenia makes this an important trial.¹⁴

While the nature of the defense is highlighted as making this a “notable” trial, and indeed, unusually, the volume includes an appendix describing current medical thinking on the aetiology of schizophrenia, the use of mass fingerprinting as part of the investigation is also identified as novel in English legal practice.¹⁵ The fact that this case involved the death of a child made it relatively unusual in the context of the series, hence, perhaps, the precision with which June Devaney's age is given, although this is also in line with the stark, legalistic description of the nature of her death; to say that she was “not quite four” would be to stray into a more explicitly emotive idiom. This case was not widely covered in the national press, though as was customary in such cases, the fact that Griffiths had requested a reprieve from the Home Secretary and had had this request refused was reported.¹⁶ In this context, the relative thoroughness with which the case is described in this advert indicates an expectation that readers would not be going to the *Notable Trials* volumes “cold”, and would be reading them, not in order to find out what happened, rather to find out how and why, and more specifically, how and why the particular verdict was reached.

The succeeding paragraph, describing the Velpke volume, is couched differently:

In order to obtain the maximum amount of work from their Polish or Russian forced labourers, the Nazis set up a Baby Home in the village of Velpke where babies were forcibly taken from their mothers, usually within a day or two of birth, and placed in the care of a woman with no knowledge of child welfare at all. The children, healthy and well clad when placed in the home, were in a few days starving and covered with sores, and in a very short time they were dead. The accused were charged with the killing of those babies by wilful neglect.¹⁷

A large portion of the description of this volume describes the historical circumstances which led to the crimes, although the reader is not told where Velpke is located (it is in Lower Saxony), and although one specific defendant is identified – “a woman with no knowledge of child welfare” – it is not clear who the rest of the accused might have been, and nor is the verdict of the case indicated. The reader is not told how many children were killed, nor when or for how long the “home” was in operation. Whereas the defense of schizophrenia is identified as the particular issue that makes Griffiths trial noteworthy, in the description of the Velpke case, it is the use of forced labour and the treatment of the labourers and their children that is the point at issue; the context, rather than the individual personalities involved, is foregrounded. What is highlighted by the juxtaposition of these two cases, both of which of course, deal with the death of children, is the difficulty of simplifying and summarising proceedings which involve multiple defendants and multiple victims of different nationalities in specific historical conditions, conditions which in this case had to be addressed as part of the proceedings.

In his “Introduction”, Brand uses the Belsen trial as a reference point, noting that the defence there “regarded it as worth while to argue that an offence could only be punished as a war crime if it was directly connected with the operations of war [...] the contention that this would not have included ill-treatment and killing of internees in Belsen [...] was rejected by the British military court that tried the case.”¹⁸ Indeed, Major Winwood, Kramer’s defense counsel at Lüneberg argued: “It is not a very big step from the laws of Nuremberg to the chimneys of Auschwitz,”¹⁹ identifying a continuity between the Nazi racial laws of the early 1930s and the later treatment of

Jews, and appealing to a functionalist view of what would later be termed the Holocaust to suggest that these were not specifically war crimes and should not therefore be considered by that court. By the time of the Velpke trial, a year later and in the wake of the main Nuremberg proceedings, the question of the boundaries of the category of war crime had, according to Brand, been properly established, though the trial nevertheless included some debate on this issue.

For both Lauterpacht and Brand, then, the treatment of the Jews is singled out, but only so that it can serve as a comparator against which other crimes, specifically other war crimes, may be measured. At the same time the uniform presentation of the books in the *War Crimes Trials* series, and the range of types of case covered could have the effect of de-emphasising some of these differences. Like the domestic criminal cases with which Hodge & Co more usually dealt, war crimes can be subjected to legal scrutiny and blame can be apportioned; as Douglas notes, precedent can be appealed to as a way of making manageable events that might otherwise be considered unprecedented. Further, war crimes tribunals have to justify their own existence in a way that crown courts do not, and, in cases such as the one centering on the Velpke Baby Home, this is achieved by appealing to experts such as Lauterpacht and flattening out the differences between cases.

The Belsen Trial and *The Belsen Trial*

The trial of Josef Kramer and forty-four others for crimes that took place at Belsen and Auschwitz was an unusual one, and it made for an unusual volume. The number of defendants and the length of the proceedings meant that even with editing, the volume was the longest that Hodge & Co published. Acknowledging that readers might have difficulty keeping track, the publishers included a book mark, attached to the spine of the volume with a ribbon, listing the names of the defendants and the names of their defense counsel on one side, with a short glossary of German terms used in the trial and their English translations on the other. As well as the large number of defendants and the consequent volume of evidence heard, a further factor that increased the length of the proceedings, originally estimated to be a month in duration but eventually lasting three, was

that, unlike at Nuremberg, simultaneous translation was not used. Instead, transmission of information between English, German and Polish had to be carried out by the more time-consuming method of consecutive translation.²⁰ Responding to criticisms of the duration of the trial, Raymond Phillips, in his introduction to the volume, suggests that such complaints were made “by a public whose interest was in a spectacular example of retribution rather than a minute assessment of the evidence.”²¹ Another issue affecting public perceptions of the trial and especially its length could have been that at this period even murder trials in Britain were dispatched with what would now seem like indecent haste. The trial of Peter Griffiths, mentioned earlier, lasted two days, and was not untypical.

Comparing selected press coverage of the trial to its presentation in the Hodge & Co volume is one way of testing Hodge’s claim that his series avoids the sensationalising of crime to which newspaper reports are prone, as well as his hope that the books would prove of use to future historians. Before considering two examples of how witness evidence was presented in the newspapers and in the Hodge volume, the representation of the defendants warrants consideration. It is perhaps not surprising that the press singled out two defendants for particular attention; press reporting of criminal trials in Britain had long centered on the appearance and demeanour of the accused, and in this regard Josef Kramer and Irma Grese came to be seen as figures who embodied the particular type of criminality under scrutiny. Considering the SS defendants, Phillips remarks: “it is strange to consider that such ordinary-looking persons could be guilty of such cruelty. If they bore the mark of the beast on their faces it was not easy to discern at the trial.”²² Other faces in the dock, he suggested, “seemed to contain all the generally accepted characteristics of the debased criminal type.”²³ Phillips refers here to the Kapos among the defendants, some of whom were in the camp system in the first place because of misdemeanours such as robbery or assault; his comments attest to the persistence, especially in popular discourse, of a watered-down version of late-nineteenth century ideas, stemming in the first instance from the work of the Italian criminologist Cesare Lombroso, about how criminality might be reflected in appearance. Recourse might be made to such typologies whether the defendant in question

seemed to match or defy them. If the defendant did not “look” typically criminal, this could be taken to emphasise their duplicity, or as a sign of their cunning. Like all Hodge volumes, *The Belsen Trial* included photographs of the defendants. As well as a frontispiece depicting the prisoners in the dock, each wearing a number for identification purposes, several plates are taken up by “mug-shot” style individual images.²⁴ Readers could therefore draw their own conclusions about whether the appearance of the defendants betrayed their criminality. *The Guardian* newspaper was in partial agreement with Phillips’ view of the SS defendants as “ordinary looking”, describing Kramer as the “most nearly normal” of the defendants in appearance. The popular press tended to take a different approach. Kramer was dubbed the “Beast of Belsen”; according to the *Daily Mirror*, a “crescent-shaped scar [seared] across his pale, brutish face”: the mark of the beast, no doubt.²⁵

Popular papers such as the *Daily Mirror* and *Daily Express* frequently erred on the side of “local color” rather than prioritising reporting the evidence presented. As Donald Bloxham notes, there was a “dramatic decline” in press coverage of the trial in Britain once Kramer had given his evidence at the start of the defense case. Bloxham describes British press coverage as “capricious”,²⁶ and it is certainly the case that, like the trial itself, British newspaper coverage was largely skewed towards a British angle; Kushner notes that “it was especially the evidence of the British liberators [...] or the few British victims of the camp that predominated.”²⁷ Indeed, the first witnesses for the prosecution were British army officers who had taken charge at Belsen in April 1945, and the first former prisoner to testify was Harold Le Druillenac, a Channel Islander and the only known British survivor of Belsen; Bloxham notes that this was not the only trial at which Le Druillenac testified, describing him as “something of a star witness for the British.”²⁸ Thus the newspaper reports, necessarily, echoed the structure of the trial itself in placing the British angle to the forefront. The newspaper reports, however, were perhaps better able than the Hodge & Co volume to convey the impact of one of the trial’s more dramatic moments.

On the ninth day of the trial, the court heard the evidence of Abraham Glinowieski, who was a prisoner in Auschwitz between 1942 and the end of 1944, and who, after moving between other

camps, arrived at Belsen in early 1945. Like other former prisoners, Glinowieski was asked which of the defendants he could identify: “I recognize No. 1, Kramer; No. 9. Grese; No 11, Hilde (Lobauer); No. 3, Weingartner; No. 48, Stanislaw (Starostka).”²⁹ Asked what he knew about Weingartner, Glinowieski described how the guard had severely beaten his brother. The transcript of his testimony continues:

[My brother] could not stand during roll-call so we took him to hospital, to which I later went and spoke to the doctor, offering the latter a reward for looking after my brother when he got better. I was not allowed to see my brother. Later on he died.

(At this point the witness broke down.)³⁰

The text resumes with the opening of the next day of the trial, during which Glinowieski eventually continued giving evidence, with no allusion being made to the events of the previous day. In the *Manchester Guardian*’s report, Glinowieski is identified as Jewish. His testimony relating to his brother is recounted thus:

He offered the doctor a reward to cure his brother, but later learned that he had died. At this stage witness broke down and wept in the silent court, while Kramer bared his teeth in a grimace more like a derisive grin than anything else. So overcome was the witness that the president of the Court, General Bernay, ordered the proceedings suspended.³¹

The report resituates Glinowieski’s break-down within its context; while the switch in attention to Kramer and his reaction might seem, inappropriately, to divert the reader from considering the impact on the witness of the events being described, it is a reminder of what is stripped away when the transcript alone is considered. The witness is not merely testifying: he is testifying in the presence of those responsible not only for his own suffering but for the death of a loved one.³²

If in this example the newspaper report supplements the evidence, in at least one other case, the newspapers gave coverage to evidence that Hodge saw fit to omit completely.³³

One of those whose words were not included in the volume was Anita Lasker, who later, as Anita Lasker-Wallfisch, published a memoir of her wartime experiences, including some harsh words about the trial and a full transcript of her own evidence.³⁴ Hodge’s omission is interesting not

least because Lasker's testimony was widely reported in the British newspapers: interest in her was piqued by the fact that she was a member of the camp orchestra at Auschwitz, and she also had an uncle, resident in the United States, who was a chess champion and therefore a minor celebrity of sorts. This "human interest" angle comes to the fore in the presentation of the *Daily Express* report relating to the day on which Lasker testified. The headline reads: "The death music of Auschwitz: Orchestra Played for Gas Chamber Parade." Lasker is described as a "pretty nineteen-year-old", and her hope of joining her uncle in America and continuing her music studies are mentioned.³⁵ But while Lasker's story is foregrounded in this article, slightly more than half of its column inches are taken up with an account of evidence given earlier in the day by Dr Charles Bendel, a Rumanian Jew who was a survivor of the Auschwitz *Sonderkommando*. The *Manchester Guardian's* article dealing with the same day of proceeding dealt first in detail with Bendel's harrowing evidence and included only a very brief account of Lasker's experiences which they described as adding a "touch of the macabre" at the end of what had been, according to the reporter, a day of unequalled "ghastliness."³⁶ Hodge's decision to omit Lasker's testimony could equally have been influenced by the nature of the preceding evidence; in view of the newspapers' treatment of Lasker, it is worth noting that they, like Hodge, gave no consideration to the evidence of two other female witness, Geria Zylberdukatan and Syncha Zamoski, who also testified at the end of the seventeenth day of the trial. Hodge did however include the comments made in his closing speech by Major Cranfield, who had Irma Grese among his clients. Cranfield questioned the reliability of some of the Prosecution witnesses, characterising them as a "procession of young women", and doubting that their testimony could be trusted: "I do not think that it is unnatural or surprising that those young Jewesses should be vindictive towards their former warders, or to seek to avenge themselves on them."³⁷ The slippage here from "young women" to "young Jewesses" flags an appeal to a stereotype that associates these witnesses with Old Testament vengefulness, a primitive emotion that apparently has no place in the courtroom.

This trial did at least give some survivors a chance to describe what they had seen and experienced at both Belsen and Auschwitz, though defense counsel, the majority of whom were

British – some of the Polish defendants chose to be represented by a fellow Pole, Lieutenant Jedrzejowicz - were not slow to identify apparent contradictions in witness testimony, or, like Cranfield, to undermine its reliability. During testimony relating to the gathering of witness affidavits, one of the Judges Advocate commented that: “especially in the case of the Jewish witnesses, [...] the dates and sometimes the years differ between what they have apparently said in the affidavit and what they say here. Do you know whether the Jews have a different calendar or anything of that kind?”³⁸ That marking the passage of time would be difficult in the parlous situation of the camps might have been a more logical explanation but does not seem to have immediately occurred to the court. The Hodge & Co volume also attempts to mitigate the extent of the victim-blaming that was indulged in by Major Winwood, who, in his opening speech for the defense, made the following comments about the prisoners in the camps:

The type of internee who came to these concentration camps was a very low type and I would go so far as to say that by the time we get to Auschwitz and Belsen, the vast majority of the inhabitants of the concentration camp were the dregs of the Ghettos of Middle Europe. There were people who had very little idea of how to behave in their ordinary life and they had very little idea of doing what they were told, and the control of these internees was a great problem.³⁹

Offense taken at these comments, particularly the phrase “dregs of the Ghettos”, was such that Winwood was obliged to issue a retraction in his closing speech.⁴⁰ Here, whilst expressing his “regret” if any of his words caused “pain to that race which has suffered to much in Nazi Germany” he nevertheless maintained : “the Court will appreciate that I have been acting only as a mouthpiece of the accused whom I represent and that I have expressed no personal view of my own at all.”⁴¹ Both the original comment and his apology are omitted from the Hodge volume, where Winwood’s remarks in his opening, quoted above, are edited to read: “The type of internees who came to these concentration camps was low and had very little idea of doing what they were told, so that the control of these internees was a great problem.”⁴² The substance of his comments therefore remains, and Hodge also retains an allusion made to Winwood’s remarks by

Colonel Backhouse, the lead prosecuting counsel, who follows the logic of Winwood's claim to be speaking for his client rather than himself by attributing the phrase "dregs of the Ghettos" directly to Kramer: "It has been suggested by Kramer that the persons who were in those camps were the dregs of the ghettos. That is manifestly untrue from the evidence."⁴³

[visible –v- invisible editing] Hodge's editing of this contentious section of the transcript could be an attempt on his part to honour the request made by the Jewish World Council to strike Winwood's remarks from the record, but although these particularly offensive words are absent from the Hodge & Co volume, Winwood's implication that prisoners somehow contributed to conditions in the camps is nevertheless still clearly discernible, not only when Winwood refers to the "type of internee who came to [German] concentration camps" as "low", but also when he suggests, in relation to his claim that Kramer attempted to improve sanitation arrangements at Belsen, that "amongst the prisoners were people who naturally performed their natural functions where they felt inclined."⁴⁴

An alternative approach would have been for Hodge to include both the original comment and Winwood's apology, as did the newspaper reports,⁴⁵ but in choosing to make these excisions from the transcript, Hodge is also omitting any reference to the events external to the court room that had an influence on Winwood's retraction. This fits with Hodge's attempts to reduce the trial to a manageable *text*, rather than attempting, in the body of the volume, to evoke how the trial was experienced as an *event*.

Conclusion

In his comparative study of war crimes trials, Lawrence Douglas notes that although the prosecutors at Nuremberg were not "primarily occupied with trying the defendants for the extermination of the Jews in Europe" these actions were "explored and condemned" during the proceedings. By contrast, the trial of Adolf Eichmann in Jerusalem in 1961 "seemed to *create* the Holocaust."⁴⁶ Douglas explains that while the Nuremberg trial eschewed the use of personal testimony by survivors of the camps, preferring documentary evidence, the Eichmann trial

deliberately set out to give the survivors a voice. The Belsen trial also gave selected survivors a forum, but the manner in which their testimony was communicated to the public in different genres varied greatly. In the context of the Hodge & Co series, this trial was acknowledged as different, at least in its scale, but it was also one among many other trials, and, when read as part of the sequence of *War Crimes Trials*, its role in exposing the not just the scale but the scope of the Nazis activities is diminished. The focus shifts to the legal, rather than humanitarian or even historical lessons that the trial might provide.

Reviewing *The Trial of Josef Kramer* for the *Times Literary Supplement*, Peter Calvocoressi, suggested: “The chief interest lies in the arguments, rather than in the evidence [...] It is [...] not likely to reach a large public.”⁴⁷ These remarks would seem to dash the hopes expressed by Raymond Phillips, who, towards the end of the preface, comments: “Perhaps the greatest value of the series of books of which this volume forms a part is that it provides a permanent record and reminder of those horrors of which mankind is capable when it is subjected to an evil form of government and ceases to be free.”⁴⁸ This plea for democratic values also seems implicitly to endorse the “obeying orders” defence that was attempted by Kramer’s counsel: those who have ceased to be free in this analysis, are not the victims but the defendants, made capable of horrors, because of having been subjected to an evil form of government. Perhaps here too we see some of Orwell’s nostalgia for an apparently less complicated time, a time that, by 1949 was long gone, had it ever existed.

¹ Hartley Shawcross, "Foreword," in *Trial of Wolfgang Zuess and Others (The Natzweiler Trial)*, ed. Anthony M. Webb (London: William Hodge, 1949), 13-15 (15).

² Sharples, "Holocaust on Trial: Mass Observation and British Media Responses to the Nuremberg Tribunal, 1945-46," in *Britain and the Holocaust: Remembering and Representing War and Genocide*, ed. Caroline Sharples and Olaf Jensen (Basingstoke: Palgrave Macmillan, 2013), 31-50; Kushner, *The Holocaust and the Liberal Imagination: A Social and Cultural History* (Oxford: Blackwell, 1994).

³ Bloxham, "British War Crimes Trial Policy in Germany, 1945-1957: Implementation and Collapse," *Journal of British Studies* 42.1 (2003): 91-118 (117).

⁴ Kushner, "From 'This Belsen Business' to 'Shoah Business': History, Memory and Heritage, 1945-2005," in *Belsen 1945: New Historical Perspectives* ed. David Cesarani and Suzanne Bodgett (London: Vallentine Mitchell, 2006) 189-216 (196). See also, Kushner, "The Memory of Belsen," in *Belsen in History and Memory* ed. David Cesarani, Tony Kushner and Jo Reilly (Florence KY: Routledge, 2013), 181-205.

⁵ Victoria Stewart, *Crime Writing in Interwar Britain: Fact and Fiction in the Golden Age* (forthcoming, Cambridge University Press).

⁶ James Hodge, "Introduction", in *Notable British Trials and War Crimes Trials* (Edinburgh: William Hodge, 1949), 5-7. Apart from the addition of some comments on the impact of the shortage of newsprint on the reporting of trials and extra paragraphs describing the intentions of the War Crimes sub-series, this Introduction was the same as that which had appeared in interwar editions of the catalogue.

⁷ The volumes published in addition to *The Trial of Josef Kramer and Forty-Four Others*, ed. by Raymond Phillips (London: William Hodge & Co, 1949) were: *The Peleus Trial* (1948), *The Gozawa Trial* (1948), *The Hadamar Trial* (1949), *The Natzweiler Trial* (1949), *The Falkenhorst Trial* (1949), *The Velpke Baby Home Trial* (1950), *The “Double Tenth” Trial* (1951) and *The Dulag Luft Trial* (1952). Those announced but never published were: *The “Zyklon B” Trial*, *The Justice Trial*, *The Trial of Kesselring*, *The Stalag Luft III Trial*, *The Trial of Arthur Greiser* and *The Doctors Trial*.

⁸ Hodge, “Introduction”, 6.

⁹ Hodge made initial contact with Maxwell Fyfe via an intermediary, Maxwell Fyfe’s fellow M. P. James Scott Reid, and it was in his reply to Reid that Maxwell Fyfe suggested that Hodge & Co should not tackle the Nuremberg Trials, which was the plan initially mooted to Maxwell Fyfe on Hodge’s behalf. Letter from David Maxwell Fyfe to J. Scott Reid, 7 June 1946, University of Cambridge, Churchill Archives Centre, KLMR 7/1. Maxwell Fyfe provided a short prefatory note for the first volume to be published (*The Peleus Trial*) but does not appear to have had hands-on involvement in the selection of other cases to be dealt with by the series

¹⁰ For example, during the trial that centered on an attack made on the Greek-registered merchant vessel *Peleus* by a German submarine in 1944, the case of the British hospital ship, the *Llandovery Castle*, torpedoed by a German submarine in 1917, was cited as a precedent by the defence. See *The Peleus Trial*, ed. by John Cameron (London: William Hodge, 1948), 93-5. *Archbold* was cited in the closing speech for the defendants Oscar Schmitz and Karl Francioh at the Belsen trial. See *The Trial of Josef Kramer*, 542.

¹¹ Bloxham, “British War Crimes Policy”, 109.

¹² University of Bristol, Penguin Books Archive, DM 1107/338. I have been unable to locate an archive of material relating to Hodge & Co’s publishing activities; one of the few sources of information about the company’s working practices are the letters between Harry and James Hodge and editors at Penguin, relating to the Penguin series. Hodge & Co’s publishing interests

were bought out by another Scottish legal publisher, T. J. Clark, in the 1960s, and this firm was subsequently absorbed by Continuum, who have in turn recently become part of Taylor & Francis.

¹³ Sharman, “War Crimes Trials Between Occupation and Integration: The Prosecution of Nazi War Criminals in the British Zone of Germany,” unpublished PhD thesis (Southampton: University of Southampton, 2007), 57.

¹⁴ “Just Published”, *Times Literary Supplement*, 17 November 1950, 731.

¹⁵ Griffiths was eventually tracked down via fingerprints that he had given in relation to the issuing of ration books. See George Godwin, “Introduction,” in *The Trial of Peter Griffiths (The Blackburn Baby Murderer)* (London: William Hodge, 1950), 13-65 (44).

¹⁶ See “Two Death Sentences to Stand”, *The Times*, 11 November 1948, 4.

¹⁷ “Just Published”, 731.

¹⁸ Brand, “Introduction”, *The Trial of Heinrich Gericke*, xvii-liv (xxxi).

¹⁹ *The Trial of Josef Kramer*, 148.

²⁰ Simona Tobia notes that while “court interpreting at Nuremberg was internationally recognized as a specific and important job [...] interpreting in [other] trials was [...] one of a number of interpreting duties that interpreters from the Pool [established by the British to support war crimes investigations] might have.” “Questioning the Nazis: Languages and Effectiveness in British War Crime investigations and Trials in Germany, 1945-48,” *Journal of War and Culture Studies*, 3.1 (2010):123-36 (128).

²¹ Raymond Phillips, “Introduction,” in *The Trial of Josef Kramer and Forty-Four Others (The Belsen Trial)* (London: William Hodge, 1949), xxi-xlv (xlv). Although Phillips is named on the title page as the volume editor, he points out in his Acknowledgements that the task of editing the transcript for publication fell to James Hodge (v).

²² Phillips, “Introduction,” xliii.

²³ Ibid.

²⁴ The volume also includes photographs taken by soldiers and journalists on arrival at Belsen and at Auschwitz; it is beyond the scope of this article to discuss these in detail, but many had already been published in the press or in news magazines. Some are analysed by Barbie Zelizer in *Remembering to Forget: Holocaust Memory through the Camera's Eye* (Chicago: University of Chicago Press, 1998) and by Hannah Caven, "Horror in Our Time: Images of the Concentration Camps in the British Media, 1945," *Historical Journal of Film, Radio and Television* 21.3 (2001): 205-253..

²⁵ Harry Ashbrook, "Belsen Blonde on her High Horse," *Daily Mirror*, 17 September, 1945: 8. The "blonde" in question was Irma Grese; her soubriquet seems to have drawn on the equation of "blonde" with glamour and sensuality, emphasising the miss-match between the cultural expectations generated by her appearance and her actual behaviour.

²⁶ Bloxham, *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory* (Oxford: Oxford University Press, 2001), 99. It should be noted that, owing to continuing paper rationing and production issues, at this period space in British newspapers was at a premium, with some, such as the *Express*, consisting of only four pages.

²⁷ Kushner, "The Memory of Belsen", 190.

²⁸ Bloxham, *Genocide on Trial*, 99.

²⁹ *The Trial of Josef Kramer*, 103. The bracketed surnames in this quotation are presumably editorial insertions made by Hodge.

³⁰ *Ibid*, 104.

³¹ "Reports of Threats against the Belsen Witnesses," *Manchester Guardian*, 27 September, 1945: 5.

³² For another, rather different example of the need to look beyond the transcript for reactions to material presented in court, see Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001), especially 23-7, where he discusses the showing of "Nazi Concentration Camps" at Nuremberg. Some of the same material

screened at Nuremberg had been shown at the Belsen trial, where the defense used both a short film of conditions at Belsen made by the Army Film and Photographic Unit, and Russian footage of Auschwitz.

³³ The affidavits that were read to the court are included at the end of the volume in an appendix, which is preceded by a note that is likely to have been written by Hodge, and which outlines the decisions taken in the presentation of the material, and which give some indication of the editorial principles applied to the volume as a whole: “The first deposition [...] has been given in full to show the method of attestation, but in order to economise in space and for fluent reading the remainder of the depositions are produced without the [...] preliminaries. [...] Where any objection has been raised by the Defence to a paragraph, or any part thereof, of any deposition, that section has been deleted.” *Trial of Josef Kramer*, 654.

³⁴ Anita Lasker-Wallfisch, *Inherit the Truth 1939-1945* (London: Giles de la Mare, 1996). Her account of the trial is at 124-30 and the transcript of her evidence at 157-63. She felt that the Kapos ought to have been tried separately and expresses anger that the trial seemed to provide “a wonderful opportunity for a lot of young barristers to display their ability to defend criminals.” (127)

³⁵ Vincent Evans, “The Death Music of Auschwitz”, *Daily Express*, 2 October 1945, 4.

³⁶ “Doctor Describes Routine of Gas Chambers,” *Manchester Guardian*, 2 October 1945.

³⁷ *The Trial of Josef Kramer*, 244.

³⁸ *Ibid.*, 116.

³⁹ http://www.bergenbelsen.co.uk/pages/TrialTranscript/Trial_Day_019.html#Day019_WinwoodAddress

⁴⁰ See Sharman, “War Crimes Trials,” 68-70.

⁴¹ http://www.bergenbelsen.co.uk/pages/TrialTranscript/Trial_Day_046.html

⁴² *The Trial of Josef Kramer*, 149.

⁴³ *Ibid.*, 599.

⁴⁴ Ibid., 149, 154

⁴⁵ See “Kramer in the Box”, *The Times*, 9 October 1945, 3, which quotes the reference to “the dregs of the ghettos”, and “Final Stages in Belsen Trial”, 9 November 1945, 3, which reports his apology.

⁴⁶ Douglas, *The Memory of Judgment*, 6.

⁴⁷ [Peter Calvocoressi], *Times Literary Supplement*, 5 March 1949: 148.

⁴⁸ Phillips, “Introduction,” xliv.