

## Briefly Noted

Kevin Jon Heller and Gerry Simpson (eds). ***The Hidden Histories of War Crimes Trials***. Oxford: Oxford University Press, 2013. Pp. XXVIII + 463. \$120. ISBN: 9780199671144.

The book *The Hidden Histories of War Crimes Trials* – edited by Kevin Jon Heller and Gerry Simpson – is a compilation of 21 contributions to a conference convened in Melbourne at the end of 2010. The project aims at a scholarly recovery of accounts of war crimes trials that were ‘either neglected or under-rehearsed’ (at 1) in the discipline of international criminal law. Accordingly, the contributions tell ‘stories about familiar but under-explored and misunderstood landmarks in the conventional history of international criminal law’ as well as about trials that have been less analysed in this field (at 1). Gregory S. Gordon’s illustrative chapter on the trial of Peter von Hagenbach (chapter 2) is a story of the first kind, whereas Benjamin E. Brockman-Hawe’s comprehensive account of the Franco-Siamese tribunal for the Colonial Era (chapter 3) exemplifies the latter type.

Apart from Gerry Simpson’s introduction, ‘History of Histories’ (chapter 1), the book is divided into seven sections, each of them composed of two to four contributions. Although one of the claimed purposes of the book is the de-Europeanization of the history of war crimes tribunals by showing that trials also occurred in ‘other places’ (at 3–4), three of the seven sections explicitly deal with European Histories: *European Histories I: Prosecuting Atrocity*; *European Histories II: Americans in Europe* and *European Histories III: Contemporary Trials*. The remaining four sections deal with: *Pre Histories: From von Hagenbach to the Armenian Genocide*; *African Histories*; *Southern Histories* and *Histories of a Type: Excavating the Crime of Aggression*.

All in all, this compilation is reasonably well organized, offering a wide range of informative accounts of war crimes trials. The chapters harmonize well with each other. According to Simpson’s illustrative introduction, the different chapters – to differing extents – serve the objectives of *recovery*, *consolation*, *pedigree*, and *pedagogy* (at 2). The first appears to be obvious for a historical work committed to uncovering hidden histories. The same applies to the idea of pedigree. Pedagogy and – in particular – consolation are much more notable concepts. Concerning the latter, Simpson advances the view that narratives can provide comfort by giving victims a voice (at 2–3). He argues that both historiography and trials can serve this purpose: ‘[t]elling these stories either in trial or in scholarship is sometimes derived from a wish to re-inscribe ... “numerous and unknown victims”’ (at 3). This is, of course, legitimate. However, it has to be emphasized that both forms of narration – the judicial and the scholarly one – are subject to legitimacy requirements that need to be analysed separately. An impressive example of the specific dangers connected with the concept of ‘consolation by trial’ is the balancing act between justice and vengeance that is reported in Giordina Fitzpatrick’s account of ‘Victor’s Justice’ and Australian Military Justice in the aftermath of World War II (Chapter 16).

It is self-evident that a compilation like *The Hidden History of War Crimes Trials* can provide only a selection of histories, so that many still remain hidden. Heller’s and Simpson’s work is an outstanding accomplishment since it throws light on many themes that were previously rarely explored.

## Individual Contributions

- Gerry Simpson*, History of Histories;
- Gergory S. Gordon*, The Trial of Peter von Hagenbach: Reconciling History, Historiography and International Criminal Law;
- Benjamin E. Brockman-Hawe*, A Supranational Criminal Tribunal for the Colonial Era: The Franco-Siamese Mixed Court;
- Jennifer Balint*, The Ottoman State Special Military Tribunal for the Genocide of the Armenians: 'Doing Government Business';
- Rosa Ana Alija-Fernández*, Justice for No Land's Men? The United States Military Trials against Spanish Kapos in Mauthausen and Universal Jurisdiction;
- Dov Jacobs*, A Narrative of Justice and the (Re)Writing of History: Lessons Learned from World War II French Trials;
- Frédéric Mégret*, The Bordeaux Trial: Prosecuting the Oradour-sur-Glane Massacre;
- Grietje Baars*, Capitalism's Victor's Justice? The Hidden Stories Behind the Prosecution of Industrialists Post-WWII;
- Stephen I. Vladeck*, Eisentrager's (Forgotten) Merits: Military Jurisdiction and Collateral Habeas;
- Benedetta Faedi Duramy*, Making Peace with the Past: The Federal Republic of Germany's Accountability for World War II Massacres Before the Italian Supreme Court: The *Civitella* Case;
- Tamás Hoffman*, Trying Communism through International Criminal Law? The Experiences of the Hungarian Historical Justice Trials;
- Rain Liivoja*, Competing Histories: Soviet War Crime in the Baltic States;
- Julia Selman-Ayetey*, Universal Jurisdiction: Conflict and Controversy in Norway;
- Jackson Nyamuya Maogoto*, Reading the Shadows of History: The Turkish and Ethiopian 'Internationalized' Domestic Crime Trials;
- Firew Kebede Tiba*, Mass Trials and Modes of Criminal Responsibility for International Crimes: The Case of Ethiopia;
- Giorgina Fitzpatrick*, War Crimes Trials, 'Victor's Justice' and Australian Military Justice in the Aftermath of the Second World War;
- Narrelle Morris*, Justice for 'Asian' Victims: The Australian War Crimes Trials of the Japanese, 1945–51;
- Peter D. Rush*, Dirty War Crimes: Jurisdictions of Memory and International Criminal Law;
- Roger S. Clark*, The Crime of Aggression: From the Trial of Takashi Sakai, August 1946, to the Kampala Review Conference on the ICC in 2010;
- Mark A Drumbl*, 'Germans are the Lords and Poles are the Servants': The Trial of Arthur Greiser in Poland, 1946;
- Immi Tallgren*, The Finnish War-Responsibility Trial in 1945–6: The Limits of Ad Hoc Criminal Justice?

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