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978-1-107-02354-3 - The Rise and Fall of War Crimes Trials: From Charles I to Bush II

Charles Anthony Smith

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The Rise and Fall of War Crimes Trials

This book is the first comprehensive analysis of the politics of war crimes trials. It provides a systematic and theoretically rigorous examination of whether these trials are used as tools for political consolidation or whether justice is their primary purpose. The consideration of cases begins with the trial of Charles I of England and goes through the presidency of George W. Bush, including the trials of Saddam Hussein and those arising from the War on Terror. The book concludes that political consolidation is the primary concern of these trials – a point that runs contrary to the popular perception of the trials and their stated justification. Through the consideration of war crimes trials, this book makes a contribution to our understanding of power and conflict resolution and illuminates the developmental path of war crimes tribunals.

Dr. Charles Anthony Smith is a professor in the political science department at the University of California, Irvine. His research encompasses work in public law in both comparative and international frameworks as well as on the judiciary in the United States using a variety of methodologies. He has published articles in *Law & Society Review*, *Human Rights Review*, *Journal of Human Rights*, *Journal of International Relations and Development*, the *Election Law Journal*, and the *International Political Science Review*, among others. Smith's law practice focused on complex litigation in federal court and intellectual property.

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CHARLES ANTHONY SMITH

University of California, Irvine



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Acknowledgments

As a practicing lawyer prior to my academic career, I sat in one of my conference rooms with my law partners and watched the return of the verdict in the O. J. Simpson murder trial. The press had taken to referring to the trial as “The Trial of the Century.” This case displaced the many previous claimants to the title “Trial of the Century” from the murder trial of Fatty Arbuckle to the Lindbergh kidnapping and the Manson Family murder prosecutions. While the other lawyers in the room discussed the nuance of the evidence that had failed to convict (we all had predicted an acquittal), I could not help but think that this hyperbolic categorization of this sensational murder trial put the Nuremberg Trials in a peculiar perspective. This led me to read, for the first time, the transcripts from Nuremberg because I realized I knew very little about what was surely the true Trial of the

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Century. To this day I suggest any student that aspires to practice law read Robert Jackson's opening statement from Nuremberg as an example of litigation at its very finest. This book is an attempt to present the story of the systematic evolution of war crimes trials. Although this volume originated as a concept in a room mostly reserved for depositions, it has come to press through the assistance, guidance, and insight of those in the halls of the academy, and I owe those many people a tremendous debt.

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