THE MEANING OF THE NUREMBERG TRIALS

by

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Mr. Minister of Justice, Mr. President Cassin, and Gentlemen:

I am more than honored to have this opportunity to meet with you, although I greatly fear that what I have to say will hardly be worth the difficulty of understanding the thoughts which lie behind the linguistic barbarities which I will, no doubt, commit.

When I first joined the staff of Mr. Justice Jackson for the international war crimes trial, I had rather serious doubts about the wisdom of the trial on a grand scale which Justice Jackson had planned. I knew, of course, that the Germans had conducted the war ruthlessly and with unnecessary brutality, but I also knew that war breeds brutality inevitably. So far as the charge of waging aggressive war was concerned, I knew in general that Hitler was largely to blame for starting the war, but I also knew that the war had deep and wide roots in modern history and feared that it might be difficult to single out any one nation as solely responsible.

As I worked in Nuremberg, and became familiar with the documents, I learned many things which helped to clear up these questions. For instance, in the case of war crimes, it became clear to me that the Germans were not guilty of mere brutality. It was not a simple question of ruthlessness in achieving military victory. On the contrary, it became apparent that an essential objective of military victory was to gain the opportunity thereafter to commit war crimes on a grand scale.

As for waging aggressive war, charged as a "crime against peace", it was not a technical question of which country had mobilized first or who had fired the first shot. There was, indeed, resentment in
Germany against certain features of the Versailles treaty, but this resentment was merely the embers on which Hitler blew the bellows. Hitler and the German general staff never were concerned with redressing the grievances of Versailles; they deliberately embarked on a planned program for the conquest of all Europe.

It was, I am sure, the realization that these things were not merely crimes, but were a malignant and deliberate attack against civilization and the basic standards of humanity, that caused the Allied nations to join together in the London Agreement of August, 1945, under which the International Military Tribunal was established. Furthermore, it was realized that the trial and punishment of these crimes is a task of such magnitude that it requires a continuing process rather than a single episode. Consequently, the four great powers charged with the occupation of Germany agreed on the enactment of Control Council Law No. 10, which, like the London Agreement, declares recognized principles of international criminal law, and authorizes each of the four powers, in its zone of occupation, to establish such Tribunals for the trial of offenders.

Since the close of the international trial conducted under the London Agreement, the four powers have been proceeding with trials in their respective zones under Law No 10. In the American zone, these trials continued to be held at Nuremberg. Distinguished judges from the highest courts of many states of the American union have come to Nuremberg to hear these cases. Cooperation between the four powers in the conduct of these zonal trials is very close, and we, on our part, are much indebted to the Minister of Justice and his distinguished and able associates, who have been more than gen-
erous to us. And it is the meaning and importance of these zonal trials under Law No. 10 which I would like to discuss very briefly this afternoon.

Before discussing some of the more interesting legal questions which arise in the course of these trials, perhaps we should ask whether they are worth all the time and effort and expense which they require. What is their practical importance?

There are of course, the usual reasons for the punishment of crimes. There is the deterrent effect of punishment to be considered and, much more important, the establishment and re-affirmation of moral standards. If those responsible for enslavement, torture, and mass extermination go unpunished, sooner or later this sort of behavior will become a normal and respectable part of intercourse among nations.

Furthermore, it is necessary to conduct these trials in order to insure peace and order in Germany. There is no central German government, old passions and prejudices are not yet dead, the judicial tradition has been seriously undermined, and there is no rational moral consciousness. The major war criminals could not and should not be turned loose, they should not be held indefinitely without trial, and they can not yet be safely tried by German courts.

Then, too, we are under deep obligation to the peoples and races on whom the scourge of these crimes was laid. The mere punishment of a few hundred, or even of thousands, can never redress the terrible injuries which were visited upon these unfortunate peoples. For them, it is far more important that these incredible events be established by clear and public proof, so that no one can ever doubt that they were fact and not fable.
Furthermore, we have a special responsibility in these proceedings in connection with the re-education of the Germans and the reconstruction of a democratic Germany. Under the leadership of the Nazis and the war lords, the German nation spread death and devastation throughout Europe. This the Germans now know. So, too, do they now know the consequences to Germany: defeat, ruin, prostration, and utter demoralization. Most German children will never, so long as they live, see an undamaged German city. Those who have never seen a German city intact will be callous about flattening French or American cities. They may not even realize that they are destroying anything worthwhile, for lack of a normal sense of values.

These trials, therefore, offer a signal opportunity to lay before the German people the true causes of their present misery. And it is only human nature that the Germans will be more fundamentally impressed by learning about the harm they have done to themselves than the harm they did to others. The walls and towers and churches of Nurnberg were, indeed, reduced to rubble by Allied bombs, but in a deeper sense Nurnberg had been destroyed a decade earlier, when it became the seat of the annual Nazi party rallies, a focal point for the moral disintegration of Germany, and the private domain of Julius Streicher. The insane and malignant doctrines that Nurnberg spewed forth account alike for the crimes of the Third Reich and for the terrible fate of Germany.

In this connection, the trial of the principal military and SS physicians, now in process in Nurnberg, is a good example. These men are charged with tortures and murders committed in the course of medical experiments which they performed on concentration camp
inmates and other miserable and unwilling victims. There are no perplexing questions of law; there are not even any delicate questions of medical ethics in this chamber of horrors. But this case, clear and simple, is nonetheless one of the most significant. It has had a profound effect within Germany. It epitomizes Nazi thought and the Nazi way of life, because these men pursued the savage premises of Nazi thought to the logical but terrible conclusion.

We recently had a striking demonstration of the depraved moral outlook of these doctors. One of the few genuine scientific discoveries which resulted from these experiments was that the injection of a small amount of phenol into the human bloodstream will cause death within about 90 seconds. We interrogated one of the doctors who had killed hundreds of concentration camp inmates in this manner, and our medical consultant asked him to describe the process. The Nazi doctor tried to imitate the fearful convulsions which resulted immediately from the injection, but almost immediately, with an impatient gesture, said: "But why should we do it this way? It would be so much simpler and clearer if you would bring me someone that I could demonstrate on".

The failure of these experiments to produce any results of real value to the healing art helps to explode one of the most prevalent misconceptions about the Third Reich. The Nazis have, to a certain extent, succeeded in convincing the world that the Nazi system, although ruthless, was absolutely efficient; that although savage, it was completely scientific; that although entirely devoid of humanity, it was completely systematic — that
"it got things done."

Nothing, I believe, could be further from the truth. Nazi ideology did produce a pathological overflow of misdirected energy. In some particular fields and in many details, the Third Reich was self-destructive. Its more intelligent objectives were continually being thwarted by childish (though murderous) superstitions. At practically no time was there that minimum degree of trust among its leaders which alone makes possible flexibility and true resourcefulness.

The medical experiments, for instance, were not only criminal, but a scientific failure. It was, indeed, as if a just deity had shrouded the solution which these doctors had attempted to reach with murderous means. The creeping paralysis of Nazi superstition spread through the German medical profession and, just as it destroyed character and morals, it dulled the mind.

What was true in medicine was equally true elsewhere. In all the learned professions, the standards of teaching and of research suffered a catastrophic decline. It was particularly true in the field of law, and one of the other cases now in process at Nurnberg is especially concerned with this question. The defendants in this case are leading Nazi judges, prosecutors, and officials of the Reich Ministry of Justice.

It was absolutely necessary to the establishment of the Third Reich dictatorship that law and justice be utterly stamped out. At first blush, the reason for this may not appear. The Nazi cabinet could decree any law it wanted with the flourish of a pen. The courts, unless they were bold enough to deny the very basis
of Hitler's authority, which they did not do, were bound to punish violations of these laws. Was not this enough for even Hitler's purposes?

There was one very fundamental reason why it was not enough. The ideology of the Third Reich was totally incompatible with the spirit of the law. It could not live under law, and the law could not live under it. To take but one example: even under stringent anti-Jewish legislation, there were bound to be situations where a too-greedy German in civil suit, or an over-zealous police official in a criminal case, had erroneously haled a Jew into court. In other words, even under Nazi legislation, there were bound to be cases when the Jew was legally right. Yet, it was unthinkable that a German court should exalt the Jew and discredit the German with a decision in favor of the Jew. Such perplexing problems could be dealt with only by courts which were not true courts at all, and which could be trusted to suppress the law and render an ideological judgment.

This sort of problem was far more delicate in the case of the Poles, whom the Nazis chose to regard as less than human but more than Jewish. We have, in the case in Nurnberg, derived much macabre humor from the documentary spectacle which some of the defendants made of themselves in vainly wrestling with the insoluble problem of how to achieve a certain amount of legal order and stability in occupied Poland, without at the same time giving the Poles any true law on which they could rely.

Another mistaken belief, obstinately and widely held in Germany and all too prevalent outside Germany, is that the only crimes of the Third Reich were those of the Nazi Party and that, indeed, the only crime was to be a Nazi. Throughout the Nurnberg proceedings, the
United States has taken the position that, deep as is the responsibility of Germany as a whole for the crimes of the Third Reich, we do not seek to incriminate the entire population. But it is a gross misconception to picture the Third Reich as the tyranny of Hitler and his close party henchmen alone. A dictatorship is successful, not because everyone opposes it, but because powerful groups support it. The Nazi dictatorship was no exception to this principle. In fact, it was not, strictly speaking, a Nazi dictatorship. Hitler was, to be sure the focus of ultimate authority, but Hitler derived his power from the support of other influential men and groups, who agreed with his basic ideas and objectives.

In Germany, before the days of Hitler, there were two principal groups in which the striking power of the nation was concentrated. Without them, Hitler would have been quite powerless and Germany’s program of conquest would have never have been transmuted from the pages of “Mein Kampf” to the terrible actualities of 1941 and 1942. These two groups were the leaders of Germany’s principal industries, and the Fieldmarshals and Generals who exemplified German militarists and were the repositories of German skill in waging war. In a proceeding which began at Nurnberg only last week, we have brought criminal charges against one of Germany’s leading industrial figures, Friedrich Flick, and five of his associates. The name of Flick is not as famous as that of Krupp, but, by 1939, Flick produced more steel than Krupp, and Flick and Krupp were the two greatest private armament concerns.

In the final analysis, Germany’s capacity for conquest derived from its heavy industry and attendant scientific techniques, and from
its millions of able-bodied men, obedient, amenable to discipline, and overly susceptible to panoply and fanfare. Krupp, Flick, Thyssen, and a few others swayed the industrial group; Beck, von Fritsch, Rundstedt, and other martial exemplars ruled the military clique. On the shoulders of these groups Hitler rode to power, and from power to conquest.

The Third Reich dictatorship was based on this unholy trinity of Nazism, militarism, and economic imperialism. To industry, Hitler held out the prospect of a "stable" government, freedom from labor troubles, and a swift increase in production to support re-armament and the re-establishment of German economic hegemony in Europe and across the seas. To the military, he promised the reconstitution of the Wehrmacht and the resurgence of German armed might.

"Private enterprise can not be maintained in the age of democracy" said Hitler to the industrialists, and they agreed. "We must not forget that all the benefits of culture must be introduced, more or less, with an iron fist" he went on, and they agreed to that, too. "The question of restoration of the Wehrmacht will not be decided at Geneva, but in Germany" he said in conclusion and this was what the industrialists and the military leaders had been thinking for a long time.

Flick and some of his fellow lords of industry drank deep of this witches' brew. Soon they were consorting with Himmler and his sinister coterie, and then they began to give him money which he spent on certain of his less fastidious hobbies. Later they took to lining their pockets at the expense of wealthy Jews in Germany and the occupied territories. After the victories of the
Wehrmacht in France and Russia, they were on hand to seize and exploit the choicer industrial properties. They enslaved and deported the peoples of the occupied countries to keep the German war machine running, and treated them like animals. Tolerance of such base and wicked crimes would destroy man's capacity for self-respect; their repetition would destroy mankind itself.

Cases which will be begun in Nurnberg in the near future will involve the other powerful group which worked most closely with Hitler. The military leaders executed the conquests and were deeply implicated in the crimes of the Third Reich. What are the characteristics of these German war lords? They are a class, almost a caste. They are a course of thought and a way of life. They have distinctive qualities of mind, which have their roots in centuries; books have been written by them and about them. They have been a historical force and are still to be reckoned with. They are proud of it.

The German military leaders believe in war. They regard it as part of a normal, well rounded life. Menstein said in the witness box that they "naturally considered the glory of war as something great." The "considered opinion" of the German High Command in 1938 recited that:

"Despite all attempts to outlaw it, war is still a law of nature which may be challenged but not eliminated. It serves the survival of the race and state or the assurance of its historical future.

"This high moral purpose gives war its total character and its ethical justification."

These characteristics of the German military leaders are deep and permanent. They have been bad for the world, and bad for
Germany, too. Their attitude of mind is nowhere better set forth than in a speech by General Beck before the German War Academy in 1935. The audience of young officers was told that "the hour of death of our old magnificent army" in 1919 "led to the new life of the young Reichswehr," and that the German army returned from the first world war "crowned with the laurels of immortality." Later on, they were told that if the military leaders have displayed intelligence and courage, then losing a war "is ennobled by the pride of a glorious fall." In conclusion, they were exhorted to remember "the duty which they owe to the man who re-created and made strong again the German Wehrmacht."

In 1935, that man was Hitler. In previous years it was other men. The German militarists will join forces with any man or government that offers fair prospect of effective support for military exploits. Men who believe in war as a way of life learn nothing from the experience of losing one. And what is really at stake now is not the lives of the particular generals who are defendants in these proceedings, but the future influence of the German General Staff within Germany, and, consequently, on the lives of people in all countries.

The first steps toward the revival of German militarism have already been taken. The German militarists know that their future strength depends on re-establishing the faith of the German people in their military prowess and in disassociating themselves from the atrocities which they committed in the service of the Third Reich.

Why did the Wehrmacht meet with defeat? Hitler interfered too much in military affairs, says Manstein. What about the atrocities? The Wehrmacht committed none. Hitler's criminal orders were disregarded.
by the generals. Any atrocities which did occur were committed by other men such as Himmler and other agencies such as the K. Did not an SS general say that the Fieldmarshals could have prevented many of the excesses and atrocities? The reaction is one of superiority and scorn: "I think it is impertinent for an SS man to make such statements about a Fieldmarshal," said Randstadt. The documents and testimony show that these are transparent fabrications. But here, in embryo, are the myths and legends which the German militarists will seek to propagate in the German mind. These lies must be stamped and labelled for what they are, now while the proof is fresh.

Up to this point, most of what I have said about the significance of the Nuremberg proceedings relates to Germany, and to the recent war and its aftermath. Important as these things are, we must not overlook the consideration which has recently been so forcefully pointed out by the distinguished French member of the International Military Tribunal, Monsieur le Professeur Donnedieu de Vabres. This is the necessity of preventing

"...the serious and deserved reproach incurred by the International Military Tribunal; that of being an ad hoc tribunal, a tribunal of victors."

As Monsieur le Professeur Donnedieu de Vabres pointed out, this reproach can only be answered by establishing an international penal jurisdiction on a permanent basis. This does not necessarily call for the meticulous codifying of international law; on the contrary, it may well be preferable to preserve the common law quality of international law.

From the standpoint of law and looking toward the future, the proceedings at Nuremberg will perhaps be most important in connection
with further developments of concepts of international criminal law. They are part of a larger program, in which all nations should join, through the United Nations or in other ways, having for its object the development of a practical, enforceable, and enlightened law among nations.

Law No. 10, under which the Nurnberg Tribunals now act, recognize the same three large categories of international crime as were set forth in the London Charter, under which the international Military Tribunal rendered judgment. These are crimes against peace, war crimes, and crimes against humanity. Punishment of the Axis leaders for war crimes, these being in general acts declared unlawful by the Hague and Geneva Conventions, has aroused practically no discussion or criticism among jurists or the general public. The concept of crimes against peace, under which the preparation and waging of aggressive wars is declared criminal, has aroused so much discussion during the last two years that there is practically nothing new that anyone can say about it. But it is only in recent months, since the judgment of the International Military Tribunal, that the concept of crimes against humanity has begun to arouse widespread professional and public interest.

The civilized usages and customs upon which the definition of crimes against humanity is based are far more ancient than those which gave rise to the concept of crimes against peace. The "public conscience" of civilization has, at least since the French and American revolutions, condemned as criminal those massacres and murderous persecutions of population groups; which have occurred most frequently in the past on racial and religious grounds. There are,
to be sure, no conventions dealing with crimes against humanity similar to the Hague and Geneva Conventions for war crimes. But crimes against humanity are as old as war crimes, even though their substantive content has never been spelled out in meticulous detail.

The definition of crimes against humanity in Law No 10 reads as follows:

Atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecutions on political, racial, or religious grounds whether or not in violation of the domestic laws of the country where perpetrated.

What is the scope of crimes against humanity as herein defined? The definition condemns "murder", "rape", and other familiar crimes, but obviously not all murder and rape cases are crimes against humanity in the sense of the statute. Private and occasional murders and sex offenses, such as unfortunately occur even in the most orderly and democratic nations, are not within its intention. Nor, I believe, are localized outbursts of race hatred, or petty discriminations, covered by the word "persecution". At the opposite end of the scale are wholesale, nationwide campaigns, openly supported or connived at by the government, to make life intolerable for, to expel, to degrade, to enslave, or to exterminate large groups of the civilian population. Such persecutions, and murders, enslavements, or other inhumane acts committed in connection therewith, certainly fall within the scope of the definition.

The International Military Tribunal, however, construed the comparable (though not identical) definition of crimes against humanity
in the London Charter very narrowly. It decided that crimes against humanity do not, so to speak, stand on their own feet, but are punishable under the London Charter only if they were committed "in execution of or in connection with" crimes against peace or war crimes. It further determined that the evidence concerning crimes committed prior to 1939 did not sufficiently establish such a connection, but that all such crimes committed during the war were so connected and were punishable. The result of this judgment was, accordingly, that no persecutions of other atrocities committed by the leaders of the Third Reich prior to 1939 were punished. And, it so happens, most of the atrocities committed after the outbreak of the war fall within the definition of war crimes as well as that of crimes against humanity. We can, therefore, readily understand the comment of the distinguished American lawyer and statesman, Mr. Henry L. Stimson, who has recently written:

The charge of crimes against humanity was limited by the Tribunal to include only activities pursued in connection with the crime of war. The Tribunal eliminated from its jurisdiction the question of the criminal accountability of those responsible for wholesale persecution before the outbreak of the war in 1939. With this decision I do not here venture to quarrel, but its effect appears to me to involve a reduction of the meaning of crimes against humanity to a point where they become practically synonymous with war crimes.

No doubt its roots are even older, but the concept of crimes against humanity first finds identifiable expression, as an international law concept, in the works of Grotius. His view was much more far reaching than the one I am proposing today. Grotius, the father of the legal distinction between "just" and "unjust" wars,
described as "just" a war undertaken for the purpose of defending the subjects of a foreign state from injuries inflicted by their ruler.

This doctrine that inhumane atrocities against civilian populations are so contrary to the law of nations that a country is rightfully entitled to interfere and endeavor to put an end to them, by diplomatic protest or even by force, was repeatedly voiced and often acted upon during the nineteenth century. We have no need for a parade of scholarship; a few instances will suffice. England, France, and Russia intervened in 1827 to end the atrocities in the Greco-Turkish warfare. The United States intervened with the Sultan of Turkey in 1840 on behalf of the persecuted Jews of Damascus and Rhodes. During the latter part of the nineteenth century and up to 1915, there was a series of protests and expostulations from a variety of nations directed to the governments of Russia and Roumania with respect to pogroms and other atrocities against Jews, and to the government of Turkey on behalf of persecuted Christian minorities. In 1902, the American Secretary of State, John Hay, sent to Roumania a note of strong remonstrance "in the name of humanity" against Jewish persecutions, saying "this government can not be a tacit party to such international wrongs". The Kishinef and other massacres in Russia in 1903 caused President Theodóre Roosevelt to say in his annual message to the American Congress:

Nevertheless, there are occasional crimes committed on so vast a scale and of such peculiar horror as to make us doubt whether it is not our manifest duty to endeavor at least to show our disapproval of the deed and our sympathy with those who have suffered by it. The case must be extreme in which such a course is justifiable,... The case in which we could interfere by force of arms,
as we interfered to put a stop to the intolerable conditions in Cuba, are necessarily very few.

As President Theodore Roosevelt's reference to Cuba indicates, one of the avowed purposes of American intervention there in 1898 was, as President McKinley stated in his special message to Congress in April, 1898:

In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate.

There is no need to multiply examples. This sustained and repeated practice caused a learned German professor (J. R. Bluntschi, Professor of Law at Heidelberg University) to write, as early as 1878, that:

States are allowed to interfere in the name of international law if "humanity rights" are violated to the detriment of any single race.

There can be no doubt, in summary, that murderous persecutions and massacres of civilian population groups were clearly established as contrary to the law of nations long before the first World War. Diplomatic or military intervention was the sanction traditionally applied when crimes against humanity were committed. But before passing to more recent declarations on this subject, I suggest that, in my view, unilateral sanctions of this kind today are ineffective if confined to words and dangerous if military measures are resorted to. Intervention may well have been an appropriate sanction in the nineteenth century, when the fearful resources of modern warfare were unknown, and particularly when resorted to by a strong nation in behalf of minorities persecuted by a much weaker nation. Indeed, lacking some vehicle for true collective action, interventions were probably the only possible sanction. But they
are outmoded, and can not be resorted to in these times either safely or effectively.

It may well have been considerations such as these which led the International Military Tribunal to adopt such a narrow definition of crimes against humanity. There can be no doubt that these were the reasons which swayed the distinguished French member of the Tribunal, Monsieur le Professeur Donnadieu de Vabres, who has recently stated his opinion on this question with refreshing frankness:

....The notion of crimes against humanity is.... an innovation, inasmuch as it reaches beyond infractions of common law - murders, assaults and batteries - to reach ill-defined acts that common law does not repress, such as political, religious, or racial persecutions......

When he Hitler wanted to seize the Sudetenland or Danzig, he charged the Czechs and the Poles with crimes against humanity. Such charges give a pretext which leads to interference in the international affairs of other countries.

But it is noteworthy that if the Tribunal, bound by the Charter, did not expressly reject these notions, it did not draw from them any practical consequences. It emptied them of their substance..... Crimes against humanity are confounded with war crimes, so that infractions of this nature, committed before the outbreak of hostilities, are beyond the competence of the Tribunal, and only acts recognized and punished by existing law are declared criminal.

But, with all deference to the opinion of the distinguished French jurist, I suggest that this view involved a confusion between the crime itself and the means whereby the crime is to be punished. Perhaps too strongly influenced by his quite reasonable fear of unilateral intervention, he suggests abolishing the concept of the crime itself. This is to pour the baby out with the bath.

The fact that a particular method of enforcing law and punishing crime has become outmoded does not mean that what was previously a
well-recognized crime at international law is such no longer. International criminal law is merely going through a transition which municipal criminal has passed through centuries ago. If I discover that my next door neighbor is a Bluebeard who has murdered six wives, I am thoroughly justified in calling the police, but I can not legally enter his house and visit retribution on him with my own hand. International society, too, has now reached the point where the enforcement of international criminal law must be by true collective action, through an agent — be it the United Nations, a world court, or what you will — truly representative of the civilized nations.

The zonal tribunals established under Law No. 10 are such agents. They render judgment under a statute enacted by the four great powers charged with the occupation of Germany. The principles set forth in the statute are derived from an international agreement entered into by the same four powers and adhered to by nineteen other nations.

I suggest, in conclusion, that it is in the field of crimes against humanity that international criminal law can make its most valuable contribution to the safeguarding of human dignity and to the peace of the world. So, too, it is in connection with crimes against humanity that we can best realize the hope, so well expressed by Monsieur le Professeur Conreddou de Vabres, that international penal should not remain a law imposed only by victors against vanquished.

This is not to belittle the importance of the other categories of international crime admirably expounded by the International Military Tribunal. Judicial recognition of the long-established
and universal conviction of civilized men that aggressive warfare is a crime is a milestone in the development of international law and a new foundation stone of civilization. But how can this doctrine be applied in times of peace? For the judicial application of this doctrine in new circumstances, it will take another war, I fear. And then again it will be victors who judge vanquished.

The concept of war crimes is a very salutary check against excesses and brutalities in time of war. Even in this last war, in which the rules of war were so largely disregarded by the Axis participants, there can be no doubt that the rules saved millions of lives and prevented untold misery. It is important that the rules of war be brought up-to-date and that the military forces of all nations continue to respect them. But when will they again come into play? It will take another war, I fear.

It would be a wonderful thing if there never again were any occasion for the concept of crimes against humanity to be applied. But this is perhaps too much to hope. And it should not be beyond the resources of human ingenuity to establish appropriate judicial mechanism for the prevention and punishment of crimes against humanity even in time of peace. Persecution of minorities debase mankind and is a frequent cause of wars. If the trials in Nurnberg and in the other occupation zones can help to expand and refine the legal principles of crimes against humanity, and if the nations of the world can establish a permanent jurisdiction for their punishment, based on practical, enforceible, and enlightened principles, we will have indeed reached a turning point in the history of international law.