

Nazi Crimes And The Law

Law, History, and Justice Annette Weinke.2018-12-17 Since the nineteenth century, the development of international humanitarian law has been marked by complex entanglements of legal theory, historical trauma, criminal prosecution, historiography, and politics. All of these factors have played a role in changing views on the applicability of international law and human-rights ideas to state-organized violence, which in turn have been largely driven by transnational responses to German state crimes. Here, Annette Weinke gives a groundbreaking long-term history of the political, legal and academic debates concerning German state and mass violence in the First World War, during the National Socialist era and the Holocaust, and under the GDR.

The Hidden Histories of War Crimes Trials Kevin Heller,Gerry Simpson.2013-10 Several war crimes trials are well-known to scholars, but others have received far less attention. This book assesses a number of these little-studied trials to recognise institutional innovations, clarify doctrinal debates, and identify their general relevance to the development of international criminal law.

Transitional Justice in Italy and the Crimes of Fascism and Nazism Paolo Caroli.2022-06-10 This book presents a comprehensive analysis of the Italian experience of transitional justice examining how the crimes of Fascism and World War II have been dealt with from a comparative perspective. Applying an interdisciplinary and comparative methodology, the book offers a detailed reconstruction of the prosecution of the crimes of Fascism and the Italian Social Republic as well as crimes committed by Nazi soldiers against Italian civilians and those of the Italian army against foreign populations. It also explores the legal qualification and prosecution of the actions of the Resistance. Particular focus is given to the Togliatti Amnesty, the major turning point, through comparisons to the wider European post-WWII transitional scenario and other relevant transitional amnesties, allowing consideration of the intense debate on the legitimacy of amnesties under international law. The book evaluates the Italian experience and provides an ideal framework to assess the complexity of the interdependencies between time, historical memory and the use of criminal law. In a historical moment marked by the resurgence of racism, neo-fascism, falsifications of the past, as well as the desire to amend the faults of the past, the Italian unfinished experience of dealing with the Fascist era can help move the discussion forward. The book will be essential reading for students, researchers and academics in International Criminal Law, Transitional Justice, History, Memory Studies and Political Science.

The Memory of Judgment Lawrence Douglas.2001 This powerful book offers the first detailed examination of the law's response to the crimes of the Holocaust. In vivid prose it offers a fascinating study of five exemplary proceedings -- the Nuremberg trial of the major Nazi war criminals, the Israeli trials of Adolf Eichmann and John Demjanjuk, the French trial of Klaus Barbie, and the Canadian trial of Holocaust denier Ernst Zundel. These trials, the book argues, were show trials in the broadest sense: they aimed to do justice both to the defendants and to the history and memory of the Holocaust. With insight Lawrence Douglas explores how prosecutors and jurors struggled to submit unprecedented crimes to legal judgment, and in so doing, to reconcile the interests of justice and pedagogy. Against the attacks of such critics as Hannah Arendt, Douglas defends the Nuremberg and Eichmann trials as imaginative, if flawed, responses to extreme crimes. By contrast, he shows how the Demjanjuk and Zundel trials turned into disasters of didactic legality, obfuscating the very history they were intended to illuminate. In their successes and shortcomings, Douglas contends, these proceedings changed our understandings of both the Holocaust and the legal process -- revealing the value and limits of the criminal trial as a didactic tool.

The Holocaust, Corporations, and the Law Leora Bilsky.2017-09-12 The Holocaust, Corporations, and the Law explores the challenge posed by the Holocaust to legal and political thought by examining issues raised by the restitution class action suits brought against Swiss banks and German corporations before American federal courts in the 1990s. Although the suits were settled for unprecedented amounts of money, the defendants did not formally assume any legal responsibility. Thus, the lawsuits were bitterly criticized by lawyers for betraying justice and by historians for distorting history. Leora Bilsky argues class action litigation and settlement offer a mode of accountability well suited to addressing the bureaucratic nature of business involvement in atrocities. Prior to these lawsuits, legal treatment of the Holocaust was dominated by criminal law and its individualistic assumptions, consistently failing to relate to the structural aspects of Nazi crimes. Engaging critically with contemporary debates about corporate responsibility for human rights violations and assumptions about "law," she argues for the need to design processes that make multinational corporations accountable, and examines the implications for transitional justice, the relationship between law and history, and for community and representation in a post-national world. Her novel interpretation of the restitution lawsuits not only adds an important dimension to the study of Holocaust trials, but also makes an innovative contribution to broader and pressing contemporary legal and political debates. In an era when corporations are ever more powerful and international, Bilsky's arguments will attract attention beyond those interested in the Holocaust and its long shadow.

The Nuremberg Trial and International Law George Ginsburgs,Vladimir Nikolaevich Kudri[a]vt[s]ev.1990-09-26 The stationing of foreign armed forces abroad in peacetime has been a constant & distinctive feature of the post-1945 bipolar world. This book is the first systematic study of the subject to look beyond the areas of criminal & civil jurisdiction to broader issues of international law arising out of the establishment & use of foreign military installations in time of peace. Implementation of basing agreements between states sending & states hosting foreign armed forces has resulted in a large body of state practice that includes such major international incidents as the U.S. air raid on Libya in 1986 & the U.S. intervention in Panama in 1989. This book assesses the future of foreign military installations against the background of the end of the Cold War, the unification of Germany, the dissolution of the Warsaw Pact, & the emerging European security order.

The Law in Nazi Germany Alan E. Steinweis,Robert D. Rachlin.2013-03-30 While we often tend to think of the Third Reich as a zone of lawlessness, the Nazi dictatorship and its policies of persecution rested on a legal foundation set in place and maintained by judges, lawyers, and civil servants trained in the law. This volume offers a concise and compelling account of how these intelligent and well-educated legal professionals lent their skills and knowledge to a system of oppression and domination. The chapters address why German lawyers and jurists were attracted to Nazism; how their support of the regime resulted from a combination of ideological conviction, careerist opportunism, and legalistic self-delusion; and whether they were held accountable for their Nazi-era actions after 1945. This book also examines the experiences of Jewish lawyers who fell victim to anti-Semitic measures. The volume will appeal to scholars, students, and other readers with an interest in Nazi Germany, the Holocaust, and the history of jurisprudence.

The Scene of the Mass Crime Christian Delage,Peter Goodrich.2013-05-07 The Scene of the Mass Crime takes up the unwritten history of the peculiar yet highly visible form of war crimes trials. These trials are the first and continuing site of the interface of law, history and film. From Nuremberg to the contemporary trials in Cambodia, film, in particular, has been crucial both as evidence of atrocity and as the means of publicizing the proceedings. But what does film bring to justice? Can law successfully address war crimes, atrocities, genocide? What do the trials actually show? What form of justice is done, and how does it relate to ordinary courts and proceedings? What lessons can be drawn from this history for the very topical political issue of filming civil and criminal trials? This book takes up the diversity and complexity of these idiosyncratic and, in strict terms, generally extra-legal medial situations. Drawing on a fascinating diversity of public trials and filmic responses, from the Trial of the Gang of Four to the Gacaca local courts of Rwanda to the filmic symbolism of 9-11, from Soviet era show trials to Nazi People's Courts leading international scholars address the theatrical, political, filmic and symbolic importance of show trials in making history, legitimating regimes and, most surprising of all, in attempting to heal trauma through law and through film. These essays will be of considerable interest to those working on international criminal law, transitional justice, genocide studies, and the relationship between law and film.

The Nuremberg Legacy Norbert Ehrenfreund.2007-10-02 Sixty years have passed since the Nuremberg trials of the major Nazi war criminals, but that event still stands as the foundation of international justice. Nuremberg not only ignited a revolution in international law but affected domestic

law as well with its simple but profound principle that every individual accused of crime is entitled to a full and fair hearing. This book reveals how the precedents set at Nuremberg have affected human rights, race relations, medical practice, big business and even Germany's post-war development. It also examines the Nuremberg trials' influence on the modern war crimes trials of tyrants like Slobodan Milosevic and Saddam Hussein.

Holocaust, Genocide, and the Law Michael Bazylar, Michael J. Bazylar. 2017-07 A great deal of contemporary law has a direct connection to the Holocaust. That connection, however, is seldom acknowledged in legal texts and has never been the subject of a full-length scholarly work. This book examines the background of the Holocaust and genocide through the prism of the law; the criminal and civil prosecution of the Nazis and their collaborators for Holocaust-era crimes; and contemporary attempts to criminally prosecute perpetrators for the crime of genocide. It provides the history of the Holocaust as a legal event, and sets out how genocide has become known as the crime of crimes under both international law and in popular discourse. It goes on to discuss specific post-Holocaust legal topics, and examines the Holocaust as a catalyst for post-Holocaust international justice. Together, this collection of subjects establishes a new legal discipline, which the author Michael Bazylar labels Post-Holocaust Law.

The Nuremberg Military Tribunals and the Origins of International Criminal Law Kevin Jon Heller. 2012-10-11 This book provides the first comprehensive legal analysis of the twelve war crimes trials held in the American zone of occupation between 1946 and 1949, collectively known as the Nuremberg Military Tribunals (NMTs). The judgments the NMTs produced have played a critical role in the development of international criminal law, particularly in terms of how courts currently understand war crimes, crimes against humanity, and the crime of aggression. The trials are also of tremendous historical importance, because they provide a far more comprehensive picture of Nazi atrocities than their more famous predecessor, the International Military Tribunal at Nuremberg (IMT). The IMT focused exclusively on the 'major war criminals'—the Goerings, the Hesses, the Speers. The NMTs, by contrast, prosecuted doctors, lawyers, judges, industrialists, bankers—the private citizens and lower-level functionaries whose willingness to take part in the destruction of millions of innocents manifested what Hannah Arendt famously called 'the banality of evil'. The book is divided into five sections. The first section traces the evolution of the twelve NMT trials. The second section discusses the law, procedure, and rules of evidence applied by the tribunals, with a focus on the important differences between Law No. 10 and the Nuremberg Charter. The third section, the heart of the book, provides a systematic analysis of the tribunals' jurisprudence. It covers Law No. 10's core crimes—crimes against peace, war crimes, and crimes against humanity—as well as the crimes of conspiracy and membership in a criminal organization. The fourth section then examines the modes of participation and defenses that the tribunals recognized. The final section deals with sentencing, the aftermath of the trials, and their historical legacy.

The Investigation of Nazi Crimes, 1945-1978 Adalbert Rückerl. 1980

East West Street Philippe Sands. 2016-05-24 A profound, important book, a moving personal detective story and an uncovering of secret pasts, set in Europe's center, the city of bright colors—Lviv, Ukraine, dividing east from west, north from south, in what had been the Austro-Hungarian Empire. A book that explores the development of the world-changing legal concepts of "genocide" and "crimes against humanity" that came about as a result of the unprecedented atrocities of Hitler's Third Reich. It is also a spellbinding family memoir, as the author traces the mysterious story of his grandfather as he maneuvered through Europe in the face of Nazi atrocities. This is "a monumental achievement ... told with love, anger and precision" (John le Carré, acclaimed internationally bestselling author). East West Street looks at the personal and intellectual evolution of the two men who simultaneously originated the ideas of "genocide" and "crimes against humanity," both of whom, not knowing the other, studied at the same university with the same professors, in "the Paris of Ukraine," a major cultural center of Europe, a city variously called Lemberg, Lwów, Lvov, or Lviv. Phillippe Sands changes the way we look at the world, at our understanding of history and how civilization has tried to cope with mass murder

Crimes of the Holocaust Stephan Landsman. 2013-03-01 The problem of prosecuting individuals complicit in the Nazi regime's Final Solution is almost insurmountably complex and has produced ever less satisfying results as time has passed. In *Crimes of the Holocaust*, Stephan Landsman provides detailed analysis of the International Military Tribunal prosecution at Nuremberg in 1945, the Eichmann trial in Israel in 1961, the 1986 Demanjuk trial in Israel, and the 1990 prosecution of Imre Finta in Canada. Landsman presents each case and elaborates the difficulties inherent in achieving both a fair trial and a measure of justice in the aftermath of heinous crimes. In the face of few historical and legal precedents for such war crime prosecutions, each legal action relies on the framework of its predecessors. However, this only compounds the problematic issues arising from the Nuremberg proceedings. Meticulously combing volumes of testimony and documentary information about each case, Landsman offers judicious and critical assessments of the proceedings. He levels pointed criticism at numerous elements of this relatively recent judicial invention, sparing neither judges nor counsel and remaining keenly aware of the human implications. Deftly weaving legal analysis with cultural context, Landsman offers the first rigorous examination of these problematic proceedings and proposes guideposts for contemporary tribunals. *Crimes of the Holocaust* is an authoritative account of the Gordian knot of genocide prosecution in the world courts, which will persist as a confounding issue as we are faced with a trial of Saddam Hussein. This volume will be compelling reading for legal scholars as well as laypersons interested in these cases and the issues they address.

Law and War Peter Maguire. 2010-03-04 In this classic text, Peter Maguire follows America's legal relationship with war, both before and after the Nuremberg trials of the 1940s. Maguire argues that the precedents set by the trials were nothing less than revolutionary, and he traces the development of these new attitudes throughout American history. The text has been revised throughout, with a new preface and postscript discussing the George W. Bush administration's attempt to rewrite the laws of war after 9/11. Maguire connects these efforts to the decline in American power and reputation. Praise for the previous edition: [An] intriguing historical analysis.—*Harvard Law Review* Outstanding... impressive... a terrific book.—*American Historical Review* A five-star accomplishment that will intrigue the reader and prove that, in history, truth is often more fascinating than fiction.—H. W. William Caming, former Nuremberg prosecutor Perceptive.—*Journal of American History* An important and fascinating study, marked by impressive research and moral passion.—Ronald Steel, University of Southern California A 'must read' for all those interested in international criminal law, war crimes, and war crime trials.—J. C. Watkins Jr., University of Alabama A sobering exploration of the hypocrisy and double standards that shape the laws of war. Maguire reveals the conflict between American ideology and American imperialism, the Faustian compromises made by our leaders during their elusive quest for justice.—Iris Chang, author of *The Rape of Nanking* A pioneering account.... *Law and War* goes back to the middle of the nineteenth century to trace the history of modern war crimes, their shock value, and the efforts made to bring their perpetrators to account.—Thomas Keenan, *Bardian*

Nazi Crimes and the Law Nathan Stoltzfus, Henry Friedlander. 2008-10-06 They span the postwar period up to contemporary U.S. legal efforts to deport Nazi criminals within its borders and libel suits brought by Holocaust deniers in British and Canadian courts, and they reveal new perspectives on the present and future implications of these trials.—BOOK JACKET.

Crime and Criminal Justice in Modern Germany Richard F. Wetzell. 2014-05-01 The history of criminal justice in modern Germany has become a vibrant field of research, as demonstrated in this volume. Following an introductory survey, the twelve chapters examine major topics in the history of crime and criminal justice from Imperial Germany, through the Weimar and Nazi eras, to the early postwar years. These topics include case studies of criminal trials, the development of juvenile justice, and the efforts to reform the penal code, criminal procedure, and the prison system. The collection also reveals that the history of criminal justice has much to contribute to other areas of historical inquiry: it explores the changing relationship of criminal justice to psychiatry and social welfare, analyzes representations of crime and criminal justice in the media and literature, and uses the lens of criminal justice to illuminate German social history, gender history, and the history of sexuality.

Nazi War Crimes, US Intelligence and Selective Prosecution at Nuremberg Michael Salter. 2007-06-11 Reviewing recently declassified CIA documents, this book provides a balanced but critical discussion of the contribution of American intelligence officials to the Nuremberg war crimes trials. Giving new details of how senior Nazi war criminals, such as SS General Karl Wolff, were provided with effective immunity deals, partly as a

reward for their wartime cooperation with US intelligence officials, including Allen Dulles, former CIA Director, the author also discusses the role of such officials in mobilizing the unique resources of a modern intelligence agency to provide important trial testimony and vital documentary evidence. *Nazi War Crimes, US Intelligence and Selective Prosecution at Nuremberg* argues that both war crimes prosecutors and intelligence officials can engage in mutually beneficial collaborations, but that both sides need to recognize and appreciate the problems that may arise from the fact that these institutions are required to operate according to different, and in some cases contradictory, agendas. This topical book gives those studying, or with interests in, international law, criminal law and history an insight into the debates surrounding international war crimes, within the context of the Nuremberg war crimes trials.

Punishment of War Criminals United States. Congress. House. Committee on Foreign Affairs. 1945 Considers (79) H.J. Res. 93.

Nazi Crimes and Their Punishment, 1943-1950 Michael S. Bryant. 2020-03-01 "With this timely book in Hackett Publishing's Passages series, Michael Bryant presents a wide-ranging survey of the trials of Nazi war criminals in the wartime and immediate postwar period. Introduced by an extensive historical survey putting these proceedings into their international context, this volume makes the case, central to Hackett's collection for undergraduate courses, that these events constituted a 'key moment' that has influenced the course of history. Appended to Bryant's analysis is a substantial section of primary sources that should stimulate student discussion and raise questions that are pertinent to warfare and human rights abuses today." —Michael R. Marrus, Chancellor Rose and Ray Wolfe Professor Emeritus of Holocaust Studies at the University of Toronto

Hitler's Justice Ingo Müller. 1991 Why did the judges, lawyers, and law professors of a civilized state succumb to a lawless regime? What happened to liberalism and the rule of law under the Third Reich? How many of the legal institutions and how much of their personnel carried over to the West German state after World War II?

Genocide, State Crime and the Law Jennifer Balint. 2011-10-28 Focusing on seven instances of state crime - the genocide of the Armenians by the Ottoman state, the Holocaust and Nazi Germany, Cambodia under the Khmer Rouge, apartheid South Africa, Ethiopia under Mengistu and the Dergue, the genocide in Rwanda, and the conflict in the former Yugoslavia - and drawing on others, the book shows how law is companion and collaborator in these acts of nation-building by the state, and the limits and potentials of law's constitutive role in post-conflict reconstruction. It considers how law can be a partner in destruction yet also provide a space for justice.

Responsibility for negation of international crimes Patrycja Grzebyk. History is no longer the exclusive domain of historians, but is now often used as a tool for politics. It is not without reason that the term "state historical policy" has been coined, which must be a kind of aberration for those who believed that the role of history is to objectively determine the course of events. The fact is, however, that the distortion of historical facts, the concealment of crimes is now part of the "information war". Therefore, new acts of public international law, EU law and national law are introduced in order to combat public condonation, denial or gross trivialisation of the core international crimes which are certain forms and expressions of racism and xenophobia. States have to determine for themselves how they understand "denial" or "gross trivialization", which may lead to abuse. In many cases, when introducing criminal law provisions, States wish to decree historical truth, to establish once and for all the general facts and determine who was the victim, and who was the perpetrator. This does not have to be the result of bad will, but of a desire to exclude the possibility of nuance, which could turn into dangerous trivialisation. The aim of this publication is to specify the reasons for holding accountable for denial of international crimes, indicate legal obligations in this respect, look at the Polish case, both in terms of criminal provisions (partly repealed) and standards of a civil law nature, and compare the Polish regulation with the legal systems of other states, which were chosen because of the region (Central and Eastern Europe) or due to having current problems with denial of crimes or doubts about prosecution on this account.

Law Against Genocide David Hirsh. 2012-09-10 Bringing a sociologist's insight to legal institutions and narratives, this book is an innovative and timely sociological contribution to current concerns regarding critical cosmopolitanism, human rights and crimes against humanity.

Rule of Law Winton Higgins. 2016-10-01 In his new novel, *Rule of Law*, Winton Higgins creatively accounts for the drama of the first Nuremberg trial of 1945-6, where the atrocities of the Third Reich were uncovered for a world-wide audience for the first time. Concepts we take for granted now — crimes against humanity, a world court, an international criminal justice system — were born and nurtured in Nuremberg. Winton Higgins has used the medium of a novel to bring this history to life. It is very much a story for our time. Winton Higgins has wisely chosen the novel form to tell his story, rather than write an academic history (rather as Thomas Keneally did with his documentary novel *Schindler's Ark*). "This is a gripping story of one of the great moments in history. When the victorious Allies of the Second World War decided to put the tyrants of the Nazi regime on public trial at Nuremberg for crimes against humanity. The symbolism was electric. The drama was overwhelming. The emotions wretched. And it had to be worked out in conditions of bombed out devastation and with no effective precedents. Across the pages walk historical characters, some of them familiar. But interwoven with their lives are human tales of great power, added by the author to remind us that this was a raw human drama. Once started, I could not put this book down." Hon. Michael Kirby, past Justice of the High Court of Australia and chair of the UN Commission of inquiry on North Korea "A fascinating novel, that captures the drama of history's most important trial which laid the foundation for international criminal law. This gripping account uses fiction to bring to life the personalities, principles and philosophies that contributed to the delivery of justice at Nuremberg." Geoffrey Robertson QC 'Nazi horrors and Nuremberg trials revisited in Higgins's *Rule of Law* Higgins is a legally trained Australian academic with a specialty in studies of genocide. Most of the events he depicts are grounded in historical fact, and this gives the novel its power. But by eschewing the formal constraints of nonfiction, Higgins aims to make his themes more accessible. Comparisons tentatively may be made with Thomas Keneally's masterpiece *Schindler's Ark*. Higgins is not a writer of that class but he succeeds in telling a rollicking and informative story.' - The Australian

The Right Wrong Man Lawrence Douglas. 2016-01-12 Now the subject of the Netflix documentary *The Devil Next Door* The incredible story of the most convoluted legal odyssey involving Nazi war crimes In 2009, Harper's Magazine sent war-crimes expert Lawrence Douglas to Munich to cover the last chapter of the lengthiest case ever to arise from the Holocaust: the trial of eighty-nine-year-old John Demjanjuk. Demjanjuk's legal odyssey began in 1975, when American investigators received evidence alleging that the Cleveland autoworker and naturalized US citizen had collaborated in Nazi genocide. In the years that followed, Demjanjuk was stripped of his American citizenship and sentenced to death by a Jerusalem court as Ivan the Terrible of Treblinka—only to be cleared in one of the most notorious cases of mistaken identity in legal history. Finally, in 2011, after eighteen months of trial, a court in Munich convicted the native Ukrainian of assisting Hitler's SS in the murder of 28,060 Jews at Sobibor, a death camp in eastern Poland. An award-winning novelist as well as legal scholar, Douglas offers a compulsively readable history of Demjanjuk's bizarre case. *The Right Wrong Man* is both a gripping eyewitness account of the last major Holocaust trial to galvanize world attention and a vital meditation on the law's effort to bring legal closure to the most horrific chapter in modern history.

The Law of War Crimes Timothy L.H. McCormack, Steven Wheatley. 2023-07-24

Ideology and Criminal Law Stephen Skinner. 2019-09-05 With populist, nationalist and repressive governments on the rise around the world, questioning the impact of politics on the nature and role of law and the state is a pressing concern. If we are to understand the effects of extreme ideologies on the state's legal dimensions and powers - especially the power to punish and to determine the boundaries of permissible conduct through criminal law - it is essential to consider the lessons of history. This timely collection explores how political ideas and beliefs influenced the nature, content and application of criminal law and justice under Fascism, National Socialism, and other authoritarian regimes in the twentieth century. Bringing together expert legal historians from four continents, the collection's 16 chapters examine aspects of criminal law and related jurisprudential and criminological questions in the context of Fascist Italy, Nazi Germany, Nazi-occupied Norway, apartheid South Africa, Francoist Spain, and the authoritarian regimes of Brazil, Romania and Japan. Based on original archival, doctrinal and theoretical research, the collection offers new critical perspectives on issues of systemic identity, self-perception and the foundational role of criminal law; processes of state repression and the activities of criminal courts and lawyers; and ideological aspects of, and tensions in, substantive criminal law.

The Concept of Genocide in International Criminal Law Marco Odello, Piotr Łubiński. 2020-07-14 This book presents a review of historical and

emerging legal issues that concern the interpretation of the international crime of genocide. The Polish legal expert Raphael Lemkin formulated the concept of genocide during the Nazi occupation of Europe, and it was then incorporated into the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This volume looks at the issues that are raised both by the existing international law definition of genocide and by the possible developments that continue to emerge under international criminal law. The authors consider how the concept of genocide might be used in different contexts, and see whether the definition in the 1948 convention may need some revision, also in the light of the original ideas that were expressed by Lemkin. The book focuses on specific themes that allow the reader to understand some of the problems related to the legal definition of genocide, in the context of historical and recent developments. As a valuable contribution to the debate on the significance, meaning and application of the crime of genocide the book will be essential reading for students and academics working in the areas of Legal History, International Criminal Law, Human Rights, and Genocide Studies. Chapter 12 of this book is freely available as a downloadable Open Access PDF under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 license available at <http://www.taylorfrancis.com/books/e/9781003015222>

The Genocide Convention Sixty Years after its Adoption Christoph J. M. Safferling, Eckart-A. Conze. 2010 In 1948 the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the General Assembly of the United Nations. Thereby genocide was defined as an international crime. Sixty years later, the prosecution of the crime of genocide raises a multitude of questions. Although genocide was not a crime during the Nuremberg Trial its historic roots rest with the persecution of Jews and other minorities by Nazi-Germany. Because of this historic focus the legal definition of genocide is difficult to apply to other conflicts. Bringing together scholars and practitioners, this volume of essays examines the Genocide Convention from historic, legal and social science perspectives. Contemporary witnesses also report on their experiences of the Nuremberg, the Eichmann and the Auschwitz trials. Their contributions offer a range of insights on the practical problems and academic discussion surrounding the prosecution of genocide. And the combination of lawyers, historians and social scientists provides a broad assessment of the topic, from the origins of the Genocide Convention to its future implementation. No need to say that this book is an important contribution to the worldwide debate on and prosecution of genocide, making it valuable reading for academics and practitioners in international criminal law, historians, political scientists, students and all others interested in international law, the history of international law and international relations. Christoph Safferling is Professor of Criminal and International Law at the Philipps-University of Marburg, Germany, and Director of the International Research and Documentation Center for War Crimes Trials (ICWC). Eckart Conze is Professor of Modern and Contemporary History at the University of Marburg and Deputy Director of the ICWC.

The Laws of Genocide Thomas W. Simon. 2007-06-30 The tools of reason offer the best hope for the international community to confront the increasing incidents of hate throughout the world. A historically informed, normative examination of the elements of the crime of genocide provides an excellent case study of how the law, reason's handmaiden, enhances understanding and improves practical ways of dealing with global injustices. How should we confront hate? As political activists, we could resort to fighting hate with hate. As concerned citizens, we could consciously ignore or actively protest hate. As committed educators, we could put the implements and survivors of hate on display. As committed scholars, we could resuscitate the idea of evil. As humanitarian jurists, we could put individual hate-mongers on trial. Part I of this book makes a case for making the maximum use of reason to deal with hate. This means that we should actively debate those who promote hate. Further, as a close look at the history of applying law to incidents of hate and violence illustrates, the courtroom proves to be an excellent place to demonstrate the virtues of applying the tools of reason, not to global evils, but to the grave injustices of the world. In Part II, Simon demonstrates the power of legal analysis in enhancing our understanding of genocide, probably the worst injustice imaginable. A close examination of each purported element of the crime of genocide redirects misguided turns taken by international jurists. Contrary to a more realistic perspective adopted at the Nuremberg trials, jurists have mistakenly modeled international criminal law on national criminal law, which focuses on individual responsibility. However, the cases of grave injustices throughout the 20th century amply demonstrate the primary collective responsibility underlying incidences of genocide. The failure to prosecute criminal organizations for genocide has and will continue to have disastrous results. While the Nuremberg tribunal at least disbanded the responsible Nazi organizations, current war crimes tribunals have allowed organizations responsible for the Rwandan genocide to continue to wreak havoc throughout Central Africa. If the international community cannot forge a common understanding of genocide, then it has little hope of establishing an international legal order or a global ethics.

Human Rights After Hitler Daniel Plesch. 2017 Human Rights after Hitler is a groundbreaking history about the forgotten work of the UN War Crimes Commission (UNWCC), which operated during and after World War II in response to Axis atrocities. He explains the commission's work, why its files were kept secret, and demonstrates how the lost precedents of the commission's indictments should introduce important new paradigms for prosecuting war crimes today. The UNWCC examined roughly 36,000 cases in Europe and Asia. Thousands of trials were carried out at the country-level, and hundreds of war criminals were convicted. This rewrites the history of human rights in the wake of World War II, which is too focused on the few trials at Nuremberg and Tokyo. Until a protracted lobbying effort by Plesch and colleagues, the UNWCC's files had been kept out of public view in the UN archives under pressure from the US government. The US initially wanted the files closed to smooth the way for post-war collaboration with Germany and Japan, and the few researchers who did gain permission to see the files were not permitted to even take notes until the files' recent release. Now revealed, the precedents set by these cases should have enormous practical utility for prosecuting war crimes today.

Perspectives on the Nuremberg Trial Guénaél Mettraux. 2008-03-27 The trial of major Nazi war criminals in Nuremberg was a landmark event in the development of modern international law, and continues to be highly influential in our understanding of international criminal law and post-conflict justice. This volume offers a unique collection of the most important essays written on the Trial, discussing the key legal, political, and philosophical questions raised by the Trial both at the time and in historical perspective. The collection focuses on pieces from those involved in the Tribunal, discussing the establishment of the Tribunal, the Trial itself, and the debate that followed the Judgment. Also included are representative essays of the academic debate that has surrounded Nuremberg in the sixty years since the Trial. Ranging from the contribution of Nuremberg to the substantive development of international criminal law to the philosophical evaluation of legalism in post-conflict international relations, the perspectives provided by the essays offer a unique overview of the persistent significance of Nuremberg across a range of academic disciplines. The collection also features newly translated essays from key German, Russian, and French writers, available in English for the first time; a new essay by Guénaél Mettraux examining the Nuremberg legacy in contemporary international criminal justice; and an exhaustive bibliography of the literature on Nuremberg.

Justifying Injustice Herlinde Pauer-Studer. 2020-09-24 Examines Nazi legal theory, the normative ideas driving the Führer state and the legal subtext to the regime's escalating atrocities.

The Law of Blood Johann Chapoutot. 2018-04-02 The scale and the depth of Nazi brutality seem to defy understanding. What could drive people to fight, kill, and destroy with such ruthless ambition? Observers and historians have offered countless explanations since the 1930s. According to Johann Chapoutot, we need to understand better how the Nazis explained it themselves. We need a clearer view, in particular, of how they were steeped in and spread the idea that history gave them no choice: it was either kill or die. Chapoutot, one of France's leading historians, spent years immersing himself in the texts and images that reflected and shaped the mental world of Nazi ideologues, and that the Nazis disseminated to the German public. The party had no official ur-text of ideology, values, and history. But a clear narrative emerges from the myriad works of intellectuals, apparatchiks, journalists, and movie-makers that Chapoutot explores. The story went like this: In the ancient world, the Nordic-German race lived in harmony with the laws of nature. But since Late Antiquity, corrupt foreign norms and values—Jewish values in particular—had alienated Germany from itself and from all that was natural. The time had come, under the Nazis, to return to the fundamental law of blood. Germany must fight, conquer, and procreate, or perish. History did not concern itself with right and wrong, only brute necessity. A remarkable work of scholarship and insight, *The Law of Blood* recreates the chilling ideas and outlook that would cost millions their lives.

What Shall be Done with the War Criminals? American Historical Association. Historical Service Board. 1944

The Concept of Genocide in International Criminal Law Marco Odello, Piotr Łubiński. 2017 This book presents a review of historical and emerging legal issues that concern the interpretation of the international crime of genocide. The Polish legal expert Raphael Lemkin formulated the concept of genocide during the Nazi occupation of Europe which was then incorporated into the 1948 Convention against the Crime of Genocide. This volume looks at the issues that are raised both by the existing international law definition of genocide and by the possible developments that continue to emerge under international criminal law. The authors consider how the concept of genocide might be used in different contexts and see whether the definition in the 1948 Convention may need some revision, also in the light of the original ideas that were expressed by Lemkin. The book focuses on specific themes that allow the reader to understand some of the problems related to the legal definition of genocide, in the context of historical and recent developments. As a valuable contribution to the debate on the significance, meaning and application of the crime of genocide the book will be essential reading for students and academics working in the areas of Legal History, International Criminal Law, Human Rights and Genocide Studies.

The Nuremberg Trial and Aggressive War Sheldon Glueck. 1946

Nazi Law John J. Michalczyk. 2017-12-28 A distinguished group of scholars from Germany, Israel and right across the United States are brought together in *Nazi Law* to investigate the ways in which Hitler and the Nazis used the law as a weapon, mainly against the Jews, to establish and progress their master plan for German society. The book looks at how, after assuming power in 1933, the Nazi Party manipulated the legal system and the constitution in its crusade against Communists, Jews, homosexuals, as well as Jehovah's Witnesses and other religious and racial minorities, resulting in World War II and the Holocaust. It then goes on to analyse how the law was subsequently used by the opponents of Nazism in the wake of World War Two to punish them in the war crime trials at Nuremberg. This is a valuable edited collection of interest to all scholars and students interested in Nazi Germany and the Holocaust.

Nazi Crimes against Jews and German Post-War Justice Edith Raim. 2014-12-11 Of all victims of Nazi persecution, German Jews had to suffer the Nazi yoke for the longest time. Throughout the Third Reich, they were exposed to anti-Jewish propaganda, discrimination, anti-Semitic laws and increasingly to outrages and offences by non-Jewish Germans. While the International Military Tribunal and the subsequent American Military Tribunals at Nuremberg dealt with a variety of Nazi crimes according to international law, these courts did not consider themselves cognizant in adjudicating wrongdoings against German citizens and those who lost German citizenship based on the so-called "Nuremberg laws," such as Germany's Jews. Until recently, scholarship failed to explore this task of the German judiciary in more detail. Edith Raim fills this gap by showing the extent of the crimes committed against Jews beyond the traditionally known facts and by elucidating how the West German administration of justice was reconstructed under Allied supervision.

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