"The greatest trial in history," as Sir Norman Birkett, the associate British judge on the International Military Tribunal referred to the trial of the major German war criminals at Nuremberg, has inevitably been exposed to a wave of historical scrutiny flying under the flag of "revisionism"—a de-mythologizing of important episodes of the Second World War, invariably discrediting long-cherished assumptions of Allied rectitude in the war against the Axis fifty years ago. While applauding in principle a re-examination of old myths, I, as a professional historian, want to report my unease with some of the furor that has attended upon some so-called revisionist controversies in popular forums. More often than not, purported exposés of, for example, the Allied aerial bombardment of Germany or the American decision to drop the atomic bomb on Japan—to take the two most celebrated instances—have breathlessly announced findings long known to researchers in the field; and have also prompted unwarranted moral judgments that apply our standards, our appreciations, our sensibilities, our knowledge, and our hindsight to the events of half a century ago.

Nuremberg is a case in point. Ultimately, it seems to me, there comes a time when we have to distance ourselves from the events of the past in an effort to understand. With Nuremberg, as with other events of the Second World War, I think it is high time to take up some frequently advanced challenges to Norman Birkett's view—challenges, I might add, that were advanced during the course of the trial itself in 1945–46 and have been ever since.

How did the Nuremberg Trial come about? From the Anglo-American standpoint, Nuremberg arose from a circumstance that revisionist historians have actively addressed over the past twenty years or more—the failure of Western governments to respond in any significant way to the insistent pleas of the victims of Nazi atrocities in occupied Europe. Since the beginning of the war, and particularly from mid-1942, appeals rained down on Western capitals from governments in exile, Jewish representatives, and humanitarian organizations to do something about Nazi atrocities—to retaliate, mount rescue operations, welcome refugees, or whatever else was possible. Little or nothing was done. Reluctant to disturb war-making priorities, London and Washington contented themselves with issuing statements. These statements, however, pointed unambiguously to post-war retribution. "The American people not only sympathize with all victims of Nazi crimes," President Franklin Roosevelt wrote to Rabbi Stephen Wise, president of the American Jewish Congress in July 1942, "but will hold the perpetrators of these crimes to strict accountability in a day of reckoning which will surely come." Individuals would be held responsible, FDR and Winston Churchill repeatedly assured all who would listen. "None who participate in these acts of savagery shall go unpunished," Roosevelt insisted two years later. "The United Nations have made it clear that they will pursue the guilty and deliver them up in order that justice be done."
Fearing that they would trigger German retaliation by punishing war criminals before hostilities ended, the Western Allies refused to define their intentions more precisely. The Soviets, already bearing the most ferocious Nazi atrocities, were less reluctant, and indeed moved on their own to try some German criminals in the latter part of the war. In the autumn of 1943, however, all three Allied leaders were ready to take another step on war crimes. In November the Big Three declared that those responsible for Nazi atrocities "will be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of these liberated countries and of the free Governments which will be created therein." Further: "Major criminals whose offenses have no particular geographic localization" were to be "punished by the joint declaration of the Governments of the Allies."

As the war drew to a close, the British and the Americans debated how to achieve these ends. London seemed reluctant to punish major Nazi war criminals through judicial proceedings. Uneasy about how a trial of the highest ranking Nazis would unfold (until the spring of 1945 it was expected that Goebbels, Himmler, and Hitler himself might well be in the dock), and uncertain about legal questions, the British favored "executive action"—proceeding summarily to identify high-ranking Nazi criminals, after which they would be shot. On the American side, the question of what to do with the Nazi leaders was caught up in the wider dispute over how to deal with the defeated Axis countries, a debate crystallized by the issuing of a very harsh plan for a vanquished Germany by the American Secretary of the Treasury, Henry Morgenthau, Jr. Convinced that the Morgenthau Plan would be a disaster for the peace, prosperity, and stability of Europe, Henry L. Stimson, the more urbane Secretary of War, urged a radically different policy, seeking to promote economic recovery and development by utilizing German industrial capacity. Part of his response to Morgenthau involved a proposal for a trial before an international tribunal rather than summary proceedings and swift execution. Punishment of the Nazi leaders, Stimson told FDR in September 1944, should be "in a dignified manner consistent with the advance of civilization." This would be "the most effective way of making a record of the Nazi system of terrorism and of the effort of the Allies to terminate this system and prevent its recurrence."

As he often did on issues of high sensitivity, Roosevelt hesitated to commit himself. Consequently, the Allies failed to clarify their intentions at the Yalta Conference in early 1945. Then, on April 12, Roosevelt died. His successor, Harry Truman, promptly accepted the wisdom of a trial, based on a model proposed by the War Department, and he convinced the British, the Russians, and the French, who were brought into the discussions. Following agreement in principle at the United Nations founding conference in San Francisco, experts from the four occupying powers met in London in June to work out the details. On August 8, 1945, the representatives reached agreement on a charter establishing an International Military Tribunal (IMT) "for the just and prompt trial and punishment of the major war criminals of the European Axis." Article 6 of the charter declared that the following were "crimes coming within the jurisdiction of the Tribunal": "Crimes against Peace," "War Crimes," and "Crimes against Humanity." The course was set for the Nuremberg Trial.

Note an important point from this very hurried sketch of the origins of the Nuremberg Trial: the contemporary alternative to a judicial proceeding, the alternative presented at the time, that is, was not a differently balanced judicial solution—although variations were certainly discussed, as we shall see. The most energetically pursued alternative to the IMT was, quite simply, swift execution.

A word, for a moment, about some other alternatives that critics have proposed over the years. Some have suggested that the trial should have been turned over to neutral countries and that it would have been fairer to have had judges from such countries on the bench. Never, so far as I can tell, was such a proposal advanced in the discussions leading to the IMT, and it is impossible to imagine any of the Allies agreeing to such an idea. At the time, of course, neutrality meant not having participated in the war against Hitler. Neutrality had none of the allure of rectitude it came to have (for some, at least) during the Cold War; while occasionally it was acknowledged that the relatively few neutral countries (and
THE NUREMBERG TRIAL.

remember, these included Spain and Portugal as well as Sweden and Switzerland) had failed to take sides against Hitler as a result of force majeure—the blandishments of the Nazis—neutrals were widely assumed to have attuned their policies opportunistically, sacrificing principle and sometimes humanitarianism in civilization’s darkest hour.

Should German judges have participated, or should the entire business have been turned over to them? Once again, there is no indication that this notion was ever countenanced at the time. Feeling in every Allied country ran strongly against the defeated Germans, and public opinion would have likely revolted against the idea of German participation— even that of anti-Nazi judges, assuming that these could have been found. Very much on the minds of Western representatives was their experience following the First World War when, at the insistence of vulnerable German politicians in the fledgling Weimar Republic, the adjudication of war criminals was assigned to the German supreme court, sitting in Leipzig. The Leipzig trials produced the most meager results imaginable: of nine hundred suspected criminals on the original Allied list, only twelve were eventually tried; of that number six were convicted and sentenced to terms of imprisonment ranging from four years to a mere two months. As a result, this model was repeatedly scorned as one that should be rejected—a “farce,” it was frequently called. German opinion—or at least that opinion which the Allied occupation allowed expression—hardly suggested a more independent-minded environment for a trial. The fiercely vindictive reaction of anti-Nazi Germans to the acquittal of Hans Fritzsche, Franz von Papen, and Hjalmar Schacht, insisting that they face trial once again, is a case in point.

None of these alternatives, one must repeat, even occurred to Allied decision makers at the time. In Washington, London, Paris, and Moscow, the trial of German war criminals was understood as part of the wider and more difficult problem of how to deal with the defeated Nazi state. Germany’s unconditional surrender, it was understood, entitled the four victorious Allies to act as “supreme authority with respect to Germany”—with rights to legislate, adjudicate, and administer. The responsibility was theirs, and having been persuaded, with some difficulty, that summary execution was not a desirable solution, the way was cleared for the Nuremberg Trial.

Were there fundamental flaws in the charges against the twenty-two German leaders put on trial? More specifically, were the accused obliged to answer for actions rendered illegal afterwards—ex post facto—violating, that is to say, a fundamental principle of justice? Without going deeply into the legal side of this accusation, which was vigorously contested by the prosecution and which was discussed in the judgment, a few points may put it into historical perspective. As we shall see, the prosecuting lawyers never conceded that the acts for which the accused were indicted were not illegal at the time that they were committed. Indeed, they took great pains to establish that the charges in the Nuremberg Indictment were grounded in international law—the Hague and Geneva Conventions, as well as what they argued at great length was a kind of common law of the nations—not the acts of an international legislature, which did not exist, but rather a body of law that had evolved over the course of time, particularly during the interwar period, through treaties and other international agreements. Learned opinion divided on this question, but in the United States at least, where this question was extensively debated in scholarly periodicals as well as more popular journals, the prosecutors could point to a very solid body of opinion that told in their favor.

Perhaps more important, few contemporary observers considered that, as a result of ex post facto accusations, the Nuremberg Trials had been rendered unfair. This charge, after all, rested on the idea that the accused, when they committed what were later called crimes, had no idea that they were acting illegally. So heinous were the deeds that they were alleged to have done, and so solemn were the warnings issued during the war against those who committed these acts, that, in general terms at least, this criticism seemed widely to have been without merit. One American expert, Sheldon Glueck of Harvard, made the point in the Harvard Law Review:

Surely . . . Hitler, Himmler, Goering, Ribbentrop, Frank, Keitel, Doenitz, and the rest of the unholy alliance in supreme authority in Nazi Germany knew full well that murder is murder,
whether wholesale or retail, whether committed in pursuance of a gigantic conspiracy to disregard all treaties and wage lawless wars or of a smaller conspiracy evolved by a group of domestic murderers. Surely, also, the accused knew that they could be executed for their deeds without being granted the privilege of any trial at all. Can they now be heard to complain that they had no notice that they would have to stand trial under an interpretation of international law which they do not like because they deem it to involve retroactivity?

This is not to say that the charges against the accused were equally grounded in custom, precedent, and legal enactment. Nor is it the case that the accused were equally guilty, as charged. After a year of courtroom sessions the judgment of the IMT made important distinctions, failed to accept some of the prosecutors’ contentions while accepting others, and passed judgment variously on the accused. While twelve of those indicted were sentenced to death, three were acquitted. Some sense of the complications and shortcomings of the charges may be seen by looking at each of the counts with which defendants were charged.

The most conventional of these, Count Three, was War Crimes, based largely on the Hague and Geneva Conventions. About the legality of these charges, which applied to atrocities committed against both military personnel and civilians, there was little dispute. And there has been little challenge since, save, as we shall see, over the question of *tu quoque* ("you did it too").

Count Four, Crimes against Humanity, was a novel charge, later seen by some to be the major innovation of Nuremberg and a significant advance in the codification of international law. For reasons having largely to do with terminology, I think, Crimes against Humanity was wrongly seen to designate crimes of unprecedented magnitude, such as the murder of European Jews, deeds that in their singular inhumanity represented what the French prosecutor, François de Menthon called “crimes against the human status.” In fact, Crimes against Humanity were conceived of for largely technical reasons: they were an effort to include among the indictable offenses the persecution of various groups (such as German Jews, for example)—acts that might otherwise, because of the victims’ nationality, escape prosecution. Here, too, the charges of ex post facto litigation might have been relevant, although few defense counsel seemed to have the stomach to raise this argument. Coming in practice to stand largely for the crimes against the Jews, the effect of the evidence of this slaughter on the court was so devastating that the legality of the charge itself went largely unchallenged. Instead, some defendants indicted on this count contended that they had not done what they were accused of doing. Sixteen defendants were found guilty of this charge, and two who were indicted (Hitler’s deputy Führer Rudolf Hess and propagandist Hans Fritzsche) were acquitted.

Much weaker, from a legal point of view, was Count Two of the indictment, Crimes against Peace, in which defendants were charged with participation in the planning, preparation, initiation, and waging of specific wars in violations of international treaties. Open to *tu quoque* arguments as well as to accusations that these charges were based on an ex post facto definition of criminality, this count was never understood or accepted by the French, and carried with it the obvious potential of embarrassing the Russians. It was the United States that had insisted upon this charge. During the negotiations in preparation for the trial, the American chief prosecutor and Supreme Court Justice Robert H. Jackson insisted that the trial vindicate Washington’s decision to pursue the war against Nazi Germany. The United States had fought, he told his listeners, to stop aggression. Aggression was the criminal core of Nazism, from which everything else flowed. “Our view,” he told his British, French, and Soviet counterparts, “is that this isn’t merely a case of showing that these Nazi Hitlerite people failed to be gentlemen in war; it is a matter of their having designed an illegal attack on the international peace . . . and the other atrocities were all preparatory to it or done in execution of it.”

In both law and evidence, the weakest count against the accused was the first, that which charged defendants with *conspiring* to commit the other crimes. Even more than Crimes against the Peace, this charge was an American product from first to last, having emerged from planners in the United States War Department with a view to addressing some of the problems facing the Americans with subsequent trials of Nazi criminals. The idea was
that the accused Nazi leaders would stand in the dock in their own right but also in some sense as “representatives” of the major Reich organizations from which they came. Evidence used against those indicted would establish that these were criminal organizations, agents of a criminal conspiracy. And once this had been established, so the plan went, it would be easy, in subsequent trials, to declare others who had been part of those organizations similarly guilty—vastly facilitating adjudication and punishment.

In practice, Count One unnecessarily complicated the trial and failed to serve the purpose for which it was intended. While familiar to American and British lawyers, the concept of conspiracy was not understood in Continental legal practice. Not only did the German defense lawyers protest against the whole idea, the French and Russians also seemed to have trouble with the concept. Inevitably, evidence presented on Count One spilled across the rest of the prosecution’s case—particularly Count Two, Crimes against Peace. The emphasis on conspiracy badly distorted the historical interpretation of Nazism presented to the IMT, putting undue emphasis on the coherence and foresight associated with Nazi criminality. The conspiracy charge, by general consensus, did not serve the cause of history well. On the other hand, Count One does not seem to have told heavily against the defense. The indictment charged all the defendants with this offense; in the end the Tribunal convicted only eight and acquitted twelve.

Finally, the indictment referred to six major organs of the Third Reich: the Reich Cabinet, Party leadership, the SS, the Gestapo, the General Staff, and the SA. Each was represented by counsel, and tens of thousands of Germans who had been members made submissions to the court. In retrospect, the identification of some of these groups seems to have been the result of overly hasty or careless research on the part of the prosecutors and reflected some misunderstanding of how the Reich worked. In the end, the judges found that three of the six were criminal within the meaning of the charter. The judgment distinguished among classes of members and nature of membership for future determination of individual guilt.

While bound by the terms of the charter and the indictment of the accused, defense lawyers repeatedly claimed that leaders of the countries that had organized the trial and were represented on the IMT were themselves guilty of crimes with which the Nazi leaders were charged. “Tu quoque,” or “You did it too!” they said in effect. “If we are pronounced guilty, then you should be as well.” Since the Nuremberg Trial, commentators have returned often to this claim and have benefited from evidence on the Allied prosecution of the war that has since come to light. Planning and waging aggressive war? The obvious countercharge was the Nazi-Soviet Pact of August 1939 and the Soviet attack on Poland. There was also the Soviet attack on Finland, the Baltic states, and later Bulgaria; other instances were the Anglo-French violations of Norwegian neutrality and the Allied expedition to attack that country. War crimes? Examples on the other side included the massacre of Polish officers in the Katyn Forest in Poland (a crime for which some defendants were indicted and which was discussed at length at Nuremberg, with strong evidence that the Russians had committed the crime), and the firebombing of German cities, alleged to have been out of all proportion to military necessity.

Then, as now, there were two implied alternatives: either the Germans ought not to have been indicted for these crimes, or Allied leaders ought also to have been brought to justice. Viewed historically, however, these criticisms seem utterly unreal. The Allied course was set in the direction of a trial at the end of the war. Given the depth of feeling on the subject of Axis war crimes in the broadest sense, there was simply no prospect, in 1945, that the authorities concerned would have accepted these alternatives. No responsible authority proposed that Nuremberg be constituted as a general inquiry into the conduct of the Second World War. Any such suggestion would have been considered outlandish at the time, and would not have secured the participation of any of the four victorious powers. That is why the IMT was established, in the words of the Nuremberg Charter, “for the just and prompt trial and punishment of the major war criminals of the European Axis.”

“Do two wrongs make a right?” British Chief Prosecutor Sir Hartley Shawcross asked rhetorically in his summation. “Not in that international law which this Tribunal will adminis-
ter," was his reply. This was the prosecution's chief response—along with angry denials of illegality by the Russians or embarrassed silence by the Westerners on the particularly obvious cases of Soviet wrongdoing. For historians, some of the most interesting parts of the Nuremberg proceedings are those in which the defense attorneys battled against all odds to have *tu quoque* arguments accepted. But from a legal standpoint, as the political scientist Otto Kirchheimer pointed out long ago, this insistence on "clean hands" has little legal standing—and thus was given little heed at the time. Such arguments, Kirchheimer observed, can be leveled against any type of terrestrial justice. A potent historical point, and perhaps a case for diminishing the historic standing of the IMT, it carried no weight at all as an argument on behalf of the twenty-two accused. The claim that "you did it too," that is to say, seems convincing only as a pointer to what Nuremberg might have been if the world had been an utterly different place than it was.

After half a century, I think we can consider Nuremberg as the product of its own time and place, rather than as a policy to be praised or condemned. Politically, the Nuremberg Trial occurred in a post-war climate in which Allied opinion ran powerfully against Germans and the German state. Everywhere in the Allied world the question of what to do with the Nazi leadership posed itself insistently in the last months of the war. And everywhere responses to the question of what to do were extremely harsh. Opinion surveys in Britain and the United States showed large pluralities or majorities supporting the swift execution, without trial, of Nazi leaders. When the French were asked in October 1944 about what to do with Hitler, 40 percent favored the option "shoot, kill, hang him," while 30 percent wanted "torture before killing him." Opinion everywhere, particularly in the occupied countries, favored a very harsh treatment of Germany. Judicial proceedings were always the view of a minority, and sometimes a tiny minority.

So in practical terms, the real alternative to Nuremberg was not a wider inquiry into war crimes committed by victors as well as vanquished, or a new venture into international adjudication by incorporating judges from countries that had not participated in the struggle—let alone judges from the defeated Axis powers. The real alternative, and what most people from Allied countries probably preferred, was a summary proceeding followed by speedy punishment—in all likelihood, death. Without American pressure against it, this would probably have taken place.

Critics of Nuremberg have made much of the presence of the Russians on the bench and the Tribunal's silence on the wartime atrocities of Stalin and his henchmen. Western participants were not unaware of these crimes. But Nuremberg, they felt, was not the place to deal with them. Mostly, they saw the trial as a last act of the Allied coalition against Nazi Germany. In retrospect, we should understand Nuremberg as occurring just as the Cold War storm was gathering—as tensions were rising and disputes were evident, but when the Allies, certainly many Americans among them, were eagerly hoping that these difficulties would be resolved. That is the most important reason why Westerners responsible for the trial were prepared to look the other way when it came to the Russians. They were not blind, but they preferred not to scrutinize their Soviet interlocutors too closely.

In this sense, there was a measure of idealism at Nuremberg that extended into other areas as well—the hope to lay the foundation for a new world order in which aggressive war would be universally condemned, in which the major powers, including the Russians, would work together in the interests of world peace, and in which the unity achieved in a common purpose could be extended to other areas of human affairs. Each of the great powers saw this new order somewhat differently. But each hoped to maintain some measure of collective action. A trial of the major German war criminals seemed like a reasonable project with which to begin.

In legal terms, there were undoubted flaws—pointed out at the time and subsequently. German critics of Nuremberg complained of the severe imbalance between the prosecution and the defense and challenged court procedures as well as the wider conception of the trial. At Nuremberg, they claimed, probably with some justice, the defense was at a significant disadvantage. More generally, Nuremberg was not everyone's sense of justice well administered. Those on the bench, the
historian Bradley Smith observes, "were not jurists of long experience or towering stature."
It may be right, as Norman Birkett noted during the proceedings, that "the standard of the court does not compare favorably with the highest Courts in England." The obvious response was that English courts worked with procedure honed by centuries of practice; at Nuremberg, everything was improvised.

A more serious question is what effect these and other flaws had upon the outcome of the trial. So far as the law is concerned, learned disputation was part of the trial itself, flourished in its wake, and is likely to continue indefinitely on the most fundamental questions. Examined historically, however, much of this debate may seem beside the point. For example, given the circumstances of 1945–46, it is highly implausible that any court judging high-ranking Nazis would have allowed a searching exploration of the injustices of the Treaty of Versailles in 1919—to take what was the demand most insistently pressed upon the IMT by defense lawyers. Defense attorneys repeatedly asked to present evidence on this great evil that they contended was at the root of Nazism; they should not have been surprised that they were forbidden to make this case.

Examining Nuremberg historically—considering the influence upon the proceedings of circumstances and opinions peculiar to the time—may help us understand the verdicts rendered by the court. It seems certain, for example, that Albert Speer's energetic anti-Communism and polished efforts to curry favor with the West told in his favor in the end—he received a sentence of twenty years, despite his having been deeply implicated in the use of slave labor and responsible for the death of hundreds of thousands. The contrast of Speer's fate with that of the rough-hewn Minister of Labor Fritz Sauckel, who was sentenced to hang, struck many at the time as anomalous. Concerns to punish "German militarism," seemingly embodied in Wehrmacht chiefs Wilhelm Keitel and Alfred Jodl, may well have moved the judges to sentence both of them to death—a decision that rankled, one should add, with many Allied soldiers at the time. Foulmouthed and loathsome as he was, the anti-Semitic Jew-baiter Julius Streicher, in the views of many, ought not to have been sentenced to hang. The judges came hastily to their decision about him, and it seems likely that they did so at least as much out of revulsion against his personality and the wartime crimes against the Jews (in which he played no active part) as out of reaction to his own wrongdoing. In these examples, as in others that various critics raise, an understanding of Nuremberg can only gain from a balanced historical perspective.

Nuremberg should be understood within the framework of Allied worries about the continuing threat of Nazism to Germany and to Europe—a threat embodied in the courtroom by the swaggering, sometimes brilliant presence of the former Reichsmarschall Hermann Göring, for many the leading personality of the Nuremberg Trial. Hundreds of thousands of Nazi-sympathizing officers, judges, police, bureaucrats, and industrialists remained part of the German scene in 1945, and in the West, at least, it was assumed that they were an inescapable part of the future Germany. Nuremberg prosecutors and judges were highly conscious of their responsibilities for the future of Germany and Europe to pronounce a stern verdict against Nazism.

Finally, Nuremberg may be seen in what I would call a cultural context—a landmark, as Sir Norman Birkett contended in his evaluation. No doubt, the trial of the major war criminals has entered into our culture, and this too prompts some historical reflection. Inevitably, with the passage of time, our views of Nazism, the Holocaust, and the Second World War are becoming more historical—freed progressively from the grip of partisanship, from a perspective overwhelmed by grief or anger. Not only inevitable, I believe, this process is worth supporting in itself. Coming to terms with these great scars in our century is one of the significant challenges of our time, and if we really believe we are capable of preventing such catastrophes in the future, we had better ensure that we have as objective an evaluation as possible of what went so wrong in the past.

In this, Nuremberg has had an important place, first, by having brought forward an extraordinarily vast body of documentation—"evidence far exceeding that previously presented to any tribunal in history," as Sir Hartley Shawcross pointed out. More than many of the organizers even hoped, Nuremberg was a voice for history—in the form of thousands of documents on the Third Reich.
assembled by the court and released for the scrutiny of historians and writers with every possible viewpoint. The prosecution, but also the defense (though to a lesser degree) used the trial to introduce evidence that has been pondered by a whole generation. It is worth stressing to an audience accustomed to demanding “full disclosure” and about to absorb a new hoard of documentation from the former Soviet Union and its allies just how unprecedented this was—and this despite the obvious limitation that disclosure did not extend to the Allied side. “There is no parallel in history,” wrote one participant, “to this baring of contemporary official papers to the public eye and to expert scrutiny.”

In considering the most highly charged of historical events, Nuremberg at its best moments set an example for a kind of international judgment—impartial, but not necessarily dispassionate; fair-minded, but not without moral compass; searching in its quest for truth, while recognizing the formal limitations that attend to the endeavor in an adversary proceeding. Nuremberg was not perfect, by any means, and it is possible to believe that its warts and blemishes—or even its structural faults—may be the most important aspects of it worthy of discussion today. But most would agree that there are other dimensions, too, and that some of these speak to timeless concerns that justice and fairness prevail. One thinks, for example, of IMT’s president Sir Geoffrey Lawrence’s calm insistence on fair play, at heated moments in the trial; of the efforts, practically for the first time outside Jewish circles, to grasp the enormity of the murder of European Jews; of the painful recognition, when hearing the case of Admiral Karl Dönitz, that Allied methods of submarine warfare had to be considered along with those of the Reich; of the underscoring, with careful legal language in the judgment of the court, of the responsibility of individuals who are issued illegal orders; and of the sincere appeals, from many quarters, including the defense, to establish some rule of law in a dangerous world of nation-states.