INSTRUCTIONS:

1. Answer the question below. Your answer should be an essay that has a conclusion supported by reasons that are taken from the readings, class lectures and class discussions. No other sources are expected or encouraged.

2. Your answers must be typed and no more than 500 words. Please give a word count at the bottom of the essay. Answers are due Thursday, December 12, between 10:00 AM and 11:00 AM, although you are free to hand them in beforehand. You can either hand your exam to the Department of Justice Law and Society receptionist on the 2nd floor of Ward or you can leave it in the envelope outside my office. In either case you should have it time stamped by the receptionist first. I will be in my office giving oral exams during this period so I cannot come out to accept the exams.

QUESTIONS

1. After World War II the allies wanted to bring Nazi war criminals to justice. Stalin suggested executing 50,000 of the highest ranking officials. Churchill and Truman prevailed upon him to follow the rule of law so together the Allies created a court in Nuremberg and tried many of the Nazi leaders for crimes against humanity.

The defendants argued that there were no laws in effect forbidding their actions so it was impossible to hold them legally responsible. Indeed, the laws of the Third Reich required them to obey orders. Nevertheless, many of the defendants were convicted and some were executed for their acts.

Were the Nuremberg trials an application of morality, law, revenge through brute force or some combination of the above. As part of your answer, explain in what sense “Crimes Against Humanity” were law in 1945, what the source of this law was and whether Nazi defendants had an obligation to obey them over the laws of the Third Reich.

[Historical note: These trials took place before the formation of the United Nations or the ratification of its human rights charter. No other treaty defined such crimes.]