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Implications of the Nuremberg Trials on the Trajectory of International Law, and the Reunification of German-Jewish Cultures

Upon the liberation of the myriad of concentration and extermination camps in Eastern Europe, proponents of justice across the globe urged for rectification for victims of the Holocaust, and retribution for the perpetrators. The multitude of abuses committed against the Jewish community, along with other populations such as homosexuals and “gypsies,” were unprecedented in scope, and demanded collective, international attention to prevent repetition. Prior to the post-World War II era, sovereign nations dealt with allocating responsibility for war crimes, and reparations when a war concluded, whereas they now had to factor consequences of the Holocaust into the adjudication. The Allied powers continuously denounced Nazi Germany for her actions, intending to deter further behavior; however, the aggression persisted. Although precedent for trying officials and nations accused of committing war crimes proved ineffective, the actions of Nazi Germany surpassed traditional aggressive war crimes, and infringed on human rights. Due to Nazi Germany’s unrelenting, militaristic belligerence, and remorseless persecution of the Jewish people, Allied forces were determined to administer punishment for their transgressions. Through the establishment of ad hoc military tribunals, Allied forces transcended the previous scope of international law by developing stringent regulations regarding atrocities of war, as well as implementing legal provisions to rectify German-Jewish relations post-Shoah.

The Nuremberg Trials have been widely recognized as revolutionary for international law, for they had no successful predecessor to act in accordance with. Before the mid-twentieth century, international law mechanisms, regarding both war and humanitarian practices remained customary in the sense that there were no codified laws.<sup>1</sup> Therefore, international law had an anarchic dimension to it, as there existed no tangible laws to penalize sovereign nations who breached generally accepted practices or treaties. As technological advances coincided with the turn of the century, fears regarding military and warfare proliferation ensued. In turn, delegates drafted international treaties through the Hague Conventions to control the means of warfare, in 1899 and 1907, respectively.<sup>2</sup> Collectively, the Conventions produced considerable strides towards a universal law of war; however, the enforcement mechanisms behind war crimes lacked the authority, and strength to prosecute belligerents, which resulted in frequent acquittals for the accused.<sup>3</sup>

The nature of modern warfare changed considerably during World War I, as it grew more destructive, due to the mobilization of advanced weaponry. As combative nations gained access to deadlier means of warfare, the stakes intensified. Due to the fact that Germany instigated events that led to the culmination of the First World War, the Treaty of Versailles placed predominant responsibility on Germany for the war, due to widespread criminal actions and “illegitimate means of warfare,” upon its conclusion.<sup>4</sup> Consequently, the German government was required to submit to a list of stringent

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<sup>1</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 553.

<sup>2</sup> Klabbbers, Jan. "The Use of Force." In *International Law*, 374. Cambridge University Press, 2013.

<sup>3</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 554.

<sup>4</sup> Meron, Theodor, "Reflections on the Prosecution of War Crimes by International Tribunals," 555.

reparations, including assuming guilt for the entirety of World War I, demilitarization of their armed forces, the concession of territories like the Alsace-Lorraine, along with paying exorbitant financial reparations. Chaos ensued throughout the nation, as Allies attempted to establish trials for war criminals; however, despite the international acknowledgement of war crimes, and crimes against humanity, no war tribunals took place after the conclusion of World War I.<sup>5</sup> Thereafter, sixty-three nations across the globe coalesced to form an international agreement to outlaw war crimes, and other forms of aggression through the Kellogg-Briand Pact in 1928, to prevent further upheaval.<sup>6</sup> Despite the fact that numerous treaties and international agreements renouncing war and its atrocities had been postulated since the turn of the century, war crimes were not yet classified under criminal law.

In subsequent decades, worldwide economic collapse served as an impetus to the development and dissemination of alternative ideologies such as fascism. Vulnerable nations quickly turned to strong, nationalistic leaders who promised reform and recovery, which demonstrates how Adolf Hitler and Nazism easily took root in 1930's Germany. Hitler's regime, the Third Reich, utilized biological fascism and pseudo-Social Darwinism as their dogma, in order to create a "pure" Aryan race, targeting Jews, homosexuals, and other groups they perceived as inferior to German superiority.<sup>7</sup> As the Third Reich grew in power, they instituted the policy of *Gleichschaltung*, which legally allowed a systematic take over of the government, and in turn, the Jewish population. This top-down takeover encroached on the rights of Jewish citizens living in Germany

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<sup>5</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 558.

<sup>6</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 182.

<sup>7</sup> Michael Burleigh and Wolfgang Ippermann, *The Racial State: Germany, 1933-1945* (Cambridge: Cambridge University Press, 1991), 27.

through the adoption of the Nuremberg Laws in 1935, which outlined the legal definition of a Jew, which further delineated races.<sup>8</sup> In essence, the Nuremberg Laws isolated and demeaned Jews in an increasingly anti-Semitic state, which worked to Hitler's advantage. Along with supplemental legislation, the Third Reich began to utilize a policy of extradition, sending Jewry, along with other designated populations, to ghettos, labor camps, and ultimately, killing camps. Individuals were methodologically sent to these institutions, through the justification of eugenics and "racial cleansing."<sup>9</sup> By 1942, the Final Solution was implemented, which dictated the annihilation of over a third of European Jewry, and aimed to end the conundrum that was the Jewish Question.<sup>10</sup> At this rate, it was unsurprising that the full-blown Holocaust developed, due to the meticulous way in which Hitler chose to exterminate the Jewish population. While Hitler was pursuing his unscrupulous racial war, World War II was simultaneously occurring. The Allied powers became cognizant of Nazi Germany's activities, and were determined to punish them for the war of aggression being waged against the international community, as well as the multitude of injustices being committed against civilians during the Shoah.

Regardless of the plethora of conventions and treaties that haphazardly solidified international criminal law regarding aggression and war crimes, the Allies recognized the need for an overarching authority to ensure the true administration of justice. Due to the fact that the nature of war crimes during the Shoah differed from traditional offenses, the Allies needed to employ a strategy with leverage, rather than simply listing the atrocities that occurred. However, the development of international law remained incomplete. The

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<sup>8</sup> Leni Yahil, *The Holocaust: The Fate of European Jewry, 1932-1945* (New York: Oxford University Press, 1991), 72.

<sup>9</sup> Michael Burleigh and Wolfgang Ippermann, *The Racial State: Germany, 1933-1945* (Cambridge: Cambridge University Press, 1991), 27.

<sup>10</sup> Kurt R. Grossman, "The Final Solution," *The Antioch Review* 15:1 (1955): 62.

Allies had several options for prosecuting the Nazi leaders, yet decided on trial, as any other method would not sufficiently address the wickedness that transpired.<sup>11</sup> During various wartime conferences at locations such as Potsdam, Tehran, and Yalta, the United States, the United Kingdom, the Soviet Union, and France agreed upon establishing an International Military Tribunal (IMT) in Nuremberg, Germany, which would prosecute individuals' accused of war crimes.<sup>12</sup> Furthermore, this ad hoc Tribunal was bequeathed with the jurisdictional authority to act as an international criminal court, an unprecedented endeavor, due to the fact that no entity had brought criminal proceedings against heads of state before August 8, 1945.<sup>13</sup> Once the Allies configured the medium and jurisdiction in which the war criminals would be tried, they needed to compose a list for prosecution, as well as select employees to work for the Tribunal. In accordance with the London Charter establishing the Tribunal, there would be four judges present at the trials, along with defense attorneys and translators for the criminals brought to Nuremberg, all at the Allies' expense.<sup>14</sup> Unlike the perpetrators from Nazi Germany, the Allied powers adamantly incorporated the law into the proceedings, in order to provide them with legal protections that were purloined from their victims.<sup>15</sup> In sum, the charter's arrangement was intended to maximize the legitimacy of the trials, and bring about justice through the otherwise murky channels of international law.

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<sup>11</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 180.

<sup>12</sup> Telford Taylor, "The Anatomy of the Nuremberg Trials," *The Comparative and International Law Journal of Southern Africa* 26:2 (1993): 300.

<sup>13</sup> Arthur L. Berney, "Revisiting a Conference Commemorating the Nuremberg Trials: A Commentary from a Nuremberg Prosecutor," *Boston College Third World Law Journal*, (1997): 2.

<sup>14</sup> Telford Taylor, "The Anatomy of the Nuremberg Trials," *The Comparative and International Law Journal of Southern Africa* 26:2 (1993): 301.

<sup>15</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 180.

Notwithstanding the fact that the IMT was established by 1945, commencing the trials required further effort and research. To inaugurate the trials and demonstrate their dedication to administering justice, the judges affirmed the divergent character of the Nuremberg trials, claiming, “That four great nations, flushed with victory and stung with injury...submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.”<sup>16</sup> The Nuremberg trials applied ideologies and customary principles of international law from previous conventions such as The Hague, yet there was much room for new charges and disciplines to take root. The charter of the Tribunal identified four crimes for the indicted, which included conspiracy, crimes against humanity, crimes against peace, and war crimes.<sup>17</sup> Additionally, pleas of immunity and following superior orders were out ruled as a liable defense under the charter.<sup>18</sup> The charges that the Tribunal arraigned war criminals on diverged from traditional war crimes such as aggression, due to the civilian-oriented crimes that occurred during the course of the Shoah. It is significant to note that the jurisdiction of such crimes only applied to those that occurred during wartime. While the prosecution forthrightly accepted these charges, the defense was critical of the controversial and unparalleled legal grounds they were charged on.

The Nuremberg trials spurred development of the legal definition of war crimes, by introducing the four charges in their charter. The charge of war crimes referred, but was not limited to torturing, pillaging from, and murdering civilians in occupied nations, along with prisoners of war. Out of the listed offenses, war crimes were the least

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<sup>16</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 551.

<sup>17</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 180.

<sup>18</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 564.

controversial, as they have been previously documented and recognized.<sup>19</sup> The notion of a “crime against humanity” referred to actions such as torture, murder, and persecution between citizens, yet this charge lacked the support of customary international law to fall back on.<sup>20</sup> Crimes against peace penalized leaders who engaged in aggressive war tactics; however, this charge was highly criticized as being retrospective or “*ex post facto*” in the sense that defendants were unaware of the criminality of their actions during the occurrence.<sup>21</sup> Defendants were in reality unable to utilize the criticism of crimes against peace being “*ex post facto*” law to their advantage, due to a clause within the charter that prohibited it as a liable defense. Therefore, the defense’s attempts at condemning the trials as ones of “victor’s justice” lost all credibility. The fourth charge, conspiracy, referred to the intent to commit any or all of the previously listed charges. In sum, these charges applied the underpinnings of customary international law onto individual actors, whereas sovereign nations were previously the entities impacted by such legislation. As opposed to the crimes blatantly specified within the charter, the Nuremberg trials ignored the extensive number of sex crimes committed against women during the Shoah and World War II, although such evidence would have likely qualified under the charter, if included.<sup>22</sup>

The trials became complex due to contestation over the crimes identified, as there was a plethora of attorneys, criminals, and victims from disparate jurisprudences, which did not all utilize the same mechanisms during trials. Regardless of discrepancies, this obstacle did not prevent the Allies from vehemently pursuing members of the Nazi Party

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<sup>19</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 180.

<sup>20</sup> Stimson, "The Nuremberg Trial: Landmark in Law," 181.

<sup>21</sup> Stimson, "The Nuremberg Trial: Landmark in Law," 181.

<sup>22</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 567.

and the Third Reich for their inhumane actions. Anglo-American trial practices took precedence in the trials, which posed difficulties for German counsel unfamiliar with procedures such as cross-examination.<sup>23</sup> Despite initial hesitance due to unfamiliarity with Anglo-American principles, defendants indeed benefitted from its due process clause inclusion, as this led to the possibility of acquittal.<sup>24</sup> Aside from traditional methods, the charter allowed for the incorporation, and utilization of extralegal measures from alternative systems to maximize the outputs at Nuremberg. In turn, during their respective trials, war criminals were allowed to testify for themselves, and unilaterally address the Tribunal if they chose.<sup>25</sup> Including procedures from a profusion of legal systems was an unprecedented undertaking; yet doing so led to precedent in terms of the international breadth of jurisdiction.

Due to the abundance of evidence, defendants, and casework to analyze and litigate, the Nuremberg trials were a lengthy occurrence. As was aforementioned, the IMT was established in August of 1945, yet the trial commenced on November 20, 1945, and ended on October 1, 1946.<sup>26</sup> Although the IMT only prosecuted one trial for heads of the Nazi Party, subsequent trials were carried out for lesser members in the Nazi regime, and German government by occupational authorities and ad hoc tribunals.<sup>27</sup> The initial proceedings through the IMT undoubtedly set the stage for succeeding trials at Nuremberg, in regards to procedure, as well as the sentences decreed by the justices. In

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<sup>23</sup> Telford Taylor, "The Anatomy of the Nuremberg Trials," *The Comparative and International Law Journal of Southern Africa* 26:2 (1993): 301.

<sup>24</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 565.

<sup>25</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 186.

<sup>26</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 562.

<sup>27</sup> Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," 562.



the preliminary trial by the IMT, a majority of the charges stipulated in the charter were uncontested by both parties, except that of conspiracy.<sup>28</sup> War crimes, crimes against humanity, and crimes against peace had a firmer, more legitimate existence in customary international law, which facilitated charging war criminals with associated actions. The charge of conspiracy was harder to prosecute, as the Tribunal had minimal legal precedent to act off of, and perhaps did not want to overstep their jurisdiction. As the first international trial trying national leaders as criminals under international law, the sentences received by the defendants would be indicative for future endeavors.

After holding over four hundred sessions, and inquiring over one hundred witnesses, the IMT was finally able to draw their conclusions and disclose their judgment.<sup>29</sup> The Nuremberg trials were no trivial undertaking, and the deliberation that ensued among the Tribunal was evident in their meticulous proceedings. The justices at Nuremberg were faced with a historic case, so it was imperative that they scrutinized all evidence presented to them, as the future of international law, and the defendants' lives, were in their hands. During the IMT trial, there were twenty-two defendants, which left twelve men guilty of all four crimes listed in the indictment, and the remaining men with less.<sup>30</sup> Unfortunately for the prosecution, chief Nazi leaders such as Adolf Hitler, and Heinrich Himmler committed suicide before they could be sentenced for their transgressions. Additional Third Reich personnel who were not present for the actual trial were tried "*in absentia*," and were bequeathed with an appropriate sentence from the Tribunal. Of the defendants, three were acquitted, seven were imprisoned for varied

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<sup>28</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 187.

<sup>29</sup> Telford Taylor, "The Anatomy of the Nuremberg Trials," *The Comparative and International Law Journal of Southern Africa* 26:2 (1993): 300.

<sup>30</sup> Michael Biddiss, "The Nuremberg Trial: Two Exercises in Judgment," *Journal of Contemporary History* 16:3 (1981): 597.

lengths, and the rest were convicted to the death sentence.<sup>31</sup> In turn, subsequent trials occurred after the IMT dissolved, as the IMT only tried the major Nazi war criminals that served as the administrative backbone of the Third Reich. Twelve succeeding trials were authorized via the Allied Control Council Code No. 10, which facilitated the prosecution of government and military officials, doctors, SS officers, along with others, who were leaders in Nazi Germany.<sup>32</sup> Although these lesser trials received less acclaim, they operated based on the methodology, and customary international law that was introduced by the original Nuremberg trials in 1945.

In spite of the fact that subsequent trials after 1946 were given less consideration than the former, the individuals being prosecuted for their crimes during the Shoah were equally guilty and responsible for the atrocities that transpired. One trial that garnered widespread attention was that of Adolf Eichmann. Eichmann was a high-ranking official in the SS, and highly accountable for the mass deportations to killing camps in Poland that occurred during the Shoah. Due to the fact that Eichmann was a leading perpetrator in the Shoah, he would have likely been part of the IMT trials in 1945; however, as the trials began, Eichmann fled and sought refuge in Argentina.<sup>33</sup> Eichmann remained in Argentina for the following years, yet Israeli authorities discovered, and extradited him to Israel in May of 1960.<sup>34</sup> Although this strategy was extralegal, Eichmann was a wanted war criminal due to past transgressions, and needed to be prosecuted accordingly. It is imperative to note that Eichmann was brought to trial in Israel, as opposed to his

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<sup>31</sup> Biddiss, "The Nuremberg Trial: Two Exercises in Judgment," 598.

<sup>32</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 562.

<sup>33</sup> Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: N.Y. Penguin Books, 2006), 4.

<sup>34</sup> Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, 21.

colleagues' trials in Nuremberg. During the duration of preceding trials, Israel was not yet a sovereign nation, as it was granted statehood in 1948, so it is likely to surmise that newfound nationalism fueled the desire to prosecute remaining war criminals and display Jewish perseverance. Likewise to his Nazi counterparts, Eichmann was indicted on fifteen charges, including crimes against humanity and war crimes.<sup>35</sup> Eichmann avowed that he was simply obeying the orders of his superiors; however, this argument illuminated the banality that lied within Nazi actions, leading the court to question if there was legitimate disdain and intent towards Jewry.<sup>36</sup> After a tumultuous and highly broadcasted trial, Adolf Eichmann was sentenced to the death penalty for his role in the perpetuation of the Shoah. Regardless of the breadth of the trials that materialized, each Tribunal utilized humanitarian and international law to effectuate justice for populations that were subjected to the contrary for nearly a decade.

It is universally recognized that the Nuremberg trials executed the prosecution of war criminals in an unprecedented manner, yet the completion of the trials was not the solitary triumph of the IMT. The IMT referred to past conventions like The Hague to formulate their jurisdiction and entailing criminality of wartime actions; however, they lacked punitive statutes for the Tribunal to act off of.<sup>37</sup> By virtue of the fact that the Tribunal incorporated crimes, which violated international criminal law into their indictments, universal organizations such as the United Nations were presumed to take action to amend international law accordingly. Consequently, administrative organs of the United Nations developed the Nuremberg Principles in 1950, which generated seven

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<sup>35</sup> Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, 244.

<sup>36</sup> David Caldwell, "Reflections on Holocaust and Holocaust," *Rocky Mountain Review* 64:1 (2010): 14.

<sup>37</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 559.

principles, definitions of the crimes applied in the trials, and aspirations for the future establishment of an international criminal court.<sup>38</sup> For instance, Principle I proclaimed, “any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment,” and Principle IV, listing crimes against peace, war crimes, and crimes against humanity as “crimes hereinafter set out are punishable...under international law.”<sup>39</sup> The definitions that the Nuremberg Principles put forward aligned with those of the Tribunal, therefore showing consistency in the development of modern customary international law. Along with the Nuremberg Principles, the legacy of the trials led to the development of the Geneva Conventions in 1949. These protocols established the criminalization of designated acts, and subsequent prosecution or extradition.<sup>40</sup> Supplemental international agreements were later concluded between signatory nations, in order to facilitate the formation of international law regarding post-Shoah definitions and management of war crimes.

Prior to the Shoah, no international agreement or body amalgamated the necessary resources to rectify injustices that occurred against individuals, as legal measures were reserved for sovereign states. Without doubt, aggressive tactics utilized by Nazi quickly escalated into genocide predominantly aimed towards European Jewry. As anticipated by the Allied powers, the ensuing Nuremberg trials were established to indict members of the Third Reich who breached customary international law standards, as well as the rights of the oppressed. The Nuremberg trials were therefore a landmark case, and generated legacy in a myriad of regards, as they influenced international legal precedents and

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<sup>38</sup> Louis B Sohn, "The Development of International Law," *American Bar Association Journal* 36:8 (1950): 683.

<sup>39</sup> Sohn, "The Development of International Law," 683.

<sup>40</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 572.

ensuing practices, along with the establishment of measures to facilitate the reconciliation of German-Jewish culture and relations.

Foremost, the Nuremberg trials revolutionized international legal precedent in arraigning military and political leaders for their actions, as the beginnings of a universal criminal law system were implemented.<sup>41</sup> The judgment at Nuremberg acknowledged that the presence of incessant aggression and inhumane conduct required the concrete adoption of laws to punish such crimes.<sup>42</sup> Previous war trials ineffectively penalized transgressors, so the ability of the Tribunal to establish an operative, yet equitable legal framework was noteworthy. The trials introduced the categorization and definition of war crimes, which were then incorporated into subsequent agreements and conventions, and remain relevant in international criminal law today. Since the inception of the trials, ad hoc tribunals have been established in instances of genocide, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and have employed principles introduced at Nuremberg, and built upon normative precedents.<sup>43</sup> Furthermore, the United Nations' aspiration to develop an international criminal court was manifested, as the International Criminal Court (ICC) was established through the UN Security Council.<sup>44</sup> One of the most significant outcomes from Nuremberg was the principle that through multilateral cooperation and collective action, aggressive war and war crimes could be prosecuted on an individualized basis. This proclamation placed single actors under the lenses and scrutiny of international law, sans the previous role of sovereign nations as the

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<sup>41</sup> Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," 577.

<sup>42</sup> Henry L. Stimson, "The Nuremberg Trial: Landmark in Law," *Foreign Affairs* 25:2 (1947): 188.

<sup>43</sup> Theodor Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," *The American Journal of International Law* 100:3 (2006): 559.

<sup>44</sup> Meron, "Reflections on the Prosecution of War Crimes by International Tribunals," 566.

perpetrators. Nuremberg is undoubtedly recognized for its contribution to international law, as universal jurisdiction expanded to incorporate criminal justice procedures into customary international law, and ultimately served as a prototype for succeeding courts and tribunals.

In the wake of the Shoah, the Jewish population was understandably distraught and disoriented, as they had just endured an exceptionally traumatic experience. European Jewry was consistently seized from their hometowns, and forced into a series of egregious living conditions, merely because they were Jewish individuals present in the grand scheme of the Third Reich's racially charged war. Upon the conclusion of the Shoah, Jewish populations were evidently displaced, so occupational powers assumed responsibility for aiding and repatriating the survivors. Nonetheless, acclimatizing the Jewish population was only a fraction of the remedies required to normalize life post-Shoah. Along with retribution provided through the Nuremberg trials, German governance led by Theodor Hess devised a series of stratagems, such fiscal compensation and the bestowment of property, to work towards reconciliation with the Jewish community.<sup>45</sup> Hess was the first federal president after the fall of Nazi Germany, and set precedent for the resumption of humanitarian relations between Jewry and German citizens, along with the restoration of a dilapidated nation. Furthermore, Hess condemned earlier actions of the German government towards Jewry, and fostered collective societal responsibility for atoning the wickedness of the Shoah, ensuring its remembrance.<sup>46</sup>

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<sup>45</sup> Jay Howard Geller, "Theodor Hess and German-Jewish Reconciliation after 1945," *German Politics and Society* 24:2 (2006): 1.

<sup>46</sup> Geller, "Theodor Hess and German-Jewish Reconciliation after 1945," 16.

As year's passed, Jewish citizens reclaimed their livelihoods and stability; however, they perpetuated memories of the Holocaust, which influenced the formation of a modernized Jewish culture and ethnicity. Although Nazi Germany was a bygone era, a segment of the Jewish population maintained disassociation from ordinary Germans on the foundation of ethnic differences due to the Shoah.<sup>47</sup> Aside from this ethnically charged group, Jewish sentiment towards the Shoah was generally mixed, as some Jewish citizens concluded that solely focusing on the horrors of the Holocaust would impede life, and German-Jewish recuperation.<sup>48</sup> Recuperation was facilitated by the existence of increasingly developed customary laws from the Nuremberg trials, as the presence of such laws served as a deterrent for offenders, and a safeguard for the Jewish community. Moreover, the two cultures remerged through the construction of a plethora of memorials and museums across the world, from Germany to the United States. Aside from commemorating survivors, these institutions housed an extensive array of artifacts, which immortalized the Shoah worldwide and expedited the establishment of collective memory of the events. Collective memorization was yet another facet in rectifying Jewish-German relations, as previous suffering was not consigned to oblivion. Essentially, the Nuremberg trials instigated the overarching international recognition and condemnation of war crimes committed by Nazi Germany against the Jewish community through novel means, and intensified the scope of legal measures, which settle offenses between parties.

The amalgamation of sociopolitical circumstances that precipitated the rise of Nazi Germany, together with the Shoah and Nuremberg trials, has unequivocally

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<sup>47</sup> Marsha L. Rozenblit, "Jews in Germany after the Holocaust: Memory, Identity and Jewish-German Relations by Lynn Rappaport," *Central European History* 35:2 (2002): 316.

<sup>48</sup> Helga Kraft, "Post-Shoah Jewish Culture in Germany and Austria: An Introduction," *The German Quarterly* 73:2 (2000): 148.

influenced the trajectory of mankind since the mid-twentieth century. Nations were turned upside down, governments adopted authoritarian regimes, and select populations were subjected to genocidal undertakings on the basis of prejudice and racism. The international phenomenon that was the Shoah occurred due to the proliferation of an anti-Semitic regime in a destitute nation, who victimized European Jewry in their pursuit of stabilization and racial perfection. Multinational collective action thrived through the channels of the Nuremberg trials. The emphasis on justice, reparation and reconciliation for victims of the Shoah influenced the development of international law, which had lasting implications for countries worldwide. In sum, the Tribunal irrefutably actualized the goal of fulfilling humanity's desire for justice, and proved to be a landmark proceeding in humanitarian and international law, together with serving as a prelude to Jewish-German rapprochement.





