

# JUDGMENT AT NUREMBURG

Study Guide



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## ❖ Introduction ❖

Between 1945 and 1949, a series of 12 military tribunals took place in Nuremberg, Germany, during which the leading officials of the Third Reich were tried for war crimes. It was there, in this “birthplace of Nazism,” that the Third Reich had held several major Nazi rallies and ratified their racial purity laws. Among these trials was *The United States of America v. Josef Alstötter, et al.*, which tried 16 German judges and lawyers for war crimes and crimes against humanity.

The occupying Allied authorities faced a dilemma: The actual creators of these laws could not be judged. Prior to the end of the war, the Nazi leaders responsible for their creation had committed suicide. As such, accountability for the war crimes fell to the highest ranking Nazi officials left. The occupying American forces could not judge the actions of these politicians and military officials under Nazi law; the laws of the Third Reich were far too corrupt. Instead, they were tried under the Nuremberg Military Tribunal, formed by occupying Allied forces to re-establish law in Germany and prosecute Nazi criminals based upon international principles.

The crimes of which the defendants were accused are undeniably horrific, including atrocities such as forced sterilization and the imprisonment and murder of millions of men, women and children. However, as contended by the German defense attorney, these men did not make the laws; they simply acted in accordance with those established by their country's leaders.

Twelve years after these events, in 1961, Stanley Kramer's *Judgment at Nuremberg* provided a glimpse into this trial, offering a fictionalized version of the presiding American judges and local Germans, as well as the defendants. In the film, the German defendants are merged into four characters: Ernst Janning, Emil Hahn, Werner Lampe and Freidrich Hofstetter.

The film advances the setting of the trials by roughly one year, arranging them to coincide with early concerns of the Cold War. This is done to highlight the moral complexity faced by American Judge Dan Haywood. Aiming for true justice, he wishes to avoid a conviction based upon current political needs or anger at Hitler's regime. Viewers follow his path for justice as he wanders the streets of war-torn Nuremberg. With him, they witness the testimonies of the court, considering terrible evils and determining the value of every single human being.

*“The precise, bedrock, basic rules that govern society cannot be prejudiced by the intervention of human agency. They can be denied, overlooked, despised, transgressed, but they can never be overthrown with legal validity. ... Whatever be the change or transformation, the scope of every social life remains identical, sacred, obligatory; it is the development of the personal values of man as the image of God; and the obligation remains with every member of the human family to realize his unchangeable destiny, whosoever be the legislator and the authority whom he obeys.*

*In consequence, there always remains, too, his inalienable right, which no opposition can nullify — a right which must be respected by friend and foe — to a legal order and practice which appreciate and understand that it is their essential duty to serve the common good.”*

— Pius XII, Christmas Message of 1942



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## ❖ Memorable Quotes ❖

**Ernst Janning:** It is not easy to tell the truth, but if there is to be any salvation for Germany, we who know our guilt must admit it ... whatever the pain and humiliation.

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**Judge Haywood:** Janning's record and his fate illuminate the most shattering truth that has emerged from this trial: If he and the other defendants were all depraved perverts — if the leaders of the Third Reich were sadistic monsters and maniacs — these events would have no more moral significance than an earthquake or other natural catastrophes.

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**Judge Haywood:** This trial has shown that under the stress of a national crisis, men — even able and extraordinary men — can delude themselves into the commission of crimes and atrocities so vast and heinous as to stagger the imagination. No one who has sat through this trial can ever forget.

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**Judge Haywood:** There are those in our country today, too, who speak of the protection of the country, of survival. The answer to that is: Survival as what? A country isn't a rock. And it isn't an extension of one's self. It's what it stands for, when standing for something is the most difficult! Before the people of the world let it now be noted in our decision here that this is what we stand for: justice, truth ... and the value of a single human being!

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**Judge Haywood:** To be logical is not to be right, and nothing on God's earth could ever make it right!

## ❖ Thoughts for Discussion ❖

1. The film opens with Judge Haywood driving through the city of Nuremberg. Noticing the effect of World War II on the nearly 900-year-old city, he admits, "I didn't know it was so bad."

How does this theme of "not knowing" pervade the film? Does "not knowing" remove accountability for the evils that occurred?

2. When the trial begins, Ernst Janning — once an internationally respected jurist and famous legal mind — refuses to testify in his own defense before the American judges. The crimes of which he is held accountable were committed under German law and therefore, he believes, should only be tried according to a German proceeding.

Is there a universal law that surpasses local judicial practices? In other words, is there a moral core to law, by which all persons can be judged?

3. Hans Rolfe, the German defense attorney, presents several American writings in support of eugenics, euthanasia and forced sterilization, as well as the bombing of Hiroshima and Nagasaki, indicating that the Americans' "superior morality" is a farce.

Can the American prosecution rightly claim that Nazi law is an abuse of law if their own legal systems permit similar evils? Are they also guilty of abuse?

4. Early on in the trial, Rolfe argues that "All Germany is on trial. ... This tribunal placed it on trial when it placed Ernst Janning on trial."

While it's obvious that each individual German cannot be blamed for the horrors of Nazism, what might the defense's position say regarding the worth of individual choice? Can one man's choices have a lasting effect upon his family, friends, colleagues or nation? In light of this, how might we consider certain choices labeled by society as uniquely individual?

5. After he aggressively presses Irene Hoffman to recall the “facts” of the Feldenstein Case, Rolfe tells Janning, “Do you think I have enjoyed being defense counsel during this trial? There were things I had to do in that courtroom that made me cringe.”

Rolfe argues that his harsh treatment of the witness is justified, as it leads to what he sees as the greater good: leaving the German people with some shred of dignity by bringing a halt to the proceedings. Does this end justify his means of approach?

6. In his efforts to reach a just verdict, Judge Haywood attempts to understand all aspects of the German people, from the military officials in the courtroom to the people drowning the memory of war in song and drink. Unlike Mrs. Berholt, who insists that the Germans “have to forget, if we are to go on living,” Haywood maintains that compassion for the Germans must not “beget forgetfulness of the torture and the death of millions.”

Does “forgetfulness” have a role after war or similar horrors? Must one simply forget and forgive, or is it better to remember in order to achieve justice? Can such justice take into account compassion or mercy?

7. Although the film is primarily a fictionalized account, it was the first Hollywood film to contain real footage of the Nazi concentration camps. Chilling images of starving children marked for execution, piles of shoes and spectacles taken from millions of victims before they were gassed, and countless naked bodies of victims from every occupied county in Europe capture the attention of the court.

How does footage awaken the people to the actual evil carried out by the Nazi regime? Although some still wished to dismiss such atrocities as impossible, no one in the courtroom could remain wholly blind to such evil.

How has the use of film raised awareness of innocent victims in our own day? What is our response to such films — to cry out that it can’t be possible or to actively work to defend each person, from conception until natural death, no matter what his race, nation or creed?

8. After the concentration camp footage is shown, Rolfe’s argument changes: He now argues that the defendants were working to prevent greater evil from occurring. He raises the question, “Who is the braver man? The man who escapes or resigns in times of peril ... or the man who stays on his post at the risk of his own personal safety?”

Although Rolfe’s case is weakening, his question is legitimate. One might take Rolfe’s question a step further and ask, “Who is the more honorable man? One who allows himself to be blind to, or who flees from, evil or immorality, or one who acts according to his conscience at the risk of losing his job, reputation or personal freedoms?”

9. When Janning finally testifies, he explains, “I am going to tell them the truth. I am going to tell them the truth, if the whole world conspires against it.”

How does Janning’s commitment to truth during the trial compare to his previous behavior, when he knew the truth about the Nazis and yet did nothing? What does his change of behavior say about his awareness of the moral significance of his actions?

10. At the end of the film, in a last attempt to free himself from the weight of the evils that occurred in Nazi Germany, Janning begs Judge Haywood to believe that he never thought his legal decisions would lead to the deaths of millions. Haywood bluntly states what both men know to be true: The condemnation of any innocent person by way of legality will only lead to continued injustices.

What does this say for Judge Haywood’s view of Janning, a great scholar and judge caught under the weight of legality? What might it say for Haywood’s own character that he would pronounce sentence on Janning, despite government pressure to do otherwise? Who, then, is the braver man? The man who resigns to the pressures of the law in times of peril, fighting his conscience? Or the man who stays on his post and acts in defense of innocent life?