TEMPLE LAW QUARTERLY

FOREWORD: THE NURNBERG TRIAL BECOMES AN HISTORIC PRECEDENT

The judgment of the first international criminal tribunal in history, and the first to pass judgment on crimes against peace, cannot fail to be of interest to lawyers, statesmen and diplomats over the years. Anyone who desires to rest his estimate of the trial of the Nazi war criminals on accurate, relevant and fairly complete information will find this judgment of the International Military Tribunal the most convenient and impartial source. It reviews the evidence in painstaking detail. It traces to their foundations the more controversial features of the Agreement of London and the Charter under which the trial was conducted. It illuminates the great issues of our time, shows how wars are made and liberties destroyed.

It is too early to know what influence this judgment will have on future International Law. But it is not too early to know that it constitutes one of the indispensable documents for consideration, whether as a precedent or as a point of departure. If the nations whose representatives fought for it and whose judges rendered it fail to obey the standards they set up, it may be discredited and neglected. On the other hand, it may be to International Law what some of Marshall's great decisions are to Constitutional law, and perhaps the rule in Goering's case will vex future law students as much as the rule in Shelley's case.

This judgment demonstrates the extent to which four nations, despite their different systems of jurisprudence, were able to agree on the issues at stake. The dissent of the Soviet Member of the Tribunal shows the nature and extent of the only disagreement among the judges that was publicly expressed in the course of the long trial. On every point of procedure a reconciliation of the four viewpoints was accomplished. Thus, the judgment stands as something of a landmark in international cooperation and understanding.

Temple Law Quarterly early sensed the importance of the Nürnberg proceedings and promptly made the arguments of the prosecution available to the profession. It is appropriate and commendable that it now should place before its readers the complete texts of the judgment and the dissenting opinion. These mark the end of the Nürnberg trial as an experiment and the beginning of the Nürnberg trial as an historic precedent.

ROBERT H. JACKSON

Washington, D. C.
November 5, 1946.