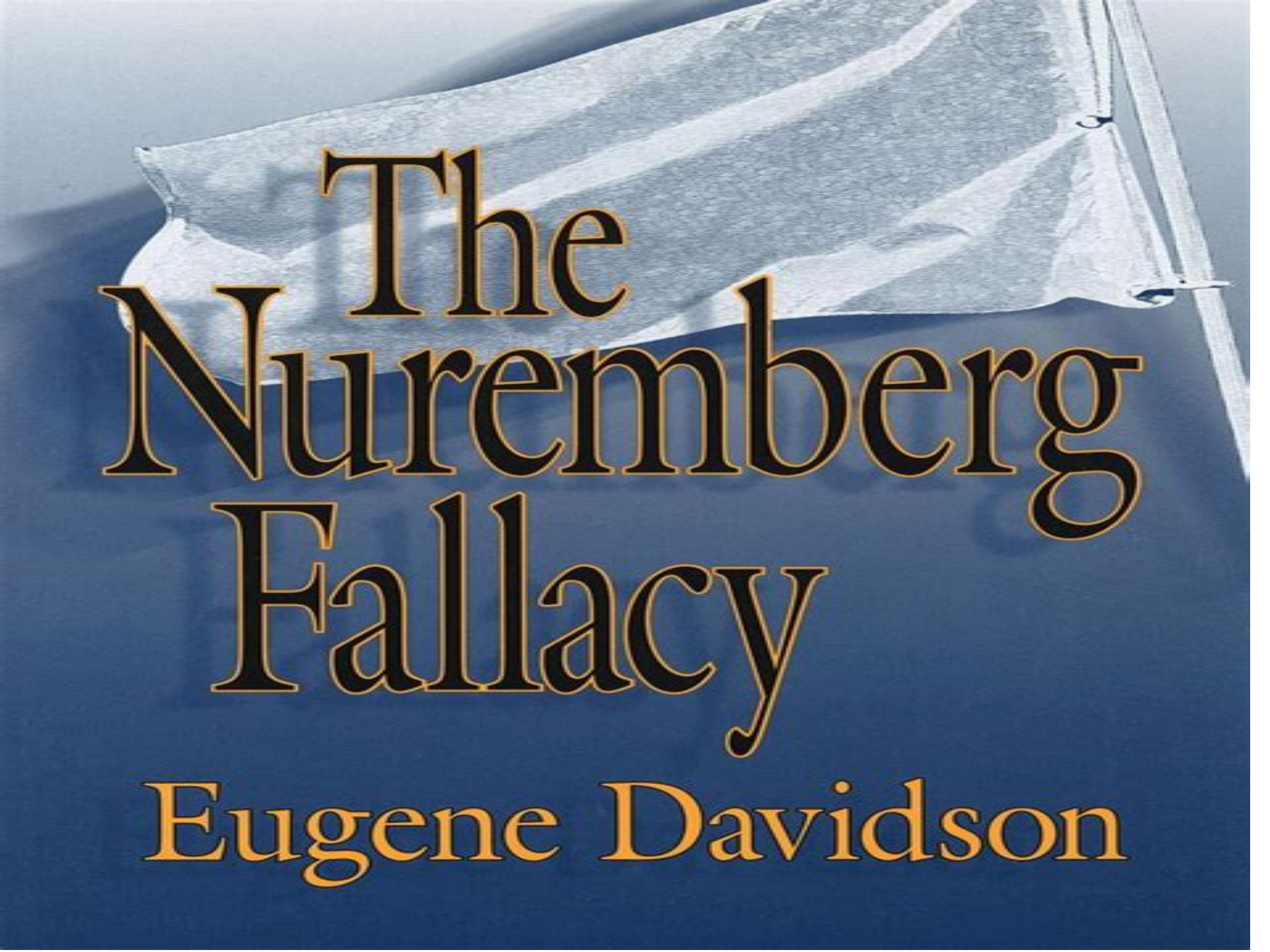




The Nuremberg Fallacy

Eugene Davidson

Nuremberg Fallacy

Robert Cryer



Nuremberg Fallacy:

The Nuremberg Fallacy Eugene Davidson, 1998 Available for the first time in paperback The Nuremberg Fallacy examines the inherent shortcomings of the Nuremberg rules of war and the War Crimes Tribunal's impossible expectations In 1946 the Tribunal declared all aggressive war war crimes and crimes against humanity illegal Yet the period since World War II has witnessed an unprecedented number of armed conflicts In light of recent crises including those in Rwanda Bosnia and Serbia and the Middle East it is clear that the issues explored in The Nuremberg Fallacy are as relevant today as they were at the time of the book's first publication a quarter century ago In this volume Eugene Davidson continues his investigations begun in The Trial of the Germans University of Missouri Press which studied the Nuremberg trials themselves by focusing on five major conflicts since the end of World War II the Suez crisis of 1956 Algeria's war of independence Israel's recurring and ongoing battles with its Arab neighbors complicated and worsened by intervention of the superpowers the wars in Southeast Asia and the Soviet Union's suppression of Czechoslovakia and other border states of Eastern Europe By exploring the roots and ramifications of these five conflicts Davidson is able to chart the crosscurrents between large and small states between individual nations and the United Nations between the rules of Nuremberg and the significantly older rules of self interest The result is a thoughtful and thought provoking study of the dynamics of war and peace in the post Nuremberg world The rules of war proclaimed at Nuremberg observing the flag of truce prohibiting attacks on surrendered enemies treating prisoners of war and civilian populations humanely have become virtually irrelevant in modern guerrilla warfare If anything Davidson suggests conditions have actually become worse than they were before the Nuremberg War Crimes Tribunal The continuing importance and relevance of The Nuremberg Fallacy is best summarized in the final sentences of Davidson's text The survival of a nation cannot be successfully entrusted to simplistic formulae or to principles that reflect unworkable doctrines No computers have been programmed for the wisdom that remains essential for survival People still have to provide that from their own inner and outer resources no matter how far the weapons may seem to have outdistanced them

War in International Society Lacy Pejcinovic, 2013-04-12 Is war an institution of international society and how is it constituted as such across the evolution of international society This book is an inquiry into the purpose of war as a social institution as originally put forward by Hedley Bull It offers a comprehensive examination of what is entailed in thinking of war as a social institution and as a mechanism for order Since the terrorist attacks of 9 11 the subject of war has become increasingly relevant with questions about who can wage war against whom the way war is fought and the reasons that lead us to war exposing fundamental inadequacies in our theorisation of war War has long been considered in the discipline of International Relations in the context of the problem of order However the inclusion of war as an institution is problematic for many How can we understand an idea and practice so often associated with coercion destruction and disorder as contributing to order and coexistence This study contends that an understanding of the core elements that

establish the character of war as an institution of modern international society will give us important insights into the purpose if any of war in contemporary international relations This ground breaking book will be of strong interest to students and scholars of international relations international relations theory the English school security studies and warfare

Democracy, Nazi Trials, and Transitional Justice in Germany, 1945-1950 Devin O. Pendas, 2020-09-24 Post war Germany has been seen as a model of transitional justice in action where the prosecution of Nazis most prominently in the Nuremberg Trials helped promote a transition to democracy However this view forgets that Nazis were also prosecuted in what became East Germany and the story in West Germany is more complicated than has been assumed Revising received understanding of how transitional justice works Devin O Pendas examines Nazi trials between 1945 and 1950 to challenge assumptions about the political outcomes of prosecuting mass atrocities In East Germany where there were more trials and stricter sentences and where they grasped a broad German complicity in Nazi crimes the trials also helped to consolidate the emerging Stalinist dictatorship by legitimating a new police state Meanwhile opponents of Nazi prosecutions in West Germany embraced the language of fairness and due process which helped de radicalise the West German judiciary and promote democracy

Criminal Responsibility for the Crime of Aggression Patrycja Grzebyk, 2013-10-01 Since the Nuremberg trial the crime of aggression has been considered one of the gravest international crimes However since the 1940s no defendants have been charged with this crime with some states actively opposing the notion of punishing aggression The option of trying an individual for aggression is expressly included in the statute of the International Criminal Court In 2010 the Assembly of States Parties adopted a definition of the crime of aggression and conditions of the exercise of jurisdiction over this crime by the Court The Assembly also agreed that the decision on including the crime of aggression within the Court s jurisdiction would be made in 2017 at the earliest It is still internationally debatable whether the criminalisation of aggression is an outcome to strive for or whether its abandonment is more preferable In *Criminal Responsibility for the Crime of Aggression* Patrycja Grzebyk explores the scope of criminal responsibility of individuals for crimes of aggression and asks why those responsible for aggression are not brought to justice The book first works to identify the legal norms that define and delegitimise aggression before moving to determine the basis and scope for the criminalisation of aggression The book then goes on to identify the key risks and difficulties inherent in trials for aggression Following a string of awards in Poland including the Manfred Lachs Prize for the best first book on public international law this cutting investigation of aggression is now deservedly made available to the wider world In its extensive analysis of international trials on aggression and its synthesis of legal political and historical rhetoric this book offers broad and striking insight into the criminal responsibility of individuals on a world stage

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Prisoners of War Arnold Krammer, 2007-11-30 America s current War on Terror is causing a readjustment of centuries of POW policies Prisoners of war are once again in the news as America and Western Europe

grapple with a new faceless enemy and the rules of war and the torture of POWs are open to reconsideration Until very recently there has been astonishingly little written on the subject of prisoners of war Yet to understand the present it is critical to look back over history To that end Arnold Krammer examines the fate of war prisoners from Biblical and Medieval times through the halting evolution of international law to the current reshuffling of the rules The issue of prisoners of war is of more immediate concern now than ever before and an examination of the history of their treatment and current status may well influence foreign policy The fate of war prisoners through history has been cruel and haphazard The lives of captives hung by a thread Execution enslavement torture or being held for ransom were equally likely International agreements developed haltingly through the 19th and 20th centuries to culminate in the Geneva Accords of 1929 America s current War on Terror is causing a readjustment of centuries of POW policies Prisoners of war are once again in the news as America and Western Europe grapple with a new faceless enemy and the rules of war and the torture of POWs are open to reconsideration Until very recently there has been astonishingly little written on the subject of prisoners of war Yet to understand the present it is critical to look back over history To that end Arnold Krammer examines the fate of war prisoners from Biblical and Medieval times through the halting evolution of international law to the current reshuffling of the rules Since biblical times war captives have been considered property and counted as booty to be enslaved or killed Americans were interested in generals and weapons and battles but not the fate of prisoners of war The Second World War when 90 000 Americans fell into enemy hands began to change that Concern for our POWs in Germany and Japan and close contact with enemy camps in America began to change our attitudes However it was the Vietnam War media driven and polarizing that caused the American public to truly reevaluate the plight of its sons and brothers heroic and clearly loyal as they fell into the hands of an inscrutable and apparently unyielding distant enemy More recently during the first Gulf War of 1991 and the current War on Terrorism the issue of prisoners of war has moved to center stage involving the clash of ideologies politics and expediency Since 9 11 the rights and safety of prisoners of war caught up in the War on Terror have been debated in Congress and adjudicated on by former Attorney General Alberto Gonzales whose conclusions were protested by numerous organizations The issue of prisoners of war is of more immediate concern now than ever before and an examination of the history of their treatment and current status may well influence foreign policy

The Fundamental Concept of Crime in International Criminal Law Iryna Marchuk, 2013-07-29 This book examines the rapid development of the fundamental concept of a crime in international criminal law from a comparative law perspective In this context particular thought has been given to the catalyzing impact of the criminal law theory that has developed in major world legal systems upon the crystallization of the substantive part of international criminal law This study offers a critical overview of international and domestic jurisprudence with regard to the construal of the concept of a crime actus reus mens rea defences modes of liability and exposes roots of confusion in international criminal law through a comprehensive comparative analysis of substantive criminal laws in

selected legal jurisdictions **Harry S. Truman** Robert H. Ferrell, 2013-07-22 Few U S presidents have captured the imagination of the American people as has Harry S Truman the man from Missouri In this major new biography Robert H Ferrell widely regarded as an authority on the thirty third president challenges the popular characterization of Truman as a man who rarely sought the offices he received revealing instead a man who with modesty commitment to service and basic honesty moved with method and system toward the presidency Truman was ambitious in the best sense of the word His powerful commitment to service was accompanied by a remarkable shrewdness and an exceptional ability to judge people He regarded himself as a consummate politician a designation of which he was proud While in Washington he never succumbed to the Potomac fever that swelled the heads of so many officials in that city A scrupulously honest man Truman exhibited only one lapse when at the beginning of 1941 he padded his Senate payroll by adding his wife and later his sister From his early years on the family farm through his pivotal decision to use the atomic bomb in World War II Truman s life was filled with fascinating events Ferrell s exhaustive research offers new perspectives on many key episodes in Truman s career including his first Senate term and the circumstances surrounding the Truman Doctrine and the Marshall Plan In addition Ferrell taps many little known sources to relate the intriguing story of the machinations by which Truman gained the vice presidential nomination in 1944 a position which put him a heartbeat away from the presidency No other historian has ever demonstrated such command over the vast amounts of material that Robert Ferrell brings to bear on the unforgettable story of Truman s life Based upon years of research in the Truman Library and the study of many never before used primary sources Harry S Truman is destined to become the authoritative account of the nation s favorite president Sovereignty and its Discontents William Rasch, 2012-09-10 This book argues for the centrality of conflict in any notion of the political In contrast to many of the attempts to re think the political in the wake of the collapse of traditional leftist projects it also argues for the logical and or ontological primacy of violence over peace The notion of the political expounded here is explicitly realist and anti utopian in large part because the author finds the consequences of attempting to think the good life to be far more damaging than thinking the tolerable life The political is not thought of as a means to implement the good life rather the political exists because the good life does not Indeed if one sees globalization with its emphasis on efficiency and economy as a threat to the autonomy of the political then one ought to be wary of political ideologies that reduce the political to species of moral or legal discourse As laudable as the aims of human rights activists or political theorists like Rawls and Habermas may be the consequences of their thought and actions further reduce the scope and possibility of political activity by in effect criminalizing political opposition Once universal norms are instantiated political opposition becomes impossible A fully legalized moralized and pacified universe is a thoroughly depoliticized one as well Academics and advanced students researching and working in the areas of political theory legal theory and international relations will find this book of great interest *Air University Library Index to Military Periodicals* ,1976 *Atrocities on Trial* Patricia Heberer, J_rgen

MatthÜus,2008-04-01 These essays are organised into four sections dealing with the history of war crime trials from Weimar Germany to just after World War II the sometimes diverging Allied attempts to come to terms with the Nazi concentration camp system the ability of postwar societies to confront war crimes of the past and the legacy of war crime trials

Prosecuting International Crimes Robert Cryer,2005-06-30 This 2005 book discusses the legitimacy of the international criminal law regime It explains the development of the system of international criminal law enforcement in historical context from antiquity through the Nuremberg and Tokyo Trials to modern day prosecutions of atrocities in the former Yugoslavia Rwanda and Sierra Leone The modern regime of prosecution of international crimes is evaluated with regard to international relations theory The book then subjects that regime to critique on the basis of legitimacy and the rule of law in particular selective enforcement not only in relation to who is prosecuted but also the definitions of crimes and principles of liability used when people are prosecuted It concludes that although selective enforcement is not as powerful as a critique of international criminal law as it was previously the creation of the International Criminal Court may also have narrowed the substantive rules of international criminal law

Use of Force · War and Neutrality Peace Treaties (N-Z) Rudolf Bernhardt,2014-05-12 Encyclopedia of Public International Law 4 Use of Force War and Neutrality Peace Treaties N Z focuses on hostile inter State relations and associated questions as well as the use of force war neutrality and peace treaties The publication first elaborates on warships wars of national liberation war materials laws of war war correspondent war and environment Versailles Peace Treaty 1919 use of force United Nations peacekeeping system United Nations forces and unfriendly act The text then ponders on trading with the enemy suspension of hostilities surrender submarine warfare sequestration self preservation self defense sea warfare safety zones safe conduct and safe passage resistance movements requisitions and reparations after World War II The book examines relief actions recognition of insurgency and belligerency prisoners of war threat to peace peace treaties means to safeguard peace pacifism occupation after armistice nuclear tests non aggression pacts and neutrality in air warfare land warfare and sea warfare The text is a vital source of information for researchers interested in the use of force war and neutrality peace treaties

The ^AGlobal Community Yearbook of International Law and Jurisprudence 2020 Giuliana Ziccardi Capaldo,2022-01-07 The 2020 edition of The Global Community Yearbook of International Law and Jurisprudence constitutes the only thorough annual survey of major developments in international courts General Editor Giuliana Ziccardi Capaldo selects excerpts from important court opinions supported by contributors who provide expert guidance on those cases The topical organization and subject index make the thorough comprehensive content easy to navigate

Law Among Nations Gerhard von Glahn,James Larry Taulbee,2015-07-14 Offering a more accessible alternative to casebooks and historical commentaries Law Among Nations explains issues of international law by tracing the field s development and stressing key principles and processes This comprehensive text eliminates the need for multiple books by combining discussions of theory and state practice with

excerpts from landmark cases Renowned for its rigorous approach and clear explanations Law Among Nations remains the gold standard for undergraduate introductions to international law Learning Goals Trace the development of International Law through key principles and processes Illustrate important issues and theories using excerpts from landmark cases

Revisiting the Vietnam War and International Law Stefan Andersson,2017-12-28 This collection of scholarly and critical essays about the legal aspects of the Vietnam War explores various crimes committed by the United States against North Vietnam war of aggression war crimes in bombing civilian targets such as schools and hospitals and using napalm cluster bombs and Agent Orange crimes against humanity in moving large parts of the population to so called strategic hamlets and alleged genocide and ecocide International lawyer Richard Falk who observed these acts personally in North Vietnam in 1968 uses international law to show how they came about This book brings together essays that he has written on the Vietnam War and on its relationship to international law American foreign policy and the global world order Falk argues that only a stronger adherence to international law can save the world from such future tragedies and create a sustainable world order **Crime of Genocide** United States. Congress. Senate. Committee on Foreign Relations,1985

Antifascism Paul Gottfried,2021-10-15 No doubt Gottfried s book will rank among the most scholarly and convincing responses to the delirium of the present I ments A conservative take on the antifascist movement Antifascism argues that current self described antifascists are not struggling against a reappearance of interwar fascism and that the Left that claims to be opposing fascism has little in common with any earlier Left except for some overlap with critical theorists of the Frankfurt School Paul Gottfried looks at antifascism from its roots in early twentieth century Europe to its American manifestation in the present The pivotal development for defining the present political spectrum he suggests has been the replacement of a recognizably Marxist Left by an intersectional one Political and ideological struggles have been configured around this new Left which has become a dominant force throughout the Western world Gottfried discusses the major changes undergone by antifascist ideology since the 1960s fascist and antifascist models of the state and assumptions about human nature nationalism versus globalism the antifascism of the American conservative establishment and Antifa in the United States Also included is an excursus on the theory of knowledge presented by Thomas Hobbes in Leviathan In Antifascism Gottfried concludes that promoting a fear of fascism today serves the interests of the powerful in particular those in positions of political journalistic and educational power who want to bully and isolate political opponents He points out the generous support given to the intersectional Left by multinational capitalists and examines the movement of the white working class in Europe including former members of Communist parties toward the populist Right suggesting this shows a political dynamic that is different from the older dialectic between Marxists and anti Marxists **Debating Targeted Killing** Tamar Meisels,Jeremy Waldron,2020-05-14 Known terrorists are often targeted for death by the governments of Israel and the United States Several thousand have been killed by drones or by operatives on the ground in the last twenty

years Is this form of killing justified when hundreds or thousands of lives are possibly at risk at the hands of a known terrorist Is there anything about it that should disturb us Ethically sound and practical answers to these questions are more difficult to come by than it might seem Renowned political theorists Jeremy Waldron and Tamar Meisels here defend two competing positions on the legitimacy of targeted killing as used in counterterrorism strategy in this riveting and essential for and against book The volume begins with a joint introduction briefly setting out the terms of discussion and presenting a short historical overview of the practice what targeted killing is and how it has been used in which conflicts and by whom It then hones in on killings themselves and the element of targeting The authors tackle difficult and infinitely complex subjects for example the similarities and differences between targeted killing of terrorists and ordinary killings in combat and they ask whether targeted killing can be regarded as a law enforcement strategy or as a hybrid between combat and law enforcement They compare the practice of targeted killing with assassination and the use of death squads And they consider the likelihood that targeted killing has been or will be abused against insurgents criminals or political opponents Meisels analyzes the assassination by Israeli operatives of nuclear scientists working for regimes hostile to Israel Meisels and Waldron carefully consider whether this sort of killing can ever be justified in terms of the danger it in theory averts The conclusions drawn are at once as surprising as they are insightful cautioning us against a world in which targeted killing is the norm as it proliferates rapidly This is essential reading not only for students of political and war theory and military personnel but for anyone interested in or concerned by the future of targeted killing

War Crimes Tribunals and Transitional Justice

Madoka Futamura, 2007-10-11 This volume critically re examines the validity of the Nuremberg legacy as the universal model by analyzing the Tokyo Trial the other International Military Tribunal established after the Second World War and its impact on post war Japan

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