

Discussions Questions for February 27 – Group 3

*Questions:*

One reason some people think that it is ok to kill in war is for reasons of punishment. If you do think it's ok to kill for reasons of punishment, a natural question is: who is it ok to punish? To help you answer this question, I've presented a case study below. You should think about the answer to the following two questions: (1) When, if ever, is it morally acceptable for a country to punish people due to a war? (2) Were the Nuremberg trials justified?

*Case (excerpt from Wikipedia article "Nuremberg Trials")*

The Nuremberg trials were a series of military tribunals, held by the Allied forces after World War II, most notable for the prosecution of prominent members of the political, military, and economic leadership of Nazi Germany. The trials were held in the city of Nuremberg, Germany. The first, and best known of these trials, described as "the greatest trial in history" by Norman Birkett, one of the British judges who presided over it, was the trial of the major war criminals before the International Military Tribunal (IMT). Held between 20 November 1945 and 1 October 1946, the Tribunal was given the task of trying 23 of the most important political and military leaders of the Third Reich, though one of the defendants, Martin Bormann, was tried in absentia, while another, Robert Ley, committed suicide within a week of the trial's commencement. Not included were Adolf Hitler, Heinrich Himmler, and Joseph Goebbels, all of whom had committed suicide several months before the indictment was signed. The second set of trials of lesser war criminals was conducted under Control Council Law No. 10 at the U.S. Nuremberg Military Tribunals (NMT); among these included the Doctors' Trial and the Judges' Trial.

The accusers were successful in unveiling the background of developments leading to the outbreak of World War II, which cost at least 40 million lives in Europe alone, as well as the extent of the atrocities committed in the name

of the Hitler regime. Twelve of the accused were sentenced to death, seven received prison sentences (ranging from 10 years to life in prison), three were acquitted, and two were not charged.

Critics of the Nuremberg trials argued that the charges against the defendants were only defined as “crimes” after they were committed and that therefore the trial was invalid as a form of “victors’ justice”. The double standards associated with Victor’s justice are also evident from the indictment of German defendants for conspiracy to commit aggression against Poland in 1939, while no one from the Soviet Union was charged for being part of the same conspiracy. As Biddiss observed, “the Nuremberg Trial continues to haunt us. ... It is a question also of the weaknesses and strengths of the proceedings themselves.”