

'The judgment' from Le Figaro (2 October 1946)

Caption: On 2 October 1946, the day before the Nuremberg verdict is announced, the French daily newspaper Le Figaro looks at the moral and historical aspect of the trial relating to war crimes, crimes against peace and crimes against humanity.

Source: Le Figaro. dir. de publ. BRISSON, Pierre. 02.10.1946, n° 665; 120e année. Paris: Le Figaro. "Le Jugement", p. 1.

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URL: http://www.cvce.eu/obj/the_judgment_from_le_figaro_2_october_1946-en-340f8e70-bc88-49b6-b1ae-d781db5a56cf.html



Last updated: 05/07/2016

The judgment

By the time that the reader is reading these words, the world will know the verdict handed down at Nuremberg. This extraordinary event, whose anticipation gave strength to the peoples of Europe in their thralldom, to the hungering masses in their poverty, to the deportees in their cruel suffering, and to the widows and sons of those executed in their pain, is of sufficient moment to distract us for an instant from our disappointments and our fears, from a peace impossible to find, from shortages, from a currency under threat, from tripartite disputes and from a constitutional compromise about which the best that can be said is that it could have been worse. On one point at least, a wartime promise is to be kept in the post-war period: for the first time in history, aggression savagely unleashed through violence and trickery of the lowest order to satisfy most cynical greed is not only declared a crime but treated as such; and those who assumed responsibility for it are or will be paying the price.

What matters here is not so much the substance of the verdict itself, the fact that one person more or one person fewer escapes the gallows. We have never, in this newspaper, accustomed our readers to the calls for vengeance that can be heard elsewhere, and we believe it is not for us to demand the ultimate penalty, even when that penalty is both just and necessary. What matters is the judgment itself, the fact that the civil and military leaders of a major nation, responsible not only for a war which devastated the world like no other war before it but also for the extraordinary wealth of atrocities which accompanied the war so unnecessarily, have, for the first time, appeared before a tribunal of the nations which suffered at their hands, nations which succeeded, after an exhausting struggle and the most awful tribulations, in laying them low.

To gauge this extraordinary event at its true value, two attitudes of mind which, though they lead to opposing conclusions that are closer to each other than might at first appear, must, in our view, be resisted. The first is to consider that the Nuremberg trials were unjust and arbitrary. The second is to consider that the trials were unnecessary, that it would have been better to deliver the criminals up to the executioner as soon as they were captured, to slay them like wild animals without regard for formal niceties.

The first is doubtless that of the accused themselves, of those still faithful to them in their own country, of those who around the world subscribed to 'moral values' built on treachery and violence and who now endorse or excuse the acts committed in the name of those 'moral values'. It is all too easy to maintain that, if the nations which fought Germany were able to send their judges and prosecutors to Nuremberg, it is in the final instance only because they were victorious, not because their cause was any more just. It can on this basis be claimed that, ultimately, the Nuremberg trials are simply a matter of the victors trying the vanquished and that this sets a dangerous precedent in so far as the victorious in future wars will be accorded some sort of implicit right to exterminate the leaders and the elite of the nations that they have struck down.

There is no answer that can be given to those who proffer such arguments other than to say that the moral dimension of human acts is manifestly beyond their grasp, making any true dialogue with them impossible. If they fail to see that the barbarous hate, the ingrained cruelty of primitive warlords ordering the decapitation of their defeated enemies as proof of their power has nothing to do with the huge clamour rising up from the peoples of a continent stripped bare, trodden underfoot, tortured into submission, demanding punishment for their bloodthirsty tyrants, if they do not understand that modern technologies have now made warfare a thing of such destructive fury that those who unleash it must put their lives in the reckoning, if they do not realise that the peoples have, for too long, been alone in suffering the consequences of the criminal ambitions pursued by a few and that the only way of instilling some sense in the minds of those tempted by bloody adventures is to teach them that they can no longer fall back on a peaceful retirement in Holland and that, in the games they decide to play, their own lives are henceforth on the line, then what point is there in continuing the discussion?

And yet the state of mind prevailing among those who are shocked by the slow pace of an almost year-long trial, by the time spent on meeting to weigh the charges against criminals whose guilt always seemed self-evident, by the freedom of speech granted to the accused and their defence lawyers, is not so different from that prevailing among their more monstrous adversaries. If the victorious Allies had done away with their

enemies ‘without further formalities’*, they would have placed themselves at the same level as those selfsame enemies. They would have shown that they hold the principles of justice and the protections it offers in the same contempt as the inventors of the death camps. They would have admitted, by implication, that the only law capable of governing relations between victors and vanquished is the law of the jungle.

For our part, not only do we not regret that justice at Nuremberg has been slow, meticulous and formalistic — we consider that it had to be all that. It is, in our view, to be welcomed that the Americans and the British were able, within this solemn tribunal, to impose a form of process which gives the accused as fair a chance as is possible. It is, in our view, to be welcomed that justice has been done, with a wealth of safeguards and the utmost care, to those who believed that, in human relations, justice could be ignored.

Hitler’s enemies perished on butcher’s hooks, and that is precisely why it is important that Hitler’s friends do not meet the same fate. Taking ‘an eye for an eye’ is not about justice: it is about wiping out a crime with an equivalent crime; justice, in meting out punishment for crime, rises above it.

We are only too well aware how, in these dark times, individuals deemed harmful are ‘liquidated’ by a bullet in the back of the head, preceded by more or less forthright ‘spontaneous confessions’. We prefer the methods that have been used, even if they may, at times, be considered archaic. There was no reason to give the wolves at Nuremberg the supreme satisfaction of being judged by other wolves and hence of surveying, as they departed, an image of the world in keeping with the image of which they themselves had dreamed.

* Translator’s note: quotation from La Fontaine’s ‘Le Loup et l’Agneau’.