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*That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason. (Justice Robert Jackson, U.S. opening statement at Nuremberg.)*

Despite the dominant role played by American lawyers at Nuremberg, there are few echoes of this great ideological debate in the United States today. Canada, however, as a member of a democratic coalition, is strategically positioned to urge an ideal model of justice. We are able to formulate realistic expectations about the way the model should function. We must first recognize that the need to invoke the criminal process generally amounts to a recognition that other social institutions — such as the educational system, child and family services, the family itself, the mental health system, income redistribution schemes, and sometimes even the cultural community and the media — have failed. We cannot expect that criminal justice will cure all social ills, especially since the justice system can act only in some form of association with a number of other institutions that provide evidence, diagnosis, rehabilitation support, and fundamental affirmation of a range of shared moral values and a common social vision. As long as the international criminal justice system has to operate without the help of local social institutions, or, worse, in conflict with them, we must give it the same kind of support that we give to reconstruction efforts to relieve the devastation caused by war and the violent crimes often associated with it.

Since international criminal justice cannot rely on an institutional partnership to support its vision, it must define itself. A fundamental choice must be made regarding the nature of the judicial process and, more specifically, about the actual objective of the trials. There are essentially two options. Given the problems that exist, the first is to set modest objectives for the trials themselves. It is already a monumental job simply to prove the commission of a crime, in the narrow technical sense, such as the planning and commission of a homicide, in the presence of the legal circumstances required for the homicide to be a crime under international jurisdiction. Given the ultra-sceptical and ultra-critical atmosphere in which this type of criminal tribunal must operate, the basic idea of the first model would be to keep things as simple as possible, and to do everything we can to achieve a speedy final disposition in each individual case.