

They see such trials as a natural extension of the concept of universal rights, which is itself the cornerstone of individual rights-based democracies (Bass, pp. 20-26). I am in complete agreement with Gary Bass's contention that modern international war crimes trials necessarily embody Western demands for procedural fairness, both in reality and in principle. No one is arguing that war crimes trials should be less than fair, as we understand the concept of fairness, because those who might have instead positioned themselves in the forefront of the resistance to any form of international justice.

Of course, there are some who resist the universalization of the rule of law, or at least the export of criminal justice norms to the international level. In addition to resisting the idea that they should be subject to judgment by foreigners, which requires them to reject any truly universal model of criminal responsibility, they will argue that by participating in any efforts toward an international justice system they would risk corrupting their own systems. At page 25 of his book, Gary Bass points to a very clear example in the words of Harlan Fiske Stone, then Chief Justice of the United States Supreme Court. Referring to the work of his colleague Justice Robert Jackson, chief prosecutor of the American delegation to the Nuremberg trials, the Chief Justice said:

*It would not disturb me greatly ... if power were openly and frankly used to punish the German leaders for being a bad lot, but it disturbs me some to have it dressed up in the habiliments of the common law and the constitutional safeguards to those charged with crime. ...*

*Jackson is away conducting his high-grade lynching party in Nuremberg. ... I don't mind what he does to the Nazis, but I hate to see the pretense that he is running a court and proceeding according to common law. This is a little too sanctimonious a fraud to meet my old-fashioned ideas. (Quoted in *Alpheus Thomas Mason, Harlan Fiske Stone: Pillar of the Law, New York, Viking, 1956, p. 176*).*

It is easy, of course, to criticize the shortcomings of an endeavour in which one declines to get involved. The contrast between the vision of Chief Justice Stone, who expressed a preference for, or at least some tolerance of, the summary justice of the gallows, and that of Justice Jackson, as expressed in his opening statement at the Nuremberg trials, is striking: