

1951

CRIMES AGAINST INTERNATIONAL LAW. By Joseph B. Keenan and Brendan F. Brown. Washington, D. C.: Public Affairs Press, 1950. pp. 226. \$3.25.

Austin D. Roe

Follow this and additional works at: <https://scholarship.law.edu/lawreview>

Recommended Citation

Austin D. Roe, *CRIMES AGAINST INTERNATIONAL LAW*. By Joseph B. Keenan and Brendan F. Brown. Washington, D. C.: Public Affairs Press, 1950. pp. 226. \$3.25., 1 Cath. U. L. Rev. 172 (1951). Available at: <https://scholarship.law.edu/lawreview/vol1/iss3/9>

This Book Review is brought to you for free and open access by CUA Law Scholarship Repository. It has been accepted for inclusion in Catholic University Law Review by an authorized editor of CUA Law Scholarship Repository. For more information, please contact edinger@law.edu.

BOOK REVIEW

CRIMES AGAINST INTERNATIONAL LAW. By Joseph B. Keenan and Brendan F. Brown. Washington, D. C.: Public Affairs Press, 1950. pp. 226. \$3.25.

The Nuremberg and Tokyo War Crimes Trials have established a precedent for dealing on the international judicial level with persons who commit crimes against peace and humanity. The immediate objective of the Trials was to punish the aggressors and to set a deterring example for future disturbers of world peace.

The unprecedented nature of the Trials posed many problems for the jurists and lawyers to whom was assigned the duty of effectuating the statesmen's decision to afford the accused a fair trial before an international tribunal.

An understanding of the charters of the tribunals, the procedures adopted for conduct of the trials, and the nature and sources of the law applied in the rulings and judgments, is a prerequisite to an intelligent appraisal of the tribunals and their potential contribution towards achievement of the ideal of world peace and security.

The treatise, "Crimes Against International Law", is an exposition of the position taken by the United States at the Tokyo War Crimes Trial as presented by the Chief of Prosecution and his juridical consultant. The authors emphasize such phases as the law of the case, the juridical analysis and rationalization of the trials, and the related sociological consequences of a more fundamental character.

The significance of the Tokyo Trials as a contribution to the development of International Law is posed in the opening chapter. The origin and law of the Charter, the legal aspects of the creation of the International Military Tribunal for the Far East and the jural basis of the Charter are authoritatively presented. The legal nature and juridical bases of aggressive war, conspiracy and crimes against humanity as international crimes are critically and incisively propounded. The matter of imposition at the international level of individual responsibility for war crimes and the conflicting classical conception of the state as the sole subject of international law, the applicability of the *ex post facto* doctrine, right to trial by jury, and other jural problems arising from the internationally *sui generis* character of the criminal proceedings, are dealt with on both the legal and philosophical bases.

The conclusions of the authors on the significance of the trials reflect a scholarly and penetrating appraisal of what may be regarded, despite conflicting views on some phases of the phenomenon, as a major step toward the definition and implementation of international criminal jurisprudence. This treatise should command a high place among the others concerned with the pros and cons of the two Trials and will make its contribution to the advancement of International Law as the rule of law governing the actions of men in their supranational public relationships.

Austin G. Roe*

*Member of the District of Columbia Bar, Associate Solicitor of the International Claims Commission, Department of State, and Lecturer in International Law at Catholic University Law School.