

Justice Robert H. Jackson (standing) delivers opening statement at lectern designed by Dan Kiley, Nuremberg International Military Tribunal, November 21, 1945. Harvard Law School Library Nuremberg Trials Project (1945–1946). Image courtesy Harvard Law School Library, Historical and Special Collections.



# Making the “World Spectacle Trial”: Design as Forensic Practice at the Nuremberg Trials

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## Kiley’s World Spectacle Trial

Standing before the Allied delegations gathered in one of the few rooms of the Nuremberg Grand Hotel that remained unscathed after Allied bombings, thirty-three-year-old Dan Kiley spoke nervously.<sup>1</sup> Initially drafted into the U.S. Army Corps of Engineers on the recommendation of Eero Saarinen, in 1945 Kiley was appointed chief of design of the Office of Strategic Services (OSS) Presentation Branch (PB). That summer the U.S. Justice Department assigned Kiley, a former student of Bauhaus founder Walter Gropius and collaborator of both Saarinen and Louis Kahn, to find a site for the war crimes trial. On that particular summer day, the young architect turned war crimes trial designer-in-chief tried his best to explain to the teams of American, British, French, and Soviet diplomats, as well as lawyers and military personnel, that the war crimes trial “wasn’t just an ordinary trial.” As Kiley saw it, his job was “to find the place for the Nuremberg Trials, and, once found, to arrange it so it would work for a world spectacle trial.”<sup>2</sup> Once the Justice Department settled on the city of Nuremberg, Kiley became responsible for designing and supervising the renovations of the Nuremberg Palace of Justice.

On November 19, 1945—the inaugural day of the Nuremberg International Military Tribunal (IMT)—Robert Jackson, U.S. Supreme Court Justice and IMT chief prosecutor, read his memorable opening statement standing behind a lectern designed for him by Kiley. Directly across from Jackson at the other end of the courtroom stood a “fifteen-foot chart of the structure of the Nazi party . . . that was the product of six months of painstaking research by Cornelia Dodge,” a twenty-four-year-old graphic designer sent to Nuremberg as part of the PB’s team charged with setting up the trials.<sup>3</sup> In contrast to the centrality given to the figure of the prosecutor during the opening of the trials, Kiley, who had designed this scene precisely as part of his vision for a *world spectacle trial*,

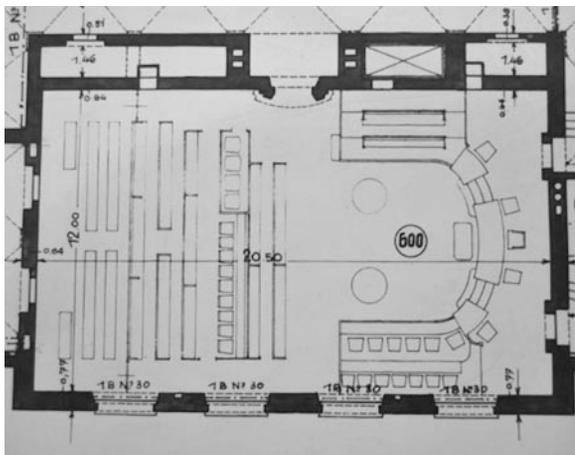
was absent from the courtroom on the inaugural day of the proceedings.

Kiley recedes in the historiography and is absent from legal analyses of the trials.<sup>4</sup> Yet the practice of designers turned out to be central to the American effort to establish Nazi war-waging, political persecution, and extermination as international crimes. While American prosecutors sought to demonstrate the political and bureaucratic organization that lay behind Nazi crimes, professionals working for the PB drew from design practices developed within the U.S. intelligence apparatus for the institutionalization of global governance.<sup>5</sup> From their efforts emerged a project of criminal punishment defined by the simultaneous mobilization of legal reasoning and design practices to create the normative, aesthetic, and spatial conditions for adjudicating Nazi crimes. This effort materialized into a new forum of judgment, one best described as a media environment. Within this forum, which sought to bring a whole political system and not just individuals into the fold of legal judgment, media technology enabled the presentation of forms of evidence unknown in the context of a criminal trial, particularly ones aimed at persuading judges as well as global audiences of the vast scale of German crimes.

As this article shows, these media-centered forms of courtroom presentation constituted forensic practices in their own right.<sup>6</sup> Challenging modernist assumptions about the authority of forensics as a scientific discourse centered exclusively on criminal *detection* and *investigation*—as well as one that is simultaneously autonomous from medial and aesthetic conditions—the work of OSS designers asserted the constitutive role of *presentation*, *visualization*, and *scale-making* for the modern project of determining criminal responsibility. Thus, against the nearly ubiquitous association of forensics with the figure of lawyers and forensic experts, PB designers marshaled the *forensics of presentation*—an ensemble of design techniques centered on the media-technological and aesthetic conditions of presenting evidence in the space of the courtroom, the modern forum from which forensics derives its name. Ultimately, by designing a courtroom that operated as a media environment, Kiley's world spectacle trial explicitly mobilized architecture, graphic design, and media aesthetics as forensic strategies that were essential to demonstrating the rational, organized, and large-scale nature of Nazi war crimes as juridical facts.

### Design as Forensic Practice

The PB was key to producing the international war crimes trial as the institutional form best suited to adjudicate responsibility for what was considered at the time to be a radically new type of criminality—and yet a type that also uncannily



Left: Original Nuremberg courtroom layout, Nuremberg Palace of Justice, 1917. Papers of Dan Kiley, Nuremberg Courthouse. Frances Loeb Library, Harvard University Graduate School of Design. Image courtesy the Frances Loeb Library, Harvard University Graduate School of Design.

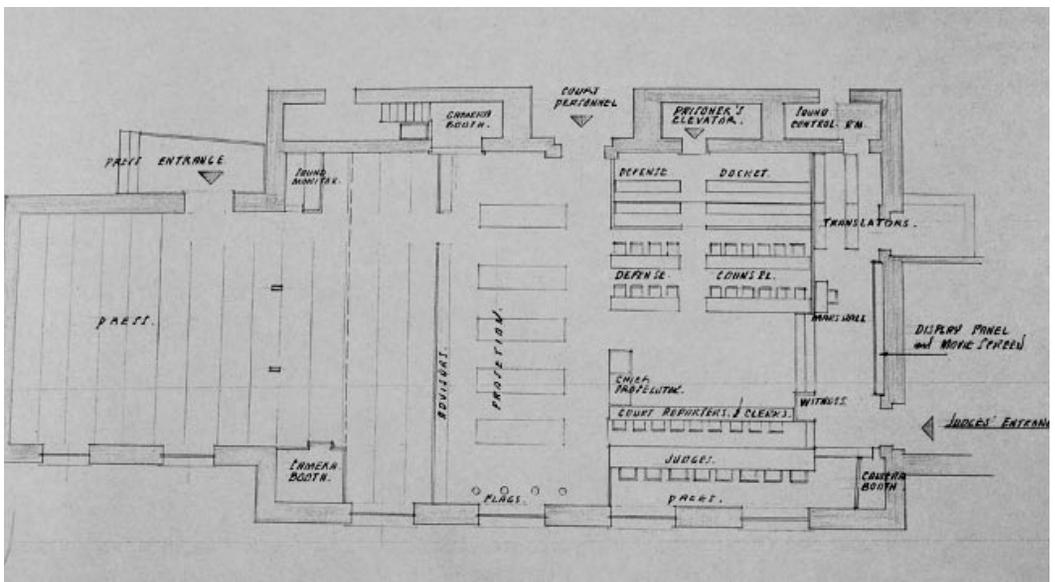
Opposite: Dan Kiley. Nuremberg courtroom design (main floor), November 7, 1945. Image courtesy the Frances Loeb Library, Harvard University Graduate School of Design.

reproduced the operations of modern statecraft. In particular, Kiley’s vision for the courtroom—which combined the imperatives of order, mediatization, and spectacle—made OSS staff into key players in the production of postwar “international legal Modernism.”<sup>7</sup> While OSS’s director, General William Donovan, became one of Jackson’s top team members, under Kiley’s direction a team from the PB was responsible for every architectural and logistical detail, including “the positioning of the judges, witnesses and defendants; [the] apparatus for the presentation of evidence; [the] facilities for a press corps expected to number in the hundreds; and the outfitting of offices, barracks and prison cells.”<sup>8</sup>

Kiley’s redesign of the Nuremberg judiciary complex—and particularly of the trial’s courtroom—fell nothing short of reformulating the architectural vernacular of international justice.<sup>9</sup> Equal parts departure from the German courthouse and rejection of previous continental European war crimes trials, his design set the stage for international criminal justice to emerge as a particularly American type of spectacle. Rejecting the way in which both the Leipzig courtroom—site of post-WWI trials—and the Nuremberg courthouse reproduced the template of the modern European courtroom, Kiley’s design reimaged the scene of judgment by removing the judges’ bench from the center of the courtroom. He replaced it with a “display panel and movie screen.”<sup>10</sup> As this article shows, this apparently inconsequential gesture introduced an architectural order that, by foregrounding both documentary evidence and the imperatives of media-technological infrastructure, sought to create a new forum of judgment.

And yet the shift from criminal justice as a scene of judges surrounded by defendants and witness stands to one dominated by a projection screen was only one in a series of transformations that led to the emergence of the spectacle trial as a new type of legal forum. Essential to this new type of forum was the design of the courtroom as an integrated media environment, one in which lawyers and design experts deployed visualization and scale-making techniques to demonstrate the scale of Nazi crimes.

Critical to this new forum was Kiley’s docket design, which was meant to function as a stage for the twenty-one high-level members of the Nazi bureaucracy, military, and German industry who were to sit facing American, French, British, and Soviet judges. The seating arrangement allowed all to have a clear

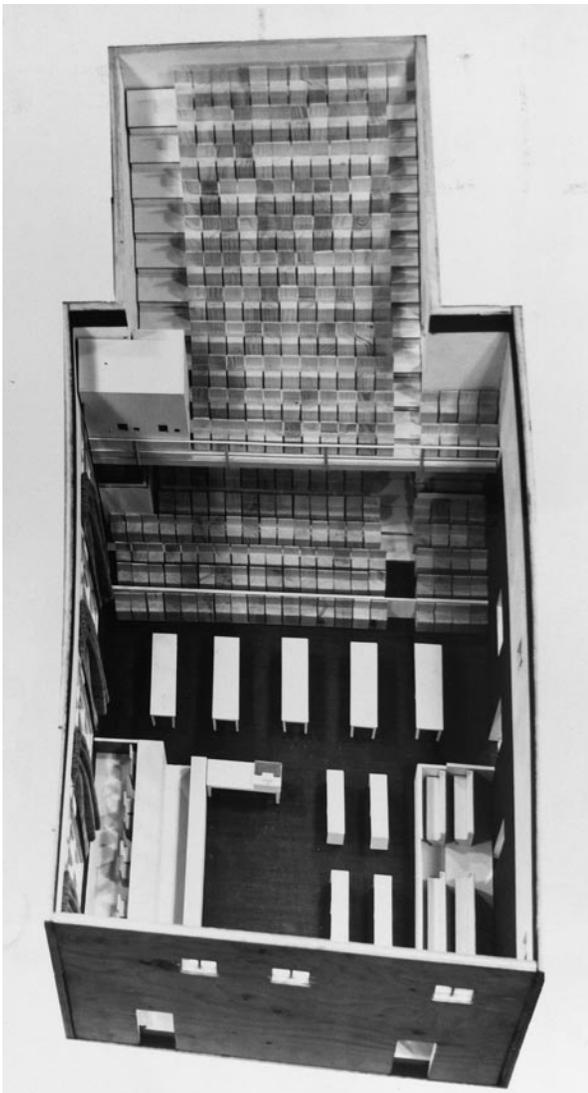


view of the films and charts displayed as evidence. Both the judges and the defendants and their counsel were subordinated to the display panel, the new epicenter of the criminal trial. But the physical placement of the accused within the courtroom appeared essential for at least two additional reasons. First, their appearance was supposed to give a face to the enemy; and second, it was meant to represent Nazi defendants as part of a larger structure of power.<sup>11</sup>

Kiley chose to make the defendants hypervisible in the small courtroom.<sup>12</sup> His design decision, focused on exhibition, visibility, and spectacle, was part of the PB's experimentation with the forensic dimensions of visual presentation. The disposition of bodies—with judges sitting directly in front of the accused—sought to objectify the defendants' reactions in order to integrate them into the prosecution's broader legal strategy to demonstrate the connection between the individuals accused and the Nazi organization. Kiley's design was meant to turn the defendants' faces into object-like surfaces on which trial participants as well as remote spectators could potentially observe traces of criminal culpability.<sup>13</sup> The forensic dimension of Kiley's design becomes most

apparent when we consider that forensic objects are those that gain authority in the courtroom insofar as they credibly preserve and manifest traces of criminal liability. By making the accused visible from almost anywhere in the room, Kiley's layout made defendants' reactions to evidence projected on the display panel into a type of forensic object.<sup>14</sup>

The visual presentation of the defendants inside the courtroom had undoubted juridical import. So much so that adjustments to enhance the visibility of the accused continued once the proceedings had begun in order to heighten this particular aspect of courtroom drama. In one of the most dramatic moments during the IMT proceedings, "the defendants' dock remained lit as images of dead, emaciated bodies stacked in ditches flickered on the courtroom wall." John Ford, head of the OSS Field Photographic Branch and Oscar-winning Hollywood director, placed fluorescent lighting fixtures at the



Left: Dan Kiley. Model for the Nuremberg courtroom, ca. 1945. Courtesy National Archives, Records of the Office of Strategic Services 1940–1946.

Opposite: Courtroom view during the Nuremberg International Military Tribunal, 1945 or 1946. Defendants' docket at top left, chart on display. United States Holocaust Memorial Museum. Courtesy National Archives and Records Administration, College Park.

feet of the accused, allowing those present in the courtroom to witness the defendants' reactions to the screening and write detailed (albeit sometimes conflicting) accounts about them:

During the showing of the film in the court room, I sat at the rear of the American prosecution table about 20 feet from the corner of the defendant's dock. From time to time I looked at the defendants . . . [they] appeared to view the film with rapt attention. . . . Prison psychologist Dr. [Gustave] Gilbert too [was] beside the dock to observe the responses of the defendants. He later wrote that [Hjalmar] Schacht [the only defendant who had been interned in several concentration camps] objected to being required to look at the film. The Defendant [Hans] Frank swallowed hard, tried to stifle tears, and later mumbled "Horrible." [Walther] Funk covered his eyes and appeared to be in agony. He finally broke into tears. [Fritz] Sauckel shuddered at the pictures of the Buchenwald crematorium. A number of the defendants showed signs of disturbance, temporarily turned their eyes away from the film, and shook or hung their heads. . . . Prison chaplain Henry Greece recalled that the defendant [Baldur] von Schirach and several other defendants refused their evening meal after viewing the film.<sup>15</sup>

Another key to understanding the stakes of Kiley's courtroom reordering was the PB's commitment to an ideology of visualization of evidence—what their personnel referred to in their memoranda as “the visual presentation problem.” In communications to PB staff, Lieutenant C.P. Kantianis called for the ordering of courtroom space to be subordinated to media-technological needs. The lieutenant wrote, “The arrangement of the Court was studied in relation to this *visual presentation problem*, camera and sound recording installations and in



consistence with the dignity of a court.”<sup>16</sup> He was explicit about it in his memorandum: “due to the nature of the problem,” Kantianis explained, “the position of the Court Detail had to deviate from the traditional position facing directly the spectators.”<sup>17</sup> To deal with this problem, Kiley’s design encoded into the built environment of the courtroom “[c]hart changers, display panels, projection equipment, public address and intercommunication systems, lighting, and camera and sound recording installations.”<sup>18</sup> At stake in the proposed departure from conventional courtroom design was the attempt at formulating the principles of a media environment for adjudication, one in which order—an aesthetic virtue conventionally associated with modern forums of justice—would become a function of data presentation and circulation within the space of the trial and from there reach global audiences.

### **Courtroom as Media Environment**

The production of Nuremberg as media environment was the result of an uneasy collaboration between two teams of American experts: designers from the OSS and legal experts from the Office of Chief Counsel for War Crimes. At stake were diverging conceptions of institutional design: on the one hand, the Office of Chief Counsel’s commitment to an idea of criminal justice whose legitimacy rested largely on institutions designed to reflect the principles of justice and legality in their most abstract form—that is, indistinct from any particular case; on the other hand, the OSS’s view that Nazi crimes in their historical specificity could and ought to be treated as a design concern.<sup>19</sup> From the lawyers’ perspective the OSS’s view would entail a problematic departure from one of the key premises of liberal legalism—that law must precede the crime. Unsurprisingly this became the basis of major disagreements between the two teams. It has also led to historical analyses that largely present legal experts as the ultimate arbiters of the trial, thereby obscuring the role designers had in destabilizing received notions of courtroom aesthetics.

PB staff deployed to Nuremberg arrived in Germany shortly after concluding their work at the United Nations (UN) San Francisco Conference for International Organization.<sup>20</sup> Like the opera house that served as setting for the UN conference, at Nuremberg the courtroom resulted from two design experiments coming together; namely, a practice of architectural design increasingly defined by the imperatives of communication infrastructures and an ideology of institutional design that sought to produce “the global” as a site of political authority through immersive spectacles organized around screens and media technology.<sup>21</sup> What made these two projects truly experimental was not the use of media technology per se but the fact that media-technological considerations

became a central design concern for projects of global governance. The result was two global postwar events set up as special effects interiors characteristic of mid-twentieth-century “immersive multimedia environments.”<sup>22</sup>

This, however, was not an entirely new project. The OSS’s PB set up the Nuremberg courtroom in the spirit of previous experiments, including Franklin D. Roosevelt’s “situation room,” the staging of the Dumbarton Oaks meeting as a mediatised diplomatic conference, and the UN San Francisco conference media environment for global assembly.<sup>23</sup> The genealogy of the American vernacular that informed the international criminal courtroom includes the media-technological spectacles that Fred Turner describes as having come into being “as part of the same [American] urge to defeat the forces of totalitarianism.”<sup>24</sup> Key among these was the war room, a space that institutionalized the forms of militarized command and control established during WWII and then made essential for most forms of state decision-making.<sup>25</sup> Like war rooms, the media environment of the courtroom worked to produce a perceptual experience conducive to decision-making, while reconfiguring the relation between the truth of crime and its legibility.<sup>26</sup> But not only that. At Nuremberg conditions for juridical truth-making also became increasingly integrated with the mechanisms of representation used in American twentieth-century world’s fairs, a mode of spectacle in which media technologies occupied a central place in producing new forms of observation, subjectivity, and reasoning that would later become an essential aspect of Cold War culture.<sup>27</sup> The trial participants’ relation to the display panel most clearly linked Nuremberg to the world’s fairs of the immediate post-WWII period, making them simultaneously the protagonists and audience of the spectacular trial. Like the pavilions of mid-twentieth-century American world’s fairs, the Nuremberg courtroom was already a cybernetic interface—defined by the ontological undoing brought about by new types of interaction between human beings and screens.

The trial’s media system allowed spectators both within the courtroom and remotely located to see justice being made in the context of “spectacular audiovisual technology built into a specially designed interior.”<sup>28</sup> Similar to what they did at the San Francisco Opera House prior to the UN conference, the PB redesigned the Nuremberg courtroom to facilitate the role of cameras, both photographic and newsreel. Kiley’s design incorporated both filmmaking and film projection—what Delage calls a “double jurisprudence”—creating a trial scene that would effectively allow filming of the proceedings.<sup>29</sup> The OSS even conducted rehearsals of the trial in preparation for camera work.

Kiley’s mid-twentieth-century vision of bringing an American vernacular to the war crimes trial foreshadows the “intensely controlled environments” he

would design later in his career, such as the indoor garden of the Ford Foundation's headquarters.<sup>30</sup> The OSS had in mind a controlled courtroom environment that could help attract a global audience. This goal was one of the few on which legal experts from the U.S. Office of Chief Counsel and designers from the OSS agreed. While the OSS called "for a comprehensive and coherent public information program to demonstrate Nazi guilt clearly to the world," James B. Donovan, one of the heads of the Office of Chief Counsel team, wrote, "The cases must be clearly presented, expeditiously handled, and well reported to the world at large."<sup>31</sup> To make the trial of Nazi war criminals a spectacle for a global audience, the forum of criminal justice would be transformed into a new type of media environment.

Both teams came to see graphic and visual presentation of evidence and arguments as integral to prosecutorial activity.<sup>32</sup> In discussions of legal strategy, trial staff addressed issues such as attention spans, and debates between designers and prosecutorial staff over issues such as location, visibility, and focus increasingly reflected the foregrounding of interfaces between trial participants and media-technological apparatuses (i.e., cameras, translation devices, and film projectors) as a key trial concern.

And yet Kiley's design did not establish the courtroom as a closed-off architectural environment. In calling for an orderly courtroom, the architect did not propose a closed system, nor do preparatory documents for the trial suggest that one was considered. Kiley's was a vision of order in which the organization of space would be defined according to the imperatives of permeability of particular media-technological infrastructures. This was in open contrast to the mediatic function of the modern forum of criminal justice, which, as Cornelia Vismann argues, depends on a type of hermetic environment.<sup>33</sup> Precisely this impermeability was partly undone by the integration of camerawork and screens into the scene of judgment. Vismann describes this as a process through which "cameras, bright lights, and noise" produce permeability that "eats away at the distinction between inside and outside, the very distinction that is most essential to judicial performance."<sup>34</sup> This opening up had the effect of undoing the theatrical unity of time and place that characterized the original Nuremberg courtroom. Even though the U.S. government made two films about the trials, the courtroom proceeding itself emerged as a different type of cinematic product. By breaking up the theatrical unity of the proceedings, the resultant product could be consumed by spectators sitting in movie theaters across the globe. Not unlike the 1930s, when the Museum of Modern Art in New York used the projection of an abridged version of Leni Riefenstahl's *Triumph of the Will* to help Americans understand the political system implemented by the Nazis, in the

1940s the PB used footage of the Nuremberg trials to show the workings of a new forum of adjudication.<sup>35</sup>

The organization of the courtroom's architecture around multiple media technologies also meant that the site of the trial produced the truth of crime across multiple media channels. For example, the introduction of the recently developed IBM simultaneous translation system created a trial that occurred across multiple linguistic conduits. Consequently, PB designer-experts became responsible for integrating within the space of the courtroom "differentiated media technologies and communication channels" so as to make them commensurable and eliminate friction among them.<sup>36</sup> Prosecution itself came to be seen as one of the channels that had to be integrated into the medial multiplicity of the courtroom, as reflected by the fact that the integration of the visual and prosecutorial mechanisms became a matter of intense debate within American ranks.<sup>37</sup> On the ground, integration was made easier by the fact that "[m]any of the lawyers who presented trial evidence before the tribunal had been assigned from different branches of the OSS."<sup>38</sup> As the documentary record of the preparations for the trials shows, the PB and Research and Analysis branches of OSS were integrated into the prosecutorial effort.<sup>39</sup> Ultimately, "[t]he established machinery of Presentation Branch" was also "coordinated into . . . the work of the War Crimes Office, JAG."<sup>40</sup>

Inside the Nuremberg courtroom, the truth of crime could be apprehended from multiple channels and points of view. Kiley's design gave material expression to the refusal to organize the courtroom around a fixed point of observation. Accordingly, the OSS set up a mechanism of judicial truth-telling that circulated among multiple media channels. That mechanism thrust trial participants and observers into networked, decentered, and multiplied observer roles that would then flourish in the years following the war.<sup>41</sup> The result was simultaneously an intense unification of the focus of attention around the courtroom screen and the giddy multiplication of points of view through the proliferation of other screens. But unlike the mechanism of judicial truth-telling described by Michel Foucault in *Discipline and Punish*, the truth of crime at Nuremberg resulted from an informational regime that both supplemented and challenged the representational content of evidence.<sup>42</sup> At Nuremberg, demonstrating the truth of crime rested on the possibility of coordinating disparate forms of data into one medial channel. However, this truth did not have a singular object of concern—it was neither about Nazi conspiracy nor about individual criminal responsibility—but instead seemed to oscillate between the individual criminal and the scale of the crime.

## Forensics of Scale

Even though ultimately aimed at determining individual responsibility, the Nuremberg trials were decidedly a scale-making project.<sup>43</sup> This was made explicit by Chief Prosecutor Jackson during the trial's opening statement: "My task is to show the scale on which these crimes [against humanity] occurred." Jackson's assertion brought the rhetoric of scale to bear directly on the juridical project of determining responsibility for Nazi crimes.<sup>44</sup> That day, he proceeded to lay out the connection between Nazi plans and designs and the Reich's "men who were in the responsible positions." In support of Jackson's claim, over the following months Office of Chief Counsel legal experts and OSS designers worked to make Nazi crimes appear before the court through a dense set of visualization practices aimed at demonstrating the systematicity—the rational, organized, and large-scale nature—of those crimes.<sup>45</sup>

At the world spectacle trial, PB graphic designers deployed their expertise to make the scale of crimes the focus of legal proceedings. Their presentation strategies harnessed the U.S. techno-military advantage to bolster the American government's claim to hold a monopoly over the scale-making techniques of the nascent project of international criminal justice. Far from haphazard aesthetic choices, their efforts were fully integrated into the prosecutorial strategy, and in time U.S. prosecutors came to see visualization as vital to their work. What resulted is thus best understood as a *forensics of scale*: an ensemble of practices for the production of legal truths about crime centered on making the scale of the crime, and not just the individual criminal act, the object of criminal punishment.

And yet the trial oscillated between two understandings of *scale*. While prosecutors and designers primarily used the term to refer to the rational and organized—that is, systematic—nature of Nazi crimes, in the course of the trials a more conventional use of the term was often invoked to index the magnitude of German war crimes.<sup>46</sup> The coexistence of scale-as-organization alongside scale-as-magnitude and the oscillation between the two were characteristic of the trials' ideology of scale.<sup>47</sup> Indeed, the idea that criminal prosecution aided by presentation techniques could move between scales—from an individual criminal to indicting a whole political system—constitutes the first defining feature of Nuremberg as a scale-making project. But not only that: the ideology of scale deployed at Nuremberg was also one of the trials' most innovative aspects.

To better understand how a courtroom design anchored in media technologies introduced a new scale of crime—systematicity—as international criminal law's primary object of concern, one must first recognize how the alignment of international crimes with the notion of systematicity became central to the

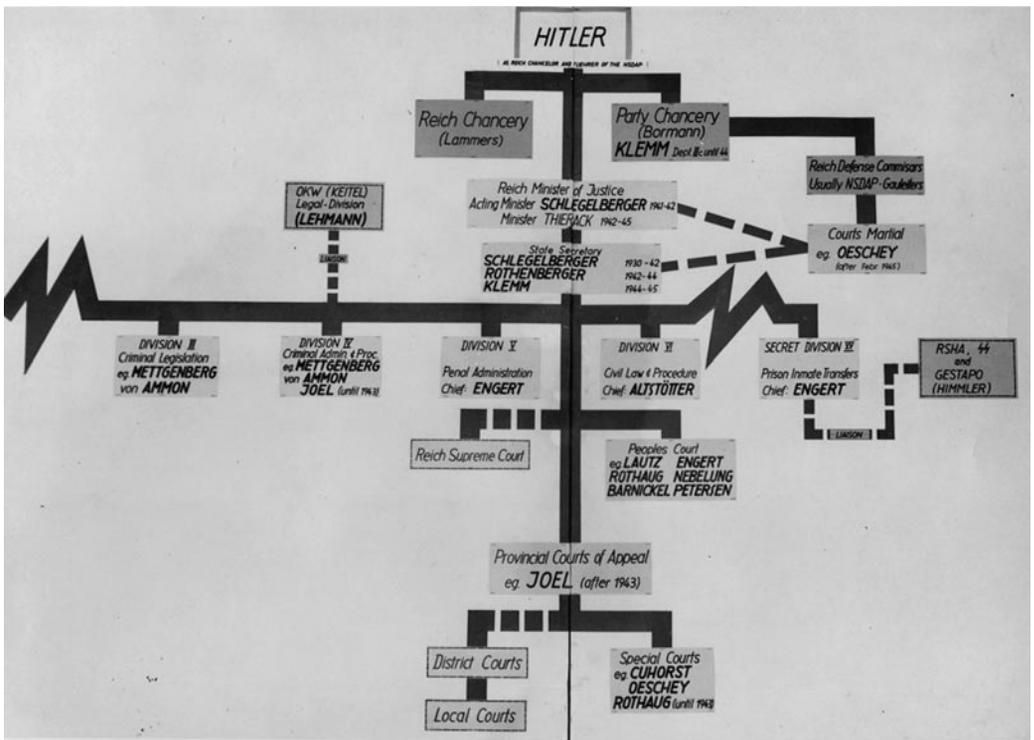
Prosecution chart for Nuremberg  
International Military Tribunal  
based on the work of OSS  
Research and Analysis Branch,  
ca. 1945. Courtesy National  
Archives, Records of the Office  
of Strategic Services 1940–1946.

prosecution’s strategy. The trials revealed that the distinction between domestic and international crimes rested on the systematicity of the latter in contrast to the isolated or random quality of the former. That these were not only egregious crimes but ones committed at a “vast scale” became a cornerstone of the prosecutorial strategy, an operation that reoriented the modern paradigm of individual criminal responsibility in two concrete ways. First, it conceptualized the distinction between domestic and international crimes as a matter of scale, introducing scale itself as something that had to be credibly presented in the courtroom. Second, it made the systematicity of the crimes into the object of criminal punishment.

Crucially, the turn to scale did not register exclusively in the legal realm. American prosecutors quickly saw the potential of OSS presentation expertise for making the criminal responsibility of Nazi organizations *appear* before the court.<sup>48</sup> As OSS historian Michael Salter writes, “The legal determination of lines of command (and hence the legal responsibility for atrocities against civilians) would have been difficult to demonstrate without the O.S.S.’s organizational charts displayed in specially adapted panels.”<sup>49</sup> The PB produced large-scale charts and graphs that attempted to visualize the complex bureaucratic organization of the Third Reich, rendering legible bureaucracy’s “intricate systems.”<sup>50</sup>

Charts also became an essential medium for transforming legions of bureaucratic records into useful data. As a visual assemblage they came to function as an analogical system that could zoom in and zoom out. From the prosecution’s perspective, the charts were being deployed as scale-making devices connecting the individuals on trial to Nazi and Nazi-supporting organizations. Within scale-making devices fell “large scale visuals” such as the Nazi Party chart designed by Dodge and similar ones that were bundled under the rubric of “organization charts.”<sup>51</sup>

On the third day of the proceedings, Ralph G. Albrecht, associate trial counsel



for the U.S. prosecution, explained how the chart of the National Socialist German Labor Party operated as a scale-making device:

This chart will contain not only officers, agencies, and the names of responsible individuals but also a number system so that subsequent charts which go into greater detail as to subsidiary organization may be keyed back to the master chart. Eventually we hope to do the same for the German government and for the German Armed forces . . . remember that it [the master chart] is for the use not only of R&A [Research & Analysis] researchers but also of the trial lawyers and even the public and that more and more we should introduce real presentation elements into these charts.<sup>52</sup>

Far from being accessory, the PB's forensics of scale saturated every dimension of the trials. The Office of Chief Counsel applied the PB's visualization strategies to "clarify and speed the assimilation" of large amounts of information at the trials. Ultimately, making information more accessible and quicker to process became part of Nuremberg's ideology of scale. Even the trial's storage and retrieval systems for documentary and media records came to reflect how the speed of information processing was imbued with a scale-making function. Moreover, recognizing the charts' utility in scaling up and down, the PB suggested they also "should be adapted for public release."<sup>53</sup>

Out of this coordinated effort emerged a new way of investigating and prosecuting individual crimes by defining them in relation to the systems of political, military, and economic organization that engendered them. While individual responsibility was the end goal, a criminal trial held within a media environment produced a new scale of governance that was not directly attached to either the nation-state or its territory. The move to uncouple scale from territoriality, the latter of which had long been essential to international law, was the second defining element of the trials' novel ideology of scale. As the historical record shows, the introduction of a new scale of crime mainly through graphic design and visualization techniques mirrored a shift in legal reasoning: from a mode of criminal justice centered primarily on determining the responsibility of individuals to one that could also adjudicate the criminal responsibility of organizations.

Legal argumentation also made explicit the link between scaling up and reestablishing the law's authority to judge: "The scale of their attack leaves no neutrals in the world," Jackson wrote on August 12, 1945.<sup>54</sup> The chief prosecutor's public statement deployed scale to assert the need to reestablish law's authority to judge—and to judge dispassionately. However, unlike the legal

Ralph G. Albrecht (standing) shows Nazi "Chain of Command" chart, third day of the Nuremberg International Military Tribunal, November 23, 1945. Harvard Law School Library Nuremberg Trials Project. Image courtesy Harvard Law School Library, Historical and Special Collections.

“view from an international plane” of the nineteenth century grounded on colonial cartography and land survey practices, WWII significantly accelerated a reconfiguration of human vision that had begun earlier in the twentieth century—a process that transformed the scalar regimes that until then had been essential to international law.

In contrast with the cartographic and mapping modes of scale-making that had anchored the architecture of colonial international law, at Nuremberg visualization seemed to loosen its grip on territory.<sup>55</sup> As the historical record shows, the law of the Nuremberg trials became increasingly grounded in categories like *systems* and *patterns* with “no particular geographical location.”<sup>56</sup> This did not mean that territory ceased to be a concern of law’s scale-making practices; instead, the war and its media-technological conditions transformed law as a scale-making project. Consequently, by way of freeing itself—at least in part—from the scalar regimes associated with the mapping of territories, the technical manipulation of scale within the courtroom also became subject to new conditions of production, reproduction, and authorization.<sup>57</sup>

The forensics of scale mobilized within the courtroom also had important consequences for the concept of jurisdiction, one of the main mechanisms through which law claims the authority to adjudicate criminal responsibility.<sup>58</sup> The point of articulation between jurisdiction and scale was also the precise point at which graphic design and visualization exerted their greatest pressure on the project of criminal justice carried out by the Americans at Nuremberg. Visualization worked to reverse the relation between scale-making and jurisdiction. At the trials it was not jurisdiction that established the limits of OSS scale-making techniques; quite the opposite: visualization and presentation translated militarized scale-making technologies into a courtroom media appa-



ratus that worked to enable an entirely new type of criminal jurisdiction.<sup>59</sup> As reflected by the use of charts and graphs in the courtroom, through forensics of scale the Nuremberg trials reconfigured the ability of law in general—and international law in particular—to render criminal plans, designs, and enterprises as objects of punishment.

Kiley's staff and their forensic practices gave material expression to Nuremberg's ideology of scale. His team's success was defined by the fact that trial participants as well as remote observers experienced courtroom scale-making as neutral, objective, and essential to legitimate criminal prosecution. Their work rendered smooth otherwise complicated shifts in scale—from individual to organization and from single crime to political system. In the end, their work proved more than crimes; it also demonstrated how the scale of crime could be designed into existence.

### Conclusion

The Nuremberg trials were not merely a moment when the criminal courtroom became more inclusive of media-technological devices. The OSS's mobilization of design as a forensic practice that was centered on presentation and scale-making produced an entirely new legal forum, one in which the conditions of production, legibility, and authorization of what counts as a juridical fact were drastically transformed. The result was a courtroom organized as a media environment in which the use of film, photographs, and the introduction of the screen as a central feature of the layout, together with the deployment of graphic design to address the challenges of visualizing the scale of Nazi crimes, gave designers a role in shaping the prosecutorial aspects of the trial, granting their practices forensic force of their own.



Closely aligned with the classical concept of *forensis*—the rhetorical practice of presenting objects in a public forum to persuade an audience—the PB’s design work at Nuremberg reflected the mutually constitutive relation between, on the one hand, methods of criminal detection and investigation and, on the other hand, modes of courtroom (re)presentation.<sup>60</sup> In contrast with legal analyses of the trial, which continue to isolate legal reasoning, evidence, and their media-technological conditions of (re)production, the media- and presentation-centered practice of Kiley and his staff moved swiftly between the forensics of detection/investigation and those of presentation/scale. Ultimately, that work instituted design into a forensic practice, redefining the twentieth-century’s global “architecture of public truth.”<sup>61</sup>

But not only that. The authority of the law was also at stake. As a direct result of the PB’s unorthodox forensics of presentation and scale, at Nuremberg the authority of international criminal law came to depend as much on the presentation and visualization practices marshaled by OSS designers as it did on the legal reasoning of prosecutors or the work of forensic experts. This project, far from being an exception, marks an alignment between the legal, the media-technological, and the technoaesthetic that would remain essential to late-twentieth-century war crimes trials and that continues to define the twenty-first-century project of international criminal justice.

Nuremberg International Military Tribunal defendants stare intently at the chart of the Nazi Party as defense counsel (bottom left) observes a smaller reproduction of the chart provided by the prosecution, third day of proceedings, November 23, 1945. Harvard Law School Library Nuremberg Trials Project. Image courtesy Harvard Law School Library, Historical and Special Collections.

## Notes

I thank the *Grey Room* editorial team, and especially Noam Elcott, for comments and editorial support. I am also grateful for comments on versions of this article and its argument from John Comaroff, Deval Desai, Joseph Masco, William Mazzarella, Peter McDonald, Samuel Moyn, and Lucie White, who improved the article substantially.

1. U.S. Nuremberg prosecutor Drexel A. Sprecher mentions the Grand Hotel in a 1990 interview. Oral history interview with Drexel Sprecher, 8 June 1990, RG-50.030.0219, U.S. Holocaust Memorial Museum. See also his memoir, Drexel A. Sprecher, *Inside the Nuremberg Trial: A Prosecutor's Comprehensive Account*, vol. 1 (Lanham, MD: University Press of America, 1999).

2. Kiley meant both that the world “would be watching” and that the trials ought to be a spectacular event. During an interview in the 1990s he stated, “I told them that I thought it was going to be a world spectacle trial. . . . I felt that we had to have a beautiful courtroom. We had to have it arranged so that commentators could speak and could talk to the radio, in soundproof booths. We had to have good lighting. We had to have the proper furniture, and all of that, which I got later.” Bruce M. Stave, “Dan Kiley: Architect of Palace of Justice Renovations,” in *Witnesses to Nuremberg: An Oral History of American Participants at the War Crimes Trials* (New York: Twayne Publishers, 1998), 20. Kiley’s “spectacle trial” should be distinguished from the idea of a “show trial.” This distinction between international criminal justice and show trials would become one of the holy grails of the type of liberal legalism that flourished in the United States during the second half of the twentieth century. For a critical account of international criminal justice as show trial, see Marti Koskeniemi, “Between Impunity and Show Trials,” *Max Planck Yearbook of United Nations Law* 6 (2002): 1–35.

3. Stave, 20.

4. Luckily, this is slowly being redressed. For a good example of efforts to bring the architect into the fold of legal history, see Mark Somos and Morgan Gostwyck-Lewis, “A New Architecture of Justice: Dan Kiley’s Design for the Nuremberg Trials,” *Journal of the History of International Law* 21 (2019): 104–39. My attention to Kiley is only one piece in the broader analysis of OSS design practices for the trial and their convergence with the work of lawyers and legal experts invested in the scale of Nazi crimes as the driving concept of an emergent mode of legal reasoning.

5. From 1943 to 1945 the PB developed a robust repertoire of practices that focused on the organization of elaborate spectacles for the visualization of war policy and strategy for the executive wing of the U.S. government. What began as a series of presentation techniques and services within the ranks of the OSS crystallized into a full-fledged institutional mechanism for staging the design of the postwar global order. This included three main types of “presentation services”: the design and construction of media environments or “situation rooms”; the preparation of exhibits for the communication and presentation of policy-related data to audiences within and outside the U.S. administration; and the production of material for the visual presentation of information—such as charts, graphs, documentary and animated films—produced by the different branches of the U.S. government. Through them, the PB translated a U.S.-centric concept of multilateralism into a form of spectacle deeply entwined with military technologies of enemy identification and extermination. Their ascendance marked not only the rise of the designer as a new type of expert but the increasingly prominent role of media technology and mass media. The genius of the PB was to articulate these two into a theory of institutional design for global governance. See Alejandra Azuero-Quijano, “Conviction by Design: Remaking Criminal Responsibility at the Nuremberg Trials” (SJD diss., Harvard Law School, 2017).

6. The concept of forensics developed in this article is in close dialogue with Thomas Keenan and Eyal Weizman's analysis of forensic aesthetics. See Thomas Keenan and Eyal Weizman, *Mengele's Skull: The Advent of a Forensic Aesthetics* (Berlin: Sternberg Press, 2012). The claim of design as forensic practice advanced here is grounded in my reading of Walter Benjamin's analysis of the forensic function of photography, as well as his essay "Critique of Violence." Read together, these two texts offer a way to reconceptualize forensics as the aesthetic discourse and perceptual technique that mediates the relation between law's violence and its (re)presentation. From this perspective, the historical development whereby photographic records become legal evidence marks the coming into being of forensics as a technique that now "enters the courtroom" to demonstrate by shaping the public's perceptual apparatus. It is precisely this dimension of the forensic *as* presentation that Kiley and his staff harnessed and successfully mobilized at the Nuremberg trials. See, Walter Benjamin and Michael W. Jennings, "The Work of Art in the Age of Its Technological Reproducibility [First Version]," *Grey Room* 39 (2010): 11–37; and Walter Benjamin, "Critique of Violence," in *Reflections: Essays, Aphorisms, Autobiographical Writings* (1978; New York: Schocken, 2019), 291–316.

7. Nathaniel Berman draws a parallel between cultural modernism and conceptions of international law that emerged during the interwar period. He conceptualizes "international legal Modernism" (ILM) to analyze how various versions of modernism in the arts can be productively understood as forming an overlapping series with various versions of legal modernism. While the protagonists of Berman's examples of ILM are lawyers, Kiley should be viewed as a legal modernist figure in his own right. After all, the history of legal modernism is also the result of competing notions of space. For a similar argument regarding Kiley's role, see Somos and Gostwyck-Lewis; and Nathaniel Berman, "Modernism, Nationalism and the Rhetoric of Reconstruction," *Yale Journal of Law and the Humanities* 4, no. 2 (1992): 351–80. See also Anthony Vidler for the claim that the history of modernism is a history "of competing ideas about space." Anthony Vidler, *Warped Space: Art, Architecture, and Anxiety in Modern Culture* (Cambridge: MIT Press, 2000), 6.

8. Memorandum from Colonel Melvin Purvis to Presentation Branch, "Pictorial Evidence of War Crimes," 13 November 1944, in Records of the Office of Strategic Services 1940–1946 (OSS), record group (RG) 226, entry (E) 85, box (B) 39, file (F) 63, National Archives and Records Administration, College Park, MD (NARA). The OSS deployed a team of about sixty people to assist in setting up the trials. The influence of the work done at Nuremberg by the PB continued even after the preparations ended. Besides the fact that, "at one point, it was expected that [OSS director] General Donovan, himself—a skilled and flamboyant trial lawyer—would lead the prosecution," once the trial began Jackson retained many of those working for the OSS (including PB members) as trial staff even after the OSS's dismantlement by President Harry Truman in 1946. See Barry Katz, "The Arts of War: 'Visual Presentation' and National Intelligence," *Design Issues* 12, no. 2 (1996), <https://doi.org/10.2307/1511709>; Telford Taylor, *The Anatomy of the Nuremberg Trials: A Personal Memoir* (Boston: Back Bay Books, 1992), 53; and Michael Salter, *Nazi War Crimes, US Intelligence and Selective Prosecution at Nuremberg: Controversies Regarding the Role of the Office of Strategic Services* (New York: Routledge-Cavendish, 2007).

9. For explorations of the architectural vernacular of modern criminal courts, see Judith Resnick and Dennis E. Curtis, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (New Haven: Yale University Press, 2011); Linda Mulcahy, *Legal Architecture: Justice, Due Process and the Place of Law* (London: Routledge, 2011); and Katherine Fischer Taylor, *In the Theater of Criminal Justice: The Palais de Justice in Second*

*Empire Paris* (Princeton, NJ: Princeton University Press, 1993).

10. These words appear marked in pen in one of the courtroom floor plans. “Main Floor, Courtroom,” 1 November 1945, in Papers of Dan Kiley, Nuremberg Courthouse, tube 0048, seq. 12, Frances Loeb Library, Harvard University Graduate School of Design.

11. The phrase “the face of the enemy” contains an ambiguity. On the one hand, the enemy was supposed to be “given a face” while, on the other hand, the crime was to be understood not as the actions of particular individuals but as a systematic, designed political project. I thank William Mazzarella for pointing this out.

12. At the subsequent Nuremberg trials (1946–1949), courtroom size directly influenced prosecutorial choices regarding which suspects to indict and how to organize the different cases. As Kevin J. Heller explains, the economy of courtroom space—specifically, the number of defendants who could sit in each courtroom at the Palace of Justice—influenced two of the three criteria the Office of Chief Counsel employed to decide which individuals to prosecute. John K. Heller, *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford, UK: Oxford University Press, 2011), 40, 48.

13. In the interwar period, one widespread theory of film concerned physiognomy and faciality. Béla Balázs and Jean Epstein are among the best-known early proponents. Epstein regularly repeated the (presumably erroneous) claim that American courts used slow motion to determine the veracity of competing witnesses. See, for example, Jean Epstein, “*Photogénie* and the Imponderable” (1935), in *French Film Theory and Criticism: 1929–1939* (Princeton, NJ: Princeton University Press, 1988), 188–92. He continued to make related claims through the 1940s.

14. To what extent Kiley intended for this close scrutiny of the defendants is hard to determine. However, his own recounting of the design process suggests a deliberate effort to shape the experience of the defendants through their bodily disposition in space. This was the case of his design for the defendants’ docket benches: “I designed the prisoners’ benches. I thought it would be good to make it hard for them, so they didn’t have any backs on them. But a person can’t sit all day long without a back, and so we had to add backs to them.” Stave, “Dan Kiley,” 26.

15. Stanley Kramer’s Oscar-winning feature film *Judgment at Nuremberg* reproduces with striking fidelity the layout of the Nuremberg courtroom as designed by Kiley and includes a scene that portrays this moment of the proceedings in all its cinematic intensity. The film, which focuses on one of the Nuremberg Military Tribunal cases, depicts the moment in which the prosecution introduces footage from the concentration camps as evidence of the criminal responsibility of the accused. Here as well, the director records the reactions of the defendants, including the film’s protagonist, Ernst Janning, a fictional character (played by Burt Lancaster) representing a high-level Nazi judge who is seen on camera impassively watching the projection on the wall while tears roll down his face.

16. Memorandum from Lt. C.P. Kantianis to Lt. James Donovan, “Staging of the Trials: The Courtroom of the International Tribunal,” 12 June 1945, p. 2, in OSS, RG 226, E 85, B 42, F 687, NARA; emphasis in original. See also Presentation Branch Work on War Crimes Project, 14 June 1945, p. 4, in RG 226, E 85, B 42, F 688, NARA.

17. Kantianis to Donovan, 4.

18. Memorandum from Gordon Dean to General Donovan, “Trial Site,” 9 July 1945, p. 4, in RG 238, B 213, NARA, cited in Michael Salter, “Trial by Media: The Psychological Warfare Background to OSS’s Contribution to the Nuremberg War Crimes Trials,” *Journal of Intelligence History* 9, no. 1–2 (2009): 49.

19. Designing a courtroom for a specific set of criminals countered the rationale of modern

courtroom design. On the elements of modern courtroom design, see Taylor; Mulcahy; and Resnick and Curtis.

20. The San Francisco conference was the PB's first effort to articulate its visual presentation ideology into a single multimedia environment; it was also the immediate precedent to Kiley's world spectacle trial. "The lessons learned in managing the historic San Francisco conference," OSS historian Barry Katz writes, "were applied with comparable effect to the trials of the Nazi leaders." Katz, 16–17.

21. On the postwar deployment of architecture as a media system for global governance, see Olga Touloumi, "Architectures of Global Communication: Psychoacoustics, Acoustic Space, and the Total Environment, 1941–1970" (Ph.D. diss., Harvard University, 2014).

22. See Fred Turner, *The Democratic Surround: Multimedia and American Liberalism from World War II to the Psychedelic Sixties* (Chicago: University of Chicago Press, 2013), 99.

23. The PB designed the San Francisco conference as a space for the performance of global authority through the orchestration of spectator experience. This included granting the press and observers access to the halls of the conference, creating dedicated spaces for them, and organizing those spaces to give unobstructed views. As would later be the case at Nuremberg, the self-enclosed world of the diplomatic conference opened up not only to spectators who were physically present but to those watching from home. See Azuero-Quijano, 37–44; and Touloumi.

24. Turner, 8.

25. On war rooms, see Beatriz Colomina, "Enclosed by Images: The Eameses' Multimedia Architecture," *Grey Room* 2 (2001): 6–29; Jothie Rajah, "Law as Record: The Death of Osama bin Laden," *No Foundations: An Interdisciplinary Journal of Law and Justice* 13 (2016): 45–69; and Azuero-Quijano.

26. I thank William Mazzarella for pointing out how one essential difference between the war room and the spectacular courtroom is the latter's presumption of a mass audience. At Nuremberg this presumption was integral to the reconfiguration of the truth of crime.

27. On U.S. world's fairs from that period, see Colomina; and Zofia Trafas, "Designed for Impact: Widescreen and 360-Degree Cinematic Interiors at the Postwar World's Fair," *Interiors* 3 (2012): 143–67. See also John Harwood, *The Interface: IBM and the Transformation of Corporate Design, 1945–1976* (Minneapolis: University of Minnesota Press, 2011), 168–94.

28. Trafas, 150.

29. Trial preparations also included making the necessary arrangements for footage of the proceedings to travel around the globe. The effort to screen carefully edited trial footage in schools, movie theaters, and other public venues meant that the sensory experience of the trials could be reproduced distantly. In his analysis of how this came to be, Christian Delage gives all credit to Jackson; however, he fails to acknowledge the role of the OSS in producing the "double jurisprudence of film" at Nuremberg. Christian Delage, *Caught on Camera: Film in the Courtroom from the Nuremberg Trials to the Trials of the Khmer Rouge* (Philadelphia: University of Pennsylvania Press, 2014), 1–2.

30. As Felicity Scott notes, Kiley's indoor garden was exemplary of landscaping as a "controlled atmosphere," an intensely conditioned environment meant to appear natural. Felicity D. Scott, *Outlaw Territories: Environments of Insecurity Architectures of Counterinsurgency* (New York: Zone Books, 2016), 49–50. See also Jean Louis Cohen, *Architecture in Uniform: Designing and Building for the Second World War* (Montreal: Canadian Centre for Architecture, 2013), 383.

31. Presentation Branch Work on War Crimes Project, 6.

32. In the words of PB staff member Kantianis, "Graphic and visual exhibits, evidence and

arguments will be employed as an important and integral part of the trials, great consideration has been given to the location of the screen and the method of presentation as to offer maximum visibility of these, to the Court Trial Judge Advocate, defendants and Defense Counsel, witnesses, Court Reporters and the spectators. It has been deemed advisable to focus the attention of the court and the attendants to one fixed position throughout the entire presentation, displaying the graphic exhibits in the screen position by means of an overhead track. Upon completion of the presentation of each exhibit, they are placed along the side wall as parts of the permanent graphic evidence by means of the same overhead track." Kantianis to Donovan, 1.

33. Cornelia Vismann, "Tele-tribunals: Anatomy of a Medium," *Grey Room* 10 (2003): 5–21.

34. Vismann, 9.

35. Delage, 43.

36. For Friedrich Kittler, not until the arrival of the computer, which he described as "the medium to end all media," was this integrative operation replaced by a singular technology. See Friedrich A. Kittler, *Gramophone, Film, Typewriter* (Stanford, CA: Stanford University Press, 1999).

37. Presentation Branch Work on War Crimes Project, 3–4. The PB memorandum states, "The principal problem will probably be integration of this visual material (film, photographs, and exhibits of documents) into the overall presentation of the prosecution."

38. Michael Salter, "The Prosecution of Nazi War Criminals and the OSS: The Need for a New Research Agenda," *Journal of Intelligence History* 2, no. 1 (2002): 117; and Salter, *Nazi War Crimes*, 275.

39. Presentation Branch Work on War Crimes Project, 1–3. R&A personnel working on trial briefs included Frankfurt School scholars Herbert Marcuse, Otto Kirchheimer, and Franz Neumann. By using visualization techniques, PB staff were able to bring their "Secret Reports" into the courtroom. On the secret reports, see Franz Neuman, Herbert Marcuse, and Otto Kirchheimer, *Secret Reports on Nazi Germany: The Frankfurt School Contribution to the War Effort*, ed. Raffaele Laudani (Princeton, NJ: Princeton University Press, 2013).

40. Memorandum from Ian Hunter to James B. Donovan, "Nazi Chart: Press Release," n.d., p. 1, in OSS, RG 226, E 85, B 40, F 681, NARA.

41. Orit Halpern, *Beautiful Data: A History of Vision and Reason Since 1945* (Durham, NC: Duke University Press, 2014).

42. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995).

43. I borrow the phrase "scale-making project" from Anna L. Tsing, "The Global Situation," *Cultural Anthropology* 15, no. 3 (2000): 327–60.

44. The panel of British, Soviet, French, and U.S. judges at the IMT echoed Jackson's emphasis on scale when they described Nazi crimes as "a record of consistent and systematic inhumanity on the greatest scale." Judgment of the International Military Tribunal for the Trial of German Major War Criminals (International Military Tribunal, 30 September and 1 October 1946), 247.

45. The actual work of demonstrating the scale of Nazi crime within the courtroom was done by the Secretary of War's Office of Chief Counsel and the Presentation and Research and Analysis branches of the OSS. The history of the Nuremberg trials is thus a story of the complicated collaboration between two groups who worked independent of and often against each other to make U.S. and international interests converge in the courtroom.

46. This conceptual slippage can be explained at least in part by the fact that the received legal understanding of war crimes at the time of the trials converged around the idea that an interna-

tional crime was defined by the temporal or spatial continuity to an actual geographical theater of war. Under such criteria the *scale* of a war crime referred primarily to the occurrence of a number of criminal acts within the time-space of war. In contrast, at the Nuremberg trials the interpretation of the concept of crimes against humanity first included the idea of scale as organization. For a detailed analysis of these two legal trajectories, see Azuero-Quijano.

47. On ideologies of scale, see Tsing.

48. See Taylor to Jackson, 3 November 1945, in Robert H. Jackson Papers, Library of Congress, box 111, NARA, cited in Salter, *Nazi War Crimes*, 258.

49. Salter, *Nazi War Crimes*, 57–58, 253.

50. Taylor to Jackson, cited in Salter, *Nazi War Crimes*, 258. Illustrative of the way in which the United States used visualization as a scale-making technique is the second chart displayed in the courtroom during Jackson's opening statement. Ian Hunter of the OSS described the chart, which showed "German violations of treaties and agreements with other nations," as putting "in visual form the entire contents of Appendix C of the indictment." Memorandum from Hunter to Donovan.

51. Presentation Branch Work on War Crimes Project, 3–4.

52. Memorandum from David Zablodowsky to Paula and Hubbard C. Barton, "Prosecution of War Crimes Status as of May 26," May 1945, in OSS, RG 226, B 85, E 39, F 639, NARA.

53. This was a key aspect of the PB's call "for a comprehensive and coherent public information program to demonstrate Nazi guilt clearly to the world." Presentation Branch Work on War Crimes Project, 2.

54. Robert H. Jackson, "Statement by Justice Jackson on Trial Agreement, August 12, 1945," Avalon Project, Yale Law School, [http://avalon.law.yale.edu/imt/imt\\_jack02.asp](http://avalon.law.yale.edu/imt/imt_jack02.asp).

55. On the scale-making function of colonial international law, see Annelise Riles, "The View from the International Plane: Perspective and Scale in the Architecture of Colonial International Law," *Law and Critique* 6, no. 1 (1995): 39–54; Vasuki Nesiah, "Placing International Law: White Spaces on a Map," *Leiden Journal of International Law* 16, no. 1 (2003): 1–35. On the relation between modern law and scale more broadly, see Boaventura de Sousa Santos, "Law: A Map of Misreading: Toward a Postmodern Conception of Law," *Journal of Law and Society* 14, no. 3 (1987): 279–302; Mariana Valverde, "Jurisdiction and Scale: Legal 'Technicalities' as Resources for Theory," *Social and Legal Studies* 18, no. 2 (2009): 139–57; and Mariana Valverde, *Chronotopes of Law: Jurisdiction, Scale and Governance* (New York: Routledge, 2015).

56. International Conference on Military Trials, "Draft of Agreement and Charter," 11 July 1945, Avalon Project, Yale Law School, <https://avalon.law.yale.edu/imt/jack25.asp>.

57. Bruno Latour emphasizes the always already manipulated character of scale-making as a modern practice. See Bruno Latour, "Anti-Zoom," in *Contact: Catalogue de l'exposition d'Olafur Eliasson* (Paris: Fondation Vuitton, 2014).

58. As Mariana Valverde argues, in the late eighteenth century modern criminal law served to naturalize the scale of the nation-state. According to Valverde, the concept of jurisdiction—and domestic jurisdiction in particular—worked to limit the type of scalar manipulations acceptable within the field of criminal law. Valverde, "Jurisdiction and Scale," 240.

59. Thus reversing Valverde's claim that the legal mechanism of jurisdiction is the one "which sets limits on the scale shifting that authorities can do." See Valverde, "Jurisdiction and Scale," 240.

60. On the history of this concept, see Eyal Weizman, "Introduction: Forensis," in *Forensis: The Architecture of Public Truth* (Berlin: Sternberg, 2014): 9–32.

61. Weizman, *Forensis: The Architecture of Public Truth*.