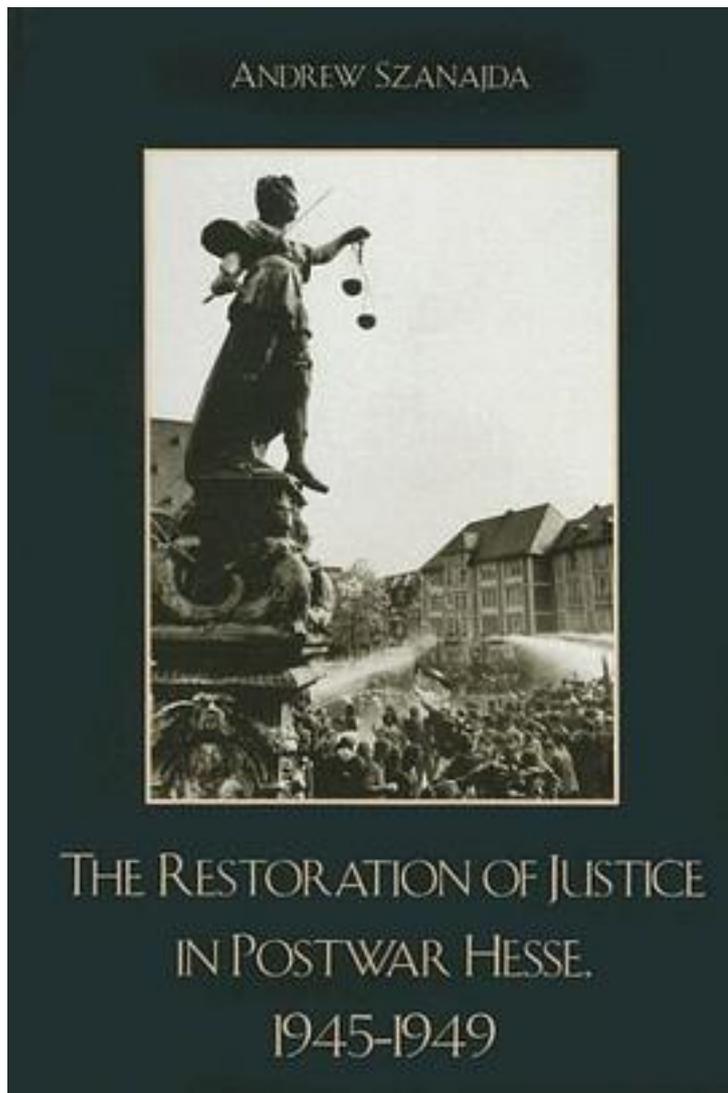


# The Restoration of Justice in Postwar Hesse, 1945-1949



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著者:Szanajda, Andrew

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The Restoration of Justice in Postwar Hesse deals with the reconstruction of the administration of justice in postwar Hesse, a newly established state in the American occupation zone, during the Allied military occupation of Germany from 1945 to 1949. All government jurisdictions in Germany had collapsed as a consequence of the unconditional surrender of the National Socialist regime. The Allied occupation authorities set out to reconstruct German institutions in this vacuum of authority in their respective occupation zones in accordance with occupation objectives. German administrations of justice in the American occupation zone were reconstructed within each of the states therein under the supervision of U.S. military government authorities in each state. The administration of justice was gradually restored as increasingly greater responsibilities were granted to the state judicial authorities, while the body of German law was reformed to eliminate National Socialist influences. The denazification program in the American occupation zone, which had been considered one of the major preconditions for the postwar rehabilitation of Germany, was abandoned when it proved unworkable in practice. Meanwhile, the significance of the institutional element and its safeguards preventing any violations of the rule of law necessarily took precedence over the personnel element. The process of reconstructing the administration of justice in this state and restoring the rule of law is analysed by examining developments during the military occupation period. These developments are divided into two main parts, concerning the restoration of judicial institutions and the denazification of judicial personnel from the beginning of the military occupation, following descriptions of the National Socialist administration of justice and military civil affairs planning for the postwar military occupation. A fully functional and independent administration of justice operating under the state authorities was restored when the con

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