

Private Conversation vs. Public Verdict: How Culture Confronts Law in *Judgment at Nuremberg*

Lyanne Wang

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“It was political murder. You can see that, can’t you?” Despite the statement’s rhetorical potential, the words read oddly flat on the page, as if language alone cannot uphold its own emotional weight. Contrastingly, when Madame Bertholt delivers these words on-screen—with her sharp posture, commanding voice, and elevated on-screen position—the statements suddenly hiss with influence. Yes, by drawing on the depth of film as a medium, Stanley Kramer stages in his film *Judgement at Nuremberg* the possibility for dignified civilians, within particular settings, to influence the law. In the three-minute apartment scene between Bertholt and Judge Haywood, Kramer employs suggestive framing and dialogue to elevate Bertholt into a position where she can impact the law from *outside in*—that is, use her social authority outside the courtroom to affect Haywood’s opinions and thus what occurs *inside* the courtroom. Ultimately, however, the film’s closing reveals that Kramer raises the power of civilian judgment only to subvert it with force: Haywood’s final verdict conveys that while those of strong character may critique the law from the outside in, it is law that *shapes* culture from the *inside out*, defining the very parameters of one’s social character.

In the shot leading up to the scene of interest, Kramer establishes an atmospheric shift from open and public to enclosed and intimate. The camera tracks Bertholt and Haywood as they climb the stairs to her apartment (1:23:01)¹, yet the camera remains at the ground level, tilting upwards without any zoom. Its fixed location contrasted with the characters’ movements evokes a sense of distance, privacy, and exclusion. As they climb upwards, the screen also grows dark with shadows, and one can scarcely see them by the time they reach the frame’s top-left corner (1:23:04). The dark, low-key lighting accentuates their submersion into privacy. Furthermore, the fact that they climb upwards faster than the camera tilts means they *exit* the frame from its top-left corner. This creates a dimensional disorientation—and separation—between this scene and the next because as they exit the screen from the corner, Kramer inputs a fade transition that transports them back to the frame’s center and into the apartment. This adds a layer of *temporal* distance, too; the inclusion of a fade transition (1:23:05) as opposed to filming their

¹ All time stamps correlate to this website: <https://tubity.com/movies/100006404/judgment-at-nuremberg>

actual entrance into the apartment altogether compounds the disconnect between the public and private sphere. Kramer exaggerates this atmospheric shift to establish a closed, domestic setting where the following conversation can take place: a conversation governed by dynamics “outside the law,” or more precisely, *inside* a private room that empowers a civilian of status to confront assumed legal power.

Indeed, the scene’s initial framing experiments with power dynamics to test Bertholt’s relation to Haywood in this new setting. She stands closer to the camera, and her figure appears nearly three times larger (1:23:09). In prior scenes, like the introduction of defendant Friedrich Hofstetter (0:10:30), Kramer implements this framing to depict the closer, larger character as the beholder of legal authority and judgment, capturing the back of their head to emphasize their point of view. Within Bertholt’s home, however, Kramer plays with this framing pattern; Bertholt, despite being closer, does not possess the power of the gaze—at least at first. Her back is turned toward Haywood, which allows him to watch her intensely (1:23:22), even though he is sitting and holds a smaller position on the screen. In addition, Bertholt assumes the domestic role of serving coffee, which casts her within traditional gender norms. It appears that off the bat, both characters behave timidly, testing their dynamics in the intimate space, where the windows are boarded up (1:23:08), and there is no one to hear their conversation but themselves. Yes, although Bertholt allows herself into a role of service and begins without the gaze, Kramer suggests via the staging that she is a large, authoritative figure in this room.

The careful deployment of mise-en-scène then affirms this, as numerous elements of the film complicate expected dynamics between judge and civilian, man and woman, American and German, or more bluntly, righteous and unrighteous. Again, one takes in Bertholt’s firm posture, her slow, composed speech, and the very precision of her turn (1:23:23). She is cultured, and elegant. Her every action detracts from the notion of submissiveness or dependency. She even pours Haywood’s coffee while standing above him (1:23:37), looking down at him as if to negate any inferiority associated with domestic service. In fact, Kramer highlights Bertholt’s womanhood as powerful. She is someone whom Haywood caters to; while Haywood allowed Mrs. Halbestadt to carry his suitcase up the stairs (0:07:52), he adamantly carried Bertholt’s belongings (0:43:33) and demanded his chauffeur drive her home. Marlene Dietrich’s

reputation as a strikingly beautiful actress contributes to such romantic undercurrents. Kramer catches Haywood's frequent, shy glances at her (43:04, 44:04, 1:09:13, 1:18:45), and in the previous scene, they explicitly told one another of their status as a widow or widower; one cannot avoid the romantic innuendo of two single individuals conversing in an enclosed space, and thus Kramer again grants Bertholt power "outside the law" as a dignified, attractive woman.

Bertholt's own dialogue simultaneously elevates the strength of her character, positioning her as a figure who casts judgment. When Haywood alludes to the difficult passing of her husband, she responds with a light smile: "I am not fragile, Judge Haywood" (1:23:19). No, as a daughter of the military, she was told to "control your thirst, control hunger, control emotion" (1:23:41). She, with her perfectly-combed hair and steady speech cadence, appears the epitome of "discipline, a very special kind of discipline" (1:23:30)—a trait often associated with judges (Code of Conduct for United States Judge). She behaves nothing like a grieving widow. Quite the opposite, in fact: she can "control emotion," meaning she can think, speak, and act without emotional bias—again, a judicial trait. By the time Bertholt pours the coffee, sits down, and concludes her brief talk about discipline, the camera zooms in to depict the two characters sitting on the exact same level, taking up the same amount of space, and able to look one another in the eye. With this staging, Kramer establishes that Bertholt's ability to judge is on even ground as Haywood's.

As the conversation ensues, Haywood displays an openness to hearing Bertholt's opinions. Kramer captures this through visual attention to their act of drinking coffee. After pouring the drink, Bertholt's eyes flicker toward Haywood five times within 12 seconds (1:23:52-1:24:04), and she then pauses her speech as Haywood takes his first sip. The white coffee cups contrast against their black clothing, and without sound, one's full focus is on Haywood as he raises the cup to the screen's vertical center. This visual emphasis, along with Bertholt's exaggerated facial expression, places great gravity upon this act. While her concern might be explained in that the coffee is ersatz (1:24:10), or inferior, Bertholt's confident and cultured nature makes this unlikely. She attends Beethoven concerts (1:18:55); no doubt she could serve high-quality coffee. No, Bertholt cares not if the coffee tastes bad but if

Haywood would *say so*. Ultimately, his acceptance of the drink signals that in this room, in this setting, he behaves somewhat “outside of the law”: he is not to speak or deliver judgment based on fact and experience—for the coffee’s actual quality no longer matters—but to simply absorb what Bertholt has to say without criticism. When Haywood takes a *second* sip, she senses his firm invitation for her to speak, which Kramer hints at through a sudden cut (1:24:14) to a close-shot of Bertholt looking at Haywood.

Haywood's following behavior, in conjunction with his conduct in earlier scenes, suggests that he opens up to allow Bertholt not only to judge but to *influence the law*. When she asks him what he thinks of Ernst Janning, he responds that he is “not at liberty to discuss the case outside of the courtroom” (1:24:31)—yet he stutters this without confidence. Yet he looks down repeatedly as if ashamed (1:24:27, 1:25:34), yet he says nothing of what Bertholt has the liberty to discuss. And most damning of all, yet he has already gone out of his way to converse with the Halbesteadts *in their kitchen* about civilian engagement with the Nazis (46:56). Haywood, one deduces, is in fact eager to use conversations *outside legal spaces* to guide his understanding of Judge’s trial. In staring into Haywood’s eyes (1:24:37), Bertholt acknowledges that as she sits “before the law,” the law—Haywood—will actually listen and perhaps be moved by her opinion. As such, she begins telling her story about Janning for an entire uninterrupted minute.

The anecdote is structured much like a lay witness testimony: Bertholt tracks her relation to Janning, details the event in which they were together, and offers firsthand observation of his character (1:24:40-1:25:42). The ontological weight of a testimony connects Bertholt to the law, or at the very least, to the legal structure of a trial. She works her way from being outside the case to affecting it directly, testifying in defense of Janning. This act of testifying, however, complicates the notion that they are by any means “outside the law.” This legal structure of storytelling suggests that Bertholt cannot escape legal logics and thus can never think “outside the law,” despite being within this intimate, confined space. Still, the cinematography conveys that not thinking “outside the law” does not detract from her power of judgment. What matters is that *because this conversation takes place in her apartment*, she—with her confident, dignified character and feminine charm—can influence Judge Haywood’s opinion of the case:

in other words, the law. Bertholt and Haywood sit at the same level, and the shot-reverse-shot sequence of close-shots (1:24:25, 1:24:33, 1:24:42, 1:24:48, 1:25:07, 1:25:14, etc.) conveys a sense of mutual recognition and intimate listening. In each point-of-view shot where Haywood watches Bertholt, her face fills the entire right half of the screen. Her face is also lit-up, demanding full attention. As she speaks, Haywood's eyebrows are slightly furrowed (1:25:08), which is an expression he often makes in the courtroom when he takes in crucial information that influences the Judge's Trial (1:48:32, 2:22:52). As such, regardless of whether Bertholt uses legal logic, she speaks directly to a judge who listens, holding power as a civilian who affects the law from the *outside in*.

Bertholt's testimony therefore elucidates how she aims to influence the Judge's Trial. She traces the anecdote of Hitler "making advances on" Janning's wife, and how Janning responded, "I do not object so much that you are so ill-mannered ... I object that you are such a bourgeois" (1:25:20). She pauses before the final clause, placing emphasis on Janning's objection not just to Hitler's behavior but to his character, his values, his interests. By accentuating Janning's strong social and moral character—the primary thing that differentiates him from the other defendants—Bertholt targets what defense counsel Hans Rolfe deems the heart of the trial: "the character of Ernst Janning" (18:13). She builds upon Rolfe's argument that if Haywood were to judge a man who could "cut [Hitler] down" (1:25:12), then he would have to judge all "the German people" (19:54) guilty. Haywood looks into her eyes, left and right (1:25:31), displaying true consideration. Upon finishing this anecdote, Bertholt pauses to ask with her eyebrows raised, "Is the coffee *really* all right?" (1:25:42). He responds, "Yes, thank you" (1:25:43); he is willing, still, to listen, so Bertholt proceeds with her testimony, delivering a hefty line that simultaneously acknowledges the preeminent power of law and reinforces confidence in her influence.

"Men like Janning, my husband and I, we hated Hitler. I want you to know that" (1:25:54), she says. Bertholt's admittance of desire in the second sentence evokes a sense of dependency upon the law, especially in retrospect, since it parallels Janning's final plea: "I never knew it would come to that. You must believe it. You must believe it" (2:57:38). Crucially, however, the differing syntax conveys that Bertholt's and Janning's possess dissimilar relationships with the law. Whereas Janning locates Haywood

as the subject of authority who “must” believe him, Bertholt places herself at the head of her statement: she holds power as the subject “I” who enacts a wish upon the object, Haywood. “Must” vs. “want” also denotes different levels of dependency, where “want” grants the subject agency. Though Bertholt acknowledges Haywood’s legal authority, she in no way appeals to him like the man in Franz Kafka’s “Before the Law,” who “prays for admittance to the Law.” She needs not pray on her knees nor demand Haywood’s acceptance; Bertholt and Haywood sit and speak on the same level. Kramer continues to use point-of-view shots that include the back of Haywood’s to illustrate his earnest attention to her. Conversely, in Janning’s final scene, the close-shot depicts only Janning’s face and not Haywood’s—the law, evidently, abandons him. One thereby grasps that Bertholt, despite desiring something from Haywood, may sway Haywood’s decision on the trial.

The word “we” also underscores why Bertholt, despite not being directly involved with the Judge’s Trial, attempts to influence Haywood’s verdict. “We” hated Hitler, she says. Not “I.” Not even “Janning and my husband.” No, she, a civilian, associates herself with two individuals who enabled the Nazi regime for two reasons. One, she believes that Janning and her husband were men of good character: “a real war hero” (1:26:01) and a man who “cut down” Hitler. In turn, she believes again that to charge Janning guilty is to charge all “the German people” guilty—including herself. Bertholt’s reason for testifying thereby lies in her belief that law had not properly addressed atrocity in regards to her husband, as well as her “want” to both absolve and prevent herself from being guilty.

Bertholt then suddenly stands and delivers her harshest critique (1:26:23). As she stands, the camera zooms out, capturing the portrait of her deceased husband (1:26:24). The painting now looms above and between Bertholt and Haywood; the composition suggests that the ruling which prompted Mr. Bertholt’s death now weighs down upon both the widow and the judge. Beyond height and size—the portrait appears just as large as Bertholt—the painting also possesses the power of the gaze: the husband looks in the direction of Haywood, as if judging how Haywood will proceed after hearing Bertholt’s assertion that Janning “hated” Hitler. Yes, now towering over Haywood—who keeps his back turned to her—Bertholt declares straightforwardly, “The victors always take on the vanquished. It was political

murder. You can see that, can't you?" (1:26:39). The staging instills her with the full legal power of a judge. It is in this position that she delivers her verdict to Haywood: that law had already failed once with her husband, and to deem Janning guilty would be to "murder" him—or to commit the very crime Haywood seeks to punish.

At that point, Haywood inputs that he "shouldn't be here" (1:26:56), putting an end to Bertholt's moment above him. Yet he departs with an ambiguous line: "I do want to understand. I have to" (1:27:02). This statement leaves Bertholt suspended in hope; the law will "have to" consider her testimony. The law will "have to" reckon with her accusation that the guilty charge for Janning is an unjust charge. Bertholt, having delivered her piece, then softens and returns to her seat to pour more coffee (1:27:13). This staging reestablishes the scene's earlier dynamics, yet their relationship has certainly shifted. Bertholt flutters her eyelashes delicately (1:27:16) and nearly whispers to Haywood if he would "like some more coffee" (1:27:18). Gone is the commanding voice and penetrating gaze. She depends on Haywood now, but she still sits at the same level, since his ambiguous response leaves her with hope that her testimony holds influence.

Consequently, one only feels the true weight of this scene upon the film's closing, when Haywood crushes Bertholt's fragile hope that she could influence the law. After he deems Janning guilty, he attempts to call Bertholt, but the phone rings unanswered. Kramer cuts to Bertholt's apartment (2:53:20). The camera presents a close-shot of her late husband's portrait, positioning Mr. Bertholt's eyes right on the frame's upper-third line. However, the portrait now has no one to look at. There is no one else in the frame; Haywood abandoned him, and with him, Madame Bertholt. It takes the camera 21 seconds to fully zoom out and pan left to reveal Bertholt, shrouded in near-total darkness. The camera's slow zoom and movement, layered on top of the phone's continual ringing, create a sense of stagnancy and motionlessness in the room. One desires someone to pick up the phone, yet no one does. When the camera finally reaches Bertholt, the low-key lighting conceals the entire left half of her face. There is a window behind her (2:53:41) that illuminates the right side of her face just faintly enough to reveal the expression of utter detachment. Her face is stone-cold, and she remains utterly still. For the first time, the woman

who holds herself with poise and discipline appears overcome, visibly frozen in some emotion. The darkness conveys not only a personal loss but the extinguishing of any civilian capacity to shape the law; Haywood's ruling seeps through from the outside world to the inside world, deeming her guilty even within her home. More precisely, wrongfully deeming her, her husband, and "all Germans" guilty. The contrast between Bertholt's final scene and Janning's is telling: when Janning pleads, light still spreads across his face (2:57:14), signifying that although the law deems him guilty, he still believes in its righteousness. Bertholt, on the other hand, feels the law is unjust, and that it enacts "political murder." Haywood's verdict thus leaves her doubly condemned. She suffers not only guilt as a German woman but also the recognition that law shapes her moral identity from the *inside out*—from the courtroom into her home—more than she can ever use her character to influence the law from the outside in. The ringing telephone (2:53:41), positioned where she once stood in defiance of Haywood, becomes the symbol of the subversion of her civilian influence.

Kramer ultimately includes the apartment scene to dramatize a fragile possibility: that culture, embodied by a dignified civilian like Bertholt, might influence the law from the outside in. For a moment, *mise-en-scène*, dialogue, and performance elevate Bertholt into the role of a judge who is capable of impacting Haywood's choices in the courtroom. The slow building of this hope, however, only causes Haywood's final judgment to be crushing for civilians like Bertholt. *Judgment at Nuremberg* leaves her frozen in power in powerlessness, reasserting that law constructs culture and identity from the inside out; its verdicts and their implications reach into every home, every person, every shadow, every portrait. In the end, while one may declare that a judgment is "political murder," it is law alone that decides what murder is—or is not.

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