

The Law School  
3400 Chestnut Street  
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## LAW AND THE HOLOCAUST

### Course Outline

This course draws together the fields of comparative law, jurisprudence and international law, to examine the Nazi philosophy of law, and how it was used to pervert Germany's legal system in order to discriminate against, ostracize, dehumanize, and ultimately eliminate, certain classes of people; and then, to study the role of international law in rectifying the damage.

The course considers the following topics:

- 1.) **The Holocaust: "Lawful Barbarism"**. Overview of the Holocaust, by way of background, and the ways in which it was "anchored" in law.
- 2.) **The Ideology That Made It Possible. Nazi theories of race and the nature and role of the State, and the legal system as an instrument of both.**
- 3.) **The Nazi Legal System In Action.** Laws passed to give effect to the theories of race, and the role of the judges in interpreting and applying those laws.
- 4.) **The Jurisprudential Issues.** Parts 2 and 3 above will form the foundation for an exploration of the role of morality in a system of law, through a consideration of academic writings and judicial reflection. An example of the former is the celebrated Hart-Fuller debate, in the pages of the Harvard Law Review; and an example of the latter is the controversial Bernstein litigation, in which the Courts grappled with the effect to be accorded in the US to expropriations of property by the Nazi regime.
- 5.) **Measure For Measure: The Response Of The International Legal System.** Prosecution of crimes against humanity at Nuremberg; national legislation and court decisions bringing perpetrators of atrocities to justice; the Genocide Convention; and the evolution of the whole area of international human rights, stressing the equality and dignity of all human beings, as a direct antithesis of Nazi racial philosophies,.
- 6.) **Lessons For The 21<sup>st</sup> Century.** Case studies in which contemporary history-in Cambodia, the former Yugoslavia and Rwanda-raises the disturbing question: What lessons, if any, has the world learned from the Nazi era?

(OVER)

Teaching in the course revolves around special materials prepared and edited by Professor **Reicher**. These consist of both primary documents as well as secondary writings.

All this is supplemented by video excerpts of original archival footage of the Nuremberg and Eichmann trials.