

## **International Law and the Holocaust: A Historical Survey**

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How could, and how did, international law deal with such exceptional phenomenon as the Holocaust? And, conversely, what imprint did the Holocaust leave on international law as it developed after 1945? Is international law today better equipped, as a result, to deal with genocide and mass atrocity? The course seeks to answer these and similar questions.

Designed for non-lawyers, the course begins with a philosophical inquiry about the limits of law—perhaps *any* law, but international law in particular—to contain, deal or come to terms with ultimate evil. This is followed by a survey of the reach, content, and focus of international law before 1939. Here we will ponder on the nature of international law in the age of nationalism, on international minority protection, the League of Nations, the Laws of War, and on early international trials. All this will also facilitate our acquaintance with basic concepts of international law and legal thought.

The course proceeds to examine how the limits of international law played out during the Holocaust, and how these limits shaped wartime plans and designs for the postwar world. It looks first at Nuremberg and its legacy. Next, it surveys other postwar developments in international law. Here we look at the advent of human rights in the Universal Declaration of Human Rights, the reform of the laws of war in the 1949 Geneva Conventions, the making of the Genocide Convention, and the design for international peace and security contained in the United Nations Charter. In each case, we shall critically assess the extent to which postwar legal reforms can be attributed to the Holocaust rather than other factors and postwar developments (*e.g.* Cold War, decolonization).

The course then looks at additional types of Holocaust trials: national trials, trials seeking retribution or reparations and trials about historical truth. Through the focus on victims, we will discuss the theories and practice of transitional justice. The course also surveys recent developments in international criminal law—especially the establishment of the International Criminal Court—in the last two decades. By way of conclusion, the course critically reengages the concept of genocide and its utility in contemporary international law.