

The Hebrew University of Jerusalem

Syllabus

Occupied Germany and the Human Rights Revolution of the 1940s - 1980s

Last update 12-03-2023

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: History

Academic year: 0

Semester: 2nd Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Prof. Annette Weinke

Coordinator Email: a.weinke@t-online.de

Coordinator Office Hours: By appointment only

Teaching Staff:

Prof Annette Weinke

Course/Module description:

This seminar brings together two major strands of 20th century historiography: Firstly, it wants to discuss the “new” histories of International Law. By focusing on a number of recent publications on the history of International Humanitarian Law, Human Rights Law, and International Criminal Law, it will analyze some current research trends like global intellectual history, legal biography, and the so called history of “Jewish lawyering.” Moreover, it will raise the question what explains the astonishing boom of this particular genre during the last two decades. A second aspect of the seminar will deal with the entangled history of international politics, human rights, and allied occupation practices in post-war Germany/Europe. The focus will be on a couple of German speaking emigrant lawyers and their contributions to the evolution of a global order emerging after 1945. Dealing with themes like re-education, war prevention, denazification, war crimes trials, restitution, and refugee and minority issues, it will address whether the practices and discourses with regard to postwar Germany/Europe triggered a “human rights revolution” in international politics, law, and culture.

Course/Module aims:

The aim of the seminar is to familiarize students with key issues of international, transatlantic, and German (legal) history of the Twentieth Century. Beyond an examination of historiographical questions, it will acquaint students with the controversies surrounding the issues of human rights, humanitarian law, and the creation of a postwar global order. By reading archival sources and published writings, it will provide students with a framework how to track and analyze shifting concepts of international politics and law. Moreover, students will gain detailed insights into important topics of German postwar history.

Learning outcomes - On successful completion of this module, students should be able to:

- * Understand the positionality of writing and thinking about twentieth century international and German history*
- * Understand the shifting place of International Human Rights Law in the “long” Twentieth Century*
- * Analyzing and contextualizing primary sources*

Attendance requirements(%):

100%

Teaching arrangement and method of instruction: Teaching arrangement and method of instruction: In this course we will read and discuss pre-circulated primary sources and literature. Each student is expected to write an introduction to one class meeting and facilitate our discussion of that meeting. The introduction will be a short text (1-2 paragraphs) summarizing the scholarly debate we examine that day, mapping out what – in your opinion – was/is at stake in that debate, and pointing out some key questions that you think we should address in the class

Course/Module Content:

1. *"Taming of the Leviathan"? New approaches in the histories of Twentieth Century International Human Rights Law and Humanitarian Law*
2. *"A Boy in Trouble": War times discussions on postwar Germany and the European postwar order*
3. *"The Frankfurt School goes to War": German-Jewish Intellectuals and the American War Effort*
4. *"A Supreme Crime". Nuremberg and the international (legal) order*
5. *"Alchemy of Occupation": Emigrant Lawyers and the legal reconstruction of Germany*
6. *"Strange Triumph"? The 1947 Paris Peace Conference and the unsolved question of minority rights*
7. *"The Trials that did not happen": Holocaust trials in postwar Germany*
8. *"Swing of the Pendulum": Emigrants, United Nations, and the Future of International Law*
9. *"A Convention for Refugees by Refugees"? Jewish Organizations and the 1951 Refugee Convention*
10. *"Conservative Human Rights"? West Germany, Lemkin, and the genocide convention*
11. *"Militant democracy": Democracy, Cold War, and the ideology of "fear"*
12. *Concluding discussion: Germany and the new postwar (legal) order*

Required Reading:

The required reading will include published and unpublished primary sources, book chapters and selected articles from journals. The reading will be determined in relation to the specific subjects of the course. Therefore, a detailed bibliography will be posted in due course. All items of the required reading will be posted on the moodle page for the seminar in due course according to the seminar program.

Additional Reading Material:

Preliminary list of general reading

Douglas, Lawrence: *Was damals Recht war. Nulla Poena and the Prosecution of Crimes Against Humanity in Occupied Germany*, in: May, Larry and Edenberg, Elizabeth: *Jus Post Bellum and Transitional Justice*, Cambridge 2013, 44-73.

Greenberg Udi: *The Weimar Century. German Émigrés and the Ideological Foundations of the Cold War*, Princeton/Oxford 2015.

Heller, Kevin J.: *The Nuremberg Military Tribunal and the Origins of International Criminal Law*, Oxford 2012.

Kostal, Rande: *Laying Down the Law: American Legal Revolutions in Occupied Germany and Japan*, Cambridge 2019.

Ibd.: *The Alchemy of Occupation: Karl Loewenstein and the Legal Reconstruction of Nazi Germany, 1945-1946*, in: *Law and History Review*. 29(1):1-52.

Kornhauser, Anne: *Debating the American State. Liberal Anxieties and the New Leviathan, 1930-1970*, Philadelphia 2015.

Lewis, Mark: *The Birth of the New Justice. The Internationalization of Crime and Punishment*, Oxford 2014.

Mazower, Mark: *No Enchanted Palace. The End of Empire and the Ideological Origins of the United Nations*, Princeton 2009.

Moses, A. Dirk: *The Problems of Genocide, Permanent Security and the Language of Transgression*, Cambridge 2021.

Moses, A. Dirk: *Popularizing the history of International Criminal Law*, in: *Lawfare* June 2016 ><https://www.lawfareblog.com/popularizing-history-international-criminal-law>

Pendas, Devin: *Democracy, Nazi Trials, and Transitional Justice in Germany, 1945-1950*, Cambridge 2020.

Priemel, Kim C.: *The Betrayal. The Nuremberg Trials and German Divergence*, Oxford 2016.

Rösch, Felix (ed.): *Émigré Scholars and the Genesis of International Relations. A European Discipline in America?*, Basingstoke 2014

Sands, Philippe: *East West Street. On the Origins of Genocide and Crimes Against Humanity*, London 2017.

Weinke, Annette: *Law, History, and Justice. Debating German State Crimes in the Long Twentieth Century*, New York/Oxford 2018.

Course/Module evaluation:

End of year written/oral examination 0 %

Presentation 10 %

Participation in Tutorials 10 %

Project work 80 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %
Other 0 %

Additional information:

The course is open for MA students and advanced BA students (final year). The seminar is given by Prof. Annette Weinke, Stavenhagen Guest Professor at the Richard Koebner Minerva Center for German History. It will take place Wednesdays 16:30-18:00 (room 2705 Humanities) starting April 19, 2023 (after the Pessach Holidays) and will run till the end of the summer term (June 28,2023).