



Zurich, 30. September 2022

Seminar

### **Genocide and Crimes Against Humanity – the Law and Literature of “Radical Evil”**

The seminar addresses specific crimes that cause massive and widespread violations of basic human legal interests. Genocide and crimes against humanity have been developed – both in national criminal law and international law – into specific delicts after 1945 to form a response to these crimes. They are at the same time a menetekel of the civilization of modernity. They show that also in the present fundamental principles of ethics and law can be violated. Moreover, they lead to the question of how to deal with such crimes with legal means. There is a certain amount of practical experience with the legal dealing with these crimes. These developments, however, have also been accompanied by critical voices since their beginning. In particular, the question is raised whether criminal law is the right means to deal with these crimes or whether other means are preferable. The concrete formulation of the delicts is also up for debate, as is the question of whether they might need to be expanded to meet current challenges – for example by introducing the idea of an “ecocide”.

The seminar will deal with various aspects of this topic. Among these is the recapitulation of central historical examples for the investigated crimes. The crimes are often associated with the philosophical concept of “radical evil”. Immanuel Kant and Hannah Arendt reflected about this concept in the framework of their respective practical philosophy and political theory in more detail. This problem as well as the differentiated discussion of the legal reaction to these crimes will be further focal points of the seminar.

The actions which are legally conceptualized as genocide and crimes against humanity raise many issues, in particular about their causes and the reasons for the perpetrators' actions. To understand better how to solve these problems, literature is an important resource. Literature contains important attempts to expand the reach of our understanding. This includes the elements of human existence as an individual and as a social being that are hard to fathom and in which these crimes mature. Central examples of world literature will be analysed to answer these questions at least in part, in particular: How was this possible? Why is it possible again and again?

The seminar will be taught together with [Prof. Mordechai Kremnitzer](#) (Hebrew University, Jerusalem; [Israel Democracy Institute](#)) and [Lukas Bärfuss](#). Prof. Kremnitzer is an internationally renowned expert on criminal law. Lukas Bärfuss is one of the best-known German speaking authors.



The languages of the seminar are German and English.

The themes include:

Part A: Law

1. Historical examples of genocide and crimes against humanity (e.g. Herero, Armenia, Holocaust, Rwanda)
2. "Radical evil" in philosophical reflection (esp. Kant, Arendt)
3. Genocide – development of a legal concept
4. Genocide – current problems of a legal concept
5. Crimes against humanity – development of a legal concept
6. Crimes against humanity – current problems of a legal concept
7. Genocide and crimes against humanity – beyond the limits of criminal law?

Part B: Literature

8. Joseph Conrad, Heart of Darkness (colonial mass murder)
9. Franz Werfel, The 40 days of Musa Dagh (Armenian genocide)
10. Primo Levi, If this is a man (Holocaust)
11. Imre Kertész, Fateless (Holocaust)
12. Ruth Klüger, Still alive: A Holocaust girlhood remembered (Holocaust)
13. Lukas Bärfuss, 100 days (genocide Rwanda)

A preliminary meeting will be held in the course of the semester. The topics will be assigned in said preliminary meeting after the seminar places have been allocated based on the students' preferences. If you have any questions, please contact us by e-mail (addressed to [lst.mahlmann@rwi.uzh.ch](mailto:lst.mahlmann@rwi.uzh.ch)). The seminar is open to Bachelor and Master students.

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