

Guest Lecture

Professor Wayne Morrison

School of Law, Queen Mary University of London

Wednesday November 18th 6 - 8 pm in SR 001 (ITZ)

Law in the social constitution of the Holocaust

2015 marks the 70th anniversary of the discovery/liberation of the Nazi concentration camps and the first time that the Jewish world population has reached that of the pre Holocaust level.

Morrison argues that the discovery of the camps and the use of film of the discovery in the IMT Nuremberg created an optic of viewing that distorted our appreciation of the role of law in the development and operation of the Holocaust. Clearly a great 'crime' had occurred: the mind set of those who viewed these events was correctional. At Nuremberg a narrative was accepted where in the words of Justice Jackson a band of international brigands seized control of a modern state and through coercion and terror forced an otherwise unwilling populace to engage in acts beyond the capacity of civilisation to comprehend and which civilised justice must react to with the strongest condemnation. In subsequent trials (Trials of the Justices) the metaphor was that of vandals who had 'defiled the German Temple of Justice' which must be 're-consecrated'.

A duality was presented: on the one side a lawless and barbarous arena, on the other side proper 'law' that was in the service of 'civilisation'. The role of law that was invoked was that law constituted the civilised, it could not do otherwise. Conversely, Morrison argues, the holocaust was lawful, certainly in the sense that the development and processes were full of law and participants carried with them understandings of the normative nature of what they were doing. Working in an appreciative mode we can see that the Nazi project strove to create a new nomos, a nomos which was terrifying in its inhumanity but also an expression of modernity and reflective of many themes that were accepted as progressive and civilised elsewhere.

The lecture will involve multi-media.