

Forelesningsplan RSOS2952/4952 – Law, Ideology and Human Violations Høst 2019

Vi tar forbehold om endringer mht. tidspunkter. Husk å sjekk timeplanen på semestersiden jevnlig!

Emneansvarlig: Peter Scharff Smith

21. August “*Law, Ideology and Human Rights Violations: Introduction and Overview*” (Peter Scharff Smith)

Literature:

- Snyder, Timothy (2017): *On Tyranny. Twenty Lessons from the Twentieth Century*. Penguin Random House (126 pages)
- Waldron, Jeremy (2016). “[The Rule of Law.](#)” In: *Stanford Encyclopedia of Philosophy* (21 pages).

28. August *Bureaucracy, Modernity and the Holocaust – can legal authority produce genocide?* (Peter Scharff Smith)

Literature:

- Bauman, Zygmunt (1988) : “[Sociology after the Holocaust](#)”, *British Journal of Sociology*, Vol. 39, No. 4 (Dec., 1988), pp. 469-497: (30 pages)
- Smith, Peter Scharff (2016) : “[Dehumanization, social contact and techniques of Othering - combining the lessons from Holocaust studies and prison research](#)” I: Anna Eriksson (ed.) *Punishing the Other: The social production of immorality revisited*, Routledge. (31 pages)
- Wildt, Michael (2005) “[The Spirit of the Reich Security Main Office \(RSHA\).](#)” *Totalitarian Movements and Political Religions* Vol. 6 , Iss. 3.: (16 pages)

11. September *Law and Ideology in the Third Reich - judges and the courts 1933-45* (Hans Petter Graver)

Literature:

- Graver, Hans Petter (2018): “[Judicial Independence Under Authoritarian Rule: An Institutional Approach to the Legal Tradition of the West](#)”, *Hague Journal on the Rule of Law*, First Online: 27 February 2018 (23 pages)
- Rachlin, Robert D. (2013): Rolend Freisler and the Volksgerichtshof. The Court as an Instrument of Terror. I: Alan E. Steinweis and Robrt D. Rachlin (eds) *The Law in Nazi Germany*. Berghahn. pp. 63-87 (24 pages) (Canvas)
- Fraenkel, Ernst, (1941) *The Dual State A Contribution to the Theory of Dictatorship* Chapter II The Prerogative State pp. 3-64, electronically accessible via the UiO library: <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198716204.001.0001/acprof-9780198716204-chapter-2> (61 pages)

25. September *The Nuremberg Trials and the Rise of the International Human Rights Regime* (Peter Scharff Smith)

Literature:

- Alston, Philip (2013): "[Does the Past Matter.](#)" Harvard Law Review, vol. 126, (p. 2043-81) (38 pages)
- Levy, Daniel and Natan Sznaider (2004): "[The institutionalization of cosmopolitan morality: the Holocaust and human rights.](#)" Journal of Human Rights, VOL. 3, NO. 2 (June 2004), 143–157: (14 pages).
- Smeulens, Alette and Fred Grünfeld (2011): *International Crimes and Other Gross Human Rights Violations*. Martinus N.P. chapter 1 (s. 3-38) (Canvas), (35 pages)

2. October *"Law and the Legal System in Communist Dictatorships"* (Hans Petter Graver)

Literature:

- Kirchheimer, Otto, (1961) *Political Justice The Use of Legal Procedure for Political Ends* Chapter VII Democratic Centralism pp. 259-303 (Canvas) (44 pages)
- Graver, Hans Petter (2019), *Law and the Russian Revolution – A Comparison to the Nazi Approach to Law* (Canvas) (18 pages)

16. October *"Rule of Law backsliding in Poland"* (Lukasz Bojarski)

Literature:

- Fryderyk Zoll and Leah Wortham, *Judicial Independence and Accountability: Withstanding Political Stress in Poland*, 42 *Fordham Int'l L.J.* 875 (2019). Available at: <https://ir.lawnet.fordham.edu/ilj/vol42/iss3/5> (74 pages)
- Marcin Matczak "Poland: From Paradigm to Pariah? Facts and interpretations of Polish Constitutional crisis" 2018: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3138541 (21 pages)

23. October *"Illegality, extra-legality, and the transformation of law in the post-9/11 condition"* (Kjersti Lohne)

- Aradau, Claudia (2007): "[Law transformed: Guantánamo and the 'other' exception.](#)" *Third World Quarterly* 28.3 (2007): 489-501. (12 pages)
- Johns, Fleur (2013): [Non-legality in International Law: Unruly Law.](#) Vol. 96. Cambridge University Press. Chapter 2: "Illegality and the torture memos" (36 pages) Chapter 3: "Black holes and the outside within: extra-legality in international law" (39 pages)

6. November *The "Endtimes" of Human Rights - the success, crisis, or failure of the International Human Rights Regime?* (Peter Scharff Smith)

- David P. Forsythe “[Hard times for human rights](#)”, *Journal of Human Rights*, 16:2, 242-253 (11 pages) 2017
- Alexandra Valeria Huneus and Mikael Madsen (2018): “[Between Universalism and Regional Law and Politics: A Comparative History of the American, European and African Human Rights Systems](#)”, *International Journal of Constitutional Law* (Forthcoming), (35 pages),
- Hopgood, Stephen (2013): *The Endtimes of Human Rights*. Cornell University Press. (Preface + chapter 1) (32 pages) (Canvas)
- Malcolm Langford “Critiques of Human Rights”, *Annual Review of Law and Social Science*, Vol. 14:69-89, 2018: <https://www.annualreviews.org/doi/full/10.1146/annurev-lawsocsci-110316-113807> (23 pages)

Recommended supplementary reading

Graver, Hans Petter (2015): *Judges Against Justice. On Judges When the Rule of Law is Under Attack*. Springer 2015: Kapittel 4 og 5 (s. 53-112):).(69 pages)

Lettinga, Doutje & Lars van Troost (ed.) (2014): *Debating The Endtimes of Human Rights. Activism and Institutions in a Neo-Westphalian World*. The Strategic Studies Project (SSP): Amnesty International Netherlands, (s. 7-18; 47-51; 61-67). (23 pages)