

Philosophy Department, San José State University

Philosophy 190: The Legal Philosophy of Hannah Arendt Spring 2018, SH 241, R 6-8:45
 Rita Manning, FOB 210, R 4-6
 Rita.manning@sjsu.ed

SYLLABUS

Course Description This course is a seminar on the legal philosophy of Hannah Arendt. While there will be an occasional lecture, most of class time will be devoted to class discussion, so to do well in this class, you must come to class prepared to discuss the material.

Textbook Our texts are the following: Hannah Arendt, *Eichmann in Jerusalem* and articles in Canvas. There is a pdf of *Eichmann in Jerusalem* available in Canvas, though you might want to buy a hard copy.

Requirements One 5-7 page paper (grad students 10-15), ten 2 page journals, one presentation, and consistent participation. In order to get full credit for participation, you must regularly come to class having done the reading, be actively involved in class discussion, and be able to give a thoughtful response when called on.

Grading: Participation 30 points, presentation 15 points, paper 35 points, journal worth 2 points each (20 point total). As long as you have your topic and draft turned in on the due dates, you may rewrite your paper as many times as you wish and get the grade you got on the best draft.

SCHEDULE

DATE	TOPIC	READING and ASSIGNMENT
1/25	Intro: Arendt and Phil of Law	Background on Nuremberg Trials: https://www.roberthjackson.org/speech-and-writing/the-influence-of-the-nuremberg-trial-on-international-criminal-law/
2/1	Rise of Nazis and the Nuremberg Trial; Eichmann’s trial	Heideman; Lippman Assignment: Journal Entry 1
2/8	<i>Eichmann in Jerusalem</i> —criminal trial, guilt, Anti-Semitism	The house of justice; The accused; An expert on the Jewish question; The first solution: expulsion Assignment: Journal Entry 2
2/15	<i>Eichmann in Jerusalem</i> —complicity	The second solution: concentration; The final solution: killing; The Wannsee conference, or Pontius Pilate; Duties of a law-abiding citizen; Assignment: Journal Entry 3
2/22	<i>Eichmann in Jerusalem</i>	Deportations (IX-XII)
3/1	<i>Eichmann in Jerusalem</i>	The killing centers in the east; Evidence and witnesses Assignment: Turn in paper topic.
3/8	<i>Eichmann in Jerusalem</i>	Judgment, appeal, and execution; Epilogue, Postscript Assignment: Journal Entry 4

3/15	Concept of Law and Nazi “law”; Purpose of criminal trial, International Law	Fuller, Felman, International Law Assignment: Journal Entry 5
3/22	Human Rights, Crimes against humanity	Nickel, Renzo Assignment: Journal Entry 6
4/5	Genocide	Greenawalt, Nenadic, Drumbl Assignment: Journal Entry 7
4/12	Anti-Semitism	Sartre, Ottolenghi Assignment: Journal Entry 8
4/19	Evil,	Calder, Rosenthal, Formosa Assignment: Turn in first draft of paper.
4/26	<i>Brown v. Board of Education</i> , Little Rock	<i>Brown v. Board of Education</i> ; <i>Southern Manifesto</i> , Arendt, “Reflections...” Assignment: Journal Entry 9
5/3	Critique of “Reflections...”	Failinger, Bernasconi Assignment: Journal Entry 10
5/10	Arendt, Jews and Race	Baldwin, Gordon Assignment: Turn in final paper

Readings

Richard D. Heideman, “Legalizing Hate: The Significance of the Nuremberg Laws and The Post-War Nuremberg Trials;”

Matthew Lippman, “Genocide: The Trial of Adolf Eichmann and the Quest for Global Justice”

Hannah Arendt, *Eichmann in Jerusalem*

Lon Fuller, “Eight Ways to Fail to Make Law”

Shoshana Felman, “Arendt in Jerusalem, the Eichmann Trial, and the Redefinition of Legal Meaning in the Wake of the Holocaust”

International Law: United Nations on International Law and Justice,
<http://www.un.org/en/sections/issues-depth/international-law-and-justice/index.html>

James Nickel, “Human Rights” Stanford Encyclopedia of Philosophy

Massimo Renzo, “A Criticism of the International Harm Principle”

Alexander Greenawalt, “Rethinking Genocidal Intent...”

Natalie Nenadic, “Genocide and Sexual Atrocities”

Mark A. Drumbl, “Collective Violence and Individual Punishment: The Criminality of Mass Atrocity”

Jean-Paul Sartre, “Portrait of an Anti-Semite” Ch.1 (1-38)

Emanuele Ottolenghi, “Making Sense of European Anti-Semitism”

Todd Calder, “The Apparent Banality of Evil: The Relationship between Evil Acts and Evil Character”

Abigail L. Rosenthal, “Defining Evil Away: Arendt's Forgiveness”

Paul Formosa, “Moral Responsibility for Banal Evil”

Brown v. Board of Education 347 US 483 (1954) <https://www.oyez.org/cases/1940-1955/347us483>

Hannah Arendt, “Reflections on Little Rock”

Marie A. Failing, “Equality Versus the Right to Choose Associates: A Critique of Hannah Arendt's View of the Supreme Court's Dilemma”

Robert Bernasconi, “The Double Face of the Political and the Social...”

James Baldwin, “On Being ‘White’ and Other Lies”

Jane Anna Gordon, “What Should Blacks Think When Jews Choose Whiteness? An Ode to Baldwin”