

Abstract

Genocide, Holocaust and Law

The topic of my thesis is Genocide, Holocaust and Law. The purpose of work is to reflect on the power of law surrounding mass murder. More specifically, it reflects on whether it is possible to use the law to carry out genocide or whether there is no connection. The main emphasis is placed on the genocide of the Jews (the Holocaust) and Nazi Law (both natural and positive). The thesis is divided into three main chapters which correspond to the title itself.

The first chapter deals with genocide. It is divided into two main parts. First, genocide is generally described as an international crime, as the definition itself has been developed and a more detailed analysis of the general term genocide. The second part presents historical examples of genocides that preceded the Holocaust and their simple comparison with the Holocaust. More precisely, these are the Armenian Genocide, the Tasmanian Genocide, and the genocides perpetrated by the Mongol Empire.

The second chapter deals with the Holocaust in the broader sense of the term - the period from 1933–1945. It is divided into seven subchapters. First, the difference between the Holocaust and other genocides is described in more detail, and the classification of the Holocaust as an industrial genocide is explained. The subchapters are further divided according to instruments utilized in this period, without which the Holocaust would probably not take place. There is an emphasis placed on the law and legal norms that were issued at that time. To be precise, it is German Natural Law, which was created by the ideas of anti-Semitism and the cult of Hitler. The sections that follow discuss the Nazi Laws (such as German Positive Law) which shaped the destruction of the Jews, in four phases: identification, expropriation, concentration, and extermination. Finally, the legal norms that were more closely related to the murder itself are described and for that reason were issued in strict secrecy and were therefore secret law.

The third chapter then deals with the law itself and analyses in detail the conflict between positive and natural law, legal certainty and justice.