

Gaita, "Genocide and the Holocaust," from A Common Humanity (London: Routledge, 2000)

A. Some background:

1. *War crimes*: violations of the rules of waging war (e.g. killing civilians, mistreating POWs; can be carried out by a single individual acting alone)

2. *crimes against humanity*: a concept first used after WWII and developed since then, with somewhat changing meanings. For the purposes of Gaita, it means

a. murder, extermination, enslavement, deportation and other serious violations

b. when carried out as part of a systematic attack on a civilian population

3. *genocide*: defined in the Genocide Convention of 1948 (to which all nations [I believe] are signatories): attempted destruction of a national, ethnic, racial, or religious group

NOTES: (a) The Nuremberg trials after WWII tried Nazi leaders for war crimes and *crimes against peace*

(i.e. the waging of an unjustified aggressive war); while they were doing so, they began to think that

something more was at stake, and "crimes against humanity" was coined to express the special badness of

that something more, and this category was added to the crimes for which these individuals were tried. (b)

the Nuremberg trials concerned only crimes committed as part of waging war; the idea of "genocide," by

contrast, is not limited to wartime (for example, in the case of Serbia against Bosnia in the early 1990's, and

arguably the Rwandan genocide of 1994, were not wartime genocides).

Gaita thinks that these different categories are importantly morally distinct, and he thinks that people have often failed to appreciate the differences between them; he thinks that the judges at the Nuremberg trials only partly understood the distinctive badness of genocide, and he tries to say something about that distinctive badness (not very clearly though).

But *in addition*, Gaita thinks that the Holocaust was distinctive *within* the category of genocides, that is, that it involved a kind of badness that includes but also goes beyond the distinctive badness of genocide.

B. Forgetting the distinctions: (1) trying E. Europeans for war crimes in Australia

(2) *Schindler's List*. (3) Helen Darville's book.

C. Eichmann trial and the moral character of genocide and the Holocaust (harm to the victim group vs. harm to humanity [cf. harm to individual vs. harm to community])

D. The nature of genocide (forced sterilization example)

E. 3 historical components of the Holocaust: ghettos, "killing in the East" (Einsatzgruppen), death camps.

Only last shows distinctiveness of Holocaust

F. Law and morality: Can law deal with the distinctive evil of the Holocaust?

G. "Uniqueness" of the Holocaust and issue of "greater evil"

H. Other candidates (rejected by Gaita) for significance of Holocaust: absence of God; possibility of progress; faith in human goodness

I. Gaita's different formulations of significance of Holocaust:

Absence of familiar political motive

Removal of Jews is Nazi civic ideal

Offense against the human status

Offense against human diversity

Unique attack on preciousness of human life (?piles of hair ex.)

Demonic attempt to humiliate, as well as kill

Incomprehensible but we have to try to understand it