

Ingo Müller

Furcht- bare Juristen

**Die unbewältigte
Vergangenheit
unserer Justiz**

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Furchtbare Juristen Die Unbewaltigte Vergangenheit Unserer Justiz

**Austin Sarat, Lawrence
Douglas, Martha M. Umphrey**



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Adenauer's Germany and the Nazi Past Norbert Frei, 2002-08-27 Of all the aspects of recovery in postwar Germany perhaps none was as critical or as complicated as the matter of dealing with Nazi criminals and more broadly with the Nazi past While on the international stage German officials spoke with contrition of their nation's burden of guilt at home questions of responsibility and retribution were not so clear In this masterful examination of Germany under Adenauer Norbert Frei shows that beginning in 1949 the West German government dramatically reversed the denazification policies of the immediate postwar period and initiated a new Vergangenheitspolitik or policy for the past which has had enormous consequences reaching into the present Adenauer's Germany and the Nazi Past chronicles how amnesty laws for Nazi officials were passed unanimously and civil servants who had been dismissed in 1945 were reinstated liberally and how a massive popular outcry led to the release of war criminals who had been condemned by the Allies These measures and movements represented more than just the rehabilitation of particular individuals Frei argues that the amnesty process delegitimized the previous political expurgation administered by the Allies and on a deeper level served to satisfy the collective psychic needs of a society longing for a clean break with the unparalleled political and moral catastrophe it had undergone in the 1940s Thus the era of Adenauer devolved into a scandal ridden period of reintegration at any cost Frei's work brilliantly and chillingly explores how the collective will of the German people expressed through mass allegiance to new consensus oriented democratic parties cast off responsibility for the horrors of the war and Holocaust effectively silencing engagement with the enormities of the Nazi past

Democracy's Guardians Justin Collings, 2015-09-17 In its six decade history the German Federal Constitutional Court has become one of the most powerful and influential constitutional tribunals in the world It has played a central role in the establishment of liberalism democracy and the rule of law in post war West Germany and it has been a model for constitutional tribunals in many other nations The Court stands virtually unchallenged as the most trusted institution of the German state Written as a complete history of the German Federal Constitutional Court from its founding in 1951 up into the twenty first century this book explores how the court became so powerful and why so few can resist its strength Founded in 1951 the Court took root in a pre democratic political culture The Court's earliest contributions were to help establish liberal values and fundamental rights protection in the young Federal Republic The early Court also helped democratize West German politics by reinforcing rights of speech and information affirming the legitimacy of parliamentary opposition and checking executive power In time as democratic values took hold in the country at large the Court's early role in nurturing liberalism and democracy led many West Germans to view the Court not as a constraint on democracy but as a bulwark of democracy's preconditions In later decades the Court played a stabilizing role mediating political conflicts and integrating societal forces Citizens disenchanted with partisan politics looked to the Court as a guardian of enduring values and a source of moral legitimacy Through a comprehensive narrative of the

Court's remarkable rise and careful analysis of its periodic crises the work carefully dissects the success of the Court presenting not only a traditional work of legal history but a public history both political and societal as well as a doctrinal and jurisprudential account Structured around the Court's major decisions from 1951 to 2001 the book examines popular and political reactions to those decisions drawing heavily on newspaper accounts of major judgments and material from the archives of individual politicians and judges The result is an impressive case study of the global phenomenon of constitutional justice

The Racial State Michael Burleigh, Wolfgang Wippermann, 1991-11-07 This book deals with the ideas and institutions which underpinned the Nazi regime's attempt to restructure a class society along racial lines

The Max Planck Handbooks in European Public Law Armin von Bogdandy, Peter M. Huber, Sabrina Ragone, 2023-02-27 The Max Planck Handbooks in European Public Law describe and analyze public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration make legal comparison the task of our time for both scholars and practitioners the series aims to foster the development of a specifically European legal pluralism and to contribute to the legitimacy and efficiency of European public law The first volume of the series began this enterprise with an appraisal of the evolution of the state and its administration offering both cross-cutting contributions and specific country reports This second volume continues this approach with an in-depth appraisal of the foundations of the constitutional order in various and diverse European countries Fourteen country reports investigate the antecedents foundations organization basic principles and challenges to European constitutions They include countries with long-lasting and recently amended constitutions decentralized or unitary with different political systems and institutional settings In keeping with the focus on a diverse but unified legal space each report also details how the constitutional identity of each country has been elaborated and what it entails Together the chapters of this volume provide a strong and diverse foundation for a continuing European constitutional dialogue

Das Bundesministerium der Justiz und die NS-Vergangenheit Gerd J. Nettersheim, Doron Kiesel, 2021-04-12 In der jungen Bundesrepublik leistete im Bundesjustizministerium eine große Zahl von Beamten Dienst die tief in das Unrechtssystem des NS-Staates verstrickt gewesen waren und in ihrer Sacharbeit Spuren hinterlassen haben Dieser Band beleuchtet den massenhaften Entscheidungsprozess des Ministeriums die eigene Geschichte aufzuarbeiten und stellt die signifikanten Forschungsergebnisse dar Er verdeutlicht dass der historische Befund eine hohe aktuelle gesellschaftliche Bedeutung hat Aus unterschiedlichen Perspektiven auch aus internationaler Sicht wird der Frage nachgegangen welche Lehren und Konsequenzen daraus zu ziehen sind Dies gilt etwa für nationalsozialistische Denkmuster die heute noch fortleben Die Verantwortung der Juristen und ihre rechtsethische Ausbildung werden ebenso auf den Prüfstand gestellt wie die Rolle des Staates als Gesetzgeber Und nicht zuletzt wird auch unsere Erinnerungskultur einer kritischen Betrachtung unterzogen

Der Einfluss deutscher Emigranten auf die Rechtsentwicklung in den USA und in Deutschland Marcus

Lutter, Ernst Stiefel, Michael H. Hoeflich, 1993

Why Did the Heavens Not Darken? Arno Mayer, 2024-12-10 Was the extermination of the Jews part of the Nazi plan from the very start Arno Mayer offers a startling and compelling answer to this question which is much debated among historians today In doing so he provides one of the most thorough and convincing explanations of how the genocide came about in **Why Did the Heavens Not Darken** which provoked widespread interest and controversy when first published Mayer demonstrates that while the Nazis' anti-Semitism was always virulent it did not become genocidal until well into the Second World War when the failure of their massive all or nothing campaign against Russia triggered the Final Solution He details the steps leading up to this enormity showing how the institutional and ideological frameworks that made it possible evolved and how both related to the debacle in the Eastern theater In this way the Judeocide is placed within the larger context of European history showing how similar holy causes in the past have triggered analogous if far less cataclysmic infamies

Doctors Under Hitler Michael H. Kater, 2005-10-12 A brilliant attempt to explain the profound historical crisis into which medicine had plummeted during the Nazi period with the tried methods of social history *Historische Zeitschrift* The author has drawn from an extraordinary range of sources and the weight of evidence he compiles will certainly give pause to anyone who still wants to believe that professionals kept their hands clean in this era of great and methodical crimes *Journal of Modern History* Kater's important book deserves close attention from historians of medicine and German historians alike *Isis* In this history of medicine and the medical profession in the Third Reich Michael Kater examines the career patterns educational training professional organization and political socialization of German physicians under Hitler His discussion ranges widely from doctors who participated in Nazi atrocities to those who actively resisted the regime's perversion of healing to the vast majority whose ideology and behavior fell somewhere between the two extremes He also takes a chilling look at the post Hitler medical establishment's problematic relationship to the Nazi past

Law's Infamy Austin Sarat, Lawrence Douglas, Martha M. Umphrey, 2021-12-21 This book takes up the question of whether and how to tell the story of the law's infamy It examines when and why the word infamy should be used to characterize legal decisions or actions taken in the name of the law It does so while acknowledging that law's infamy by no means a familiar locution More commonly the stories we tell of law's failures talk of injustices not infamy Labelling a legal decision infamous suggests a distinctive kind of injustice one which is particularly evil or wicked Doing so means that such a decision cannot be redeemed or reformed it can only be repudiated

The Death of the KPD Patrick Major, 1998-02-05 Why was the West German Communist Party banned in 1956 only 11 years after it had emerged from Nazi persecution Although politically weak the postwar party was in fact larger than its Weimar predecessor and initially dominated works councils at the Ruhr pits and Hamburg docks as well as the steel giant Krupp Under the control of East Berlin however the KPD was sent off on a series of overambitious and flawed campaigns to promote national unification and

prevent West German rearmament At the same time the party was steadily criminalized by the Anglo American occupiers and ostracized by a heavily anti communist society Patrick Major has used material available only since the end of the Cold War from both Communist archives in the former GDR as well as western intelligence to trace the final decline and fall of the once powerful KPD

Judges Against Justice Hans Petter Graver,2014-09-11 This book explores concrete situations in which judges are faced with a legislature and an executive that consciously and systematically discard the ideals of the rule of law It revolves around three basic questions What happen when states become oppressive and the judiciary contributes to the oppression How can we from a legal point of view evaluate the actions of judges who contribute to oppression And thirdly how can we understand their participation from a moral point of view and support their inclination to resist

Communication in Eastern Europe Fred L. Casmir,2012-12-06 This volume represents a clear attempt to learn something from the events in Eastern European countries It does not start with simplistic or old assumptions based on convenient Western communication models but instead takes a new approach If chaos theory could fundamentally change how physicists looked at order in the universe then it may be of value for communication scholars to attempt to understand the diversity of chaos or order in the human universe rather than attempt to force existing models on it for their own explanatory purposes This book is not merely based on the study of select groups of university students or on laboratory settings created in the minds of social scientists It seeks to understand some of the real world including the historical backgrounds and the theoretical assumptions brought to studies of intercultural conflicts Using personal and professional insights developed during firsthand contacts with existing situations chapter authors illustrate some of the realities by using the complexity of changes in Eastern European states during the final decade of the 20th century From education to business from the role of women to the role of mass media from the impact of political systems to the impact of history communication between those who are culturally diverse though they may have been arbitrarily forced to live under the same political roof is the theme of these scholarly studies The editor s reason for developing this volume of original essays is his belief that diversity rather than assumed similarity or even sameness based on the use of inadequate terminology is necessary for learning from contemporary human experiences He further believes that diversity and the significant roles of cultural values as well as of history need to become key concepts in the model with which to begin when it comes to the study of various aspects of intercultural communication It is therefore vital that scholars who represent various points of view and backgrounds contribute to that process After all understanding what is happening in the world is centrally anchored in or related to effective and successful intercultural communication between scholars who have different academic and personal backgrounds

The Routledge History of the Holocaust Jonathan C. Friedman,2010-12-15 The genocide of Jewish and non Jewish civilians perpetrated by the German regime during World War Two continues to confront scholars with elusive questions even after nearly seventy years and hundreds of studies This multi contributory work is a landmark publication that

sees experts renowned in their field addressing these questions in light of current research A comprehensive introduction to the history of the Holocaust this volume has 42 chapters which add important depth to the academic study of the Holocaust both geographically and topically The chapters address such diverse issues as continuities in German and European history with respect to genocide prior to 1939 the eugenic roots of Nazi anti-Semitism the response of Europe's Jewish Communities to persecution and destruction the Final Solution as the German occupation instituted it across Europe rescue and rescuer motivations the problem of prosecuting war crimes gender and Holocaust experience the persecution of non-Jewish victims the Holocaust in postwar cultural venues This important collection will be essential reading for all those interested in the history of the Holocaust

Inventing the Criminal Richard F. Wetzell, 2003-06-19 Recent years have witnessed a resurgence of biological research into the causes of crime but the origins of this kind of research date back to the late nineteenth century Here Richard Wetzell presents the first history of German criminology from Imperial Germany through the Weimar Republic to the end of the Third Reich a period that provided a unique test case for the perils associated with biological explanations of crime Drawing on a wealth of primary sources from criminological legal and psychiatric literature Wetzell shows that German biomedical research on crime predominated over sociological research and thus contributed to the rise of the eugenics movement and the eventual targeting of criminals for eugenic measures by the Nazi regime However he also demonstrates that the development of German criminology was characterized by a constant tension between the criminologists' hereditarian biases and an increasing methodological sophistication that prevented many of them from endorsing the crude genetic determinism and racism that characterized so much of Hitler's regime As a result proposals for the sterilization of criminals remained highly controversial during the Nazi years suggesting that Nazi biological politics left more room for contention than has often been assumed

Staying Human Katharina Stegelmann, 2015-01-06 During World War II Heinz Drossel saved Soviet prisoners of war and several Jews including Marianne Hirschfeld Again and again he wasn't afraid to risk his own life when others' safety was at risk Nearly all of Hirschfeld's family members were murdered by Nazis she survived in hiding and met Heinz again by coincidence after the war was over They married in 1946 At that time starting over was difficult In the judicial service Drossel witnessed Nazis continuing with their careers As a political prisoner his father was sent to jail in the Soviet occupied sector Drossel and his wife felt like outsiders but their plans to emigrate fell apart Drossel first spoke about his brave deeds when he was honored in Yad Vashem in 2000 as Righteous Among the Nations Author Katharina Stegelmann paints an honest view of Drossel and doesn't idealize her protagonist Her engaging portrait succeeds in its convincing depiction of individual fate and historical events

Cultural-Political Interventions in the Unfinished Project of Enlightenment Axel Honneth, 1992 These thirteen essays by noted philosophers and social theorists continue a timely celebration and examination of Jürgen Habermas's unfinished project of reconstructing enlightenment rationality Focusing on the cultural and political aspects of Habermas's work the essays take up critical theory

and political practice the sociology of political practice historical philosophical reflections on culture moral development in childhood and society and the foundations of critical social theory Essays in a companion volume Philosophical Interventions in the Unfinished Project of Enlightenment look at the metaphysical aspects of Habermas's work Together the two volumes underscore the richness and variety of Habermas's project Contributors Johann P. Amason Andrew Arato Seyla Benhabib Hauke Brunkhorst Cornelius Castoriadis Jean Cohen Helmut Dubiel Klaus Eder Ginter Frankenberg Hans Georg Gadamer Axel Honneth Johann Baptist Metz Gertrud Nunner Winkler Claus Offe

Between Dignity and Despair Marion A. Kaplan, 1999-06-10 *Between Dignity and Despair* draws on the extraordinary memoirs diaries interviews and letters of Jewish women and men to give us the first intimate portrait of Jewish life in Nazi Germany Focusing on the fate of families and particularly women's experience Kaplan takes us into the neighborhoods into the kitchens shops and schools to give us the shape and texture the very feel of what it was like to be a Jew in Nazi Germany

Investigating Crime in a Time of War Thomas W. Kniesche, 2025-04-12 This book takes a close look at crime fiction set in the interwar period and during the reign of terror of the Nazi regime Kniesche analyzes historical crime fiction depicting Weimar and Nazi Germany with specific questions in mind what does the text try to accomplish in regard to transmitting historical knowledge What history is told How is historical knowledge represented and conveyed in crime fiction Does the historical background provide an indispensable setting for the crime story With consideration to the degree of self reflexivity in the texts Kniesche probes how open the text is to an active participation of the reader in evaluating the historical knowledge that the text itself attempts to provide

From Incarceration to Repatriation Susan C. I. Grunewald, 2024-07-15 *From Incarceration to Repatriation* explores the lives and memories of the nearly 1.5 million German POWs who were held by the Soviet Union during and after World War II and released in phases through 1956 seven years longer than the prisoners of any other Allied nation Susan C. I. Grunewald argues that Soviet leadership deliberately kept able bodied German POWs to supplement their labor force after the end of the war The Soviet Union lost 27 million citizens and a quarter of its physical assets during the war motivating Soviet leadership to harness the labor of German POWs for as long as possible Engaging with recently declassified documents in former Soviet archives archival material from multiple German governments as well as innovative use of digital humanities methods and geographic information system GIS mapping Grunewald demonstrates that Soviet authorities detained German POWs primarily for economic rather than punitive reasons In fact the GIS mapping of the historical materials makes it clear that most of the four thousand POW camps across the USSR were strategically located near industrial infrastructure and natural resource sites that were critical to postwar economic reconstruction *From Incarceration to Repatriation* is the first book to draw together the distinct fields of Soviet and German history to provide a more nuanced and comprehensive understanding of German POW captivity in the USSR during and after World War II Attending to the ways that the memory of German POWs remains in circulation in both the former Soviet Union and Germany Grunewald

tracks the political repercussions of war commemoration *The Legacies of Law* Jens Meierhenrich, 2008-10-13 Focusing on South Africa during the period 1650-2000 this book examines the role of law in making democracy work in changing societies. The Legacies of Law sheds light on the neglected relationship between path dependence and the law. Meierhenrich argues that legal norms and institutions, even illiberal ones, have an important and hitherto undertheorized structuring effect on democratic outcomes. Under certain conditions, law appears to reduce uncertainty in democratization by invoking common cultural backgrounds and experiences. In instances where interacting adversaries share *qua* law reasonably convergent mental models, transitions from authoritarian rule are shown to be less intractable. Meierhenrich's historical analysis of the evolution of law and its effects in South Africa during the period 1650-2000, compared with a short study of Chile from 1830-1990, shows how and when legal norms and institutions serve as historical causes to both liberal and illiberal rule.

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