

WRITING ASSIGNMENT
Professor Bartholomew

The writing assignment is an essay of 3000 words or less (under 10 double spaced pages) evaluating some aspect(s) of Hannah Arendt's argument in *Eichmann in Jerusalem: A Report on the Banality of Evil*.

The essay is worth: 40% of your course mark.

The essay is due: October 20, 2008 by 4pm.

Essays must be deposited in the **Law Department Drop Box** which is located around the corner from Loeb C 473 by 4pm on the due date.

Please ensure that you have and retain a duplicate copy of your essay until your original is returned to you.

Late penalties: The late penalty for the assignment is **1 mark per day late** (e.g. 1 day late reduces an essay mark from A to A-, B+ to B). *Each* weekend day will count as one day. Anything submitted after 4 pm will be considered to have been submitted on the *following* day. An essay deposited after 4pm on Friday will be considered to be **2 days late**. *The professor has final say over the submission date, not the Department of Law stamp*. Any exception to the deadline must be cleared through your marker before the due date. Extensions will only be granted if students have medical or other official documentation that I judge to be convincing. Late essays will also be marked last and returned after the essays that are submitted on time. Finally, late essays will receive less feedback than those submitted on time.

Plagiarism will not be tolerated. Please refer to the Departmental Course-Related Policy and Procedure Statement (<http://www.carleton.ca/law/policy.htm>). Plagiarism means passing off as one's own ideas or product the work of another, without giving proper credit to the source. *My position is that students who plagiarize should be expelled from university and I will work toward that end should I find you have plagiarized.*

A helpful general guide on how to write an essay such as this one can be found at:

<http://falcon.arts.cornell.edu/ams3/guide.html>

Ideas for your essay are provided below. You may choose to write on another theme out of *Eichmann in Jerusalem* but in any case your essay must go beyond mere description of *Eichmann in Jerusalem*, of the Eichmann trial or even of Hannah Arendt's analysis. *You must develop an assessment of Arendt's argument.*

Some ideas for your essay:

1. Arendt assesses the potential and the problems of an Israeli court judging Eichmann both arguing for the desirability of an international court and justifying the Israeli court's jurisdiction. Discuss Arendt's treatment of the proper *jurisdiction* for the Eichmann trial.

What is her evaluation of the fact that an Israeli court decided the case rather than an international tribunal? Which is better according to her and why? What is your evaluation of Arendt's arguments?

2. Arendt discusses the proper orientation of a *criminal trial* as focused exclusively on judging the individual on trial. She therefore displays a concern about the Eichmann trial as oriented toward other aims, as well. Evaluate her position on the proper orientation of criminal justice in cases like this.
3. Arendt is critical, to some degree, of the fact that the Eichmann trial was used to prosecute *crimes against the Jewish people*. What is her evaluation of this in comparison with *crimes against humanity*? What institutional implications does she draw from crimes against the Jewish people versus crimes against humanity? What is your evaluation of her argument?
4. The *'banality of evil'* and the concept of *'thoughtlessness'* are used by Arendt to think about the nature of Eichmann's actions and aims, the state of his conscience and responsibility for the actions of criminal regimes in general. That Eichmann should not be seen as a 'monster' is important to Arendt. Why? Discuss and critically assess these ideas.
5. Throughout her account of Eichmann's trial Arendt emphasizes the important role that *statelessness* played in the persecution of the Jews during the Holocaust. What is this role according to Arendt and how was it instrumental in the Holocaust? What are the implications she draws from the use of statelessness for the concept of human rights? Discuss and evaluate her argument. You may discuss her position in light of her own experience of statelessness and/or in light of contemporary or past events since the holocaust.

To address question 5. you must discuss the following in addition to *Eichmann in Jerusalem*:

Arendt, Hannah. 1951/1968. New Edition. *The Origins of Totalitarianism*. (New York: Harcourt, Brace, Jovanovich), pp. 290-302.

In any case, you may address Arendt's analysis in light of contemporary events and controversies. However, please be certain that the bulk of your analysis focuses on evaluating Arendt's arguments.

You need not do outside research for this essay. However, you may if you wish.

A general rule of thumb for assigning marks is that if you have used outside sources well in fashioning your argument, your essay will likely receive a higher mark than it would have in the absence of outside research. However, it is only if the outside research genuinely informs your analysis that this will be the case. By all means, focus on Arendt's analysis as your primary task.

See the supplementary reading list on the syllabus for some pertinent outside sources.

Several sources that we have read or will read for class are useful in relation to questions 1., 2., and 3. :

Falk, Richard A., Gabriel Kolko and Robert Jay Lifton eds. 1971. *Crimes of War: A Legal, Political-Documentary, and Psychological inquiry into the responsibility of leaders, citizens, and soldiers for Criminal Acts in Wars* (New York: Random House): 76-109.

Kirchheimer, Otto. 1961. *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press): 323-341.

Wilke, Christiane. 2004. "A Particular Universality: Universal Jurisdiction for Crimes Against Humanity in Domestic Courts." *Constellations* 12 (1): 83-102.

Outside sources:

Some suggested outside sources are:

Questions 1., 2., and 3.:

Fine, Robert. 2000. "Crimes Against Humanity: Hannah Arendt and the Nuremberg Debates." *European Journal of Social Theory* 3: 293-311.

Kohler, Lotte and Hans Saner. 1992. *Hannah Arendt-Karl Jaspers Correspondence 1926-1969* (New York: Harcourt Brace Jovanovich). Rsv

Mertens, Thomas. 2005. "Memory, Politics and Law -- The Eichmann Trial: Hannah Arendt's View on the Jerusalem Court's Competence." *German Law Journal* 6:407-424.

Question 4.:

Bernstein, Richard J. 2002. *Radical Evil: A Philosophical Interrogation*. Cambridge, UK: Polity. Rsv

Question 5:

Bernstein, Richard J. 2005. "Hannah Arendt on the Stateless." *Parallax* 11: 46-60.

Parekh, Serena. 2004. "A Meaningful Place in the World: Hannah Arendt on the Nature of Human Rights." *Journal of Human Rights* 3: 41-53.

Style matters. Please use the simplified, slightly altered version of the American Sociological Association Style guide provided below.

Manuscript Format:

Text should be doubled spaced using 12 point font.

Margins should be approximately 1-1 ¼ inches on all four sides.

Please provide a separate title page including the title of your essay, student name and student number, course title, and course number and **section**.

Please begin the text of the paper on a separate page and *number every page*.

Citations in the text:

Each paper *must* include citations and a bibliography or list of references.

Please use sociological style for citations in your paper. This includes simple citations in parentheses, footnotes where necessary to explain a point and a bibliography of works cited in the essay.

Examples:

Text with citations:

Arendt is deeply troubled by the “totality of the moral collapse” that occurred in Nazi Germany (1994: 125). She asks how it came to be that so many people obeyed, that so many were rendered (or chose to be¹) “thoughtless” (1994: 47-48). Conscience, she argued, “had apparently got lost in Germany”(1994: 103).

Note: if it is not clear in your essay that you are referring to Arendt’s work then you must provide the author’s name in parentheses as well. For example: (Arendt 1994: 220-230).

Assuming the essay refers to the following four sources:

Bibliography:

Arendt, Hannah. 1994. *Eichmann in Jerusalem: A Report on the Banality of Evil*. (New York: Penguin Books).

Bernstein, Richard J. 2005. "Hannah Arendt on the Stateless." *Parallax* 11:46-60.

Fine, Robert. 2000. "Crimes Against Humanity: Hannah Arendt and the Nuremberg Debates." *European Journal of Social Theory* 3:293-311.

Taylor, Dianna. 2002. "Hannah Arendt on Judgment: Thinking for Politics." *International Journal of Philosophy* 10:151-169.

Notice that for this assignment you do not need to double space or use hanging indents as the ASA guide suggests.

Refer to the ASA Style Guide where the above guidelines are inadequate or you are uncertain about what to do. It is available on line at:

<http://www.calstatela.edu/library/bi/rsalina/asa.styleguide.html>

¹ The question of choice versus determination is one that remains somewhat unclear in Arendt’s text.