

HISTORY 600 (010): GENOCIDE, WAR CRIMES TRIALS, AND HUMAN RIGHTS IN THE 20TH CENTURY



Defendants in the Dock at the Nuremberg International Military Tribunal

Course Information

Instructor: Prof. Brandon Bloch

Semester: Fall 2020

Meeting Time: T 1:20-3:15 p.m.

Location: Vilas 4028

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Office Hours: Th 9-11 a.m. or by appointment (held over BBCollaborate)

Credits: 3

Requirements: This course fulfills the History 600 seminar requirement for the history major.

Course Description

Why do genocides happen, and how should the international community respond? What motivates the states that target minority or indigenous groups for annihilation, and the perpetrators who carry out murder, deportation, and torture? What should happen to the perpetrators in the aftermath of genocide—should they be summarily executed? Put on trial (by whom)? Allowed to quietly reintegrate into society? Why are certain acts of mass violence committed by belligerent states defined as “genocide” or “crimes against humanity,” and others as legitimate military operations? How can egregious violations of international law be prosecuted given unequal distributions of power in the international state system?

Such questions provoked contentious debate across the twentieth century and remain urgent in our own time. Genocide—the targeted destruction of a national, ethnic, racial, or religious group—can be traced back to the earliest recorded history. Yet technological advancements, the centralization of state power, and new ideologies of racial purification meant that genocide remained prevalent in the twentieth-century world. At the same time, this century witnessed the first coordinated attempts to prevent genocide and bring the perpetrators to justice. New instruments of international law defined the crime of genocide; international war crimes tribunals handed down convictions for genocide and crimes against humanity; the Rome Statute of 1998 formed a permanent International Criminal Court to try “the gravest crimes of concern to the international community.”

In this seminar, we will evaluate some of the twentieth-century institutions created to address and prevent genocide, in particular international tribunals. The focus of the class is largely on the trials themselves—their origins, operations, and legacies—but we will also, necessarily, examine the genocides to which they reacted. Our approach is comparative. We will seek to identify some of the systematic causes of genocide, as well as recurrent challenges of attaining justice in its aftermath. In addition to analyzing historical works and first-person accounts of war crimes tribunals, there will be numerous chances to work with documents produced by the trials themselves. For the final assignment, you will set off on your own research on a topic related to the history of genocide and war crimes trials in the twentieth century.

Learning Goals

As a research seminar, this course focuses as much on historical content as on skills of historical thinking, research, and writing. We will devote significant class time to practicing these skills, which you will bring together to craft your final research paper.

By the end of the course, you will be able to:

- Identify the principal causes behind several twentieth-century genocides and how the international community responded
- Evaluate the promises and drawbacks of a comparative approach to genocide studies
- Explain how “war crimes,” “crimes against humanity,” and “genocide” are defined in international law and how these definitions have shifted over time
- Analyze the mechanisms by which international war crimes tribunals operate and the recurrent political controversies they provoke
- Assess the efficacy of war crimes trials for preventing genocide and fostering democratic reconstruction
- Apply your knowledge of twentieth-century history to address current debates about the International Criminal Court, ongoing genocides, and U.S. military policy
- Develop an original, persuasive, and evidence-based historical argument through research in primary sources

Course Books

Slavenka Drakulić, *They Would Never Hurt a Fly: War Criminals on Trial in the Hague* (New York: Penguin, 2004). ISBN: 9780143035428.

Mary Lynn Rampolla, *A Pocket Guide to Writing in History*, 9th ed. (Boston: Bedford/St. Martin's 2018). ISBN: 9781319113025. [OPTIONAL]

These books are available for purchase at the University Book Store or online. The Drakulić is available as an e-book through the library catalog, but can only be downloaded by two users at a time. Rampolla is an optional but useful reference guide to many of the topics we will discuss in class.

Course Requirements

*Further details on all assignments, including expectations, guidelines, and rubrics, are available on Canvas.

1. Discussion Participation (25%)

Because this is a discussion-based seminar, your regular attendance and engaged participation are crucial to the seminar's success. The most productive discussions happen when classmates engage respectfully and constructively with one another's ideas, and I will structure discussions to facilitate this dialogue. Remember that the quality of your contributions to discussions is as important as the quantity, and that asking a well-informed question counts as participation. I recognize that participation may come more easily to some than others, and am happy to meet if you would like to discuss strategies for speaking up in class. Short in-class writing exercises, including peer reviews of your classmates' work, will also count toward your discussion participation grade.

2. Response Papers (25%)

Two Short Essays: You will be asked to write two response papers of approximately 2 pages (double-spaced) each. Response papers should be submitted by 9 a.m. on the Tuesday of class, and should address that week's readings. The first is due by Sept. 22 (week 3), and the second by Oct. 20 (week 7). Feel free to write during any week, as long as you meet these deadlines. However, a wise strategy might be to use the response papers as a way to explore possible themes for your final paper.

Mock Trial: In class on Sept. 29, we will stage a "mock" trial, modeled on the 1947 Nuremberg trial of *SS-Einsatzgruppen* (Nazi killing squad) leaders. The class will be divided into groups, and each will be expected to prepare for two trials—one in which you will play the role of the prosecution, and the other in which you will play the defense. You will base your case on actual affidavits and evidentiary documents presented at the Nuremberg trial. Your opening statements for the trial will count as your third "response paper"; there will be both an individual and a group component to this assignment. We will discuss guidelines in class on Sept. 22.

3. Research Paper (50%)

The culminating project is an original research paper of 12-15 (double-spaced) pages, related to one of the genocides and/or war crimes tribunals we are studying. You will have wide latitude in selecting a topic. Because twentieth-century war crimes tribunals produced rich troves of readily accessible, English-language documentation, you are encouraged to choose the trial of a particular defendant as the launching point for your research. However, other framings are also possible. For instance, you might investigate a key figure (judge, prosecutor, defense attorney, etc.) who played a crucial role at a trial; explore the development of a legal principle (such as “conspiracy” or “crimes against humanity”) over time; or analyze some aspect of the politics behind international justice. The final paper is due at 2 p.m. on Tuesday, Dec. 15.

We will discuss expectations for this assignment at length in class. There are also multiple intermediate assignments designed to keep you on track and provide you with ongoing feedback.

- Draft of your research question (due in class Oct. 20)
- Research proposal and annotated bibliography (due in class Oct. 27)
- Outline (due in class Nov. 3)
- Historiography section, 3-4 pp. (due Nov. 13 at 5 p.m.)
- Partial draft, at least 8 pp. total (due in class Nov. 24)
- In-class presentation, 5 mins. (Dec. 8)

Completion of the intermediate assignments will count for 5% of your course grade; the presentation on Dec. 8 will count for 5%; and the final paper will count for 40%.

Grading Scale:

A: 93-100	AB: 88-92	B: 83-87	BC: 78-82
C: 70-77	D: 60-69	F: Below 60	

Credit Hours:

The credit standard for this 3-credit course is met by an expectation of a total of 135 hours of student engagement with the course’s learning activities (at least 45 hours per credit, or 9 hours per week). This includes regularly scheduled meeting times, reading, writing, group work, individual consultations with the instructor, and other student work as described in the

syllabus. Since we meet for 2 hours per week, you should plan to allot an average of 7 hours per week outside of class for course-related activities.

Please note that while your work outside of class should average to 7 hours per week, the workload in particular weeks may amount to somewhat more or less. The schedule of response papers is designed to allow you to choose which weeks will have the heavier workload.

Attendance

Given the extraordinary circumstances of this semester, I understand the importance of a flexible attendance policy. There will be no penalty for missing class due to illness or a family emergency; but do let me know in advance if you won't be present. Of course, per university policy, please do *not* come to class if you are feeling unwell! We can be in touch to ensure that you do not fall behind in the course, and I will not require additional "make-up" work (beyond the regular assignments) for excused absences. If you find that the stresses of COVID-19 are making it difficult for you to engage fully in the course, please let me know as soon as possible and we can arrange a time to talk. I am committed to ensuring a continuity of learning during these challenging times.

Late Work:

The pandemic also forces us to rethink our approach to deadlines and late work. With this in mind, the following policy will apply:

If you are unable to meet an assigned deadline due to illness, family obligations, or because pandemic-related circumstances have put you behind in your coursework, please let me know as soon as possible and we can work out a plan for you to get caught up. The schedule of response papers is designed to allow you to choose in advance which weeks will require more work. Keeping this in mind as you plan out your semester can help you stay on track.

In cases of repeated, unexcused late work, I reserve the right to apply a deduction to late assignments out of fairness to other members of the class. Typically this deduction will be 3 points (out of 100) per day late.

Please note that I am not able to accept any written work for this course after Friday, Dec. 18, the last day of the exam period. Incomplete grades can only be granted to students who are unable to complete the final paper due to "illness or other unusual and substantiated cause beyond their control." For the university policy, see: <https://registrar.wisc.edu/incompletes/>.

Academic Integrity

The exchange of ideas is at the core of academic inquiry, and you are welcome to discuss the course material with your classmates. However, all work that you submit for a grade should reflect your own thinking and writing, and adhere to proper citation practices in the discipline of history. Passing off another person's words or ideas as your own is not only unfair to your peers; it is also theft of the original author's work, shutting out their voice from the academic conversation.

In my experience, violations of academic integrity tend to have two causes: either a) lack of awareness about citation standards, or b) procrastination, followed by panic. I have designed the course to mitigate against both of these factors. We will have ongoing discussions about appropriate citation practices; if you're unsure in a particular case, don't hesitate to ask. I have also implemented scaffolding in the assignment structure, with preliminary assignments guiding you through the steps of the final paper. If you are worried about not finishing an assignment as a deadline approaches, please email me! We can always work out solutions to help improve your organization, and it's much better to accept a late penalty (or turn in less than perfect work) than to cheat. If you plagiarize (and be assured that I will catch it—it's really not difficult), then I have to deal with the case as a disciplinary infraction rather than a learning opportunity. Serious academic misconduct must be reported to the Office of Student Conduct and Community Standards.¹

Technology

Please come prepared to class with a laptop or other device that will allow you to access the Internet. Due to social distancing requirements, certain in-class discussion activities may need to take place online, even when we are all present in the classroom. Of course, I would ask that you use laptops for class purposes only (referencing readings, taking notes, and participating in online discussions).

If you face challenges accessing the technology necessary to succeed in this course, please reach out as soon as possible. This is especially important given the need to move the course online after Thanksgiving, possibly earlier.

¹ I have developed these thoughts on academic dishonesty with reference to: Kevin Gannon, "How to Create a Syllabus: Advice Guide," *The Chronicle of Higher Education*, accessed July 14, 2020, <https://www.chronicle.com/interactives/advice-syllabus>.

Accessibility

I am committed to ensuring that all students receive equal access to the course materials and equitable opportunities to achieve the course learning goals. I have designed the course with the principles of accessibility and inclusion in mind. If you experience or anticipate any challenges related to the format, materials, or requirements of this course, please let me know as soon as possible. I am happy to explore a range of options for removing barriers to your learning. If you have a disability, or think you may have a disability, you may also wish to work with the McBurney Disability Resource Center (<https://mcburney.wisc.edu/>) to discuss accessibility in this and other courses, including possibilities for official accommodations. All communications regarding accessibility will remain confidential.

A Note on Sources

It goes without saying that this course addresses violent and graphic material. In class discussions, it is crucial that we remain respectful of one another's viewpoints and the wide range of backgrounds and experiences represented in the classroom. During the first seminar meeting, we will establish collective discussion norms that will guide us over the semester. In general, if you disagree with a classmate (and debate and disagreement are encouraged!), then be sure to direct your comments at the idea, not the person. It is often helpful to summarize a peer's idea before disagreeing, to ensure you have really understood it. Certain weeks will deal with especially difficult texts, photographs, or film footage, and I will inform the class in advance. Please do not hesitate to meet with me if you have concerns about particular aspects of the course content.

Additional Resources

UW-Madison and the History Department make available a wide range of resources to foster your academic success and personal wellbeing. It's a good idea to familiarize (or re-familiarize) yourself with the following, especially in light of the uncertainty we face this semester:

University Writing Center

<http://www.writing.wisc.edu/>

Offers individual consultations, workshops, and online guides on all aspects of academic writing.

History Lab

<http://go.wisc.edu/hlab>

A resource center for undergraduates in history courses staffed by experienced graduate students, who are available to assist you with researching and writing history papers. You can sign up online for an individual consultation at any stage of the writing process.

Greater University Tutoring Services

<https://guts.wisc.edu/>

Study skills support and peer tutoring across academic subjects (now offered online).

McBurney Disability Resource Center

<https://mcburney.wisc.edu/>

The McBurney Center has also compiled a helpful FAQ on accessibility in response to COVID-19:

<https://mcburney.wisc.edu/resources/faq-for-virtual-learning-and-accessibility-covid-19/>

Mental Health Services

<https://www.uhs.wisc.edu/mental-health/>

Resources on Sexual Assault and Domestic Violence

UW-Madison is committed to fostering a safe, productive learning environment and offers a variety of resources for students impacted by sexual assault, sexual harassment, dating violence, domestic violence, and stalking. The Dean of Students Office has compiled a comprehensive guide to resources on and off campus, including both confidential resources and options for reporting: <https://doso.students.wisc.edu/report-an-issue/sexual-assault-dating-and-domestic-violence/>.

Course Schedule

Assignments are due by the beginning of class on the date listed, unless otherwise indicated. Guidelines and rubrics for all assignments are available on Canvas (under the “Assignments” tab, as well as in the relevant Modules). Assignments should be uploaded (as .doc, .docx, or .pdf files) to Canvas.

All readings are available as pdf documents on Canvas, or as online library resources. See the “Modules” tab for week-by-week links to readings and assignments.

DATE/THEME	READING	ASSIGNMENT
Sept. 8: Course Introduction	<ul style="list-style-type: none"> – Ai Weiwei, “Capitalism and ‘Culturecide,’” <i>New York Times</i>, January 13, 2020 – VIDEO: “China is Using Uighur Labor to Produce Face Masks” <i>New York Times</i>, July 19, 2020 	– Complete the Course Orientation Module on Canvas
Sept. 15: Armenian Genocide and Turkish Perpetrators on Trial	<ul style="list-style-type: none"> – Dawn Chatty, <i>Displacement and Dispossession in the Modern Middle East</i>, chap. 4 (2010) [focus on pp. 140-163] – Gary Bass, <i>Stay the Hand of Vengeance: The Politics of War Crimes Tribunals</i> (2000), chap. 4 – “Judgment from the Military Tribunal on the Bayburt Deportation” (1920) 	
Sept. 22: The Holocaust and the Politics of Post-Nazi Justice	<ul style="list-style-type: none"> – Eric Weitz, <i>A Century of Genocide: Utopias of Race and Nation</i>, 2nd ed. (2015), chap. 3 – Bass, <i>Stay the Hand of Vengeance</i>, chap. 5 – Raphael Lemkin, “Genocide,” in <i>Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress</i> (1944) 	– First response paper due by Sept. 22 at 9 a.m. (2 pp.)

Sept. 29: Staging the Nuremberg Trials	<ul style="list-style-type: none"> – Primary Source Documents from the <i>Einsatzgruppen</i> trial 	<ul style="list-style-type: none"> – Opening statements for mock trial (prosecution and defense) due by the beginning of class
Oct. 6: The Cambodian Genocide & Khmer Rouge Perpetrators on Trial	<ul style="list-style-type: none"> – Weitz, <i>A Century of Genocide</i>, chap. 4 – Alexander Laban Hinton, <i>Man or Monster? The Trial of a Khmer Rouge Torturer</i> (2016), chap. 4 – FILM: Rithy Panh, dir., “Duch: Master of the Forges of Hell” (2012) 	
Oct. 13: Nuremberg Redux? Genocide and “Victors’ Justice” at The Hague	<ul style="list-style-type: none"> – Slavenka Drakulić, <i>They Would Never Hurt a Fly</i> (2004), pp. 1-23, 51-138, 176-185 – Primary Source Documents: UN Security Council Resolutions 808, 827; ICTY Statute, Art. 1-10 (1993) 	
Oct. 20: Paradoxes of the International Criminal Tribunal for Rwanda	<ul style="list-style-type: none"> – Kingsley Moghalu, <i>Rwanda’s Genocide: The Politics of Global Justice</i> (2005), pp. 1-52, 75-84 – ICTR Judgment on Jean-Paul Akayesu (1998): Indictment, paras. 12-23; Trial, paras. 112-129, 698-734 (pp. 7-9, 35-39, 170-177) 	<ul style="list-style-type: none"> – Second response paper due by Oct. 20 at 9 a.m. (2 pp.) – Come to class prepared with a draft of your research question
Oct. 27: Writing Workshop		<ul style="list-style-type: none"> – Research proposal and annotated bibliography
Nov. 3: Writing Workshop		<ul style="list-style-type: none"> – Outline of final paper (including provisional thesis statement)
Nov. 10: Individual Meetings	NO CLASS; extended office hours will be scheduled this week to discuss progress on your drafts	<ul style="list-style-type: none"> – Historiography section of final paper (3-4 pp.) due Nov. 13 at 5p.m.

Nov. 17: The ICC and the U.S. in the Post-9/11 Era		
Nov. 24: Writing Workshop	CLASS ONLINE	– Partial draft of final paper (including historiography section and one other substantive section: ~ 8 pp. total)
Dec. 1: Peer Reviews	CLASS ONLINE; read your group members' drafts in advance	– Peer review worksheet
Dec. 8: Research Conference	CLASS ONLINE	– In class: 5-minute presentations on final papers
FINAL PAPER DUE TUES. DEC. 15 AT 2 P.M.		

Appendix: Instructional Information During COVID-19

UW-Madison is actively implementing measures to protect the safety, health and well-being of all students and instructors, particularly during the COVID-19 pandemic. Preserving the health of our campus community will be a broadly shared responsibility. In order to provide students and instructors with a safe, in-person learning environment, students and instructors have a shared role in adhering to the following protocols while in instructional spaces. More details about these protocols are available at the [Instructional Continuity website](#) and are aligned with broader campus health and safety protocols, outlined on the university's [Smart Restart website](#).

Face Covering Guidelines (for in-person instruction)

While on campus all employees and students are required to [correctly wear](#) appropriate and properly fitting [face coverings](#) while present in any campus building (or outdoors when physical distancing is not possible) unless working alone in a laboratory or office space.

Quarantine and Isolation (for remote and in-person instruction)

Every effort should be made to accommodate the academic progress of students who may become ill or be asked to isolate or quarantine. It is essential for students to have the confidence that their progress and grade will not be put at risk by staying out of class because they are experiencing possible-COVID19 related symptoms or are required to quarantine. It is encouraged that instructors plan for this event with highly flexible course plans that utilize content delivery via Canvas and reserve in-person activities for participation and discussion.

If a student becomes ill and needs to suspend or reduce their class participation, then the student should consider dropping the course or the instructor may need to engage the student whether the conditions of an incomplete grade are likely. While flexibility is greatly encouraged, this does not imply that work towards achievement of course learning goals and engagement in activities is optional.

Instructor Notification: Student Tests Positive for COVID-19

Instructors of *only* in-person courses will receive notification from University Health Services of a positive case within their classroom. The notification **will not** identify the individual but will alert the instructor that “an individual in your course has tested positive for COVID-19.” Specific directions will be included reminding instructors **not** to share the information with others in class to preserve Protective Health Information (PHI) and the contact tracing system. Unless the instructor hears from the contact tracers, there is no reason to believe that the instructor or others have had close contact to necessitate isolation for quarantine. See further campus guidance on [test results and what to do if you test positive for COVID-19](#).

Other In-person Instructional Requirements

- Practice physical distancing (staying at least six feet apart from others), in both indoor and outdoor spaces, including when entering and exiting building and instructional spaces.
- Monitor symptoms using the [COVID-19 Symptom Tracker](#) daily and, if symptoms exist, stay home and immediately get tested. Free testing is available to the entire campus community including students. Find more [information on testing](#) including on-campus testing locations, getting test results and what to do if you test positive for COVID-19.
- Follow specific guidance on classroom seating and furniture use. “Sit Here Signs” will be placed in classrooms to indicate where students should sit, as well as floor decals to indicate where furniture should be placed and remain.
- Limit the sharing of materials (papers, books, writing utensils, calculators, etc.) with others in class. Any materials brought to class must be taken with you when leaving the classroom.
- Food and beverages are not allowed in instructional spaces. For students who may need access to food or beverages during class (e.g., medical condition, other accommodation or circumstance) may do so while wearing face coverings. If this will be a reoccurring situation, students should discuss their on-going need with their instructor.
- Carefully observe and follow health and safety signs posted inside and outside the classroom
- Course start and stop times are not staggered. At their discretion, instructors may start or end class a few minutes off schedule to avoid congestion in the halls.

Additionally, students should:

- Clean desks and seats before and after class with the provided classroom supplies and wipe off hands with disinfectant wipes. The provided cleaning supplies will be safe for skin contact; gloves are not needed. See [guidance for cleaning classrooms](#).
- Exit the classroom as quickly as possible to allow the next section to transition in safely
- Be aware of and sensitive to others around you, particularly those who may be struggling or having difficulties.