

# History 14S: Genocide, War Crimes Trials, and Human Rights in the Twentieth Century

Spring 2020

Tuesdays, 3-5:15 p.m.\*

Sever 201

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Office Hours: Mon. 3-5:30 p.m., or by appointment (Robinson B-26)

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Office Hours: Wed. 2-3:30 p.m., or by appointment (CGIS-South, 210)

\*We will generally wrap up at 5:15 p.m. (two blocks of approx. one hour, with a 10-minute break). Selected classes will be extended to 5:45 p.m.

## **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? Are international tribunals staged following the defeat of genocidal regimes merely “victor’s justice”? Why are certain acts of 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 global power?

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 radicalized ideologies of racial purification meant that genocide remained prevalent in the twentieth-century world. At the same time, this century witnessed the first coordinated, international attempts to prevent genocide and bring the perpetrators to justice. New instruments of international law defined the crime of genocide; international tribunals (of which the Nuremberg trials after World War II are only the most famous) 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. We will examine tribunals created following the Armenian genocide, the Holocaust, and the post-1945 genocides in Cambodia, Rwanda, and the former Yugoslavia. The focus of the class is largely on the trials themselves—

their origins, operation, 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 problems of attaining justice in their aftermath (while of course recognizing important differences between cases). In addition to analyzing a range of historical works and first-person accounts of war crimes tribunals, there will be numerous chances to work with documents produced by the trials themselves. We will stage a “mock” trial of Nazi authorities, where you will craft arguments for both the prosecution and defense based on affidavits and evidence files used at the Nuremberg trials. 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:**

After taking this 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
- Understand the definitions of “war crimes,” “crimes against humanity,” and “genocide” 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, and compare trials with alternative possibilities (such as summary executions or truth commissions)
- Apply your knowledge of twentieth-century history to address current debates about the International Criminal Court, ongoing genocides, and U.S. military policy
- Conduct historical research using primary sources, in particular the documentary record of war crimes tribunals

### **Course Texts:**

The following books are available for purchase at the COOP (<https://tinyurl.com/300-W20-HIST-14S-1>), and are placed on reserve at Lamont Library:

- ❖ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 2006) [1963]. ISBN: 9780143039884.
- ❖ Slavenka Drakulić, *They Would Never Hurt a Fly: War Criminals on Trial in the Hague* (New York: Penguin, 2004). ISBN: 9789533047201.

- ❖ Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston: Houghton Mifflin Harcourt, 1999). ISBN: 9780618001903.
- ❖ Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation*, 2<sup>nd</sup> ed. (Princeton: Princeton University Press, 2015). ISBN: 9780691165875.

### Course Requirements:

#### **1. Discussion Participation**

Because this is a discussion-based seminar, your regular attendance and participation are crucial to the seminar's success. Attendance and active participation are expected at all course meetings. Readings should be completed by the beginning of the class for which they are listed. If you need to miss class due to illness or a family emergency, please let me know in advance. In general, everybody will have one "free" absence, provided that you give me advance notice. In extenuating circumstances where further absences are necessary, you will be asked to complete additional response papers to make up for the missed classes.

The best discussions happen when classmates engage with each other's ideas and perspectives; I will do my best to facilitate this engagement. Remember that the quality of your contributions to discussions is as important as the quantity, and that asking a well-informed question also counts as participation. I am happy to meet early in the semester if you would like to discuss strategies for reading and/or participating in class.

Each week, one or two students will open the seminar with a presentation of no more than ten minutes introducing the week's readings. Presentations should introduce two or three overarching themes or debates that tie the readings together, relate the readings to previous weeks of the seminar, and raise some questions for discussion. We will determine the schedule of presentations in the second week of class.

#### **2. Two Response Papers**

You will be asked to write two response papers of 500-600 words (approx. 2 pages, double-spaced). Response papers should be submitted by 8 p.m. on the Monday before class and should address that week's readings. The first is due by **Feb. 24 (week 5)**, and the second by **April 13 (week 11)**. 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.

Response papers should not simply summarize the week's readings but offer a focused argument in response to a particular question or problem. Reading questions will be posted in advance of each class. You are welcome to respond to one of my questions or come up with your own. It is not necessary (indeed, likely impossible) to incorporate all of the week's reading in the response paper. Instead, discuss those elements of the readings that are most pertinent to your argument.

### 3. Nuremberg Trials Exercise and Essay

In class on March 3, 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 group 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. Each group should come to class on March 3 prepared with your core arguments for both the prosecution and defense cases. During the mock trial, you will be questioned on your position by fellow students who will play “judges.” Following class on March 3, you will pick one of the trials in which you participated and write a position paper (approx. 4-5 pages double-spaced) that lays out your case for or against the defendant in greater depth. The paper is due on **Fri. March 13**.

We will go over the instructions for this assignment in class on Feb. 25. It is an opportunity for you to explore the legal and moral complexities of these trials, and to gain some practice working with the types of primary sources that you might use in your research paper.

### 4. Research Paper

The culminating project is an original research paper of approximately 12-15 (double-spaced) pages, related to one of the genocides and/or war crimes tribunals we are covering in class. 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 (or organization) as the launching point for your research. However, other framings are also possible. For instance, you might investigate a figure (judge, prosecutor, defense attorney, witness, 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. (What role did “humanitarian” considerations play in British efforts to try Ottoman perpetrators? How did colonial legacies shape Western responses to the Rwanda genocide? Why did the U.S. decline to join the International Criminal Court?) The paper is due on **Mon. May 11**.

We will discuss this assignment at greater length during the first half of the course. A research guide to primary and secondary sources will also be available. For now, please note that this project has four additional sub-components:

1. One-page description of your topic: **due April 3**
2. Annotated bibliography of at least six sources (incl. three primary sources): **due April 10**
  - An annotated bibliography includes a brief paragraph accompanying each source, describing both the content of the source and its relevance for your paper.
3. Paper introduction (2-3 pp.) and/or outline: **due in class on April 21**
  - The seminar meeting on April 21 will be extended for a peer writing workshop. You will be asked to come to class with an outline for your paper and/or the introductory section. You should also submit this on Canvas for feedback.

4. In-class presentation of research: **April 28**
  - During the final seminar meeting on April 28, you will have the opportunity to speak for approximately five minutes on your research topic and take questions from the class. You are welcome to use PowerPoint to show examples of visual sources or documents from your research.

If you are a junior history concentrator and would like to write a senior thesis next year, you will need to write at least one longer seminar paper this year. You are welcome to use this seminar as an opportunity to complete this requirement. In this case, your final paper should be 20 pages in length. Please let me know in advance if you are interested in this option.

### **Evaluation:**

Discussion participation (including one week leading discussion): 35%

Two response papers (500-600 words each): 10%

Mock trial (in-class statements and 4-5 p. paper): 10%

Research paper: 45%

- Preliminary assignments (topic description, annotated bibliography, outline): 5%
- Presentation: 5%
- Final paper (approx. 12-15 pp.): 35%

### **Late Work:**

Late work will be excused in cases of a documented medical or personal emergency. Otherwise, papers will lose 3 points (out of 100) per day late. Please note that I am not able to accept any written work for this course after Saturday, May 16 without permission from the Harvard College Administrative Board.

### **Collaboration Policy:**

The exchange of ideas is essential to academic scholarship. You may find it useful to discuss your approach to assignments with your peers. You are encouraged to study for exams together. *You must, however, ensure that any written work you submit for evaluation is the result of your own thinking and writing and that it reflects your own insights and interpretations.* You must also adhere to standard citation practices in the discipline of history and properly cite any books, articles, websites, lectures, and/or conversations with classmates (or anyone else) that have helped you with your work. If you received any help with your writing (feedback on drafts, etc.), you must also acknowledge this assistance.

We will discuss expectations for citing sources in your written work during the first weeks of class. If you have questions about how to cite a particular source, or whether a citation is required, please ask me before the assignment is due. There is no penalty for checking, and we will let you know if you need to make adjustments.

Students enrolled in this course are expected to abide by the Harvard College Honor Code:

*Members of the Harvard College community commit themselves to producing academic work of integrity – that is, work that adheres to the scholarly and intellectual standards of accurate attribution of sources, appropriate collection and use of data, and transparent acknowledgement of the contribution of others to their ideas, discoveries, interpretations, and conclusions. Cheating on exams or problem sets, plagiarizing or misrepresenting the ideas or language of someone else as one's own, falsifying data, or any other instance of academic dishonesty violates the standards of our community, as well as the standards of the wider world of learning and affairs.*

Further information about Harvard's policies on academic integrity is available in the Harvard College Handbook for Students (<https://handbook.fas.harvard.edu/>).

### **Students with Disabilities:**

Students with a Faculty Letter from the Accessible Education Office (AEO) are encouraged to present this to the course instructor as soon as possible. All discussions regarding accessibility will remain confidential, although instructors may contact the AEO to discuss appropriate implementation.

### **Laptop Policy:**

You are welcome to use laptops for course-related activities (e.g. taking notes and referencing readings). Checking email or social media during class can be distracting to your peers. If necessary, you may step out of the classroom to answer a call or text.

### **A Note on Sources:**

It goes without saying that this course addresses violent and graphic material. It is crucial that we remain respectful of one another's viewpoints in class discussions. 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 photographs or film footage, and I will alert the class in advance. Please do not hesitate to meet with me if you have concerns about particular aspects of the course content.

**Schedule of Readings:****Week 1 (January 28): Introduction****Week 2 (February 4): Defining the Terms: Genocide, War Crimes, Human Rights**

- ❖ Weitz, *A Century of Genocide*, intro, ch. 1 (pp. 8-52)
- ❖ A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocides of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36 (2002): 7-36
- ❖ Raphael Lemkin, "Genocide," in *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (1944), pp. 78-98

**Week 3 (February 11): Colonialism and the Origins of "Crimes Against Humanity"**

- ❖ Hochschild, *King Leopold's Ghost*, pp. 1-5, 61-139, 158-195, 209-252, 304-306

**Week 4 (February 18): Armenian Genocide and Turkish Perpetrators on Trial**

- ❖ Dawn Chatty, "The Armenians and Other Christians: Expulsions and Massacres," in *Displacement and Dispossession in the Modern Middle East* (2010), pp. 134-179 [focus on pp. 140-163]
- ❖ Gary Bass, "Constantinople," in *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (2000), pp. 106-146
- ❖ Hannibal Travis, "Genocide by Deportation into Poverty: Western Diplomats on Ottoman Christian Killings and Expulsions, 1914-24," in *Genocide in the Ottoman Empire: Armenians, Assyrians, and Greeks, 1913-1923* (2017), pp. 354-378
- ❖ Primary Source Documents: Extraordinary Military Tribunal, "Key Indictment"; "Judgment from the Military Tribunal on the Bayburt Deportation"

***\*First response paper due by Mon. Feb. 24 at 8 p.m.***

**Week 5 (February 25): The Holocaust and the Politics of Post-Nazi Justice**

- ❖ Weitz, *A Century of Genocide*, ch. 3
- ❖ Bass, "Nuremberg," in *Stay the Hand of Vengeance*, pp. 147-205
- ❖ Francine Hirsch, "The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order," *American Historical Review* 113 (2008): 701-730
- ❖ Primary Source Documents: Opening Statements of Robert Jackson, Hartley Shawcross, and Roman Rudenko (excerpts); Abraham Suzkever, "Persecution of the Jews of Vilna"; Rudolf Höss, "Testimony on Auschwitz"

**Week 6 (March 3): Staging the Nuremberg Trials**

- ❖ Hilary Earl, "Trial," in *The Nuremberg SS-Einsatzgruppen Trial, 1945-1958: Atrocity, Law, and History* (Cambridge, 2009), pp. 179-216
- ❖ Primary Source Documents from the *Einsatzgruppen* trial

***\*Prepare prosecution and defense positions for "mock" trial to be delivered in class on March 3 [no response paper or discussion leader this week]***

**Week 7 (March 10): Nazi Trials Revived: The Eichmann Controversy**

**CLASS EXTENDED until 5:45 p.m. We will meet in the Harvard Law School Library for a discussion of the research paper (room TBD).**

- ❖ Arendt, *Eichmann in Jerusalem*, pp. 3-111, 135-150, 220-279 (chs. 1-6, 8, 14-15, epilogue) [*can skim chs. 4-6*]

*\*Nuremberg trials essay due Fri. March 13 at 5 p.m.*

**\*\*SPRING BREAK\*\***

**Week 8 (March 24): The Khmer Rouge and the Question of Responsibility**

- ❖ Weitz, *A Century of Genocide*, ch. 4
- ❖ Alexander Laban Hinton, *Man or Monster? The Trial of a Khmer Rouge Torturer* (2016), pp. 44-167
- ❖ WATCH: Rithy Panh, dir., “Duch: Master of the Forges of Hell” (2012)

**Week 9 (March 31): Nuremberg Redux? Genocide and “Victor’s Justice” at The Hague**

- ❖ Weitz, *A Century of Genocide*, ch. 5
- ❖ Drakulić, *They Would Never Hurt a Fly*, pp. 1-23, 51-157

*\*One-paragraph topic description for final paper due on Fri. April 3 at 8 p.m.*

**Week 10 (April 7): Paradoxes of the International Criminal Tribunal for Rwanda**

- ❖ Paul Christoph Bornkamm, “A Short History of the Rwanda Genocide and its Aftermath,” in *Rwanda’s Gacaca Courts: Between Retribution and Reparation* (2012), pp. 9-30
- ❖ Thierry Cruvellier, *Court of Remorse: Inside the International Criminal Tribunal for Rwanda*, trans. Chari Voss (2010), pp. 3-73, 83-101, 131-174

*\*Annotated bibliography for final paper (at least three primary and three secondary sources) due on Fri. April 10 at 5 p.m.*

*\*Second response paper due by Mon. April 13 at 8 p.m.*

**Week 11 (April 14): Rwanda, Yugoslavia, and the Question of U.S. Intervention**

- ❖ Samantha Power, “Rwanda: ‘Mostly in a Listening Mode’” and “Srebrenica: ‘Getting Creamed,’” in *“A Problem from Hell”: America and the Age of Genocide*, 2<sup>nd</sup> ed. (2013), pp. 329-442
- ❖ Stephen Wertheim, “A Solution from Hell: The United States and the Rise of Humanitarian Interventionism, 1991-2003,” *Journal of Genocide Research* 12 (2010): 149-172

**Week 12 (April 21): The International Criminal Court and the U.S. in the Post-9/11 Era**

- ❖ Jennifer Biedendorf, “The ‘Distinctly American Internationalism’: The United States’ Unsigning of the Rome Statute of the International Criminal Court,” in *Cosmopolitanism and the Development of the International Criminal Court* (2019), pp. 37-67
- ❖ Current affairs articles: TBD!

*\*Draft of introduction and/or paper outline due in class for peer workshop on April 21*

**Week 13 (April 28): Conclusions and Research Presentations**

**CLASS EXTENDED until 5:45 p.m.**

*\*Presentations of final papers in class on April 28*

*\*Final paper due on Mon. May 11 at noon*