

**REL 6596
CCJ 6920**

Human Rights and Crimes against Humanity

**Fall, 2005
Friday: 9-11:30 a.m.
Hecht House Classroom**

**Professor Sumner B. Twiss
Center for the Advancement of Human Rights
426 West Jefferson Street (across from the Law School)
Telephone: 644-4582
Email: stwiss@admin.fsu.edu**

**Office Hours: Friday, 12:30-2 p.m. or
By appointment**

**Professor Dan Maier-Katkin
326 Hecht House
Telephone: 644-7949
Email: dmatkin@mail.fsu.edu**

**Office Hours: Monday and Wednesday: 12:00 P.M. – 1:15 P.M.
2:30 P.M. -- 4:45 P.M.**

Rationale: This course involves a critical multidisciplinary examination of human rights and crimes against humanity from the perspectives of the humanities (e.g., history and ethics), the social sciences (e.g., social psychology and political theory), and criminological theory at their points of intersection. The purpose of the course is to analyze the phenomena of crimes against humanity with an emphasis on describing and explaining the nature, extent, and causes of this form of human activity. Since this subject has been studied most extensively with regard to Nazi crimes and atrocities, the latter case will be the primary focus of course readings and seminar discussions.

After an introductory unit, the course will proceed through four main units involving: 1) a detailed examination of the nature and extent of atrocities and criminal activity in Germany and Europe during the Third Reich; 2) theoretical inquiry into the conditions associated with the behavior of perpetrators, bystanders, and victims of Nazi atrocities; 3) broader theoretical inquiries into moral evil and criminal behavior that transcend the Nazi case; and 4) student presentations of independent research on the origins and causes of crimes against humanity, including genocide, torture, ethnic cleansing, and related phenomena.

The major goals of the class are to help students to apply the knowledge base and research methods of their respective disciplines to the phenomena associated with human rights violations, and to promote their capacity to provide leadership in the international administration of justice, non-governmental organizations, and as scholars of human rights. This class works towards these goals by familiarizing students with important international and historical events and conceptual problems associated with crimes against humanity, and by promoting reading, thinking, and writing about scientific and ethical questions involved in understanding and preventing atrocities and in bringing offenders to justice.

Objectives: 1) Students are to become familiar with the body of international law that defines human rights and crimes against humanity; 2) students will be able to apply the tool kits of ethics and criminological theory to the analysis of crimes against humanity; 3) students will become familiar with the details of historical instances of the commission of human rights violations; 4) students will become familiar with the body of literature about such crimes that has developed since World War II, and with the conflicts in that literature; 5) students will become familiar with different disciplinary approaches and genres of scholarship in the field of human rights; and 6) students will develop analytic and research skills for writing scholarly papers using the main principles and resources of the fields of ethics and criminology.

Evaluation: The class will be graded on the basis of 100 points, distributed as follows:

- 1) A preliminary outline and discussion (and/or draft) of a term paper connecting the required readings for the class to bodies of literature in the fields of ethics or criminology which have potential to add to our theoretical understanding of the commission of crimes against humanity. This assignment is due at the end of the seventh week of the semester so that it can be graded and returned with comments in time to influence the final term paper project. By this time students will have settled on the topic for their term paper, which will be selected from among the following general areas:
 - a. Perspectives drawn from social and psychological theories
 - b. Perspectives drawn from criminological theories
 - c. Perspectives drawn from legal and ethical theories of criminal justice
 - d. Perspectives drawn from scholarship in philosophy and ethics
 - e. Theoretical explanations of special cases such as torturers or resisters
 - f. Other topics by special arrangement with the instructors

This assignment will be graded on the basis of **20 points.**

- 2) Students will make in-class presentations about their term paper projects to be scheduled during the last six weeks of the semester. The purpose of this assignment is to make further feedback from the faculty and from group

discussion available as students complete their term papers. This assignment will be graded on the basis of **10 points.**

- 3) Students will submit completed term paper projects (twenty to twenty-five double-spaced pages) at the end of the fourteenth week of classes. These papers will be graded on thoroughness of research, quality and clarity of information, and cogency of reasoning and rhetoric. This assignment will be graded on the basis of **50 points.**
- 4) At the beginning of the semester students will be organized into seven small groups each of which will be responsible for leading class discussion on one of the seven required texts for the class. This assignment will be graded on the basis of**10 points.**
- 5) Students will be expected to participate on a regular basis in class discussions, and this participation will be graded on the basis of **10 points.**

Course Outline:

Terms of Discussion (week one): Human rights, war crimes, crimes against humanity, law, authority, morality, administration of justice, war crimes tribunals, truth and reconciliation commissions, criminological theory, modernity and postmodernity.

Reading and bibliographic materials will be distributed at the first class session as reference material and to familiarize students with foundational documents including The Constitution of the United States and the first fourteen amendments, Universal Declaration of Human Rights (1948), Rome Statute of the International Criminal Court (1998), and other selected writings.

The Case (weeks two, three and four): The nature, extent and magnitude of crimes against humanity in the Third Reich. What happened in the Third Reich? How did people behave? What was done by whom to whom? Consideration of the roles of perpetrators, bystanders, victims and resisters.

Each seminar will begin with discussion led by a pre-arranged group of students of the text assigned to the class. All students are expected to have read the text and to participate in discussion. Note that these texts are also intended to serve as resources for each individual student's term paper. Familiar with these texts is part of the research work for your term paper. Thus, full preparation by each student in each class session is also a way of making timely progress towards completion of a high quality final paper.

Week Two: Primo Levi, *The Drowned and the Saved* (Random House, 1988).

Week Three: Raul Hilberg, *Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933-1945* (HarperCollins, 1992).

Week Four: Jan Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland* (Princeton, 2001).

On Causes and Origins of the Case (weeks five and six): Towards multidisciplinary social scientific and ethical analyses of the circumstances, origins and/or causes of the behavior of perpetrators, bystanders, victims, and resisters. Attention shifts from questions about what happened to questions about how and why it happened.

Each seminar will begin with discussion led by a pre-arranged group of students of the text assigned to the class. All students are expected to have read the text and to participate in discussion. Note that these texts are also intended to serve as resources for each individual student's term paper. Familiar with these texts is part of the research work for your term paper. Thus, full preparation by each student in each class session is also a way of making timely progress towards completion of a high quality final paper.

Week Five: Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Revised Edition (Penguin, 1965).

Week Six: Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (Yale, 2000).

Towards Theoretical Understandings of the Case in the Fields of Criminology and Ethics (weeks seven and eight): By this time students will have finalized decisions about term paper topics and will of necessity be thinking about how their own theoretical interests in the fields of criminology and/or ethics intersect with the phenomena associated with human rights violations and crimes against humanity. The seminar discussion in this part of the course is intended to introduce students to theoretical thought about atrocities, but students will be expected to bring in additional material from their home disciplines.

Week Seven: Mary Midgley, *Wickedness: A Philosophical Essay* (Routledge, 1984).

Week Eight: James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford, 2002).

Student Presentations of Research on Term Paper Topics (weeks nine, ten, eleven, twelve, and thirteen): Groups of students working on related topics will lead class discussions based on their research and writing efforts. The purpose of these sessions is to place students in leadership positions as educators of their peers, and also to allow each student to have the benefit of instructor comments and group discussion about his or her work before submitting the final product.

Student Responsibilities: Students are expected to attend and participate in all class discussions and to complete their assignments on time. Students are expected to be polite and respectful in their interactions with one another and with guests who may come to participate in the class.

Course Resources: In addition to office hours, Professors Twiss and Maier-Katkin are available to students through email at dmkatkin@mail.fsu.edu and stwiss@admin.fsu.edu .

American Disabilities Act:

Students with any form of disability needing academic accommodation must register with the Student Disability Resource Center (SDRC) and speak with the professor about special needs within the first few days of class. Official documentation will be required to verify any necessary accommodations.

The SDRC web site is <http://www.fsu.edu/~staffair/dean/disable.html> and the phone number is 644-9566.

Academic Honor Code:

Students are expected to uphold the Academic Honor Code published in The Florida State University Bulletin and the Student Handbook. The Academic Honor System of The Florida State University is based on the premise that each student has the responsibility (1) to uphold the highest standards of academic integrity in the student's own work, (2) to refuse to tolerate violations of academic integrity in the university community, and (3) to foster a high sense of integrity and social responsibility on the part of the university community. Violation of the Florida State University Academic Honor Code may result in an automatic fail in the course, and occurrences of academic dishonesty may be reported to the University Judicial Officer. It is the responsibility of every student to be familiar with the University's Academic Honor Code, and by enrolling in this course each student acknowledges consent to abiding by the Code. Please refer to the FSU Bulletin or your professor with any questions regarding this policy.

Bibliography for Fall 2005 Course on Crimes Against Humanity
Relevant to Final Term Papers

Perpetrators' Testimony

- G. M. Gilbert, *Nuremberg Diary* (Farrar, Straus & Giroux, 1947).
Richard Overy, *Interrogations: The Nazi Elite in Allied Hands, 1945* (Penguin, 2001).
The Einsatzgruppen: The Confession of Adolf Eichmann, *Life*, vol. 49, no. 22 (November 28, 1960) available at:
<http://www.einsatzgruppenarchives.com/trials/profiles/confession.html>
Adolf Eichmann, Ich, Adolf Eichmann: Ein historischer Zeugenbericht (Druffel-Verlag, 1980).
Adolf Eichmann, Jochen Von Lang (ed.), and Claus Sibyll (ed.), *Eichmann Interrogated: Transcripts from the Archives of the Israeli Police* (Da Capo edition, 1999).
Rudolf Hoess, *Death Dealer: The Memoirs of the SS Kommandant at Auschwitz* (Da Capo edition, 1996).
Albert Speer, *Inside the Third Reich: Memoirs* (Simon & Schuster, 1970).

Torture

- Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York Times Review Books, 2004).
Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford University Press, 1985).
John Conroy, *Unspeakable Acts: The Dynamics of Torture* (University of California Press, 2000).
Philip G. Zimbardo et al, "Reflections on the Stanford Prison Experiment: Genesis, Transformations, Consequences, in Thomas Blass (ed.), *Obedience to Authority: Current Perspectives on the Milgram Paradigm* (Lawrence Erlbaum Associates, 2000).
See other works on Social Psychological Perspectives (below).

Social Psychological Perspectives

- Stanley Milgram, *Obedience to Authority: An Experimental View* (Harper & Row, 1974).
Arthur G. Miller, *The Obedience Experiments: A Case Study of Controversy in Social Science* (Praeger, 1986).
Herbert C. Kelman & V. Lee Hamilton, *Crimes of Obedience: Toward a Social Psychology of Authority and Responsibility* (Yale University Press, 1989).
Ervin Staub, *The Roots of Evil: The Origins of Genocide and other Group Violence* (Cambridge University Press, 1989).
_____, *The Psychology of Good and Evil: Why Children, Adults, and Groups Help and Harm Others* (paperback edition, 2003).
Bibb Latane & John M. Darley, *The Unresponsive Bystander: Why Doesn't He Help?* (Prentice-Hall, 1970).
Victoria J. Barnett, *Bystanders: Conscience and Complicity During the Holocaust* (Greenwood Press, 1999).

See works on Torture (above) and Criminological Perspectives (below).

Criminological Perspectives

Raymond Paternoster & Ronet Bachman (eds.), *Explaining Criminals and Crime: Essays in Contemporary Criminological Theory* (Roxbury Publishing, 2001).

Jeffrey Ian Ross (ed.), *Controlling State Crime*, 2nd Ed. (Transaction Publishers, 2000).

Craig Summers & Eric Markusen (eds.), *Collective Violence: Harmful Behavior in Groups and Governments* (Rowman & Littlefield, 1999).

Fred Emil Katz, *Ordinary People and Extraordinary Evil: A Report on the Beguilings of Evil* (Paperback edition, 1993).

See works on Torture and Social Psychological Perspectives (above)

Resistance to Such Crimes

Thomas Keneally, *Schindler's List* (Hemisphere Publishers, 1982).

Ruby Rohrlich (ed.), *Resisting the Holocaust* (Berg, 1998).

Emmy E. Werner, *A Conspiracy of Decency: The Rescue of the Danish Jews During World War II* (Westview Press, 2002).

Pearl M. Oliner. *Saving the Forsaken: Religious Culture and the Rescue of Jews in Nazi Europe* (Yale University Press, 2004).

Searches for Justice

Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (New Press, 2000).

Joseph E. Persico, *Nuremberg: Infamy on Trial* (Penguin Books, 1994).

Belinda Cooper (ed.), *War Crimes: The Legacy of Nuremberg* (TV Books, 1999).

Gary Jonathan Bass, *Stay the Hand Vengeance: The Politics of War Crimes Tribunals*, Rev. Ed. (Princeton University Press, 2002).

Martha Minow (ed.), *Breaking the Cycles of Hatred: Memory, Law, and Repair* (Princeton University Press, 2002).

Laurel Fletcher & Harvey Weinstein, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation," *Human Rights Quarterly* 24/3 (2002): 573-639.

Ifi Amadiume & Abdullahi An-Na'im (eds.), *The Politics of Memory: Truth, Healing and Social Justice* (Zed Books, 2000).

Robert I. Rotberg & Dennis Thompson (eds.), *Truth v. Justice: The Morality of Truth Commissions* (Princeton University Press, 2000).

Raymond G. Helmick & Rodney L. Petersen (eds.), *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Resolution* (Templeton Foundation Press, 2001).