

Department of Sociology
University of Toronto
SOC397H1S – Selected Topics in Sociological Research
International Criminal Justice and Atrocities: Legal and Social Aspects
Spring 2015
Class time: Wednesday, 4-6 pm, WW120
Professor Ron Levi

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Office Hours: Th, 930am-1030am, Munk School of Global Affairs Observatory Building

SCOPE AND AIMS

This course focuses on international criminal justice, including the legal and social aspects for responding to war crimes, genocide, and crimes against humanity. This will include understanding the legal thinking that is the core of international criminal law, and the social dynamics that seek to explain these crimes and the role that law can play in responding to atrocities. Readings will include legal cases from current and past international criminal tribunals, as well as social science research articles that provide insight into the social dynamics of these crimes, and the value of legal approaches to responding to atrocities. By combining legal and social perspectives, this course will provide students with both legal and sociological tools for understanding how we have come to respond to the worst atrocities and wartime violence over the 20th and 21st centuries.

PREREQUISITES

The prerequisite to take this course: SOC212H1 OR SOC212Y1 OR SOC220H1 OR SOC260H1. Exclusions: WDW445H (International Criminal Law) or WDW425H1 (International Criminal Law).

Students without any of these prerequisites will be removed at any time discovered and without notice.

READINGS

Readings are available on BlackBoard.

EVALUATION

Short Reading Assignments (weekly)	10%
Take-home assignment (due 11 February)	30%
Problem-Solving Assignment (due 18 March).....	35%
Test (in class, 1 April)	25%

Handing in Assignments

Assignments must be handed in (or time-stamped) by 4:10pm on the due date specified above. Papers handed in on the due date after 4:10pm will be subject to a late penalty as outlined below.

All assignments must be handed to the instructor in hard copy in class and electronically via BlackBoard. The instructor and TA will NOT accept electronic copies of assignments via

email. Do not put submissions under the office door of the instructor. The instructor is not responsible for student assignments submitted in this way. Students must always keep an extra hard copy of their assignment for their own records. For instructions on how to upload an assignment using BlackBoard, please see:

<http://youtu.be/nZu0J9i7F3Q>

Reading Submissions (10%)

This is a third year course, and the focus is on strong critical thinking, reading, and writing skills. Each week you are required to submit at the beginning of the class a short one page (250 words) typed analysis of the main themes and arguments of the assigned articles for that week. There is no reading submission for week 1 or week 12. Once students hand in a minimum of **seven** reading submissions, they will be eligible to receive **one** free point.

This should not be a simple description of the content of the readings, but an attempt to engage with the material analytically – as ways of thinking about the material. The “Critical Reading” page at <http://www.writing.utoronto.ca/advice/reading-and-researching/critical-reading> provides some excellent guidelines.

Your analysis should include the following:

- What are the readings about?
- What is/are the author’s main argument(s) or central claims?
- Is there evidence for these claims? What is it?
- What are the shortcomings of the evidence?
- What did you learn?
- Did the author overlook anything? Please reflect on previous weeks here where relevant.

Each submission is worth 1% of your final grade. Assignments will be scored as a 0, 0.5, or 1.0.

Due to the nature of this assignment, no makeup opportunities will be granted nor will the weight be transferred to another component of this course.

Attendance: Full and complete attendance is critical for learning the material in this course. Excessive lateness and other problematic in-class behaviour will not be tolerated and will result in mark penalties or other punitive action at the discretion of the instructor.

Late or missed tests and assignments

Late penalties (this excludes the Reading submissions):

- Assignments will be penalized 5% per day including weekends and holidays. The penalty will be applied to work handed in after 4:10 p.m. on the due date.
- The penalty will run from the day the assignment was due until the day it is submitted electronically via Blackboard. You are still required to submit a hard copy at the next class. The electronic copy must be identical to any hard copy submitted.
- **Assignments that are more than 5 days late will not be accepted unless they are accompanied by valid documentation of circumstances beyond student’s control.**

- Accommodation provision: In general, for missed or late tests or assignments we follow University of Toronto policy about accommodation for the following three reasons:
 1. Illness, as documented with a Verification of Student Illness or Injury form (available at www.illnessverification.utoronto.ca). A doctor's note is not acceptable. The form must be placed in a sealed envelope, addressed to the instructor, and submitted with your work at class or to your TA during their office hours.
 2. Religious observances, following the guidelines at <http://www.viceprovoststudents.utoronto.ca/publicationsandpolicies/guidelines/religiousobservances.htm>
 3. Other documented unplanned circumstances entirely beyond the student's control (e.g., a court subpoena or a funeral).

For all the above, students must request an extension prior to the due date if at all possible.

Late work will never be accepted without proper documentation from a student's physician or college registrar. Once the student has provided adequate documentation of their inability to complete the assignment on time, the student and the TA will negotiate a new due date for the assignment. Papers submitted after the negotiated deadline will be subject to the late penalty outlined above.

For tests: students who miss a test will receive a mark of zero, unless within three days of the missed test, students who wish to write the make-up test give their TA a written request for special consideration which explains why the test was missed, accompanied by proper documentation from a physician or college registrar. A request should be accompanied by contact information (the student's telephone number and email address) so the date, time and place of the make-up test can be communicated to the student. A student who misses a test and the subsequent make-up test for a valid reason, with proper documentation from a physician or college registrar, will not have a third chance to take the test. Instead, the grade assigned for the missed test will be the same as the grade the student earns for the other test in this course.

Grade appeals

The instructor and teaching assistants take the marking of assignments very seriously. Nonetheless, mistakes and oversights occasionally happen. If you believe that to be the case, you must adhere to the following rules:

- If it is a calculation error simply alert the TA of the error via email.
- In the case of substantive appeals, you must:
 1. Wait at least 24 hours after receiving your mark.
 2. Carefully re-read your assignment, all assignment guidelines and marking schemes and the grader's comments.

Remarking Procedures:

Your request must be submitted in writing to the TA who graded the assignment. Requests must be submitted within one month the graded work was made available for pick up. The particular day you choose to retrieve your assignment is irrelevant. To request a remark, you

must submit a written request explaining precisely why you believe your assignment should receive a different grade. As well, please remember that on a remark your grade may go up or down. The grade after the remark will be the grade recorded on the assignment. If you are not satisfied with the decision of the TA, submit a written request for a second rereading to the Instructor within two weeks of the reread being made available for pick up by the TA.

Work remarked by the instructor:

The Instructor will remark the entire assignment, not simply the questions or portion you believe were scored improperly. Note that in the course of remarking your assignment, he may discover errors or defects that were not originally detected on the paper or test. As a result, it is possible that your revised mark may actually go down, rather than going up or staying the same. The revised mark stands. It is not to your advantage to submit a request for a second remarking unless you believe you will actually gain points.

We will not discuss your assignment/ test on the day that it is handed back. All requests for re-grading must be made in writing.

Email

- All course communication should be conducted through Blackboard or your Utormail account.
- All emails must include the course code (i.e., SOC397H1) in the subject line.
- All emails should be signed with the student's full name and student number.
- Emails from students will generally be answered within 72 business hours of receipt.
- Emails should be sent to your TA, not the professor
- Students cannot submit their work by fax, email or to the receptionist at the Department of Sociology.

Grading: See U of T guidelines:

<http://www.artsandscience.utoronto.ca/ofr/calendar/rules.htm#term>

Accessibility needs: The University of Toronto is committed to accessibility. If you require accommodations or have any accessibility concerns, please visit

<http://studentlife.utoronto.ca/accessibility> as soon as possible.

Plagiarism: cheating and misrepresentation will not be tolerated. Students who commit an academic offence face serious penalties. Avoid plagiarism by citing properly: practices accepted by teachers in high school may prove unacceptable in university. Know where you stand by reading the "Code of Behaviour on Academic Matters" in the Calendar of the Faculty of Arts and Science.

Course Weeks

All readings available on Blackboard

Please note that these are tentative, and subject to (small) change. Any changes will be announced on Blackboard.

Week 1, 7 January

1. Debates over Atrocity, War, and Justice

- a. Martha Minow. 1998. "Introduction" Pp. 1-8 in *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*. Boston: Beacon.
- b. Elizabeth Rubin. 2006. "If not Peace, then Justice." *New York Times Magazine*. 2 April.
- c. Farida Hussain. 2013. "Is Prosecuting Assad a Better Option than Syria Strike?" *CBC News*. 7 September.

Week 2, 14 January

2. The Building Blocks of International Criminal Justice? Nuremberg, Crimes Against Humanity, and the Idea of Civilization

- a. Martha Minow. 1999. Excerpts from "Trials." Pp. 25-34 in *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston: Beacon.
- b. Excerpts from opening statements for the prosecution at the Nuremberg Trials:
 - i. Excerpt from Justice Jackson's Opening Statement for the Prosecution, in *Trial of the Major War Criminals before the International Military Tribunal*. Volume II. Proceedings: 11/14/1945-11/30/1945. Nuremberg: IMT, 1947. Pages 3-8, 44-46.
 - ii. Michael Marrus. 1997. "Crimes against Humanity" (including the addresses of Hartley Shawcross and François de Menthon). Pp.185-193 in *The Nuremberg War Crimes Trial 1945-46: A Documentary History*. Boston: Bedford.
- c. Lawrence Douglas. 2001. "The Idiom of Judgment: Crimes against Humanity." Pp. 38-64 in *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*. New Haven: Yale University Press.

Recommended: Gary Bass. 2000. "Nuremberg." Pp. 147-205 in *Stay the Hand of Vengeance: The Politics Of War Crimes Tribunals*. Princeton: Princeton University Press. Condensed version available through the *Crimes of War* project, at <http://archive.is/liHm3>

Week 3, 21 January

3. A Crime Based on Sociological Facts? The Law and Social Science of Genocide

- a. Adam Jones. 2006. *Genocide: A Comprehensive Introduction*. Pp.1-29. New York: Routledge.
- b. "Genocide", and *Prosecutor v. Akayesu* (1998, International Criminal Tribunal for Rwanda), as excerpted in Beth Van Schaack and Ronald C. Slye, eds. 2007. *International Criminal Law and Its Enforcement – Cases and Materials*. New York: Foundation. Pp. 410-420.

- c. John Hagan and Wenona Rymond-Richmond. 2008. "The Collective Dynamics of Racial Dehumanization and Genocidal Victimization in Darfur." *American Sociological Review* 73: 875-902.
- d. Daniel Jonah Goldhagen. 2009. "Ending Our Age of Suffering: A Plan to Stop Genocide." *The New Republic*. 21 October: 26-28.

Week 4, 28 January

4. Genocide Part II: Comparing Social Contexts with Legal Definitions

- a. Zygmunt Bauman. "The uniqueness and normality of the Holocaust." From Bauman, Zygmunt. *Modernity and the Holocaust*. Cornell University Press, 1989.
- b. Fujii, Lee Ann. 2008. "The power of local ties: popular participation in the Rwandan genocide." *Security Studies* 17: 568-597.
- c. *The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze* ICTR-99-52-A, International Criminal Tribunal for Rwanda (ICTR).

Recommended: Philip Gourevitch. (1995). "After the Genocide," *New Yorker*. 18 December. Online at

http://www.newyorker.com/archive/1995/12/18/1995_12_18_078_TNY_CARD_S_000372942?currentPage=all

Week 5, 4 February

5. The Social Organization of Conflict on a Changing Battlefield: Thinking about Chemical Warfare, Drones, and Targeted Killings

- a. Martha Finnemore. 1999. "Rules of War and Wars of Rules: The International Red Cross and the Restraint of State Violence." Pp. 149-165 in John Boli and George M. Thomas, eds., *Constructing World Culture: International Nongovernmental Organizations Since 1875*. Stanford: Stanford University Press.
- b. *Prosecutor v. Tadic* (1997, International Criminal Tribunal for the Former Yugoslavia).
- c. Chemical warfare: James Hamblin. 2013. "The Neuroscience of War." *The Atlantic*. 31 August.
- d. Drones: Peter Singer. "War of the Machines." *Scientific American* 303.1 (2010): 56-63 or Asawin Suebsaeng and Ryan Jacobs. 2013. "Lethal Battlefield Robots: Sci-Fi or the Future of War?" *Mother Jones*. 3 May.

Week 6, 11 February

6. Rape and Sexual Violence as International Atrocities

- a. Catherine Mackinnon. 1994. "Rape, Genocide, and Women's Human Rights." *Harvard Women's Law Journal* 17:5-16.
- b. *Prosecutor v. Akayesu* (1998, International Criminal Tribunal for Rwanda), as excerpted in Beth Van Schaack and Ronald C. Slye, eds. 2007. *International Criminal Law and Its Enforcement – Cases and Materials*. New York: Foundation. Pp. 470-480.
- c. Ruth Seifert. 1994. "War and Rape: A Preliminary Analysis." Pp. 54–72 in A. Stiglmayer, eds. *Mass Rape: The War against Women in Bosnia-Herzegovina*. **OR** Inger Skjelsbaek. 2006. "Victim and Survivor: Narrated Social Identities of Women who Experienced Rape During the War in Bosnia-Herzegovina." 16:373-403.

Reading Week

Week 7, 25 February

7. The Power of Conformity? Military Hierarchies, Conformity, and The Banality of Evil

- a. Excerpt from Hannah Arendt. 1963. *Eichmann in Jerusalem: A Report on the Banality of Evil*.
- b. Brief excerpt from *Prosecutor v. Erdemovic*. 1997. *International Criminal Tribunal for the Former Yugoslavia*.
- c. Martha Minow. 2007. "Living Up to Rules: Holding Soldiers Responsible for Abusive Conduct and the Dilemma of the Superior Orders Defence." *McGill Law Journal* 52:1-54 (stop at page 35).

Week 8, 4 March

Building Institutions for International Crimes

8. In class film, *The Reckoning: The Battle for the International Criminal Court*

- a. Mahmood Mamdani. 2007. "The Politics of Naming: Genocide, Civil War, Insurgency." *London Review of Books* 29:5.
- b. David Bosco. 2012. "Justice Delayed: Ten years later, the International Criminal Court is still on trial." *Foreign Policy*. 29 June.

Week 9, 11 March

9. Building Global Institutions for International Crimes: Go Directly to The Hague. Do Not Pass Go, Do Not Collect \$200.

- a. Marlies Glasius. 2009. "'We Ourselves, We are Part of the Functioning': The ICC, Victims, And Civil Society In the Central African Republic." *African Affairs* 108 (430): 49-67.
- b. Leslie Vinjmauri. 2010. "Deterrence, Democracy, and the Pursuit of International Justice." *Ethics & International Affairs* 24:191-211.
- c. Mark Drumbl. 2014. "The Effects of the Lubanga Case on Understanding and Preventing Child Soldiering." In *Yearbook of International Humanitarian Law* Volume 15, 2012, pp. 87-116.

Recommended: Eric Posner. 2013. "Assad and the Death of the International Criminal Court." *Slate*. 19 September. ([link](#))

Week 10, 18 March

10. Alternative Institutions for International Crimes: Truth versus Justice ?

- a. Desmond Tutu. 1998. *Truth and Reconciliation Commission of South Africa Report*. Excerpts on Blackboard, http://www.justice.gov.za/trc/report/finalreport/Volume_1.pdf
- b. Michael Ignatieff. 1997. "Digging up the Dead." *New Yorker* 73(34), 84.
- c. James Gibson. "Overcoming Apartheid: Can Truth Reconcile a Divided Nation?." 2006. *Annals of the American Academy of Political & Social Science* 603:82-110.

Recommended: Sandra Young. 2004. "Narrative and Healing in the Hearings of the South African Truth and Reconciliation Commission." *Biography* 27:145-162.

Week 11, 25 March

11. A Justice Cascade? What does it mean? For whom?

- a. Kathryn Sikkink. 2011. Excerpt from *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*. New York: Norton.
- b. Eric Stover. 2011. "Returning Home." Pp.92-110 in *The Witnesses: War Crimes and the Promise of Justice in The Hague*. University of Pennsylvania
- c. Joachim Savelsberg and Ryan King. 2011. Excerpt from *American memories: atrocities and the law*. Russell Sage Foundation.

Week 12, 1 April

12. Final Test