

Clark University HIST 268
Fall 2013

Gender, Mass Atrocities and the Struggle for Justice and Accountability

Professor: Dyan Mazurana, PhD, Cathy Cohen Lasry Visiting Associate Professor of Comparative Genocide Studies, Strassler Center for Holocaust and Genocide Studies, Clark University and Associate Research Professor, Fletcher School, Research Director, Feinstein International Center Tufts University

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Course Meeting Times & Location: Monday 2:50-5:50pm Rose Library in the Cohen Lasry House

Office Hours: Monday 12:00-2:00

Assignments for Course: 5 % student generated questions, 10% short paper assignments, 20% conference presentation, 65% final paper.

Type of Course: Seminar

Course Description: This seminar uses gender analyses to examine mass violence during situations of armed conflict and under authoritarian regimes and the struggle for remedy by victims and their advocates. Topics covered include the development of international humanitarian, human rights and criminal law as relates to the course topics; feminist critiques of, and influences, on the evolution of war crimes, crimes against humanity and crimes of genocide; gendered analysis of the targeting of civilians; how resulting harms are experienced in gendered ways; victims' rights to remedy and reparation; and a variety of transitional justice mechanisms. Serious crimes analyzed in the course include enforced disappearance, sexual and gender based violence, torture, targeting of civilians for attack, forced movement and displacement, mass killing (i.e. systematic and widespread but not meeting the elements of genocide), and genocide. The seminar also includes material on contemporary investigation and documentation of these crimes, and the efforts of collective action to seek remedy for victims. The course is comparative and will draw on both historical and contemporary cases from around the world.

Pre-requisites: None. Open to all graduate and undergraduate students from Clark and other area schools who can cross-register. No auditors without professors' permission.

Syllabus

Part I. Introduction to Gender and Mass Atrocities

Class 1 (August 26) Introduction to the Course

Mazurana will introduce the course and we will watch a film that introduces many of the issues we will be exploring throughout the course.

Film: Pray the Devil Back to Hell

September 2: NO CLASS

Please work on the readings for next week which are extensive and cover a lot of material

Class 2 (September 9) Gender and Mass Atrocities

(In these readings pay attention to the range of ideologies on limiting warfare, how they evolved, and why. Pay attention to how people are motivated to seriously harm and kill others, think about the gender dimensions. Also pay attention to how and why people suffer and die during armed conflict, and how that suffering and death intersects with gender.)

Carol Cohn. 'Women and Wars: Towards a Conceptual Framework,' in Carol Cohn (ed.). Women & Wars. Polity Press: Cambridge (2013).

Hugo Slim, "Introduction," "Limited Warfare and Its Rivals," Killing Civilians: Method, Madness and Morality in War, Columbia University Press: New York (2008), pp. 1-36.

Hugo Slim, "Killing, Injury and Rape," and "Movement, Impoverishment, Famine, Disease and Distress," in Killing Civilians: Method, Madness and Morality in War, Columbia University Press: New York (2008), pp. 37-119.

Hugo Slim, "Doing the Killing," in Killing Civilians: Method, Madness and Morality in War, Columbia University Press: New York (2008), pp. 213-250.

Margaret Urban Walker, "Gender and Violence in Focus" in The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations, (ed.) Ruth Rubio, Cambridge University Press (2009).

Angela Raven-Roberts, "Women and the Political Economy of War," in Carol Cohn (editor) Women & Wars, Polity Press: Cambridge (2013), pp. 36-53.

Part II. Legal Standards and Frameworks

Class 3 (September 16): Legal Standards to Prevent and Address Serious Crimes during Armed Conflict

(In these readings pay attention to and familiarize yourself with what is and is not permitted during armed conflict, and how it matters if the conflict is international or non-international in character. Pay attention to how women and girls are viewed and protected within IHL. Think carefully about how genocide is gendered and what this means for the future of understanding, preventing and reacting to genocide.)

ICRC, International Humanitarian Law and International Human Rights Law: Similarities and Differences. International Committee of the Red Cross: Geneva (2003).

International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, available at <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument> (skim through to get a sense of that is covered)

International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977, 1125 UNTS 609, available at <http://www.icrc.org/ihl.nsf/FULL/475?OpenDocument> (skim through to get a sense of what is covered)

International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, <http://www.icrc.org/ihl.nsf/FULL/470?OpenDocument>

Jelena Pejic, “The protective scope of Common Article 3: More than Meets the Eye,” *International Review of the Red Cross*, No. 881, 2011.

Helen Durham and Kelly O’Byrne, “The Dialogue of Difference: Gender Perspectives in International Humanitarian Law,” *International Review of the Red Cross*, Volume 92, Number 877, March 2010: 31-52.

Martin Shaw, “Neglected Foundations,” in What is Genocide? Polity Press: Oxford (2007), pp. 17-36.

Genocide Convention Act 1949 [Australia], Act No. 27 of 1949, 12 July 1949, available at <http://www.hrweb.org/legal/genocide.html>

Elisa von Joeden-Forgey, “Gender and the Future of Genocide Studies and Prevention,” *Genocide Studies and Prevention*, Volume 7, Number 1, Spring 2012.

Class 4 (September 23): Legal Standards to Prevent and Address Serious Crimes (cont.)

Gregory Stanton, “Why the World Needs an International Convention on Crimes Against Humanity,” in Leila Nadya Sadat (editor), Forging a Convention for Crimes Against Humanity, Cambridge University Press, 2011, pp. 345-358.

Roger Clark, “History of Efforts to Codify Crimes Against Humanity: From the Charter of Nuremberg to the Statute of Rome” in Leila Nadya Sadat (editor), Forging a Convention for Crimes Against Humanity, Cambridge University Press, 2011, pp. 8-27.

Valerie Oosterveld, “Gender-based Crimes Against Humanity,” in Leila Nadya Sadat (editor), Forging a Convention for Crimes Against Humanity, Cambridge University Press, 2011, pp. 78-101.

UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6 (selections)

Assembly of States Parties to the Rome Statute of the International Criminal Court, *Elements of Crimes of the International Criminal Court*, ICC-ASP/1/3 at 108, U.N. Doc. PCNICC/2000/1/Add.2 (2000)

Barbara C. Bedont, "En-gendering Justice: the Statute of the International Criminal Court in a Gender Perspective," *Human Rights and Development Y.B.*, 137, 1999/2000: 138-162.

Part III: Studies of Mass Atrocities

Class 5 (September 30): Sexual Violence

Dara Kay Cohen, Amelia Hoover Green, and Elisabeth Jean Wood, *Wartime Sexual Violence Misconceptions, Implications, and Ways Forward*, Special Report 323, February 2013, United States Institute for Peace: Washington DC.

Elisabeth Wood, "Variation in War Time Sexual Violence," *Politics & Society*, Vol. 34 No. 3, September 2006 307-341.

Sandesh Sivakumaran, "Sexual Violence Against Men in Armed Conflict," *The European Journal of International Law* Vol. 18 no. 2 (2007).

Physicians for Human Rights, War-related Sexual Violence in Sierra Leone, PHR: Boston, 2002.

Evelyn Josse, "'They Came with Two Guns': The Consequences of Sexual Violence for the Mental Health of Women in Armed Conflict," *International Review of the Red Cross*, Volume 97, No. 877, March 2010: 176-195.

Khristopher Carlson, and Dyan Mazurana. 2008. *Forced Marriage within the Lord's Resistance Army, Uganda*. Feinstein International Center, Tufts University, USA.

Class 6 (October 7): Guatemala

Joan W. Scott, "Experience" Judith Butler and Joan W. Scott, eds., *Feminists Theorize the Political*, (Routledge, New York, 1992), p. 22-41.

Guatemala: Memory of Silence, Report of the Commission for Historical Clarification (English translation), available at http://shr.aas.org/projects/human_rights/guatemala/ceh/mos_en.pdf accessed on July 3, 2012 (read pages 11-65).

Elisabeth Burgos-Debray (editor), translated by Ann Wright, I, Rigoberta Menchu: An Indian Woman in Guatemala, Verso: London (1984). Read the entire book

What Happened at Dos Erres (*please listen to this as we will discuss it in class, it is about 45 long*)
<http://www.thisamericanlife.org/radio-archives/episode/465/what-happened-at-dos-erres>

October 14 Fall Break NO CLASS

Class 7 (October 21): Rwanda

Dr. Bridget Conley, World Peace Foundation, guest lecture

Readings TBA

Class 8 (October 28): Former Yugoslavia

Conference/Final Paper topic submitted electronically to Mazurana

Alexandra Stiglmayer, ed. Mass Rape: The War against Women in Bosnia-Herzegovina (Lincoln, University of Nebraska Press, 1994). Pp. 1-35 and pp. 82-170

Cynthia Enloe, "All the Men are in the Militias, All the Women are Victims: The Politics of Masculinity and Femininity in Nationalist Wars," The Curious Feminist University of California Press: Berkeley (2004) pp. 99-108.

John Hagan and Todd Haugh, "Ethnic Cleansing as Euphemism, Metaphor, Criminology and Law," in Leila Nadya Sadat (editor), Forging a Convention for Crimes Against Humanity, Cambridge University Press, 2011, pp.177 – 201

Class 9 (November 4): Enforced Disappearance

Review the crime of Enforced Disappearance under the Rome Statute, referring to the Elements of Crime from your earlier readings.

Jennifer Schirmer, "Those Who Die for Life Cannot be Called Dead," Surviving Beyond Fear: Women, Children & Human Rights in Latin America, (ed.) Marjorie Agosin, White Pine Press: New York (1993) pp. 31-57.

Ximena Bunster, "Surviving Beyond Fear: Women and Torture in Latin America", Surviving Beyond Fear: Women, Children & Human Rights in Latin America, (ed.) Marjorie Agosin, White Pine Press: New York (1993) pp. 98-125

Rita Arditti, Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children of Argentina, University of California Press (1999). Read the entire book.

Then, search on line on the disappeared in many other countries (Bosnia, Columbia, Nepal, Sri Lanka, Kashmir, etc.) to familiarize yourself with how widespread and long-lasting this crime is.

Class 11 (November 18): The Right to and Struggle for Remedy and Reparation

Final paper bibliography due via electronic submission to Mazurana.

UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law : resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147*, available at <http://www2.ohchr.org/english/law/remedy.htm>

Pablo de Greiff, "Justice and Reparations," in Pablo de Greiff (editor), The Handbook of Reparations, Oxford University Press (2006), 451–477.

Ruth Rubio-Marin, "Introduction: A Gender and Reparation Taxonomy," in Ruth Rubio-Marin editor, The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations, Cambridge University Press (2009), pp. 1-17.

Ruth Rubio-Marin, "Gender and Collective Reparation in the Aftermath of Conflict and Political Repression," in Ruth Rubio-Marin editor, The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations, Cambridge University Press (2009), pp.381-402.

Harvey Weinstein, Laurel Fletcher, Patrick Vinck, and Phuong Pham, "Stay the Hand of Justice: Whose Priorities Take Priority?" in Rosalind Shaw and Lars Waldorf (editors), Localizing Transitional Justice: Interventions and Priorities After Mass Violence, Stanford University Press, pp. 27-48.

Fiona Ross, "An Acknowledged Failure: Women, Voice, Violence and the South African Truth and Reconciliation Commission," in Rosalind Shaw and Lars Waldorf (editors), Localizing Transitional Justice: Interventions and Priorities After Mass Violence, Stanford University Press, pp. 69-91.

Rosalind Shaw, *Rethinking TRCs*, Special Report 130 USIP 2005

Class 12 (November 25): Serious Crimes and Prosecution AND Proper Treatment of the Dead

Reread the Elements of Crimes of the Rome Statute

Binaifer Nowrojee, "Making the Invisible War Crime Visible: Post-Conflict Justice for Sierra Leone's Rape Victims," *Harvard Human Rights Journal* 18 (2005) 85-105.

Morten Bergsmo, Alf Butenschøn Skre, "Towards a More Comprehensive and Effective Proving of International Sex Crimes," in *Understanding and Proving International Sex Crimes*, Morten Bergsmo, Alf Butenschøn Skre and Elisabeth J. Wood (editors), Torkel Opsahl Academic EPublisher (2012), pp. 1-9.

Sangkul Kim, "The Means of Proof of International Sex Crimes," in *Understanding and Proving International Sex Crimes*, Morten Bergsmo, Alf Butenschøn Skre and Elisabeth J. Wood (editors), Torkel Opsahl Academic EPublisher (2012), pp. 225-264

Barbara Harrell-Bond and Ken Wilson, "Dealing with Dying: Some Anthropological Reflections on the Need for Assistance by Refugee Relief Programmes for Bereavement and Burial," *Journal of Refugee Studies Vol. 3. No. 3* (1990), pp. 228-243.

Keith Proctor, "*They Were Just Thrown Away, and Now the World is Spoiled*": *Mass Killing and Cultural Rights in Barlonyo, Uganda*, Feinstein International Center: Tufts University (March 2013), available at <http://sites.tufts.edu/feinstein/files/2013/03/They-Were-Thrown-Away-3-25-2013.pdf>

Class 13 (December 2): Gender, Reparation (for Who?), and Memorialization

Everyone reads:

Ruth Rubio-Marin, "The Gender of Reparation in Transitional Societies," in Ruth Rubio-Marin editor, The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations, Cambridge University Press (2009), pp. 63-120.

THEN DECIDE ON EITHER: 1 or 2

- 1) Ruth Rubio-Marin, Clara Sandoval, and Catalina Diaz, "Repairing Family Members: Gross Human Rights Violations and Communities of Harm," in Ruth Rubio-Marin editor, The Gender

of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations, Cambridge University Press (2009), pp. 215-290.

- 2) Brandon Hamber and Ingrid Palmay, “Gender, Memorialization and Symbolic Reparation,” in Ruth Rubio-Marin editor, The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations, Cambridge University Press (2009), pp. 324-380.

And then everyone reads:

Laura Arriaza and Naomi Roht-Arriaza, “Weaving a Braid of Histories: Local Post-Armed Conflict Initiatives in Guatemala,” in Rosalind Shaw and Lars Waldorf (editors), Localizing Transitional Justice: Interventions and Priorities After Mass Violence, Stanford University Press, pp. 205-228.

Class 14 December 9: Conference (2:30 to 6:30 pm) – NOTE SLIGHT TIME EXPANSION OF CLASS THIS DAY, YOU ARE REQUIRED TO ATTEND THE FULL CONFERENCE.

As a student in the course you are *required* to take part in a conference where you will present your paper. You should prepare and dress for this as a professional conference. This conference will be open to students and faculty at Clark.

You will be put into panels based on similar topics. Every presenter will be given 12 min to present her or his paper. You will be cut off at 12 min, so please have practiced numerous times so that you can deliver your presentation in a timely manner. There will then be 15-20 min of question and answer by the class to panel members, so ensure you keep your answers concise and to the point.

All power point presentations should be brought on a flash drive so Mazurana can load them prior to the start of the conference. Those with PPP should arrive 15 min early to the conference to ensure their presentations are loaded.

December 13: Final papers due via electronic submission Professor Mazurana

Core Texts: Please purchase (all are available via Amazon or Powells Books on line)

Elisabeth Burgos-Debray (editor), translated by Ann Wright, I, Rigoberta Menchu: An Indian Woman in Guatemala, Verso: London (1984).

Hugo Slim, Killing Civilians: Method, Madness and Morality in War, Columbia University Press: New York (2008).

Alexandra Stiglmayer, ed. Mass Rape: The War against Women in Bosnia-Herzegovina, Lincoln, University of Nebraska Press (1994).

Rita Arditti, Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children of Argentina, University of California Press (1999).

Recommend Texts: We will read significant portions of the following texts so you may wish to buy them:

Ruth Rubio-Marin editor, The Gender of Reparations: Unsettling Sexual Hierarchies while Redressing Human Rights Violations, Cambridge University Press (2009).

Leila Nadya Sadat (editor), Forging a Convention for Crimes Against Humanity, Cambridge University Press (2011).

Online and Internet Work

A number of the texts we will be reading will be posted online for you to download. Others are available on the internet and their location is cited in the syllabus.

Class Format

The seminar format is designed to encourage student inquiry and discussion of the multi-layered and multi-faceted aspects of gender, culture, and armed conflict. The emphasis will be upon student development of ideas through self and interpersonal exploration through class assignments and participation.

Taking part in a seminar requires an even greater sense of responsibility to one's class colleagues than one should feel in an ordinary class.

Attendance and Participation

Class attendance and participation are expected behaviors. In practice this sense of personal responsibility will take the form of regular class attendance (one absence per term in a seminar is understandable; more than one absence should be seen as extraordinary) and being fully prepared to take an active part in discussions having read all the assignments for that day. This means you do not have to have all your thoughts worked out or be certain about your conclusions, but you have to be ready to help all of us unravel the puzzles together.

Learning Experiences

Audiovisuals, discussion, lectures, guest speakers, and out-of-class activities, such as attending lectures in the area, will be utilized. Students should also monitor current news, other media, and public events about issues related to the course.

Class Assignments

1. Student Generated Questions. At the beginning of each class meeting you will hand us a question that came up for you during the readings. **Please put your name on the top of each question so I can give you credit.** The question will help shape an understanding of where students' are in understanding the readings, and may at times shape the class discussions and therefore should reflect both thoughtful and in-depth readings. These questions count for 5% of your grade.
2. Short Response Papers. At times I will ask for you to prepare short response papers to a topic we are discussing. At the time I assign these papers, I will give you the information regarding their completion. These papers count for 10% of your grade
3. Conference Presentation You will prepare and deliver a conference paper on a topic of your choice relevant to issues of gender and armed conflict. This presentation will count for 20% of your grade
 - October 28: Topic for paper/conference topic submitted
 - November 11: Abstract submitted

- November 18: Bibliography submitted
- December 9: Paper presented at class conference
- December 10: Final paper due submitted electronically to Mazurana

4. Final Paper: Based on your conference presentation, graduate students will one 25 page paper and undergraduates a 15-20 page paper on a current topic relating to gender, mass atrocity and remedy. The paper will either directly address an issue of gender or will apply a strong gendered analysis to a broader topic (i.e., genocide, crimes against humanity, witness protection, etc.). The analysis must be informed by and refer to the current and most relevant scholarship. The paper should provide an analysis of the topic, identify the main developments and positions on this topic, assess the state of response on this topic (if relevant), and provide substantive intellectual analyses. The final paper will be due on December 13. Questions count and quick response papers for 10% of the grade, the conference presentation counts for 30% and final paper count for 60% of your grade.

Your final grade will be on the basis of total accumulated points:
90-100% = A; 80-89% = B; 70-79% = C; 60-69% = D; Below 60 = F