

PT181 Doing Justice After Atrocity

Seminar Leader: Prof. Dr. Kerry Bystrom
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Office Hours: Thursday 10:00-12:00

Course Description

What does it mean to do “justice” after state terrorism, civil war, or the longstanding oppression of groups within society? How can parties on different sides of a conflict be brought together to work towards a common future? Is there any adequate way to repair the lives of victims, and what role should such reparations play in broader peace-building efforts? This class will grapple with such questions as it explores the development of the field of transitional justice from the 1980s into the present. The course will have at its heart a multi-disciplinary exploration of a set of case studies from Latin America, Africa, Europe and the United States, which explore responses to (among other topics) military dictatorship, apartheid and slavery. To frame these cases we will critically examine conceptions of justice that have developed historically across different intellectual and religious traditions and which shape current policy options—crystallizing in the 1990s, for instance, into a particular “tool-kit” that includes truth commissions, trials, and symbolic and financial reparations. The course will end with a project imagining what “justice” might look like in a site of on-going conflict. Readings will cross between philosophy, political science, anthropology, law and imaginative literature (drama, fiction, film).

This course is part of a co-operation with Kiron Open Higher Education and the Carey Institute for Greater Good, in which current Bard students and non-enrolled displaced students can study together on topics of common interest. It will focus not only on building a collective knowledge base about the possibilities and ethics of post-conflict settlements, but also on helping individual students improve their close reading, critical thinking and academic writing capacities. Students must actively participate and should expect to write multiple drafts of papers as well as engage in peer-review processes.

Learning Outcomes

- Theoretical and empirical knowledge of historical and contemporary concepts of justice
- Understanding of the aims, toolkit and pitfalls of transitional justice
- Insight into how to apply theories or tools of justice to solve current and future problems
- Practice in close reading and interpretation of primary sources in particular historical or contemporary contexts
- Ability to present and to critically examine, in oral and written expression, key arguments regarding the impacts of war, oppression and post-conflict settlement

- Improved skills in academic writing, teamwork, problem-solving and cross-cultural communication

Required readings

Most required readings will be linked into our Carey Institute class platform or provided through an E-Reserve system (a Google drive [GD] linked to the course platform).

However, students are required to purchase or borrow from the BCB reserve shelf the following two books:

- Dorfman, Ariel *Death and the Maiden*
- Kani, John *Nothing But the Truth*

Academic Integrity

Bard College Berlin maintains the staunchest regard for academic integrity and expects good academic practice from students in their studies. Instances in which students fail to meet the expected standards of academic integrity will be dealt with under the Code of Student Conduct, Section III Academic Misconduct.

Attendance and Class Participation

Attendance at ALL classes is expected. More than one absence from a 3-hour class session in a semester will affect your participation grade for the course. Please consult the Student Handbook for regulations governing periods of illness or leaves of absence.

Please note that as a seminar that depends for its success on your engagement, the expectation is not mere attendance but active, informed and context-sensitive participation. You will be given feedback on class participation throughout the semester, most formally through the assignment of mid-term and final participation grades.

Assignments

This class has three formal requirements:

- a short analytical essay involving both a first and second draft;
- a second analytical essay involving a final draft only; and
- a group project addressing a case of on-going conflict or oppression which involves research, presentation and a reflection paper.

Further information about each of these assignments will be provided as the semester moves forward.

Since this is a writing-intensive and engagement focused class, this course will also have a number of informal assignments. These will include free-writing, individual and group presentations, and peer assessments. Participation in informal assignments will be taken into account for your participation grades.

Policy on Late Submission of Papers

According to the BCB common policy outlined in the Student Handbook: *essays that are up to 24 hours late will be downgraded one full grade (from B+ to C+, for example). Instructors are not obliged to accept essays that are more than 24 hours late. Where an instructor agrees to accept a late essay, it must be submitted within four weeks of the deadline and cannot receive a grade of higher than C. Thereafter, the student will receive a failing grade for the assignment.*

Grade Breakdown

Your final grade will be calculated according to the following-formula:

- Participation first half of semester (includes attendance, meet-up and informal exercises): 10%
- Participation second half of semester (includes attendance and informal exercises): 10%
- Essay 1: rough draft 10%, final draft 20%
- Essay 2: 30%
- Group Project (including reflection paper): 20%

Course Schedule

Please note that this schedule is subject to change and it is your responsibility to stay up to date on revised assignments, meeting times and topics

Part I: Models of Justice

Week 1

Friday February 1

Introduction: What is justice?

Required readings:

- Conan Doyle, "B24" [GD]
- Quinn, "Transitional Justice" [GD]

Week 2

Friday February 8

The Nuremberg Example and the Successor Trials in Germany

Guest speaker Dr. Florian Becker

Readings:

- Nuremberg Indictment and Counts 1-4, plus Charter
 - o <http://avalon.law.yale.edu/imt/count.asp>
 - o <http://avalon.law.yale.edu/imt/count1.asp>
 - o <http://avalon.law.yale.edu/imt/count2.asp>
 - o <http://avalon.law.yale.edu/imt/count3.asp>
 - o <http://avalon.law.yale.edu/imt/count4.asp>
 - o <http://avalon.law.yale.edu/imt/imtconst.asp>

- West, selections from *A Train of Powder* [GD]
- Weiss, selections from *The Investigation* [GD]

Required Viewing: TBA

*Part II: Truth versus Justice versus Reconciliation?
Experiences from the Southern Cone*

Week 3

Friday February 15

The Argentine Case

Required readings:

- Walsh, "Open Letter"
<https://www.historyisaweapon.com/defcon1/walshopenletterargjunta.html>
- Timmerman, selections from *Prisoner without a name, Cell without a number* [GD]
- CONADEP, selections from *Nunca Más*
 - o Prologue
http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_002.htm
 - o General Introduction
http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_004.htm
 - o Extract [GD]
 - o Recommendations and Conclusions
http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_282.htm

Week 4

Friday February 22

The Chilean Case

Required readings:

- Dorfman, *Death and the Maiden*
- Report on the Chilean Commission of Truth and Reconciliation (pp. 1-40, Foreword through end of Ch. 1) [GD]

Week 5

Friday March 1

Reflecting on the Southern Cone

Student Roundtable One

Essay #1 Draft 1 due

Special Activity Saturday March 2 from 10:00-18:00: CLASS MEET UP

Part III: The South African model: Towards a Restorative Justice

Week 6

Friday March 8

Understanding the TRC

Required Reading:

- Final Report of the South African Truth and Reconciliation Commission, "Chairperson's Foreword" [GD]
- Krog, selections from *Country of My Skull* [GD]
- Krog, poetry selection [GD]

Required Viewing: SABC Truth Commission Special Report, Episode 1
<http://sabctrc.saha.org.za/tvseries/episode1/playlist.htm>

Essay #1 Draft 2 due

Week 7

Friday March 15

Critiquing the TRC?

Required Reading:

- Mda, *Nothing But the Truth*
- Hamber and Wilson, "Symbolic closure through memory, reparation and revenge in post-conflict societies" [GD]
- Mamdani, "Beyond Nuremberg: The Historical Significance of the Post-Apartheid Transition in South Africa" [GD]

Part IV: Towards an International Criminal Court

Week 8

Friday March 22

The Yugoslav Wars

Required Reading:

- Hemon, "Exchange of Pleasant Words" [GD]
- Sarajevo Survival Guide <http://famacollection.org/eng/fama-collection/fama-original-projects/04/index.html>
- Scharf and Day, "The *ad hoc* international criminal tribunals: Launching a new era of accountability" [GD]

Week 9

Friday March 29
Inside the ICTY

Required Reading:

- ICTY hearing transcript: Witness 50 from Prosecutor v. Kunarac et al
<http://www.icty.org/sid/188>
- Dembour and Haslam, "Silencing Hearings? Victim-Witnesses at War Crimes Trials"
[GD]

Week 10

Friday April 5
The International Criminal Court Today
Guest lecture Dr. Valentina Azarov

Essay #2 due

Part V: Future Forms of Justice

Week 11

Friday April 12
The United States and the Ghosts of Oppression: The Debate over Reparations for Slavery

Required Reading:

- Coates, selection from *Between the World and Me* [GD]
- Randall Robinson, NPR podcast on *The Debt: What America Owes to Blacks*
<https://www.npr.org/templates/story/story.php?storyId=1070201>
- Coates, "The Case for Reparations"
<https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

Required viewing: PBS, "Should the US pay reparations to Black Americans?"
<http://www.pbs.org/wgbh/point-taken/should-us-pay-reparations-black-americans/#watch>

Friday April 19: No class SPRING BREAK

Week 12

Friday April 26
Case-Study Background

Required Reading:

- TBA based on case selections

Week 13

Friday May 3

No class (make-up=Class Meet-Up on March 2). Students should be working in groups on case studies and presentations.

Week 14

Friday May 10

Student Roundtable Two: Case Study Presentations

Week 15

Friday May 17

Completion week