

Syllabus: His 704 Problems in Historical Justice

Instructor: Prof. Miranda Johnson

Class meeting time: Mondays, 9.00am-11.00am.

Room: Humanities 5425

Office hours: Wednesday 1pm-3pm,

Office location: 5108, George Mosse Humanities Bldg, 455 North Park St

Phone: (608) 263 1842

Email: cjohnson33@wisc.edu

Demands for the recognition of “historical wrongs” and the restitution of grievances have abounded in some very different sites around the world in the post-World War II era. In this class, we will examine the emergence of a discourse of “historical wrongs”, the demands for “historical justice” that the itemization of such wrongs have provoked, and the various institutional attempts to provide justice for such wrongs. The world historical context for the class is the development of a discourse of international human rights following the defeat of Nazi Germany in World War II and the break-up of European empires. We will examine this context in first few weeks of the class. We will also discuss some of the philosophical and theoretical conditions for the emergence of a discourse of wrongs and demands for justice in this historical period. In the latter effort, we will trace out some of the tensions and differences between liberal theorists of redistribution such as John Rawls and postcolonial critics such as Frantz Fanon.

In order to appreciate why and how justice matters, and what the limits of a discourse and practice of justice in any one place are, we need to pay attention to local circumstances and histories. The majority of the class, therefore, will be devoted to a series of comparative and connected case studies: the prosecution of Nazi war criminals; the recent War Crimes Tribunal in Cambodia; the Truth and Reconciliation Commission in South Africa; some local attempts at reconciliation in the southern United States; and indigenous rights claims in New Zealand.

The “problems” that this class examines are historical, philosophical and methodological in nature. Why does the past matter in the present? How does the pursuit of justice change or limit what historians do? What new ways of thinking about and doing history are opened up at the intersection between memory, testimony, and institutional demands? When and how have demands for historical justice been met? Under what conditions is justice possible, and what does justice mean in distinct situations? The class may also be of general interest to students undertaking comparative and transnational research projects.

Assessment:

This class focuses on discussions of the set readings (and other works you may want to bring to class from your own areas of expertise). To that end, the assessments are framed in terms of the class discussion:

1. Each of you will take responsibility for leading a class discussion (10%);
2. You will submit four response papers over the course of class discussions (your choice of readings), 2-3 pages in length (40%);
3. You will submit a final reflection paper on one of the themes or problems we discussed during the class, 10-12 pages in length (50%).

Required texts, available at the University Bookstore:

Hannah Arendt, *Eichmann in Jerusalem: a report on the banality of evil*, Penguin USA, 2006.

Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices*, The Johns Hopkins University Press, 2001.

Alfred Brophy, *Reconstructing the Dreamland: The Tulsa Race Riot of 1921: Race, Reparations and Reconciliation*, Oxford University Press, 2003

Frantz Fanon, *Black Skin White Masks*, tr. Richard Philcox, Grove Press, 2008

Tom Fawthrop, Helen Jarvis, *Getting Away With Genocide: Cambodia's Long Struggle Against the Khmer Rouge*, Pluto Press, 2004.

Pierre Hazan, tr. Sarah Meyer de Stadelhofen, *Judging War, Judging History: Behind Truth and Reconciliation*, Stanford University Press, 2010

Antjie Krog, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*, Random House, 2000.

Other readings will be available as PDFs on the class website.

Schedule:

Week 1: September 6
Labor Day; NO CLASS

Week 2: September 13 [First actual class]
Introductions. Historical context for the emergence of "historical justice".

Pierre Hazan, *Judging War, Judging History*, chapters 1 and 2
Elazar Barkan *The Guilt of Nations*, introduction and chapter 1

Week 3: September 20
What do we mean by "justice"? Liberal theories of justice. Distributive justice and the "difference principle".

John Rawls, *A Theory of Justice*, first ed., Harvard University Press, 1971, pp. 3-22; 60-108.

John Rawls, *The Law of Peoples*, Harvard University Press, 1999, pp. 113-128.

Duncan Ivison, *Postcolonial Liberalism*, Cambridge University Press, 2002, chapter 1, "The Liberal Justificatory Ideal" (pp. 14-29).

Week 4: September 27

Anti-colonial and postcolonial challenges to liberalism and liberal theories of justice.
Race and racialization as historical conditions of injustice.

Frantz Fanon, *Black Skin, White Masks*, introduction, chapters 5, 6, 7 and 8

Duncan Ivison, *Postcolonial Liberalism*, chapter 2, "The Postcolonial Challenge" (pp. 30-48)

Week 5: October 4

Nazi war crimes. Holding individuals accountable for human rights violations. What is reportage?

Hannah Arendt, *Eichmann in Jerusalem* [entire]

Week 6: October 11

Crimes against humanity, half a century on. Cambodia and the trials of Khmer Rouge leaders.

Online Cambodia Tribunal Monitor. Browse the expert commentary articles especially:

<http://www.cambodiatribunal.org/>

Tom Fawthrop and Helen Jarvis, *Getting away with genocide: Elusive justice and the Khmer Rouge Tribunal*

Week 7: October 18

Historical justice in the transition to democracy. South Africa and the Truth and Reconciliation Commission. Genres of "truth".

Desmond Tutu, preface, *Report of South Africa's Truth and Reconciliation Commission*

Antje Krog, *Country of My Skull*, introduction and chapters 1-12 (pp. 3-175)

Week 8: October 25

The theatre of the TRC. What do we see/hear/feel?

Watch excerpt from Long Night's Journey into Day [in class]

Antje Krog, *Country of My Skull*, rest of book

Week 9: November 1

Problems of truth-getting and historical method.

Colin Bundy, "The Beast of the Past: History and the TRC", in Wilmot James and Linda van de Vijver, *After the TRC: reflections on truth and reconciliation in South Africa*, pp. 9-20

Deborah Posel, "History as Confession: The Case of the South African Truth and Reconciliation Commission", *Public Culture*, 20:1, pp. 119-141

Week 10: November 8

What can historians do with memory and trauma? Psycho-analytical approaches to problems of testimony.

Dominick LaCapra, *History and Memory after Auschwitz*, chapters 1 and 2
Bain Attwood, "In the Age of Testimony: The Stolen Generations Narrative, "Distance", and Public History", *Public Culture*, 20:1, pp. 75-96

Week 11: November 15

Multiculturalism and repairing historical wounds. Why and when are "states" responsible?

Dipesh Chakrabarty, "History and the Politics of Recognition" in Keith Jenkins, Sue Morgan, and Alan Munslow eds., *Manifestos for Historians*, London and New York, 2007, pp. 77-86.

Elazar Barkan, *The Guilt of Nations*, chapters 7, 8, 9, 10, 11

Week 12: November 22

Writing history for a purpose: evaluating the guilt of nations.

Alfred Brophy, *Reconstructing the Dreamland: The Tulsa Race Riot of 1921: Race, Reparations and Reconciliation*

Week 13: November 29

But what happens when history "goes to court"? New Zealand and the Waitangi Tribunal

Waitangi Tribunal, *Muriwhenua Land Report*, Wai 45, 1997.

<http://www.waitangi-tribunal.govt.nz/reports/downloadpdf.asp?reportid={617D9262-6F31-47E8-A950-6B67993393A6}.pdf>

W.H. Oliver, "The Future Behind Us: The Waitangi Tribunal's Retrospective Utopia" in P.G. McHugh and Andrew Sharp, eds, *Histories, Power and Loss*, Bridget Williams Books, 2001, pp. 9-30

Week 14: December 6

Assessing the damages. What economic use is historical research?

Elazar Barkan, *The Guilt of Nations*, chapter 12 and conclusion

Dalton Conley, "Calculating Slavery Reparations: Theory, Numbers and Implications" in pp. 117-126

Week 15: December 13

Class discussion and wrap-up: should historians become involved in issues of "historical justice"? Can we avoid them?

Reading and location TBA