

SST 340 - Justice After Dictatorship

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COURSE DESCRIPTION

Once a war is over, or a dictatorship falls, what do we do with the war criminals, the dictators and their henchmen? In this course, we will concentrate on the use of trials since the Nuremberg war crimes trials after World War II. What have been their failures and successes? Is International Justice a utopian goal or a feasible strategy? Our aim at the end of the Spring term is to come to some conclusions. Students will not be assessed on the correctness of their views on what remain open questions, but on their ability to argue their cases.

REQUIREMENTS

All students are required to take an active part in class discussions. To help these discussions, one or two students will be asked to submit a short (maximum 1000 words) paper each week, which will be distributed to the class for comment. This means they will have to be ready at least two days before class. At half term and end of term, all students will have to write 1000-word essays to set questions. Grades will be based for 20% on written, and 80% on class work.

BOOKS TO BE PURCHASED BY THE STUDENTS

Eichmann in Jerusalem, Hannah Arendt.

A Miracle, A Universe, Lawrence Wechsler

Victor's Justice: The Tokyo War Crime Trial, Richard Minear.

BOOKS ON RESERVE IN THE LIBRARY

Portage to San Cristobal of A.H., George Steiner.

The Wages of Guilt, Ian Buruma.

The Anatomy of the Nuremberg Trials, Telford Taylor.

The Investigation by Peter Weiss.

Haunted Lands, by Tina Rosenberg.

The Future of Liberal Revolution, Bruce Ackerman

Crimes Against Humanity, Geoffrey Robertson.

FILMS

Judgment at Nuremberg

Death of a Maiden

FEBRUARY

3: Introduction. George Steiner: Portage to San Cristobal of A.H. (Please order)
Discussion: justice, politics, law, and revenge. Where is the balance?

5: The Wages of Guilt, Ian Buruma. A German-Japanese comparison. The Nuremberg and Tokyo tribunals were the models of international justice. How do the two trials compare? What were the cultural, political and historical issues that divided the two cases?

10: The Anatomy of the Nuremberg Trials, Telford Taylor. Students must read chapters 1,2,4. Was an international tribunal the only way? Was it the right way? The problems of sovereignty and who judges whom.

12: MOVIE Judgement at Nuremberg

17: Anatomy of the N.T., chapters 8,11,12,13. Who was blamed at Nuremberg and why. Goering's defence.

24: Ibid, chapters 17,18,20,21,22. The conclusion of the Nuremberg trial and the consequences.

26: Introduction to the Tokyo Tribunal. The Other Nuremberg, Arnold Brackman. Chapters 1,2. The case for the Tokyo trials.

MARCH

3: Victor's Justice: The Tokyo War Crime Trial, Richard Minear. Students should read the whole book. The problems with the trial. The role of the Japanese emperor. Assessment of Justice Pal's dissent. Was the Tokyo Trial a better model for future cases than Nuremberg?

5: Discussion of Victor's Justice. Political consequences of the trial in Japan.

10: Auschwitz, and theatre of war crime trials. Students should read The Investigation by Peter Weiss. Trials as theatre. Case history of a domestic war crime trial.

12: Eichmann in Jerusalem, Hannah Arendt. Students should read the book. Does 'banality of evil' make sense? Political uses of a war crime trial.

17: Discussion about the reception of E. in. J. Effect of the Eichmann trials, in America and Europe. Should dig up material from Partisan Review, etc.

19: MOVIE: Hotel Terminus, Marcel Ophuls. About Klaus Barbie, the French resistance, and the art and program of Ophuls's filmmaking.

24: MOVIE: Barbie Trial, BBC docu-drama. The defence of Barbie on the light of France's colonial record in Africa and Indochina. How valid is the Tu Quoque argument.

APRIL

7: Lawrence Wechsler: A Miracle, A Universe. Chapter on Brazil. Differences between war crimes and crimes committed under dictatorships.

9: Nunca Mas, discussion. A look at primary materials. How effective is 'truth-telling'? Can it be a substitute for trials?

14: MOVIE: Death of a Maiden, Roman Polanski. A study of memory, its reliability in a court case, and the perils of revenge.

16: Wechsler: chapter on Uruguay. Political fallout of prosecution. The risks to political stability of staging domestic trials.

21: Europe post-1989. Haunted Lands, by Tina Rosenberg. (We might also look at 'Transitional Justice' for this part.) How the end of the Soviet Empire affected its different parts. Was there an ideal model to follow? How relevant was the legacy of Nuremberg?

23: Lustration (Wechsler articles in the New Yorker) and amnesty (students should read The Future of Liberal Revolution, Bruce Ackerman (Yale U.), chapters 5,6,7. Argument for letting bygones be bygones. Are trials futile?

28: African Nuremberg, by John Ryle. New Yorker, October 2, 1995. Trials in Ethiopia. How a European model of justice is transferred to Africa. Does it work? John Ryle is prepared to come and talk about Ethiopia.

30: Two Faces of Justice, by Samantha Power. NYRB, 16 January, 2003. Article on Rwanda trials in N.Y Review of Books, Samantha Power. (We might invite her over.) Local justice, as opposed to international justice. Implications of the Rwanda example for the future of the International Criminal Court?

MAY

5: South African Truth Commission. Material TK. Truth without retribution. Can South Africa offer a counter model to crime tribunals?

7: Conclusion: Crimes Against Humanity, Geoffrey Robertson. Is the ICC going to be sustainable? Problems of international justice without a world government. Utopia or faute de mieux?