



**Centre for the Study of Law and Governance
Jawaharlal Nehru University
New Delhi-110067**

Outline of Optional Course

LG 637 History, Politics, and Ethics of Reparation, Restitution and Reconciliation

This course is designed to make students think critically about contemporary demands for reconciliation and reparation. By taking up certain concrete cases of restitution and reparation demands (e.g. to Japanese Americans for internment during WWI, German reparations to Jews, the demand for reparations for slavery etc.), students will be asked to reflect on why certain issues get taken up for reparation demands and others don't or why certain groups are successful and others aren't. They will also discuss the ethics of providing distributive justice across time, of what the appropriate units of reparation should be, of the clash between new entitlements based on need or current legal standing and old entitlements based on expropriation.

Restitution claims also raise questions of memory; how historical injustices are framed and transmitted in national history texts and popular narratives; how the symbols of a nation – e.g. monuments, founding days, flags, anthems - are implicated in previous histories of conquest and violence; and whether restitution privileges certain moments in history as against others. In this context, the students will be introduced to the German Historian's debate over the holocaust, and questions of individual culpability for national crimes.

The course will also discuss the politics of Truth and Reconciliation Commissions, the 'adequacy' of positivist notions of truth, and the legal and moral discourses within which reconciliation commissions operate.

Finally, it will take up the politics of International War Crimes Tribunals and will cover questions like victor's justice, the retrospective application of laws, definitions of crimes against humanity etc.

Topics to be covered

I. Demands for restitution

- German reparations to Jews
- American recompense to Japanese Americans for WWII
- Korean Comfort Women vs the Japanese government
- Lustration in Eastern Europe
- Russian-German debates over artwork
- Reparations for slavery
- Native Americans: land and sacred objects
- Australian aborigines and the judicial revolution
- Ramjanmabhoomi issue

II. Individual vs. state culpability for genocide

- German historian's debate
- The anthropology of genocide

III. Truth and Reconciliation Commissions

- Guatemala
- South Africa

IV. International War Crimes Tribunals

- Nuremberg
- Tokyo
- Rwanda
- Yugoslavia