LT311 Fictions of Justice: Literature, Truth Commissions, and International Criminal Law

Modules: Literary Analysis and Cultural Production/Law and Society
Instructor: Kerry Bystrom k.bystrom@berlin.bard.edu
Meeting Times: Tuesday and Friday 1:30-3pm
Location: Seminar Room 2

Course description
This course explores the intertwining of literature and law, as it looks specifically at the dilemmas of “transitional justice” and the rebuilding of societies in the wake of conflict. What is the space of testimony after mass human rights violations, and to what extent is testimony before a truth commission or in a courtroom related to testimonial non-fiction? More generally, what is the importance of storytelling and performance in the legal realm and outside of it? What are the limits of courts as a site of justice, and what other conceptions of justice arise in literary and other aesthetic works? Can literature provide a form of justice? We will explore such questions in relation to case studies looking at truth commissions in Argentina, Chile and South Africa, as well as national and international investigations such as the Nuremberg Tribunal and the International Criminal Tribunal for the former Yugoslavia. We will study first-person testimony and trial footage, truth commission reports, legal reportage, anthropological and theoretical essays, and fictional texts such as Ariel Dorfman’s *Death and the Maiden* and J.M. Coetzee’s *Disgrace*.

Required Course Texts
- Peter Weiss, *The Investigation*
- Jacobo Timmerman, *Prisoner Without a Name, Cell Without a Number*
- Ariel Dorfman, *Death and the Maiden*
- Roberto Bolaño, *By Night in Chile*
- Antjie Krog, *The Country of My Skull*
- J.M. Coetzee, *Disgrace*

Additional required reading materials are printed in a course reader (CR), will be handed out as Xeroxes (X), and/or are available on-line.

Requirements
Attendance
Attendance is required at all classes. Absences are registered in all classes, and lateness is registered as absence. We understand that serious illness and other bona fide emergencies may arise during the semester and students may miss up to two classes for these reasons without external documentation.
**Assessment and Assignments**
This course has three written essay assignments (the first is 3pp or 750-1000 words, and the second and third are 5-6 pp or 1500-2000 words each). Students will also be expected to do one formal oral presentation and to fully participate in informal writing and presentation assignments throughout the course of the semester. Since this is a seminar, active and informed participation in class is a required and graded element of the course.

**Policy on Late Submission of Papers**
As the Student Handbook states, 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.

**Academic Integrity**
In this course, we aim to conduct ourselves as a community of scholars, recognizing that academic study is both an intellectual and ethical enterprise. You are encouraged to build on the ideas and texts of others; that is a vital part of academic life. However, you are also obligated to document every occasion when you use another’s ideas, language, or syntax. When you use another’s ideas or language—whether through direct quotation, summary, or paraphrase—you must formally acknowledge that debt by signaling it in the MLA parenthetical format ([http://www.mla.org/style](http://www.mla.org/style)). Please come to see me if you have any questions about when and how to cite. Further note that even one occasion of academic dishonesty, large or small, on any assignment, large or small, will result in reporting of the offense to the Academic Administration and may result in failure for the entire course. The full Bard College Berlin policy on academic integrity is detailed in the Student Handbook and you should familiarize yourself with it.

*Cellphones and Laptops: Cellphones should be switched off for the duration of class. Laptops are allowed only when necessary for class activities.*

**Grade Breakdown**
- Paper 1: 20%
- Paper 2: 25%
- Paper 3: 25%
- Oral Presentation: 10%
- Class Participation (including informal assignments): 20%

**Schedule**
*Please note that the following course outline is provisional. Changes to the assignment and seminar schedule will be communicated in class and via the Bard College Berlin email system. It is your responsibility to remain up-to-date on course assignments and due dates.*
Part I: Transition, Justice and Literature
Tuesday Jan. 27 Introduction

Friday Jan. 30: Quinn, “Transitional Justice” [CR]


Part II: Nuremberg and the Successor Trials: Framing a New Paradigm
Tuesday Feb 3: Mettraux, “Trial at Nuremberg” [CR]

Tuesday Feb 3: 7pm SCREENING Judgment at Nuremberg (make-up for Fri. March 27)

Friday Feb. 6: Judgment at Nuremberg, cont’d

Tuesday Feb. 10: Weiss, The Investigation, beginning: Canto 5 (pp 1-107)

Friday Feb. 13: Weiss, The Investigation, Canto 6-end (pp. 106-203)

Tuesday Feb. 17 Arendt, “Epilogue” from Eichmann in Jerusalem

Friday Feb. 20: Student Roundtable 1→ Paper 1 due (3 pages)

Part III: Argentina and Chile: Truth versus Justice versus Reconciliation?
Tuesday Feb. 24 Timmerman, Prisoner without a name, Cell without a number

Friday Feb. 27 Timmerman, Prisoner without a name, Cell without a number

Tuesday March 3 CONADEP, Nunca Más selections: Prologue, General Introduction, Extract, Recommendations and Conclusions [CR and website <http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_001.htm>]; Carlos Nino, selections from Radical Evil on Trial [X]

Friday March 6 Selections from the Rettig report [CR]

Tuesday March 10 Dorfman, Death and Maiden

Friday March 13 Dorfman, Death and Maiden

Tuesday March 17 SPRING BREAK

Friday March 20 SPRING BREAK

Tuesday March 24 Bolaño, By night in Chile (all: pp. 1-118)
Friday March 27 NO CLASS (Kerry at conference) - >Paper 2 due (5 pages)

Part IV: The South African model and its failings
Tuesday March 31 TRC report “Chairperson’s Foreword” [CR]

Friday April 3 FEDERAL HOLIDAY

Tuesday April 7 Krog, Country of My Skull

Friday April 10 Krog, Country of My Skull


Friday April 17 Coetzee, Disgrace Ch 1-13, pp. 1-112

Tuesday April 21 Coetzee, Disgrace, Ch. 14-24, pp. 113-220

Part V: The ICTY: Towards An International Criminal Justice
Friday April 24 Hemon, “An exchange of pleasant words” and “A coin” from The Question of Bruno [CR]


Friday May 1 FEDERAL HOLIDAY

Tuesday May 5; Dembour and Haslam, “Silencing Hearings? Victim-Witnesses at War Crimes Trials” [CR]; Stover “Justice and Reconciliation” [CR]; Leydesdorff, “Sabetha’s Story” and “Farewell” from Surviving the Bosnian Genocide: The Women of Srebrenica Speak [CR]

Friday May 8 NO CLASS (Annual conference)

Tuesday May 12 Course conclusion: Student Roundtable 2

Friday May 15- > Paper 3 due (5 pages)