

## FAIR 334B/HGST 334 – TRANSITIONAL JUSTICE

### 016 Historical injustices

- DINAH SHELTON, REMEDIES IN INTERNATIONAL HUMAN RIGHTS LAW (2ed., 2005), **Chapter 14, pp. 428-464**

#### **Optional Readings and Additional Resources**

- THOMAS PAKENHAM, THE SCRAMBLE FOR AFRICA: WHITE MAN'S CONQUEST OF THE DARK CONTINENT FROM 1876 TO 1912 **Chapter 33 pp. 602-615 (1991)**
- ELAZAR BARKAN, THE GUILT OF NATIONS: RESTITUTION AND NEGOTIATING HISTORICAL INJUSTICES **Introduction: pp. xv-xli (2000)**
- Tim Johnston, *Australian Leader Proposes 'New Reconciliation' with Aborigines*, NEW YORK TIMES, October 12, 2007
- Tim Johnston, *Australia Says 'Sorry' to Aborigines for Mistreatment*, NEW YORK TIMES, February 13, 2008

1. What are historical injustices? What length of time is required for an act of injustice to be considered "historical"? What accounts for the growing number of claims, despite the obstacles to justice? What are the significant elements of reparations claims in cases of wartime violations, including the Nazi Insurance, Assets and Slave Labor cases, Looting of Cultural Property, as well as Japanese Actions During the Second World War? (**Shelton, 428-439**)
2. What is the substance of the claims based on discrimination against minorities, including colonialism, abuses against indigenous peoples, and slave reparations claims? How has the United States generally responded to slave reparations claims? Are there any lessons in these claims for current claims for reparations? (**Shelton, 439-446**)
3. How have States generally responded to historical injustice claims? Are these responses sufficient or adequate? What has been the international response to historical injustice claims? Are these sufficient or adequate? (**Shelton, 446-454**)
4. What are the arguments for reparations for historical injustices? What are the arguments against reparations for historical injustices? In considering historical claims, should there be concern with non-retroactive application of the law? Is there any middle ground in the debate on reparations for historical injustices? (**Shelton, 455-464**)