This research seminar explores anthropological approaches to the question of law, justice, and testimonial practices. Using postwar compensation lawsuits filed by Chinese wartime forced laborers enslaved by imperial Japan as the primary case study, the purpose of the course is to examine theoretical, methodological, and ethical issues arising from approaching legal cases anthropologically so that students can pursue their own research topics in their final paper projects.

The cases in this seminar all explore the role of law in redressing the past injustice and violence arising from imperial and colonial violence. We will pay special attention to the convergence of two processes, the breaking of long-held silence by victims through various forms of testimony inside and outside the courtroom, and the legal process of redress. Since the 1990s, large number of Chinese and Korean war victims, such as former forced laborers and the so-called “comfort women” to name but a few, have filed lawsuits against the Japanese government and corporations. In the process, they give voice to their long silenced, traumatic experiences, which resulted in fueling the global human rights movement against human trafficking. Through anthropological approaches to law and testimonial practices, we shall examine such questions as: what kind of legal space is created through compensation lawsuits; what kind of “performance” is produced both inside and outside the courtroom; what kinds of power dynamics underlie the recounting of testimony; and, what does it mean to account for silence in pursuit of the politics of redress in the legal sphere? Even though the course draws examples primarily from East Asia, students are encouraged to pursue their own choice of cases elsewhere in their final paper projects.

**Course Assignments:**

As a research seminar, the course is designed to explore theoretical and methodological issues, which I expect you to incorporate into your own research agenda.

1. **Weekly Brief Reflection Essays:** By 9:00pm on Saturday before the class, I would like you to post a brief reflection essay consisting of three paragraphs, limited to one page (single space, Times New Roman 12pt, one-inch margin), on the assigned readings to the class e-mail list. In the first paragraph, please summarize the main argument of each text, offer your analysis of how different texts speak to one another in the second paragraph, and in the third paragraph share your free-spirited reflection on the readings. You are welcome to discuss texts from the earlier class as well. You will be amazed to find how each of you interpret the texts differently. I would like you to read other people’s postings before coming to the class, so that we can start our discussion based on shared understanding of everybody else’s reading of the text.

This exercise will hopefully help us have a productive discussion by being more aware of the different and interesting moments in the texts that only multiple eyes and brains will allow us to notice. This exercise will also be useful for your writing the final paper by forcing you to take good notes while reading. I purposefully try not to assign too much reading per week so that you are not under the pressure to read fast (or skim the text). Some texts are not easy to grasp, so read slowly and chew them well!
Good notes will later help you tremendously when you write your final paper, as I expect you to draw on the readings in the class.

(2) **Legal Case Briefing Paper:** One-page briefing paper (single space, Times New Roman 12pt, one-inch margin) on a compensation court case assigned in class. In your briefing paper and your presentation, please explain concisely the background of the issue and the legal issues discussed in the ruling, and then provide your own analysis. If necessary, please provide explanation of related or comparative case laws/legislations/treaties that are useful for understanding the case to share with the class.

(3) **Final Research Paper Proposal & Presentation:** A two-page (single-space) final paper proposal outlining your project concisely and persuasively. A good proposal is a proposal that clearly states the following points: (1) What is at stake in the issue of your choice? (2) How do you want to approach the issue, and why it is important to approach the issue the way you do? (3) Is the project feasible as a term paper, and do you have necessary skills (language etc.) and access to resources? The proposal should be concise, but has to be compelling. Try to convince me why it is important to look at the issue the way you propose by laying out the big and small questions you plan to ask and the materials you plan to explore to answer these questions. Please attach a tentative annotated bibliography and a list of other related materials you plan to consult.

(4) **Final Research Paper Presentation:** In the last week of the class, I would like you to present your own final paper project. It is a wonderful opportunity to get feedback from your classmates before submitting your final draft. Try to be brief but punchy so that your audience will get excited about your project and give you constructive feedback.

(5) **Final Research Paper:** A ten-page (single-space, Times New Roman 12pt, one-inch margin) final paper analyzing the topic of your choice with consultation with the instructor. In this paper, I would like to see the following components narrated in the most imaginative and persuasive form: (1) briefly introduce the issue and its historical development to the reader; (2) concisely present what is at stake in the issue; (3) demonstrate how law and narrativity play roles in the case; (4) discuss how looking at the case the way you present contributes to better understanding the process of legal redress. In your analysis, please refer to examples and readings from the class to strengthen, highlight, and draw useful contrasts to your argument. I am not looking for an opinion paper. Instead, I am looking to see how you exercise your analytical thinking—I would like to see how you dissect the issue by articulating different forces at play (who are the players in the issue, what are their assumptions and hidden agendas, and what kind of technologies of justice and narrating practices are employed for what effects?), and to see how your way of looking at the issue adds insights that are not present in the debate.

*Note that this syllabus may be modified during the semester.

**Grading:**

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<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Class Participation</td>
<td>10%</td>
</tr>
<tr>
<td>Reflection Essays &amp; Briefing Paper</td>
<td>20%</td>
</tr>
<tr>
<td>Final Paper Proposal+Presentations</td>
<td>30%</td>
</tr>
<tr>
<td>Final Paper</td>
<td>40%</td>
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Weekly reflection essays do not receive a letter grade. They receive a check if satisfactory, a check plus if they stand out, and a check minus if they are deficient. A preponderance of check pluses or minuses will make the difference if your final grade is on the borderline between two grades (e.g. B or A).

Note: Late papers are graded down half a grade. (Late means anytime after the deadline.) Late reflection essays automatically become “check minus.” We all face various time constraints, and learning to manage time is an important part of learning. This policy is a way of being fair to those who submit their assignments on time (which we all should do!).
Note on Plagiarism: I expect that you will study with classmates for the course and discuss your projects – in fact, I encourage it. Nevertheless, your papers should be the product of your own work. It is also important to learn how to use citations. Any ideas that you acquired from other people (including key concepts or phrases coined by other people) should be acknowledged with appropriate citation. Signaling how you have come up with your own idea in this manner is what is expected and valued in academic writing. In cases where any form of intellectual dishonesty is confirmed, at a minimum, you will fail the class. Cheating and plagiarism carry heavy penalties, and you should learn and follow the rules.

HUNTER COLLEGE POLICY ON ACADEMIC INTEGRITY

The Hunter College Senate requires that the following statement be included on all syllabi:

“Hunter College regards acts of academic dishonesty (e.g., plagiarism, cheating on examinations, obtaining unfair advantage, and falsification of records and official documents) as serious offenses against the values of intellectual honesty. The College is committed to enforcing the CUNY Policy on Academic Integrity and will pursue cases of academic dishonesty according to the Hunter College Academic Integrity Procedures.”
Part I. Accounting for Silence: Law and the Politics of Redress

Week 1 (09/09): Introduction

Week 2 (09/16): Wartime Forced Labor in East Asia and International Human Rights Discourses

[Historical background for those of you who are unfamiliar with wartime forced slavery in East Asia]


Week 3 (09/23): Breaking the Silence: Giving Voice to the Unspeakable
Documentary Film: “Najuen Mokusori I” (The Murmuring), directed by Byun Young-joo (1995 South Korea, 98 min). [RESERVE]


[Supplementary reading: please leaf it through — you will find stories of some characters in the film]

Week 4 (09/30): Compensation Lawsuit Case Study

Legal case briefing paper due at 9:00pm on Saturday, September 28. (e-mail class):

In lieu of a reflection paper, you will analyze a recent Japanese Supreme Court decision on one of the Chinese forced labor compensation cases (Nishimatsu Construction C. v. Song Jixiao et al, April 27, 2007 [BLACKBOARD]). Please be prepared to present your analysis in class.


Week 5 (10/07): Space of Law

**Week 6 (10/15 TUESDAY): Place of Law**


**Week 7 (10/21): (For)given Time: Law, Justice, and Forgiveness**


[In class analysis of texts — please read them before the class]

- Japanese Constitution Preamble, November 3, 1946. [BLACKBOARD]
- “Joint Communiqué of China and Japan,” September 29, 1972. [BLACKBOARD]

**Week 8 (10/28): Opening of a Post-Empire Legal Space?**


**Week 9 (11/04): Final Paper Proposal Presentation**

*Final paper proposal due at 8:00 am on Saturday, November 2* (e-mail class—Please read your classmates’ proposals carefully and mark them up with your comments, including a paragraph-length comment on the proposal as a whole. You will give these copies to the author.)

**Part II. Narrations and Nations: History, Justice, and Voices of Victimhood**

**Week 10 (11/11): Speaking Bodies, Speaking Subject: Construction of Victim’s Voice and Victimhood**


Week 11 (11/18): Accounting for Silence: Law and Economy in the Unmaking of an Empire


Week 12 (11/25): Does Giving Voice to Victims Lead to Justice?

Documentary Film: “Najuen Mokusori II” (*The Habitual Sadness*), directed by Byun Young-joo (1997 South Korea, 56 min.). [RESERVE]

Documentary Film: “50 Years of Silence,” directed by Ned Lander, Carol Ruff, and James Bradley (1994 Australia, 57 min.). [RESERVE]


Week 13 (12/02): Final Paper Presentation (1)

*Final paper introduction & outline due at 8:00 am on Saturday, November 30* (e-mail class—Please read your classmates’ proposals carefully and mark them up with your comments, including a paragraph-length comment on the proposal as a whole. You will give these copies to the authors on Dec. 2.)

Week 14 (12/09): Final Paper Presentation (2)

*Final paper introduction & outline due at 8:00 am on Saturday, December 7* (e-mail class—Please read your classmates’ proposals carefully and mark them up with your comments, including a paragraph-length comment on the proposal as a whole. You will give these copies to the authors on Dec. 9.)

Week 15 (12/16): *Final Paper Due at 8:00 am on Monday, December 16.*