

**Transitional Justice 9502B**  
**Advanced Transitional Justice and Post-Conflict Reconstruction**

Winter Term 2020  
Thursdays 4:30-7:30  
Location: Social Science Centre 4255

Instructor: Dr. Joanna R. Quinn  
Office Location: SSC 4158  
Office Hours: Wednesdays 10:00-11:00  
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Doctoral students who completed the Collaborative Graduate Program in Transitional Justice and Post-Conflict Reconstruction as Master's students may apply to join the Collaborative Graduate Program as doctoral students. **Returning students will be required to complete the core course a second time, under the course code TJ 9502 Advanced Transitional Justice and Post-Conflict Reconstruction.**

### **Description**

The course will provide students with inter-disciplinary instruction in Transitional Justice and Post-Conflict Reconstruction. Students will explore aspects of societal and state transition relating to development, democracy, the environment, the economy, human rights, politics, peace agreements and justice before, at the time of, and post-transition. The course will familiarize students with the foundations of emerging debates surrounding transitional justice and post-conflict reconstruction, and to allow for real-world application of theoretical constructs and explanations.

### **Required Texts**

There is no required textbook, *per se*. Instead, a series of journal articles and book chapters has been assigned. Many of these are available from the library in the Centre for Transitional Justice and Post-Conflict Reconstruction, and others are available in Weldon Library. Still others are available online.

### **How to think about this course**

This course is designed to introduce students to the field of transitional justice and post-conflict reconstruction, by tracing the contours of what scholars are thinking about, by outlining the major debates and issues currently underway, and by setting out the major themes and approaches of the field. What students learn in this course will provide a framework for their future studies in transitional justice and post-conflict reconstruction.

The assignments and their evaluation in this course are designed to help students develop their critical thinking skills in ways that relate to their interests in specific areas or theories in the field of transitional justice and post-conflict reconstruction. We will cover a range of debates and issues, and while students may not agree with all of them, students should be able to discuss all of them intelligently. Their ability to accomplish these objectives will be assessed using the assignments and work outlined below.

It is also important to note that the field of transitional justice and post-conflict reconstruction is interdisciplinary, by its very nature. Their colleagues in this class come from different scholarly traditions and disciplines. This presents us with an exciting opportunity to look at different issues and events through the eyes of all of those traditions and disciplines. Sometimes this might mean that their colleagues seem to be speaking a foreign language! But if we take the time to listen, we can learn a lot from those other perspectives.

## Learning objectives

- a) Depth and Breadth of Knowledge: Students will become familiar with the “canon” of literature in the growing field of transitional justice and post-conflict reconstruction through an advanced core course, in which they will be guided by expert faculty members who are actively researching and publishing in the field. The core course will serve to build a community of scholars, facilitating frequent interaction with faculty, and the interchange of ideas with and interaction among peers.  
*Intended learning outcome*: Students will engage in critical thinking and writing about the core questions that underlie scholarship in the field of transitional justice and post-conflict reconstruction through the preparation of *essays* and *presentations*. These papers and presentations will develop the student’s analytic and interpretive skills.
- b) Research and Scholarship: Students will carry out their own independent research projects through the requirements of the program, in the form of essay assignments and dissertations. These assignments will require the critical analysis of current knowledge and the creation of new knowledge, and advanced students’ work will be presented at conferences and symposia held through the Centre for Transitional Justice, as well as national and international conferences. Some students will also be selected as research assistants to assist in the development and conduct of research projects carried out by faculty members affiliated with the Centre.  
*Intended learning outcome*: Students will receive *mentorship and training in research methods*.
- c) Level of Application of Knowledge: Some students may be selected as teaching assistants for the undergraduate courses to be taught as components of the Minor in Transitional Justice and Post-Conflict Reconstruction. This will be determined by allocations made within the student’s home department or faculty. Other students will have opportunities to convey their specialized knowledge through presentations to, for example, the TJ Club, and in the research colloquium—all on a voluntary basis.  
*Intended learning outcome*: Students will have the opportunity for *knowledge mobilization* through presentations.
- d) Professional Capacity / Autonomy: Students will work toward their own research goals to develop their own ideas, and to present those ideas in the form of conference papers and presentations.  
*Intended learning outcome*: Students will be *trained as highly-qualified personnel*, able to translate their scholarship in both the classroom and the academic forum.
- e) Level of Communication Skills: Students will complete a series of assignments that provide critical analyses of current knowledge and the creation of new knowledge. They will also participate in colloquia, seminars and conferences to orient them toward academic communication at professional events.  
*Intended learning outcome*: Students will *develop rigorous writing and research skills* to assist them in developing and disseminating their own ideas.
- f) Awareness of Limits of Knowledge: Students will undertake a program of advanced study and research in the field of transitional justice and post-conflict reconstruction.  
*Intended learning outcome*: Students will be *exposed to the breadth and expanse of interdisciplinary scholarship* in the field of transitional justice and post-conflict reconstruction.

By the end of the course students should be able to:

1. Discuss different approaches to transitional justice
2. Describe the key events, changes over time and the current state of transitional justice
3. Think critically and write about an issue in transitional justice
4. Evaluate the effectiveness of a policy or inter-state issue in transitional justice
5. Participate in a presentation about a particular theoretical perspective through a case study of transitional justice
6. Analyze current policy and political issues in transitional justice
7. Discuss a current transitional justice issue in historical context

### Grade Distribution

Essay (due April 02)	60%
Seminar Presentation	20%
Seminar Participation	20%

### Essay

Students will be required to write one term essay of 25-30 typed, double-spaced pages, or between 6250-7500 words. Students are encouraged to speak with the instructor about their proposed topic. The completed paper must be submitted **at the beginning of class on Thursday, April 02, 2020.**

### Late Penalty

The completed paper must be submitted **at the beginning of class on April 02. A late penalty of 10% per day will be applied to papers submitted at any point after the class begins on April 02.**

### Turnitin

Essays must be submitted to Turnitin.com, using the link on OWL, prior to the start of class on April 02.

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com ( <http://www.turnitin.com> ).

### Citation Style

Citations **must** be formatted using Chicago-style footnotes, not in-text citations. Students are advised to consult a writer's handbook when composing their essays in order to see how to format things like bibliography and footnotes. One excellent handbook is *A Manual for Writers of Term Papers, Theses, and Dissertations* by Kate L. Turabian. A useful link may be found at the following url: <http://www.wisc.edu/writing/Handbook/DocChicago.html>.

### Spelling and Grammatical Errors

Grammatical, spelling and other errors are not acceptable. Students are responsible for their own work, and, as such, students must be careful to proofread their work before turning it in.

### Bibliography

Students must attach a Bibliography to their essay. Their bibliography must include a minimum of four academic sources (consult a librarian for clarification on what counts as an academic source (e.g. newspapers, magazines, and encyclopedias do not count). Failure to include at least four academic sources will result in a grade of "F". The highest grades in this course typically go to students that consult a large number of high-quality source materials. Consulting more than eight sources is highly recommended.

### **Seminar Presentation**

Each week, a group of one or two students will present the main points and arguments of the readings assigned for that week, also drawing on themes covered earlier in the term, to the class. Each presentation should be approximately 20 minutes in length. Students must provide a one-page (one-sided) hand-out for students in the class that highlights the main points from the readings, as well as three questions for discussion. As the presentation is expected to be a joint project between the students involved, all students in the group will be graded together. Student presenters are expected to refer to material beyond that assigned to the class.

### **Seminar Participation**

This assessment will be based on regular contributions to the class discussion, reflecting some grasp of the relevant materials and some analytical abilities in applying those materials in the discussion. Students should consult the handout "Student Participation" for criteria.

### **Etiquette**

Discussion and debate is an important component of this course. However, at times, we will be dealing with sensitive and controversial topics. Therefore, our interactions in each forum must be guided by an ethic of respect. Uncivil, disrespectful, abusive or other inappropriate behaviour will not be tolerated. This includes the respectful use of electronics, as detailed below.

### **Attendance**

In a seminar, it is especially important for students to attend class. Failure to attend class will have a detrimental effect on a student's participation grade, for example, since students cannot participate if they are not present in class. Absence also affects a student's understanding of the material, which affects the student's performance on essays and other assignments.

## **Electronics**

Electronics are increasingly an important component of the learning process.

- Computers/laptops/netbooks (and similar technologies) will not be permitted—except for reading electronic materials. Their use has been demonstrated to disrupt the learning experience of other students.
- All cellphones (and similar technologies) must be turned off, or set to silent ‘vibration’ mode, during the duration of the class and during tutorials. The instructor reserves the right to ensure that students are not text-messaging, surfing the internet, or distracting any students; spot-checks will be conducted during class time.
- No digital taping (either voice or image) is allowed.
- Disruptive behavior will be dealt with on a case-by-case basis and may result in the suspension of laptop privileges.

## **Course Content Note**

The field of transitional justice and post-conflict reconstruction deals with disturbing events like war crimes, crimes against humanity, and genocide, and sometimes we will be discussing historical events that some students may find troubling. If students think specific material could be emotionally challenging for students, I would be happy to discuss any concerns students may have before the subject comes up in class. And if students ever wish to discuss their personal reactions to course material with the class or with me individually afterwards, I welcome these discussions as an appropriate part of our scholarly work.

If students ever feel the need to step out of the classroom during a class discussion, students may always do so without academic penalty. Students will, however, be responsible for any material students miss. If students do leave the room for a significant time, please make arrangements to get notes from another student or see me individually to discuss the situation.

## **Academic Dishonesty**

Many different types of actions may be considered academically dishonest. These might include, although not exhaustively, the following: cheating, submission of work not authored by you, double submission, fabrication, plagiarism. Scholastic offences are taken seriously and students are directed to read the appropriate policy, which can be found at the following url:

<http://www.westerncalendar.uwo.ca/2014/pg113.html>

## **Students with Disabilities**

Any student with a disability is advised to contact the Coordinator for Services for Students with Disabilities in order that arrangements can be made through them to accommodate that student. The Centre for Student Development is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at [ssc@sdsc.uwo.ca](mailto:ssc@sdsc.uwo.ca), or on the web at <http://www.sdc.uwo.ca/ssd/>

## **Non-medical and Medical accommodation**

Western University requires documentation from the medical community for students who require academic accommodation due to medical illness. Students are required to have their physician or health care provider fill out the Student Medical Certificate. Medical certificates will only be considered for students seriously affected by illness, who cannot reasonably be expected to meet his/her academic responsibilities. Medical certificates may NOT be issued for minor illness like colds, non-acute vomiting or diarrhea, menstrual cramps, insomnia or for past illnesses.

If the requested accommodation is related to a death in the family, please see your Academic Counsellor directly.

If documentation is required for either medical or non-medical academic accommodation, then such documentation must be submitted by the student directly to the appropriate Faculty Dean's office and not to the instructor. It will be the Dean's office that will determine if accommodation is warranted.

For further information, please see the Policy on Accommodation for Medical Illness at <https://studentservices.uwo.ca/secure/index.cfm>.

## **Mental/Emotional Distress**

Students who are in emotional/mental distress should refer to Mental Health@Western (<http://www.uwo.ca/uwocom/mentalhealth/>) for a complete list of options about how to obtain help.

## **Other Resources**

There are many resources at UWO designed to assist students in their learning. Students are strongly advised to utilize these services. The Student Development Centre offers many services, including Effective Writing Programs and Learning Skills Services. The Student Development Centre is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at [exams@sdc.uwo.ca](mailto:exams@sdc.uwo.ca), or on the web at <http://www.sdc.uwo.ca/>. Students should also become familiar with the services offered by the University Library System. The D.B. Weldon Library may be contacted by telephone at (519)661-3162 or by email at [dbwref@lib.uwo.ca](mailto:dbwref@lib.uwo.ca), or on the web at <http://www.lib.uwo.ca/weldon/#>.

## Course Outline by Topic

### January 09 The Importance of Context

*No readings for today's class.*

### January 16 Transitions

Barkan, Elazar. *The Guilt of Nations*. Baltimore: The Johns Hopkins University Press, 2000.

Bell, Christine. "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field,'" *International Journal of Transitional Justice* 3 (2009): 5-27.

Bigar, Nigel. Ed. *Burying the Past: Making Peace and Doing Justice after Civil Conflict*. Washington, D.C.: Georgetown University Press, 2001.

Elster, Jon. Ed. *Retribution and Reparation in the Transition to Democracy*. New York: Cambridge University Press, 2006.

Hansen, Thomas Obel. "TJ: Toward a Differentiated Theory," *Oregon Review of International Law* 13.1 (2011): 1-46.

### January 23 Transitions II

Hazan, Pierre. *Judging War, Judging History: Behind Truth and Reconciliation*. Stanford: Stanford University Press, 2010.

Reading, Anna. "Identity, memory and cosmopolitanism: The otherness of the past and a right to memory?" *European Journal of Cultural Studies* 14.4 (2011): 379-394.

Stover, Eric and Harvey M. Weinstein, eds. *My Neighbour, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*. Cambridge: Cambridge University Press, 2004.

Teitel, Ruti. "Transitional Justice Genealogy," *Harvard Human Rights Journal* 16 (2003): 69-94.

Williams, Melissa S., Rosemary Nagy, and Jon Elster. *Transitional Justice*. New York: NYU, 2012.

## January 30      International Criminal Justice

Genocide Convention

Rome Statute

May, Larry. "Prosecuting State Leaders for Crimes Against Humanity," in *Crimes Against Humanity: A Normative Account*. Cambridge: Cambridge University Press, 2005.

Minear, Richard H. *Victors' Justice: The Tokyo War Crimes Trial*. Princeton: Princeton University Press, 1971.

Rolling, B.V.A. "Introduction," in *The Tokyo Trial and Beyond*, ed. Antonio Cassese (New York: Polity Press, 1993) 1-17.

Teitel, Ruti. *Transitional Justice*. Oxford: Oxford University Press, 2000.

## February 06      Truth Commissions

Asmal, Kader, Louise Asmal and Ronald Suresh Roberts. *Reconciliation Through Truth*. New York: St. Martin's Press, 1997.

Borer, Tristan Anne. *Telling the Truths*. Notre Dame, IN: Notre Dame, 2006.

Dyzenhaus, David. "Justifying the TRC," *Journal of Political Philosophy* 8 (2000): 470-496.

Hayner, Priscilla B. *Unspeakable Truths*. New York: Routledge, 2003.

Schabas, William and John. *Truth Commissions and Courts: The Tension Between Criminal Justice and the Search for the Truth*. Springer, 2005.

*Truth Commissions: A Comparative Assessment: An Interdisciplinary Discussion Held at Harvard Law School in May, 1996*. Cambridge, MA: Harvard Law School Human Rights Program, 1996.

## February 13      Repair and Restoration

Llewellyn, Jennifer and Robert Howse, *Restorative Justice – A Conceptual Framework* (Ottawa: Law Commission of Canada, 1998) 1-107; (available from [http://www.nsrj-cura.ca/nsrj-cura/mediabank/File/RJ\\_-\\_A\\_Conceptual\\_Framework\\_-\\_Law\\_Commission\\_of\\_Canada\\_1\\_199.pdf](http://www.nsrj-cura.ca/nsrj-cura/mediabank/File/RJ_-_A_Conceptual_Framework_-_Law_Commission_of_Canada_1_199.pdf))

Llewellyn, Jennifer and Robert Howse, *Restorative Justice – A Conceptual Framework* (Ottawa: Law Commission of Canada, 1998) 1-107; (available from [http://www.nsrj-cura.ca/nsrj-cura/mediabank/File/RJ\\_-\\_A\\_Conceptual\\_Framework\\_-\\_Law\\_Commission\\_of\\_Canada\\_1\\_199.pdf](http://www.nsrj-cura.ca/nsrj-cura/mediabank/File/RJ_-_A_Conceptual_Framework_-_Law_Commission_of_Canada_1_199.pdf))

*The University of Toronto Law Journal* 49.3 (Summer 1999): 311-466.

Wiesenthal, Simon. *The sunflower: on the possibilities and limits of forgiveness*. New York : Schocken Books, 1997.

Zehr, Howard. *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, 2002.



**February 20**    **NO CLASS—READING WEEK**

**February 27**    **Gender**

McWilliams, Monica and Fionnuala Ní Aoláin, "‘There is a War Going on You Know’: Addressing the Complexity of Violence Against Women in Conflicted and Post Conflict Societies," *Transitional Justice Review* 1.2 (2013): 4-44.

O’Rourke, Catherine. *Gender Politics in Transitional Justice*. Routledge, 2013.

Rooney, Eilish and Fionnuala Ní Aoláin, "Underenforcement and Intersectionality: Gendered Aspects of Transition for Women," *International Journal of Transitional Justice* 1 (2007): 338-354.

**March 05**    **Development**

Mani, Rama. "Editorial: Dilemmas of Expanding Transitional Justice, or Forging the Nexus between Transitional Justice and Development," *International Journal of Transitional Justice* 2.3 (2008): 253-265.

Sharp, Dustin N. "Addressing Economic Violence in Times of Transition: Toward a positive-peace paradigm for transitional justice," *Fordham International Law Journal* 35 (2012): 780-814.

Duthie, Roger. "Introduction." In *Transitional justice and development : making connections*, eds. Pablo de Greiff and Roger Duthie. New York: SSRC, 2009.

Roht-Arriaza, Naomi. "Reparations in the Aftermath of Repression and Mass-Violence." In *My Neighbour, My Enemy*, eds. Eric Stover and Harvey M. Weinstein. Cambridge: Cambridge University Press, 2004.

**March 12**    **Roads to Reconciliation**

Leebaw, Bronwyn. "The Irreconcilable Goals of Transitional Justice," *Human Rights Quarterly* 30.1 (2008): 95-118.

Murphy, Jeffrie and Jean Hampton, eds. *Forgiveness and Mercy*. Eds. Cambridge: Cambridge University Press, 1988.

Reading, Anna. "Identity, memory and cosmopolitanism: The otherness of the past and a right to memory?" *European Journal of Cultural Studies* 14.4 (2011): 379-394.

**March 19**    **Local and Grassroots Actors**

Donais, Timothy. "Bringing the Local Back In: Haiti, Local Governance and the Dynamics of Vertically Integrated Peacebuilding," *Journal of Peacebuilding & Development* 10.1 (2015): 40–55.

Hancock, Landon E., and Christopher Mitchell, eds. *Local Peacebuilding and Legitimacy: Interactions between National and Local Levels*. 1st ed. Abingdon, UK: Routledge, 2018.

Gready, Paul and Simon Robins. "From Transitional to Transformative Justice: A New Agenda for Practice," *International Journal of Transitional Justice* 8.3 (2014): 339–361.

**March 26      Essay Preparation Session**

**April 02      Looking Forward**

United Nations Secretary-General. *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*. March 2010.

United Nations Secretary General. *S/2011/634. Report of the Secretary General: The rule of Law and Transitional Justice in Conflict And Post-Conflict Situations*, 2011.

**\*\* Essays due at beginning of class \*\***

## STUDENT PARTICIPATION

### Participation Grading Guide

Grade	Attendance	Discussion	Reading
20	Always	<u>Excellent</u> : leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions	Clearly has done and prepared questions on virtually all readings; intelligently uses this understanding and these questions in discussion
15-19	Almost always	<u>Very Good</u> : thoughtful comments and questions for the most part; willing, able and frequent contributor	Has done most readings; provides competent analysis of reading when prompted by others
10-14	Frequent	<u>Good</u> : has basic grasp of key concepts and occasional ideas on the main theme of the reading; arguments are sporadic and at times incomplete or poorly supported; unwilling to ask questions	Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material
5-9	Occasional	<u>Somewhat Poor</u> : remarks in class marred by misunderstandings of key concepts; seldom contributes effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic	Actual knowledge of material is outweighed by improvised comments and remarks
0-4	Rare	<u>Poor</u> : rarely speaks; parrots text or comments of others	Little or no apparent familiarity with assigned material

## ESSAYS

### Grading Grid

Argument	
Organization of the Essay	
Quality of evidence	
Communication Skills	
Use of quotations and footnotes	
Creativity	
Other	
Grade	

