

Transitional Justice 9501B
Foundations in Transitional Justice and Post-Conflict Reconstruction

Winter Term 2023

Time: Fridays from 2:30 to 5:30

Instructor: Dr. Samar El-Masri

On-line Office Hours: By appointment (through zoom on OWL)

Please only use your western account.

Email: selmasr2@uwo.ca

I-Course 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, identity, 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.

II-How to think about this course

This course may be a valuable addition to your academic year for three reasons: First, it reinforces your knowledge of the field of transitional justice and post-conflict reconstruction, by discussing the major issues, debates, themes and approaches in the literature. Second, it gives you a great opportunity to develop your critical thinking skills and delve deeper into areas or issues that you are passionate about in the context of transitional justice. Third, it provides a great venue to listen to other students who may come from various disciplines with a different perspective on issues that you might not be aware of. And finally—although this is more applicable to the PhD students in the class—it prepares you for your comprehensive exams as a considerable number of the readings are also required for your Comps.

III-Objectives

This course is designed to achieve several objectives:

- 1) **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.

- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) By the end of the course students should be able to:
 - a) Discuss different approaches to transitional justice.
 - b) Describe the key events, changes over time and the current state of transitional justice.
 - c) Think critically and write about an issue in transitional justice.
 - d) Evaluate the effectiveness of a policy or inter-state issue in transitional justice.
 - e) Participate in a presentation about a particular theoretical perspective through a case study of transitional justice.
 - f) Analyze current policy and political issues in transitional justice.
 - g) Discuss a current transitional justice issue in historical context

IV-Required Texts

Because the field of transitional justice and post-conflict reconstruction is new, and because it involves different areas and disciplines, there will be no one textbook that is required for this course. Instead, the reading list will involve academic articles, book chapters, and technical reports, that you will find in the “Course Readings” on this course OWL’s page. You are responsible for accessing them yourself.

V-Grade Distribution

Essay	60% (Due March 31 @ 2:30pm)
Seminar Presentation	20%
Seminar Participation	20%

VI-Explaining the Components of the Course:

1-Seminar Participation:

Your attendance is required, and your participation is a must in this course. Please see the rubric below for guidance.

2-Seminar Presentation

Each week, one or two students will do a presentation for us highlighting the main points and arguments of the readings assigned for that week, also drawing on themes covered earlier in the term, to the class. Some of the important things you need to know about this course component are these:

- Each presentation should be approximately 20 minutes in length.
- Student presenters are expected to refer to material BEYOND that assigned to the class.
- The student is expected to prepare few questions to discuss with classmates after the presentation is over.
- It is better to come ready with a USB key to avoid problems with connections and connectivity in class.
- The presenter(s) is expected to post the PowerPoint slideshow on the Assignment tab on OWL 24 hrs. before class. With your permission I will post it on OWL for other students to follow.
- It is helpful to include at the beginning of the PowerPoint a sort of a “road map” of your presentation, highlighting all the major issues that you will be talking about.

3-Essay Due March 31st at 2:30

You will be required to write one 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 through the assignment tab on OWL.

a-Evaluating the essay: Although I will be evaluating your essay as a whole, your mark will depend on various factors including:

- The argument itself, the quality of the evidence you presented, your creativity and your ability to effectively use quotations and footnotes,
- Your organization
- Your adherence to the instructions I mentioned including formatting, referencing style...

b-Late Penalty: The completed paper must be submitted on March 31st at 2:30 pm(London Ontario time). **A late penalty of 10% per day will be applied to papers submitted at any point after that date.**

c-Turnitin: Essays must be submitted to Turnitin.com, using the link on OWL. 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>).

d-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>

e-Spelling and Grammatical Errors: Grammatical, spelling and other errors are not acceptable. You are responsible for your own work, and, as such, you must be careful to proofread your work before turning it in.

f-Bibliography: You must attach a Bibliography to your essay. Your 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 six sources is highly recommended.

g-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, specifically, the definition of what constitutes a Scholastic Offence at www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf. You are advised to familiarize yourself with the guidelines set out in the Academic Handbook, Rights and Responsibilities, Scholastic Discipline - Undergrad.

Students are also advised to utilize the Library's tools on plagiarism:

<http://www.lib.uwo.ca/tutorials/plagiarism/index.html>

h-Other Resources: There are many resources at Western designed to assist you in your learning. You 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@sd.c.uwo.ca, or on the web at <http://www.sdc.uwo.ca/>. You 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, or on the web at <http://www.lib.uwo.ca/weldon/#>.

i-Non-medical and Medical accommodation: Western University requires documentation from the medical community for students who require academic accommodation due to medical illness—even accommodation for medical illness of work worth less than 10% of the total course grade. 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 a student misses a midterm or final exam for non-medical reasons, accommodation must be sought and obtained from Academic Counselling, or else the student will receive a grade of zero. **Late essays will be subject to a penalty of 10% per day** unless accommodation is granted by Academic Counselling.

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>.

IX-IMPORTANT AND USEFUL INFORMATION:

1- Important Notice re: Prerequisites/Antirequisites: Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites. (Office of the Dean, Faculty of Social Science)

2-Completion of All Requirements: According to the Dean's office, Students who fail to complete all evaluation components of the course, without supporting medical documentation or justifiable and documented extenuating circumstances will be disqualified from appealing the course's final grade.

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

X-COURSE OUTLINE BY TOPIC:

January 13 The Importance of Context

No readings for today's class.

January 20 Transitions

- Arthur, Paige. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31.2 (2009): 321-367.
- de Brito, Alexandra Barahona. "Introduction." *Human Rights and Democratization in Latin America: Uruguay and Chile*. New York: Oxford University Press, 1997.
- "The Dilemmas of Transitional Justice." In *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. Washington D.C.: United States Institute of Peace, 1995. pp.xixxxx.
- Whitehead, Lawrence. "International Aspects of Democratization." In *Transitions from Authoritarian Rule: Comparative Perspectives*. Eds. Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead. Baltimore: Johns Hopkins University Press, 1986. pp. 3-46.

January 27 Addressing Colonial Harms

- Balint, Jennifer, Julie Evans, and Nesam McMillan. "Rethinking Transitional Justice, Redressing Indigenous Harm: A New Conceptual Approach." *International Journal of Transitional Justice* 8.2 (2014): 194-216.
- Comtassel, Jeff and Cindy Holder. "Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala, and Peru." *Human Rights Review* 9.4 (2008):465-489.
- Nagy, Rosemary L. "The Scope and Bounds of Transitional Justice and the Canadian Truth and Reconciliation Commission." *International Journal of Transitional Justice* 7.3 (2013): 52-73.
- Niezen, Ronald. "The Unfolding." In *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools*. Toronto: University of Toronto Press, 2013, 25-41.
- Rice, Brian and Anna Snyder. "Reconciliation in the Context of a Settler Society: Healing the Legacy of Colonialism in Canada." In *From Truth to Reconciliation: Transforming the Legacy of Residential Schools*. Eds. Marlene Brant-Castellano, Linda Archibald, and Mike DeGagné. Ottawa: Aboriginal Healing Foundation, 2008.

February 3 International Criminal Justice

- Cohen, David. "Transitional Justice in Divided Germany after 1945." In *Retribution and Reparation in the Transition to Democracy*. Ed. Jon Elster. New York: Cambridge University Press, 2006, 59-88.

- Govier, Trudy. "Chapter 1: Revenge and Retribution." In *Forgiveness and Revenge*. New York: Routledge, 2002, 1-22.
- Minow, Martha. "Foreword," and "Chapter 1: Introduction." In *Between Vengeance and Forgiveness*. Boston: Beacon Press, 1998.
- Osiel, Mark. *Mass Atrocity, Collective Memory, and the Law*. New Brunswick, NJ: Transaction Publishers, 2000, 1-10.
- Teitel, Ruti. "Transitional Justice Genealogy," *Harvard Human Rights Journal* 16 (2003): 69-94

February 10 Truth Commissions

- de Greiff, Pablo. "Chapter 6: Truth Telling and the Rule of Law. In *Telling the Truths*. Ed. Tristan Anne Borer. Notre Dame, Ind.: University of Notre Dame Press, 2006.
- Hayner, Priscilla. "Chapter 7: Truth vs. Justice: Is it a Trade-Off?" In *Unspeakable Truths*. London: Routledge, 2002.
- Minow, Martha. "The Hope for Healing: What can truth commissions do?" In *Truth v. Justice*. Eds. Robert I. Rotberg and Dennis Thompson. Princeton: Princeton University Press, 2000, 235-260,
- Rotberg, Robert I. "Truth Commissions and the Provision of Truth, Justice, and Reconciliation." In *Truth v. Justice*. Eds. Robert I. Rotberg and Dennis Thompson. Princeton: Princeton University Press, 2000.
- Wiebelhaus-Brahm, Eric. *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*. New York: Routledge, 2010, chapters 1 and 2.

February 17— Repair

- Govier, Trudy. "Chapter 8: Forgiveness and Reconciliation." In *Forgiveness and Revenge*. New York: Routledge, 2002, 141-157.
- Minow, Martha. "Chapter 5: Reparations." In *Between Vengeance and Forgiveness*. Boston: Beacon Press, 1998.
- Roht-Arriaza, Naomi. "Reparations Decisions and Dilemmas." *Hastings International and Comparative Law Review* 27.2 (2003-2004): 157-220.
- Rudd, Kevin. "Apology to Australia's Indigenous Peoples." *Parliament of Australia, House Hansard*, 13 Feb. 2008. 167-177. Available from [http://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/2008-02-13/toc_pdf/5694-9.pdf;fileType=application%2Fpdf#search=%2283T\)\)%22](http://parlinfo.aph.gov.au/parlInfo/download/chamber/hansardr/2008-02-13/toc_pdf/5694-9.pdf;fileType=application%2Fpdf#search=%2283T))%22).

February 24----NO CLASS

March 3 Gender

- Bell, Christine and Catherine O'Rourke, "Does Feminism Need a Theory of Transitional Justice? An Introductory Essay." *International Journal of Transitional Justice* 1 (2007): 23-44.
- Hamber Brandon. "Masculinity and Transitional Justice: An Exploratory Essay." *International Journal of Transitional Justice* 1.3 (2007): 375-90.
- Nagy, Rosemary. "Transitional Justice as Global Project: Critical Reflections," *Third World Quarterly* 29, no. 2 (2008): 275-289.

- Ní Aoláin, Fionnuala. “Advancing Feminist Positioning in the Field of Transitional Justice.” *International Journal of Transitional Justice* 6.2 (2012): 205–228

March 10 Development

- Duthie, Roger. “Toward a Development Sensitive Approach to TJ.” *International Journal of Transitional Justice* 2.3 (2008): 292-309.
- Laplante, Lisa J. “Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework,” *International Journal of Transitional Justice* 2.3 (2008): 331-355.
- Mani, Rama. “Dilemmas of Expanding Transitional Justice, or Forging the Nexus between Transitional Justice and Development,” *International Journal of Transitional Justice* 2.3 (2008): 253-265.
- Miller, Zinaida. “Effects of Invisibility: In Search of the ‘Economic’ in Transitional Justice,” *International Journal of Transitional Justice* 2.3 (2008): 266-291.
- Orlovsky, Kate and Naomi Roht-Arriaza. “Reparations and Development.” A paper presented at the ISA Annual Meeting, 2009.

March 17 Roads to Reconciliation

- Bloomfield, David. *On Good Terms: Clarifying Reconciliation*. Berghof Report No. 14. Bergh of Research Center for Constructive Conflict Management, Oct. 2006.
- Huyse, Luc, Priscilla Hayner, Brandon Hamber. *International IDEA Handbook on Reconciliation After Violent Conflict*. Eds. Stef Vandeginste, David Bloomfeld, Teresa Barnes, Desmond Tutu. Stockholm: International IDEA, 2003. (read Introduction, Conclusion, and Chapter 2) Available from http://www.idea.int/publications/reconciliation/upload/reconciliation_full.pdf
- Quinn, Joanna R. “What of Reconciliation? Traditional Mechanisms of Acknowledgement in Uganda.” In *Reconciliation(s): Transitional Justice in Postconflict Societies*. Ed. Joanna R. Quinn. Montreal: McGill-Queen’s University Press, 2009.
- Skaar, Elin, Siri Gloppen, and Astri Suhrke, eds. *Roads to Reconciliation*. Lexington Books, 2005, chapter 3.

March 24 Identity

- Browning, Christopher. Chapter 2 and 3, *Ordinary Men*. New York: Harper Collins, 1998.
- Wilke, Christiane. “Staging Violence, Staging Identities: Identity Politics in Domestic Prosecutions,” in *Identities in Transition*, edited by Paige Arthur (New York: Cambridge University Press, 2011.)118-149
- Cole, Elizabeth A. and Karen Murphy, “History Education Reform, Transitional Justice and the Transformation of Identities” in *Identities in Transition*, edited by Paige Arthur (New York: Cambridge University Press, 2011.)334-369

March 31 Local and Grassroots Actors (Essay due)

- Lundy, Patricia and Mark McGovern. "Whose Justice? Rethinking Transitional Justice from the Bottom Up." *Journal of Law and Society* 35.2 (2008): 265-292.
- McEvoy, Kieran and Lorna McGregor. "Transitional Justice From Below: An Agenda for Research, Policy and Praxis." In *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*. Eds. Kieran McEvoy and Lorna McGregor. Portland, OR.: Hart Publishing, 2008.
- Robins, Simon. "Transitional justice as an elite discourse: Human rights practice between the global and the local in post-conflict Nepal." A paper presented at the ISA Annual Convention 2010.
- Shaw, Rosalind and Lars Waldorf. "Introduction: Localizing Transitional Justice" In *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*. Eds. Rosalind Shaw, Lars Waldorf, and Pierre Hazan. Stanford, CA: Stanford UP, 2010.
- Vinck, Patrick and Phuong Pham, "Ownership and Participation in Transitional Justice Mechanisms: A Sustainable Human Development Perspective from Eastern DRC," *International Journal of Transitional Justice* 2 (2008): 398-411.

April 7

Student Participation
Participation Grading Guide:

Grade	Attendance	Discussion	Reading
20	Always	Excellent: 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	Very Good: 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	Good: 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	Somewhat Poor: remarks in class marred by misunderstandings of key concepts; seldom contributes effectively to discussion of the	Actual knowledge of material is outweighed by improvised comments and remarks

		main theme; often digresses in unhelpful ways; sporadic	
0-4	Rare	Poor: rarely speaks; parrots text or comments of others	Little or no apparent familiarity with assigned material

Student Presentation
Presentation Grading Guide:

Grade	Presentation style	Presentation content	Post-presentation discussion
20	Excellent presentation of the material. Always clear. Always engaging the listeners	Excellent: covered and explained all the important points in the readings. Went above and beyond to ensure that the issue is covered from all sides. Used various sources from outside the reading list.	Clearly has done and prepared questions to be discussed in the class. Did an excellent job in leading the discussion and intelligently kept the class engaged and the discussion flowing.
15-19	Very good and clear presentation	Very Good: covered and explained most of the important points in the readings. Used some outside sources.	Clearly prepared questions to be discussed in class. Showed a very good ability to lead the discussion and was able to keep the discussion flowing.
10-14	Good presentation that covered the major points in the readings with a decent ability to relay the information to students	Good: has basic grasp of key concepts and ideas of the reading; arguments are sporadic and at times incomplete or poorly supported; did not use outside sources	Provided questions. Basic ability to initiate a discussion.
5-9	Somewhat poor presentation. Some unclear thoughts and confusing explanations.	Somewhat Poor: misunderstood many of the issues in the reading.	Provided poor questions. Unable to lead a discussion.

0-4	Poor presentation, confusing and vague.	flawed understanding of the readings.	Provided no questions. Unwilling or unable to lead a discussion.
-----	---	---------------------------------------	--