Class time: Wednesdays, 2:35-5:25  
Room: SH688 294  
Instructor: Professor Megan Bradley  
Office hours: Tuesdays 2:00-4:00, Leacock Building, Room 539  
Email address: megan.bradley@mcgill.ca

Course description

Recognizing and addressing the legacies of past injustices has become a striking feature of contemporary politics, particularly in countries emerging from conflict and authoritarian rule. Over the past decades, transitional justice has emerged as an interdisciplinary field of research and practice that aims to understand and advance a complex range of goals, from strengthening democratic transitions and peacebuilding processes to enabling reconciliation. From an inter-disciplinary perspective, this seminar will: (i) examine international, national and local approaches to transitional justice; (ii) analyze transitional justice mechanisms including trials, truth commissions, compensation programs, lustration/vetting, apologies and commemorations; (iii) investigate normative and political debates raised by transitional justice processes; (iv) assess the effects and efficacy of transitional justice processes; (v) explore several cases in which transitional justice processes have been initiated in an effort to grapple with atrocities; and (vi) reflect on questions of policy and practice associated with transitional justice.

Learning objectives and approach

This course is organized in three parts:
- Part I: Conceptualizing transitional justice
- Part II: Transitional justice processes, principles and practical implications
- Part III: Transitional justice and reconciliation revisited

By the end of this course, students should be able to:
- Appreciate the complexity of the legacies of conflict and human rights violations, and efforts to redress them, from a range of different disciplinary perspectives;
- Critically analyze the goals of transitional justice processes, and the extent to which different mechanisms help to advance these goals;
- Engage with normative and empirical debates raised by transitional justice processes, drawing on insights from historical experiences and current cases;
- Develop and present persuasive oral and written arguments related to transitional justice;
- Think critically and creatively about policies related to past violations of human rights, identifying their positive and problematic aspects and the intentions underlying them.

Required readings

Required readings are identified below, along with an indication of whether they are available via MyCourses, as an e-book through the McGill library, or are collated in the course pack (available for purchase at the McGill bookstore). Optional readings and additional resources are also suggested below.
**INTD 497: Transitional Justice**

**Important dates**

- 6 September: Course begins
- 1 November: Policy briefings due (optional—students may complete a second discussion paper in lieu of the policy briefing)
- 1 November: Deadline for confirmation of research paper topic (by email)
- 1 November: Deadline for submission of reflective essay (optional)
- 29 November: Last class, final papers due

**Assignments and assessment**

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<th>Percentage</th>
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<tr>
<td>15%</td>
<td>Participation in class</td>
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<td>25%</td>
<td>Two discussion papers, or one discussion paper and one policy briefing</td>
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<td>25%</td>
<td>Group facilitation of seminar</td>
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<td>35%</td>
<td>Research paper</td>
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Information on assignments, assessment and extra credit opportunities is available at the end of the syllabus.

**Program**

**Class 1: 6 September 2017**
**Introduction to the course**

**Part I: Conceptualizing transitional justice**

**Class 2: 13 September 2017**
**Topic: What is transitional justice?**

**Key themes/questions**
- The emergence and development of the concept of transitional justice
- Theoretical perspectives on transitional justice
- Introduction to transitional justice mechanisms

**Required reading**

**Optional reading and additional resources**
Class 3: 20 September 2017
Topic: What’s at stake in transitional justice?

Key themes/questions
- What are some of the goals of transitional justice?
- Introductory discussion of impunity, amnesty, forgiveness and reconciliation
- Case study: Indonesia
- Approaches to analyzing the effects of transitional justice

Required reading/viewing
- Documentary: The Act of Killing (Director: Joshua Oppenheimer) (Available for rent on-line, or DVD on short term loan at McGill Library.)

Optional reading and additional resources
- Roman David and Suzanne Y.P. Choi (2009) “Getting even or getting equal: Retributive desires and transitional justice,” Political Psychology 30(2).

Part II: Transitional justice processes, principles and practical implications

Class 4: Wednesday 27 September 2017
Topic: International ad hoc tribunals

Key themes/questions
- International tribunals in historical context
  - Nuremberg and Tokyo tribunals
- International institutions: International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY)

Required reading

Optional reading and additional resources

**Class 5: Wednesday 4 October 2017**
**Topic: Amnesties, domestic trials and the International Criminal Court (ICC)**

Key themes/questions
• Exploring the effects of prosecutions: Domestic trials and the ICC
• Amnesties: Enemy of justice or preferable to prosecutions? (normative and empirical perspectives)
• Case studies: Uganda and Chile

Required reading

Optional reading and additional resources
Class 6: Wednesday 11 October 2017

**Topic: Lustration/vetting (student-led seminar)**

**Key themes/questions**
- Political decision-making and the calibration of lustration policies
- Case studies: Eastern Europe after Communism, Libya

**Required reading**

**Optional reading and additional resources**

Class 7: Wednesday 18 October 2017

**Topic: Truth-telling and truth commissions (student-led seminar)**

**Key themes/questions**
- “Truth” as a contested concept
IN TD 497: Transitional Justice

- Truth and reconciliation commissions
- Relationship between truth and reconciliation
- Case study: South Africa

Required reading

Optional reading and additional resources

Class 8: Wednesday 25 October 2017
Topic: Reparations/compensation (student-led seminar)

Note: Policy briefings due today (for those students who have opted to complete a policy briefing in lieu of a second discussion paper).
Key themes/questions

- Effects of and controversies surrounding financial reparations/compensation
- Reparations and gender justice
- Case study: Argentina

Required reading


Optional reading and additional resources

- UN Basic Principles and Guidelines on the right to a remedy and reparations for victims of gross violations of international human rights law and serious violations of international humanitarian law (2005), http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx.

Class 9: Wednesday 1 November 2017

**Topic: Apologies, memorials and commemoration (student-led seminar)**

**Please note:** Deadline for submission of policy briefing (optional) and reflective essay (optional). Deadline for confirming final essay topic with instructor (by email, by 6:00PM).

Key themes/questions

- The political and symbolic roles of apologies, memorials and commemoration
- Case studies: Southern Cone (Argentina and Chile), Bosnia

Required reading


Anna Sheftel (2012) “‘Monument to the international community, from the grateful citizens of Sarajevo’: Dark humour as counter-memory in post-conflict Bosnia and Herzegovina,” *Memory Studies* 5(2). (MyCourses)


**Class 10: Wednesday 8 November 2017**

**Topic:** “Local” and “customary” approaches to transitional justice *(student-led seminar)*

**Key themes/questions**

- How are local, national and international approaches to transitional justice related?
- How are customs and traditions mobilized and adapted to address questions of justice and reconciliation?
  - The politics of positioning transitional justice processes as “traditional” or “customary”
- Case studies: Northern Uganda and Rwanda

**Required reading**

INTD 497: Transitional Justice


Optional reading and additional resources

• Deborah Isser (2011) *Customary justice and the rule of law in war-torn societies*, Washington, DC: USIP.

Part III: Transitional justice and reconciliation revisited

Class 11: Wednesday 15 November 2017

Topic: The scope of transitional justice (I): Transitional justice in liberal democracies

Key themes/questions

• Transitional justice in “non-transitional” states/industrialized democracies
• Case study: Residential schools and Truth and Reconciliation Commission

Required reading

Optional reading and additional resources

Class 12: Wednesday 22 November 2017
**Topic:** The scope of transitional justice (II): Disasters and socio-economic harms

**Key themes/questions**
- Addressing socio-economic wrongs
- Mass injustice in “natural” disasters and in relation to climate change
- Case studies: Hurricane Katrina (United States)

**Required reading/viewing**
- Documentary: *When the Levees Broke* (Part I) (Director: Spike Lee) (Available on-line or on short-term loan at the McGill Library.)

Optional reading and additional resources

Class 13: Tuesday
**Topic:** Reconciliation revisited and the future of transitional justice

**Key themes/questions**
- The limitations of transitional justice
- Transitional justice in the context of ongoing conflict
- Reflecting on reconciliation
- The future of transitional justice as a field of research and practice

**Required reading**
INTD 497: Transitional Justice


Course Assignments and Evaluation Criteria

Participation in class (15%)
Active participation of all students is essential to a successful seminar. Participation will be assessed on the basis of:

• Regular presence in class (each student can miss up to two classes, excused or unexcused, without incurring penalty)
• Demonstrated preparation (required readings done, questions prepared on each reading)
• Contribution to discussion
• Active participation in class activities
• Encouragement of participation of other students

Two discussion papers (25%)
Students will choose two seminar classes (other than the one they will facilitate) and write a discussion paper on the theme of each class, drawing on the required readings for the chosen class. Discussion papers should be max. 4 pages long, typed in 12-point, Times New Roman font, double-spaced with standard margins. Each paper will be graded out of 25, and the average of the two papers will be used to obtain each student’s final mark. Discussion papers should be submitted at the beginning of the class for which they are prepared. Discussion papers should engage at least three of the readings. Short assigned readings (e.g. articles of less than 5 pages) do not count towards this total.

The discussion papers should critically engage with the main arguments advanced in each reading. Do the authors successfully defend their arguments? What questions do the readings raise? What tensions emerge when the readings are compared? Are there important issues related to the seminar theme that the readings do not address? If so, students may use the discussion papers as an opportunity to begin formulating their own ideas and questions on these issues. (NB: This is not an exercise in summarizing the readings. For each reading, no more than one or two sentences should be devoted to summarizing the key argument the reading advances.)

Students may draw on the optional reading or other sources in the discussion papers, but are not required to do so.

Break-down of marks

10 points Effective communication of ideas
• Clear and logical organization of ideas/structure
• Clear explanations of key concepts
• Style, grammar and spelling

15 points Understanding of topic, insightful and critical engagement with readings
• Brief, accurate expression of key concepts and arguments in each reading
• Insightful reflections on the authors’ arguments and approaches (strengths and weaknesses, tensions, etc.)
Option: Policy briefing

Students may opt to prepare a policy briefing in lieu of one of the two discussion papers that are otherwise required for this course. Students opting to complete a policy briefing rather than a second discussion paper will submit their work on Wednesday 1 November 2017 at 2:35PM. The policy briefing should address a current/ongoing transitional justice process (e.g. the lustration process in Libya, property restitution in Colombia, evidence gathering in Syria, etc.). The policy briefing should (a) succinctly summarize the political and socio-economic context, and the violations the transitional justice process seeks to address; (b) analyze the challenges that have been encountered in the context of the transitional justice process being examined; and (c) present key recommendations for particular actors to address these challenges. For the purposes of this assignment, it may be helpful to imagine that you are preparing the policy briefing in the context of your work as an analyst for a non-governmental organization such as the International Center for Transitional Justice.

Policy briefings should be max. 2,500 words (including citations). Present your policy briefing in a visually engaging manner (with headings, etc.) to make the key elements for your analysis, and your recommendations, as clear as possible.

The policy briefing should draw on and cite relevant research, but stylistically students should bear in mind that in contrast to a traditional academic paper, the aim of this assignment is to clearly communicate arguments and recommendations based on a well-focused, up-to-date analysis to key policy and practitioner audiences.

Break-down of marks

10 points Effective communication of ideas
- Clear and logical organization of ideas/structure
- Clear explanations of key concepts
- Engaging presentation of analysis and recommendations
- Style, grammar and spelling

15 points Understanding of topic; insightful and timely analysis and recommendations
- Brief, accurate summary of background/context
- Insightful, up-to-date, appropriately contextualized analysis of key challenges facing the transitional justice process that is the focus of the briefing
- Identification of well-justified, appropriately targeted recommendations for key actors

Students may wish to consult the following policy briefings to get a sense of how to approach this assignment in terms of style/tone, format, etc.:

**INTD 497: Transitional Justice**

**Group facilitation of seminar (25%)**

Students will be responsible for designing and facilitating (in coordination with the instructor) a seminar covering 2 hours and 10 minutes (including a 10 minute break). This will be a group activity and students are encouraged to be creative in the means they use to present information and encourage class participation and discussion. Each student-led seminar should include class participation and/or small-group activities of at least 45 minutes in duration.

Classes 6-10 may be led by student groups.

The student-led seminars should make use of the assigned reading for the class, but also require extensive additional, independent research.

Each group will consist of 5-6 students. *At least* ten days before the students present the seminar they have designed, a minimum of three members of the group must meet with the instructor (at a pre-arranged time) to discuss the team’s plans. During this meeting, the team should be prepared to provide a detailed overview of the team’s *goals* for the seminar (What are the key questions or ideas you wish to raise?); the *timeline* for the seminar overall and for each element of the seminar; and the team’s *strategy* for introducing, running and debriefing activities involving class participation.

A laptop and projector for powerpoint presentations will be available. If other equipment is required, this must be confirmed with the instructor at least one week in advance.

Group members will all receive the same mark. Group members will be expected to submit a short evaluation of their own work, within one week of delivering their seminar. In addition, all members of the class will complete short evaluations of each student-led seminar. The self-evaluations and peer evaluations will inform the instructor’s determination of the final mark for each group.

The final 40 minutes of each class that is led by a student team will be devoted to discussion facilitated by the instructor, and completion of the peer evaluations by members of the class.

**Break-down of marks**

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<tr>
<th>10 points</th>
<th>Effective communication of ideas</th>
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<td>Logical organization of ideas/structure</td>
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<td>Clear explanations</td>
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<td>Relevant examples</td>
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<td>Appropriate use of visual or oral learning aids, and creative learning techniques</td>
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<td>Ability to engage with the class</td>
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<th>15 points</th>
<th>Understanding of topic, analysis and argument</th>
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<td>Explanation of relevant terms and socio-political context</td>
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<td>Explanation of principal debates (theoretical, empirical)</td>
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<td>Critical engagement with the relevant literature</td>
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<td>Articulation and defence of clear, insightful arguments, and/or stimulation of debate around different approaches to the issue under discussion</td>
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<td>Relevance and analytical depth of discussion questions</td>
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INTD 497: Transitional Justice

Research paper (35%)

Deadline for confirming paper topic (by email): 6:00 PM, Wednesday 1 November 2017

Deadline: 2:35 PM, Wednesday 29 November 2017

The final paper should be a minimum of 12 and maximum of 14 double-spaced pages, plus bibliography. The topic must be different than that chosen for your presentation (and policy briefing, if relevant). Topics best suited to this assignment are those that involve a specific case study, actor, challenge or debate related to transitional justice, and pose a specific research question.

Students are required to type their text in 12-point font with standard margins. Use single spacing for block quotations, appendices and the bibliography. Citations must follow a standard academic format. *In-text citations are preferred.*

The final paper must:
- Define the key terms used in the paper
- Explain the principal theoretical and conceptual debates related to the topic
- Advance a clear argument effectively supported by empirical research and/or theoretical analysis (the thesis must be clearly stated in the introduction to the paper, followed by an indication of the structure of the paper, i.e. how the argument will be made)
- Situate the topic in the context of the country or community studied (if applicable)
- Draw some conclusions and/or pose recommendations (if applicable).

Break-down of marks

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<td>Pertinent examples</td>
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<td>Style, grammar and spelling</td>
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<td>Standardized referencing according to academic conventions</td>
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<th>Understanding and application of relevant theories and literature</th>
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<td>Understanding and critical analysis of relevant theoretical, conceptual and practical debates and perspectives</td>
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<td>Understanding and critical analysis of relevant academic literature</td>
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<th>Points</th>
<th>Analysis and argument</th>
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<td>Effective support provided for argument</td>
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<td>Quality of conclusions and/or recommendations</td>
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Extra credit opportunities

Course evaluation
In order to encourage the timely completion of course evaluations, each student will receive an extra 1% if at least 85% of enrolled students complete the on-line course evaluation on time. The extra 1% will count toward participation grades. Please note that the participation grade is never to exceed the percentage established for the course.
Reflective essay on atrocity, memory, justice and reconciliation, as reflected in film

In order to encourage the exploration of artistic work that addresses the themes at the heart of this course, students are invited to submit one reflective essay that incorporates analysis of a relevant film (documentary or feature film) alongside discussion of issues addressed in the required and/or optional readings on the syllabus. Reflective essays are due in hard copy by 2:35 on Wednesday 1 November 2017. Papers should be minimum four pages and maximum five pages, double spaced (plus citations).

Students who complete the optional reflective essay will receive a bonus of up to 3%. The reflective essays will be evaluated according to the criteria below. It is left to the student’s discretion to determine which issues/course readings will be explored in the reflective essay. The films that may be analyzed for this assignment include:

- The Missing Picture
- The Milk of Sorrow
- Waltz with Bashir
- Red Dust
- Sometimes in April
- Granito: How to Nail a Dictator
- Grbavica
- Ararat

Suggestions for additional films to add to this list are welcome for future versions of the course. Please note that some of these films include graphic violence and disturbing themes. Please contact the instructor if you have any concerns or would like advice in selecting a film.

Break-down of marks

5 points Effective communication of ideas
- Clear and logical organization of ideas/structure
- Clear explanations of key themes, concepts and ideas
- Style, grammar and spelling

10 points Insightful analysis of themes and critical engagement with readings
- Brief, accurate expression of key themes drawn from the film, and related course readings
- Insightful, original reflections on the relationship between themes raised in the film, and issues addressed in the course
- Identification of insightful questions raised by the film, and your analysis of it in light of the academic literature on transitional justice, reconciliation and memory

General instructions and policies for written assignments

Late policy
Written work is due at the start of class on the specified due dates. Late papers will be subject to a 10% penalty per day, starting with the due date, except in exceptional cases, with the professor’s prior agreement. Extensions will not be granted on the day an assignment is due, except in case of medical or family emergency, accompanied by appropriate documentation.

Language
As per university policy, written assignments may be submitted in French or English.

Format and style
Students are required to type their text in 12-point font with standard margins. Please double space the text. Use single spacing for block quotations, footnotes, appendices and bibliographies. References and citations must follow a standard academic format. In-text citations are preferred.

Special Needs
If you have a disability, you are welcome to contact the instructor to arrange a time to discuss your situation. Please also make contact with the Office for Students with Disabilities.

Integrity
McGill University values academic integrity. Therefore, all students must understand the meaning and consequences of cheating, plagiarism and other academic offenses under the Code of Student Conduct and Disciplinary Procedures (see www.mcgill.ca/integrity for more information).