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 interdisciplinary perspective and through empirical case studies, this seminar will examine approaches to transitional justice, the normative and political ideas that underpin them, the mechanisms and processes involved, and their impact on transitional societies. Moreover, we will explore new directions of the field including the turn to socioeconomic justice as well as the nexus between transitional justice and post-conflict development.

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

Required readings
The required readings of this course are available via MyCourses as well as e-books and journal articles accessible through the McGill library. Optional readings and additional resources are also suggested below with links to where you can find them.

Useful transitional justice websites
https://www.ictj.org/
http://www.coalitionfortheicc.org/
http://www.globaljusticecenter.net/
Course requirements and grade distribution

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Dates</th>
<th>Grade</th>
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<tbody>
<tr>
<td>2 short papers (critical review or policy paper)</td>
<td>On-going</td>
<td>30%</td>
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<td>2 small-group presentations</td>
<td>On-going</td>
<td>20%</td>
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<tr>
<td>Seminar participation</td>
<td>On-going</td>
<td>15%</td>
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<td>Major research paper</td>
<td>9th April</td>
<td>35%</td>
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Small group presentation
Beginning in Week 5, this is an essential part of seminar participation and involves a group review of at least 2 of the week’s readings (if a video is included in the materials for that week, it’s equivalent to one reading). There will be two groups, one group which prepares and delivers a 15-minute presentation while the other group raises constructive comments and questions about the presentation. Instead of simply summarising each reading, the presentation must *thematic*ly synthesize them, highlighting what they have in common, their normative and theoretical assumptions, areas of divergence, and how they complement each other and relate to major debates or issues in the field.

Contributions from the next group must focus particularly on what they found less convincing about the presentation, drawing attention to counterclaims, their own understanding of the material (if different), drawing out points not effectively articulated, showing gaps or inconsistencies in the presentation and materials. Each member of this 2nd team must have a comment/question, based entirely on one of the week’s reading, which would be responded to by members of the 1st, presenting group. Your question must be preceded by a 5-minute substantive and thoughtful commentary on the presentation (NOT just vague comments such as “I like the presentation” or “it was well done”). In one of the subsequent weeks, the groups will switch roles. Before the first presentation you would be placed in a group of 3 and be informed about the date of your presentation. The two groups may want to coordinate to know beforehand which set of readings the presenting team is dealing with so that the response team can draw from other readings.

Critical review paper
Due within a week after the conference presentation and submitted by each member, this 2500-word (excluding references) paper must be a thorough analytical review of the same materials, i.e. incorporating insights from other readings, feedback from the opposite group, the seminar discussions, your notes, and other relevant materials. In addition to the preparation which went into your presentation and response, doing this assignment well requires additional research drawing on other pertinent literatures and readings (including the additional list of sources below) to analyze the strengths and weaknesses of the materials under review. Note that you will write two critical review papers, one after your presentation, another after your response. Both papers are worth 30% of the overall course grade.

Policy brief
You have an option to write a policy brief on a current/ongoing transitional justice process (e.g. the lustration process in Libya, domestic war crimes trials in Bosnia, TRC in Gambia) or
assessment of possible future development (e.g. prospect of international war crimes trials in post-war Syria). The policy brief 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 brief in the context of your work as an analyst for a non-governmental organization such as the International Center for Transitional Justice or the Coalition for the ICC.

Policy briefs should be 2,500 words (excluding references), comprising a one-page executive summary and a couple of pages of supporting data. Present your policy brief in a visually engaging manner (with headings, charts, maps, etc.) to make the key elements for your analysis, and your recommendations, as clear as possible. The policy brief should draw on and cite relevant research, but stylistically you should bear in mind that in contrast to the critical review essay, the aim of this assignment is to clearly communicate argument and recommendations based on a well-focused, up-to-date analysis to key policy and practitioner audiences. (Below are few examples of policy briefs that you may wish to consult to get a sense of how to approach this assignment in terms of style/tone, format, etc.) As with the review paper, the policy brief should be posted to MyCourses within one week after your participation in the seminar as a presenter and responder. As I expect you to use comments on the 1st assignment to improve the 2nd, you can choose either a review essay or policy brief, but NOT both.

Research paper
This 4000-word research paper allows you to formulate a good research question or puzzle in transitional justice and then use a specific case study and relevant literatures to develop a constructive set of arguments or thesis. Research papers must be submitted via MyCourses before midnight of April 9th. Late papers will be accepted until 16th (at a penalty of 1.0 mark out of 35 for each day late). Late submission without a penalty is possible only for documented medical reasons (or equivalent family matters). The full requirements of this paper will be in separate handout provided by early February and I will discuss these guidelines and instructions during seminars and office hours, beginning February 19th.

Course schedule and readings
You are expected to keep up with the assigned readings (particularly the required ones) to be prepared to actively participate in the seminar discussions.

<table>
<thead>
<tr>
<th>Themes &amp; Readings</th>
<th>Ways of knowing atrocity &amp; post-atrocity justice (Week 1, Jan 8)</th>
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</thead>
</table>
PART ONE

CONCEPTUALIZING TRANSITIONAL JUSTICE

**What is transitional justice? (Week 2, Jan. 15)**
- The emergence and development of the concept of transitional justice
- Theoretical perspectives on transitional justice
- Introduction to transitional justice mechanisms


**What are the goals of transitional justice? Does transitional justice work? (Week 3, Jan 22)**
- Democratization; Rule of law; Peacebuilding; Reconciliation
- Approaches to analyzing the effects and efficacy of transitional justice mechanisms


Assad Files [https://www.youtube.com/watch?v=WPr500VOMx](https://www.youtube.com/watch?v=WPr500VOMx)
<table>
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<tr>
<th>Themes &amp; Readings</th>
<th>Political economy of transitional justice (Week 4, Jan 29)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Themes &amp; Readings</strong></td>
<td><strong>Prosecutions and amnesties (I) (Week 5, Feb 5)</strong></td>
</tr>
</tbody>
</table>
Themes & Readings

### Prosecutions and amnesties (II) (Week 6, Feb 12)

- Hybrid courts, domestic prosecutions and universal jurisdiction
- Exploring the effects of prosecutions
- Amnesties: Enemy of justice or preferable to prosecutions?


### Lustration/vetting and justice-sensitive security sector reform (Week 7, Feb 19)

- Political decision-making and the calibration of lustration policies
- Justice-sensitive security sector reform as a form of transitional justice
- Transitional justice and disarmament, demobilization and reintegration (DDR)

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<thead>
<tr>
<th>Themes &amp; Readings</th>
<th>Reparations/compensation (Week 9, March 12)</th>
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<tbody>
<tr>
<td><em>Truth-telling and truth commissions (Week 8, Feb 26)</em></td>
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<tr>
<td>• “Truth” as a contested concept</td>
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<td>• Truth and reconciliation commissions</td>
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<td>• Relationship between truth and reconciliation</td>
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***Reading Break***
### Themes & Readings

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### “Local/customary” approaches and the “everyday” (Week 10, March 19)

- 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 as “traditional” or “customary”
- How does an examination of “everyday” interactions (re)shape transitional justice?


### PART THREE

**EXPANDING TRANSITIONAL JUSTICE**

**Violations of socioeconomic and cultural rights (Week 11, March 26)**

- Socioeconomic and cultural rights
- Redistributive justice
- Transitional justice, corruption, and economic crimes
### Themes & Readings


### Transitional justice and development nexus (Week 12, April 2)

- Areas of convergence & divergence
- Conceptual, normative, & practical challenges
- Guarding the traditional boundaries of transitional justice


### Expanding transitional justice cont. & recap (Week 13, April 9)
Optional reading and additional resources

Conceptualizing transitional justice


• Roman David and Suzanne Y.P. Choi (2009) “Getting even or getting equal: Retributive desires and transitional justice,” Political Psychology 30(2). (Available via MyCourses.)


Transitional justice mechanisms and processes


Truth & reconciliation commissions

**Reparation and compensation**


• Anna Sheftel (2012) “Monument to the international community, from the grateful citizens of Sarajevo’: Dark humour as counter-memory


**Local/customary approaches**


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


Examples of policy briefs


General instructions and policies for written assignments

Plagiarism

McGill University has zero tolerance for plagiarism.

1. What is plagiarism? The University defines plagiarism as “the representation of another’s work, published or unpublished, as one’s own or assisting another in representing another’s work, published or unpublished, as his or her own”. You should not represent another person’s work, published or unpublished, as your own without proper acknowledgment. Plagiarism is an academic offence according to McGill’s Handbook on Students Rights and Responsibilities (see http://www.mcgill.ca/secretariat/policies/students/handbook-student-rights-and-responsibilitiesle-recueil-des-droits-et-obligations-de-letudiant

2. What are the consequences of plagiarism? The penalties for plagiarism are stipulated in the Code of Student Conduct and Disciplinary Procedures, Articles 16-19 (see http://www.mcgill.ca/integrity for more information). Any case of plagiarism will be referred to the Disciplinary Officer of the Faculty of Arts who is the Associate Dean (Student Affairs) for appropriate disciplinary action.

As stipulated in the university’s Charter of Students’ Rights, it is your right to submit any assignment in the course in English or French.

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.

Class etiquettes
Be respectful to each other, engaging the ideas of someone’s contribution rather than how it was said. The class is a rich group of people from diverse cultural and linguistic backgrounds, including people who are not native speakers of English.

Grade review
You may request a review of your papers if you wish to contest a grade. But you must submit in writing (a page) the justifications for challenging the grade received, within two weeks following the day the grades were provided. The request must be emailed to me. After a request has been made, your paper will be re-graded but note that the grade may be raised, lowered, or remain unchanged upon re-evaluation.