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

9 January        Course begins
18 February      No office hours
20 February      No class
27 February      Deadline for confirmation of policy briefing topic
2-7 March        Reading week—No office hours, no class
13 March         Policy briefings due
23 March         Deadline for confirmation of research paper topic (by email)
27 March         Deadline for submission of reflective essay (optional)
3 April          No class (Good Friday)
14 April         Last class, final papers due (NB: 14 April is a Tuesday, but will follow the Friday schedule)

Assignments and assessment

15% Participation in class
25% Policy briefing
25% Group facilitation of seminar
35% Research paper

Further information on assignments, assessment and extra credit opportunities is available at the end of the syllabus.

Program

Class 1: Friday 9 January 2015
Introduction to the course

Part 1: Conceptualizing transitional justice

Class 2: Friday 16 January 2015
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: Friday 23 January 2015
Topic: What are the goals of transitional justice? Does transitional justice “work”?

Key themes/questions
• What are some of the goals of transitional justice?
  o Democratization
  o Peacebuilding
  o Reconciliation
• Approaches to analyzing the effects and efficacy of transitional justice mechanisms

Required reading

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). (Available via MyCourses.)

Part II: Transitional justice processes, principles and practical implications
Class 4: Friday 30 January 2015
Topic: Prosecutions and amnesties (I)

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), International Criminal Court

Required reading

Optional reading and additional resources

Class 5: Friday 6 February 2015
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Topic: Prosecutions and amnesties (II)

Key themes/questions
- Domestic prosecutions and universal jurisdiction
- Exploring the effects of prosecutions
- Amnesties: Enemy of justice or preferable to prosecutions? (normative and empirical perspectives)

Required reading

Optional reading and additional resources

Class 6: Friday 13 February 2015
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**Topic:** Lustration/vetting and justice-sensitive security sector reform (student-led seminar)

**Key themes/questions**
- 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)
- Case studies: Eastern Europe

**Required reading**

**Optional reading and additional resources**

**NOTE:** No office hours on Wednesday 18 February 2015. No class on Friday 20 February 2015.

**Class 7: Friday 27 February 2015**

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

**Note:** Deadline for confirming topic of policy brief.

**Key themes/questions**
- “Truth” as a contested concept
- Truth and reconciliation commissions
- Relationship between truth and reconciliation
Case study: South Africa

Required reading


Optional reading and additional resources


Class 8: Friday 13 March 2015
Topic: Reparations/compensation (student-led seminar)

Note: Policy briefings due today.

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  
  
Class 9: Friday 20 March 2015  
Topic: Apologies, memorials and commemoration (student-led seminar)

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

Required reading  
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- 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). (Available via MyCourses.)

Optional reading and additional resources

Class 10: Friday 27 March 2015

**Topic:** “Local/customary” approaches, transitional justice and the “everyday” (student-led seminar)

**Note:** Deadline for submission of reflective essay (optional).

**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 “custmary”
- How does an examination of “everyday” interactions (re)shape understandings of transitional justice?
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- Case studies: Northern Uganda and Rwanda

Required reading

Optional reading and additional resources

NOTE: No class on Friday 3 April 2015.

Part III: Transitional justice and reconciliation revisited

Class 11: Friday 10 April 2015
Topic: The scope of transitional justice
**INTD 497: Transitional Justice**

**Key themes/questions**
- Redressing wrongs across generations
- Addressing socio-economic wrongs
- Transitional justice in non-transitional states/industrialized democracies
- Case study: Canada’s residential schools and Truth and Reconciliation Commission

**Required reading**

**Optional reading and additional resources**

**Class 12: Tuesday 14 April 2015**

**Topic: Reconciliation revisited and the future of transitional justice**

**Key themes/questions**
- The limitations of transitional justice
- Reflecting on reconciliation
- The future of transitional justice as a field of research and practice

**Required reading**


Optional reading and additional resources


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

Policy briefing (25%)

Deadline for confirming policy brief topic (by email): 6:00 PM, Friday 27 February 2015

Deadline: 2:35 PM, Friday 13 March 2015

Students will write a policy briefing on a current/ongoing transitional justice process (e.g. the lustration process in Libya, the dissemination and implementation of recommendations from the Kenyan truth commission, domestic war crimes trials in Bosnia, 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 be submitted in hard copy (in colour or black and white) and electronically (in order to verify that the word count has been respected).

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.
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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.:

Group facilitation of seminar (25%)

Students will be responsible for designing and facilitating (in coordination with the instructor) a seminar covering 2 hours and 20 minutes (including a 15 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. The group may wish to add extra readings. If this is the case, these should be made available electronically at least one week in advance.

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 30 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**

<table>
<thead>
<tr>
<th>Points</th>
<th>Description</th>
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<tbody>
<tr>
<td>10</td>
<td>Effective communication of ideas</td>
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<td></td>
<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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<td>15</td>
<td>Understanding of topic, analysis and argument</td>
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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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**Research paper (35%)**

**Deadline for confirming paper topic (by email):** 5:00 PM, Monday 23 March 2015

**Deadline:** 2:35 PM, Tuesday 14 April 2015

The final paper should be a maximum of 3,500 words (approximately 14 double-spaced pages), *excluding* footnotes and bibliography. The topic must be different than that chosen for your presentation and policy briefing. 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. Please double space the text. Use single spacing for block quotations, footnotes and other reference notes, 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
- 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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10 points Effective communication
- Clear and logical organization of ideas
- Pertinent examples
- Style, grammar and spelling
- Standardized referencing according to academic conventions

10 points Understanding and application of relevant theories and literature
- Understanding and critical analysis of relevant theoretical, conceptual and practical debates and perspectives
- Understanding and critical analysis of relevant academic literature

15 points Analysis and argument
- Clear articulation of student’s position
- Effective support provided for argument
- Quality of conclusions and/or recommendations

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.

Participation in ISID annual conference
ISID will hold its annual conference on Thursday 12 March and Friday 13 March at the Faculty Club. The location, speaker and topic will be confirmed shortly. Students who attend any session of the conference will receive an extra 1% that will count toward their participation grade. Please note that the participation grade is never to exceed the percentage established for the course. At the conference, there will be a sign up sheet. Before the session begins, students should sign up, providing their name, student ID number, and signature. Attendance for the full session is necessary to receive the extra credit; if conference sessions are scheduled for the same time as our class, they cannot be attended for credit.

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 Friday 27 March 2015.

Students who complete the optional reflective essay will receive a bonus of up to 4%. 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
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- Sometimes in April
- The Act of Killing
- 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

11 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).