POLS/INST 4375/5375
TRANSITIONAL JUSTICE
FALL 2013

Tuesday
3:10pm – 6:00pm
CR 142

Instructor: Dr. Nevin T. Aiken
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Office Location: A&S 144A
Office Hours: Mon & Weds 12-1.30pm

COURSE PREREQUISITES:

POLS/INST 2310 – Introduction to International Relations (Highly Recommended)

OVERVIEW

Transitional justice mechanisms have been frequently used in recent years to provide accountability for
gross human rights violations and acts of mass atrocity (genocide, ‘ethnic cleansing,’ and crimes against
humanity) carried out within the state. This course provides a broad conceptual understanding of this
emerging field and critically examines the historical and contemporary uses of different justice
interventions through selected case studies. Readings, lectures, and group discussions will be structured
around three main themes. First, the course examines the diverse range of transitional justice
interventions that have been employed to date, including trials, international tribunals, amnesties, truth
commissions, and traditional or indigenous practices. Second, specific attention is given to considering
ongoing debates within the field of transitional justice, including an exploration of the tension between the
different demands of justice at local, national, and international levels. Finally, this course considers the
role transitional justice plays as part of broader post-conflict reconstruction efforts and examines, in
particular, the potential contribution of these interventions to post-conflict peacebuilding and
reconciliation.

ASSIGNMENTS AND EVALUATION

Discussion Participation: 20%
Critical Response Papers (x2) 20%
Paper Proposal 5%
Major Research Paper 30%
Final Examination 25%

Both individual assignments and final grades for this course will be assigned according to the typical
University of Wyoming Scale. Extra credit work may be offered at the prerogative of the instructor.

90.0 - 100% = A (Excellent); 89.9 - 80.0% = B (Good); 79.9 – 70.0% = C (Satisfactory);
69.9 – 60.0% = D (Poor); 59.9 – 00.0% = F (Fail)
**COURSE SCHEDULE & READINGS**

*Note:* The course schedule and required readings are subject to change by the Instructor – be sure to monitor your email and the course website regularly for announcements of any changes.

The main required course text will be Rachel Kerr and Eirin Mobekk, *Peace & Justice: Seeking Accountability After War* (Cambridge: Polity Press, 2007). This should be available in the UW Bookstore by the time the course begins in August. As this book is used extensively throughout the course, it is highly recommended that you pick this up as early as possible.

In the interests of keeping costs down for everyone, all other required readings will be made available online via our Wyoweb course site.

**PART I: INTRODUCTION TO TRANSITIONAL JUSTICE**

**Week 1 (August 27th)**

**What is Transitional Justice?**

**Required Readings:**


**Week 2 (September 3rd)**

**Why Transitional Justice I: Ending Impunity: The ‘Duty’ to Prosecute?**

**Required Readings:**


Week 3 (September 10th)
Why Transitional Justice II: Peacebuilding and Reconciliation

Required Readings:


Oduro, Franklin. “What Do We Mean By Reconciliation?” (Ottawa: IDRC, 2007).

PART II: RETRIBUTIVE JUSTICE INTERVENTIONS

Week 4 (September 17th)
International Criminal Tribunals
Case Studies: Rwanda (ICTR) and Former Yugoslavia (ICTY)

In-Class Video:

Required Readings:


Week 5 (September 24th)
The International Criminal Court
Case Studies: Democratic Republic of Congo, Uganda, Sudan

In-Class Video:

Required Readings:


Waddell, Nicholas and Phil Clark. Eds. Courting Conflict? Justice, Peace and the ICC in Africa. (London: Royal African Society, 2008). Read Chapter 1 (7-12); Chapter 2 (13-20); Chapter 5 (37-45); Chapter 7 (55-64); Chapter 8 (65-72); Chapter 9 (73-80)
Week 6 (October 1st)
National or Domestic Trials
Case Study: Rwanda (Domestic Trials)

In-Class Video:
*In the Tall Grass: Inside the Citizen Based Justice System Gacaca.* Manyara Films (2006)

**Required Readings:**


**PART III: ALTERNATIVES TO RETRIBUTION**

Week 7 (October 8th)
Amnesties and Reparations in Transitional Justice
Case Study: Argentina

In-Class Video:
*Explore: Argentina’s Dirty War.* BBC Video (2009)

**Required Readings:**


Week 8 (October 15th)
Truth Commissions I: Overview
Case Study: Peru, Morocco

In-Class Video:
*Confronting the Truth.* USIP Press (2007) [Focus on Peru, Morocco]

Required Readings:


Week 9 (October 22nd)
Truth Commissions II: The South African Truth and Reconciliation Commission
Case Study: South Africa

In-Class Video:

Required Readings:


Week 10 (October 29th)
‘Indigenous,’ ‘Traditional,’ or ‘Informal’ Justice Mechanisms
Case Study: Northern Uganda

In-Class Video:

Required Readings:


PART IV: EMERGING TRENDS IN TRANSITIONAL JUSTICE

Week 11 (November 5th)
‘Hybridity’ and Holism in Transitional Justice
Case Studies: East Timor and Sierra Leone
Note: Research paper outlines due to be handed in on or before the beginning of class

In-Class Video:
Confronting the Truth. USIP Press (2007) [Focus on East Timor]

Required Readings:


Week 12 (November 12th)
Decentralized Transitional Justice/Justice ‘from the Bottom-Up’
Case Study: Northern Ireland

In-Class Video:

Required Readings:


**Week 13 (November 19th)**

**Development and Distributive Justice in Transition**

**Case Study Focus: Zimbabwe**

In-Class Video:

**Required Readings:**


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**Week 14 (November 26th)**

*NO CLASS – HAVE A GREAT BREAK AND WORK ON RESEARCH PAPERS*

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**Week 15 (December 3rd)**

**Wrap-Up and Final Exam Review**

*Major Research Papers Due to be handed in on or before the beginning of class*

**Required Readings:**

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**Week 16 (December 9th – 13th)**

**Final Exam - TBA**

A list of final exam rooms and times will be published by the Office of the Registrar approximately 30 days prior to the final exam period.
COURSE ASSIGNMENTS AND STUDENT EVALUATION

Participation (25%)
Active student engagement with the course material and frequent participation in class discussions is considered vital to success in this course. Each week, class time will be divided roughly in half, with the first half being devoted to a brief talk on the weekly topic provided by the instructor, and the second half being given to group discussion of the week’s readings and lecture materials. Accordingly, the majority of the participation grade will be assessed according to the student’s level of involvement in our weekly discussion sessions. This includes raising appropriate questions and making constructive comments based on the course material to further our group discussions. In essence, active involvement for participation will be measured by both the quantity and the quality of each student’s engagement during the discussions. However, it should be noted that active engagement in the course also includes attentive listening during talks delivered by the instructor or guest speakers.

Note: As attendance and active participation in this course is vital, students who have more than two unexcused absences will receive a grade of zero for participation.

In addition, for course dates that you sign-up to write critical response papers (see below), students will also be required to take on the role of discussant leader and come to class prepared with comments and questions that will help to begin our discussion of the readings and the weekly topic. As a discussant leader, you need not present all the points or issues raised in your commentary paper, but you may use that as a basis for helping to start the discussion if you wish.

Critical Response Papers (20%)
During the course of the semester each student must submit two short response papers (4-5 double spaced pages). In the second week of class students will choose in advance and sign-up for the two weeks that they wish to write response papers (beginning in Week 4). In these papers students are to apply their own independent critical analysis to the set of assigned readings for that week. As a first step, these papers should seek to briefly summarize the central thesis arguments (and key sub-arguments) of each assigned reading. Second, at least half of each response paper should then be given over to your own critical analysis of the readings as a whole. This analysis should be focused on identifying and critically assessing common themes or key points of debate and disagreement between the readings, and/or your independent reflection regarding the significance of the points you’ve identified to the broader topic being discussed that week. A hard copy of your critical response papers should be submitted at the beginning of class each week. These papers should follow standard formatting guidelines (double-spaced; Times New Roman 12-point font; 1 inch margins).

In addition, with each response paper students will be required to submit a minimum of 3 critical questions based on the readings that may be used to help spark class discussion in their role as a weekly discussant leader. These questions should be submitted via email (in DOC or PDF format) to the instructor no later than 11.59pm on the Monday preceding class.

*Note: Students enrolled in the class through the MA (5000 level) designation will be asked to submit critical response papers that are 5-6 double spaced pages in length. In addition, 5000-level students will be asked to submit 4 critical questions to utilize in their roles as discussant leaders.
**Major Research Paper (30%)**
A substantial portion of a student’s final grade will be assessed on the submission of a major critical analysis research paper. This paper assignment will centre on each student exploring and evaluating some aspect of a current or historical transitional justice intervention employed by national or international actors in response to a past abuse of human rights. These evaluations will center on assessing the chosen justice mechanism in light of the broader ‘goals’ of transitional justice we will be discussing in the course (ie. Justice, reconciliation, democracy, etc.). While selection of the particular transitional justice intervention to be studied is open to the student, it should be examined in light of some of the major themes and debates raised in the course.

The final paper itself (13-14 pages plus bibliography) is to be submitted on or before the beginning of class on December 3rd. Students enrolled in the class through the MA (5000 level) designation will be asked to submit a paper that is approximately 15-16 pages in length plus bibliography.

Formatting requirements for both portions of the paper should follow standard formatting guidelines (double-spaced; Times New Roman 12-point font; 1 inch margins). Citations are to be made according to the Chicago Manual of Style formatting requirements. Further, as this is a major research paper students will be asked to consult and cite a minimum of 8-10 scholarly sources (10-12 for 5000 level students) to help support the arguments forwarded in their paper.

All late paper submissions will be penalized at a rate of 10% per day (or fraction therefore) past the deadline. Further information concerning the major research paper assignment will be distributed in class as the course progresses.

**Research Paper Proposal (5%)**
First, a three-page paper proposal (with an attached preliminary annotated bibliography) is to be submitted at the beginning of class on November 5th. This proposal should indicate clearly the case study/intervention you are intending to assess in your research paper, as well as a preliminary sense of the causal thesis argument (and sub-arguments/sub-points) related to the ‘goal’ you are assessing the intervention against. **Note: All students must engage in advance consultation with the instructor on the paper topic** – outlines submitted without prior consultation with the instructor will not be accepted. This is the best chance for me, as the instructor, to give you early feedback on the direction your research paper is going so please do put some time and thought into your proposal. This paper proposal will be graded on a scale of 1-5 and will account for 5% of each student’s overall grade.

**Final Examination (25%)**
The final examination will involve two components. The first is a series of short paragraph answers. The second part of the exam will involve longer essay-length answers – also with choice. A general series of study questions will be provided during the final week of class. Students will be responsible for all material covered in lectures, discussions, assigned readings, as well as any possible visiting speakers or video presentations. The time and location for the final exam will be posted by the Office of the Registrar 30 days before the exam date.
IMPORTANT COURSE, DEPARTMENTAL AND UNIVERSITY POLICIES

Course Policy on Late Assignments
All written course assignments submitted past their due date will be assigned a penalty of -5% for every 24hrs they are late (or fraction thereof) beginning from the time they were originally due. No written assignments will be accepted more than one week from the original due date except with the advance permission of the instructor. If you are handing in a written assignment (critical response paper or research paper) late, you must make arrangements to hand it in directly to me or to email me an electronic copy in PDF or DOC format. All emailed assignments will be counted as received once a readable version of the file is time/date stamped as arriving in my inbox. All papers handed in in any other way (such as slipped under my office door) will be dated from the date I happen to pick them up.

Course Policies on Student Absences
As attendance and active participation in this course is considered vital, students who have more than two unexcused absences will receive an automatic grade of zero for participation. Further, it is the responsibility of every student to ensure they come to class prepared and on time each week. Accordingly, if a student arrives late for two classes, this will count as an absence when determining final participation grades.

Students who miss a class for an excused university absence will be given the option to write a short written assignment to make up for the missed attendance and participation points for that class. In such cases, it is the responsibility of each student to get in touch in advance of any absence by email to give notification that you will be unable to attend class or complete a course assignment. Except in cases of emergency, students who contact the instructor after a class has already begun will not be allowed to make up the absence.

Course Communication Policy
The best way to reach either me throughout the course will be via email. With all emails it is my policy to try and respond within 1 business day whenever possible. That said, email can be very time-consuming for answering more than just basic questions. If there is a larger or more detailed question you need help with, just send an email and we can arrange to meet during office hours or schedule an appointment to talk things over. Please do note that all formal course correspondence (including updates, changes to the schedule, changes to the reading, or potential cancellations) will be sent to you via email using your uwyo.edu email accounts. Accordingly, it is the responsibility of all students to check their email accounts on a daily basis throughout the duration of the course.

Academic Dishonesty and Plagiarism
All students are responsible for familiarizing themselves with departmental and university policies on plagiarism and other forms of academic dishonesty. These policies can be found online at www.uwyo.edu/Pols/Academic_Dishonesty.doc. As a rule, all written work submitted for this course by students must be original in its conception, organization, and phrasing. All sources used must be appropriately acknowledged or cited, including all Internet materials. Work submitted in this course for evaluation must not be, or have been, submitted (in whole or in part) in another course. Students found to have committed academic dishonesty will receive a grade of zero on the assignment and, depending on severity, will receive a grade of “F” for the course as well in addition to any possible additional sanctions imposed by the University.
**Student Services**

Students finding they are having difficulty with their writing are strongly encouraged to take advantage of the services provided through the UW Writing Center. Information on this resource is available online at: [http://uwacadweb.uwyo.edu/WritingCenter/](http://uwacadweb.uwyo.edu/WritingCenter/)

Also, it is University of Wyoming policy to accommodate students, faculty, staff, and visitors with disabilities. If you have a physical, learning, sensory, or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with University Disability Support Services (UDSS) in the Student Educational Opportunity offices, Room 330 Knight Hall, and provide UDSS with documentation of your disability. Information on the UDSS is available online at: [http://uwadmweb.uwyo.edu/UDSS/](http://uwadmweb.uwyo.edu/UDSS/)