

Course Outline

COURSE:	LAWS4603A - Transitional Justice
TERM:	Fall 2015
PREREQUISITES:	Fourth-year Honours standing
CLASS:	Day & Time: Tuesday 11:35 - 14:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Tiffany A. MacLellan
CONTACT:	Office: B442 Loeb Office Hrs: By Appointment Email: tiffany.maclellan@carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn

from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

More important than thought is 'what leads to thought'... impressions that force us to look, encounters that force us to interpret, expressions that force us to think. - *Gilles Deleuze*

Criminal trials, truth and reconciliation commissions, reparations, and redress are mechanisms that states resort to in their effort to attain justice after mass atrocity. These approaches to justice are framed by many as 'transitional' because they are evoked during a period of political transformation whereby the new state is looking to legitimize itself whilst forging a democratic order. 'Breaking with the past' by acknowledging victims and perpetrators of violence, and 're-fashioning the future' for a traumatized political community underscores transitional justice efforts.

Increasingly, memorials are being counted as part of the growing constellation of approaches to post-conflict justice.

This course will explain how scholars in the field of transitional justice understand the curious potential of memorials during periods of political transition. It will critically analyze what, where, and how memorials take shape, and the various groups which see the establishment, removal, or defacement of memorials as part of their broader justice seeking effort. Looking beyond parties of the conflict, this course will also consider the various affects of memorials crafted to emotionally discipline global communities as part of a broader 'never again' ethos.

LEARNING OUTCOMES

Upon completion of this course, students will be able to:

- Describe the key theoretical and conceptual debates in the field of transitional justice on memorials
- Analyze how different communities see memorials as part of their broader effort to attain post-conflict justice
- Synthesize information from a variety of academic fields and express arguments in written and oral form

REQUIRED TEXTS

All journal articles slated for this course are retrievable through the library's 'Summons' search engine. Book chapters will be made available through cuLearn.

CLASS FORMAT

Much of the intellectual value of this course arises from discussion in class. As this is a course taught in seminar format, you should prepare yourself by reading all materials assigned. You are also encouraged to prepare comments for class discussion. The seminar should be a productive place to think through the material, together, in a respectful and supportive way.

CULEARN

cuLearn will serve as an information hub for this course. You will find the course guide, supporting materials to assist your reading and writing skills, assignment expectations, assignment submission portals, and your grades.

ASSIGNMENTS AND EVALUATION

All components must be completed in order to receive a passing grade. Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Participation [20%]: Participation marks are earned by attending the seminar and contributing to class discussions with quality comments and questions. As this course will be conducted as a seminar, it is expected that all students will come to class prepared to participate. 5% of this participation mark is devoted solely to your attendance and participation in the final two weeks of the course, where each student will present their final paper.

Academic Integrity Exercise [5%]: Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offense. More information on the University's Academic Integrity Policy can be found at: <http://www.carleton.ca/studentaffairs/academic-integrity/>

This assignment will require you to demonstrate your comprehension of what plagiarism is. Guidelines and further information pertaining to this exercise will be posted to cuLearn the first week of class.

DUE DATE: September 22nd, 4:30pm via cuLearn

Seminar Facilitation [15%]: You will be required to present one mandatory reading, and facilitate a discussion premised on said reading. The presentation segment should be between 10 - 15 minutes in length, followed by 20 minutes of discussion. Your goal is to provide 1) an accurate summary of the author's argument; 2) a description of key concepts; 3) critical analysis of the argument 4) 3 open ended questions. Your presentation of the reading and class facilitation can be creative or traditional, but certainly casual. What I am looking for is an interesting and accurate explanation of the reading, as well as creative yet critical questions that will provoke class discussion and engagement.

Criteria	Weight
Summary of argument	3 marks
Description of key concepts	3 marks
Critical analysis of author's argument	5 marks
Creative and thought-provoking questions	4 marks
TOTAL	15 marks

'Walking With Our Sisters' Response [5%]: Five short answer questions about the memorial will be posted to cuLearn on September 28th. This assignment will require you to respond to each question, and provide a 250 word (1 page, double spaced) reflection on your experience at CUAG.

Criteria	Weight
Response to short answer questions	2.5 marks
Reflection	2.5 marks
TOTAL	5 marks

DUE DATE: October 1st, 4:30pm via cuLearn

Research Paper Proposal [10%]: The proposal must include your proposed topic, an annotated bibliography (five sources minimum), and three potential arguments. I will not mark final papers from students who have not submitted a paper proposal. You are encouraged to attend my office hours before the submission of your proposal for guidance.

Criteria	Weight
Topic relevant to course themes	3 marks
Argument	3 marks
Quality of annotations	4 marks
TOTAL	10 marks

DUE DATE: November 12th, 4:30pm via cuLearn

Research Paper Presentation [5%]: You will be provided no more than 10 minutes to present your research paper topic and argument. This time will also be used to field questions from the class. Most of you will not have a final version of your paper at this point. Short and sweet!

Criteria	Weight
Clear articulation of argument	2 marks
Quality explanation of how your argument is situated in the literature	3 marks
TOTAL	5 marks

DUE DATE: You must sign up for one of the presentation dates within the first week of class. All presentations will occur on November 24 & December 1st.

Final Paper [40%]: Your final paper will advance a clear argument supported by an empirical or theoretical analysis; define key concepts used in your analysis; explain the key debates related to your topic, and; situate your argument in the context of the country/ community studied. Your paper should be no more than 3500 words.

DUE DATE: December 7th, 4:30pm via cuLearn

Criteria	Weight
Accurate and rigorous engagement with the literature/ key concepts	15 marks
Clearly articulated and supported argument	15 marks
Clear organization of ideas, relevant examples, grammar, spelling, correct reference format	10 marks
TOTAL	40 marks

Format: The format for all assignments is as follows: 1.5 or double spaced, 12 point font, and adherence to a recognized citation style.

Late Policy: Assignments submitted after the due date will be accepted at the cost of three marks per day. Extensions are reserved for those moments when you find yourself in a documented, extenuating circumstance. Retroactive extensions will not be granted, meaning all extensions must be requested at least 24 hours before the deadline along with the appropriate documentation. No exceptions.

Grading: In accordance with the Carleton University Undergraduate Calendar, the letter grades assigned in this course will have the following percentage equivalents:

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 56-59
A = 85-89	B = 73-76	C = 63-66	D = 53-56
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52
F = Below 50			

WDN =	Withdrawn from the course	DEF =	Deferred
FND =	(Failed, no Deferred) = Student could not pass the course even with 100% on final exam		

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

READING SCHEDULE

Week One - Introduction

This class has two bottom lines: to introduce the course and its expectations, as well as to introduce you to the field of transitional justice.

Required:

McEvoy, Kieran. 2007. "Beyond Legalism: Towards a Thicker Understanding of Transitional Justice." *Journal of Law and Society* 34 (4): 411–40.

Nagy, Rosemary. 2008. "Transitional Justice as Global Project: Critical Reflections." *Third World Quarterly* 29 (2): 275–89.

Institute for Democracy and Conflict Resolution. 2011. "Transitional Justice: Key Concepts, Processes and Challenges," (Briefing Paper) available at: http://www.idcr.org.uk/wp-content/uploads/2010/09/07_11.pdf

Supplementary:

Naomi Roht-Arriaza. 2006. "The New Landscape of Transitional Justice." in *Transitional Justice in the Twenty-first Century: Beyond Truth versus Justice*. Naomi Roht-Arriaza and Javier Mariecurrena (eds.) Cambridge: Cambridge University Press.

Moyo, Khanyisela. 2012. "Feminism, Postcolonial Legal Theory and Transitional Justice: A Critique of Current Trends." *International Human Rights Law Review* 1 (2): 237–75

Martha Minnow. 1998. *Between vengeance and forgiveness: Facing history after genocide and mass violence*. San Francisco: Jossey Bates.

Week Two - Introduction to Memorials and Transitional Justice

Required:

Barahona de Brito, Alexandra. 2010. "Transitional Justice and Memory: Exploring Perspectives" *South European Society and Politics*. 15(3): 359-376

Brett, Sebastian et al. 2007. "Memorialization and Democracy: State Policy and Civic Action" *International Centre for Transitional Justice* available at: https://www.ictj.org/sites/default/files/ICTJ-Global-Memorialization-Democracy-2007-English_0.pdf

Viejo-Rose, Dacia. 2011. "Memorial Functions: Intent, Impact and the Right to Remember." *Memory Studies* 4 (4): 465–80.

Volkan, Vamik D. 2006. "What Some Monuments Tell Us About Mourning and Forgiveness." In *Taking Wrongs Seriously: Apologies and Reconciliation*, 115–31. Stanford: Stanford University Press.

Supplementary:

Hamber, Brandon; Ševčenko, Liz; Naidu, Ereshnee. 2010. "Utopian Dreams or Practical Possibilities? The Challenges of Evaluating the Impact of Memorialization in Societies in Transition." *The International Journal of Transitional Justice* 4: 397–420.

Jinks, Rebecca. 2014. "Thinking Comparatively about Genocide Memorialization." *Journal of Genocide Research*. 16(4): 423 - 440.

Week Three - Memory Studies: An Overview

Required:

Urry, John. 1996. "How Societies Remember the Past." In *Theorizing the Museum: Representing Identity and Diversity in a Changing World*, 45 – 65. Oxford: Wiley-Blackwell.

Nora, Pierre. 1989. "Between Memory and History: Les Lieux de Mémoire." *Representations* 26: 7 – 24.

Halbwachs, Maurice. 1980. "Historical Memory and Collective Memory." In *The Collective Memory*, 50–87. New York: Harper & Row.

Edkins, Jenny. 2003. "Introduction: trauma, violence and political community," In *Trauma and the Memory of Politics*. Cambridge: Cambridge University Press.

Supplementary:

Antze, Paul and Lambek, Michael. 1996. *Tense Past: Cultural Essays in Trauma and Memory*. New York: Routledge.

Week Four - Field Trip and Case Study: Walking With Our Sisters at CUAG

This class will take place at the Carleton University Art Gallery (CUAG) which is located in St Patricks Building. Centre for Indigenous Research, Culture, Language and Education (CIRCLE) members and CUAG curators will join us for a post viewing discussion.

Required:

Video: MM interview with Metis artist Christi Belcourt on Walking with our Sisters WWOS:
<https://www.youtube.com/watch?v=ehyOa05ecNA> (7 minutes)

Radio Interview: A New day with Sandi Coleman, CBC Yukon, December, 2014:
<https://soundcloud.com/cbcyukon/walking-with-our-sisters-community-conversation> (7 minutes)

Radio interview: Groundwire with Ophira Horwitz, Groundwire Community News, November, 2014:
<http://groundwire.ncra.ca/index.cfm/2014/11/11/GroundWire-November-10th-2014> (start at 19:30)

Radio Interview: Moccasin Telegraph: Walking with Our Sisters interview with Erin Konsmo, National Youth & Communications Coordinator with CJSR Radio, Edmonton, Oct, 2013:
<https://soundcloud.com/cjsrfm/moccasin-telegraph-walking> (6 minutes)

Website: <http://walkingwithoursisters.ca/>

Supplementary:

Indigenous Waves Radio: Honouring Missing and Murdered Women with artists Ilene Sova and Christi Belcourt, February, 2013 (60 minutes): <http://indigenouswaves.com/2013/02/12/honouring-missing-and-murdered-women-with-artists-ilene-sova-and-christi-belcourt/>

Week Five - Constructing Victims, Perpetrators, and Heroes

Wilke, Christiane. 2013. "Remembering Complexity? Memorials For Nazi Victims in Berlin." *The International Journal of Transitional Justice* 7: 136–56.

Dudai. 2012. "'Rescues for Humanity': Rescuers, Mass Atrocities, and Transitional Justice." *Human Rights Quarterly* 34 (1): 1–38.

Clark, Janine Natalya. 2013. "Reconciliation through Remembrance? War Memorials and the Victims of Vukovar." *The International Journal of Transitional Justice* 7: 116–35.

Reading, Anna. 2011. "Identity, Memory and Cosmopolitanism: The Otherness of the Past and a Right to Memory?" *European Journal of Cultural Studies* 14 (4): 379–94.

Supplementary:

McEvoy, Kieran; McConnachie, Kristen. 2013. "Victims and Transitional Justice: Voice, Agency and Blame." *Social & Legal Studies* 22 (4): 487–513.

Madlingozi, Tshepo. 2012. "On Transitional Justice Entrepreneurs and the Production of Victims." *Journal of Human Rights Practice* 2 (2): 208–28.

Week Six - 'Feel the meaning': Memorials, Experience, Affect

Required:

Dekel, Irit. 2013. "Navigating Experience." In *Mediation at the Holocaust Memorial in Berlin*, 25–64. New York: Palgrave Macmillan.

Sci, Susan A. 2009. "(Re)thinking the Memorial as a Place of Aesthetic Negotiation." *Culture, Theory & Critique* 50 (1): 41–57.

Stevens, Quentin. 2009. "Nothing More Than Feelings." *Architectural Theory Review* 14 (2): 156–72

Supplementary:

Bednar, Robert. 2013. "Killing Memory: Roadside Memorial Removals and the Necropolitics of Affect." *Cultural Politics* 9 (3): 337–56.

Doss, Erika. 2008. "War, Memory, and the Public Mediation of Affect: The National World War II Memorial and American Imperialism." *Memory Studies* 1 (2): 227–50.

Week Seven - Places of memory

Required:

- Schindel, Estela. 2010. “‘Now the Neighbors Lose Their Fear’: Restoring the Social Network around Former Sites of Terror in Argentina.” *The International Journal of Transitional Justice* 6 (3): 467–85.
- Till, Karen. 2005. “Berlin’s Ort Der Täter: A Historic Site of Perpetrators.” In *The New Berlin: Memory, Politics, Place*, 121–52. Minneapolis: University of Minnesota Press.
- Tyner, James; Brindis Alvarez, Gabriela; Colucci, Alex. 2012. “Memory and the Everyday Landscape of Violence in Post-Genocide Cambodia.” *Social & Cultural Geography* 13 (8): 853–71.
- Sivac-Bryant, Sebina. 2015. “The Omarska Memorial Project as an Example of How Transitional Justice Interventions Can Produce Harms.” *The International Journal of Transitional Justice* 9: 170–80.

Supplementary:

- Dwyer, Owen and Alderman, Derek. 2008. “Memorial Landscapes: Analytic Questions and Metaphors.” *GeoJournal* 73: 165 - 178.

OCTOBER 26 - 30: FALL BREAK, NO CLASS**Week Eight - Dark tourism: International empathy or voyeurism?**

Required:

- Kurasawa, Fuyuki. 2009. “A Message in a Bottle: Bearing Witness as a Mode of Transnational Practice.” *Theory, Culture & Society* 26 (1): 92–111.
- Nagle, John. 2010. “Between Trauma and Healing: Tourism and Neoliberal Peace-Building in Divided Societies.” *Journeys* 11 (1): 29–49.
- Robb, Erika. 2009. “Violence and Recreation: Vacationing in the Realm of Dark Tourism.” *Anthropology and Humanism* 34 (1): 51–60.
- Violi, Patrizia. 2012. “Trauma Site Museums and the Politics of Memory: Tuol Sleng, Villa Grimaldi and the Bologna Ustica Museum.” *Theory, Culture & Society* 29 (1): 36–75.
- Copeland, Colette. 2011. “Madness and Mayhem: The Aesthetics of Dark Tourism.” *Afterimage* Jul-Oct: 43–46.

Supplementary:

Week Nine - Defacing / Re-placing / Counter Memorials

Required:

Young, James. 1993. "The Countermonument: Memory against Itself in Germany" In *The Texture of Memory: Holocaust Memorials and Meaning*, 27—48. New Haven: Yale University Press.

Sheftl, Anna. 2011. "Monument to the International Community, from the Grateful Citizens of Sarajevo': Dark Humour as Counter-Memory in Post-Conflict Bosnia-Herzegovina." *Memory Studies* 5 (2): 145–64.

Milton, Cynthia E. 2011. "Defacing Memory: (Un)tying Peru's Memory Knots." *Memory Studies* 4 (2): 190–205.

Arayahu, Maoz. 2003. "Re-Placing Memory: The Reorientation of Buchenwald." *Cultural Geographies* 10: 1–20.

Supplementary:

Williams, Paul. 2008. "The Afterlife of Communist Statuary: Hungary's Szoborpark and Lithuania's Grutas Park." *Forum for Modern Language Studies* 44 (2): 185–98.

Strurken, Marita. 1991. "The Wall, the Screen, and the Image: The Vietnam Veterans Memorial." *Representations* 35: 118–42.

Week Ten - Silence and forgetting

Required:

Eastmond, Marita; Selimovic, Mannergren. 2012. "Silence as Possibility in Postwar Everyday Life." *The International Journal of Transitional Justice* 6: 502–24. [23 pages]

Kovras, Iosif. 2013. "Explaining Prolonged Silences in Transitional Justice: The Disappeared N Cyprus and Spain." *Comparative Political Studies* 46 (6): 730–56.

Connerton, Paul. 2008. "Seven types of Forgetting" *Memory Studies*. 1(1): 59 -71

Sebald, W.G. 2002. "A Natural History of Destruction" *The New Yorker*: 66 - 78

Supplementary:

Brown, Wendy. 2005. "Freedom's Silences." In *Edgework: Critical Essays on Knowledge and Politics*. 83 - 97. Princeton: Princeton University Press.

Week Eleven - Presentations**Week Twelve - Presentations**