

Course Outline

COURSE:	LAWS 4603A – Transitional Justice
TERM:	FALL 2018
PREREQUISITES:	LAWS 2908 and Fourth-Year Honours standing
CLASS:	Day & Time: Tuesdays 18:05 – 20:55
	Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Dr. Tiffany A. MacLellan
CONTACT:	Office: D582 Loeb Building
	Office Hrs: TBD
	Telephone: TBD
	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

Please contact 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: www.carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Religious obligation

Please 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: www.carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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.

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: www.carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. www.carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf. For more information on academic accommodation, please contact the departmental administrator or visit: www.students.carleton.ca/course-outline

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. www.carleton.ca/law/current-students/

CALENDAR COURSE DESCRIPTION

Legal and ethical responses to human rights violations in the transition to democracy. Dilemmas of the rule of law; truth and reconciliation; prosecution and punishment; amnesty; retribution and revenge; restorative justice; administrative remedy; reparations; International case studies. Theoretical arguments about justice in context of country.

COURSE DESCRIPTION

Criminal trials, truth and reconciliation commissions, and memorials are typical mechanisms that states and political communities resort to in their effort to attain justice after mass atrocity. These approaches to justice are typically framed in socio-legal literature as transitional because they are evoked during a period of political transformation. As such, transitional justice mechanisms are frequently configured as the means through which political communities can "break" from violent pasts, reconcile, and progress towards a future premised on respect for human rights.

This course explores the theoretical assumptions upon which this discourse is built, and the myriad ways transitional trials, truth and reconciliation commissions, and memorials can fall short of delivering on the promises set-forth in liberal transitional justice theory.

REQUIRED TEXTS

All readings slated for this course are retrievable through ARES, which is accessible through CULearn.

EVALUATION

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%)

Much of the intellectual value of this course arises from in-class discussions. As this course is taught in a seminar format, students are expected to prepare themselves by reading all materials prior to each class. The goal is to make the seminar a productive, place to think through the material together, and respectfully. Participation marks are earned by attending the seminar and quality contributions to class discussion. As this course is organized in seminar format, all students are expected to come to class prepared. 5% of this participation mark is devoted solely to your attendance and participation in the final two weeks of the course.

Seminar Facilitation (15%)

Each student will be required to facilitate discussion on one mandatory reading through-out the semester. Each student should prepare a 10 minute reflection on the reading's key themes and arguments. Facilitations of the readings should provide: 1) an accurate summary of the author's arguments; 2) a description of the key concepts used to mount the argument; 3) a critical analysis of the argument, and; 4) 3, open ended questions. Facilitations can unfold in traditional, creative or casual formats, yet rigor and clarity is required. What I am looking for is for each student to explain the reading and formulate questions that will provoke class discussion and engagement.

Criteria	Weight
Summary of argument	4 marks
Description of key concepts	3 marks
Critical engagement	5 marks
Quality questions	3 marks
TOTAL	15 marks

Due: materials must be uploaded prior to the class within which the student is presenting.

Research Paper Proposal (15%)

Each student's research proposal must identify their proposed topic and potential argument, and include an annotated bibliography (5 sources minimum) that indicates the key theoretical approaches the student intends to use. I will not mark final papers from students who have not submitted their paper proposal in advance. All students are encouraged to attend my office hours for support through-out the paper proposal development process. **Due: November 9th at 5pm via Culearn**

Criteria	Weight
Topic and argument is relevant to course themes	5 marks
Quality annotations that clearly explain how the readings will advance argument	10 marks
TOTAL	15 marks

Conference Presentation (5%)

Each student will be provided 10 minutes to present their research paper in a conference format. Panels based on common themes and presentation dates will be published shortly after the submission of the proposals. Students are encouraged to use this time to work through questions they face in the development of their final paper. Students are not expected to have the final version of their paper completed at this point. **Due: November 27th or December 4th. See CULearn for Conference presentation schedule.**

Criteria	Weight
Clear presentation of argument	2 marks
Quality connection of argument to course themes and readings	3 marks
TOTAL	5 marks

Research Paper (45%)

Student's final papers will advance a clear argument, draw on academic research and course materials, identify the key debates, be well organized and properly cited. Paper should be no more than 3500 words. All assignments must use 12 point Ariel or Times New Roman font, be double spaced, and adhere to the citation rules set forth in the McGill or the Chicago style manual. **DUE: December 7th at 5pm via CuLearn**

Criteria	Weight
Accurate and rigorous engagement with the appropriate academic literature	25 marks
Clearly articulated and supported argument	10 marks
Organization	5 marks
Correct citation style	5 marks
TOTAL	45 marks

Late Policy

Assignments submitted after the due date will be accepted at the cost of 3 marks per day. Extensions are reserved for those moments when you find yourself in a extenuating circumstance. All extensions must be request, with supporting documentation, at least 24 hours prior to an assignment deadline. Retroactive extensions will not be granted.

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	DEF = Deferred	FND = Failed

SCHEDULE

Introduction September 11th

Course introduction, expectations, seminar facilitation sign-up

PART I: Foundations and Limitations

Foundations September 18th

Teitel, Ruti G. "Transitional Justice Genealogy." *Harvard Human Rights Journal* 16 (2003): 69-94.

Bell, Christine. "Transitional Justice, Interdisciplinarity, and the State of the 'Field' or 'Non-Field.'" *International Journal of Transitional Justice* 3, no. 1 (2009): 5-27.

The Limits of Transitional Justice September 25th

Stauffer, Jill. "Ethical Loneliness" and "Repair." In *Ethical Loneliness: The Injustice of Not Being Heard*, 9-33 and 34-68. New York: Columbia University Press, 2015.

Veitch, Scott. "Social Structures and the Dispersal of Responsibilities." In *Law and Irresponsibility: On The Legitimation of Human Suffering*, 28-73. New York: Routledge, 2007.

PART II: Transitional Trials

Transitional Trials and the Inauguration of Human Rights? October 2nd

Sikkink, Kathryn. "The Effects of Human Rights Prosecutions in Latin America" and "Global Deterrence and Human Rights Prosecutions." In *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*, 186-233, 234-272. New York: W.W. Norton & Company, 2011.

Meister, Robert. "States of Emergency." In *After Evil: A Politics of Human Rights*, 260-285. New York: Columbia University Press, 2011.

**Transitional Trials as a Means to Document Past Atrocity?
October 9th**

Douglas, Lawrence. "Film as Witness: Screening Nazi Concentration Camps Before the Nuremberg Tribunal" and "Ada Lichtmann on the Stand." In *The Memory of Judgement: Making Law and History in the Trials of the Holocaust*, 11-37 and 97-122. New Haven: Yale University Press, 2005.

Douzinas, Costas. "History Trials: Can Law Decide History?" *Annual Review of Law and Social Sciences* 8 no. 1 (2012): 273-289.

**Transitional Trials and Reconciliation?
October 16th**

Murphy, Colleen. "The Rule of Law" and "International Criminal Trials." In *A Moral Theory of Political Reconciliation*, 41-70 and 167-186. Cambridge: Cambridge University Press, 2010.

Fletcher, Laurel E., Harvey M. Weinstein. "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation." *Human Rights Quarterly* 24, no. 3 (2002): 573-639

**Reading Week – No Class
October 23rd**

PART III: Non-legal Transitional Justice Mechanisms

**Truth and Reconciliation Commissions
October 30th**

Hayner, Priscillia. "Confronting Past Crimes," and "Why a Truth Commission?" In *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 7-18 and 19-26. New York: Routledge, 2011.

Moon, Claire. "Narrating Political Reconciliation: Truth and Reconciliation in South Africa." *Social and Legal Studies* 15, no. 2 (2006): 257-275.

***Roundtable Reflection – Please read the Report's introduction, and another chapter of your choosing**

Truth and Reconciliation Commission of Canada. *Honoring the Truth, Reconciling the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015)

**Memorials
November 6th**

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

Sheftl, Anna. "'Monument to the International Community, from the Grateful Citizens of Sarajevo': Dark Humor as Counter-Memory in Post-Conflict Bosnia-Herzegovina." *Memory Studies* 5 no. 2 (2011): 145–64.

**Memorial Museums
November 13th**

Williams, Paul Harvey. "The Surviving Object: Presence and Absence in Memorial Museums." In *Memorial Museums: The Global Rush to Commemorate Atrocities*, 25-50. New York: Berg, 2007.

Sodaro, Amy. "Memorial Museums: Promises and Limits." In *Exhibiting Atrocity: Memorial Museums and the Politics of Past Violence*, 162-184. New Brunswick: Rutgers University Press, 2018.

Bell, Vikki. "Between Documentality and Imagination: Five Theses on Curating the Violent Past." *Memory Studies* 11, no. 2 (2018): 137-155

**Transitional Justice and Activism
November 20th**

Gready, Paul and Simon Robins. "Rethinking Civil Society and Transitional Justice: Lessons from Social Movements and "New" Civil Society," *International Journal of Human Rights* 21, no. 7 (2017): 956-975.

Milton, Cynthia. "Defacing Memory: (Un)tying Peru's Memory Knots." *Memory Studies* 4, no. 2 (2011): 190-205.

Weis, Valeria. "The Relevance of Victim's Organizations in the Transitional Justice Process: The Case of the Grandmothers of Plaza de Mayo in Argentina," *Intercultural Human Rights Law Review* 12 (2017): 1-40.

**Conference Presentations
November 27th**

**Conference Presentations
December 4th**

RESEARCH PAPERS ARE DUE DECEMBER 7TH AT 5PM VIA CULEARN.