Political Science 9751b
Transitional Justice

Winter Term 2015
Wednesday 1:30-3:30
Location: SSC 4255

Instructor: Dr. Joanna R. Quinn
Office Location: SSC 4158
Office Hours: Wed. 10:30-12:00
Email: jquinn2@uwo.ca

Course Description

The twentieth century gave rise to some of the bloodiest massacres in history. It also saw the development and implementation of instruments to deal with these crimes. Yet there is still substantial debate and even disagreement about the efficacy and appropriateness of the kinds of mechanisms that have come into being, and about the particular results that each has been able to achieve. As a result, new and different instruments are today being developed.

This course aims to critically examine a number of these mechanisms and instruments. These may be grouped into three broad categories, around which the course is structured: retributive justice; restorative justice; and restitutive justice. The course will focus on the conceptual framework surrounding the various instruments and approaches, as well as both historical and contemporary uses of each. And through the use of selected case studies, a variety of examples of each will be considered.

Required Texts


NOTE: Other readings are required. These are either on reserve or available electronically through the D.B. Weldon Library

Important Notice re: Prerequisites/Antirequisites

Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

Office of the Dean, Faculty of Social Science

Grade Distribution

Essay (due April 08) 60%
Seminar Presentation 20%
Seminar Participation 20%
Essay

You will be required to write one term essay of 25-30 typed, double-spaced pages, or between 6250-7500 words. The topic of the paper may be selected from the list of topics provided below. The completed paper must be submitted at the beginning of class on Wednesday, April 08, 2015. A late penalty of 10% per day will be applied to papers submitted at any point after the class commences on April 08.

Essays must be submitted to Turnitin.com, using the link on WebCT/OWL, prior to the start of class on April 08.

Seminar Presentation

Each week, a group of two or more students will present the main points and arguments of the case study as they relate to that week’s main theme, also drawing on themes covered earlier in the term, to the class. Each presentation should be approximately 20 minutes in length, and must include a brief hand-out for students in the class that includes the main themes represented in the case study as well as questions for discussion. As the presentation is expected to be a joint project between the students involved, all students in the group will be graded together. Student presenters are expected to refer to material beyond that assigned to the class.

Seminar Participation

This assessment will be based on regular contributions to the class discussion, reflecting some grasp of the relevant materials and some analytical abilities in applying those materials in the discussion. Students should consult the handout “Student Participation” for criteria.
Academic Dishonesty

Many different types of actions may be considered academically dishonest. These might include, although not exhaustively, the following: cheating, submission of work not authored by you, double submission, fabrication, plagiarism. You are advised to familiarize yourself with the guidelines set out in the Handbook of Academic and Scholarship Policy. These may be found at the following url: http://www.westerncalendar.uwo.ca/2014/pg113.html

Students with Disabilities

Any student with a disability is advised to contact the Coordinator for Services for Students with Disabilities in order that arrangements can be made through them to accommodate that student. The Centre for Student Development is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at ssc@sdc.uwo.ca, or on the web at http://www.sdc.uwo.ca/ssd/

Other Resources

There are many resources at UWO designed to assist you in your learning. You are strongly advised to utilize these services. The Student Development Centre offers many services, including Effective Writing Programs and Learning Skills Services. The Student Development Centre is located in UCC Suite 210; they can be reached by telephone at (519)661-2147, by email at exams@sdc.uwo.ca, or on the web at http://www.sdc.uwo.ca/. You should also become familiar with the services offered by the University Library System. The D.B. Weldon Library may be contacted by telephone at (519)661-3162 or by email at dbwref@lib.uwo.ca, or on the web at http://www.lib.uwo.ca/weldon/#

Writing Style

Essays must be formatted using Chicago/Turabian style, with footnotes, not in-text citations. Students are advised to consult a writer’s handbook when composing their essays in order to see how to format things like bibliography and footnotes. One such excellent handbook is A Manual for Writers of Term Papers, Theses, and Dissertations by Kate L. Turabian. A useful link may be found at the following url: http://www.wisc.edu/writing/Handbook/DocChicago.html.

As this is an upper-level seminar, grammatical, spelling and other errors are not acceptable. You are responsible for your own work, and, as such, must be careful to proofread your work before turning it in.
Course Outline by Topic

January 7  Introduction

January 14  Three Ways of “Doing” Justice

I.  Approaching Rettributive Justice

January 21  Clarifying the Concept
case:  My Lai Massacre

January 28  Modern Foundations
Martha Minow, “Foreword,” and “Chapter 1: Introduction,” in Between Vengeance and Forgiveness (Boston: Beacon Press, 1998)
case:  Tokyo Trial
February 04  International Crime
case:  International Criminal Court: Situation in Uganda
International Criminal Court, “Situation in Uganda,” (available from http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200204/Pages/situation%20index.aspx); read “Referral”, and “Decision to open investigation” and other documents

February 11  Individual and Collective Responsibility
case: Augusto Pinochet

II.  Approaching Restorative Justice

February 18  No class – Reading Break

February 25  Clarifying the Concept
case:  Papua New Guinea
March 04 Trials vs. Truth Commissions
See also The University of Toronto Law Journal 49.3 (Summer 1999): 311-466 (all articles), (available from JSTOR).
case: Uganda’s Commission of Inquiry into Violations of Human Rights

March 11 Other Truth Commissions
case: Canada’s Indian Residential Schools Truth and Reconciliation Commission
Truth and Reconciliation Commission of Canada website (www.trc.ca)

III. Approaching Reparative Justice

March 18 Framework and Context
case: comfort women

March 25 Apology


case: Australia National Sorry Day/Reconciliation Australia


April 01 Restitution


case: Canada’s Indian Residential Schools Settlement Agreement


April 08  Concluding Discussion

*** Essays due at beginning of class ***
ESSAY TOPICS

Topic 1: *Theoretical Approaches to Justice After Atrocity*

This topic asks you to focus on one or more of the theoretical approaches (retributive, restorative, restitutive) used in the course and to critically evaluate the approach(es) you select. You may choose to illustrate your points by use of a case study, where appropriate, although this is not required. You may consider only one approach, or you may compare and contrast different approaches.

Topic 2: *Instrument or Mechanism of Justice After Atrocity*

This topic asks you to consider one instrument or mechanism that has been or may soon be used to promote some form of justice after atrocity and to evaluate its strengths and weaknesses, as well as provide an assessment of where it might best be used. You may choose to illustrate your points by use of a case study, where appropriate, although this is not required.

Topic 3: *Case Study of an Instance of the Use of one Instrument or Mechanism*

This topic asks you to look at a specific use of one of the instruments of justice after atrocity which has been used. By definition, therefore, in choosing this option, you will be looking at something which has already taken place. You are, however, asked to evaluate the mechanism and not the event. You must also take care not to dwell on the event(s) itself, but rather to make the instrument or mechanism the focus of your essay.

Please note that you may not write an essay on any topic/case for which you have made a presentation in class. If you are not sure whether your proposed topic is eligible, please see the instructor.

Essays must be formatted using Turabian/Chicago-Style. This includes Chicago-Style footnotes, which MUST be used. (Please do not use endnotes.) In-text citations are not permitted.

Essays must be submitted to Turnitin.com, using the link on WebCT/OWL, prior to the start of class on April 08.

*Essays are due at the beginning of class Wednesday, April 08, 2015.* A late penalty of 10% per day will be applied to papers submitted at any point after the class commences on April 08.
# STUDENT PARTICIPATION

## Participation Grading Guide

<table>
<thead>
<tr>
<th>Grade</th>
<th>Attendance</th>
<th>Discussion</th>
<th>Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Always</td>
<td><strong>Excellent:</strong> leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions</td>
<td>Clearly has done and prepared questions on virtually all readings; intelligently uses this understanding and these questions in discussion</td>
</tr>
<tr>
<td>4</td>
<td>Almost always</td>
<td><strong>Very Good:</strong> thoughtful comments and questions for the most part; willing, able and frequent contributor</td>
<td>Has done most readings; provides competent analysis of reading when prompted by others</td>
</tr>
<tr>
<td>3</td>
<td>Frequent</td>
<td><strong>Good:</strong> has basic grasp of key concepts and occasional ideas on the main theme of the reading; arguments are sporadic and at times incomplete or poorly supported; unwilling to ask questions</td>
<td>Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material</td>
</tr>
<tr>
<td>2</td>
<td>Occasional</td>
<td><strong>Somewhat Poor:</strong> remarks in class marred by misunderstandings of key concepts; seldom contributes effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic</td>
<td>Actual knowledge of material is outweighed by improvised comments and remarks</td>
</tr>
<tr>
<td>0-1</td>
<td>Rare</td>
<td><strong>Poor:</strong> rarely speaks; parrots text or comments of others</td>
<td>Little or no apparent familiarity with assigned material</td>
</tr>
</tbody>
</table>
# ESSAYS

## Grading Grid

<table>
<thead>
<tr>
<th>Category</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argument</td>
<td></td>
</tr>
<tr>
<td>Organization of the Essay</td>
<td></td>
</tr>
<tr>
<td>Quality of evidence</td>
<td></td>
</tr>
<tr>
<td>Communication Skills</td>
<td></td>
</tr>
<tr>
<td>Use of quotations and footnotes</td>
<td></td>
</tr>
<tr>
<td>Creativity</td>
<td></td>
</tr>
<tr>
<td>Other Comments</td>
<td></td>
</tr>
<tr>
<td>Grade</td>
<td></td>
</tr>
</tbody>
</table>