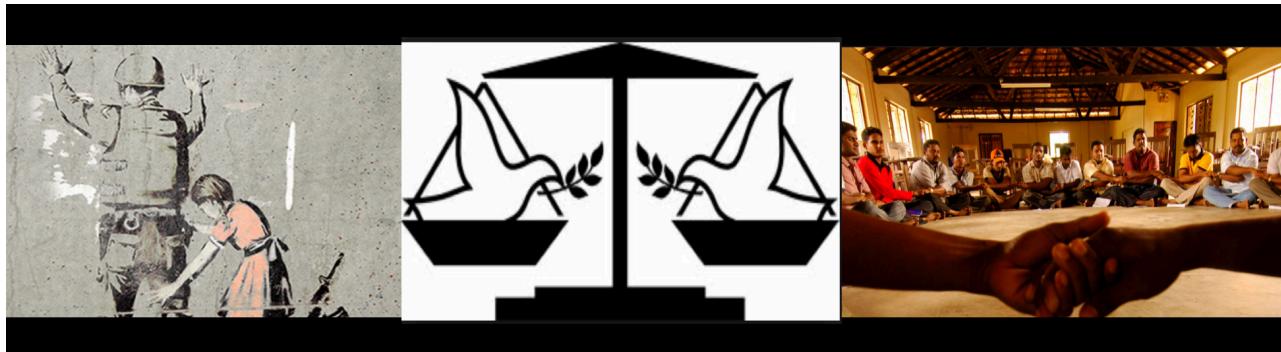


# POST-CONFLICT JUSTICE & RECONCILIATION



**Instructor:**

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## COURSE DESCRIPTION:

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This course offers a critical assessment of justice and reconciliation processes in conflict and post-conflict settings across the globe. It examines the most prevalent approaches to transitional justice; that is, the sometimes competing, sometimes complimentary prescriptions for responding to the imperative of prosecuting those responsible for mass human rights violations while also addressing the need to facilitate some form of national reconciliation. Topics discussed include peacebuilding, truth commissions, retributive, restorative & distributive justice, amnesties and reparations, indigenous justice mechanisms, and apologies, memorials and commemorations. Additionally, case studies will expose students to the different types of traditional and non-traditional forms of transitional justice, the role of gender, ethnicity and class in these processes, and the domestic and international politics which often shape the formulation and outcomes of post-conflict justice processes.

## LEARNING OUTCOMES:

Upon successful completion of the course, students should be able to:

- Identify and gain an understanding of the different approaches to and frameworks for post-conflict justice.
- Assess when the objectives of justice and reconciliation may be mutually exclusive and when they may be complimentary.
- Gain familiarity with and analyze the critiques of various approaches to achieving justice and reconciliation in conflict and post-conflict settings.
- Assess the gaps between theory and practice in the field and how they may be better bridged.
- Discuss prospects for justice and reconciliation through a more contextualized and critical lens.
- Gain a deeper appreciation for the complexity and multiple dimensions of the relationship between reconciliation and justice in conflict and post-conflict contexts as well as the challenges and opportunities involved.

## ASSESSMENT AND GRADING SCALE:

Students' performance in this course will be evaluated through the following activities and assignments:

- Take-home Exam = 200 (40%)
- Research Paper = 200 (40%)
- Readings Presentation = 50 (10%)
- Participation = 50 (10%)
- **Total Points** = **500 (100%)**

<b>500 Point Scale</b>		
<b>A</b>	<b>93-100%</b>	<b>465-500</b>
<b>A-</b>	<b>90-92%</b>	<b>450-464</b>
<b>B+</b>	<b>88-89%</b>	<b>440-449</b>
<b>B</b>	<b>83-87%</b>	<b>415-439</b>
<b>B-</b>	<b>80-82%</b>	<b>400-414</b>
<b>C+</b>	<b>78-79%</b>	<b>390-399</b>
<b>C</b>	<b>73-77%</b>	<b>365-389</b>
<b>C-</b>	<b>70-72%</b>	<b>350-364</b>
<b>D+</b>	<b>68-69%</b>	<b>340-349</b>
<b>D</b>	<b>63-67%</b>	<b>315-339</b>
<b>D-</b>	<b>60-62%</b>	<b>300-314</b>
<b>F</b>	<b>0-59%</b>	<b>001-299</b>

## TAKE-HOME EXAM:

The take-home exam will consist of a combination of paragraph and short essay questions. It will cover material from lectures, assigned readings, and films shown in class. Answers must be typed and completed individually. Questions will be distributed in class around mid-semester, to be turned in on/before the last day of classes. See outline for specific dates.

## RESEARCH PAPER AND CLASS PRESENTATION:

Each student will select a topic of relevance to the field of justice and reconciliation and write a research paper to be submitted in 3 sections, each worth 50 points, plus a final version of the entire paper, for a total of 200 points.

1. Abstract (250 – 300 words) and Keywords (5+ keywords as relevant).
2. Bibliography (minimum of 15 *scholarly* sources, in addition to those in the reader).
3. Introduction (1-2 pages as relevant) and Literature Review (1-2 pages as relevant).
4. Complete draft of the paper (12-15 double-spaced pages plus bibliography).

*Additional information on how to complete written assignments will be discussed in class*

## READINGS PRESENTATION:

Beginning on week 3, and working in pairs, students will present at the beginning of each class period a brief summary of the readings assigned for that week. A sign-in sheet will be made available on week 2.

## CITATION POLICY, ASSIGNMENT SUBMISSION & ACADEMIC INTEGRITY:

This course will firmly adhere to the university code of conduct and ethical standards. Academic dishonesty includes representing another's work as one's own, active complicity in such falsification, and violation of test conditions. A citation acknowledges another person's ideas and adds integrity and foundation to your own. Clarification on what constitutes plagiarism can be found at: <http://gervaseprograms.georgetown.edu/honor/system/53377.html>.

Georgetown University operates on an honor system. Instructors are similarly obligated to uphold this honor system and required to report all suspected cases of academic dishonesty.

<http://gervaseprograms.georgetown.edu/honor/system/>

Plagiarism, whether deliberate or accidental, will be considered a form of academic dishonesty. Please consult with your instructor, or the pertinent university documentation, if unclear of what constitutes plagiarism or if unsure of how to reference your sources. Students found to be engaging in any academically dishonest behavior will receive a failing grade.

**All written assignments are to be handed in to the instructor, in class, at the beginning of the day they are due. Assignments sent by email, left in my mailbox, or placed anywhere other than personally handed to me will not be graded. Ten points will be deducted for each class day the assignment is submitted late, unless there is a reasonable and documented justification for it.**

## **ATTENDANCE AND PARTICIPATION:**

While no specific deductions of grade points will result from absences, students will be held responsible for all the material and information presented in class, whether they were present or not (be sure to get copies of class notes from at least two classmates if you must be absent).

Additionally, poor attendance will result in a low participation grade. Students are expected to come to class prepared to discuss the readings by the dates they are assigned.

### **What Constitutes a Good Class Discussion?**

- Evidence of careful reading and preparation, including factual details;
- Logical, consistent, original, relevant contributions, comments and evidence;
- Clear, thoughtful and respectful comments;
- Constructive critique, analytical questions and focused feedback on readings.

## **LAPTOPS, COMMUNICATIONS AND CELL PHONE POLICY:**

Computers are only allowed for note-taking in class. Email will be reserved for brief communications and announcements. Class materials and assignments will not be discussed by email. Please speak with me in class or during office hours if you need additional elaboration or feedback on any matter pertaining to this course. Be considerate to other students. Please turn off your cell phone and do not engage in “private” conversations during lectures to avoid distracting other students.

## **WITHDRAWALS:**

Protect your GPA!! If deciding to withdraw from the course, it is the responsibility of the student to be certain s/he is officially withdrawn through the Registrar. Failure to officially withdraw typically results in a failing grade due to zero scores on exams and other graded assignments.

## COURSE SCHEDULE

### WEEK 1 - Jan 18: Course Overview and Introduction

#### Readings:

- Class Notes.

### WEEK 2 - Jan 24: What is Justice?

#### Readings:

- John Rawls, *A Theory of Justice*, sections 1-6, 11, 24, 26.
- John Rawls, *A Theory of Justice*, sections 12, 17, 48.
- Martin O’Neil and Thad Williamson, “Beyond the Welfare State,” *Boston Review*, available at:  
[http://www.bostonreview.net/BR37.6/martin\\_oneill\\_thad\\_williamson\\_rawls\\_property\\_owning\\_democracy\\_american\\_politics.php](http://www.bostonreview.net/BR37.6/martin_oneill_thad_williamson_rawls_property_owning_democracy_american_politics.php)

### WEEK 3 – Jan 31: What is Transitional Justice?

#### Readings:

- ICTJ, “What is Transitional Justice?” ICTJ - *International Center for Transitional Justice* (2 pages).
- Roht-Arriaza, Naomi. “The New Landscape of Transitional Justice.” Naomi Roht-Arriaza and Javier Maríezcurrena, eds. *Transitional Justice in the Twenty-First Century: Beyond Truth Versus Justice*. Cambridge: Cambridge University Press. Pages 1-16.
- United Nations Security Council. *Report of the Secretary-General on Transitional Justice and the Rule of Law in Conflict and Post-Conflict Societies* (S/2004/616) 3 August 2004.
- Leebaw, Bronwyn Anne. “The Irreconcilable Goals of Transitional Justice.” *Human Rights Quarterly* 30.1 (February 2008): 95-118.

### WEEK 4 – Feb 7: On Justice and Reconciliation

#### **ABSTRACT DUE IN CLASS**

#### Readings:

- International Center for Transitional Justice, “The Place of Reconciliation in Transitional Justice” (June 2017). Available at <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Paper-Reconciliation-TJ-2017.pdf>
- Robert C. Soloman and Marc C. Murphy, “Introduction” in Robert C. Soloman and Marc C. Murphy eds. *What is Justice? Classic and Contemporary Readings* (Oxford, 2000).
- Johan Galtung. “After Violence, Reconstruction, Reconciliation, and Resolution: Coping with Visible and Invisible Effects of War and Violence” and Abu-Nimer, et. al. “The Long Road to Reconciliation” in Abu-Nimer Mohammed. *Reconciliation, Justice, and Coexistence: Theory and Practice*, New York: Rowman and Littlefield, 2001.
- The Mechanics of Reconciliation” in Daly Erin and Sarkin, Jeremy (Eds.) *Reconciliation in Divided Societies: Finding Common Ground*. UPEN Press. 2010

## WEEK 5 – Feb 14: Peacebuilding and Reconciliation

### Readings:

- Nigel Biggar. *Making Peace or Doing Justice: Must We Choose?* Biggar, Nigel. (ed.). *Burying the Past: Making Peace and Doing Justice After Civil Conflict*. Washington, D.C.: Georgetown University Press, 2001.
- Lederach, Paul. *Building Peace and Sustainable Reconciliation in Divided Societies*
- [Cori Wielenga. Comparing Approaches to Reconciliation in South Africa and Rwanda, Conflict Trends \(BB\)](#)
- [Peacebuilding and Reconciliation.](#)
- [Ronald Slye. The Great Debate, A Truth and Reconciliation Commission for the United States, Reuters, Aug 10, 2015.](#)
- [Fania Davis, Truth and Reconciliation is Coming to America from the Grass Roots, The Guardian, 26<sup>th</sup> Feb, 2015.](#)

### *Films:*

- [Wabanaki Truth and Reconciliation Commission](#) (YouTube)
- *As We Forgive*. Laura Waters Hinson <http://asweforgivemovie.com/>

## WEEK 6 – Feb 21: Truth Commissions, Justice and Reconciliation

### Readings:

- Kerr, Rachel and Eirin Mobekk. “Chapter 6: Truth Commissions” *Peace & Justice: Seeking Accountability After War* (Cambridge: Polity Press, 2007). Pages 128-149.
- “Introduction” in Shaw, Rosalind and Lars Waldorf, eds. 2010. *Localizing Transitional Justice*. Stanford: Stanford University Press
- Kris Brown and Fionnuala Ní Aoláin. “Through the Looking Glass: Transitional Justice Futures through the Lens of Nationalism, Feminism and Transformative Change”. *International Journal of Transitional Justice*. 2015, 9, 127-149.
- Gibson, James L. “The Contributions of Truth to Reconciliation: Lessons from South Africa.” *Journal of Conflict Resolution* 50 (2006): 409-432

## WEEK 7 - Feb 28: Retributive Justice

### **BIBLIOGRAPHY DUE IN CLASS**

### **TAKE-HOME EXAM QUESTIONS HANDED OUT IN CLASS**

### Readings:

- Orenlichter, Diane F. “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime.” *The Yale Law Journal* 100.8 (June 1991): 2537-2615. **Read Only: 2539- 2551**
- Chapter 1 in Kathryn Sikkink, *The Justice Cascade* (W.W. Norton, 2011).
- Kerr, Rachel and Eirin Mobekk. “Chapter 2: Ad Hoc International Tribunals: The ICTY and ICTR” *Peace & Justice: Seeking Accountability After War* (Cambridge: Polity Press, 2007). Pages 30-54.
- Humphrey, Michael. “International Intervention, Justice and National Reconciliation: The Role of the ICTY and ICTR in Bosnia and Rwanda.” *Journal of Human Rights* 2.4 (December 2003): 495-505.
- Kerr, Rachel and Eirin Mobekk. “Chapter 3: The International Criminal Court,” *Peace & Justice: Seeking Accountability After War* (Cambridge: Polity Press, 2007). Pages 58-77.

## **WEEK 8 – March 7: Restorative Justice**

Readings:

- Robinson and Hudson (2016) “Restorative Justice: Typology and Critical Appraisal”. *Willamette Journal of International Law and Dispute Resolution*, Vol. 23, Issue 2 (2016), pp. 335-366.
- Toews, Barb. (2006) *The Little Book of Restorative Justice for People in Prison* (read entire book; it's short).
- Zehr, H. and Toews, B. (Eds.). (2004). *Critical Issues in Restorative Justice*. Mosney, NY: Criminal Justice Press. Pp. vii – xi.
- Johnstone, G. (2004) How and in What Terms, Should Restorative Justice Be Conceived? In H. Zehr & B. Toews (Eds.) *Critical Issues in Restorative Justice* (Pp. 5 – 15). Mosney, NY: Criminal Justice Press.

## **WEEK 9 - March 14: SPRING BREAK -- NO CLASS!!**

## **WEEK 10 - March 21: Distributive Justice**

Readings:

- Mani, Rama. “Dilemmas of Expanding Transitional Justice or Forging the Nexus Between Transitional Justice and Development.” *International Journal of Transitional Justice* 2.3 (2008): 253-261 only.
- Miller, Zinaida. “Effects of Invisibility: In Search of the ‘Economic’ in Transitional Justice.” *International Journal of Transitional Justice* 2.3 (2008): 266-291.
- Laplante, Lisa. "Transitional Justice and Peacebuilding: Diagnosing and Addressing the Socioeconomic Roots of Violence Through a Human Rights Framework," *International Journal of Transitional Justice* 2.3 (2008): 331-355
- Musingi, Ismael. “Sitting on Powder Kegs: Socioeconomic Rights in Transitional Societies.” *International Journal of Transitional Justice* 3.2 (2009): 163-182.

## **WEEK 11 - March 29: Amnesties and Reparations in Transitional Justice**

**INTRODUCTION AND LIT REVIEW DUE IN CLASS**

Readings:

- Mallinder, Louise. “Can Amnesties and International Justice be Reconciled?” *International Journal of Transitional Justice* 1.2 (2007): 208-230.
- De Grieff, Pablo. Ed. *The Handbook of Reparations* (Oxford: Oxford University Press, 2006). Read “Chapter 1 - Repairing the Past: Compensation for Victims of Human Rights Violations.” (1-17) and “Chapter 12 – Justice and Reparations.” (451-477).
- Guembe, Jose Maria. “Economic Reparations for Grave Human Rights Violations: The Argentinean Experience.” Pablo De Grieff, Ed. *The Handbook of Reparations* (Oxford: Oxford University Press, 2006): 21-54.

## **WEEK 12 - April 4: “Indigenous”, “Traditional”, or “Informal” Justice Mechanisms**

Readings:

- Kerr, Rachel and Eirin Mobekk. “Chapter 7: Traditional Informal Justice Mechanisms” *Peace & Justice: Seeking Accountability After War* (Cambridge: Polity Press, 2007). Pages 151-171.
- Huyse, Luc and Mark Salter. Eds. *Traditional Justice and Reconciliation After Violent Conflict: Learning from African Experiences*. (Stockholm, IDEA, 2008). Pages 1-21, 85-119, 181-192.

- Baines, Erin K. “The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda.” *The International Journal of Transitional Justice* 1 (2007): 91-114.
- Ensor, Marisa O. (2013) “Drinking the Bitter Roots: Gendered Youth, Transitional Justice and Reconciliation across the South Sudan-Uganda Border”. Special Issue on ‘Peace Education, Memory and Reconciliation in Africa: Contemporary Perspectives on Conflict Transformation’. Marisa O. Ensor, ed. *African Conflict & Peacebuilding Review*. Vol. 2(3), pp. 171-194.

**WEEK 13 - April 11: Apologies, Memorials and Commemoration in Transitional Justice**  
Readings:

- Elazar Barkan and Alexander Karn (2006) “Group apology as an ethical imperative,” in Elazar Barkan and Alexander Karn (eds.) *Taking wrongs seriously: Apologies and reconciliation*, Stanford: Stanford University Press, pp. 3-32.
- Rudi Teitel (2006) “The transitional apology,” in Elazar Barkan and Alexander Karn (eds.) *Taking wrongs seriously: Apologies and reconciliation*, Stanford: Stanford University Press, pp. 101-114.
- Brendan Hamber and Ingrid Palmary (2009) “Gender, memorialization and symbolic reparations,” in Ruth Rubio-Marín (ed.) *The gender of reparations: Unsettling sexual hierarchies while redressing human rights violations*, Cambridge: Cambridge University Press, pp. 324-380.
- Elizabeth Jelin (2007) “Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America,” *International Journal of Transitional Justice* 1.
- 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).

**WEEK 14 - April 18: STUDENTS’ PRESENTATIONS**

**WEEK 15 - April 25: STUDENTS’ PRESENTATIONS**

**RESEARCH PAPER DUE IN CLASS**  
**RESEARCH PAPER PRESENTATIONS DELIERED IN CLASS**

**TAKE-HOME EXAM DUE IN CLASS**

*While this syllabus has been carefully constructed, your professor retains the right to make changes to it as course progress warrants, and pledges to give students the new information in a timely manner.*