Course Description:

This seminar focuses on transitional law and justice, and especially on the meaning, causes, and consequences of “reconciliation.” As such, the course considers how the past can set limits on the possibilities for peace and for any possible transition to democratic governance. Several key questions guide the seminar: What is reconciliation? Under what conditions does truth – understanding the past – contribute to reconciliation? Under what conditions, if any, and via what types of legal and political institutions, can the injustices of the past be overcome? What specific processes lead to reconciliation? Do trials contribute to successful transitions? How can the retributive justice deficit created by amnesties be overcome? What connections exist between reconciliation and successful democratization? What accounts for the variability of transitional justice institutions in bringing about successful democratization? Because the South Africans have been the most successful nation in the world in using a truth commission to promote reconciliation and democratization, considerable attention will be given in this seminar to that country’s transition from the apartheid system to the most successful democracy in Africa.

Meeting Times and Location:

Thursdays, 16:15 – 19:15
Room P300

Grading Elements:

Class participation (20 %); final research paper (80 %; see below)
No final exam will be administered

Seminar Rules:

You must complete all of the assignments by the end of the term. I also observe all university drop and other deadlines. You should familiarize yourself with the university's rules on ethics and academic misconduct. I strictly adhere to these rules.

Contact Information:

Office hours: By appointment
Required Books (all available in the bookstore):


Research Paper:

The research paper will constitute 80 percent of your final grade. You should select a topic within the broad rubric of transitional justice issues. The subject matter of your paper must pertain to some aspect of democratization, transitional justice, or truth and reconciliation processes, but otherwise there are few restrictions on the types of paper you might select. I am very flexible as to the subject matter of your paper, and I believe it possible to transform virtually any of your substantive interests into a question of transitional justice. Your paper should be a minimum of 35 pages and a maximum of 50 pages long, with these limits strictly enforced. You should use a standard format (e.g., 1 inch margins) in preparing your paper.

The final paper is due on December 7, 2009. You must turn the paper in to the Registrar by 4:00 p.m. on the 7th. Following Law School rules, there are severe penalties (e.g., one letter grade per day) for late papers (if they are accepted at all). Throughout the term, you will be required to give oral reports to me on the progress of your paper.

The general approach to writing this paper should be one of preparing an article for publication. You may wish to select a particular article you like and copy its style and organization. You should use a style manual in writing your paper. I do not care which one – but would recommend the style of the *Law and Society Review* – but you should select a style, and use it consistently.
READING ASSIGNMENTS

9/24  Organizational Seminar
Social Science Approaches to the Study of Transitional Justice

10/1  Democracy, Democratization, and Alternatives to Democracy


The Role of Political Culture in Democratization


10/8  The Problem of Transitional Justice: The Need for and Methods of Dealing with the Past

Gibson, *Overcoming Apartheid*, Ch. 1.
Thompson, Janna. 2001. “Historical Injustice and Reparation: Justifying Claims of
Descendants.” *Ethics* 112 (October): 114-135.


**Do Institutions Matter?**


10/15 **Developing, Creating, and Changing Collective Memories**


Gibson, *Overcoming Apartheid*, Ch. 3.


10/22 **Transitional Justice Institutions and Mechanisms**


Gibson, *Overcoming Apartheid*, Ch. 8.


10/29 **Two Case Studies: South Africa and Cambodia**

Gibson, *Overcoming Apartheid*, Ch. 4, 5, 6, 8.


11/5 –

11/12 **Amnesty, Apologies, and Micro-Level Processes of Forgiveness/Reconciliation**


Beyond Reconciliation: Social Justice and Reparations


Term Paper Due