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## TRANSITIONAL JUSTICE in Spring 2021 (PO4040)

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| <b>Course Code</b>    | PO4040                                             | <b>Professor(s)</b>     | Sharon Weill   |
| <b>Prerequisites</b>  | None                                               | <b>Office Number</b>    | GL-15          |
| <b>Class Schedule</b> | F: 15:20-16:40 in C-104<br>T: 10:35-11:55 in C-104 | <b>Office Hours</b>     | By appointment |
| <b>Credits</b>        | 4                                                  | <b>Email</b>            | sweill@aup.edu |
| <b>Semester</b>       | Spring 2021                                        | <b>Office Tel. Ext.</b> |                |

## Course Description

One of the legacies of the 20th century is the ascension of the idea that societies benefit from confronting their past or, put another way, that societies that do not address past injustice or violence risk a return of said violence. Transitional justice, which is the process societies undergo in addressing past injustice as they move from war to peace or from a repressive regime to a democracy, underwrote the International Military Tribunal at Nuremberg, South Africa's lauded truth commission, lustration campaigns following the fall of the iron curtain, and the rise of international criminal justice institutions (from ad hoc tribunals like the tribunals for Yugoslavia and Rwanda to permanent institutions like the International Criminal Court). While the question of best practices at achieving transitional justice is still hotly debated, it is now generally accepted that truth telling and justice rendering are central aspects of social healing, and necessary for peace and reconciliation following conflict. This class critically examines the phenomenon of transitional justice, surveying the methods used, the problems inherent therein, and the assumptions underlying the application of transitional justice tools. Is truth or justice more important for social reconstruction, and are the two fundamentally at odds? If transitional justice is so rooted in rule of law processes, why is it nearly exclusively practiced by powerful countries upon the less powerful? Can we empirically demonstrate that truth telling and justice rendering are central to constructing strong, democratic societies, or, more importantly, given the resources expended, why aren't more people demanding such proof? The class is designed to familiarize students with transitional justice mechanisms, which are centrally trials and truth commissions, and to invite students to think critically about the work conducted as well as the social and political capacity of as well as the social and political capacity of such institutions to deliver on the promise of "peace, justice and reconciliation". Designed to stimulate debate over specific cases as well as grand ideas, the course will invite students to apply the concepts learned to current situations.

## Course Learning Outcomes

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Familiarize students with transitional justice mechanisms.

Think critically about the work conducted as well as the social and political capacity of such institutions to deliver on the promise of “peace, justice and reconciliation”.

Apply the concepts learned to current situations (Israel/ Palestine, Syria, Post-Colonial societies, slavery, migration).

Learn how to conduct a court analysis with an ethnographic approach ( case studies: migration courts, ICC, Colombia court, Native courts....).

Be able to conduct a comparative examination and to creatively think of new situations.

## General Education

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## Course Outline

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### Course outline

1. The Main Pillars of Transitional Justice (TJ); Restorative and retributive justice
2. Peace v Justice paradigms
3. Truth commissions
4. Courts: The ICC, The Special Jurisdiction for peace (Colombia)
5. History and TJ - Colonialism
6. The case of the native population in New Zealand
7. Art and TJ
8. Film: The Act of Killing (on the absence of a TJ process in Indonesia)
9. The case of Israel/Palestine
10. Universal Jurisdiction and the case of Syria
11. Migration and Asylum courts in Europe
12. TJ at home: The case of the US and Slavery

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## Textbooks

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This course doesn't have any textbook.

## Attendance Policy

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Students studying at The American University of Paris are expected to attend ALL scheduled classes, and in case of absence, should contact their professors to explain the situation. It is the student's responsibility to be aware of any specific attendance policy that a faculty member might have set in the course syllabus. The French Department, for example, has its own attendance policy, and students are responsible for compliance. Academic Affairs will excuse an absence for students' participation in study trips related to their courses.

Attendance at all exams is mandatory.

IN ALL CASES OF MISSED COURSE MEETINGS, THE RESPONSIBILITY FOR COMMUNICATION WITH THE PROFESSOR, AND FOR ARRANGING TO MAKE UP MISSED WORK, RESTS SOLELY WITH THE STUDENT.

Whether an absence is excused or not is ALWAYS up to the discretion of the professor or the department. Unexcused absences can result in a low or failing participation grade. In the case of excessive absences, it is up to the professor or the department to decide if the student will receive an "F" for the course. An instructor may recommend that a student withdraw, if absences have made it impossible to continue in the course at a satisfactory level.

Students must be mindful of this policy when making their travel arrangements, and especially during the Drop/Add and Exam Periods.

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## Grading Policy

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Participation in class discussions - 20 %

Reading preparation - 20 %

Mid term group presentation - 30 %

Final paper - 30%

## Other

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