

Topics in International Politics II: Transitional Justice

POL 487H1 F / 2206
Fridays 10-12
Teefy Hall 203

Prof: Geoff Dancy
geoff.dancy@utoronto.ca
@Doctor_Dancy

COURSE DESCRIPTION

Transitional justice (TJ) has a stodgy definition: legal and quasi-legal efforts to provide accountability for former human rights violations in times of political change. But basically, TJ refers to all attempts to reckon with a violent past in order to make better future. This includes mechanisms like human rights criminal prosecutions, truth commissions, and reparations policies—all of which have become central to policy debates about democratization and peacebuilding.

While the advance of transitional justice has been called “one of the most dramatic transformations of global politics in recent years,” we still do not know for sure whether this set of practices has made the world a better place. This course will proceed in three parts: Part I introduces the history of TJ, traces the emergence of global justice norms, and outlines key conceptual debates. Part II evaluates the use and impact of specific TJ mechanisms across cases. And Part III confronts various criticisms of transitional justice, including that it disrupts localized peace, fails to deliver transform structures of inequality, and perpetuates Western hegemony.

This course consists of both upper-level undergraduates and political science graduate students. But there will not be a hierarchy of any type in class. Everyone will complete basically the same work, and everyone will be treated as equals. That also means I expect everyone to achieve the same level of excellence in our seminar.

This course will also be partially integrated with a research project called Transitional Justice Evaluation Tools (TJET), which is funded by Global Affairs Canada. The project is on the comparative effects of justice mechanisms on perceptions of accountability. We will spend time writing case studies on transitional justice in various countries, and we will extensively discuss approaches to accountability in different regions of the world.

Prerequisites: POL208H1 or POL208Y1 or POL209H5 or POLB80H3

ATTENDANCE

Our class is meeting once a week on Friday mornings. Just so you know, I have to drop off my 18-month-old at daycare and my four-year-old at kindergarten before I come to class. But I will be there every time. I expect you to be there as well. **We have 12 total classes.** Students who find it necessary to miss class are responsible for obtaining notes on material covered in lectures or other class sessions.

Below is the Faculty of Arts and Sciences official absence policy:

1. A *Verification of Illness* (also known as a “doctor’s note”) is not required.
2. Students who are absent from academic participation for any reason (e.g., COVID, cold, flu and other illness or injury, family situation) and who require consideration for missed academic work must **report their absence through the online absence declaration**. The declaration is available to students through ACORN under the Profile and Settings menu. For updates, please reference the [University policy for absence declaration](#)[Links to an external site.](#).
3. **Students must also advise their instructor of their absence.** Instructors will not be automatically alerted when a student declares an absence. It is a student’s responsibility to let instructors know that they have used the Absence Declaration so that you can discuss any needed consideration, where appropriate. Some instructors may ask their department to confirm absences reported by students to ensure that they have been entered into the system on the dates indicated by a student. If you would like to obtain a copy of the report for a student, please contact Mary-Alice Bailey at undergrad.polsci@utoronto.ca.

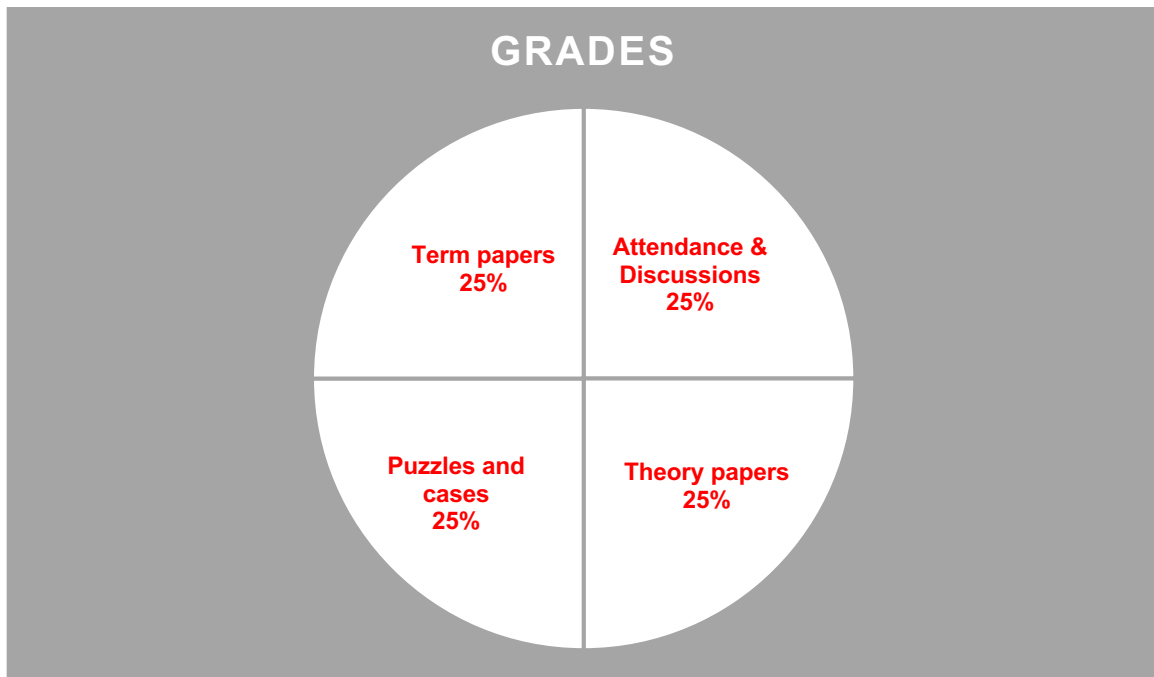
COURSE OBJECTIVES

This course has five goals: (1) familiarize students with the definition and history of transitional justice; (2) explain the concepts undergirding the field of practice; (3) help students apply their new knowledge to debates about specific justice mechanisms; (4) assist students in case study writing (5) prepare students for sustained puzzled-driven academic research.

COURSE LEARNING OUTCOMES

Students will learn how to (1) to make connections between different readings; (2) ask good questions; (3) communicate effectively in writing and speech about big ideas; (4) work as a team; and (5) think and write about actual cases.

EVALUATION



ASSIGNMENTS AND GRADING

This course is writing and discussion intensive, and it is meant to inform your transition from consumers of information to producers of information. Your final grade will be based almost entirely on things that you produce.

Attendance & Seminar Discussions (25%)

Discussion is a dying art, but it's very important to learning in a seminar. I expect all of you to attend and participate in seminar (See attendance policy above). Two weeks out of the semester, each student will be expected to lead discussion of the week's readings. Every week there will be a group of 3-4 discussion leaders.

If it is your week to lead discussion, please send me your questions for class before class starts.

What makes for a good discussion question?

1. The answer to the question should not be "yes" or "no."
2. The question itself should not go on for more than two or three sentences.
3. It should be open-ended, and require that those answering the question apply their knowledge of the subject.

Four short theory papers (2-3 pages) – 25%

For five weeks out of the semester (Weeks 2-4, 7 and 11), all students will compose 2-page essays on a theoretical question. Essay posts will be based on the class bibliography, and they are **due on Thursdays at 7 pm** -- to give Dancy time to review the boards prior to class time. Dancy will include possible essay topics and questions in Class Discussion assignments on Quercus. The short essays amount to 25% of students' final grade.

Two case studies (3-4 pages) (25%)

Two weeks out of the semester, students will write papers where they profile the establishment and operation of a transitional justice mechanism in a country. For the weeks you are assigned, you will be writing a 3-4 page case study of a country's experience. It will be do shortly before class time. These assignments amount to 25% of students' final grades.

The purpose of these case studies (regions and countries will be assigned in Week 3) is to provide a brief informational resource for transitional justice researchers. It also serves a few additional purposes: (1) it will help you collect case information on various countries that you can use for your final research design paper. You will learn a great deal by summarizing events in these countries; and (2) It will teach you how to write short summaries for NGO or government work. This is a writing intensive course in which you are learning various kinds of writing. (3) It will help you generate empirical puzzles for your final research design assignment. Dancy will provide additional instruction and assistance in locating puzzles.

Term Paper (10-12 pages) (25%)

Final draft due Friday, December 2 at 10 pm. At the end of the term, each student will submit a research design that draws on the work they have done throughout the semester. Students will isolate a puzzling research question, draft a short literature review, construct a theory, and design a way to test that theory.

	Whole class	Select individuals
Week 2	Short theory paper	
Week 3	Short theory paper	
Week 4	Short theory paper	
Week 5		Case Study 1
Week 6		Case Study 2
Week 7	Short theory paper	
Week 8		Case Study 3
Week 9		Case Study 4
Week 10		Case Study 5
Week 11		
Week 12	Research Design	

REQUIRED READING

No books are required for this course. All readings will be made available on Quercus or in the library. However, I do recommend the following paperback books if you want two primers on transitional justice:

- Kathryn Sikkink. 2011. *The Justice Cascade*. New York, NY: W.W. Norton
- Minow, Martha. 1998. *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. New York, NY: Beacon Press.

READING EXPECTATIONS

This is a mixed senior and graduate seminar. There is no such things as TL;DR in this course. It is assumed that students will engage texts and contribute ideas to discussion. Most classes will consist of a lecture on background material and a seminar-style discussion of the readings for each day. For the class to be successful, student participation is not just welcomed, but required.

Below is a long bibliography that corresponds to each week's topic. Of course I do not expect you to read everything on this list. **Each week, you will review all of the readings highlighted in red.** The rest of the bibliography is to aid you in answering discussion questions, pursuing your research interests, or generating ideas for a research design.

Class Schedule

****Readings in red are required**

WEEK 1 - SEP 9 – INTRO

What is transitional justice? What is the central problem it is meant to address? Is transitional justice an ancient practice with a new name? How has a field of transitional justice emerged? What are the trends in the field? How is this relevant to us today?

WEEK 2 - SEP 16 – TJ AS GLOBAL PRACTICE

How might we define the practice of transitional justice?

International Center for Transitional Justice. “What Is Transitional Justice?” 2011. International Center for Transitional Justice. February 22, 2011. <https://www.ictj.org/about/transitional-justice>.

Kritz, Neil J., ed. 1995. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. Washington, D.C.: United States Institute of Peace, selections.

McAdams, A. James, ed. 1997. *Transitional Justice and the Rule of Law in New Democracies*. Notre Dame: University of Notre Dame Press.

McAdams, A. James. 2011. “Transitional Justice: The Issue That Won’t Go Away.” *International Journal of Transitional Justice* 5: 304–12.

Newman, Michael. 2019. *Transitional Justice*. Cambridge, UK: Polity Press.

Posner, Eric A, and Adrian Vermeule. 2004. “Transitional Justice as Ordinary Justice.” *Harvard Law Review* 117 (3): 761–825.

Quinn, Joanna R. 2017. “The Development of Transitional Justice.” In *Research Handbook on Transitional Justice*, edited by Cheryl Lawther, Luke Moffett, and Dov Jacobs, 11–33. Cheltenham, UK: Edward Elgar Publishing.

Teitel, Ruti. 2000. *Transitional Justice*. Oxford: Oxford University Press.

Yusuf, Hakeem O. 2022. “Origin, Context and Development of Transitional Justice.” In *Transitional Justice: Theories, Mechanism and Debates*, edited by Hakeem O Yusuf and Hugo van der Merwe, 1–28. Abingdon, UK: Routledge.

How is transitional justice global?

Arenhovel, Mark. 2008. “Democratization and Transitional Justice.” *Democratization* 15 (3): 570–87.

Nagy, Rosemary. 2008. “Transitional Justice as Global Project: Critical Reflections.” *Third World Quarterly* 29 (2): 275–89.

Sriram, Chandra Lekha. 2005. *Globalizing Justice for Mass Atrocities: A Revolution in Accountability*. New York: Routledge.

Teitel, Ruti. 2020. "From Human Rights to Humanity's Law." In *Critical Essays on Human Rights Criticism*, edited by András Sajó and Renáta Uitz, 111–32. Chicago, IL: Eleven International Publishing.

United Nations Security Council. 2004. "Report of the Secretary-General on Transitional Justice and the Rule of Law in Conflict and Post-Conflict Societies." Report of the Secretary-General.

UN Secretary-General. 2010. "UN Secretary-General's Guidance Note on United Nations Approach to Transitional Justice." <https://digitallibrary.un.org/record/682111>.

What is the scholarly field of transitional justice?

Bell, Christine. 2009. "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field.'" *International Journal of Transitional Justice* 3 (1): 5–27. <https://doi.org/10.1093/ijtj/ijn044>.

Fletcher, L. E., and H. M. Weinstein. 2015. "Writing Transitional Justice: An Empirical Evaluation of Transitional Justice Scholarship in Academic Journals." *Journal of Human Rights Practice* 7 (2): 177–98. <https://doi.org/10.1093/jhuman/huv006>.

Greiff, Pablo de. 2013. "Transitional Justice Gets Its Own Encyclopedia: Vitamins or Steroids for a Developing Field?" *International Journal of Transitional Justice* 7 (3): 547–53. <https://doi.org/10.1093/ijtj/ijt023>.

Tutu, Desmond M. 2007. "Reflections on Moral Accountability." *International Journal of Transitional Justice* 1 (1): 6–7. <https://doi.org/10.1093/ijtj/ijm013>.

What do we mean by "democratic transitions"?

Arthur, Paige. 2009. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice." *Human Rights Quarterly* 31: 321–67.

Benomar, Jamal. 1995. "Justice After Transitions." In *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, edited by Neil J. Kritz. Washington, DC: USIP.

Fukuyama, Francis. 2010. "Transitions to the Rule of Law." *Journal of Democracy* 21 (1): 33–44.

Grosecu, Raluca. 2015. "The Use of Transitology in the Field of Transitional Justice: A Critique of the Literature on the 'third Wave' of Democratisation." *Historein* 15 (1): 102–16. <https://doi.org/10.12681/historein.272>.

Guilhot, Nicolas. 2002. "'The Transition to the Human World of Democracy': Notes for a History of the Concept of Transition, from Early Marxism to 1989." *European Journal of Social Theory* 5 (2): 219–42. <https://doi.org/10.1177/13684310222225423>.

Hansen, Thomas Obel. 2017. "The Time and Space of Transitional Justice." In *Research Handbook on Transitional Justice*, edited by Cheryl Lawther, Dov Jacobs, and Luke Moffett, 34–51. Edward Elgar Publishing.

Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press, selections.

O'Donnell, Guillermo, and Philippe C. Schmitter. 1986. "Transitions From Authoritarian Rule: Tentative Conclusions about Uncertain Democracies." In *Transitions from Authoritarian Rule*, edited by Guillermo

O'Donnell, Philippe C. Schmitter, and Laurence Whitehead, 28–36, 75. Baltimore: Johns Hopkins University Press.

Should TJ also take place in post-conflict settings?

Barahona de Brito, Alexandra. 2003. "Passion, Constraint, Law and Fortuna: The Human Rights Challenge to Chilean Democracy." In *Burying the Past: Making Peace and Doing Justice After Civil Conflict*, edited by Neil Biggar, 177–208. Washington, D.C.: George Washington University Press.

Campbell, Colm, and Ita Connolly. 2012. "The Sharp End: Armed Opposition Movements, Transitional Truth Processes and the Rechtstaat." *International Journal of Transitional Justice* 6 (1): 11–39.

Freeman, Mark and Ivan Orozco. 2020. *Negotiating Transitional Justice: Firsthand Lessons from Colombia and Beyond*. Cambridge University Press.

Hayner, Priscilla. 2018. *The Peacemaker's Paradox: Pursuing Justice in the Shadow of Conflict*. Routledge.

Kersten, Mark. 2016. *Justice in Conflict: The Effects of the International Criminal Court's Interventions on Ending Wars and Building Peace*. Oxford University Press.

McGuinness, Margaret E. 2011. "Peace v. Justice: The Universal Declaration of Human Rights and the Modern Origins of the Debate." *Diplomatic History* 35 (5): 749–68.

Roht-Arriaza, Naomi, and Javier Mariezcurrena, eds. 2006. *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Cambridge: Cambridge University Press, Chs 1 and 13.

Sriram, Chandra Lekha. 2007. "Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice." *Global Society* 21 (4): 579–91. <https://doi.org/10.1080/13600820701562843>

Sharp, Dustin N. 2015. "Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition." *International Journal of Transitional Justice* 9 (1): 150–69. <https://doi.org/10.1093/ijtj/iju021>.

Yusuf, Hakeem O. 2022. "Peace versus Justice and Rule of Law Debates in Transitions." In *Transitional Justice: Theories, Mechanism and Debates*, edited by Hakeem O Yusuf and Hugo van der Merwe, 1–28. Abingdon, UK: Routledge.

WEEK 3 - SEP 23 – IMPUNITY, ANTI-IMPUNITY, AND MEMORY

Was there transitional justice before World War II?

Bass, Gary. 2000. *Stay the Hand of Vengeance*. Princeton: Princeton University Press, selections.

Elster, Jon. 2004. *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge University Press, selections.

Kramer, Alan. 2006. “The First Wave of International War Crimes Trials: Istanbul and Leipzig.” *European Review* 14 (4): 441–55. <https://doi.org/10.1017/S1062798706000470>.

Smith, Charles Anthony. 2012. *The Rise and Fall of War Crimes Trials: From Charles I to Bush II*. Cambridge UK: Cambridge, Ch. 2.

Tusan, Michelle. 2014. “‘Crimes against Humanity’: Human Rights, the British Empire, and the Origins of the Response to the Armenian Genocide.” *The American Historical Review* 119 (1): 47–77. <https://doi.org/10.1093/ahr/119.1.47>.

Is transitional justice a new thing?

Sikkink, Kathryn. 2011. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. W. W. Norton & Company, Introduction.

Teitel, Ruti. 2003. “Human Rights in Transition: Transitional Justice Genealogy.” *The Harvard Human Rights Journal* 16 (69).

Why do we care so much about impunity?

Andrieu, Kora. 2011. “An Unfinished Business: Transitional Justice and Democratization in Post-Soviet Russia.” *International Journal of Transitional Justice* 5 (2): 198–220. <https://doi.org/10.1093/ijtj/ijr011>.

Bass, Gary J. 2016. “Bargaining Away Justice: India, Pakistan, and the International Politics of Impunity for the Bangladesh Genocide.” *International Security* 41 (2): 140–87. https://doi.org/10.1162/ISEC_a_00258.

Drexler, Elizabeth F. 2022. “Impunity and Transitional Justice in Indonesia: Aksi Kamisan’s Circular Time.” *International Journal of Transitional Justice*, August, ijac010. <https://doi.org/10.1093/ijtj/ijac010>.

Engle, Karen, Zinaida Miller, and D. M. Davis, eds. 2016. *Anti-Impunity and the Human Rights Agenda*. Cambridge, United Kingdom; New York, NY, USA: Cambridge University Press, selections.

Koskenniemi, Martti. 2002. “Between Impunity and Show Trials.” *Max Planck Yearbook of United Nations Law* 6: 1–32.

Lupu, Noam, and Leonid Peisakhin. 2017. “The Legacy of Political Violence across Generations.” *American Journal of Political Science* 61 (4): 836–51. <https://doi.org/10.1111/ajps.12327>.

Morris, Madeline H. 1996. “International Guidelines against Impunity: Facilitating Accountability.” *Law and Contemporary Problems* 59 (4): 29–40. <https://doi.org/10.2307/1192188>.

Why even look backward?

Boettke, Peter J, and Christopher J. Coyne. 2007. "Political Economy of Forgiveness." *Society* 44 (2): 53–59.

Booth, W. James. 2001. "The Unforgotten: Memories of Justice." *The American Political Science Review* 95 (4): 777–91.

Mendez, Juan. 1997. "In Defense of Transitional Justice." In *Transitional Justice and Rule of Law in New Democracies*, edited by A. James McAdams. Notre Dame: University of Notre Dame Press.

Meister, Robert. 2002. "Human Rights and the Politics of Victimhood." *Ethics and International Affairs* 16 (2): 91–108.

Meister, Robert. 2010. "Athens, Jerusalem and Rome after Auschwitz: Still the Jewish Question?" *Thesis Eleven* 102 (1): 76–96.

Meister, Robert. 2011. *After Evil: A Politics of Human Rights*. New York: Columbia University Press.

Rieff, David. 2017. *In Praise of Forgetting: Historical Memory and Its Ironies*. Reprint edition. New Haven: Yale University Press, selections.

WEEK 4 - SEP 30 -- INTERNATIONAL TRIALS

How important was Nuremberg?

- Besmel, Parwez, and Alex Alvarez. 2018. "Transitional Justice and the Legacy of Nuremberg: The Promise and Problems of Confronting Atrocity in Post-Conflict Societies." *Genocide Studies International* 11 (2): 182–96. <https://doi.org/10.3138/gsi.11.2.03>.
- Falk, Richard A. 1971. "Nuremberg: Past, Present, and Future." Edited by Telford Taylor. *The Yale Law Journal* 80 (7): 1501–28. <https://doi.org/10.2307/795178>.
- Ferencz, Benjamin B. 1990. "The Nuremberg Precedent and the Prosecution of State-Sponsored Mass Murder." *New York Law School Journal of International and Comparative Law* 11 (3): 325–32.
- Leyh, Brianne McGonigle. 2016. "Nuremberg's Legacy within Transitional Justice: Prosecutions Are Here to Stay." *Washington University Global Studies Law Review* 15: 559.
- Massey, Stephen J. 1986. "Individual Responsibility for Assisting the Nazis in Persecuting Civilians." *Minnesota Law Review* 71: 97.
- Overy, Richard, and Philippe Sands. 2003. "The Nuremberg Trials: International Law in the Making." In *From Nuremberg to The Hague: The Future of International Criminal Justice*, 1–29. New York, NY: Cambridge University Press.
- Taylor, Telford. 2013. *The Anatomy of the Nuremberg Trials: A Personal Memoir*. Reprint edition. New York: Skyhorse.
- Teitel, Ruti. 2005. "Transitional Justice: Postwar Legacies." *Cardozo Law Review* 27: 1615.

What about other attempts to try the Nazis?

- Arendt, Hannah. 1994. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin Books.
- Cappocchia, Giovanni, and Grigore Pop-Eleches. 2019. "Democracy and Retribution: Transitional Justice and Regime Support in Postwar West Germany." *Comparative Political Studies* 53 (3–4): 399–433.
- Pendas, Devin O. 2009. "Seeking Justice, Finding Law: Nazi Trials in Postwar Europe." *The Journal of Modern History* 81 (2): 347–68. <https://doi.org/10.1086/598922>.
- Romeike, Sanya. 2016. "Transitional Justice in Germany after 1945 and after 1990." Occasional Paper No. 1. International Nuremberg Principles Academy.

What happened at the Tokyo Trials?

- Kaufman, Zachary D. 2013. "Transnational Justice for Tojo's Japan: The United States Role in the Establishment of the International Military Tribunal for the Far East and Other Transitional Justice Mechanisms for Japan after World War II." *Emory International Law Review* 27: 755.

Roling, B. V. A. 1995. *The Tokyo Trial and Beyond: Reflections of a Peacemonger*. Edited by Antonio Cassese. 1st edition. Cambridge, UK: Blackwell Pub.

Varadarajan, Latha. 2015. "The Trials of Imperialism: Radhabinod Pal's Dissent at the Tokyo Tribunal." *European Journal of International Relations* 21 (4): 793–815.
<https://doi.org/10.1177/1354066114555775>.

Why did the ICTY form, and did it do any good?

Akhavan, Payam. 1996. "The Yugoslav Tribunal at a Crossroads: The Dayton Peace Agreement and Beyond." *Human Rights Quarterly* 18: 259–85.

Anonymous. 1996. "Human Rights in Peace Negotiations." *Human Rights Quarterly* 18 (2): 249–58.

Bass, Gary. 2000. *Stay the Hand of Vengeance*. Princeton: Princeton University Press, Chapter 6.

Borger, Julian. 2016. *The Butcher's Trail: How the Search for Balkan War Criminals Became the World's Most Successful Manhunt*. New York, N.Y.: Other Press.

Clark, Janine Natalya. 2008. "The Three Rs: Retributive Justice, Restorative Justice, and Reconciliation." *Contemporary Justice Review* 11 (4): 331–50. <https://doi.org/10.1080/10282580802482603>.

Clark, Janine Natalya. 2009. "The Limits of Retributive Justice: Findings of an Empirical Study in Bosnia and Hercegovina." *Journal of International Criminal Justice* 7 (3): 463–87.
<https://doi.org/10.1093/jicj/mqp041>.

Goldstone, Richard J. 1998. "Bringing War Criminals to Justice During an Ongoing War." In *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, edited by Jonathan Moore, 195–210. Lanham, MD: Rowman & Littlefield Publishers.

Nettelfield, Lara J. 2010. *Courting Democracy in Bosnia and Herzegovina: The Hague Tribunal's Impact in a Postwar State*. Cambridge Studies in Law and Society. Cambridge: Cambridge University Press.

Orentlicher, Diane F. 2008. "Shrinking the Space for Denial: The Role of the ICTY in Serbia." Open Society Justice Initiative.
https://www.opensocietyfoundations.org/sites/default/files/serbia_20080501.pdf.

Scharf, Michael P. 1997. *Balkan Justice: The Story Behind the First International War Crimes' Trial Since Nuremberg*. Durham, NC: Carolina Academic Press.

Scharf, Michael, and Paul R Williams. 2003. "The Functions of Justice and Anti-Justice in the Peace-Building Process." *Case W. Res. J. Int'l Law* 35: 161.

Steflja, Izabela. 2018. "The Production of the War Criminal Cult: Radovan Karadžić and Vojislav Šešelj at The Hague." *Nationalities Papers* 46 (1): 52–68.

Subotić, Jelena. 2009. *Hijacked Justice: Dealing with the Past in the Balkans*. Ithaca, NY: Cornell University Press.

How has the ICTR addressed genocide in Rwanda?

Clark, Phil. 2009. "The Rules (and Politics) of Engagement: The Gacaca Courts and Post-Genocide Justice, Healing and Reconciliation in Rwanda." In *After Genocide*, 297–321. New York: Columbia University Press.

Haskell, Leslie, and Lars Waldorf. 2011. "The Impunity Gap of the International Criminal Tribunal for Rwanda: Causes and Consequences." *Hastings International and Comparative Law Review* 34: 49.

Kamatali, Jean Marie. 2003. "The Challenge of Linking International Criminal Justice and National Reconciliation: The Case of the ICTR." *Leiden Journal of International Law* 16 (1): 115–33. <https://doi.org/10.1017/S0922156503001067>.

Longman, Timothy. 2017. *Memory and Justice in Post-Genocide Rwanda*. Cambridge University Press.

Nowrojee, Binaifer. 2005. "Your Justice Is Too Slow": Will the ICTR Fail Rwanda's Rape Victims? UN Research Institute for Social Development. [http://www.unrisd.org/80256B3C005BCCF9/\(httpAuxPages\)/56FE32D5C0F6DCE9C125710F0045D89F/\\$file/OP10%20Web.pdf](http://www.unrisd.org/80256B3C005BCCF9/(httpAuxPages)/56FE32D5C0F6DCE9C125710F0045D89F/$file/OP10%20Web.pdf).

Oomen, Barbara. 2005. "Donor-Driven Justice and Its Discontents: The Case of Rwanda." *Development and Change* 36 (5): 887–910. <https://doi.org/10.1111/j.0012-155X.2005.00440.x>.

Wait, states can try people from other states using universal jurisdiction?

Kaleck, Wolfgang. 2009. "From Pinochet to Rumsfeld: Universal Jurisdiction in Europe 1998 - 2008." *Michigan Journal of International Law* 30: 927–80. <http://students.law.umich.edu/mjil/article-pdfs/v30n3-Kaleck.pdf>.

Langer, Máximo, and Mackenzie Eason. 2019. "The Quiet Expansion of Universal Jurisdiction." *European Journal of International Law* 30 (3): 779–817. <https://doi.org/10.1093/ejil/chz050>.

Pion-Berlin, David. 2004. "The Pinochet Case and Human Rights Progress in Chile: Was Europe a Catalyst, Cause or Inconsequential?" *Journal of Latin American Studies* 36: 479–505.

Roht-Arriaza, Naomi. 2005. *The Pinochet Effect: Transnational Justice in the Age of Human Rights*. Philadelphia: University of Pennsylvania Press.

What about tribunals that are both domestic and international?

Gibson, James L., Jeffrey Sonis, and Sokhom Hean. 2010. "Cambodians' Support for the Rule of Law on the Eve of the Khmer Rouge Trials." *International Journal of Transitional Justice* 4 (3): 377–96. <https://doi.org/10.1093/ijtj/ijq013>.

Manning, Peter. 2012. "Governing Memory: Justice, Reconciliation and Outreach at the Extraordinary Chambers in the Courts of Cambodia." *Memory Studies* 5 (2).

Hawkins, Darren, and Chad Losee. 2014. "States and International Courts: The Politics of Prosecution in Sierra Leone." *Journal of Human Rights* 13 (1): 48–68. <https://doi.org/10.1080/14754835.2013.824273>.

Horowitz, Sigall. 2006. "Transitional Criminal Justice in Sierra Leone." In *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*, edited by N. Roht-Arriaza and J. Mariezcurrena. New York, NY: Cambridge University Press.

Jalloh, Charles Chernor. 2015. "The Law and Politics of the Charles Taylor Case." *Denver Journal of International Law and Policy* 43: 229–77.

McAuliffe, Pádraig. 2008. "Transitional Justice in Transit: Why Transferring a Special Court for Sierra Leone Trial to the Hague Defeats The Purpose of Hybrid Tribunals." *Netherlands International Law Review* 55 (3): 365–93. <https://doi.org/10.1017/S0165070X08003653>.

How did the ICC form, and how does it contribute to transitional justice?

Bosco, David. 2014. *Rough Justice: The International Criminal Court's Battle to Fix the World, One Prosecution at a Time*. Oxford University Press.

Branch, Adam. 2007. "Uganda's Civil War and the Politics of ICC Intervention." *Ethics and International Affairs* 21 (2): 179–98.

Clark, Phil. 2010. "Chasing Cases: The ICC and the Politics of State Referral in the Democratic Republic of Congo and Uganda." In *The International Criminal Court and Complementarity: From Theory to Practice*, edited by Carsten Stahn. Cambridge: Cambridge University Press. <http://eprints.soas.ac.uk/10593/>.

Cronin-Furman, Kate. 2013. "Managing Expectations: International Criminal Trials and the Prospects for Deterrence of Mass Atrocity." *International Journal of Transitional Justice* 7 (3): 434–54.

Dancy, Geoff. 2017. "Searching for Deterrence at the International Criminal Court." *International Criminal Law Review* 17 (4): 625–55.

Dancy, Geoff. 2021. "The Hidden Impact of the ICC: An Innovative Assessment Using Google Data." *Leiden Journal of International Law* 34 (3): 729–47.

Dancy, Geoff, and Florencia Montal. 2017. "Unintended Positive Complementarity: Why International Criminal Court Investigations Increase Domestic Human Rights Prosecutions." *American Journal of International Law* 111 (3): 689–723.

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WEEK 8 – OCT 28 -- AMNESTY

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*****NOV 11 – READING WEEK*****

WEEK 10 - NOV 18 – REPARATIONS

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What are some concrete examples?

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WEEK 11 – NOV 25 – VICTIMS AND LOCALISM

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Hearty, Kevin. 2018. “‘Victims of’ Human Rights Abuses in Transitional Justice: Hierarchies, Perpetrators and the Struggle for Peace.” *The International Journal of Human Rights* 22 (7): 888–909. <https://doi.org/10.1080/13642987.2018.1485656>.

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What does it mean to promote local or bottom-up approaches to TJ?

De Vos, Christian M., and Sara Kendall. 2012. "Foregrounding the 'Local': Place-Based Approaches to Transitional Justice." *International Journal of Transitional Justice* 6 (2): 374–82. <https://doi.org/10.1093/ijtj/ijts005>.

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WEEK 12 – DEC 2 – WHAT (AND HOW) DO WE KNOW ABOUT TJ?

Dancy and Sikkink. 2023. *The Data of Transitional Justice*. Forthcoming in the *Oxford Handbook of Transitional Justice*. Oxford University Press.

Duggan, Colleen. 2012. “‘Show Me Your Impact’: Evaluating Transitional Justice in Contested Spaces.” *Evaluation and Program Planning* 35 (1): 199–205. <https://doi.org/10.1016/j.evalprogplan.2010.11.001>.

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COURSE POLICIES

(A) COURSE CODE OF CONDUCT FOR LECTURE, TUTORIAL, AND OFFICE HOURS:

The University of Toronto is committed to equity, human rights and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect where all members of our community can express themselves, engage with each other, and respect one another's differences. U of T does not condone discrimination or harassment against any persons or communities.

(B) LATE WORK:

Late essay assignments will be subject to a late penalty of **5% per day (including weekends)** of the total marks for the assignment. Assignments submitted five calendar days beyond the due date will be assigned a grade of zero. Assignments handed in after the work has been returned to the class cannot be marked for credit. Accommodations due to late registration into the course will NOT be approved.

We do not grant essay extensions except in cases of emergency. This year we will consider extension requests that accompany formal declarations of absence at U of T. U of T students are required to declare their absence from a class, for any reason, through their [ACORN](#) accounts in order to receive academic accommodation for any course work such as missed tests, late assignments, and final examinations. Absences include those due to illness, death in the family, religious accommodation or other circumstances beyond their control.

(C) MISSED TESTS:

Students who miss a term test will be assigned a grade of zero for that test unless they are granted special consideration. If the term test/midterm was missed for reasons entirely beyond the student's control, a written request for special consideration must be submitted to the Academic Advisor at advisor.pol.utm@utoronto.ca, within 3 days of the missed test, as well as informing the TA and instructor by email. This request must explain the reason for missing the test and include appropriate documentation, e.g. Verification of Student Illness or Injury form www.illnessverification.utoronto.ca.

A student whose explanation is accepted by the department may be granted a makeup test. The department will assign the date(s) for makeup tests, administer them, evenings and Saturdays included, and will inform the students.

If the student is granted permission to take a makeup test and misses it, they will be assigned a grade of zero for the test.

(D) RE-MARKING POLICY:

Per UTM policy, you have one month from the date we return your marked essay assignment to request a re-mark. We follow a two-step process.

Your first step should be to write a short memo addressing the feedback you received and explaining your reasoning for requesting a re-mark of your essay. You can submit this by email to the TA who marked your essay. Your TA will read your memo and decide whether or not to alter your mark, and they will contact you in writing about this.

If you are not satisfied with the outcome of step one, you are welcome to appeal to Prof. Philips, sending your original memo requesting the re-mark and all email correspondence with your TA. Your essay will then be re-evaluated, and a final mark given. Please note that this grade might be higher, lower, or the same.

(E) ACADEMIC INTEGRITY:

When in doubt, cite.

If you are not sure whether something counts as plagiarism, please don't hesitate to ask your TA or Prof. Dancy! Students will at times be asked to submit written assignments to the plagiarism detection platform inside our course Quercus site.

The University of Toronto provides a process that faculty members must initiate when they suspect a case of plagiarism. A faculty member may not mark an assignment or assess a penalty if they find evidence of plagiarism – the matter must be reported. In the Department of Political Science, suspected evidence of plagiarism must be reported to the Chair; in most cases, the Chair passes the case on to the Dean. The Academic Integrity Unit (AIU) in the Office of the Dean handle all academic offence cases at the University of Toronto Mississauga (UTM) once the department sends them all required paperwork.

The following are some examples of plagiarism:

1. Quoting an author without indicating the source of the words.
2. Using words, sentences, or paragraphs written by someone else and failing to place quotation marks around the material and reference the source and author. Using *either* quotation marks *or* reference alone is not sufficient. Both must be used!
3. Adapting an author's ideas or theme and using it as your own without referencing the original source.
4. Seeking assistance from a friend or family member in respect to work you claim as your own.

Ignorance of the rules against plagiarism is not a defense; students are presumed to know what plagiarism is and how to avoid it. Students are especially reminded that material taken from the web **must** be quoted and cited in the same manner as if it came from a book or printed article.

If you are not sure whether you have committed plagiarism, it is better to ask a faculty member or teaching assistant than risk discovery and be forced to accept an academic penalty.

Plagiarism is **cheating**. It is considered a serious offence against intellectual honesty and intellectual property. Penalties can be severe, ranging from a mark of “0” for the assignment or test in question, up to and including expulsion from the university.

Some website listed below on avoiding plagiarism:

‘How to Use Sources and Avoid Plagiarism’ - available at:

<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>

Other Advisory Material available at: www.writing.utoronto.ca/advice/using-sources

STUDENT RESOURCES AND SUPPORT

We want you to succeed in this course, and throughout your undergraduate career. Here are some resources we hope you will use if you need them:

(A) STUDENT RESOURCES AND SUPPORT

UTM provides academic support to students through the Robert Gillespie Academic Skills Centre. We strongly encourage you to take advantage of their excellent resources: <http://www.utm.utoronto.ca/asc>.

The RGASC staff will also be having special drop-in office hours for our class this year for some assignments, and the dates and times for these will be posted on your assignments.

(B) ACCESSIBILITY:

Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability/health consideration that may require accommodations, please feel free to approach me and/or the AccessAbility Resource Centre as soon as possible.

AccessAbility staff (located in Rm 2047, South Building) are available by appointment to assess specific needs, provide referrals and arrange appropriate accommodations. Please call 905-569-4699 or email access.utm@utoronto.ca. The sooner you let us know your needs the quicker we can assist you in achieving your learning goals in this course.

(C) NOTICE OF COLLECTION:

The University of Toronto respects your privacy. The information on medical certificates is collected pursuant to section 2(14) of the University of Toronto Act, 1971. It is collected for the purpose of administering accommodations for academic purposes based on medical grounds. The department will maintain a record of all medical certificates received. At all times it will be protected in accordance with the Freedom of Information and Protection of Privacy Act.

If you have questions, please refer to www.utoronto.ca/privacy or contact the University's Freedom of Information and Protection of Privacy Office at 416-946-5835. Address: Room 201, McMurrich Bldg., 12 Queen's Park Crescent, Toronto, ON, M5S 1A1.