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Diplomacy Syllabi

School of Diplomacy and International
Relations

Fall 2020

Justice, Truth, and Reconciliation in Post-Conflict Societies
School of Diplomacy and International Relations

Fredline M'Cormack-Hale Ph.D.

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DIPL 625 I: Justice, Truth, and Reconciliation in Post-Conflict Societies
School of Diplomacy and International Relations
Seton Hall University
Fall 2020 (online) ¹

Instructor: Fredline M'Cormack-Hale, Ph.D.
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Office hours: By appointment (Skype or email)

I. Course Introduction and Objectives

This course seeks to address the choices and decisions that post-conflict states and the international community make in attempts to address past human rights abuses, concerns over reconciliation, and the socio-political challenges regarding justice, as well as more subjective issues like truth. How, and when, in light of weak national institutions do post-conflict states address past human rights abuses? Is there a tradeoff between states and societies that pursue justice over truth, or vice versa? Is there a “window of opportunity” to pursue reconciliation? Can justice truly be achieved in light of the enormous challenges that post-conflict states and societies face? This course will examine these questions and many others and seek to provide some answers to serious and very difficult real-world challenges that many states and societies face.

This class is intended to prepare students for advanced course work in the field. As such, there will be a lot of reading, writing, and thinking required. All times listed in the syllabus reflect Eastern Time.

Learning Outcomes:

1. To examine the challenges surrounding post-conflict reconciliation, justice, and truth
2. To develop familiarity with the basic concepts, theories and perspectives about post-conflict reconciliation and recovery.
3. To analyze limitations of current policy prescriptions and propose solutions to address these shortcomings.

II. Course Materials: All books can be either accessed through the SHU library or purchased.

1. Neil Kritz, ed. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, Volume I. Washington, DC: USIP, 1995. **(E-book)**
2. Andrew Rigby. 2001. *Justice and Reconciliation: After the Violence*. Boulder, CO: Lynne Rienner.
3. Robert I. Rotberg & Dennis Thompson, eds. 2000. *Truth V. Justice: The Morality of Truth Commissions*. Princeton: Princeton University Press. **(E-book)**
4. Colleen Murphy, *The Conceptual Foundations of Transitional Justice*. Cambridge University Press, 2017. ISBN-10: 1107449685; ISBN-13: 978-1107449688. **(E-book)**

Additional readings will be available on Blackboard.

Assignments and Grading Rules

¹ The instructor reserves the right to modify or adjust the syllabus as deemed necessary during the course of the semester

1. *Abstract and paper outline*: each student will write a paper based on a topic of each student's choice that should be cleared with the professor via abstract and paper outline that will be submitted to the instructor on or before **27 Sept, 11:59 p.m.** The abstract should be no longer than a paragraph, along with an outline that details how the paper is to be structured.
2. *One Op-ed article*: each student will be responsible for writing one Op-ed article on a topic of substantive relevance of their choosing. The goal should be to write about an issue of importance that offers a critical examination and analysis. The Op-ed will be due on or before **9 October, 11:59 p.m.**
3. *13 - 15-page research paper*: The research paper should be related to a substantive issue that relates in some fashion to the concepts of justice, truth, and reconciliation that are dealt with in this class. The paper is due on or **before 30 October, 11:59 p.m.**
4. *Discussion forum/blog*: students will be expected to engage in weekly class discussions/blogs. The class forum will discuss topical issues and current events. Each student will have to respond to a question and set of issues. In addition, each student must provide at least one written response to one colleague's weekly post. Each forum will begin on Monday of each week, and will remain open until 11:59 p.m., Friday. Unless otherwise stated, for each discussion, submit 1 initial entry of 250-300 words and at least 1 reply to your colleagues' entries of 100-150 words.
5. All blogs, discussion postings and papers are due by 11:59 pm on the noted day and will be considered late if submitted after this time. No late blogs and discussion posts will be accepted without prior discussion and approval from the instructor. Absent prior communication, failure to complete an assignment on its due date will result in a grade penalty. All late assignments will be penalized by one-third letter grade per day (i.e., an A assignment turned in one day late is an A-, two days late a B+, etc.) except in cases of medical/family emergency or COVID-related issues. I understand that emergencies happen; **please** contact me sooner, rather than later, if you find it difficult to keep up with your work, are falling behind in the class, or are having problems and difficulties of any kind. We are in a global pandemic and these are particularly difficult and scary times. I will work with you, and if I can't help you, will direct you to someone who can. There are LOTS of campus resources (both virtual and in-person) available; so do use them, and again, I will do my best to work with you on whatever you might be facing. However, I cannot help you if you do not let me know ahead of time, so please let me know **beforehand**, so that we can work something out.

Citation Style

For all written assignments, it is expected that you will cite your class texts, supplemental readings, and other sources. Be creative and give your own opinions supported by evidence. Do not describe - be **analytical and creative**. **Papers should utilize one of the *Chicago Manual of Style* citation formats: Author-Date or Notes and Bibliography.** The guidelines for these formats are on the course Blackboard page.

Again, please be sure to include either footnotes or in-text citations in ALL work, including blogs and discussion posts. Failure to do so will result in points taken off. Please also ensure that the papers are double-spaced, spell-checked, and legible. They should be in 12-point characters in the 'Times New Roman' font. Please use **Word document format**. All material submitted for the class should be your own work and must not be copied or otherwise plagiarized.

All students are expected to do all of the reading in advance and to take part in the discussions. Taking part in the course discussions is expected, and posting to course discussions only a few times over the duration of the semester does not count as full participatory credit. The quality of class sessions is greatly enhanced when students are prepared to engage the course material in a constructive fashion. Participation will be noted and credited to your grade.

Basis for Grade & Distribution

| | |
|--|-----|
| Discussion Forum/blog | 40% |
| Paper abstract and outline (due on/or before 27 September): | 10% |
| Op-Ed piece (for potential publication due on/or before - 9 October) | 10% |
| Policy analysis paper (due on/or before 30 October): | 40% |

Papers should utilize one of the Chicago Manual of Style citation formats: Author-Date or Notes and Bibliography. The guidelines for these formats are on the course Blackboard page.

Grading Scale

| | | | |
|-----------|---------------|-----------|---------------------|
| A | 94-100 | C+ | 77-79 |
| A- | 90-93 | C | 74-76 |
| B+ | 87-89 | C- | 70-73 |
| B | 84-86 | D | 66-69 |
| B- | 80-83 | F | 65 and below |

*Note: Graduate students in Seton Hall's School of Diplomacy should be aware that they need a minimum GPA of 3.0 to graduate.

Other Course Policies

Blackboard

We will use Blackboard 9.1 for the course. Additional guidance on individual assignments and discussion questions will be posted there. Use the Blackboard assignment drop box to submit your work for grading. Please visit our Blackboard site regularly.

Technical Help:

The first point of contact for any technology related question or problem is Seton Hall University's Technology Service Desk. Contact the Technology Service Desk by phone by calling (973) 275-2222 or via e-mail at servicedesk@shu.edu.

The Technology Service Desk is staffed by IT professionals Monday through Friday from 8 a.m. through 11 p.m. Outside of these hours, the Technology Service Desk phone is answered by an external technology support service that provides phone support for most University applications, including the Blackboard Learning Management System, Microsoft Windows, and the Microsoft Office suite.

For more tips and technical information, go to [Seton Hall's Tech Help Community](#) .

Special Library Resources for Online Students

Seton Hall online students have electronic access to vast information resources of the University Libraries. Students have immediate access to collections of databases, articles, journals, and E-books from the [library homepage](#). Access to most electronic materials requires the use of a Seton Hall PirateNet ID and password. If the Seton Hall University Library does not include a certain article, the [library will obtain a digital copy from another library](#) and email it within 24 to 48 hours of request. Additionally, online instructors post items from the library's collection to the course's [Blackboard site](#).

Online students and faculty receive personal assistance from our expert library faculty in a number of ways. General queries can be handled by the Reference Desk, at (973-761-9437) or through our [Ask a Librarian](#) page. [Subject librarians](#) offer in depth assistance via phone by appointment. The library's [research guides](#) provide guidance to finding subject-specific electronic materials.

Helpful Research Resources for Class

-) United Nations: <https://library.shu.edu/un>
-) International Relations/News: <https://library.shu.edu/intrela>
-) Country Research: <https://library.shu.edu/countryresearch>
-) Graduate Services Guide (General for all programs): <https://library.shu.edu/gradservices/>
-) Diplomacy Graduate Remote Research Guides: <https://library.shu.edu/diplomacy-remote>
-) Data Services Guide (with form to request data support): <https://library.shu.edu/data-services>

Communication, Feedback and Email

The instructor will respond to student's emails within 48 hours. If instructor is away from email for more than one day, she will post an announcement in the Blackboard course folder. Before sending an email, please check the following (available on your Blackboard course menu) unless the email is of a personal nature:

-) Syllabus
-) Frequently Asked Questions (FAQs)
-) Help forum (Feel free to respond to other students in the Help forum if you know the answer.)
-) Blackboard videos on how to use Blackboard features
-) Blackboard Q&A, and
-) Technology Requirements.

Grades and feedback will either be posted to Blackboard (see My Grades) or as a general announcement to all students, within 5 to 7 days for blogs and discussions and within two weeks for papers after the assignment is due. I will post feedback using the announcement feature when the feedback is one that can benefit all students equally.

It is expected that you use your SHU email address; emails from non-SHU accounts will not be returned.

Netiquette

Netiquette refers to the good manners we use when communicating online. For online discussion netiquette:

1. Think of your comments as printed in the newspaper... your online comments will be seen, heard and remembered by others in this class. Before you make an emotional, outrageous, or

sarcastic remark on-line, think about whether or not you would care if it was seen in your local newspaper.

2. Don't be overcome by your emotions. Take a few breaths and step away from your computer if need be.
3. Sign your real name. It is easier to build a classroom community when you know to whom you are responding.
4. Avoid self-centered comments. If you have a great idea, great. If you want to contribute to an ongoing discussion, terrific. But, don't just tell others about your problems ("I'm frustrated", "My audio doesn't work today") unless it contributes in some way to the class.
5. Avoid negativity. You can disagree. You should disagree. You can challenge ideas and the course content, but avoid becoming negative online. It will impact you negatively, hinder the class discussion, and may give the wrong impression of you to others.
6. There is no need to be aggressive online. No flaming, all caps, or !!!!, or ????
7. Be polite, understate rather than overstate your point, and use positive language. Using bold, frank, overstated language conveys an emotional aggressiveness that hinders your message.
8. Disagree politely. When you disagree politely, you stimulate and encourage great discussion. You also maintain positive relationships with others with whom you may disagree on a certain point.
9. Don't disrupt. Online dialogue is like conversation. If there is a dialogue or train of thought going on, join in, add to it, but, if you have something entirely different to bring up, wait or post it in another thread.
10. Don't use acronyms that not everyone would understand and know.

Academic and Professional Integrity Policy

Plagiarism and other forms of academic dishonesty will be reported to the administration, and may result in a lowered or failing grade for the course and up to possible dismissal from the School of Diplomacy. See University and School standards for academic conduct here:

<https://www.shu.edu/student-life/upload/Student-Code-of-Conduct.pdf> and

<http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>.

Work submitted in the course must be the product of each individual student. Contributions of others to the finished work must be appropriately cited and acknowledged. Any work not following these guidelines may be found to be plagiarism.

Please read a brief piece by Rebecca Moore Howard and Amy Rupiper Taggart from Research Matters, entitled, "Using information and avoiding plagiarism," and, "Managing Information," that is posted on blackboard, under course information, in the section on "Academic and Professional Integrity Policy." These works provides additional guidance on how to avoid plagiarism.

In addition, to not plagiarizing, students are expected to show the following:

1. **Dependability:** students are reliable, timely, and consistent in their presence and preparation for courses at the university.
2. **Respect & Empathy:** students are respectful in their address, writing, language, and physical space toward faculty, university staff, school personnel, peers, and fellow students.
3. **Open-mindedness:** students respect the context and experience of others; developing the skills to use that information in classroom conversation, writing, discussion, and blog posts.
4. **Integrity:** students submit original work, fully cite all sources associated with the development of their work (including information from the internet), and recognize that the university fully

supports the use of anti-plagiarism software in support of academic integrity. Original student work is expected.

Disability Services Statement

It is the policy and practice of Seton Hall University to promote inclusive learning environments. If you have a documented disability you may be eligible for reasonable accommodations in compliance with University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the New Jersey Law against Discrimination. Please note, students are not permitted to negotiate accommodations directly with professors. To request accommodations or assistance, please self-identify with the Office for Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the semester. For more information or to register for services, contact DSS at (973) 313-6003 or by e-mail at DSS@shu.edu.

Important pandemic-related considerations

CAPS:

As part of our commitment to the health and well-being of all students, Seton Hall University's Counseling and Psychological Services (CAPS) offers initial assessments, counseling, crisis intervention, consultation, and referral services to the SHU community. The CAPS office is located on the second floor of Mooney Hall, room 27. Appointments can be made in-person or by calling 973-761-9500 during regular business hours, Monday-Friday, 8:45 a.m. - 4:45 p.m. In case of a psychological emergency, call CAPS (973-761-9500) at any time to speak to a crisis counselor. For more information, please visit: <https://www.shu.edu/counseling-psychological-services/index.cfm>

Policy on Incompletes:

Incompletes will be given only in exceptional cases for emergencies. Students wishing to request a grade of Incomplete must provide documentation to support the request accompanied by a Course Adjustment Form (available from the Diplomacy Main Office) to the professor *before* the date of the final examination. If the incomplete request is approved, the professor reserves the right to specify the new submission date for all missing coursework. Students who fail to submit the missing course work within this time period will receive a failing grade for all missing coursework and a final grade based on all coursework assigned. Any Incomplete not resolved within one calendar year of receiving the Incomplete or by the time of graduation (whichever comes first) automatically becomes an "FI" (which is equivalent to an F). It is the responsibility of the student to make sure they have completed all course requirements within the timeframe allotted. Please be aware that Incompletes on your transcript will impact financial aid and academic standing.

Course Schedule²

Week 1 History, Modernity, and Prior Attempts at Justice

Aug 24 Andrew Rigby, *Justice and Reconciliation*, Chs. 1, 2 & 3

A. S. Comyns-Carr. "The Tokyo War Crimes Trial." *Far Eastern Survey*, Vol. 18, No. 10 (May 18, 1949), pp. 109-114.

² The instructor reserves the right to modify or adjust the syllabus as deemed necessary during the course of the semester

Jonathan Turley. "Transformative Justice and the Ethos of Nuremberg." 33 *Loy. L.A. L. Rev.* 655 (2000).

Week 2 Distinguishing between Transitions: How Circumstances Shape Options

Aug 31 Kritz, Neil (ed.). *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, Volume I. USIP, 1995, Chs. 2: pp: 55 – 81, 104-120.

Murphy, Colleen. *The Conceptual Foundations of Transitional Justice*, 2017, Chs. 2 & 3.

WEEK OF SEPTEMBER 7 – LABOR DAY HOLIDAY

Week 3 Peacebuilding, Transitional Justice and Reconciliation

Sept 14 Kaminski, Marek M., Nalepa, Monika, & O'Neill, Barry. "Normative and Strategic Aspects of Transitional Justice." *The Journal of Conflict Resolution*, Vol. 50, No. 3, Transitional Justice (Jun., 2006), pp. 295-302.

Dukalskis, Alexander. "Interactions in Transition: How Truth Commissions and Trials Complement or Constrain Each Other." *International Studies Review* Vol. 13, No. 3 (September 2011) (pp. 432-451).

Newman, Edward. "'Transitional Justice': The Impact of Transnational Norms and the UN," *International Peacekeeping* 9:2 (Summer 2002), 31-51.

Sriram, Chandra. "Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice." *Global Society: Journal of Interdisciplinary International Relations*, 21:4 (October 2007), 579 - 591.

Week 4 Black and White: Shades of Grey?

Sept 21 Andrew Rigby, *Justice and Reconciliation*, Chs. 4, 5, & 7

Elster, Jon. "Redemption for Wrongdoing: The Fate of Collaborators after 1945." *The Journal of Conflict Resolution*, Vol. 50, No. 3, *Transitional Justice* (Jun., 2006), pp. 324-338.

Dimitrijević, Nenad. "Justice beyond Blame: Moral Justification of (The Idea of) A Truth Commission." *The Journal of Conflict Resolution*, Vol. 50, No. 3, *Transitional Justice* (Jun., 2006), pp. 368-382.

ABSTRACT AND PAPER OUTLINE DUE – 27 Sept, 11:59 p.m.

Week 5 Transitional Justice, Truth Commissions, and Reconciliation

Sept 28 Rotberg, Robert. "Truth Commissions and the Provision of Truth, Justice, and Reconciliation," in Rotberg, Robert and Dennis Thompson (eds.), *Truth v. Justice: The Morality of Truth Commissions*. Princeton: Princeton University Press, 2000, pp. 3-21.

Gutmann, Amy and Dennis Thompson. "The Moral Foundations of Truth Commissions," in Rotberg, Robert and Dennis Thompson (eds), *Truth v. Justice: The Morality of Truth Commissions*. Princeton: Princeton University Press, 2000, pp. 22-44.

Crocker, David. "Truth Commissions, Transitional Justice, and Civil Society," in Rotberg, Robert and Dennis Thompson (eds.), *Truth v. Justice: The Morality of Truth Commissions*. Princeton: Princeton University Press, 2000, pp. 99-121.

Kaminiski, Marek and Monika Nalepa. "Judging Transitional Justice: A New Criterion For Evaluating Truth Revelation Procedures," *The Journal of Conflict Resolution*, 50:3 (June 2006), pp. 383-408.

Mendeloff, David. "Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb or Enthusiasm?" *International Studies Review*, 6:3 (September 2004), pp. 355-380.

Week 6 Truth Commissions, Reconciliation, and Peace in South Africa

Oct 5

Andrew Rigby, *Justice and Reconciliation*, Ch. 6

Boraine, Alex. "Truth and Reconciliation in South Africa: The Third Way," in Rotberg, Robert and Dennis Thompson (eds.), *Truth v. Justice: The Morality of Truth Commissions*. Princeton: Princeton University Press, 2000, pp. 141 -157.

Gibson, James. "The Contributions of Truth to Reconciliation: Lessons from South Africa," *The Journal of Conflict Resolution*, 50:3 (June 2006), 409-432.

Stanley, Elizabeth. "Evaluating the Truth and Reconciliation Commission," *The Journal of Modern African Studies*, 39:3 (September 2001), 525-546.

Vora, Jay A. & Vora, Erika. "The Effectiveness of South Africa's Truth and Reconciliation Commission: Perceptions of Xhosa, Afrikaner, and English South Africans," *Journal of Black Studies*, Vol. 34, No. 3 (Jan., 2004), pp. 301-322.

OP-ED DUE – 9 October, 11:59 p.m.

Week 7 Justice, Truth, and Reconciliation in the Aftermath of Genocidal Conflict

Oct 12

Rettig, Max. "Gacaca: Truth, Justice, and Reconciliation in Postconflict Rwanda," *African Studies Review*, 51:3 (December 2008), 25-50.

Grodsky, Brian. "International Prosecutions and Domestic Politics: The Use of Truth Commissions as Compromise Justice in Serbia and Croatia," *International Studies Review*, 11:4 (December 2009), 687-706.

Meernik, James. "Justice and Peace? How the International Criminal Tribunal Affects Societal Peace in Bosnia," *Journal of Peace Research*, 42:3 (2005), 271-289.

Clark, Janine. "The Three Rs: Retributive Justice, Restorative Justice, and Reconciliation," *Contemporary Justice Review*, 11:4 (December 2008), 331-350.

Week 8

Oct 19

Justice, Truth, and Reconciliation in the Aftermath of Violent Conflict

Greg Grandin. "The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile, and Guatemala." *The American Historical Review*, Vol. 110, No. 1 (February 2005), pp. 46-67.

Kaulemu, David. 2012. "Culture, Customs, Tradition and Transitional Justice," in Moses Chrispus Okello et al, *Where Law Meets Reality: Forging African Transitional Justice*. Cape Town: Pambakuza Press.

Park, Augustine. "Community-based Restorative Transitional Justice in Sierra Leone," *Contemporary Justice Review*, 13:1 (March 2010), 95-119.

Baker, Bruce and Eric Scheye. "Access to Justice in a Post-Conflict State: Donor-Supported Multidimensional Peacekeeping in Southern Sudan," *International Peacekeeping*, 16:2 (April 2009), 171-185.

Rubin, Barnett. "Transitional Justice and Human Rights in Afghanistan," *International Affairs*, 79:3 (May 2003), 567-581.

Week 9

Oct 26

Justice, Truth, and Reconciliation in the so-called Democratic North

Ghiglione, Giorgio, July 30, 2020. "As Europe Reckons With Racism, Italy Still Won't Confront Its Colonial Past," *Foreign Policy*.

Valls, Andrew. "Racial Justice as Transitional Justice." *Polity*, Volume XXXVI, Number 1, October 2003.

Gray, David C. "A No-Excuse Approach to Transitional Justice: Reparations As Tools of Extraordinary Justice." *Washington University Law Review* Volume 87 Issue 5, 2010.

SEMESTER PAPER DUE - 30 October, 11:59 p.m.

Weeks 10

NOV 2

New Found Optimism in Emerging Trends?

Kathryn Sikkink and Hun Joon Kim, "The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations," *Annual Review of Law and Social Science* 2013 9:1, 269-285.

Andrew Rigby, *Justice and Reconciliation*, Ch. 8

Robert Senath Esuruku, 2012, "The Peace, Recovery and Development Plan for Northern Uganda," in Moses Chrispus Okello et al, *Where Law Meets Reality: Forging African Transitional Justice*. Cape Town: Pambakuza Press.

Sara Anoushirvani. "The Future of the International Criminal Court: The Long Road to Legitimacy Begins with the Trial of Thomas Lubanga Dyilo." *Pace International Law Review*. Volume 22, Issue 1, Winter 2010, Article 6.