TRANSITIONAL JUSTICE AND THE POLITICS OF TRUTH COMMISSIONS

Department of Government
Harvard University
Fall 2020

Class Meeting Times: TBA
Class Format: Online – Synchronous Seminar

Image of the front panel of a Bentwood Box commissioned by the Canadian Truth and Reconciliation Commission and carved by Coast Salish artist Luke Marston. The TRC Bentwood Box is a lasting tribute to all Indian Residential School survivors.

Course Site: https://canvas.harvard.edu/courses/75267

Professor: Dr. Gloria Y.A. Ayee
Email: gloriaayee@fas.harvard.edu

Office Hours: By appointment
“The desire for the truth... is powerful, and seemingly almost universal... While the decision to dig into the details of a difficult past must always be left to a country and its people, there is much that can be learned from those who have taken this step before.” - Priscilla B. Hayner

COURSE DESCRIPTION

Transitional Justice and the Politics of Truth Commissions is an undergraduate reading and writing seminar that focuses on the political, social, and legal issues that countries face as they make efforts to recognize and address legacies of past injustice and mass atrocities. Scholars, policymakers, and political leaders have long debated appropriate responses to severe human rights violations that occur during periods of civil conflict, war, and genocide. This course introduces students to interdisciplinary studies in transitional justice and post-conflict reconciliation by focusing on the work of truth and reconciliation commissions. Students will examine key concepts and theoretical perspectives that are central to the field of transitional justice. Drawing on cases such as Argentina, Canada, Chile, Peru, Liberia, Panama, Nepal, South Africa, and Timor-Leste, the course will critically examine how truth commissions are used to provide accountability for human rights abuses carried out by the state.

The readings, lectures, and discussion sessions will center around three overarching topics. First, the course provides an overview of the theory and practice of the field of transitional justice as well as different types of transitional justice mechanisms, including amnesties, international tribunals, trials, and truth commissions. Second, the course considers the role that transitional justice plays in post-conflict reconstruction, democratization, and national reconciliation. Lastly, the course will involve a concentrated, comparative study of truth commissions by evaluating the role that these commissions play as post-conflict mechanisms, and their efficacy in promoting national reconciliation and undertaking societal redress for past injustice.

We will read theoretical treatments as well as case studies that address issues related to definitions of truth, reconciliation, justice, and democratization. The following questions will guide our study of transitional justice and truth commissions: What is transitional justice? Why do countries establish truth commissions? What is the purpose of a truth commission and what are its limitations? What is the nature of “truth” that truth commissions have been concerned with uncovering and documenting? What has the historical trajectory of truth commission adoption been, and what can we learn about public engagement in truth and reconciliation processes? Does uncovering and documenting the truth lead to national reconciliation?

COURSE GOALS

The goals of this course are as follows. First, and foremost, I want students to gain substantive knowledge about the political, social, and legal factors that influence transitional justice processes around the world. The second goal is for students to learn how to write analytical research papers. The research paper will be an excellent opportunity for you to improve your skills in making, presenting, and supporting a nuanced argument. Given the broad range of issues and case studies that are covered in this course, I expect students to do research on paper topics that are related to the issue areas covered throughout the semester, unless a student has a specific reason for wanting to explore a different topic.

The major themes covered in this course are: Genocide, War Crimes, and Crimes Against Humanity; Theoretical Perspectives: Truth, Justice, and Forgiveness; Transitional Justice; Retributive Justice, Restorative Justice, and Reconciliation; Transitional Justice Mechanisms (Amnesties, International Tribunals, Trials, and Truth Commissions); Transitional Justice After Authoritarian Rule; Transitional Justice and Memory; Introduction to Truth Commissions; Truth Commission Design; Transitional Justice in Central and Latin America (Argentina, Chile, Panama, and Peru); Transitional Justice in Central and Eastern Europe (Bosnia-Herzegovina, Germany, Romania, and Yugoslavia); Transitional Justice in Africa (Burundi, Liberia, and South Africa); Transitional Justice in Asia (Indonesia, Nepal, and Timor-Leste); Post-Injustice Instruments in North America (Canada and the United States); Truth Acknowledgment and National Reconciliation; and Post-Truth Commission Implementation and Policy Approaches.

**THIS SYLLABUS IS INTENDED TO PROVIDE AN OVERVIEW OF THE COURSE. SCHEDULING AND DATES MAY VARY. WHILE THE SYLLABUS SHOULD BE A RELIABLE GUIDE FOR THE COURSE, OFFICIAL ANNOUNCEMENTS ARE ALWAYS THOSE MADE IN CLASS BY THE INSTRUCTOR.**

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NOTE: Admission to this course is through a lottery run by the Undergraduate Program Office of the Department of Government. The deadline to enter the online lottery is 5:00 pm on Friday, August 21, 2020.

COURSE TEXTS

The following texts will be used for this course:


Required texts are available for purchase, or renting, at The Harvard Coop. Please visit the link below:

Supplementary materials, including journal articles, select book chapters, essays, news articles, and other online materials, will be made available through Harvard University's online academic suite (Canvas: https://canvas.harvard.edu/courses/75267). Please see the reading schedule for a detailed list of all reading materials.

The texts listed below are not required, but students may find them useful for the course:


SUCCEEDING IN THIS COURSE

There are no prerequisites for this course. Note, however, that this is a challenging course in which all students are expected to satisfy all the course requirements. Attendance in all class sessions is required. Academic requirements include weekly reading assignments, submitting discussion questions and participation in class discussions, two short reflection papers, a prospectus (research proposal), and a research paper. In addition, each student will be responsible for one oral presentation on a selected topic that addresses concepts covered in this course. Always come to class prepared to actively and critically participate in discussions. All written assignments must be submitted electronically by the due date listed on the syllabus. Late assignments will not be accepted. Failure to submit any of the assignments will result in a failing grade for the course.
THE RESEARCH PAPER

The main point of the research paper is to learn more about a topic relevant to the course and present your research in a critical, organized fashion. Choose a topic that interests and challenges you. Your attitude towards the topic may well determine the amount of effort and enthusiasm you put into your research. Your final product will be the culmination of an involved process of research, critical thinking, source evaluation, organization, and composition. This is an excellent opportunity for you to explore a topic that is of interest to you, increase your knowledge, and present your own interpretation, argument, or evaluation.

EVALUATION AND GRADING

Grades for class participation and the oral presentation will be assigned based on three categories: unacceptable, acceptable, and exceptional. The prospectus (research proposal and outline) will be graded on a scale of 1–5, where a score of 1 represents a proposal that needs significant revision and 5 is an excellent proposal. The response papers and final research paper will be assigned a letter grade.

Grading will focus on five elements:

- **Participation (10%)**: Perfect attendance and active class participation is expected. Students are also required to submit weekly discussion questions that focus on the assigned readings.

- **Presentation (20%)**: Each student will be responsible for a single oral presentation. These 15 to 20-minute presentations should stimulate class discussions and illuminate the topic that is being discussed that week.

- **Response Papers (20%)**: Two critical response papers are required (10% each; 20% total). These papers must be in a Word processor file format, double-spaced, with one-inch margins. Each paper must be at least 800 words in length, but must not exceed 1,200 words. The stated page limits must be observed.

- **Prospectus (10%)**: The prospectus, a four-page research paper proposal — inclusive of an outline and preliminary annotated bibliography — is due on November 13. The research paper proposal and outline will account for 10% of your course grade. The proposal should clearly indicate the research topic that will be explored as well as the case study, or case studies, that you intend to assess in your paper.

- **Research Paper (40%)**: Each student must submit a final research paper on a topic of their choice that builds ideas outlined in the research proposal. The research paper should clearly articulate your primary research question, hypotheses, and arguments, and must also include a solid review of relevant academic literature. The research paper should also demonstrate that the student has carefully read assigned course texts, has the ability to relate readings to each other and to research materials/sources, and has the ability to discuss empirical cases through the lens of different thematic frameworks covered in the course. The research paper should be in a Word processor file format, double-spaced, with one-inch margins. Each paper must be between 12 and 15 pages. The stated page limits must be observed.

Papers will be graded based on the following rubric:

- Conceptual formulation
- Consistency and use of logic
- Depth of scholarship and use of supporting literature
- Organization of paper and format of essay
- Originality of research
- Substantive value
DUE DATES

All assignments and exams are due on the date listed in the syllabus. Late assignments will not be accepted. In exceptional circumstances students may be granted extensions at the professor’s discretion, but requests for extensions must be approved before the assignment due date. Only students with legitimate excuses will be allowed to submit assignments after the due date. In the event that you are unable to complete and submit an assignment by the due date, please contact the professor in a timely manner. Failure to submit any of the assignments will result in a failing grade for the entire course.

If a student receives approval for an extension, the assignment must be submitted by the new stated due date. Late papers will be marked down two-thirds of a letter grade (e.g., A to B+) for each full day that they are late.

GRADING STANDARDS

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<tr>
<th>Grade</th>
<th>Designation</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>A</td>
<td>Excellent</td>
<td>Student produces work of superior quality and demonstrates complete mastery of course material, concepts, and facts. Earned by work whose excellent quality indicates a full mastery of the subject and, in the case of the grade of A, is of extraordinary distinction.</td>
</tr>
<tr>
<td>B</td>
<td>Very Good</td>
<td>Student’s work completely fulfills course requirements, and student demonstrates a good understanding of concepts and facts. Earned by work that indicates a good comprehension of the course material, a good command of the skills needed to work with the course material, and the student’s full engagement with the course requirements and activities.</td>
</tr>
<tr>
<td>C</td>
<td>Satisfactory</td>
<td>Student demonstrates an acceptable degree of mastery of concepts and facts. Student’s work minimally meets the course requirements. Earned by work that indicates an adequate and satisfactory comprehension of the course material and the skills needed to work with the course material and that indicates the student has met the basic requirements for completing assigned work and participating in class activities.</td>
</tr>
<tr>
<td>D</td>
<td>Unsatisfactory</td>
<td>Class participation is minimal and student’s work reflects minimal comprehension of concepts and facts. Earned by work that is unsatisfactory but that indicates some minimal command of the course materials and some minimal participation in class activities that is worthy of course credit toward the degree.</td>
</tr>
<tr>
<td>E</td>
<td>Failure</td>
<td>Unsatisfactory performance on all measures. Student does not meet the minimum requirements of the course as outlined above. Earned by work which is unsatisfactory and unworthy of course credit towards the degree.</td>
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COLLABORATION IN WRITTEN WORK

Discussion and the exchange of ideas are essential to academic work. For assignments in this course, you will consult with classmates on the choice of research projects and share sources and evidence. However, any written work you submit for individual evaluation must be the result of your own research and writing and must reflect your own approach to the topic. All students must also adhere to standard citation practices in the social sciences and properly cite any books, articles, websites, lectures, videos, and films that have helped you with your work. I recommend using the Chicago Manual of Style’s author-date format. The Harvard Guide to Using Sources provides guidance on this topic. If you received any help with your writing (for example, feedback on drafts), you must also acknowledge this assistance. Please speak with me if you have questions about how to cite assistance.

WRITING RESOURCES

Students will be expected to write papers according to college-level social science conventions. Students should take advantage of the wide variety of writing resources that Harvard offers. First, some important introductory lessons are available to students through GovWrites (govwrites.fas.harvard.edu) that may help you with basics like writing a thesis statement or avoiding plagiarism. Additionally, peer tutors are available for appointments and walk-in hours at the Harvard College Writing Center (https://writingcenter.fas.harvard.edu). Please note that while these resources are strongly recommended to students, you must make a note of any assistance you receive when you submit papers.

ACADEMIC ACCOMMODATIONS

Harvard University is committed to providing reasonable accommodations for with disabilities. Students needing academic adjustments or accommodations because of a documented disability must present their Faculty Letter from the Accessible Education Office (AEO) and speak with the professor by the end of the second week of the term. All discussions will remain confidential, although faculty are invited to contact AEO to discuss appropriate implementation. Please call (617) 496-8707 or send an email to aeo@fas.harvard.edu for further information.

RESEARCH ASSISTANCE

Students in need of research assistance and direction should contact Kathleen Sheehan, a Research Librarian and the official library liaison to the Department of Government. She works out of the Widener Library and is available to meet with students for research consultations and general reference services. Please email her at ksheehan@fas.harvard.edu.

AUDIOVISUAL RECORDING

Video and audio recording of class lectures, discussion sessions, and review sessions without the advanced consent of the professor is strictly prohibited. On request, the professor may grant permission for a student to record course lectures or discussions, on the condition that these recordings will only be used as a study aid by the individual making the recording. Unless explicit written permission is obtained from the professor, recordings of lectures and review sessions may not be modified and must not be transferred or transmitted to any other person, whether or not that individual is enrolled in the course. Distribution or sale of any recording is prohibited, and is a violation of education privacy law.

TECHNOLOGY POLICY

Laptops, tablets, or other electronic devices may only be used for note-taking and accessing reading materials during class sessions. Access to the internet is permitted but should only be used to access course materials or per the professor’s
directive. If use of technology becomes disruptive, or students misuse this privilege, I reserve the right to change this policy. Disruptive behavior will be dealt with on a case-by-case basis.

GENDER INCLUSIVE LANGUAGE
For academic discourse, spoken and written, students are encouraged to use gender inclusive language.

HONOR CODE
Students in this course are bound by the Harvard University Honor Code. All citations must be carefully and completely documented. Additionally, the Honor Code pledge (simply write “Honor Code Pledge”), along with your signature, must appear on every submitted assignment. Any assignment that is not pledged will not be accepted. Complete information about the Harvard College Honor Code is below.

Harvard College is an academic and residential community devoted to learning and the creation of knowledge. We — the academic community of Harvard College, including the faculty and students — view integrity as the basis for intellectual discovery, artistic creation, independent scholarship, and meaningful collaboration. We thus hold honesty — in the representation of our work and in our interactions with teachers, advisers, peers, and students — as the foundation of our community.

The Harvard College Honor Code
Members of the Harvard College community commit themselves to producing academic work of integrity — that is, work that adheres to the scholarly and intellectual standards of accurate attribution of sources, appropriate collection and use of data, and transparent acknowledgement of the contribution of others to their ideas, discoveries, interpretations, and conclusions. Cheating on exams or problem sets, plagiarizing or misrepresenting the ideas or language of someone else as one’s own, falsifying data, or any other instance of academic dishonesty violates the standards of our community, as well as the standards of the wider world of learning and affairs.

Definitions

Plagiarism is defined as using material created by others—in part or in whole—without properly attributing authorial and publication references for the correct source(s). Plagiarism can occur in dealing with written texts, but can also occur in the arts when, for instance, images or musical themes created by another are presented as if they were the original composition or creation of the student. Reference credit must be given for direct quotations, for work (including a form of argument, progression of ideas, or artistic creation), whether in whole or in part, that is paraphrased, adapted or summarized in the student’s own words or creative work, and for information that is not common.

Cheating is defined as use of unauthorized notes, study aids, or non-approved sources for an examination, unauthorized alteration of a graded work after it has been returned and resubmission of that work for re-grading, submission of another person’s work to meet requirements for a course, and submission of identical or similar papers for credit in more than one course (concurrently or sequentially) without prior permission from the course instructors.

Fabrication is defined as falsifying or inventing any information, data, or citation, presenting data that were not gathered in accordance with standard guidelines defining the appropriate methods for collecting or generating data as if they were gathered in accord with those guidelines, and failing to include an accurate account of the method by which the data were gathered or collected.

Academic dishonesty also includes any lack of integrity exhibited through lying, misrepresenting, defrauding, or deceiving related to assigned or voluntary academic work. It further includes any deliberate attempt to gain unfair advantage in completing examinations or other required work, colluding, aiding or abetting the academic dishonesty of another student, and the falsification of academic records and official documents. These definitions are not exhaustive.
COURSE OUTLINE

Each week the readings will revolve around a particular theme related to transitional justice. The class will address the individual assumptions made by the authors in the readings. We will “connect the dots” by discussing how each reading relates to other readings assigned that week, to readings from previous classes, and to the broader themes that we will be exploring throughout the course. The topics listed below, and the accompanying readings, will be due on the class date listed, and should be read prior to class. Videos and films will be screened in class.

COURSE SYLLABUS AT A GLANCE

<table>
<thead>
<tr>
<th>CLASS SESSION</th>
<th>TOPIC</th>
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| Week 1        | Introduction  
Course Overview |
| Week 2        | Genocide, War Crimes, and Crimes Against Humanity |
| Week 3        | Theoretical Perspectives  
Truth, Justice, and Forgiveness |
| Week 4        | Transitional Justice  
Retributive Justice, Restorative Justice, and Reconciliation |
| Week 5        | Transitional Justice Mechanisms  
Amnesties, International Tribunals, Trials, and Truth Commissions |
|               | * First Response Paper Due * |
| Week 6        | Transitional Justice After Authoritarian Rule  
Transitional Justice and Memory |
| Week 7        | Introduction to Truth Commissions  
Truth Commission Design |
| Week 8        | Transitional Justice in Central and Latin America  
Case Studies: Argentina, Chile, Panama, and Peru |
|               | * Second Response Paper Due * |
| Week 9        | Transitional Justice in Central and Eastern Europe  
Case Studies: Bosnia-Herzegovina, Germany, Romania, and Yugoslavia |
| Week 10       | Transitional Justice in Asia  
Case Studies: Indonesia, Nepal, and Timor-Leste (East Timor) |
| Week 11       | Transitional Justice in Africa  
Case Studies: Burundi, Liberia, and South Africa |
|               | * Prospectus Due * |
| Week 12       | Post-Injustice Instruments in North America  
Case Studies: Canada and the United States |
| Week 13       | Truth Acknowledgment and National Reconciliation; Post-Truth  
Commission Implementation; Policy Approaches |
| Week 14       | * Final Research Paper Due * |
WEEK 1

TOPICS: Introduction; Course Overview

Required Readings:


Supplementary Readings:

WEEK 2

TOPICS: Genocide, War Crimes, and Crimes Against Humanity

Multimedia:

Required Readings:


Supplementary Readings:


WEEK 3

TOPICS: Theoretical Perspectives; Truth, Justice, and Forgiveness

Multimedia:

Required Readings:

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**Supplementary Readings:**


**WEEK 4**

**TOPICS: Transitional Justice; Retributive Justice, Restorative Justice, and Reconciliation**

**Multimedia:**

**Required Readings:**


**Supplementary Readings:**


WEEK 5

* FIRST RESPONSE PAPER DUE *

TOPICS: Transitional Justice Mechanisms; Amnesties, International Tribunals, Trials, and Truth Commissions

Multimedia:

Required Readings:

Supplementary Readings:

WEEK 6

TOPICS: Transitional Justice After Authoritarian Rule; Transitional Justice and Memory

Multimedia:

Required Readings:

Supplementary Readings:
WEEK 7

TOPICS: Introduction to Truth Commissions; Truth Commission Design

Multimedia:

Required Readings:


Supplementary Readings:


WEEK 8

* SECOND RESPONSE PAPER DUE *

TOPICS: Transitional Justice in Central and Latin America

Case Studies: Argentina, Chile, Panama, and Peru

Multimedia:
*State of Fear.* Skylight Films (2005)

Required Readings:


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Supplementary Readings:


**WEEK 9**

**TOPICS: Transitional Justice in Central and Eastern Europe**

Case Studies: Bosnia-Herzegovina, Germany, Romania, and Yugoslavia

Multimedia:

**Required Readings:**


**Supplementary Readings:**


**WEEK 10**

**TOPICS: Transitional Justice in Asia**

Case Studies: Indonesia, Nepal, and Timor-Leste (East Timor)

**Required Readings:**

[https://openresearch-repository.anu.edu.au/bitstream/1885/163493/1/SSGM_IB_2013_6_0_0.pdf](https://openresearch-repository.anu.edu.au/bitstream/1885/163493/1/SSGM_IB_2013_6_0_0.pdf)

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**Supplementary Readings:**


**WEEK 11**

* PROSPECTUS DUE *

**TOPICS: Transitional Justice in Africa**

* Case Studies: Burundi, Liberia, and South Africa*

**Multimedia:**


**Required Readings:**


**Supplementary Readings:**


WEEK 12

TOPICS: Post-Injustice Instruments in North America
Case Studies: Canada and the United States

Multimedia:
“Canadian History and the Indian Residential School System.” https://www.youtube.com/watch?v=6-28Z93hCOI

Required Readings:


Supplementary Readings:


WEEK 13

TOPICS: Truth Acknowledgment and National Reconciliation; Post-Truth Commission Implementation; Policy Approaches

Required Readings:


Supplementary Readings:


**WEEK 14**

* FINAL RESEARCH PAPER * (Due Date TBA)