GOVT 731 001 Human Rights and Transitional Justice in Post-Conflict Societies
Spring 2020 — George Mason University
Mondays 4:30-7:10 pm — East 121

Professor Jo-Marie Burt
Schar School of Policy and Government

(draft syllabus ~ subject to change)

E-mail: jmburt@gmu.edu
Office: Research Hall 342
Office hours: Monday 12:00-1:15 pm or by appointment

Course Description
Truth commissions are now considered a part of the landscape in post-conflict societies. This was not always so, however. The rise of human rights as a global concept, the mobilization of transnational advocacy networks advocating for truth commissions and other mechanisms to address the legacy of state-sponsored violence and civil conflict, and innovations in the international human rights regime, gave rise to a new concept: transitional justice. This course explores the evolution of the concept of transitional justice, from its roots in Nuremburg to its most recent manifestations in countries around the world, from Argentina to South Africa to the former Yugoslavia.

With the "third wave" of transitions to democracy, starting with Southern Europe in the late 1970s, followed by Latin America in the 1980s and Eastern Europe in the early 1990s, post-authoritarian and post-conflict societies grappled with the legacy of how to consolidate democracy, strengthen rule of law, and guarantee human rights. At the same time, victims of these regimes began demanding redress for the massive violation of human rights. The first truth commission in the world took place in Argentina immediately following the military regime there, in which an estimated 30,000 people were forcibly disappeared by security forces; several military leaders were subsequently prosecuted for these crimes. These unprecedented developments were adopted and adapted in other countries, including Chile, El Salvador, Guatemala and South Africa.

The mechanisms of transitional justice include truth commissions, criminal trials, reparations programs, memorials and memorialization, vetting programs, and institutional reforms, among others. The concept of transitional justice quickly gained relevance beyond Latin America and has since developed into a rich and multifaceted field of interdisciplinary research and praxis premised on the objectives of providing redress for victims and their families and building more democratic, just and inclusive societies. This course will introduce students to the study of human rights and transitional justice through an in-depth examination of several case studies around the world, including Argentina, Chile, South Africa Guatemala, Peru, Rwanda and Cambodia. We will explore the theoretical foundations of human rights that inform the key concepts of transitional justice and will critically engage the core debates within the field of transitional justice theory and practice.

Course Objectives
Students will acquire the conceptual and analytical tools to think and write theoretically and critically about human rights, transitional justice and post-conflict peacebuilding. They will also acquire a detailed understanding of transitional justice processes in post-conflict societies around the world. Through assigned readings and assignments,
students will acquire the capacity to engage in critical analysis and will develop and hone their research skills. By the close of this course, students should be able to:

- Have a firm grasp of the development and evolution of key topics in the field of transitional justice
- Identify, summarize, and evaluate the fundamental questions and debates in the field
- Concisely summarize, connect, and evaluate the research by writing short reaction papers
- Employ transitional justice concepts and theories in independent writing

Course Requirements
This is a seminar-style course. As professor I will help guide class discussions, but this is principally a student-driven class. Students will take the lead in class discussions and are expected to come to class fully prepared to engage in class discussion. This means that students are expected to do the assigned readings prior to class and participate actively in class discussions and in small group sessions. Your participation in class discussions is an opportunity for you to demonstrate your grasp of assigned readings, your integration of readings and concepts as we progress through the semester, and to contribute to an active learning environment. I encourage an open learning environment in the classroom, in which students feel free to question, comment, and explain how they view course content. Such an environment helps to foster student interaction, thinking, and analytical and creative skills.

Students must satisfy the following requirements:

1. Attend class and participate in class discussions. Learning is an active process. Every student is expected to attend class regularly and be prepared to participate in class discussion. This involves listening to the instructor and your fellow students; offering your comments on assigned readings; and asking questions about concepts and theories we are engaging in this course.

2. Complete assigned readings. As is the case with attendance, completing the assigned reading prior to class is essential to succeeding in this course. It is your responsibility to obtain and complete the readings prior to the class session they are assigned, though I will do my best to make readings available to you via Blackboard.

3. Assignments/Exams. All assignments, including the discussion board posts, must be handed in on time. Late assignments will not be accepted, and there will be no incompletes, make-up exams or extensions, except in cases of documented emergencies. Written assignments for this class must be uploaded to Blackboard as Microsoft Word attachments and using “SafeAssign.” All assignments must follow the listed instructions. Please make sure that your name and assignment title are both clearly indicated on the first page of your paper. It is your responsibility to ensure that your files have uploaded properly. Tutorial available here: https://help.blackboard.com/Learn/Student.

4. Technology. The use of laptop computers, tablets and smart phones is prohibited in class, except when instructed. The costs associated with electronic distractions, to you and those around you, outweigh the benefits of immediate supplementary classroom information. Students may use specific instructional applications, such as Blackboard, only when instructed to do so. If these restrictions pose a challenge for you, please discuss it with me. To learn more about the benefits of taking notes by hand, see this article.

5. Cheating, Plagiarism, and Academic Integrity. Students in this course are expected to comply with the George Mason University Honor Code. There are three simple guidelines to follow with respect to academic integrity: (1) all work you submit must be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the expectations for any assignment, ask for clarification. Any student engaged in any academic misconduct will be reported to the Office of Academic Integrity. These violations include cheating on an exam, presenting someone else’s work as your own, and plagiarism (using someone else’s words or ideas without providing credit or citation). If you have any questions at all about what constitutes cheating, plagiarism, or academic misconduct, please ask the instructor.

Course Requirements and Grading
Student grades will be evaluated based on the following requirements, assignments, and examinations.

1. Class participation (50 points, 10% of final grade)
Active participation requires regular attendance in class. You are allowed one unexcused absence. One unexcused absence results in 10 points deduction of your grade; more than two unexcused absences will result in a zero for this rubric.

2. Midterm Exam (100 points, 20% of final grade)
The midterm will be administered on March 2. It will be in essay format and will be based on class lectures and assigned readings.

3. Discussion board post or In-class writing assignment (10 points each for 100 points total, 20% of final grade) (TBD). There will be a total of 11 DB posts or in-class writing assignments; your lowest grade will be dropped.

4. Writing assignment/in-class presentation (100 points, 20% of grade). Each student will be assigned to topic to research and will prepare a short report and an in-class presentation for that topic. Assignments will be made during the second week of class. Depending on class size, students may work on their own or in a small group. Assignment is due by 10 am on the day the class meets.

5. Research Paper (150 points, 30% of final grade)
All students will write a research paper on a topic of their choosing, subject to approval by the instructor. Papers should be a minimum of 18 pages, excluding titles, bibliography, tables, graphs, notes, or a maximum of 30 pages, inclusive. Drawing on the literature in the field, student research papers will explore an important question of transitional justice in Latin America. Students are encouraged to undertake original analysis in their projects. Final paper is due May 14 by 4:10 p.m. Assignments as follows:
   1. State your research question and justification (2-3 pages) (Due: February 17) 15 points (10%)
   2. Theory and Literature Review (6-8 pages) (Due: March 30) 30 points (20%)
   3. Final Paper (Due: May 11) 100 points (70%)

**All written assignments and exams must be submitted no later than the posted due date through the Blackboard SafeAssign link. Late papers will not be accepted. Blackboard timestamps submissions and will mark papers received after the due date as late. If you are new to Blackboard, a tutorial is available here.**

**This syllabus may change as the semester progresses.**

**Writing-Intensive Course (WIC) Requirement.** This course fulfills the Writing-Intensive Course requirement in the Government & International Politics major through the two required writing assignments.

### Grading

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<td>In class writing assignments</td>
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<td>Midterm</td>
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<td>Truth commission report</td>
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<td>Research paper</td>
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### Grading Scale:

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<td>A+</td>
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<td>A</td>
<td>470-489</td>
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<td>A-</td>
<td>450-469</td>
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<td>B+</td>
<td>440-449</td>
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<td>B</td>
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### Classroom Expectations:

- Debate and discussion imply tolerance and respect for opinions other than one’s own. All students must demonstrate courtesy toward professor and fellow students at all times.
- All assignments must be handed in on time. No late papers will be accepted, and no incompletes, make-up
exams or extensions will be allowed, except in cases of documented emergencies.

- Cellular phones and other electronic devices that could disrupt class must be turned off during class time. Computer use in the classroom is not allowed except when directed by instructor.

**Honor Code:**
The written work for this class will be submitted electronically through Blackboard. Essays may be processed through on-line databases so as to access the originality of work. The George Mason University Honor Code states: “Cheating and attempted cheating, plagiarism, lying, and stealing of academic work and related materials constitute Honor Code violations. To maintain an academic community according to these standards, students and faculty must report all alleged violations to the Honor Committee.” Students are encouraged to read the full Honor Code in the University Catalog (http://catalog.gmu.edu) and to remain vigilant against any violation of the Code in their own work. Any cases of academic dishonesty in this course will be addressed following the guidelines outlined in the University Catalog. Please see me if you have any questions regarding the Honor Code.

**Enrollment:**
Students are responsible for verifying their enrollment in this class. Schedule adjustments should be made by the deadlines published in the Schedule of Classes. After the last day to drop, withdrawing from this class requires the approval of the dean and is only allowed for nonacademic reasons.

**Mason Email Accounts**
Students must use their MasonLIVE email account to receive important University information, including messages related to this class. See http://masonlive.gmu.edu for more information.

**Other Useful Campus Resources:**
- Writing Center: A114 Robinson Hall; (703) 993-1200; http://writingcenter.gmu.edu
- University Libraries: “Ask a Librarian”; http://library.gmu.edu/mudge/IM/IMRef.html
- Counseling And Psychological Services (CAPS): (703) 993-2380; http://caps.gmu.edu

**University Policies**
All members of the university community are responsible for knowing and following established policies. The University Catalog, http://catalog.gmu.edu, is the central resource for university policies affecting student, faculty, and staff conduct in university academic affairs. Other policies are available at http://universitypolicy.gmu.edu/.

**Important Dates and Information**

**Registration and Tuition**
- Last day to add and drop classes with no tuition penalty: February 5
- Last day to drop with no academic liability and some refund: February 11
- Selective Withdrawal Period: February 25-March 30

**Grades and Exams**
- Students may view grades via Patriot Web: https://patriotweb.gmu.edu

**Required texts:** (available for purchase at the GMU bookstore, also available on reserve at Mason library)

- Antjie Krog, *Conditional Tense: Vocabulary after the South African TRC* (Seagull Books, 2013)
- Carlos Santiago Nino, *Radical Evil on Trial* (Yale University Press, 1998)
- Others TBD

In addition to these books, required reading assignments include articles which are available either via E-reserve (which you will be able to access from the course Blackboard); by accessing a database via the GMU Library.
Website; or online through an open-access website (URL provided by instructor). Course readings may be modified, and additional readings assigned, during the course of semester.

COURSE OUTLINE AND REQUIRED READINGS

I. INTRODUCTION TO COURSE

January 27 Course Overview; Review Syllabus and Course Requirements and Expectations

February 3 Conceptual Foundations 1
• Hannah Arendt, *Eichmann in Jerusalem*, Read Chs. 1-6, 11-12 and Epilogue

February 10 Conceptual Foundations 2
• Primo Levi, “The Gray Zone,” *The Drowned and The Saved*, pp. 36-69
• Hugo Van der Merwe, *Assessing the Impact of Transitional Justice*, Chs. 3, 7, 11
• Juan Mendez, “Accountability for Past Abuses,” *Human Rights Quarterly*
• Carlos Nino, *Radical Evil on Trial*, Chs. 1-2

Suggested readings:
• Colleen Murphy, *The Conceptual Foundations of Transitional Justice*, Ch. 2
• K. Sikkink, *The Justice Cascade*, Introduction, Ch. 4

II. CASE STUDIES: AUTHORITARIAN REGIMES AND STATE TERROR

February 10 Argentina: Transitional Justice was Born Here
• C. S. Nino, *Radical Evil on Trial*, Introduction (pp. vii-xii), Chs. 2-4
• K. Sikkink, *The Justice Cascade*, Ch. 3
• Other TBA

February 17 South Africa: Truth without Justice
• Hugo Van der Merwe, *Assessing the Impact of Transitional Justice*, Chs. 4,9
• Antjie Krog, *Conditional Tense: Vocabulary after the South African Truth and Reconciliation Commission*, pp. TBA

February 23 Chile: Truth without Justice Redux
• Other TBA

March 2 Midterm Exam

March 9 No class **SPRING BREAK**

III. CASE STUDIES: CIVIL CONFLICT, ‘ETHNIC CLEANSING,’ GENOCIDE

March 16 Guatemala: Civil Conflict and State-sponsored Genocide
• Other reading TBA
March 23 The Former Yugoslavia: 'Ethnic Cleansing'
- Judith Armatta, *Twilight of Impunity: The War Crimes Trial of Slobodan Milosevic*, pp. TBA

March 30 Peru: State and Insurgent Terror
- Other TBA

April 6 Rwanda: The Genocide
- Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda*, selected chs.
- Other TBA

IV. ISSUES IN ACCOUNTABILITY TRANSITIONAL JUSTICE

April 13 Seeking Justice I: Domestic, Regional and International Courts
- K. Sikkink, *The Justice Cascade*, Ch. 5-6, 8
- Other TBA
  Suggested readings:
  - William Schabas, *An Introduction to the International Criminal Court*

April 20 Seeking Justice II: Domestic Courts

April 27 Sexual Violence and Transitional Justice

May 4 Corporate Accountability and Transitional Justice
- Other TBA

May 11 FINAL RESEARCH PAPER DUE 7:10 PM
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