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**Course Outline**

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<b>Course:</b>	<b>LAWS 4603A - Transitional Justice</b>
<b>Term:</b>	<b>Fall 2014</b>
<b>Prerequisites:</b>	<b>Fourth-year Honours standing</b>
<b>Class:</b>	<b>Day &amp; Time: Thursday, 11:35am - 2:25pm</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>Instructor: (Contract)</b>	<b>Tiffany A. MacLellan</b>
<b>Contact:</b>	<b>Office: B442 Loeb Building</b>
	<b>Office Hrs: Thursdays, 5:30pm - 6:30pm</b>
	<b>Email: <a href="mailto:tiffany.maclellan@carleton.ca">tiffany.maclellan@carleton.ca</a></b>

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**Academic Accommodations**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://www.carleton.ca/studentaffairs/academic-integrity/>

**Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

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**COURSE DESCRIPTION**

What is the relationship between memory, history and transitional trials? How do trials shape history and memory? How are memorials sites for mourning and sites to contest the past? How do these places/spaces contribute to and trouble democratic ordering?

This course charts the variety of answers proffered by scholars in the fields of transitional justice, memory studies and legal history. It will pay particular attention to trials and memorials as producers of difficult histories and memories. Throughout the course, students will: be exposed to foundational texts in the field of memory studies; grow familiar with how memory is shaped through transitional trials and memorials; understand how memory is politicized during periods of political transformation; develop the skill discussion facilitation, and; hone their research and writing skills.

To begin, this course will introduce texts which explain the ways by which law disciplines narrative and memory. Next, select foundational texts in memory studies will be introduced, along with an exploration of the relationship between memory and transitional justice. The course then focuses on the shaping/mediating of memory after mass violence in Germany, Bosnia and Argentina.

**REQUIRED TEXTS**

All course material will be made available through the 'Ares' system, which is accessible via cuLearn. Please be sure you bring a copy of the readings with you to each class (hard copy or e-copy).

**CLASS FORMAT**

As this is a course taught in seminar format, you should prepare yourself by reading all materials assigned before class. To this end, you should bring to class questions developed from the readings. For example, you can ask the class to help clarify a concept developed. You are also encouraged to prepare comments for class discussion. For example, you may comment on the

tension between the readings assigned for the week, or how the weeks' material figures into other readings previously explored. The seminar should be a productive place to think through the material, together, in a respectful and supportive way.

## CULEARN

cuLearn will serve as an information hub for this course. You will find the course guide, access to the 'Ares' system, supporting materials to assist your reading and writing skills, assignment submission portals and your grades. There will also be a discussion board where you can ask your classmates questions, organize reading groups or share interesting material related to course themes.

## ASSIGNMENTS AND EVALUATION

All components must be completed in order to receive a passing grade.

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

**20% Participation:** These marks are earned by attending every seminar and contributing to class discussions with quality comments and questions. As this course will be conducted as a seminar, it is expected that all students will come to class prepared to participate.

**5% of your total participation grade is earned through blog group participation and team work.** Your group members will assess you against the following criteria at the end of the term:

Criteria	Weight
Contributes to group meetings	/1 mark
Facilitates the contributions of group members	/1 mark
Completes the task assigned as discussed with group members	/2 mark
Fosters constructive team climate/ Responds to conflict appropriately	/1 mark
<b>TOTAL</b>	<b>/5</b>

**30% Blog post and responses:** The purpose of this assignment is to encourage you to reflect on the concepts presented in the weeks' designated reading, and to prepare you for a portion of the seminar discussion. Eight groups, comprised of 3 or 4 students, will be responsible for one leading blog post and seven blog responses. **The first leading blog post will be in preparation for**

**Week 3 (September 18th).** The article which will serve as the focus for the leading blog post is indicated in the reading list.

*Leading blog post assignment requirements:* Each leading blog post will be 600-700 words, and will include the following components: 1) A clear, organized but short overview of the week's theme (this requires your group to situate the designated reading among the other readings assigned that week); 2) a description and critical reflection on the concept(s) developed in the article/ book chapter; 3) three questions to promote blog/ seminar discussion, and; 4) a citation of the article/book chapter. **All leading blog posts must be posted by Tuesday at 11:30am on cuLearn**, two days before the readings will be discussed in class. All group members are encouraged to post earlier than Tuesday to avoid any technical problems. Late posts will be penalized 2 marks per day.

Each group is responsible for planning out which tasks each group member will take on. Please e-mail me if there are any issues concerning group members.

The leading blog post will be evaluated out of 9 marks:

Criteria	Weight
Concise overview of all required reading	/2 marks
Clear reflection on key concepts	/3 marks
Thought-provoking questions	/2 marks
Style, organization, grammar, proper citation	/2 marks
<b>TOTAL</b>	<b>/9</b>

*Blog response assignment requirements:* Each group will be responsible for respectfully responding to the lead post in 75 -100 words. Responses can range from an original answer to the question posed, the linking of a previously explored concept / argument with the concept selected by the lead blog group, or a thought provoking comment and question. **All responses must be posted before Thursday at 11:00am on cuLearn. Responses that are not posted by 11:00am the day of class will receive a grade of zero.** Groups are encouraged to post their responses early to avoid any unforeseen technical circumstances which may prevent a timely submission.

Each blog response will be evaluated out of 3 marks:

Criteria	Weight
Original, quality response	/2.5
Style, organization, grammar	/0.5
<b>TOTAL</b>	<b>/3</b>

**10% Paper proposal:** The objective of this assignment is help you think through and prepare for your final paper. **You must submit a paper proposal through cuLearn no later than 11am, November 3<sup>rd</sup>.**

*Paper proposal assignment requirements:* The proposal must include your proposed topic, an annotated bibliography (six sources minimum), and three potential research questions. **I will not mark final papers from students who have not submitted a paper proposal.** You are encouraged to attend my office hours before the submission of your proposal for guidance.

Each paper proposal will be evaluated out of 10 marks:

Criteria	Weight
Topic relevant to course themes	/3
Quality sources	/3
Focused research questions	/4
<b>TOTAL</b>	<b>/10</b>

**40% Final Paper:** The final paper, which will be between 3500-4000 words, is **due Wednesday, November 24<sup>th</sup> at 4:30pm.** Please be sure to submit your paper through cuLearn.

The format for all assignments is as follows: 1.5 or double spaced, 12 point font, and adherence to a recognized citation style (McGill, MLA, Chicago, APA ect).

### **LATE POLICY**

Late submissions of paper proposals and final papers will be accepted at the cost of three marks per day. Extensions are reserved for those moments when you find yourself in a documented, extenuating circumstance.

## READING LIST

### **WEEK One: Introduction**

Course intentions, assignment expectations, meet-and-greets, team formation

## **GROUND WORK**

### **Week Two: Law's disciplining of narrative**

*Group A's lead blog post on next week's designated reading must be posted by noon, Tuesday, September 16th.*

Clarke, Kamari Maxine. 2009. "Crafting the Victim, Crafting the Perpetrator: New Spaces of Power, New Spectres of Justice." *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa*. (Cambridge University Press: Cambridge): 89-116. [27 pages]

Christodoulidis, Emiliios. 2004. "The Objection that cannot be Heard: Communication and Legitimacy in the Courtroom." in *The Trial on Trial: Truth and Due Process*. eds. Duff, Antony et al. (Hart Publishing: Portland): 179- 202. [23 pages]

Mawani, Renisa. 2012. "Law's Archive" *Annual Review of Law and Social Science*. 8(1): 337- 365. [28 pages]

### **Week Three: Are trials appropriate places for the production of history and/or memory?**

Douzinas, Costas. 2012. "History Trials: Can Law Decide History?" *Annual Review of Law and Social Sciences*. 8: 273-289 [19 pages]

Brants, Chrisje; Klep, Katrein. 2013. "Transitional Justice: History - Telling, Collective Memory and the Victim-Witness" *International Journal of Conflict and Violence*. 7(1): 36- 49 [14 pages]

Savelsberg, Joachim; King, Ryan. 2007. "Law and Collective Memory" *Annual Review of Law and Social Science*. 3: 189-211 [22 pages]

Group A's lead blog post focus:

Osiel, Mark. 1999. "Constructing Memory with Legal Blue Prints?" in *Mass Atrocity, Collective Memory, and the Law*. (Transaction Publishers: Piscataway): 209-239. [30 pages]

### **Week Four: Introduction to memory studies**

Nora, Pierre. 1989. "Between Memory and History: Les Lieux de mémoire," *Representations*. 26: 7-24. [17 pages]

Halbwachs, Maurice. 1980. *The Collective Memory*. (Harper and Row, New York): 50-87. [37 pages]

Group B's lead blog post focus:

Ricoeur, Paul. 2004. "The Exercise of Memory: Uses and Abuses." in *Memory, History, Forgetting*. (University of Chicago Press: Chicago): 56-92. [36 pages]

### **Week Five: Memorials and transitional justice**

Barahona de Brito, Alexandra. 2010. "Transitional Justice and Memory: Exploring Perspectives" *South European Society and Politics*. 15(3): 359-376 [18 pages]

International Center for Transitional Justice. 2007. "Memorialization and Democracy: State Policy and Civic Action" available at: [http://ictj.org/sites/default/files/ICTJ-Global-Memorialization-Democracy-2007-English\\_0.pdf](http://ictj.org/sites/default/files/ICTJ-Global-Memorialization-Democracy-2007-English_0.pdf) [32 pages]

Group C's lead blog post focus:

Robinson, Benjamin, 2006. "Against Memory as Justice" *The New German Critique*. 33(2): 135-160 [26 pages]

## SHAPING HISTORY AND MEMORY- WWII

### **Week Six: IMT as maker of history and memory**

*This week you will work with primary documents. I will post links to these documents along with each prosecutor's opening statement on cuLearn.*

United Nations, Agreement for the prosecution and punishment of the major war criminals of the European Axis ("London Agreement"), 8 August 1945, 82 U.N.T.C. 280

United Nations, Charter of the International Military Tribunal - Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis ("London Agreement"), 8 August 1945

International Military Tribunal. 1947. Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 14 November 1945 -1 October 1946. 42 vols. (International Military Tribunal: Nuremberg)

Douglas, Lawrence. 2001. "Film as Witness" In *The Memory of Judgement: Making Law and History in the Trials of the Holocaust*. (Yale University Press: New Haven): 11- 37. [26 pages]

Group D's Lead blog post focus:

Bloxham, Donald. 2005. "The Limits of Legal Imagination: Plumbing the Depths of Nazi Criminality." *Genocide on Trial: War Crimes Trials and the formation of Holocaust History and Memory* (Oxford University Press: Oxford): 93-128. [35 pages]

### **Week Seven: Making memory about the NMTs?**

Film: Judgement at Nuremberg

Gonshak, Henry. 2008. "Does Judgement at Nuremberg Accurately Depict the Nazi War Crimes Trial?" *The Journal of American Culture*. 31(2): 153 - 163. [10 pages]

### **Week Eight: Mediating memory through memorials post reunification**

Till, Karen. 2005. "Berlin's Ort der Täter: A Historic Site of Perpetrators" in *The New Berlin: Memory, Politics, Place*. (University of Minnesota Press: Minnesota): 121-154 [33 pages]

Macdonald, Sharon. 2006. "Undesirable Heritage: Fascist Material Culture and Historical Consciousness in Nuremberg" *International Journal of Heritage Studies*. 12(1): 9-28 [20 pages]

Young, James. 1993. *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press). 27-48 [21 pages]

Group E's lead blog post focus:

Dekel, Irit. 2013. *Mediation at the Holocaust Memorial in Berlin*. (Palgrave Macmillan: New York): 25- 64 [39 pages]

## SHAPING HISTORY AND MEMORY- THE BALKAN WARS

### **Week Nine: Mediating memory through the ICTY**

*Paper proposals are due*

*We will welcome a guest who will provide an overview of the Balkan wars, paying particular attention to Bosnia Bosnia and Herzegovina.*

Campbell, Kirsten. 2012. "The Laws of Memory: The ICTY, the Archive, and Transitional Justice" *Social & Legal Studies*. 22(2): 247-269 [22 pages]

Gow, James; Michalski, Milena; Kerr, Rachel. 2013. "Space Capsule Justice: The ICTY and Bosnia- Image, Distance and Disconnection" *The Slavonic and East European Review*. 91(4): 818- 846. [28 pages]

Group F's lead blog post focus:

Wilson, Richard. 2005. "Judging History: The Historical Record of the International Criminal Tribunal for the Former Yugoslavia" *Human Rights Quarterly*. 27: 908-942 [30 pages]

### **Week Ten: Bosnia and Herzegovina: Mediating memory through memorials**

Selimovic, Johanna Mannergren. 2013. "Making peace, making memory: peacebuilding and politics of remembrance at memorials for mass atrocity" *Peacebuilding*. 1(3): 334-348 [15 pages]

Sheftel, Anna. 2012. "'Monument to the International Community, From the Grateful Citizens of Sarajevo': Dark Humour as Counter-Memory in Post-Conflict Bosnia-Herzegovina." *Memory Studies*. 5(2): 145-164 [21 pages]

Simić, Olivera. 2009. "What Remains of Srebrenica? Motherhood, Transitional Justice and Yearning for the Truth" *Journal of International Women's Studies*. 10(4): 220-236 [16 pages]

Group G's lead blog post focus:

Eastmond, Marita; Johanna Mannergren Selimovic. 2012. "Silence as Possibility in Postwar Everyday Life" *International Journal of Transitional Justice*. 6(3): 502-524 [23 pages]

## SHAPING HISTORY AND MEMORY- STATE REPRESSION IN ARGENTINA

### **Week Eleven: The politics of memory after state repression**

Final papers are due Wednesday, November 24<sup>th</sup> at 12 noon



Nino, Carlos Santiago. 1996. *Radical Evil on Trial*. (Yale University Press: New Haven): 41- 104 [63 pages]

Lerer, Marisa. 2013. “Competing for Memory: Argentina’s Parque De La Memoria” *Public Art Dialogue*. 3(1): 58-77 [19 pages]

Group H’s lead blog post focus:

Schindel, Estela. 2012. “Now the Neighbors Lose their Fear’: Restoring the Social Network around Former Sites of Terror in Argentina” *International Journal of Transitional Justice*. 6(3): 467-485 [19 pages]

### **Week Twelve: Forgetting**

*Final Papers are due*

Connerton, Paul. 2008. “Seven types of Forgetting” *Memory Studies*. 1(1): 59-71 [12 pages]

Sebald, W.G. 2002. “A Natural History of Destruction” *The New Yorker*: 66- 78 [12 pages]

### **Week Thirteen: Wrap Up**

## SCHEDULE

WEEK	DATE	TOPIC
Week One	September 4th, 2014	Introduction
Week Two	September 11th, 2014	Law’s disciplining of narrative
Week Three	September 18th, 2014	Are trials appropriate places for the production of history or memory?
Week Four	September 25th, 2014	Introduction to memory studies
Week Five	October 2nd, 2014	Memorials and transitional justice
Week Six	October 9th, 2014	IMT as maker of history and memory
Week Seven	October 16th, 2014	Making memory about the NMTs?
Week Eight	October 23rd, 2014	Mediating memory through memorials after reunification
<b>Reading week</b>	<b>October 30th, 2014</b>	<b>No office hours</b>
Week Nine	November 6th, 2014	ICTY: Mediating memory through transitional trials

<b>WEEK</b>	<b>DATE</b>	<b>TOPIC</b>
Week Ten	November 13th, 2014	Bosnia and Herzegovina: Mediating memory through memorials
Week Eleven	November 20th, 2014	The politics of memory after state repression
Week Twelve	November 27th, 2014	Forgetting
Week Thirteen	December 4th, 2014	Wrap-up