

LA9FQ-20 Transitional Justice

21/22

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Alan Norrie

Credit value

20

Module duration

9 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

The course involves a combination of conceptual and theoretical questions on the one hand and case studies on the other. Main case studies include the aftermath of the Rwanda genocide and gacaca courts, the move from apartheid in South Africa and the role of the Truth and Reconciliation Commission, and the aftermath of the Good Friday agreement in Northern Ireland. Issues of guilt, forgiveness and mourning; law, reconciliation and restoration will be covered.

[Module web page](#)

Module aims

Transitional Justice (TJ) covers issues of law and justice in a number of parts of the world, and these have generated a great amount of literature. TJ raises many conceptual issues about the nature of law and its relationship to politics, to social change, and to a variety of different means of 'dispute resolution'. It raises ethical and philosophical questions about what the role of law can and should be, the relationship between justice and truth, and punishment and reconciliation. It also raises important questions about how societies use law or other mechanisms to transition to societies that are more flourishing or emancipatory, for example around issues of gender, race and social justice.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The existing TJ field: what is TJ? TJ as transition from dictatorship to democracy under the rule of law; critique of this. TJ as about 'transition' or about 'justice', and what these terms mean. Political transition versus justice settlement.

What would a justice settlement look like: (1) in legal terms (responsibility and punishment); and (2) in ethical terms (grief, guilt and forgiveness)

Legal justice versus truth and reconciliation. Formal versus informal justice. TJ 'from above' and 'from below'.

'Everyman as genocidaire'. The limits of legal justice in transitional contexts: justice and judgment for genocidares - Arendt on Eichmann; Joshua Oppenheimer's film, *The Act of Killing* (2012) - Indonesia.

Justice versus truth and reconciliation; formal versus informal justice; restorative justice - the TRC in South Africa; Gacaca courts in Rwanda.

Political transition versus justice settlement: what happens when issues are unresolved? Guilt, forgiveness and mourning: Patrizio Guzman's film, *Nostalgia for the Light* (2010) - Chile. Aftermath of 'successful' TJ - Northern Ireland.

Deepening transition: gender roles, women's mobilisation and TJ; TJ and social justice.

Learning outcomes

By the end of the module, students should be able to:

- To understand the issue of transitional justice as a worldwide phenomenon.
- To understand the nature and the limits of the traditional criminal justice response to wrongdoing.
- To understand alternatives to criminal justice involved in 'restorative' and other transitional forms of justice.
- To understand the ethical complex of issues that underlies criminal justice such as blame, responsibility, guilt, mourning and forgiveness.
- To consider the social and political contexts that underlie and affect transitional justice outcomes.

Subject specific skills

No subject specific skills defined for this module.

Transferable skills

No transferable skills defined for this module.

Study

Study time

Type	Required
Lectures	16 sessions of 1 hour (8%)
Seminars	8 sessions of 1 hour (4%)
Private study	176 hours (88%)
Total	200 hours

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A1

	Weighting	Study time
4000 word essay	100%	

Feedback on assessment

Feedback via Tabula

Availability

Courses

This module is Optional for:

- Year 1 of TLAS-M1M2 LLM International Development Law and Human Rights
- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies