LA393-15 Transitional Justice

23/24

Department
> School of Law

Level
> Undergraduate Level 3

Module leader
> Alan Norrie

Credit value
> 15

Module duration
> 10 weeks

Assessment
> 100% coursework

Study location
> University of Warwick main campus, Coventry

Description

Introductory description

Transitional Justice 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'.

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.

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.

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 genocidaires - 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 transformational forms of justice.
- To consider 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.

Indicative reading list

Arendt, Eichmann in Jerusalem (2006)
Benjamin, Beyond Doer and Done To (2017)
Bornkamm, Rwanda's Gacaca Courts: Between Retribution and Reparation (2012)
Boraine, Dealing with the Past: Truth and Reconciliation in South Africa (1997)
Catacuzino, The Forgiveness Project (2015)
Clark, The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda (2011)
Cohen, States of Denial (2001)
Hearty, Critical Engagement: Irish Republicanism, Memory Politics and Policing (2017)

Kurze and Lamont, New Critical Spaces in Transitional Justice: Gender, Art, and Memory (2019)

Lawther, Truth, Denial and Transition: Northern Ireland and the Contested Past (2014)

Lawther and Moffett, Research Handbook on Transitional Justice (2017)

McEvoy and McGregor, Transitional Justice from Below: Grassroots Activism and the Struggle for Change (2008)

McEvoy and Mallinder, Transitional Justice (2017) vols 1-4

Minow, Between Vengeance and Forgiveness (1998)

O'Rourke, Gender Politics in Transitional Justice (2015)

Teitel, Transitional Justice (2000)

Wilson, The Politics of Truth and Reconciliation in South Africa (2001)

There is a series of case studies in the Routledge Glasshouse Transitional Justice Series

[View reading list on Talis Aspire](#)

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	18 sessions of 1 hour (12%)
Seminars	8 sessions of 1 hour (5%)
Private study	124 hours (83%)
Total	150 hours

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You do not need to pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

Assessment group A1

	Weighting	Study time
3,000 word Essay	100%	

Students should write an essay from one of a list of supplied titles.

Feedback on assessment

Feedback via Tabula

Availability

Courses

This module is Optional for:

- Year 2 of ULAA-M130 Undergraduate Law
- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law
  - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- Year 2 of ULAA-M131 Undergraduate Law (4 Year)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)
  - Year 4 of M106 Law (4 year) (Qualifying Degree)
- ULAA-M104 Undergraduate Law (Year Abroad)
  - Year 2 of M104 Law (Year Abroad)
  - Year 4 of M104 Law (Year Abroad)
- Year 2 of ULAA-M132 Undergraduate Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- Year 3 of ULAA-ML33 Undergraduate Law and Sociology
- Year 2 of ULAA-M133 Undergraduate Law with French Law
- Year 2 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)

- Year 2 of ULAA-M134 Undergraduate Law with German Law
- Year 2 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 3 of ULAA-M110 Undergraduate Law with Humanities (3 Year)
- Year 2 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
  - Year 2 of M113 Law with Humanities (4 year) (Qualifying Degree)
  - Year 3 of M113 Law with Humanities (4 year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
- Year 4 of UPHA-V7MX Undergraduate Politics, Philosophy and Law (with Intercalated Year)

This module is Unusual option for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law

This module is Option list A for:

- Year 4 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 4 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 4 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)

This module is Option list B for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 4 of ULAA-ML33 Undergraduate Law and Sociology

This module is Option list E for:

- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law