



DEPARTMENT OF SOCIOLOGY AND SOCIAL POLICY

CLE9033 TRUTH AND JUSTICE

COURSE SYLLABUS

Semester 2, 2021-22 (3 credits)

Wednesdays 13:30-16:30

LKK G05

Zoom ID: 246 677 8147 Passcode: 27907877

Course Leader:

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Office hours: Wednesday 10:00-12:00; Friday 10:00-12:00

COURSE CONTENT

How can we deal with the legacies of historical injustices and gross human rights violations? The course examines various measures of dealing with the past and their ability to meet diverging needs of divided societies. It will focus on the ability of truth commissions, lustrations, trials, amnesties, reparations, and apologies to deal with these historical legacies and at the same time assess their ability to meet various social needs for justice and reconciliation. Namely, the course will examine the ability of various measures of justice to deal with instances of historical injustices committed by Japan in Asia, apartheid in South Africa, military dictatorships in Argentina, Chile, and Myanmar; the communist regimes in Eastern Europe, war in former Yugoslavia, genocide in Rwanda and Cambodia, and other instances. Since the examination of these measures is conducted at the individual, social and global levels and since it is open to a variety of methods, the course is truly interdisciplinary and welcomes students of all subjects.

AIMS AND OBJECTIVES

The course aims

- To provide students with an understanding of the origins, development, and problems of the major institutional developments in social sciences, such as truth commissions, international/domestic courts of justice, lustration systems, reparation programs, and apologies in their historical and social context;
- To critically examine the ability of these institutions to deliver justice, promote reconciliation, and construct the shared memory of the past;
- To understand the revival of traditional values of truth, confession, forgiveness and other authentic social and individual experiences in the contexts of conflict transformation, and their role, potential and limitations;
- To provide an academic environment that enables students to reflect upon their individual study and discuss their ideas and questions in a seminar context;
- To appreciate the interdisciplinary nature of the subject and the heterogeneity of its methods.

INTENDED LEARNING OUTCOMES

Upon completion of the course, students should

1. Be able to recall and understand basic concepts, theories and perspectives on historical justice in political philosophy and social theory.
2. Be able to summarize and evaluate academic texts and articles on issues of historical justice;
3. Be able to apply concepts and theoretical perspectives on historical justice to particular countries;
4. Be able to communicate verbally and in writing their own views on historical justice related issues;
5. Embody an intellectually informed attitude towards issues in historical justice.

ASSESSMENT

Students will be required to

1. Attend lectures and read the required readings accompanying each topic.
2. Attend all tutorials, familiarize themselves with the topic of presentation or discussion each week, read the designated readings, and actively participate in all discussions
3. Commit themselves to improving their reading, writing, oral presentation and analytical skills

100% Continuous Assessment

Measurement of Learning Outcomes:

1. Presentation (30%) (LOs1-5)
 - This consists of three parts: content (10%), presentation (10%) and discussion (10%).

Depending on the number of students in the class, you will give an individual or group presentation concerning an assigned topic. The presentation should not exceed 20 min with 5 min for Q&A. The assessment depends on the organization, creativity, clarity, use of communication aids; delivery and time management; and ability to answer questions. You **MUST** prepare handouts for the rest of the class. I advise you to conduct the presentation in a professional manner; and to rehearse your presentation. You should bring your file saved on the memory stick, since we shall not waste time with logging in and out in each case.

1. The organization is poor, lack of originality, incomprehensive PowerPoint* presentation	0-3
The organization is good, shows some elements of creative work, good PowerPoint presentation	3-6
The organization is very good, creative work, very good PowerPoint	7-10
2. Delivery is poor and shows poor preparation, exceeds the time limit	0-2
Delivery is good and shows good preparation, ability to keep the time limit	3-6
Delivery is good and shows high level of preparation, ability to keep the time limit	7-10
3. Unable to respond to questions and comments satisfactorily	0-2
Unable to respond to some questions and comments satisfactorily	3-6
Able to respond to all questions and comments satisfactorily	7-10

* You can use any suitable software for presentation (e.g., PowerPoint, KeyNote, Adobe, MS Word etc.).

2. Active class participation (20%) (LOs 1, 2, 4, 5)

- Individual grades will be given to each student.
- Please come prepared to each class having done the readings for that day and ready to discuss the material with me and your classmates. Participation does not merely mean to be physically present. Participation means, for instance, asking questions during lectures and answering questions handed in to you in advance. This requires preparation on your part.
- It is required by this university that attendance is regular and punctual. I will take the attendance record at the start of each class. Excessive unwarranted non-attendance may lead to the fail of this class.
- All students will receive printed out lecture notes at the start of each lecture and discussion questions in advance. No electronic devices are allowed in the class.

Nearly no active participation at all	0-2
Some active participation	3-8
Regular active participation	9-14
Regular active and constructive participation	15-20

3. Tutorial paper (individual paper) (50%) (LOs 1-5)

You will write one 3,000-word essay on the topic of this class. You will be given several options to select a topic with a prescribed list of reading. The topic must be different from your class presentation. The essay will be assessed based on content, conceptual understanding, creativity and critical thinking, organization, and writing style and referencing.

Content irrelevant to course materials, demonstrate little or no synthesis of the materials	0-2
Content somewhat relevant to course materials and demonstrates competent level of analysis	3-6
Content highly relevant to course materials and demonstrates sophisticated analysis	7-10
Demonstrates an inadequate level of understanding of critical concepts.	0-2
Demonstrates a surface level of understanding of critical concepts.	3-6
Demonstrates a deep insightful level of understanding of critical concepts.	7-10
There is a little evidence of critical thinking. Key concepts are accepted at their face value. Lack of creativity.	0-2
There is some evidence of critical thinking. Innovative approach is attempted but not well executed.	3-6
Essay shows critical thinking and innovative approach.	7-10
Essay is poorly organized, lacks linkage between sections and coherence	0-2
Essay is organized, sections and paragraphs follow logically, argument is clear	3-6
Essay is well organized, argument is convincing and provides good insights	7-10
Writing style is poor, which makes the text hardly readable. Poor referencing.	0-2
Writing style is good, which makes the text readable despite some grammar errors. Minor problems with referencing.	3-6
Writing style is excellent, which makes the text easily readable. Accurate referencing.	7-10

Deadline for the Submission of Essays: 03 May 2022 at 15:00. Late submissions may be penalized by the deduction of 10 percentage points of your final mark for each day of delay.

Attention: Unless restrictions are announced, you need to submit two copies of your essay. Hard copy via Sociology General Office at WYL 1/F and identical soft copy. The softcopy of the essay needs to be uploaded to Moodle!

Please note that you have only one chance to upload your document to Moodle! You MUST NOT make a mistake by submitting a wrong file, e.g., incomplete file.

Important Notes:

- (1) Students are expected to spend a total of 9 hours (i.e. 3 hours of class contact and 6 hours of personal study) per week to achieve the course learning outcomes.
- (2) Students shall be aware of the University regulations about dishonest practice in course work, tests and examinations, and the possible consequences as stipulated in the Regulations Governing University Examinations. In particular, plagiarism, being a kind of dishonest practice, is “the presentation of another person’s work without proper acknowledgement of the source, including exact phrases, or summarised ideas, or even footnotes/citations, whether protected by copyright or not, as the student’s own work”. Students are required to strictly follow university regulations governing academic integrity and honesty.
- (3) Students are required to submit writing assignment(s) using Turnitin.
- (4) To enhance students’ understanding of plagiarism, a mini-course “Online Tutorial on Plagiarism Awareness” is available on <https://pla.ln.edu.hk/>.

Examples of dishonest practice include plagiarism (i.e. presentation of another person's work without proper acknowledgment of the source), copying the work of other students or deliberately allowing other students to copy from you (whether from this or any other institution), submitting the same piece of work for more than one course.

TEACHING ARRANGEMENTS

The three-hour class will be organized into three parts: lectures, presentations, and discussions. The lectures will introduce students to key features and aspects of the various theories of post-conflict justice. Research methods will be demonstrated on concrete examples. The presentation is a major method of assessment of the presenters (30%) but also all other students who have an opportunity to demonstrate active participation. The remaining part of the class will provide an environment in which the theoretical issues will be critically assessed by students. They will serve as a forum to practice their oral communication skills and creativity, analytical skills, and receive a feedback from the lecturer and the peers on their performance.

SCHEDULE

TOPIC	DAY
Introduction	19/01
Justice after Conflict <i>Discussion: Dilemmas of Transitional Justice: Prosecute and Punish or Forgive and Forget?</i>	26/01
Criminal Trials I. Why do We Punish? <i>Discussion: Dilemmas of Criminal Trials: Shall we Trust the Lawyers or Social Scientists?</i>	09/02
Criminal Trials II. International Courts of Justice <i>Discussion: Criminal Trials in Action</i>	16/02
Truth Commissions I. Confronting the Truth <i>Discussion: Dilemmas of Truth Commissions: Can truth heal?</i>	02/03
Truth Commissions II. Truth Commissions and Amnesty <i>Discussion: Truth Commissions in Action</i>	09/03
Lustrations I. Introduction, Lustration and Opening Archives <i>Discussion: Lustration in Action</i>	16/03
Lustrations II. The Origin and the Effects of Lustration Systems <i>Discussion: Dilemmas of Lustrations: Can wrongdoers change?</i>	23/03
Victims' Perspective I. Reparation <i>Discussion: Dilemmas of Reparation: Does money matter?</i>	30/03
Victims' Perspective II. Retribution and Forgiveness. Apologies <i>Discussion: The case of Amy Biehl Collective Memory: Transitional Justice, Apologies and Memory</i>	06/04
Presentations. Revision. <i>Discussion: Dilemmas of Apologies: Do apologies matter?</i>	20/04
Reading Week	27/04

KEY READINGS FOR THE COURSE

There is no single book that covers the whole of this course. Chapters in these books will be useful for all of the lectures and seminars. Most of the books for this course have been put on the library reading list. This means that (i) they can be found in the separate section in the library and that (ii) they can only be borrowed for a very limited period of time.

Main Readings

- Jeffery, Renee, and Hun Joon Kim eds. (2014) *Transitional Justice in the Asia Pacific*. Cambridge: Cambridge University Press.
- Stover, Eric, and Harvey M. Weinstein eds. (2004) *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*. Cambridge: Cambridge University Press.
- Teitel, Ruti G. (2000) *Transitional Justice*. Oxford: Oxford University Press.
- Stan, Lavinia, and Nadya Nedelsky eds. (2014; 2021) *Encyclopedia of Transitional Justice*. Cambridge: Cambridge University Press.

Supplementary Readings

- Chapman, Audry, and Hugo van der Merwe (2008) *Truth and Reconciliation in South Africa: Did the TRC Deliver?* Philadelphia: University of Pennsylvania Press.
- David, Roman (2011) *Lustration and Transitional Justice*. Philadelphia: University of Pennsylvania Press.
- David, Roman (2018) *Communists and Their Victims*. Philadelphia: University of Pennsylvania Press.
- Drumbl, Mark A (2007) *Atrocity, Punishment and International Law*. Cambridge: Cambridge University Press.
- Elster, Jon (2004) *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge: Cambridge University Press.
- Gibson, James L. (2005) *Overcoming Apartheid: Can Truth Reconcile Divided Nation?* New York: Russell Sage.
- Gibson, James L., and Amanda Gouws (2003) *Overcoming Intolerance in South Africa*. Cambridge: Cambridge University Press.
- Hayner, Priscilla (2001) *Unspeakable Truths: Confronting State Terror and Atrocity*, New York, London: Routledge.
- Kelsall, Tim (2010) *Culture under Cross-Examination: International Justice and the Special Court for Sierra Leone*. Cambridge: Cambridge University Press.
- Kim, Mikyoung, and Barry Schwartz, eds. (2010) *Northeast Asia's Difficult Past*. New York: Palgrave Macmillan.

- Kritz, Neil J. ed. (1995) *Transitional Justice*. Washington: USIP (3 vols.)
- Mayer-Rieckh, Alexander and Pablo de Greiff eds. (2007) *Justice as Prevention: Vetting Public Employees in Transitional Societies*. New York: Social Science Research Council.
- McAdams, A. James ed. (1997) *Transitional Justice and The Rule of Law in New Democracies*, Notre Dame: University of Notre Dame Press.
- Minow, Martha (1998) *Between Vengeance and Forgiveness*. Boston: Beacon Press.
- Olsen, Tricia D., Leigh A. Payne and Andrew G. Reiter (2010) *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*. Washington, DC: United States Institute of Peace Press.
- Stan, Lavinia (2009) *Transitional Justice in Eastern Europe and the Former Soviet Union*. London: Routledge.
- Stan, Lavinia, and Nadya Nedelsky eds. (2014) *Post-Communist Transitional Justice: Lessons from 25 Years of Experience*. Cambridge: Cambridge University Press.

Recommended Internet Resources

- Transitional Justice Bibliography, <http://sites.google.com/site/transitionaljusticedatabase/transitional-justice-bibliography>
- International Center for Transitional Justice, at www.ictj.org
- U. S. Institute of Peace, <http://www.usip.org/>
- International Justice Tribune, <http://www.justicetribune.com/>
- ICC, <https://www.icc-cpi.int/Pages/Main.aspx>
- University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/>

Recommended Movies

The following movies are optional and subject to copyright regulations. They are not compulsory part of the course.

Judgment at Nuremberg (1961), dir. by Stanley Kramer

Long Night Journey into the Day (2000), dir. by Frances Reid & Deborah Hoffmann

Gacaca: Living Together Again in Rwanda? (2002) Dir. by Anne Aghion.

The Lives of Others (2006) Dir by Florian Henckel von Donnersmarck

The Khmer Rouge Killing Machine (2004), dir. by Rithy Pan.