**HJ International Graduate School for Peace and Public Leadership**

PST 5301: Restorative and Transitional Justice in Post-Conflict Societies

Term: Winter 2024

3-Credit

Instructor: Drissa Kone, Associate Professor of Conflict Resolution and Ministry

Email: d.kone@hji.edu

Office hour: Tuesday, Wednesday, Thursday 10am -4pm

#### I. DESCRIPTION

Since the end of WWII, restorative and transitional justice have played an important role in the

international judiciary system. Transitional justice refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations. Restorative justice creates a platform for victims, offenders, and affected members of the community to be directly involved in responding to the crime. In post conflict societies, crimes and atrocities can be so serious that the normal justice system will not be able to provide an adequate response. Both transitional and restorative justice can provide accountability and opportunities to repair serious human rights violations and acts of mass atrocity, such as genocide, ethnic cleansing, and crimes against humanity. The course will first describe the origins, theories, and practices of transitional and restorative justice, and then examine their challenges. Students will be exposed to restorative justice models as a social catalyst for reconciliation in post conflict situations. Various case studies that address issues related to truth, reconciliation, justice, and democratization will be discussed. Issues such as victim offender mediation, family group conferencing, peacemaking circles, and restorative dialogue will also be discussed.

##### II. OUTCOMES

##### 1. Define and analyze both transitional and restorative justice concepts.

##### 2. Describe the origins and principles underlying the restorative and transitional justice paradigms.

##### 3. Compare and contrast restorative, retributive, and transitional justice models in post conflict settings.

##### 4. Examine and explain the relationship between re-integrative shaming and restorative justice, reconciliation, and healing.

##### 5. Discuss and analyze various case studies that address issues of truth, reconciliation, justice, and democratization.

**Student Leaning Outcomes Rubric**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Outcomes | Progressing | Fair | Good | Excellent |
| 1. Define and analyze both transitional and restorative justice concepts.
 | The student poorly defines and analyzes transitional and restorative justice concepts  | The student defines but poorly analyzes transitional and restorative justice concepts | Student generally defines and analyzes transitional and restorative justice concepts  | The student defines and analyzes with precision and effectiveness transitional and restorative justice concepts |
| 1. Describe the origins and principles underlying the restorative and transitional justice paradigms.
 | The student poorly describes the origins and principles underlying the restorative and transitional justice paradigms  | The student describes with uncertainty the origins and principles underlying the restorative and transitional justice paradigms.  | The student generally describes the origins and principles underlying the restorative and transitional justice paradigms. | The student describes with effectiveness and clarity the origins and principles underlying the restorative and transitional justice paradigms. |
| 1. Compare and contrast restorative, retributive, and transitional justice models in post conflict settings.
 | The student poorly compares and contrasts restorative, retributive and transitional justice models in post conflict settings. | The student compares and contrasts with uncertainty restorative, retributive and transitional justice models in post conflict settings. | The student generally compares, and contrast with uncertainty restorative, retributive and transitional justice models in post conflict settings | The student compares and contrast with effectiveness and clarity restorative, retributive and transitional justice models in post conflict settings.  |
| 1. Examine and explain the relationship between re-integrative shaming and restorative justice, reconciliation, and healing.
 | The student poorly Identify the key role of non-state actors and individuals involved in faith-based diplomacy | The student Identify with less clarity the key role of non-state actors and individuals involved in faith-based diplomacy. | The student Identify with less errors the key role of non-state actors and individuals involved in faith-based diplomacy. | The student effectively Identifies the key role of non-state actors and individuals involved in faith-based diplomacy. |
| 1. Discuss and analyze various case studies that address issues of truth, reconciliation, justice, and democratization.
 | The student poorly discusses and analyzes various case studies that address issues of truth, reconciliation, justice, and democratization. | The student clearly discusses but poorly analyzes various case studies that addresses issues of truth, reconciliation, justice, and democratization. | The student discusses and analyzes various case studies that addresses issues of truth, reconciliation, justice, and democratization | The student discusses and analyzes with effectiveness and clarity various case studies that addresses issues of truth, reconciliation, justice, and democratization  |

##### III. REQUIREMENTS

##### Online students are expected to log in regularly on Canvas each week. Even Though assignment can be completed according to each student's schedule, it is important to be present throughout the course week. It is not acceptable to do everything in one session and ignore the course for the rest of the week (missing the chance to interact with others and potentially missing important communications). Students must have access to the Internet, a (real) computer, and Microsoft Word iPads and similar devices allow you to perform many, but not all, of the required activities. Students must have the proper hardware/software (video camera, microphone, etc.) to participate in synchronous learning sessions and to record presentations. Be advised that assignments submitted after the deadline will incur a reduction in points.

##### PLAGIARISM AND ACADEMIC INTEGRITY POLICY: Each student's work is expected to be a product of his or her own effort. Plagiarism is a form of dishonesty that occurs when a student passes off someone else's work as their own. Plagiarism in its most severe form occurs when a student purchases a paper from a third party or submits an entire body of work written by a third party, as the student’s own. These most serious cases can be reported to the Office of the Provost for disciplinary action. Possible actions include probation, suspension, or dismissal/separation from HJI. Cutting and pasting material from various websites without citing the source of said material also constitutes plagiarism, as is a failure to cite sources in a paper, conveying the impression, intentionally or not, that another writer’s work is the student’s own. In these cases of plagiarism, the instructor may give the student an “F” for the offending assignment, require that the student repeat the assignment, or if the plagiarism continues, give the student an “F” for the course. A pattern of such behavior may be reported to the Office of the Provost. It can lead to serious consequences as listed above. Use of generative artificial intelligence (AI) tools like ChatGPT in assignments is permitted only with prior permission of the instructor. If the instructor permits students to use AI for research, students should know that it may give false results, and its facts need to be checked and verified. Any passages generated by AI must be given proper citation, just as for citing other authors’ works. In addition, students must append a paragraph at the end of their work explaining how and why they used ChatGPT, which includes what prompts were used and what measures were taken to verify its accuracy. Students may not use AI to produce the content for an assignment. If an AI tool is used without obtaining prior permission and/or without providing the required citation or explanation, it will be treated as plagiarism. Faculty reserve the right to use plagiarism detection software, such as Turnitin, to find instances of AI-generated writing, as well as plagiarism from other sources, in student assignments.

##### NETIQUETTE: When posting online or by email, you need to follow the same ethical standards and laws as you would in face-to-face communications. Your language should be respectful of faculty members and fellow students. Do not post private or confidential information about anyone, and do not provide personal information that could put yourself at risk. The Seminaries LMS has robust security measures to protect communication between teacher and student. Yet please be aware that anything that you post in discussions and groups in which other students participate can be retrieved by others and copied.  Do not download and share course materials without permission of the instructor, as this may violate copyright. HJI reserves the right to delete postings on HJI maintained sites that are considered insensitive, harassing, or illegal. Language that is illegal, obscene, defamatory, threatening, infringing of intellectual property rights, invasive of privacy, profane, libelous, threatening, harassing abusive, hateful, or embarrassing to any person or entity, or otherwise, is a violation of the Student Code.

**Assignment Descriptions:**

***Grade Distribution:***

1. Weekly Discussion (20%)
2. Weekly Essay (20%)
3. Book review 20%
4. Final Paper (40%)
Total = 100%

***Weekly Assignment Discussion and Participation***:

Each week students will be asked to do two main assignments. The first consist of a discussion topic for the week. Every student is expected to post a primary response and discuss with peers, thus generating a (potentially endless) thread. Posts are expected to contain observations, additional information, commentary and/or open-ended, critical thinking questions on the topic assigned by the instructor. Primary posts need to offer real substance for discussion by applying one or more of the above criteria. Participants have ample freedom in deciding what exactly they want to offer if it has constructive value for the discussion (though it may of course be critical of any statement or element of the course). Students must respond to two students at least for each discussion topic.

In the second part of the week, each student will be asked to write a short essay regarding the topic of the week. Essay question will be posted early enough so that students can access anytime during the week.

As a midterm assignment, each student must select and review a book that attempts to address an issue in restorative, retributive and transitional justice. The book review must 8 to 10 pages and further details information will be provided during class session.

***Final Research Paper/Project:*** The final paper consists of choosing a specific post conflict case study. You must first identify factors that contributed to the violence then describe and analyze the post conflict process by looking into issues of truth, reconciliation, justice, and democratization. Your paper must be 12 pages minimum. Further details will be given during class session. Students should first discuss their topic with the instructor for final approval. The due dates for all assignments are mentioned in the course outline. Points will be subtracted for late assignment.

**Due Days:**

* Assignment 1: Discussion questions must be posted by THURSDAY night
* Assignment 2: Essay Must be posted by SUNDAY night
* Once each person has participated within the time as described above, discussions remain open for the rest of the course and are welcome to continue if there is interest on the part of one or more participants.
* Student must submit their book review on Week 7.

##### IV. GRADING\*

In computing the cumulative grade point average (G.P.A.) the following quality point scale is used:

A 4.00 A- 3.67 B+ 3.33

B 3.00 B- 2.67 C+ 2.33

C 2.00 C- 1.67 D+ 1.33

D 1.00 D- 0.67 F 0.00

Incompletes are given only when there are compelling medical or serious personal reasons.

\*See college catalog for a detailed grading policy.

This scale severely penalizes Fs. Therefore, it is better to hand in a poorly done assignment than not to hand one in at all.

Grades for each assignment are recorded by letter, and are understood as follows:

Excellent (A)

Good (B)

Acceptable (C, D)

Failure (F)

Failure to hand in an assignment will result in an F for that assignment.

##### V. TEXTS

**Required Text:**

Kerry, C. *Restorative Justice in Transitional Settings*. Routledge; 1st edition, 2016. ISBN-10‏: ‎ 1138851930 $49.28

Alexander, L. H. *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass.*Rutgers University Press; 2011. ISBN-10‏: ‎ 0813550688 $6.99

Rosalind, S., et. al. *Localizing Transitional Justice: Interventions and Priorities after Mass Violence.* Stanford University Press; 1st edition, 2010. ISBN-10 ‏: ‎ 0804761507 $20.92

Howard, Z. *Little Book of Restorative Justice.* Good Books; 2nd edition, 2015. ISBN-10‏: ‎ 1561488232. $8.84

**VI. PLAN OF LECTURES**

|  |  |  |  |
| --- | --- | --- | --- |
| Session | Date | Topics | Readings/Videos  |
|  | Mon. 30, 2024 to Thurs. Jan 2nd 2025 | Assignment: Introduce Yourself to the ClassThis is your first discussion board post. Please introduce yourself to the class. You might want to include your educational goals. What you do for a living, where you are located, or something else you would like the class to know about you? | PPT: Instructor self-introduction and general guidelines about the course.  |
|  | Thurs Jan. 2nd Sunday Jan. 2025 | Essay: Explain the similarities and differences between transitional justice, retributive justice, and restorative Justice? 2. What are the main characteristics of a post-conflict society? | Watch video: Understanding Transitional Justice https://www.youtube.com/watch?v=tRygqBXW\_bY  |
|  | Monday Jan. 6 to Thurs Jan 9. 2025 | Presentation: Brief History and Conceptualization of Transitional and Restorative JusticeDiscussion: In case of a crime against humanity, what justice system needs to be implemented? Should perpetrators get punished for their crimes or should we forgive crime inorder to promote reconciliation? Support your arguments with factual elements.  | Additional Reading: 1. Restorative justice in transitional settings p.1-15. by Kerry Clamp2.Little Book of Restorative Justice: Revised and Updated (Justice and Peacebuilding) p.13-20By Howard Zehr3. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 49-65 by Roslind Shaw and Lars Waldorf. |
|  | Thurs Jan 9 to Sunday Jan 12.2025  | Essay: What the author meant by "the shaky balance" of Universalism and Particularism? Explain the transition justice process after the genocide in Srebrenica. What were of the challenges? What lessons have you learned from this case? | Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p. 25-44 by Alexander Laban Laban Hinton |
|  | Mon. Jan 13 to Thurs Jan. 16 2025 | Presentation: Criminal Justice in Post conflict societies.Discussion: What is the main purpose of the criminal justice process after mass atrocities? What is the biggest challenge face when implementing criminal justice after a genocide?  | Additional Reading:1. Restorative justice in transitional settings p.16-36 by Kerry Clamp2. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 135-156 by Roslind Shaw and Lars Waldorf. |
|  | Thurs Jan. 16 to Sunday Jan 19th 2025 | Essay: What factors contributed to the failure of international justice in East Timor and Indonesia? What lessons have you personally learned from this case? | Reading: Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p49-62by Alexander Laban Hinton |
|  | Mon. Jan 20 to Thurs Jan 23rd 2025 | Lecture 1: Reparation after a genocide of mass atrocitiesDiscussion: Explain some of the reasons why reparations are “rarely prioritized” and are often the least-funded measure of transitional justice. What forms reparations effectively help victims move forward after a massive human rights violation?Presentation 2: Sustainable Development Goals in post conflict societies Discussion: How transitional justice can help advance a society’s development by making it more peaceful, inclusive, and equitable? | Additional Reading: Reading 1: Restorative justice in transitional settings p.37-55 by Kerry ClampReading 2: Restorative justice in transitional settings p.152-172by Kerry Clamp |
|  | Thurs Jan 23rd to Sund Jan. 26, 2025  | Essay: What was unique in the transitional justice system in Guatemala post conflict society? What lessons have you learned from this case? | Reading: Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.67-88 by Alexander Laban Hinton |
|  | Monday Jan. 27 to Thurs Jan 30 2025  | Presentation1.: Truth and Memory in post-conflict societiesDiscussion: How Truth and Reconciliation Commission helps rebuild trust between victims and perpetrators? What factors contribute to the success of TRC?Presentation 2 : Youth Engagement after a Genocide: A restorative Justice approachDiscussion: How engaging young people as political actors help shape a transitional justice process? | Additional Reading: 1. Restorative justice in transitional settings p.56-73 by Kerry Clamp2. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 69-91 by Roslind Shaw and Lars Waldorf.1. Restorative justice in transitional settings p.133-151by Kerry Clamp2. Little Book of Restorative Justice: Revised and Updated (Justice and Peacebuilding) p.53-69By Howard Zehr |
|  | Thurs, Jan 30 to Sund Feb. 2nd 2025  | Essay The justice mechanism after the Rwanda genocide was known as Gacaca. What was Gacaca about? Was it effective? What lessons have you learned from it? | Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.95-116 Alexander Laban Hinton |
|  | Mon Feb 3rd to Thurs Feb. 6th  | Presentation1 : Political, Economic and Military tools in post conflict societiesDiscussion: What is the most effective tool in post conflict reconstruction? What makes military intervention controversial in post conflict reconstruction?Presentation 2: Prevention of Mass atrocities Discussion: What are some of the global policies that help prevent mass atrocities and genocide? How should they be implemented in a post conflict society? | Additional Reading: Restorative justice in transitional settings p.74-94 by Kerry ClampRestorative justice in transitional settings p.173-189by Kerry Clamp |
|  | Thurs Feb 6 to Sund Feb 9th 2025 | Essay: How to reconcile the sharia law and liberal universalism in the case the genocide in Northern Nigeria? What would you do if you were directly involved as a government official in this case? | Reading: 1. Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.119-132 by Alexander Laban Hinton2. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 275-284 by Roslind Shaw and Lars Waldorf. |
|  | Monday Feb 10th to Thurs Feb 13th 2025  | Presentation 1: Institutional Reform in Post conflict societyDiscussion: How institutional reform help prevent futures possible genocide? How institutional reform reinforce democracy? Presentation 2: Peace Processes and Restorative JusticeDiscussion: Should parties in Peace processes emphasizes restorative justice or retributive justice? Which justice system seems to assure protagonist for a peace agreement? | Additional Reading: 1. Restorative justice in transitional settings p.95-114by Kerry Clamp2. Restorative justice in transitional settings p.190-210by Kerry Clamp3. Little Book of Restorative Justice: Revised and Updated (Justice and Peacebuilding) p.74-80By Howard Zehr4.Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 157-182 by Roslind Shaw and Lars Waldorf. |
|  | Thurs Feb 13th to Sund Feb 16th 2025  | Essay: In the British Colombia Treaty process, the author uses the term Symbolic violence. What is the nature of symbolic violence? How was it conducted through transitional justice in British Colombia?Submit your book review by the end of week 7.  | Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.137-152 by Alexander Laban Hinton |
|  | Mon. Feb 17th to Thurs. Feb 20th 2025 | Presentation: Gender Justice in post conflict societies Discussion: How Transitional Justice help Promote Justice for Victims of Sexual and Gender-Based Violence?  | Additional Reading: Restorative justice in transitional settings p.115-132 by Kerry Clampvideo: Addressing Conflict-Related Sexual Violence Through Transitional Justice <https://www.youtube.com/watch?v=7WElSs3Sbcg> |
|  | Thurs Feb. 20 to Sund Feb. 23rd 2025  | Essay: The government of Botswana was accused of ethnic cleansing, slow genocide of the San and Bakgaladi. How transitional justice was applied in this specific case? What lessons have you learned in this case? | Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.157-173 by Alexander Laban Hinton |
|  | Final Paper  | Monday March 3rd, 2025, final paper due |  |

**VII. BIBLIOGRAPHY**

Colleen, M. C. *The Conceptual Foundations of Transitional Justice.* Cambridge University Press. 2017.

Coleman, T. Peter & Deutsch, Morton& Marcus, C. Eric. *The Handbook of Conflict Resolution: Theory and Practice.* Jossey-Bass; 3rd edition. 2014.

Daniel, L. S. *Subverting Hatred: The Challenges of Nonviolence in Religious Traditions*. Orbis Books, Maryknoll, New York. 2007.

Diehl, F. P. & Balas, A. P*eace Operations: War and Conflict in the Modern World*. Polity; 2nd edition. 2014.

Jabbour, J. & Elias, S. *Palestinian Traditional Peacemaking Process*. House of Hope Publications Montreat, NC. 1996.

Hayner, B. P. & et. al. *Reconciliation After Violent Conflict: A Handbook*. International Idea; Tuttle ed. edition. 2003.

Teitel, G. R. *Transitional Justice.* Oxford University Press. 2002.

Drumbl, A. M. *Atrocity, Punishment, and International Law*. Cambridge University Press; First Edition, 2007.

Markovits, I. *Imperfect Justice: An East-West German Diary*. Oxford University Press; 1995.

Toit, D. F. *When Political Transitions Work: Reconciliation as Interdependence: Studies in Strategic Peacebuilding*. Oxford University Press; 2018.

Clark, N. J. & Ungar, M. *Resilience, Adaptive Peacebuilding and Transitional Justice: How Societies Recover after Collective Violence.* Cambridge University Press*; 2021.*

Clark, J. *International Trials and Reconciliation: Assessing the Impact of the International Criminal Tribunal for the Former Yugoslavia.* Routledge; 1st edition, 2014.

Robbins, S. Z. *Restorative Justice Tribunal.* Routledge; 1st edition, 2021.

Strang, H. & Braithwaite, J. Restorative Justice and Civil Society. Cambridge University Press; 2001.

Hass-Wisecup, A. & Saxon, C. *Restorative Justice: Integrating Theory, Research, and Practice.* Carolina Academic Press; 2018.

Kone, D. *The Greatest Virtues are Peace, Unity and Forgiveness: The Alternatives are Jihad, Revenge, and War.* Edwin Mellen Press; 2019.

Moore, C. W., & Woodrow, P. J. *Handbook of Global and Multicultural Negotiation*. Jossey-Bass; 2010.

Murphy D. S. *Principles of International Law*. West Academic Publishing; 3rd edition, 2018.

Quandt, B. W. *Peace Process: America Diplomacy and the Arab Israeli Conflict Since 1967*" The Brookings Institution; 2005.

Smith-Christopher, D. S*ubverting Hatred: The Challenge of Nonviolence in Religious Traditions.* Orbis Books; 2007.

Kagan, S. et. al. *Culture and the Development of Conflict Resolution Style*. Journal of Cross-Cultural Psychology, 13 March, 1982, p. 43-58.

**Final Paper Grading Rubric:** This explains how papers are evaluated and points are earned for different levels of proficiency. To earn a good grade, study this rubric. Make sure that your paper includes all its elements and meets all the criteria. (More details will be given in class session)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Outstanding** | **Proficient** | **Needs Improvement** | **Not evident** | **Value** |
| **Main Elements** |  |  |  |  | Total=60 |
| 1. Concepts and historical content (Restorative and transitional justice | Description of Concepts history facts restorative and transitional justice | Historical, theorical and theological arguments to support facts. | Unclear description and poor analysis | No Coherent flow of thought | 15 |
| 2. Models of restorative, retributive, and transitional justice in post conflict settings. | Description of models of restorative and transitional justice | Clear understanding of the process and possible outcomes of restorative and transitional justice | Unclear description of common ground/ differences | No clear understanding of models of restorative and transitional justice | 15 |
| 3. Examine and explain post conflict cases with truth and reconciliation approaches  | Description and examine post conflict cases with truth and reconciliation approaches  | Practical, innovative ways of creating awareness of crisis | Problems are discussed but analysis is weak | No evident of Analysis of post conflict realities | 20 |
| 4. Your personal analysis | Your opinion backed by your theorical understanding with facts  | Rationale behind your understanding | Your view is weakly argued | Lack of documentation for your opinion | 10 |
| **General Criteria** |  |  |  |  | Total=40 |
| Critical thinking | Insightful analysis and conclusions supported with evidence | Logical analysis but evidence is thin | No coherent flow of defense with evidence | No evidence presented | 15 |
| Research and citations | Six or more different scholarly sources used and correctly cited.  | Six or more different scholarly sources but deficient citations | Fewer than six sources; deficient citations | No evidence of research | 15 |
| Writing | Grammar, spelling, and use of quotations are satisfactory | Weakness in grammar, spelling, paragraphing, or quotations | Weakness in two areas | Weakness in three or more areas | 10 |
|  **Total = 100**  |

**OTHER ISSUES AFFECTING THE GRADE:** If the paper is too short, i.e., less than 2500 words, up to 10 points can be deducted. If the paper is late, up to 10 points can be deducted.

**Spring 2023: PST 5301: Restorative and Transitional Justice in Post-Conflict Societies.**

**Assessment Map of Course Assignments to Course Outcomes**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Course Assignments** | **Course outcome 1** Define and analyze both transitional and restorative justice concepts. | **Course outcome 2** Describe the origins and principles underlying the restorative and transitional justice paradigms. | **Course outcome 3** Compare and contrast restorative, retributive, and transitional justice models in post conflict settings. | **Course outcome 4** Examine and explain the relationship between re-integrative shaming and restorative justice, reconciliation, and healing. | **Course outcome 5**Discuss and analyze various case studies that address issues of truth, reconciliation, justice, and democratization. |
| **Assignment 1** Weekly discussion (20%) | **x** | **x** | **x** | **x** | **x** |
| **Assignment 2** Weekly Essay (20%) | **x** | **x** | **x** | **x** | **x** |
| **Assignment 3** Book review 20% | **x** | **x** | **x** | **x** |  |
| **Assignment 4** Final Paper (10-12 pages) (40%) | **x** | **x** | **x** | **x** | **x** |