

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

Unification Theological Seminary

Term: Spring 2023

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

Email: d.kone@uts.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 Learning 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

<p>2. Describe the origins and principles underlying the restorative and transitional justice paradigms.</p>	<p>The student poorly describes the origins and principles underlying the restorative and transitional justice paradigms</p>	<p>The student describes with uncertainty the origins and principles underlying the restorative and transitional justice paradigms.</p>	<p>The student generally describes the origins and principles underlying the restorative and transitional justice paradigms.</p>	<p>The student describes with effectiveness and clarity the origins and principles underlying the restorative and transitional justice paradigms.</p>
<p>3. Compare and contrast restorative, retributive, and transitional justice models in post conflict settings.</p>	<p>The student poorly compares and contrasts restorative, retributive and transitional justice models in post conflict settings.</p>	<p>The student compares and contrasts with uncertainty restorative, retributive and transitional justice models in post conflict settings.</p>	<p>The student generally compares, and contrast with uncertainty restorative, retributive and transitional justice models in post conflict settings</p>	<p>The student compares and contrast with effectiveness and clarity restorative, retributive and transitional justice models in post conflict settings.</p>
<p>4. Examine and explain the relationship between re-integrative shaming and restorative justice, reconciliation, and healing.</p>	<p>The student poorly Identify the key role of non-state actors and individuals involved in faith-based diplomacy</p>	<p>The student Identify with less clarity the key role of non-state actors and individuals involved in faith-based diplomacy.</p>	<p>The student Identify with less errors the key role of non-state actors and individuals involved in faith-based diplomacy.</p>	<p>The student effectively Identifies the key role of non-state actors and individuals involved in faith-based diplomacy.</p>
<p>5. Discuss and analyze various case studies that address issues of truth, reconciliation, justice, and democratization.</p>	<p>The student poorly discusses and analyzes various case studies that address issues of truth, reconciliation, justice, and democratization.</p>	<p>The student clearly discusses but poorly analyzes various case studies that addresses issues of truth, reconciliation, justice, and democratization.</p>	<p>The student discusses and analyzes various case studies that addresses issues of truth, reconciliation, justice, and democratization</p>	<p>The student discusses and analyzes with effectiveness and clarity various case studies that addresses issues of truth, reconciliation, justice, and democratization</p>

### **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. Points will be taken off late assignments. Students must read all required sections/chapters of the text and handouts before the class and submit weekly writing assignments throughout the course. The schedule may change.

#### **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 Wednesday night
- Assignment 2: Essay Must be posted by Saturday 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 8.

**ACADEMIC INTEGRITY:** Plagiarism is a form of dishonesty that occurs when a student passes off someone else’s work as his or her own. This can range from failing to cite an author for ideas incorporated into a student's paper to cutting and pasting paragraphs from different websites, to handing in a paper downloaded from the Internet. This includes buying or submitting a paper written by a third party. All are considered forms of “plagiarism” and a violation of the Seminary’s academic integrity policy. The student may repeat or fail the assignment. In cases of serious or repeated violations, the instructor has the option of having the student fail the course or of reporting the student to the Vice President of Academic Affairs for disciplinary action. Possible disciplinary actions include probation, suspension, or withdrawal.

**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. UTS reserves the right to delete postings on UTS 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.

#### **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
1.	Wed. Feb. 1, 2023	Assignment: Introduce Yourself to the Class This 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.
	Sat. Feb. 4, 2023	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 <a href="https://www.youtube.com/watch?v=tRyqqBXW_bY">https://www.youtube.com/watch?v=tRyqqBXW_bY</a>
2.	Wed Feb. 8, 2023	Lecture: Brief History and Conceptualization of Transitional and Restorative Justice Discussion: 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 in order to promote reconciliation?	Additional Reading: 1. Restorative justice in transitional settings p.1-15. by Kerry Clamp 2. Little Book of Restorative Justice: Revised and Updated (Justice and Peacebuilding) p.13-20

		Support your arguments with factual elements.	By Howard Zehr 3. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 49-65 by Roslind Shaw and Lars Waldorf.
	Sat Feb. 11, 2023	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 lesson 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
3.	Wed Feb. 14, 2023	Lecture: 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 Clamp 2. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 135-156 by Roslind Shaw and Lars Waldorf.
	Sat Feb. 18, 2023	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 p49-62 by Alexander Laban Hinton
4.	Wed Feb. 22, 2023	Lecture: Reparation after a genocide of mass atrocities Discussion: 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?	Additional Reading: Restorative justice in transitional settings p.37-55 by Kerry Clamp
	Sat Feb. 25, 2023	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
5.	Wed Mar. 1, 2023	<p>Lecture: Truth and Memory in post-conflict societies</p> <p>Discussion: How Truth and Reconciliation Commission helps rebuild trust between victims and perpetrators? What factors contribute to the success of TRC?</p>	<p>Additional Reading: 1. Restorative justice in transitional settings p.56-73 by Kerry Clamp</p> <p>2. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 69-91 by Roslind Shaw and Lars Waldorf.</p>
	Sat Mar. 4, 2023	<p>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?</p>	<p>Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.95-116 Alexander Laban Hinton</p>
6.	Wed Mar. 8, 2023	<p>Lecture: Political, Economic and Military tools in post conflict societies</p> <p>Discussion: What is the most effective tool in post conflict reconstruction? What makes military intervention controversial in post conflict reconstruction?</p>	<p>Additional Reading: Restorative justice in transitional settings p.74-94 by Kerry Clamp</p>
	Sat Mar. 12, 2022	<p>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 an official in this case?</p>	<p>Reading:</p> <p>1. Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.119-132 by Alexander Laban Hinton</p> <p>2. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 275-284 by Roslind Shaw and Lars Waldorf.</p>

7.	Wed Mar 15, 2023	Lecture: Institutional Reform in Post conflict society Discussion: How institutional reform help prevent futures possible genocide? How institutional reform reinforce democracy?	Additional Reading: Restorative justice in transitional settings p.95-114 by Kerry Clamp
	Sat Mar. 18, 2023	Essay: In the British Colombia Treaty process, the author uses the term Symbolic violence. What is the nature of symbolic violence? How it was conducted through transitional justice in British Colombia?	Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.137-152 by Alexander Laban Hinton
8.	Mon. Mar 20 to Sat Sunday Mar 25th 2023	Assignment Book Review is due Week 8	See details instruction in course session.
9.	Wed. March 29, 2023	Lecture: 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 Clamp video: Addressing Conflict-Related Sexual Violence Through Transitional Justice <a href="https://www.youtube.com/watch?v=7WEISs3Sbcg">https://www.youtube.com/watch?v=7WEISs3Sbcg</a>
	Saturday Apr. 1, 2023	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
10.	Wed April 5, 2023	Lecture: Youth Engagement after a Genocide: A restorative Justice approach Discussion: How engaging young people as political actors help shape a transitional justice process?	Additional Reading: 1. Restorative justice in transitional settings p.133-151 by Kerry Clamp 2. Little Book of Restorative Justice: Revised and Updated (Justice and Peacebuilding) p.53-69 By Howard Zehr
	Sat April 8, 2023	Essay: Compare and contrast restorative and retributive justice in Argentina and	Reading: Transitional justice: Global



		Chile post conflict situation. What lessons have you learned in this case?	Mechanisms and Local realities after Genocide and Mass Violence p.179-202 by Alexander Laban Hinton
11.	Wed April 12, 2023	Lecture: 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: Restorative justice in transitional settings p.152-172 by Kerry Clamp
	Sat April 15, 2023	Essay: What were the strengths and weaknesses of the International Criminal Tribunal in the Rwanda genocide? What lessons have you learned in this case?	Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.206-223 by Alexander Laban Hinton
12.	Wed April 19, 2023	Lecture: 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.173-189 by Kerry Clamp
	Sat April 22, 2023	Essay: How building a monument in post -1965 Bali case was essential for forgiveness and reconciliation?	Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.227-245 by Alexander Laban Hinton
13.	Wed April 26, 2023	Lecture: Peace Processes and Restorative Justice Discussion: 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.190-210 by Kerry Clamp 2. Little Book of Restorative Justice: Revised and Updated (Justice and Peacebuilding) p.74-80 By Howard Zehr 3. Localizing Transitional Justice: Intervention and priorities after Mass Violence, p. 157-182 by

			Roslind Shaw and Lars Waldorf.
	Sat April 29, 2022	Essay: compare and contrast Unintended and expected consequences of transitional justice in particular context.	Reading: Transitional justice: Global Mechanisms and Local realities after Genocide and Mass Violence p.249-256 by Alexander Laban Hinton
	Final Paper	Sun May 14, 2023 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. *Peace 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. *Subverting 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)

	<b>Outstanding</b>	<b>Proficient</b>	<b>Needs Improvement</b>	<b>Not evident</b>	<b>Value</b>
--	--------------------	-------------------	--------------------------	--------------------	--------------

<b>Main Elements</b>					Total=60
1. Concepts and historical content (Restorative and transitional justice)	Description of Concepts history facts restorative and transitional justice	Historical, theoretical 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 theoretical understanding with facts	Rationale behind your understanding	Your view is weakly argued	Lack of documentation for your opinion	10
<b>General Criteria</b>					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
<b>Total = 100</b>					

**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**

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