

The Hebrew University of Jerusalem

Syllabus

TRANSITIONAL JUSTICE - 62413

Last update 22-10-2014

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: Law

Academic year: 1

Semester: 1st Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Dr. Ron Dudai

Coordinator Email: [r](#)

Coordinator Office Hours: Tuesdays (by appointment)

Teaching Staff:

Ron Dudai

Course/Module description:

The field of transitional justice deals with legal and social approaches through which states and societies attempt to address past wrongs and a legacy of human rights violations and political violence, to build peace and establish democracy and the rule of law. These approaches include truth commissions, criminal trials (in local and international tribunals), reparations programs, institutional and constitutional reforms, reconciliation processes, commemoration initiatives, and more. In this course we will discuss several aspects of transitional justice, while focusing on a critical and interdisciplinary analysis of transitional justice mechanisms and processes in countries around the world. We will also address the relevancy of the field to Israel and the Israeli-Palestinian conflict.

Course/Module aims:

The course aims are to provide the students transitional justice knowledge, including its theoretical principles and practical applications.

Learning outcomes - On successful completion of this module, students should be able to:

On successful completion of this module, students should be able to understand the content and legal sources for the human rights underlining transitional justice, such as the right to truth, justice and reparations. Students will be able to understand concepts such as restorative justice, retributive justice, pragmatic and ideological approaches to transitional justice, amnesties versus prosecutions, and more. In addition students will be familiarize with transitional justice mechanisms which have operated in several countries, including the South African Truth and Reconciliation Commission, investigative mechanisms in Northern Ireland, and others.

Attendance requirements(%):

75

Teaching arrangement and method of instruction: lecture

Course/Module Content:

- 1) An introduction to transitional justice: the field's development and basic concepts
- 2) Transitional Justice: dilemmas and contexts
- 3) Prosecutions

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- 4) Truth commissions
 - 5) Reparations
 - 6) Institutional and constitutional reforms
 - 7) Reconciliation processes
 - 8) Amnesties, prisoner release and civil litigation
 - 9) Transitional justice and civil society
 - 10) Transitional justice and non-state actors
 - 11) Commemoration, acknowledgement and public apologies
 - 12) Criticism and resistance to transitional justice
 - 13) Transitional justice and the Israeli-Palestinian conflict
 - 14) Summary and final reflections

Required Reading:

שיעור 1- מבוא לצדק מעברי: התפתחות התחום ומושגי בסיס
מרכז מינרבה לזכויות האדם, "מדריך לצדק מעברי", חלקים א' וב'

שיעור 2- צדק מעברי: דילמות והקשרים
Stanley Cohen (1995), "State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past", *Law and Social Inquiry* 20(1):7-50

שיעור 3: העמדה לדין
Naomi Roht-Arriaza (2013), "Introduction: The Role of International Criminal Justice in Transitional Justice", *International Journal of Transitional Justice* 7(3):383-392.

Mark Osiel (2000), "Why Prosecute? Critics of Punishment for Mass Atrocity", *Human Rights Quarterly* 22(1):118-147

שיעור 4: ועדות אמת
Freeman, M., & Quinn, J. R. (2003). "Lessons Learned: Practical Lessons Gleaned from Inside the Truth Commissions of Guatemala and South Africa". *Human Rights Quarterly*, 25(4), 1117-1149.

שיעור 5: פיצויים ו"תיקון עוול"
García-Godos, Jemima. "Victim reparations in transitional justice-what is at stake and why." *Nordic Journal of Human Rights* 26, no. 2 (2008): 111-130.

שיעור 6: רפורמות מוסדיות וחוקתיות
גראהם אליסון, "רפורמה במשטרה, שינוי פוליטי ופתרון סכסוכים בצפון אירלנד", בתוך: שיטור בחברה משוסעת, עורכים אורי גופר וגיא בן-פורת, פרדס 2013, עמ' 155-188.

שיעור 7: פיוס
אמל ג'מאל, "הכרה הדדית, פיוס וטרנספורמציה של סכסוכים: היבטים תיאורטיים", סוציולוגיה ישראלית, 2001, 303-314
Satkunanathan, A. (2014). *The Politics of Reconciliation in Transitional*

Justice. International Journal of Transitional Justice, 8(1), 171-182.

שיעור 8: חנינות, שחרור אסירים ותביעות אזרחיות
McEvoy, K., & Mallinder, L. (2012). "Amnesties in Transition: Punishment, Restoration, and the Governance of Mercy". *Journal of Law and Society*, 39(3), 410-440.

שיעור 9: צדק מעברי וחברה אזרחית
Backer, D. (2003). "Civil society and transitional justice: possibilities, patterns and prospects". *Journal of Human Rights*, 2(3), 297-313.

שיעור 10: צדק מעברי ושחקנים שאינם מדינתיים
Ron Dudai (2011), "Closing the Gap: Symbolic Reparations and Armed Groups", *International Review of the Red Cross* 93(883):783-808

שיעור 11: הנצחה, הכרה והתנצלויות פומביות
Gibney, Mark, and Erik Roxstrom (2001). "The status of state apologies." *Human Rights Quarterly* 23.4 (2001): 911-939.

שיעור 12: ביקורות והתנגדויות לצדק מעברי
Fionnuala Ni Aolain (2012) "Advancing Feminist Positioning in the Field of Transitional Justice", *International Journal of Transitional Justice* 6, 205-228
McEvoy, K. (2007). "Beyond legalism: towards a thicker understanding of transitional justice". *Journal of Law and Society*, 34(4), 411-440.

שיעור 13: צדק מעברי והסכסוך הישראלי-פלסטיני
מרכז מינרבה לזכויות האדם, "מדריך לצדק מעברי", חלק ד'
נדב גבאי, "חקירות ממלכתיות ומשברי לגיטימציה: ועדת אור והפלסטינים אזרחי ישראל"

שיעור 14: סיכום
Gready, P., & Robins, S. (2014). "From Transitional to Transformative Justice: A New Agenda for Practice". *International Journal of Transitional Justice*

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 100 %
Presentation 0 %
Participation in Tutorials 0 %
Project work 0 %
Assignments 0 %

Reports 0 %
Research project 0 %
Quizzes 0 %
Other 0 %

Additional information:

The final exam will be a home exam