



## SYLLABUS

**Transitional Justice in the Southern Cone**

**Instructor: Will Johnson, MA, JD**

**Language of Instruction: English**

**UO Credits: 4**

**Contact Hours: 40**

**Rosario, Argentina**

### **COURSE DESCRIPTION**

Transitional justice is an emerging field of law and inter-disciplinary academic study. Latin America has been at the forefront of the transitional justice movement since the early 1980s, and countries such as Argentina, Chile, Uruguay and Peru continue to serve as models for other societies seeking a peaceful post-conflict transition. This course will introduce students to the study and application of transitional justice by exploring and analyzing the way South American societies have transitioned from dictatorship and war to democracy and peace. Case studies of transitional justice mechanisms in Argentina, Chile, Uruguay and Peru will be supplemented with general discussions of the competing objectives present in post-conflict societies. This will provide the foundation for understanding the possibilities and challenges inherent to transitional justice work.

### **COURSE OBJECTIVES**

Instructional Goals. The course will:

- Outline the key objectives, successes and failures of the transitional justice movement.
- Introduce students to theoretical and legal concepts through the lens of specific post-conflict environments (Argentina, Chile, Peru, Uruguay) in a case-study approach.
- Provide students with a culturally-specific context through which to understand the challenges and possibilities of transitional justice mechanisms.

Student Outcomes. Students who successfully complete this course will:

- Draw connections between the relevant historical and theoretical perspectives that inform transitional justice and post-conflict peace-building in Latin America.
- Understand and evaluate the competing objectives present in post-conflict societies.
- Assess the relative success and failure of the key transitional justice mechanisms as practiced in South America, including: truth and reconciliation commissions; criminal prosecutions; historical memory projects; institution- and nation-building efforts; amnesty and lustration laws.
- Understand the legacy of conflict and transitional justice in 4 South American Countries: Argentina, Chile, Peru, and Uruguay.

## **INSTRUCTIONAL METHODOLOGY**

This course is divided between classroom instruction (2/3) and excursions or experiential learning (1/3). During class, regular lectures will be supplemented with small group discussion, videos, and guest speakers. At least half of each class period will consist of lectures covering core course material, though the structure will be informal enough to allow for group and class discussions at any point. The remaining in-class time will be divided between guided class discussions, small-group discussions, simulated debates and videos. Excursions (e.g. to museums, courthouses, NGOs, and victim's advocacy groups) will provide an opportunity for students to begin understanding the practical application of theoretical, philosophical, and legal material covered in class. Excursions will also provide students an opportunity to engage directly with local perspectives on the topics studied in class.

## **METHOD OF EVALUATION (GRADING)**

Attendance and Participation:	40%
Excursion Response Papers (2 at 15%):	30%
Final Essay:	30%*

\*Due two weeks after end of program. Electronic submission required.

## **COURSE OUTLINE**

### Week 1: History and Theory of Transitional Justice

Students will be introduced to the historical and theoretical foundations of Transitional Justice. This will provide the foundation for all future coursework.

Day 1: Introduction to Course; What is Transitional Justice?

Day 2: Introduction to Competing Objectives in Post-Conflict Work; Truth vs. Justice, Vengeance vs. Forgiveness.

Day 3: Overview of Transitional Justice Mechanisms

#### **Required Reading:**

- **Minnow, *Between Vengeance and Forgiveness* (1998) NOTE: Students should try to read entire book before program starts**
- **Hayner, *Unspeakable Truths*, Chapter 1 "Introduction" and 2 "Confronting Past Crimes."**
- **Hayner, *Unspeakable Truths*, "Chapter 8: Truth and Justice"**

### Week 2: Case Study: Transitional Justice in Argentina

Students will explore the need for and use of transitional justice mechanisms in Argentina.

Day 1: The Dirty War

Day 2: The Response to Violence: Hearing the Demands of the People

Day 3: Holding Leaders to Account: The Argentine Trials

Day 4: Other Transitional Justice Mechanisms: Institutional Reforms

#### **Required Reading:**

- **Wright, *State Terrorism in Latin America, 1960-1980***
- **Hayner, *Unspeakable Truths*, "Other Illustrative Truth Commissions"**

### Week 3: Other Case Studies: Contrasting Argentina with Chile

Students will explore the need for and use of transitional justice mechanisms in Chile.

Day 1: Pinochet's Reign of Terror

Day 2: The Response to Violence: Hearing the Demands of the People

Day 3: The National Commission for Truth and Reconciliation Report ("Rettig Report")

Day 4: Other Transitional Justice Mechanisms: Reparations Programs

**Reading:**

- **Wright, *State Terrorism in Latin America*, 47-94, 179-224**

**Recommended:**

- **William Blum, *Killing Hope*, "Chile"**

Week 4: Other Case Studies: Contrasting Argentina with Uruguay & Peru

Students will explore the need for and use of transitional justice mechanisms in Peru and Uruguay.

Day 1: Terror and Oppression: Exploring Violence in Uruguay and Peru

Day 2: The Response to Violence: Hearing the Demands of the People

Day 3: Democracy and Justice in Uruguay

Day 4: Truth and Forgiveness in Peru

**Reading:**

- **William Blum, *Killing Hope*, "Uruguay" & "Peru"**
- **Hayner, *Unspeakable Truths*, "Why Truth Commissions?" and "The Five Strongest Truth Commissions"**
- **Lessa, *Transitional Justice in Argentina and Uruguay*, Selections from Chapter 5**

Week 5: Argentina: Still in Transition?

Days 1-2: Memory and Transitional Justice in Argentina: How Far Have We Come?

Days 3-4: Group Activity: Mock Debate

- **Selections from Lessa, *Transitional Justice in Argentina and Uruguay***
- **Handouts**

Week 6: The Legacy of Transitional Justice in South America

Students will examine the key challenges and prospects for peace in 21st century Latin America, along with the legacy that Latin American efforts have provided to the global Transitional Justice movement.

Day 1: The Legacy of Violence in Latin America: Similarities and Differences Among Case Studies

Day 2: Shaping the Narrative, Securing the Peace: Key Challenges for 21st Century Latin America.

Day 3: A Model for Future Transitions – What Should the World Learn from South American Transitional Justice efforts?

Day 4: Conclusions & Student Presentations

**Reading:**

- **Wright, *State Terrorism in Latin America*, Conclusion (pp 225-232).**
- **Sikkink, *The Justice Cascade*, "Introduction"**

**COURSE READINGS**

Each week students may be provided with additional required news articles (online or as handouts) or related current-event pieces to supplement the required readings, below.

Required Materials:

- Minnow, Martha. *Between Vengeance and Forgiveness*. Boston, MA: Beacon Press, 1998. (Students are strongly encouraged to purchase and read this short book before departing from the U.S.)
- Wright, Thomas C. *State Terrorism in Latin America: Chile, Argentina, and International Human Rights*. New York, NY: Rowman & Littlefield, 2007.
  
- A packet of Supplemental Readings will be made available to students during orientation. Additional readings include academic journal articles, Inter-American Court rulings, IACHR Reports & Recommendations, along with excerpts from the following books:
  - Blum, William. *Killing Hope: U.S. Military and C.I.A. Interventions Since WWII*. Monroe, Maine: Common Courage Press, 2004).
  - Hayner, Priscilla. *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (2nd edition). New York, NY: Routledge, 2011.
  - Hite, Katherine and Mark Ungar. *Sustaining Human Rights in the Twenty-First Century: Strategies for Latin America*. Washington, D.C.: Woodrow Wilson Press, 2013.
  - Lessa, Francesca. *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity*. New York, NY: Palgrave Macmillan, 2013.

Recommended for Purchase:

- Sikkink, Katherine. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York, NY: W.W. Norton & Co., 2011.