



## **ELECTIVE PROPOSAL**

**Transitional Justice: How Should Societies  
Confront Past and Present Wrongdoings?**

**Faculty Instructor:  
Prof. Aleksei Vorona**

**SPRING 2026  
(AY2025-26)**

## **Course Information**

Course Title: Transitional Justice: How Should Societies Confront Past and Present Wrongdoings?

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **Both**

Medium of Instruction: **English**

Pre-requisites: No

Equivalent Courses: N/A

## **Course Vision**

This course offers a comprehensive exploration of the diverse field of transitional justice, highlighting its global relevance and interdisciplinary nature. Transitional justice involves the collective response to widespread wrongdoings, often associated with mass human rights violations and frequently involving state officials. It encompasses a range of actions, including amnesty, trials, truth commissions, reparations, memorials, and lustration, each representing a unique approach to addressing past injustices.

Throughout the course, we delve into the rich tapestry of debates surrounding transitional justice, spanning conceptual, normative, empirical, methodological, and critical perspectives. Drawing upon a diverse range of disciplines, readings will dissect various case studies from regions such as Latin America, Europe, Africa, Asia, and the Middle East. These case studies provide fertile ground for exploring fundamental questions that shape our understanding of transitional justice.

Central to our inquiry are inquiries such as: How should societies confront past and present wrongdoings? Is it preferable to 'turn the page' and move forward, or is there value in confronting past injustices? What implications does addressing the past have on our understanding of the present? What is the appropriate course of action for justice in situations marked by constraints and imperfections? Should responses prioritize victims' needs, perpetrators' moral responsibilities, or broader societal interests?

Furthermore, we examine the parameters of justice within specific contexts, considering the factors that influence what is achievable and how to gauge the limits of possibility. In the face of disagreement over which wrongs to address and which processes to employ, who holds the authority to determine the path towards justice? Additionally, we explore the potential pitfalls of transitional justice efforts and the consequences of failure. What forms of injustice may emerge from flawed transitional justice processes, and what is at stake if justice remains elusive?

The course is structured into two distinct parts: firstly, we trace the origins and evolution of transitional justice, along with the debates it has sparked over time. Secondly, we delve into the practical tools and mechanisms used in transitional justice initiatives, examining

their effectiveness and limitations. This clear structure will guide students through the course, making their learning journey more manageable.

By grappling with these complex and pressing questions, students will cultivate a nuanced understanding of transitional justice as both a scholarly field and a global practice. They will be equipped with the analytical tools necessary to critically assess its implementation and impact, fostering a culture of rigorous intellectual inquiry.

Thus, the course aims are:

1. Develop a Comprehensive Understanding of Transitional Justice:

Equip students with an in-depth knowledge of the field of transitional justice, including its global relevance, interdisciplinary nature, and the range of actions it encompasses such as amnesty, trials, truth commissions, reparations, memorials, and lustration. This aim focuses on providing a thorough exploration of the origins, evolution, and practical tools of transitional justice initiatives.

2. Foster Critical Analytical Skills and Intellectual Inquiry:

Cultivate students' ability to engage with and critically assess the diverse debates and perspectives surrounding transitional justice. This includes understanding the conceptual, normative, empirical, methodological, and critical dimensions of the field, as well as evaluating case studies from various regions to explore the implications of addressing past injustices on present and future societal contexts.

3. Prepare Students to Navigate Complex Justice Scenarios:

Prepare students to analyze and respond to the practical challenges and constraints inherent in transitional justice processes. This involves examining the parameters of justice, the factors influencing achievable outcomes, and the potential pitfalls of transitional justice efforts. Students will learn to weigh victims' needs, perpetrators' moral responsibilities, and broader societal interests to determine appropriate courses of action in imperfect justice scenarios.

**This course can be offered to final-year students of the B.A. in Criminology and Criminal Justice, as Transitional Justice deals with the concepts of criminal justice, different kinds of criminal punishments, and grounds for exemption from criminal liability. This course can also be offered to final-year students of the B.A. in Legal Studies – they have taken this course in the past and successfully passed exams.**

### **Teaching Pedagogy**

As an educator, I believe in creating a learning environment that empowers students to think critically, engage deeply with course material, and develop skills that will serve them throughout their lives. My teaching philosophy is rooted in the principles of active learning, critical thinking, the importance of self-learning, and feedback-driven growth.

This course follows the famous formula of prominent academician Richard P Feynman: “The goal of teaching should not be to help the students learn how to memorise and spit out information under academic pressure. The purpose of teaching is to inspire the desire for learning in students and make them able to think, understand, and question.”

Teaching methods:

1. Socratic method.
2. Active learning methods.
3. Debate methods and techniques.

### **Suitability to Teach the Course**

I have taken Transitional Justice as an elective course during my studies at the University of Illinois Urbana-Champaign in 2023. I taught this course at JGU in the Fall 2024, supervised one Independent Research Paper in Spring 2025 and am currently supervising one extra-curricular research project of students who took this course before.

### **Intended Learning Outcomes**

<b>Course Intended Learning Outcomes</b>	<b>Weightage in %</b>	<b>Teaching and Learning Activities</b>	<b>Assessment Tasks/ Activities</b>
Analytically and critically describe, explain, and take positions in the main Transitional Justice debates pertained to the topics to be covered in this manual.	33.33%	<p>Reading of course texts and other materials, and Research:</p> <ol style="list-style-type: none"> <li>1. Students will acquire knowledge of the Transitional Justice debates, their motivations and implications, pertained to the topics to be covered in this manual (from the core readings and readings students found themselves when doing research).</li> <li>2. Students will be given guidance on</li> </ol>	<p><b>End-of course examination (30% of marks):</b></p> <p>Students’ ability to join issues in the Transitional Justice debates; critically engage with the debate, and suggest (not in a comprehensive manner, however) novel approaches to the issues at hand will be tested.</p> <p><b>Internals (70% of marks for items such as class participation,</b></p>

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
		their reading and research.	<b>essays and research papers, presentations, etc.):</b>  Students will be required to write essays, make presentations on problems / reading materials allotted to them and all students will be required to contribute to in-class discussions whether they are making a presentation or not.  Students' ability to research, analyze and resolve problems, and communicate solutions orally will be tested.
Develop proficiency in utilizing terminology, principles, and research methods to predict and formulate optimal policies in Transitional Justice.	33.33%	Students will give presentations and participate in debates on selected topics in which they will scrutinize, analyse and evaluate issues and concerns.	
Develop advanced critical thinking abilities, enabling them to conduct comparative assessments of legal principles across different jurisdictions and societies. They will be sensitive to and able to evaluate competing theories of Transitional Justice.	33.33%	Responses to instructor's and classmates' questions and performing instructor's exercises:  Students will, by responding to questions and performing exercises given by instructor, develop their analytical and critical capabilities.	

### **Selected Readings (10 pieces)**

- "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice" (2010),
- Colleen Murphy, The Conceptual Foundations of Transitional Justice (Cambridge University Press, 2020) [selected chapters]
- Olivia Simić, An Introduction to Transitional Justice [selected chapters]
- Ruti G. Teitel, "Transitional Justice Genealogy" 16 (2003) Harvard Human Rights Journal 69– 94.
- Eric Posner and Adrian Vermeule, "Transitional Justice as Ordinary Justice," Harvard Law Review, 3

- Colleen Murphy, 'On Principled Compromise: When does a process of transitional justice qualify as just?' Proceedings of The Aristotelian Society, Vol. CXX, Part I (2020).
- Loyle, Cyanne E., and Christian Davenport. "Transitional injustice: Subverting justice in transition and postconflict societies," Journal of Human Rights 15(1) (2016): 126–49.
- Omar G. Encarnación, "Reconciliation after Democratization: Coping with the Past in Spain" 123 (2008) Political Science Quarterly 435–59.
- Jean Hampton, "Correcting Harms versus Righting Wrongs: The Goal of Retribution," UCLA Law Review, vol. 39 (1992): 1659–1702. Read esp. pp 1659-1687, 1692-1697
- Jelena Subotić, "Expanding the scope of post-conflict justice: Individual, state and societal responsibility for mass atrocity. Journal of Peace Research 48(2) (2011)

### Course Design and Overview (Weekly Plan)

Week	Topic and Description	Reading/Course Materials
1.	<b>Background</b> <ul style="list-style-type: none"> <li>- UN Approach to Transitional Justice</li> <li>- History of Transitional Justice</li> <li>- Foundations of Transitional Justice</li> </ul>	<ul style="list-style-type: none"> <li>- "Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice" (2010), available at: <a href="https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/TJ_Guidance_Note_March_2010FINAL.pdf">https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/TJ_Guidance_Note_March_2010FINAL.pdf</a></li> <li>- Anja Mihr, "An Introduction to Transitional Justice," Chapter 1 in Olivia Simić, An Introduction to Transitional Justice, pp 10-19</li> <li>- Colleen Murphy, The Conceptual Foundations of Transitional Justice (Cambridge University Press, 2020), Introduction, pp. 1-10</li> </ul>
2. 3.	<b>The 'Justice' of Transitional Justice</b> <ul style="list-style-type: none"> <li>- Transitional Justice Genealogy</li> <li>- Transitional Justice as Ordinary Justice</li> <li>- Criteria for Evaluating Transitions</li> <li>- Unsettling Property Rights</li> <li>- Prerequisites of just transition</li> </ul>	<ul style="list-style-type: none"> <li>- Ruti G. Teitel, "Transitional Justice Genealogy" 16 (2003) Harvard Human Rights Journal 69– 94.</li> <li>- Eric Posner and Adrian Vermeule, "Transitional Justice as Ordinary Justice," Harvard Law Review, 3 <a href="http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2741&amp;context=journal_articles">http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2741&amp;context=journal_articles</a>, (p. 768-769 "B. Criteria for Evaluating Transitions," p 783-791 "B. Unsettling Property Rights")</li> <li>- Colleen Murphy, The Conceptual Foundations of Transitional Justice, Introduction p 11-32</li> </ul>

		<ul style="list-style-type: none"> <li>- Colleen Murphy, ‘On Principled Compromise: When does a process of transitional justice qualify as just?’ Proceedings of The Aristotelian Society, Vol. CXX, Part I (2020).</li> <li>- Loyle, Cyanne E., and Christian Davenport. “Transitional injustice: Subverting justice in transition and postconflict societies,” Journal of Human Rights 15(1) (2016): 126–49.</li> <li>- Colleen Murphy, The Conceptual Foundations of Transitional Justice, Chapter 1</li> </ul>
4.	<b>Amnesty</b> <ul style="list-style-type: none"> <li>- Definition of amnesty</li> <li>- Reconciliation</li> <li>- Punishment</li> <li>- Restoration</li> </ul>	<ul style="list-style-type: none"> <li>- Agata Fijalkowski, “Amnesty,” Chapter 6 in Olivia Simić, An Introduction to Transitional Justice, p 126-130, 134-140</li> <li>- Omar G. Encarnación, “Reconciliation after Democratization: Coping with the Past in Spain” 123 (2008) Political Science Quarterly 435–59.</li> <li>- Kieran McEvoy and Louise Mallinder, “Amnesties in Transition: Punishment, Restoration, and the Governance of Mercy,” Journal of Law and Society, vol. 39, issue 3, 2012, pp. 410-440.</li> </ul>
5. 6.	<b>Trials</b> <ul style="list-style-type: none"> <li>- Role of retribution</li> <li>- International Criminal Justice</li> <li>- Mass atrocities prosecution</li> <li>- The gender of Transitional Justice</li> <li>- Individual, state and societal responsibility for mass atrocity</li> <li>- Trials as Transitional Justice mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>- Jean Hampton, “Correcting Harms versus Righting Wrongs: The Goal of Retribution,” UCLA Law Review, vol. 39 (1992): 1659–1702. Read esp. pp 1659-1687, 1692-1697</li> <li>- Rachel Kerr, “International Criminal Justice,” Chapter 3 in Olivia Simić, An Introduction to Transitional Justice</li> <li>- Nancy Amoury Combs, “Deconstructing the Epistemic Challenges to Mass Atrocity Prosecutions,” 75 Wash. &amp; Lee L. Rev. 223 (2018), pp. 223-238, 244-54, 278-300 <a href="https://scholarlycommons.law.wlu.edu/wlulr/vol75/iss1/3/">https://scholarlycommons.law.wlu.edu/wlulr/vol75/iss1/3/</a></li> <li>- Kirsten Campbell, “The Gender of Transitional Justice: Law, Sexual</li> </ul>

		<p>Violence and the International Criminal Tribunal for the Former Yugoslavia” International Journal of Transitional Justice 1 (2007): 411–32, pp 413-428</p> <ul style="list-style-type: none"> <li>- Jelena Subotić, “Expanding the scope of post-conflict justice: Individual, state and societal responsibility for mass atrocity. Journal of Peace Research 48(2) (2011): 157–69, pp 159 (starting at Societal Responsibility for Mass Atrocity) -167.</li> <li>- Obiora Chinedu Okafor and Uchechukwu Ngwaba, “The International Court as a ‘Transitional Justice’ Mechanism in Africa: Some Critical Reflections,” International Journal of Transitional Justice 9 (2015): 90–108, pp. 98-108</li> </ul>
7.	<p><b>Truth Commissions</b></p> <ul style="list-style-type: none"> <li>- Role of Truth and Reconciliation Commissions</li> <li>- Global Transitional Justice Network</li> <li>- Performance results of Truth Commissions</li> </ul>	<ul style="list-style-type: none"> <li>- David Dyzenhaus, “Justifying the Truth and Reconciliation Commission,” Journal of Political Philosophy, vol. 8, no. 4 (2000): 470-496</li> <li>- Kelebogile Zvobgo, “Demanding truth: The global transitional justice network and the creation of truth commissions,” International Studies Quarterly 64(3) (2020): 609–25</li> <li>- David Mendeloff, “Truth-seeking, truth-telling, and postconflict peacebuilding: Curb the enthusiasm?” International Studies Review 6(3) (2004): 355–80.</li> </ul>
8. 9.	<p><b>Reparations</b></p> <ul style="list-style-type: none"> <li>- Defining Reparations</li> <li>- Balancing Reparations</li> <li>- Reparations for colonialism</li> <li>- Complex Victims</li> <li>- Women and Reparations</li> <li>- Climate Reparations</li> </ul>	<ul style="list-style-type: none"> <li>- Jemima Garcia-Godos, “Reparations,” Chapter 9 in Olivia Simić, An Introduction to Transitional Justice</li> <li>- Luke Moffett, “Implementing Reparations and Achieving Balance,” Chapter 9 of Reparations and War: Finding Balance in Repairing the Past (Oxford University Press, 2023).</li> <li>- Khanyisela Moyo, “Mimicry, Transitional Justice and the Land Question in Racially Divided Former Settler Colonies,” International</li> </ul>



		<p>Journal of Transitional Justice, vol. 9, no. 1 (2015): 70-89.</p> <ul style="list-style-type: none"> <li>- Luke Moffett, “Reparations for ‘Complex’ Victims: Navigating Complex Identities of Victim–Perpetrators in Reparation Mechanisms,” International Journal of Transitional Justice, doi:10.1093/ijtj/ijv030 (2015): 1-22.</li> <li>- Ruth Rubio-Marin and Pablo de Greiff, “Women and Reparations,” The International Journal of Transitional Justice 1 (2007): 318-337</li> <li>- Olúfẹ̀mí O. Táíwò and Beba Cibralic, ‘The Case for Climate Reparations’, Foreign Policy, 10 October 2020, available at: <a href="https://foreignpolicy.com/2020/10/10/case-for-climate-reparationscrisis-migration-refugees-inequality">https://foreignpolicy.com/2020/10/10/case-for-climate-reparationscrisis-migration-refugees-inequality</a></li> </ul>
10.	<p><b>Lustration</b></p> <ul style="list-style-type: none"> <li>- Defining Lustrations and Vetting</li> <li>- Lustration systems</li> </ul>	<ul style="list-style-type: none"> <li>- Lavinia Stan, “Lustration and Vetting, Chapter 7 in Olivia Simić, An Introduction to Transitional Justice</li> <li>- Roman David, ‘From Prague to Baghdad: Lustration Systems and their Political Effects,’ Government and Opposition 41(3) 2006, 347-372</li> </ul>
11.	<p><b>Local and customary practices</b></p> <ul style="list-style-type: none"> <li>- Local Transitional Justice</li> <li>- Customary Law</li> <li>- Healing Rituals</li> <li>- Everyday Justice</li> <li>- Grassroot Justice</li> </ul>	<ul style="list-style-type: none"> <li>- Lars Waldorf, “Local transitional justice – Customary law, healing rituals, and everyday justice,” Chapter 8 in Olivia Simić, An Introduction to Transitional Local Justice</li> <li>- Payam Akhavan, “Is Grassroots Justice a Viable Alternative to Impunity: The Case of the Iran People’s Tribunal,” Human Rights Quarterly 39, no.1 (February 2017): 73-103</li> <li>- Susan Thomson, “The Darker Side of Transitional Justice: The Power Dynamics Behind Rwanda’s Gacaca Courts” 81 (2011) Africa 373–90</li> </ul>
12.	<p><b>New directions: Memorialization and Corporate Accountability</b></p>	<ul style="list-style-type: none"> <li>- Susanne Buckley-Zistel and Annika Björkdahl, “Memorials and transitional justice,” chapter 12 in</li> </ul>

	<ul style="list-style-type: none"> <li>- Memorials and Transitional Justice</li> <li>- Memorialization processes</li> <li>- Corporate Complicity</li> </ul>	<p>Olivia Simić, An Introduction to Transitional Justice</p> <ul style="list-style-type: none"> <li>- Fabián Salvioli, A/HRC/45/45: Memorialization processes in the context of serious violations of human rights and international humanitarian law: the fifth pillar of transitional justice - Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of nonrecurrence (2020), <a href="https://documents-ddsny.un.org/doc/UNDOC/GEN/G20/175/70/PDF/G2017570.pdf?OpenElement">https://documents-ddsny.un.org/doc/UNDOC/GEN/G20/175/70/PDF/G2017570.pdf?OpenElement</a></li> <li>- Leigh Payne and Gabriel Pereira, 'Corporate Complicity in International Human Rights Violations', Annu. Rev. Law Soc. Sci. 2016. 12:63–84.</li> </ul>
13.	<b>Single state solutions</b>	<ul style="list-style-type: none"> <li>- Bernard Boxill, "A Lockean Argument for Black Reparations," Journal of Ethics 7 (1) (2003): 63-91, <a href="https://www.jstor.org/stable/25115749?seq=1#page_scan_tab_contents">https://www.jstor.org/stable/25115749?seq=1#page_scan_tab_contents</a></li> <li>- Jeremy Waldron, "Superseding Historic Injustice," Ethics, 103 (1) (1992): 4-28 <a href="https://www.jstor.org/stable/2381493?seq=1#page_scan_tab_contents">https://www.jstor.org/stable/2381493?seq=1#page_scan_tab_contents</a></li> <li>- Colleen Murphy, "How Nations Heal," Boston Review January 15, 2021, <a href="https://www.bostonreview.net/articles/colleen-murphy-transitional-justice/">https://www.bostonreview.net/articles/colleen-murphy-transitional-justice/</a></li> </ul>
14.	<b>Revision week</b>	