Truth Commissions and Transitional Justice

Dr. Cindy Holder  
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Course Description: Truth commissions have become a standard institutional mechanism for societies in transition from gross and systematic abuse of human rights to political, social and legal institutions that are rights-respecting. This course will examine the strengths and limitations of truth commissions as a mechanism for pursuing transitional justice. Canada’s Truth and Reconciliation Commission on Residential Schools will be used as a case study. The course will begin with an overview of transitional justice as a topic in the philosophy of law. Students will then be introduced to the legal, philosophical and social scientific literature on truth commissions, including recent literature on truth as a human right. The terms of reference, operations and preliminary report of Canada’s Truth and Reconciliation Commission on Residential Schools (Canada’s TRC) will then be studied in relation to the legal, philosophical and social scientific literature.

Evaluation:
1 page response to readings (x5) 10%  
7-10 page analysis paper 30% DUE FEB 1 before 4 pm  
Annotated bibliography on Canada’s TRC (minimum 4 sources) 10% DUE FEB 21 before 4 pm  
2-page research paper outline 5% DUE MAR 14 before 4 pm  
15-20 page research paper 45% DUE APR 14 before 4 pm

Late assignments will be penalized in the amount of 5% per day they are late, to a maximum of 50%.

About the 1-page responses: Responses should not be more than 1 page double-spaced and should discuss an issue, argument or topic from the readings of the week in which they are handed in. Responses are due by 12 pm on Tues of the week in which the readings are assigned; they may be handed in by email.

About the 7-10 page paper: The topic of this term paper must be drawn from Priscilla Hayner’s Unspeakable Truths.

About the annotated bibliography: An annotated bibliography is a list of references that provides brief summaries and critical reflections on each item, in addition to the bibliographic information. The annotated bibliography must identify at least 4 sources relating to the Canadian TRC that are not included on the course outline.

About the research paper outline: Research outlines should briefly outline your proposed
paper topic. A tentative bibliography should be attached.

About the research paper: The topic for the research paper must relate to the material and ideas discussed covered in the course. You may write on a case study but you do not have to do so. Whatever the topic chosen, you are strongly encouraged to speak to me about it ahead of time.

Plagiarism and other forms of cheating will not be tolerated. Such actions are contrary to the University’s academic regulations, and they show a profound disrespect for myself, for fellow students and for the university as an institution of higher learning. For more information please see the University’s Policy on Academic Integrity (web.uvic.ca/calendar/FACS/Uln/UAR/Re/PoAcI.html)

Grading Scale:

Texts


Coursepack (available through CourseSpaces and in the Philosophy Reading Room)

Schedule of Readings:
This is the anticipated schedule of readings for the semester. Dates and reading assignments may change over the course of the term. Changes will always be announced in class ahead of time.

Jan 6


Jan 13
Priscilla Hayner, Unspeakable Truths chapters 1-4, 15 (pp 1-44, 210-233)

Jan 20
Hayner chapters 6-8 (pp. 75-109)


Jan 27
Hayner chapters 11-13 (pp. 145-194)

Feb 3


Feb 10 \hspace{1cm} \textit{READING BREAK: NO CLASS}

Feb 17


Feb 24


Ronald Niezen, Truth and Indignation (University of Toronto: 2013), pp. 43-57, 124-144 (chapters 3 and 6).
Mar 2
Final Report of the Truth and Reconciliation Commission of Canada:
“Introduction” (pp. 1-22)
“The Commission’s Activities” (pp. 23-36)
Appendices 1-4 (pp. 339-396)

Mar 9
Final Report: “The History” (pp. 37-134)

Mar 16
Final Report: “The Legacy” (pp. 135-182)

Mar 23
Final Report: “The Challenge of Reconciliation” (pp. 183-317)

Mar 30
Review