



NYU

**ROBERT F. WAGNER GRADUATE
SCHOOL OF PUBLIC SERVICE**

UPADM-GP 239

Truth, Accountability, and Reparations

Tu, 06:20pm -- 08:50pm

25 West 4th Street, Room:C-20

Prof Louis N. Bickford (LNB2@nyu.edu)

I. Overview

Truth, Accountability, and Reparations

The global movement for truth, accountability, and reparations has a history that begins with the human rights movement in Latin America and includes (ongoing) struggles to address genocide, human rights abuse, mass atrocity, and crimes against humanity in countries as diverse as Liberia, East Timor, Argentina, South Africa, and the United States. This course will be an intensive immersion in questions of truth and accountability, providing students with the tools necessary to understand and critically evaluate relevant initiatives around the world. We will begin with a theoretical introduction to core concepts such as truth, accountability, memory, justice, reparations, and guarantees of non-repetition, including both historical examples (South Africa, Peru, Chile, Argentina, Morocco) as well as more current initiatives (e.g. Canada, Colombia, the United States). The course format will include a combination of lectures, film and video, and participatory exercises.

II. Schedule of classes

Defining concepts

TUESDAY, January 25th, 2022

Introducing the Class: The Problem

Crimes against humanity, mass atrocity, genocide

Assignments

- Read: Articles 6, 7, and 8 of the Rome Statute, (<https://www.icc-cpi.int/Publications/Rome-Statute.pdf>, pp. 3-10.)
- Read: "Memory and Justice: Confronting Mass Atrocity and Human Rights Abuse" (Bickford and Schultz) (on NYU Brightspace)
- Watch the film: "Long Night's Journey Into Day", available with NYU login and following prompts here: https://bobcat.library.nyu.edu/permalink/f/ci13eu/nyu_aleph006452282

- Skim: Racial Reckoning in the United States: Expanding and Innovating on the Global Transitional Justice Experience Ashley Quarcoo and Medina Husaković (on NYU Brightspace or download here: <https://movementhub.org/resource/report-racialreckoning-in-the-united-states/>) (note that this article is assigned later to be read in full)
- Note: Begin reading "The Justice Cascade" (the only book required for the class) as soon as you are able to get it. Read the Introduction and chapters 1, 2, and 3 by February 8th, and then Chapters 4, 5, and 6 are due for class on February 15th.

Questions to consider

- How should societies deal with a difficult or traumatic past when crimes such as those outlined in the Rome Statute have been committed?
- Although the film over-emphasizes a single aspect of the South African Truth and Reconciliation Commission—Amnesty—in so doing, it raises provocative questions about how to deal with heinous crimes in the past, the meaning of reconciliation, and the role of forgiveness. How do you feel about the work of the Amnesty Committee, as represented in the film?
- Many of the cases we will look at in the class focus on other countries, but how might the USA deal with its own demons in the past?

Tuesday, February 1st

The Human Rights Movement and the turn to Transitional Justice THIS CLASS WILL BE HELD ON ZOOM

Assignments

- Read: "Transitional Justice", Bickford (on NYU Brightspace), from The Encyclopedia of Genocide and Crimes Against Humanity (Macmillan Reference USA, 2004),
- Read: Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his global study on transitional justice (A/HRC/36/50/Add.1) [https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/233/98/PDF/G1723398.pdf? OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/233/98/PDF/G1723398.pdf?OpenElement)
- Skim: "Transitional Justice Theories, Introduction" Edited by Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun and Friederike Mieth (on NYU Brightspace)

Questions to consider

- What is the international human rights movement?
- How have victims/survivors influenced the ways in which societies confront the past?

Tuesday, February 8th

Truth

The value of truth. What is truth? Truth-finding, truth-seeking, truth-telling, truth-listening?
Film and discussion

?

Assignments

- Jose Zalaquett, “Introduction to the Final Report of the Truth and Reconciliation Commission” (Chile) (on NYU Brightspace)
- Simpson et al, “Looking Back, Looking Forward: Promoting Truth Seeking through truth-telling in Bosnia and Herzegovina” (UNDP) (on NYU Brightspace), especially “Chapter One, the Why, What, and How of Truth-Telling”, pp. 41-63 in the text ? Peruse ICTJ, “Truth Seeking” (on NYU Brightspace)
Eduardo Gonzalez, “As America Seeks Racial Justice, It Can Learn From Abroad” (<https://foreignpolicy.com/2021/03/14/racial-justice-truth-reconciliation-commissionsinternational/>) (also on Brightspace)
- Skim: the “Report of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission” (Click on "Read the Commission's findings and recommendations" here: https://www.mainewabanakireach.org/maine_wabanaki_state_child_welfare_truth_and_reconciliation_commission)

Questions to consider ? Why is truth important?

- Are there different kinds of truth (e.g. forensic truth, narrative truth, historical truth) and why does this matter?

Tuesday, February 15th

Accountability

Assignments

- Kathryn Sikkink, The Justice Cascade, Chapters 4, 5, and 6.
- Reed Brody: “Justice, the First Casualty of Truth?” in the Nation (<https://www.thenation.com/article/archive/justice-first-casualty-truth/>)
- Amnesty International: International Justice (<https://www.amnesty.org/en/what-we-do/international-justice/>)

Questions to consider

- Do criminal prosecutions of international crimes have a deterrence effect on future perpetrators?
- Who should be prosecuted? Every perpetrator? Who is a perpetrator? What should happen to people who are “guilty” but not prosecuted?

February 22nd

Repair/Reparations

Assignments

- Pablo de Greiff, the “Oxford Handbook on Reparations”, “Introduction” and “Justice and Reparations” (both on Brightspot)

- Naomi Roht-Arriaza, “Review: The Handbook of Reparations by Pablo de Greiff”, *The American Journal of Comparative Law*, Winter, 2008.
- Rashawn Ray and Andre M. Perry. “Why we need reparations for Black Americans” (download the full brief here: <https://www.brookings.edu/policy2020/bigideas/why-weneed-reparations-for-black-americans/>)
- Peruse this website: <https://redressnetwork.org/>

Questions to consider

- If repair is fundamentally impossible (e.g. it is impossible to repair the killing of a person), how can we measure reparations initiatives?



What is the relationship between reparations and money? (i.e. must reparations include money?)

- How can we design reparations policy for generational harm?

March 1st

Repair/Reparations

(continued from the last class)

March 8th

Memory

Assignments

- Read: Bickford and Sodaro, "Remembering Yesterday to Protect Tomorrow: The Internationalization of a New Commemorative Paradigm" (on Brightspot)
- Read: Marita Sturkin and Katherine Hite "Stadium Memories: The Estadio Nacional de Chile and the Reshaping of Space through Women's Memory" (on Brightspot)
- Skim: Balcells, et al, "Do transitional justice museums persuade visitors? Evidence from a field experiment" (on Brightspot)

Questions to consider

- What is the difference between memory and history?
- When is it better "to forget"?
- What is the "social construction of memory" and what strategies can be deployed by organizations to shift the ways that memory is constructed?

March 15th – NO CLASS – VACATION

March 22nd

Culture, Cultural Production, and Narrative Change

CLASS BY ZOOM

Assignments

- **Paper proposal due by class time**
- BEFORE CLASS, ON YOUR OWN TIME, WATCH AT LEAST TWO OF THE FOLLOWING FILMS:
- "The Official Story" (Argentina)
(https://bobcat.library.nyu.edu/permalink/f/ci13eu/nyu_aleph007382164)
- "The Lives of Others" (Original title: Das Leben der Anderen) (Germany) (2006)

- “Death and the Maiden” (Chile)
(https://bobcat.library.nyu.edu/permalink/f/ci13eu/nyu_aleph000022783)

Questions to consider

- What is “culture” and why is it important to “influence culture”
If indeed it is important, what are the best methods and tools to do this?
- ☐ How would we measure culture change?

March 29th

Non-Repetition/non-recurrence/prevention

Assignments

- Read: Naomi Roht-Arriaza, “Measures of Non-Repetition in Transitional Justice: The Missing Link?” (on Brightspot)
- Read: FriEnt—Three essays (on Brightspot)

Questions to consider

- Consider the idea of “repetition” ... what does it actually mean to “repeat”?
- If you could design a non-repetition strategy to prevent mass atrocity in the future, what would it look like? Where would you focus? Culture? Institutions?

April 5th

Presentations 1 (Groups 1&2 – one hour each)

Pizza

April 12th

ZOOM CLASS

Guest Speaker: Eduardo Gonzalez

April 19th

Presentations 2 – Group 3

April 26th

The United States

Assignments

- Sikkink, chapter 7
- Additional readings TBD

May 3rd LAST CLASS

Note: May 9th is last day of spring classes

FINAL PAPERS DUE BY MIDNIGHT, TUESDAY, MAY 17TH, by email to LNB2@NYU.EDU



III. Required readings and assignments

- A. All additional readings are on NYU-Classes (or links are provided)

IV. RECOMMENDED

- Peruse the ICTJ.ORG website, sign up for newsletters, etc
- Peruse this website historicaldialogues.org and sign up for newsletters (send a note to dialogues@columbia.edu)
- Sign up for newsletters from the Transitional Justice in the USA Network <transitionaljusticeusa@googlegroups.com> and occasionally review their [website and speakers series](#).
- Occasionally glance at articles of your choice on OpenGlobalRights
- Follow me on LinkedIn for occasional; posts about this topic and also for job listings that I post or re-post (if you are considering professional opportunities)

V. Written Assignments and Grading

Students will be graded on the following:

1. PROPOSAL: Paper proposal (10%): One page maximum (text) plus one-page maximum bibliography (i.e. 2-pages maximum)
2. FINAL PAPER (60%): (to be explained in class)
3. PARTICIPATION/reading/NGO presentations (30%)

FINAL PAPER (GUIDANCE/EXAMPLE)

As you start to think through your final paper, here is an example to help you begin to conceptualize what you will do. This is just an example. You should choose a topic and geography that is interesting to you. You can focus on recent human rights abuse (e.g. police violence at racial justice protests) or a more historical question (e.g. the atrocities committed by the Germans in Namibia during the diamond mining period) ... the topic is fairly open, as long as it resonates with the themes of the class.

Lets say you start with the challenge of addressing **historical injustices committed against First Peoples in Australia**.

The first part of the paper would be a historical examination of those injustices. This is in some ways the easiest part of the paper, and should probably not be more than 1-2 page(s). This sets the background, but it is not, itself, the topic of the paper).

A second part of the paper might be a review of efforts and initiatives (NGOs, state policies, university initiative, criminal processes, etc) that have attempted to address those injustices, using a truth/accountability/repair framework.

A third section might explore relevant international/comparative cases (e.g. [Canada](#)) and similar efforts (e.g. [Maine](#)) to address these issues, as well as (perhaps) other comparisons that seem relevant. (we can discuss the question of comparisons ... sometimes distant cases that seem, at first glance, to be too different can provide lessons or examples that are useful.

A fifth part could be an examination of a major ongoing initiative ([The Yoorrook Justice Commission](#)) which is currently attempting to address these historical problems and their ongoing legacies in Australia.

And then a conclusion, bibliography, etc.

Obviously, this is just one example, and you can choose a topic and geographical focus that interests you.

The paper itself should be 5-7 pages single-spaced. I am not dogmatic about page length.

I look forward to having a conversation with each of you (largely through the vehicle of the paper proposal, due on MARCH 22, to which I will respond with written comments). Also feel free to try out any ideas on me in advance! Feel free to send me an email about what you are considering, if you want (not required, but I am here to help).

PAPER PROPOSAL

The paper proposal is due March 22nd. Please keep in mind the purpose of this assignment: it is to let me know that you have chosen a topic and really thought a bit about it, and it gives me an opportunity to give you ideas and suggestions (or perhaps to suggest you go a different direction).

To accomplish these goals, the proposal should be less than two-pages single-spaced. The first page should be a narrative text that summarizes the paper topic and what you plan to explore. The second page should be a concise annotated bibliography with between 3-7 sources you intend to use (and ideally that you have already read or become familiar with). At least half of these should be from scholarly sources (this is, after all, a research paper).

Let me know if you have any questions or concerns, or if you want to try out an idea in advance.

Academic Integrity

Academic integrity is a vital component of Wagner and NYU. All students enrolled in this class are required to read and abide by Wagner's Academic Code. All Wagner students have already read and signed the Wagner Academic Oath. Plagiarism of any form will not be tolerated and students in this class are expected to report violations to me. If any student in this class is unsure about what is expected of you and how to abide by the academic code, you should consult with me.

Henry and Lucy Moses Center for Students with Disabilities at NYU

Academic accommodations are available for students with disabilities. Please visit the Moses Center for

Students with Disabilities (CSD) website and click on the Reasonable Accommodations and How to Register tab or call or email CSD at (212-998-4980 or mosescsd@nyu.edu) for information. Students who are requesting academic accommodations are strongly advised to reach out to the Moses Center as early as possible in the semester for assistance.

NYU's Calendar Policy on Religious Holidays

NYU's Calendar Policy on Religious Holidays states that members of any religious group may, without penalty, absent themselves from classes when required in compliance with their religious obligations. Please notify me in advance of religious holidays that might coincide with exams to schedule mutually acceptable alternatives.