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Research Note - Transitional Justice in Higher Education: Assessing the State of the Field

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Research Note
**Transitional Justice in Higher Education:
Assessing the State of the Field**

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Abstract

As transitional justice has emerged as its own academic field over the last two decades, it has become increasingly popular among scholars, as well as undergraduate and graduate students. As a result, courses related to transitional justice are now taught at institutions of higher education around the world. Yet little is known about the extent and nature of these course offerings. This is despite the fact that such developments have significant implications for the future of the field: where and how transitional justice is taught now will shape the views and approaches of future scholars and policymakers. This note thus seeks to shed light on the status of transitional justice in higher education by systematically examining course offerings related to transitional justice at academic institutions around the world.

Introduction

While transitional justice mechanisms have been employed by states for centuries, transitional justice as a scholarly field of study is relatively new.¹ It has its academic origins in the early 1990s and

¹ Though it should be noted that there is healthy debate about the coherence and extent of the field of transitional justice, see, Christine Bell, "Transitional Justice, Interdisciplinarity and the State of the 'Field' or 'Non-Field'," *International Journal of Transitional Justice* 3:1 (2009): 5-27.

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became more mainstreamed with Neil Kritz's foundational three-volume edited collection titled *Transitional Justice*, which emerged from the Rule of Law Initiative at the United States Institute of Peace, and with Ruti Teitel's book of the same name.² Since then, the field has grown considerably, with the emergence of specialized online forums, university institutes and programs dedicated to the topic, and the founding of the International Center for Transitional Justice in 2001. The *International Journal of Transitional Justice* is now in its sixth year of publication, and a second journal dedicated to the topic—*Transitional Justice Review*—was founded in 2012.³ Thousands of academic books and articles explore various aspects of transitional justice.⁴

As transitional justice appears in the news with greater frequency, and more scholars research the topic, it is not surprising that it has also become increasingly popular among undergraduate and graduate students. As a result, courses related to transitional justice are now taught at institutions of higher education around the world. Yet little is known about the extent and nature of these course offerings.⁵ This is despite the fact that such developments have significant implications for the future of the field: how transitional justice is taught now will shape the views and approaches of future scholars and policymakers.

² Ruti Teitel, *Transitional Justice* (New York: Oxford University Press, 2000); Neil J. Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, 3 volumes (Washington, DC: United States Institute of Peace Press, 1995). At around the same time, the Project on Justice in Times of Transition was founded in New York and helped coalesce the field through a major conference in Salzburg, Austria, in March 1992.

³ Other journals have also dedicated special volumes to the topic, see, for example: Marek Kaminski, Monika Nalepa, and Barry O'Neill, eds., "A Special Issue on Transitional Justice," *Journal of Conflict Resolution* 50, no. 3 (2006).

⁴ See Andrew G. Reiter, "Transitional Justice Bibliography," <http://sites.google.com/site/transitionaljusticedatabase/transitional-justice-bibliography>.

⁵ The main exception to the neglect of this issue is David Backer's impressive catalog of over 145 course syllabi related to transitional justice courses taught from 1995-2006, see: http://sitemaker.umich.edu/backer/transitional_justice_resources. But the syllabi are a resource for educators; they were not collected systematically and he has not used them to conduct any analysis.

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The lack of study into this area is even more surprising considering the importance scholars have given to education within the field of transitional justice. While early scholarship focused on the role that education reform can play as a transitional justice process at the primary or secondary levels,⁶ recent studies have included the collegiate level,⁷ and key NGOs provide lesson plans that target collegiate students or adult populations.⁸

This note thus seeks to shed light on the status of transitional justice in higher education. To do so, we systematically examine course offerings related to transitional justice at academic institutions around the world. The next section of this note outlines our sample

⁶ Elizabeth A. Cole, "Transitional Justice and the Reform of History Education," *International Journal of Transitional Justice* 1:1 (2007): 115-37; Elizabeth A. Cole, ed. *Teaching the Violent Past: History Education and Reconciliation* (Rowman & Littlefield Publishers, 2007); Michael H. Scarlett, "Imagining a World beyond Genocide: Teaching about Transitional Justice," *Social Studies*, 100:4 (2009): 169-76; Alan McCully, "What Role for History Teaching in the Transitional Justice Process in Deeply Divided Societies?" in *Contemporary Public Debates Over History Education*, edited by Irene Nakoue and Barca, Isobel (Charlotte, NC: Information Age Publishing, 2010), 169-84; Elizabeth A. Cole and Karen Murphy, "History Education Reform, Transitional Justice and the Transformation of Identities," Research Brief, International Center for Transitional Justice, October 2009, <http://www.ictj.org/sites/default/files/ICTJ-Identities-HistoryEducation-ResearchBrief-2009-English.pdf>; Julia Paulson, "(Re)Creating Education in Postconflict Contexts: Transitional Justice, Education, and Development," Research Brief, International Center for Transitional Justice, November 2009, <http://ictj.org/sites/default/files/ICTJ-Development-Education-ResearchBrief-2009-English.pdf>

⁷ Clara Ramirez-Barat, "Making an Impact: Guidelines on Designing and Implementing Outreach Programs for Transitional Justice" January 2011, <http://www.ictj.org/sites/default/files/ICTJ-Global-Making-Impact-2011-English.pdf>

⁸ See, for example, "Transitional Justice: Restructuring Self and Society," Facing History and Ourselves, <http://tj.facinghistory.org/>; "The Road to Peace: A Teaching Guide on Local and Global Transitional Justice," The Advocates for Human Rights, <http://discoverhumanrights.org/3e4d356b-9922-4a97-afa7-918957e53e86.html>; Fatimah Aşghar, et al. "Transitional Justice Reconciliation Talks: A Simulation for Use in Youth and Adult Education," Humanity in Action, <http://www.humanityinaction.org/knowledgebase/331-transitional-justice-reconciliation-talks-a-simulation-for-use-in-youth-and-adult-education>

of academic institutions. The following section presents our data collection process. We then provide summary statistics from the data that illustrate the extent of the field and shed light on where and in which disciplines transitional justice courses are taught. Finally, we conclude by reflecting on our findings and highlighting several avenues for follow-up studies.

Sample of Academic Institutions

In determining which academic institutions to include in our sample we had three goals. First, we wanted to include a sufficient number of institutions so as to be able to say something meaningful about the state of the field and about any patterns that exist in how transitional justice is taught. Second, we felt strongly that this should be a global sample, rather than just institutions from the United States, though we acknowledge the leading role of US institutions in higher education. Finally, we desired to examine a variety of types of academic institutions, including those that weight teaching and research differently.

To that end, we generated a sample of 150 academic institutions, half of which are US-based and half of which are based elsewhere in the world. Of the 75 US institutions, we included 25 that are classified specifically as liberal arts colleges. The source for the institutions in our sample was the *U.S. News & World Report's* 2012 World's Best Universities List, from which we selected the top 50 US and top 75 non-US universities, and the *U.S. News & World Report's* 2012 National Liberal Arts College Rankings, from which we selected the top 25 US liberal arts colleges.⁹ We want to stress that our decision should not be interpreted as an endorsement of the actual rankings. We are not concerned with the ranking of institutions within the lists themselves, only on which institutions are on those lists above our cut-offs, and most rankings do not vary

⁹ The two rankings can be found here:

<http://www.usnews.com/education/worlds-best-universities-rankings/top-400-universities-in-the-world>, and here:

<http://colleges.usnews.rankingsandreviews.com/best-colleges/rankings/national-liberal-arts-colleges/spp+50>.

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dramatically in that respect, especially regarding those institutions near the top. Moreover, rankings do not play any further role in any of our interpretation of the data.

The following section describes the process by which we searched for transitional justice-related courses taught at these 150 academic institutions.

Data Collection Process

The first step in the data collection process was to define transitional justice. Scholars often disagree considerably on how to best conceptualize the term and what mechanisms should be included in its study, and a range of definitions exist in the field. Yet the most mainstream and commonly cited definitions are beginning to coalesce around a clear set of mechanisms, strategies, or approaches to engaging past human rights violations. The *International Journal of Transitional Justice* defines transitional justice broadly as “the study of those strategies employed by states and international institutions to deal with a legacy of human rights abuses and to effect social reconstruction in the wake of widespread violence,” and notes that the topic includes “truth commissions, universal jurisdiction, post-conflict social reconciliation, victim and perpetrator studies, international and domestic prosecutions, institutional transformation, vetting, memorialization, reparations and ex-combatant reintegration.”¹⁰ In its definition, the United Nations also takes a broad stance, and defines transitional justice as “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation,” but then provides further specificity by outlining the key components of transitional justice, which include “judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations,

¹⁰ <http://ijtj.oxfordjournals.org/>

institutional reform and national consultations.”¹¹ The International Center for Transitional Justice similarly defines transitional justice as “the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses. These measures include criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms.”¹²

In sum, while we recognize that many other scholarly definitions in the field that are both narrower and broader exist, we feel that there is widespread consensus that transitional justice includes the following set of responses to past human rights violations: trials and vetting processes intended to hold perpetrators accountable (and amnesties to prevent or limit accountability); truth commissions or processes established to uncover the truth about the past; and victim-oriented restorative justice processes, including reparations, monuments, and public memory projects. Therefore, we set out to locate courses in higher education that address these topics.

We next had to determine what level of engagement with this definition a course must have to warrant inclusion in our study. Focusing too broadly risked the inclusion of too many courses that touch on transitional justice only briefly, have always been taught, and are unaffected by and completely detached from the emergence of transitional justice as a discipline. Most history courses focusing on the Holocaust, for example, will engage the Nuremberg Trials briefly, and an introduction to international relations course will likely discuss the emergence of international law and the International Criminal Court. On the other hand, examining only courses entirely devoted to transitional justice would likely miss many offerings with substantial coverage of transitional justice issues, and in turn understate the extent of the field. We also wanted to distinguish courses that surveyed transitional justice broadly (i.e. examined a range of those responses noted above) from those that focused on

¹¹ United Nations, “Guidance Note of the Secretary General: United Nations Approach to Transitional Justice,” available at: http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf

¹² <http://ictj.org/about/transitional-justice>

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one distinct aspect of the topic, such as courses on international trials or political memory. In the end, we settled on three distinct types of courses:

- **Transitional Justice:** courses devoted entirely to the topic of transitional justice and that approach the subject broadly by examining multiple cases and multiple strategies to deal with past human rights abuses.
- **Transitional Justice Subfield:** courses devoted entirely to the topic of transitional justice, but that approach the subject narrowly by examining either a single case in which transitional justice occurred or a single strategy to deal with past human rights abuses.
- **Related to Transitional Justice:** courses covering another topic or the study of a particular case, but that specifically devote significant attention to one or more of the transitional justice processes noted above. We define “significant” as one-fifth or more of the course as interpreted from course titles, catalog descriptions, and syllabi.

Searching for these types of courses involved first locating online course catalogs for all 150 academic institutions in our study.¹³ After locating each course catalog, we performed a keyword search for the following terms related specifically to our definition above: trial, tribunal, amnesty, truth, memory, memorial, and reparation. We also included a series of broad terms intended to catch possible course related to transitional justice that failed to mention any of those specific mechanisms in their title or description: transitional, transition, justice, war, peace, democratization, and reconciliation.

¹³ Institutions vary considerably on what types of course catalogs they maintain and make available to the public. Some include all courses approved and taught regularly for all departments, while others only show courses on the schedule for the current academic year. While it is important to acknowledge this variation, we did not deem it sufficiently important to modify the study, in particular because our goal was to capture as much information as possible and because we did not see any pattern in which type of institutions provided which type of information.

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While searching for only those sets of terms above will inevitably miss some courses related to transitional justice, a pilot test of several institutions at the beginning of our data collection process demonstrated that all courses related to transitional justice in the entire catalog (based on a complete reading) contained at least one of those keywords. In addition, such an approach allowed us to search the entire catalog, preventing us from either having to read every course in a course catalog or having to choose in which departments to search for courses. After noting all courses containing a keyword, we then used course catalog descriptions and course syllabi (where available) to determine whether each course was either a transitional justice course, a transitional justice subfield course, a course related to transitional justice, or should be excluded from the study.

Overview and Findings

Overall, the data collection process revealed 134 separate course—40 transitional justice, 40 transitional justice subfield, and 54 related to transitional justice—taught at 74 of our 150 academic institutions (49%).¹⁴ A full 28 institutions (19%) offered a course entirely devoted to transitional justice, while 31 (21%) offered a course dedicated to an important subfield, and 48 (32%) overall offered at least one course in either (or both) of those two categories. Table 1, below, illustrates the numbers of each type of course broken down by institution and discipline.

¹⁴ The fact that nearly half of the institutions examined teach a transitional justice-related course is even more impressive considering that several institutions in our sample are focused on technology or business and do not offer such courses.

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Table 1. Types of Transitional Justice Courses by Institution and Field

	Transitional Justice	Transitional Justice Subfield	Related to Transitional Justice	Total
United States	26	27	31	84
World (non U.S.)	14	13	23	50
University	32	37	46	115
Liberal Arts College	8	3	8	19
Undergraduate	24	13	39	76
Graduate	16	27	15	58
Law ¹⁵	17	26	13	56
Political Science ¹⁶	15	9	30	54
Other Social Science	4	2	2	8
Humanities	4	3	9	16

The table reveals several important patterns. First, transitional justice is clearly a global field within academia. While there were slightly more courses offered by US-based institutions, a significant percentage were taught at non-US institutions. In addition, reflecting on the data collection process, we can also

¹⁵ While the majority of courses here are in law schools and at the graduate level, we also include undergraduate offerings in legal studies or related fields.

¹⁶ Note that under political science we include departments named Government, Politics, or Political Science, and we include International Relations and International Studies here as well.

confirm that the term “transitional justice” is in widespread use globally—23 courses had “transitional justice” as or in their title.

Second, we found that transitional justice courses were taught at nearly the same regularity at liberal arts college as they were at universities, and that they were spread relatively equally across the graduate and undergraduate levels. This again demonstrates widespread diffusion of transitional justice throughout higher education.

Finally, our data show that, despite some courses in the humanities and other social sciences, transitional justice is dominated by political science and law. This is perhaps not surprising given the origins of the field and the pervasiveness of politics surrounding the strategies employed to deal with past human rights abuses.

Conclusion

This article presents evidence from a systematic analysis of how and where transitional justice courses are taught in higher education. The findings suggest that transitional justice is a well-entrenched, international field within academia, and that large numbers of students have access to courses on the subject.

We believe that there are several useful avenues for future research. First, a follow-up study should re-examine course offerings as we did here at regular intervals in the future to effectively measure growth (or shrinking) of the field over time.¹⁷ Second, we believe that content analysis of actual course syllabi has the potential to reveal interesting findings in how these topics are taught. Such a process may demonstrate that particular cases, for example, are used frequently to illustrate particular issues, which may in turn shape the debate over those issues. Finally, surveys or questionnaires of those who teach these courses would be able to provide insight into what types of assignments and activities are used in engaging students on these topics.

¹⁷ As part of this process, we would also advocate collecting data on the existence of research institutes and centers related to transitional justice at academic institutions.