

## PHIL 6505: MAJOR PROBLEMS IN POLITICAL PHILOSOPHY

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Class Location: S105 Ross Bldg.  
Class Time: M, W 11.30am-2.30pm  
Office Hours: M, W 2.30-3.30pm  
\*Email is the best way to reach me. I will respond within 36 hours\*

### COURSE DESCRIPTION:

This seminar will focus on the questions of political philosophy that arise following violent civil conflicts or authoritarian regimes – that is, what are often called ‘transitional contexts’. We will examine recent philosophical debates about the nature of transitional justice and political reconciliation, and look at three mechanisms associated with both phenomena: truth commissions, public apologies, and reparations. The seemingly distinctive nature of the claims that arise in transitions from conflict to peace, or from authoritarianism to democracy have led some, most notably, Ruti Teitel, to argue that transitional justice represents a unique and distinct *kind* of justice (Teitel, 2002). Others, like David Dyzenhaus, are skeptical of this apparent uniqueness, arguing that the transitions that typically follow large-scale conflict are merely new, complicated, forums for employing nevertheless familiar norms of political and legal justice (Dyzenhaus, 2004). In the first part of the course, we will tackle this debate.

Transitional contexts demand not only justice, but also broader reconciliation. There is a growing field of philosophical literature on moral repair, both material and symbolic, (Spelman 2002, Walker 2006) as well as evolving attempts to understand the goals of moral and political reconciliation (Prager and Govier 2003, Schaap 2005, Eisikovits 2010, Murphy 2010). These theorists focus on the repair of damaged or oppressive political relationships, and the establishment of appropriate criteria for recognizing and sustaining morally and politically appropriate ones. Yet appropriate relationships rely as much on the growth of mutual trust and respect, as they do on the fulfillment of specific, measurable obligations. As a result, work on moral repair has brought new focus and attention to the potential *political* role for phenomena such as apology (Tavuchis 1988, Smith 2008, Celermajer 2010), forgiveness (Digeser 2000, Govier 2002, Griswold 2007), amnesty (Villa-Vicencio and Doxtader 2003) and pardons (Moore 1997), as well as truth commissions (Eisikovits 2010, Murphy 2010) and reparations (Walker 2011, 2012). We will consider the nature of political reconciliation in the second part of the course, and the role of truth commissions, apologies, and reparations in the third.

**COURSE READINGS:** All required readings are listed in the schedule at the back of this syllabus.

### COURSE REQUIREMENTS:

#### 1. Discussion Questions (8%) and Class Participation (7%)

You will each be required to post a discussion question to the group, via email, no later than 5pm the day before each class (i.e. Sunday and Tuesday evenings). You should include a brief introduction to your question when you post it, and will be sometimes expected to say a few remarks to introduce it to the class when we meet. These will not be evaluated as such – so don’t feel too much pressure – but keep in mind (a) that we may use your question as a basis for some of our class discussion each week, and (b) you will lose 1/8 whenever you either do not post by 5 pm the day before we meet or do not show up to class to present your question (we may not get to your question every week, but you should be ready). You should post 8 discussion questions in total, before 8 different classes (you get two passes and the first class & last class don’t count).

#### 2. Critical Response Papers/Seminar (20%)

a) Option A: You will be required to further develop *two* of your discussion questions into critical responses to the reading, drawing on your original analysis and subsequent class conversation, and to hand these in within one week (i.e. at the end of the following Monday’s or following Wednesday’s class). These responses should be 6-7 typed pages and should further develop your original challenge.

## PHIL 6505: MAJOR PROBLEMS IN POLITICAL PHILOSOPHY

OR

b) Option B: If you prefer, you can choose to submit only *one* critical response paper and, in addition, give one seminar presentation (of no more than 15 minutes) to the class. This presentation should be treated like an extended version of the discussion question, introducing the class to the topic/reading, and then choosing to focus on one aspect of it and developing a critical analysis from that. If you choose to take this option, you must inform me by the beginning of our THIRD class (i.e. Monday, May 14) and we will choose a date.

### 3. Final Paper (in three parts) (65%)

#### a) Paper Topic DUE JUNE 5/6 (10%)

This component has two parts: a presentation, and an electronic submission. You should come to class on **June 6** ready to present your choice of paper topic (the general area or question you will be tackling, the shape your thesis is taking, the direction you see your research going, etc.) and be ready to voice concerns or questions you have going forward. This presentation should take no more than 5-8 minutes. You will also be encouraged to comment productively on other people's short presentations (with respect, enthusiasm and constructive engagement). Additionally, you will be required to submit a written version of this, electronically, by 5pm the night before that class (i.e. **June 5**) to me, only.

#### b) Thesis Statement, Outline and Annotated Bibliography DUE JUNE 17/18 (15%)

You will present your paper as a work in progress a second time, on **June 18** (our last class). This will be something closer to a short conference presentation (or poster presentation without the poster): identifying your thesis, outlining your argument and explaining who or what you draw on for support, and then gesturing towards the kind of conclusions you hope to draw, and why you think they are significant or of interest. You should also be prepared to answer questions from classmates about your paper and to ask questions of others, and you can prepare a handout if you like (but it's not necessary). And, again, you will be expected to hand in a written version of this presentation (i.e. your thesis, outline and an annotated bibliography explaining your sources) by 5pm the night before class (i.e. **June 17**).

#### c) Complete Draft of your Final Paper (40%)

A complete draft of your paper (approximately 5000-8000 words) is due via email by **5pm, June 25**. You should aspire to write a paper that is suitable for submission to an academic journal (I'm happy to speak with you more about this) and an abstract (150-250 words) must be included. Please indicate if you intend to submit your paper to a journal, and I will gear my comments to potential revisions. I will also read and comment on a revised version of your paper.

Please submit electronic and *not* paper copies of all your work (in .doc or .docx format).

Late work will only be accepted without penalty if you have prior approval from me, or in the event of a documented emergency. All other work will be penalized at a rate of 3% per day. After 5 days it will not be accepted.

York students are required to maintain high standards of academic integrity and are subject to the Senate Policy on Academic Honesty:

<http://www.yorku.ca/secretariat/legislation/senate/acadhone.htm>

Students are also expected to review the materials on the Academic Integrity website.

**PHIL 6505: MAJOR PROBLEMS IN POLITICAL PHILOSOPHY**

**SCHEDULE OF CLASSES, TOPICS, AND READINGS FOR PHIL 6505**

Date:	Topic:	Required Readings:	Suggested Further Readings:
7/5	Dealing with the Past/Ethics and Politics after Conflict	<i>No Required Readings</i>	Nigel Biggar, "Making Peace or Doing Justice"  Tuomas Forsberg, "The Philosophy and Practice of Dealing with the Past: Some Conceptual and Normative Issues"
9/5	Justice in Transitions (I)	Ruti Teitel, "Introduction", CH 1, "The Rule of Law in Transitional Justice", and CH 7 "Toward a Theory of Transitional Justice," <i>Transitional Justice</i>  Colleen Murphy, "Justice in Transitional Contexts"	Ruti Teitel, "Genealogy of Transitional Justice"  David Crocker, "Reckoning with Past Wrongs: a Normative Framework"  Jon Elster, "The Structure of Transitional Justice"
14/5	Justice in Transitions (II)	Eric Posner and Adrian Vermeule, "Transitional Justice as Ordinary Justice"  David Gray, "Extraordinary Justice"	[Given the length of the required readings, I have not listed any further readings for this class; speak to me for a reading list on transitional justice]
16/5	Trials and Tribunals	Martha Minow, "Trials"  Ruti Teitel, "Criminal Justice" CH 2, <i>Transitional Justice</i>  SEP Entry on Transitional Justice <a href="http://plato.stanford.edu/entries/justice-transitional/">http://plato.stanford.edu/entries/justice-transitional/</a>	Gary Bass, <i>Stay the Hand of Vengeance: The Politics of War Crimes Tribunals</i> (Princeton University Press, 2002).
21/5	<i>No Class: Victoria Day</i>	<i>None</i>	<i>None</i>
23/5	Political Reconciliation (I)	Daniel Philpott, "Beyond Politics as Usual: Is Reconciliation Compatible with Liberalism?"  Susan Dwyer, "Reconciliation for Realists"	Andrew Schaap, "Reconciliation and Politics"
28/5	Political Reconciliation (II)	Colleen Murphy, "Introduction," <i>A Moral Theory of Political Reconciliation</i>  Darrel Moellendorf, "Reconciliation as a Political Value"	Colleen Murphy, <i>A Moral Theory of Political Reconciliation</i> (CUP 2010)  Carol Prager & Trudy Govier, <i>Dilemmas of Reconciliation</i> (WLU Press, 2003)

**PHIL 6505: MAJOR PROBLEMS IN POLITICAL PHILOSOPHY**

30/5	Truth Commissions (I)	Amy Gutmann & Dennis Thompson, "The Moral Foundation of Truth Commissions"  David Dyzenhaus, "Survey Article: Justifying the Truth and Reconciliation Commission"	Robert Rotberg & Dennis Thompson, <i>Truth V Justice: The Morality of Truth Commissions</i> (Princeton University Press, 2000)
4/6	Truth Commissions (II)	Jennifer Llewellyn, <i>TBA</i>  Elizabeth Kiss, "Moral Ambition within and Beyond Political Constraints: Reflections on Restorative Justice"  Nir Eisikovits, "Rethinking the Legitimacy of Truth Commissions: 'I am the enemy you killed, my friend'"	Charles Villa Vicencio, <i>TBA</i>  Patricia Hayner, <i>Unspeakable Truths: Facing the Challenge of Truth Commissions</i> (Routledge, 2002).  Wilhelm Verwoerd, "Toward a Response to Criticisms of the South African Truth and Reconciliation Commission"
6/6	Forgiveness  <i>Presentation of Paper Topics</i>	Donald Shriver, "Where and When in Political Life is Justice Served by Forgiveness?"  Thomas Brudholm, "On the Advocacy of Forgiveness after Mass Atrocities"  Alice MacLachlan, "The Philosophical Controversy over Political Forgiveness"	Claire Moon, "Prelapsarian State: Forgiveness and Reconciliation in Transitional Justice"  Nir Eisikovits, "Forget Forgiveness: On the Benefits of Sympathy for Political Reconciliation."
11/6	Reparation(s)	Ernesto Verdeja, "A Normative Theory of Reparations"  Margaret Urban Walker, "The Expressive Burden of Reparations: Putting Meaning into Money, Words and Things"	John Torpey, "Making Whole: The Ethics and Politics of 'Coming to Terms with the Past'"  Pablo de Greiff, ed. <i>The Handbook of Reparations</i> (OUP, 2006).
13/6	Apologies	Trudy Govier and Wilhelm Verwoerd, "The Promise and Pitfalls of Apology"  Janna Thompson, "The Apology Paradox"	Mark Gibney et al, <i>The Age of Apology</i> (Penn State Press, 2008).  <i>TBA</i>
18/6	<i>Presentations of Thesis/Outline</i>	<i>None</i>	<i>None</i>