

Academic Year: ( 2022 / 2023 )

Review date: 04-05-2022

Department assigned to the subject: Department of International Law, Ecclesiastical Law and Philosophy of Law,

Coordinating teacher: VILLAMIL FERNANDEZ, FRANCISCO

Type: Electives ECTS Credits : 6.0

Year : Semester :

**REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)**

- Comparative Politics.
- Constitutional Organization of Government.
- Public International Law.
- Human Rights.
- Topics in International Politics.

**OBJECTIVES****LEARNING OUTCOMES**

- Applied knowledge on the elements of the concept of transitional justice, its historical evolution and the international legal norms which each of them has been consecrated and consolidated.
- Applied knowledge that permits to identify the various legal, political, institutional and social aspects that interact in any process of transition to democracy.
- Applied knowledge for understanding the importance of transitional justice and the satisfaction of the rights of victims of severe human rights violations when conducting any process of transition to democracy.
- Applied knowledge for determining the viability and success of the different implemented public policies to meet the principles of transitional justice in a process of democratization.

**DESCRIPTION OF CONTENTS: PROGRAMME**

Lesson 1: Basic concepts and terminology for the course. Why do we speak of transitions instead of transformations? The inter-regnum between political regimes. Concepts and definitions of democracy.

Lesson 2: Types of dictatorship. State and regime in times of political change. The analytical distinction between State and regime.

Lesson 3: Types of transitions. Typologies and the debate on this theme. The connection with the degree of transitional justice achieved.

Lesson 4: What can go wrong in a transition to democracy? How can democratic consolidation be achieved?

Lesson 5: The principal political science theories: Moore, Dahl, Linz and Stepan, O'Donnell and Schmitter, Przeworski, Huntington, Shapiro.

Lesson 6: The evidence offered by recent empirical studies. Factors favorable to democratization and major causal determinants.

Lesson 7: The Spanish case in comparative perspective. The Spanish transition from the perspective of comparative political science.

Lesson 8: The philosophic and normative debate on transitional justice.

Lesson 9: The contents of transitional justice (I). Truth.

Lesson 10: The contents of transitional justice (II). Justice.

Lesson 11: The contents of transitional justice (III). Reparation.

Lesson 12: Legislation and regulations on transitional justice.

Lesson 13: Transitional justice, human rights and the consolidation of the rule of law.

Lesson 14: Transitional justice and historical memory. The Spanish case and the rights of the victims of Francoism.

#### LEARNING ACTIVITIES AND METHODOLOGY

- Lectures.
- Seminars.
- Elaboration of papers for students.
- Final examination.
- Weekly tutorials.

#### ASSESSMENT SYSTEM

- Final Examination: 40%
- Attendance, Participation in classes, and papers: 60%

A minimum grade of 3 (out of 10) will be necessary to pass the course.

<b>% end-of-term-examination:</b>	40
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	60

#### BASIC BIBLIOGRAPHY

- Aguilar, P., Brito, A. and González, C. *The Politics of Memory: Transitional justice in Democratizing Societies*, Oxford University Press, 2001
- Almqvist, J. and Expósito, C. (eds.) *The Role of Courts in Transitional justice: Voices from Latin America and Spain*, Routledge, 2011
- Arthur, P. (eda.) *Identities in Transition: Challenges for Transitional justice in Divided Societies*, Cambridge University Press, 2011
- Elster, J. *Retribution and Reparation in the Transition to Democracy*, Cambridge University Press, 2006
- Elster, J. *Closing the Books: Transitional Justice in Historical Perspective*, Cambridge University Press, 2014
- Escudero, R. *Road to Impunity: The Absence of Transitional Justice Programs in Spain*, *Human Rights Quarterly*, vol. 36, nº 1, pp. 123-146, 2014
- Fishman, R. *Rethinking State and Regime: Southern Europe's Tradition to Democracy*, *World Politics*, vol. 42, nº 3, pp. 422-440, 1990
- Greiff, P. de (ed.) *The Handbook of Reparations*, Oxford University Press, 2006
- Linz, J. *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*, Johns Hopkins University Press, 1978
- Linz, J. and Stepan, A. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Johns Hopkins University Press, 1996
- O'Donnell, G. and Schmitter, P. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, Johns Hopkins University Press, 1986
- O'Donnell, G., Schmitter, P. and Whitehead, L. (eds.) *Transitions from Authoritarian Rule: Comparative Perspectives*, Johns Hopkins University Press, 1986
- Payne, L. and Lessa, F. (edas) *Amnesty in the Age of Human Rights Accountability*, Cambridge University Press, 2012
- Przeworski, A. (et al.) *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990*, Cambridge University Press, 2000
- Read, J.H. and Shapiro, I. *Transforming Power Relationships: Leadership, Risk, and Hope*, *American Political Science Review*, vol. 108, nº 1, pp. 40-53, 2014
- Teitel, R. *Transitional Justice*, Oxford University Press, 2000
- Williams, M., Nagy, R. and Elster, J. (eds.) *Transitional Justice*, New York University Press, 2012

#### ADDITIONAL BIBLIOGRAPHY

- Bermeo, N. *The Revolution within the Revolution: Workers' Control in Rural Portugal*, Princeton University Press, 1986
- Fishman, R. and Lizardo, O. *How Macro-Historical Changes Shapes Cultural Tastes: Legacies of Democratization in Spain and Portugal*, *American Sociological Review*, vol. 78, nº 2, pp. 213-239, 2013
- Hilbink, L. and Ferrán, O. (edas.) *Legacies of Violence in Contemporary Spain*, Routledge, 2016
- Mainwaring, S. and Pérez-Liñán, A. *Democracies and Dictatorships in Latin America: Emergence, Survival, and Fall*, Cambridge University Press, 2013

## BASIC ELECTRONIC RESOURCES

- Democratization . Journal: <http://www.tandfonline.com/toc/fdem20/current>
- Journal of Democracy . Web Page: <http://journalofdemocracy.org>
- Oxford Transitional Justice Research . Web Page: <http://www.law.ox.ac.uk/research-subject-groups/oxford-transitional-justice-research>
- The Center for Justice and Accountability . Web Page: <http://cja.org>
- The Internacional Center for Transitional Justice . Web Page: <http://www.ictj.org>