

COURSE OUTLINE

COURSE:	LAWS 3908 B - Legal Studies Methods and Theory II
TERM:	Winter 2009-10
PREREQUISITES:	LAWS 2908 & 3rd year honours standing
CLASS:	Day & Time: Tuesday, 2:35 pm - 5:25 pm
	Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Clinton Timothy Curle
CONTACT:	Office: Loeb D582
	Office Hrs: Tuesday, 12:30-2:30 and by appointment
	Telephone: 613-520-2600 x3746
	Email: clint_curle@carleton.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

Building on the practical research skills students acquired in LAWS 2908, this course will focus on the following themes:

- * the role of theory in informing critical analysis,
- * interdisciplinary approaches to research,
- * relating theory to method, and
- * research design.

We will go beyond the study of traditional sources of law (cases & statutes) and consider what is involved in a more comprehensive and intersectional engagement with a legal topic. The study of genocide as a feature of contemporary international humanitarian law will provide the leitmotif for this exploration. Why genocide? Since the invention of the term "genocide" as a crime against humanity in 1944, the ways we study genocide have overspilled the legal categories to incorporate perspectives informed by disciplines such as history, political science, sociology, psychology and theology. At the same time, the study of genocide has firmly retained its association with international humanitarian law. As such, it forms an excellent field in which to reflect on interdisciplinary research theory and method within the parameters of legal studies.

REQUIRED TEXTS

1. Samuel Totten and Steven Jacobs, eds, *Pioneers of Genocide Studies* (London: Transaction Publishers, 2002).

NOTE: The above book is available in the Carleton bookstore, or you can purchase a license to read the book online (not downloadable) at <http://ebookstore.transactionpub.com/home/main.mpx>

2. Regular weekly readings posted on Web-CT.

COURSE REQUIREMENTS & GRADING

**** You must complete ALL components of the course to receive a passing grade. ****

1. Participation 10%

Students are expected to both attend class and also to participate in an enthusiastic and informed manner in our class and small group discussions. The assigned readings should be thoughtfully read prior to each class. The participation grade is based on attendance (5%, taken at the beginning of each class) and quantity and quality of discussion contributions (5%).

2. Class Quizzes 10%

To encourage class attendance and careful reading of texts, I will be administering several "pop quizzes" over the course of the term. These quizzes will cover the readings for the day in question, be mostly multiple-choice, and will be administered at the beginning of our class time.

3. Short Papers (25% x 2) 50%

Students will submit **two** 5-page analytical papers on research theory and method. Each paper will be based on the recommended readings from a week of the student's choice, and will take up an autobiographical essay from *Pioneers of Genocide Studies* and the accompanying essay by the same author. In each analytic paper you will bring the author's essay into conversation with their autobiographical reflections on their own scholarly perspective. Your analysis will include but go beyond mere summaries or personal reactions. Your focus in these short papers will be on the ways that personal experiences, questions, theories, and methods interact in the research process. Each response paper is worth 25% of the final grade. A rubric for these short papers will be distributed in class. **Your first short paper must be submitted on or before Feb. 9, 2010. Your second short paper must be submitted on or before March 23, 2010.**

4. Final Take-home Examination (30%)

You will be given a take-home open book final examination at the end of the semester. This exam will consist of essay-style questions based on the course readings and lectures. Your answers should be approximately 10 pages in total (typed, double-spaced, 12-point font). **The take-home exam will be handed out on the last day of class, and is due by 4 pm on Monday, April 12, to be submitted to the Law department drop box.**

LATE POLICY

Late assignments will be penalized **4% per day** that they are late. Late assignments are to be submitted to the Law Department's drop box (Loeb C473) unless otherwise noted. Email is **not** considered an acceptable means of assignment submission without express permission.

PLAGIARISM AND OTHER INSTRUCTIONAL OFFENCES:

The University's policy concerning plagiarism and other instructional offences is outlined in the Undergraduate Calendar. In particular, students should note that a student commits an instructional offence if he or she "submits substantially the same piece of work to two or more courses without the prior written permission of the instructors from all courses involved. Minor modifications and amendments, such as changes of phraseology in an essay or paper, do not constitute a significant and acceptable reworking of an assignment." Students should also note that it is an instructional offense to commit plagiarism, which is using the words or thoughts of another person without expressly acknowledging it.

CLASS SCHEDULE

- 1. Jan 5 COURSE INTRODUCTION**
- 2. Jan 12 REVIEW OF LAWS 2908**
Required Reading
Neil Sargent, "The Possibilities and Perils of Legal Studies" (1991) 6 Can. J.L. & Soc. 1.

3. Jan 19 **INTERDISCIPLINARY RESEARCH, INTERSECTIONALITY & GENOCIDE**
Required Reading
 - Mihran Dabag, "Modern Societies and Collective Violence: The Framework of Interdisciplinary Genocide Studies" in Graham Kinloch and Raj Mohan, eds., *Genocide: Approaches, Case Studies and Responses* (New York: Algora Publishing, 2005) 37.
 - Leslie McCall, "The Complexity of Intersectionality" (2005) 30(3) *Signs: Journal of Women in Culture and Society* 1771.
4. Jan 26 **GENOCIDE AND LEGAL INQUIRY**
Required Reading
 - Raphael Lemkin, "Totally Unofficial Man," *Pioneers* ch. 19.
 - Raphael Lemkin, "Genocide: A Commentary on the Convention," (1949) 58(7) *Yale L. J.* 1142.
Convention on the Prevention and Punishment of the Crime of Genocide 1948, 78 UNTS 277.
Recommended Reading
 - Gregory Stanton, "The Call," *Pioneers* ch. 20.
 - Gregory Stanton, "The Cambodian Genocide and International Law" in Ben Kiernan, ed., *Genocide and Democracy in Cambodia* (New Haven: Yale University Southeast Asia Studies, 1993) 141.
5. Feb 2 **GENOCIDE AND QUANTITATIVE RESEARCH**
Required Reading
 - Philip Verwimp, "Machetes and Firearms: The Organization of Massacres in Rwanda" (2006) 43(1) *Journal of Peace Research* 5.
 - Michael Mann, "Were the Perpetrators of Genocide 'Ordinary Men' or 'Real Nazis?' Results from Fifteen Hundred Biographies" (2000) 14(3) *Holocaust and Genocide Studies* 331.
Recommended Reading
 - Irving Horowitz, "Gauging Genocide: Social Science Dimensions and Dilemmas," *Pioneers* ch. 15.
 - Irving Horowitz, "Counting Bodies: The Dismal Science of Authorized Terror," (1989) 23(2) *Patterns of Prejudice* 4.
6. Feb 9 **GENOCIDE AND POLITICAL SCIENCE**
Required Reading
 - Barbara Harff, "A German-born Genocide Scholar," *Pioneers* ch. 6.
 - Barbara Harff and Ted Robert Gurr, "Systematic Early Warning of Humanitarian Emergencies" (1998) 35(5) *Journal of Peace Research* 551.
Recommended Reading
 - R. J. Rummel, "From the Study of War and Revolution to Democide: Power Kills," *Pioneers* ch. 10.
 - R. J. Rummel, "Democracy, Power, Genocide, and Mass Murder" (1995) 39(1) *Journal of Conflict Resolution* 3.
- * Feb 16 * **READING WEEK** *
7. Feb 23 **GENOCIDE AND HISTORY**
Required Reading
 - James Mace, "Facts and Values: A Personal Intellectual Exploration," *Pioneers* ch. 4.
 - James Mace, "The Politics of Famine: American government and press response to the Ukrainian famine, 1932-1933" (1988) 3(1) *Holocaust and Genocide Studies* 75.
Recommended Reading
 - Rouben Adalian, "Finding the Words," *Pioneers* ch. 1.
 - Rouben Adalian, "Comparative policy and differential practice in the treatment of minorities in wartime: the United States archival evidence on the Armenians and Greeks in the Ottoman Empire," (2001) 3(1) *Journal of Genocide Research* 31.

8. Mar 2 **GENOCIDE AND RACE**
Required Reading
- Jerry Kang, "Trojan Horses of Race," part I, "Racial Mechanics" (2005) 118(5) Harvard L. R.1489.
- Eric Weitz, "The Primacy of Race: Nazi Germany" in *A Century of Genocide: Utopias of Race and Nation* (Princeton: Princeton University Press, 2003) 102.
- Recommended Reading
- Colin Tatz, "Breaking the Membrane," *Pioneers* ch. 12.
- Colin Tatz, "Racism, Responsibility and Reparation" (1985) 31(1) Australian Journal of Politics and History 162.
9. Mar 9 **GENOCIDE AND GENDER**
Required Reading
- Eddah Mutua Kombo, "Their Words, Actions, and Meaning: A Researcher's Reflection on Rwandan Women's Experience of Genocide" (2009) 15(2) Qualitative Inquiry 308.
- Doris Buss, "Rethinking 'Rape as a Weapon of War'" (2009) 17(2) Feminist Legal Studies 145.
- Recommended Reading
- Helen Fein, "From Social Action to Social Theory and Back: Paths and Circles," *Pioneers* ch. 13.
- Helen Fein, "Genocide and Gender: The Uses of Women and Group Destiny," (1999) 1(1) Journal of Genocide Research 43.
10. Mar 16 **GENOCIDE AND PSYCHOLOGY**
Required Reading
- Israel Charny, "A Passion for Life and Rage at the Wasting of Life," *Pioneers* ch. 21.
- Israel W. Charny, "Genocide and Mass Destruction: Doing Harm to Others as a Missing Dimension in Psychopathology" (1986) 49(2) Psychiatry 144.
- Recommended Reading
- Ervin Staub, "The Roots and Prevention of Genocide and Other Collective Violence: A Life's Work Shaped by a Child's Experience," *Pioneers* ch. 22.
- Ervin Staub, "The Psychology of Bystanders, Perpetrators and Heroic Helpers" (1993) 17(3) International Journal of Intercultural Relations 315.
11. Mar 23 **GENOCIDE AND THEOLOGY**
Required Reading
- Michael Sells, "Kosovo Mythology and the Bosnian Genocide" in Omer Bartov and Phyllis Mack, eds., *In God's Name: Genocide and Religion in the Twentieth Century* (New York: Berghahn Books, 2001) 180.
- Mary Grey, "Struggling with Reconciling Hearts and Holding Fast to Our Dreams" (2009) 17(3) Feminist Theology 339.
- Recommended Reading
- Steven Leonard Jacobs, "From Holocaust to Genocide: the Journey Continues," *Pioneers* ch. 23.
- Steven Leonard Jacobs, "The Last Uncomfortable 'Religious' Question? Monotheistic Exclusivism and Textual Superiority in Judaism, Christianity, and Islam as Sources of Hate and Genocide" (Paper presented at the Conference to Establish the Field of Hate Studies, Spokane WA, 20 March 2004) [unpublished].
12. Mar 30 **COURSE REVIEW**