### Course Outline

**COURSE:** LAWS 5904.W  
**TERM:** Winter 2013  
**CLASS:** Day & Time: Mondays, 2:35-5:25

**INSTRUCTOR:** Professor Christiane Wilke  
**CONTACT:**  
- **Office:** D485 Loeb  
- **Office Hrs:** Friday 10-12 (walk-in) & by appointment  
- **Email:** christiane_wilke@carleton.ca  
  
  *Please mention the course number in the email subject line*

**Course Objectives & Content:**

How do systems of law understand, confront, and enable violence? We will examine international law’s relationship to violence through reading classical and contemporary texts in the theory of law. The focus is on reading classical texts against the grain to discover how they allow for practices of violence and domination that they simultaneously allow and make invisible. What does Francisco de Vitoria’s consideration of the Amerindians mean for the debate between universalism and relativism? What does Hugo Grotius’ work suggest about who has the right to go to war, then and now? And what is the relationship between the classical liberalism of John Stuart Mill’s *A Few Words on Non-Intervention* and colonial warfare? We will read classic authors in the history of international law. In order to show the effects of their ideas in practice, we will consider case studies: first, the 1885 Berlin Conference, the “scramble for Africa,” and the atrocities in the Congo Free State; second, the League of Nations Mandate System and the debate about the French bombardment of Syria in 1925. Throughout the course, we will also read Anne Orford’s new book *International Authority and the Responsibility to Protect.*

This course is set out to be theoretical and historical in its orientation. It aims to give historical context to contemporary debates about the use of violence, the rules of war, and international law. These discussions are frequently based upon conceptual frameworks that derive from, for example, the theories of Vitoria, Grotius, or Mill. The critical reading of these theories will therefore allow us to understand and question the presumptions about violence, law, the international order, and human nature that underwrite current practices of violence.
NOTE ON ACADEMIC ACCOMMODATION  
(STUDENTS WITH DISABILITIES, RELIGIOUS OBLIGATIONS, PREGNANCY)

You may need special arrangements to meet your academic obligations during the term because of disability, pregnancy or religious obligations. Please review the course outline promptly and write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist.

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure that your Instructor receives your Letter of Accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the last official day to withdraw from classes in each term.

Students requiring accommodation on the grounds of religious observance must submit to their instructors a formal request with suggestions for alternate dates and/or means of satisfying any academic requirements involved. Such requests should be made during the first two weeks of any given academic term, or as soon as possible after a need for accommodation is known to exist, but in no case later than the second-last week of classes in that term.

Pregnancy accommodation may involve a temporary modification of the elements of the student’s academic program (e.g., laboratory, mid term, final exam, or field work).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at http://carleton.ca/equity/accommodation

COURSE MATERIAL:
It is highly recommended that you purchase one book:


A copy of the readings will be available in the Legal Studies Graduate Lounge.
All other materials will be available on cuLearn.

The following books that we don’t read in the course are recommended as background readings and as starting points for your research papers.

**Evaluation:**
- **Class presentation, attendance and participation:** 15%
- **Three critical response papers:** 15% each (45% combined)
- **Research paper:** 40%

- **Class presentation and participation:** This is a seminar, and we will read texts that are open to a range of interpretations and critiques. Discussions will be essential in allowing us to see and understand some of these interpretations, their background contexts, and their implications.
- In order to focus and facilitate discussion, we will have **short class presentations** (5 min., worth 5 points). A presentation should not summarize the text. Instead, the presenter has the choice of highlighting some issues in the text that they think are interesting to discuss.
- **Everyone’s active participation** is crucial for the success of the class. Participation is valued at 5 points and presumes, of course, that you have read the texts carefully and that you attend class.
- **Attendance policy:** regular attendance is the key to the success in seminar classes. In this class, attendance counts for 5 points. After the first class you missed, each further class that is missed without a documented hardship leads to a 1 point deduction. (Example: If you miss two classes, you will get 4 out of 5 points for attendance.) If you miss three or more classes, you probably have missed so much of the material and class discussion that you should consider withdrawing from the course. If you’re in this situation, please come and see me.

- **Critical Response Papers** are short essays that offer a critical analysis of or argument about key issues from assigned readings. You choose which question raised in or by the readings you write about. This means that your paper might reference one of the readings assigned for the week, or all of them, or some of them. You choose a question and argument that addresses a major point raised in the readings. The goal is not to summarize the readings, but to provide a critical response to them. This should all fit in 4-5 pages (double-spaced). **Response papers are due at the beginning of the class for which the reading is assigned. Papers handed in during or after class are late and will not be accepted (no exceptions).** If you are unable to print the paper or come to class, please email the paper to me before the beginning of the class in which it is due.

- The first response paper has to be submitted no later than January 28th. The second response paper is due no later than March 4th. The third response paper is due no later than March 25th.
You cannot write a response paper on the same text that you are giving a presentation on. You cannot write more than one response per week.

The research paper challenges you to develop a more sustained argument in 20 double-spaced pages based on readings from this class and outside research. The research paper is due on April 15th at noon. Over the course of the term, you will have to submit an initial paper topic (due March 11th) and a paper draft or outline (due April 1st). Those are mandatory but not graded. I will not mark papers from students who have not submitted paper drafts. Late research papers will not be accepted without a documented emergency.

**Schedule:**

1. **January 7th**
   
   **Introduction**

2. **January 14th**
   
   **International Law, Violence, Protection**

   **Readings:**

   **Recommended:**

3. **January 21st**
   
   **History? Theory? Method?**

   **Readings:**


**Recommended:**


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**4. JANUARY 28**

**LAW AND THE SPANISH CONQUEST OF THE AMERICAS**

*The first response paper is due no later than January 28th*

**Readings:**


**Recommended:**


5. **February 4th**

**Varieties of Violence: Pirates, Mercenaries, and More**

Readings:

6. **February 11th**

**Just War, Civilians, and War’s Violence**

Readings:

Recommended:

7. **February 25th**

**Mill: Non-Intervention, Civilization and Empire**
Readings:


Recommended:

Duncan Bell, “John Stuart Mill on the Colonies.” *Political Theory* 38 (2010), 34-64.


8. March 4th

“The Merry Dance of Trade and Death”: International Law and the Congo

*The second response paper is due no later than March 4th*

Readings:


*General Act of the Berlin Conference* (1885), selection.


Recommended:


9. MARCH 11TH

FROM COLONIES TO MANDATES

Paper topic proposals are due on March 11th

Readings:
Covenant of the League of Nations (1919), selection.

Recommended:

10. MARCH 18TH

HUMANITARIANISM AND PROTECTION

Readings:

Recommended:
11. March 25th

**Empire, War, Protection, Frictions**

*Unless we add readings for the last weeks, the third response paper is due on March 25th at the latest.*

**Readings:**


**Recommended:**


12. April 1st

**Class Format TBA**

*The research paper draft/outline is due on April 1st*

13. April 8th

**Class Format TBA**

Don’t forget: The research paper is due on Monday, April 15th, at noon.

**Note on the assignments:** All assignments have to be original work by the student who is submitting them. Collaboration on assignments is not permitted. (The only possible exception to this rule in this course may be joint presentations of two or more students with the specific permission of the instructor.) In addition, students should note Carleton University’s policy on instructional offences, available at [www.carleton.ca/ cuuc/ regulations/ acadregsuniv14.html](http://www.carleton.ca/cuuc/regulations/acadregsuniv14.html). Penalties for academic offences may range from a reprimand to expulsion from the university. The use of outside material without proper references is one of
the most common and most easily avoidable instructional offences. Whatever language and ideas you take from other sources needs to be referenced. Make yourself familiar with different reference styles! The Carleton University library has many resources that can help you. See: www.library.carleton.ca/howdoI/citing.html.