

Fall 2011
Faculty of Law
The University of Western Ontario

Law 9475 001 – Special Topics

**"Nation-Building in the American Empire: The Legal
Reconstruction of Germany and Japan, 1945-52"**

Professor R.W. Kostal

Course Syllabus

Course Time and Location:

Weekly three-hour seminar in the law school, fall term –Time/room TBA

Course Synopsis:

This course will concern directed political and legal change under American military occupation following the Second World War. Specifically, it will examine how agencies of the United States government undertook to “democratize” the laws and legal institutions of the defeated fascist states of Nazi Germany and Imperial Japan. The course will delve into published and unpublished source materials (concerning such subjects as the Potsdam conference, Nazism and “denazification,” war crimes trials and constitutional reform) as it grapples with a number of overarching questions: To what extent did agencies of the American state act to transform the authoritarian political and legal systems of occupied Germany and Japan? To what extent were “reform” programs influenced by broader political and diplomatic developments during and after the Second World War? How did German and Japanese officials react to American-initiated reform programs? To what extent (and why) did American reformist aims and actions differ in occupied Germany and Japan? To what extent was liberal-democracy *imposed* on the Germans and Japanese by American agency? To what extent did the advent of the “Cold War” influence American “reform” policy in occupied Germany and Japan?

In the first two sessions of the course, we will consider the theory and methodology of modern legal historical inquiry and the historical and political context of the American occupations of postwar Germany and Japan. We will then examine the legal and political systems of the Nazi and Showa imperial states. In the balance of the course, sessions will concern how American civilian and military agencies engaged in the demolition and then reconstruction of the German and Japanese constitutions, judiciaries and criminal justice

systems. We will also consider how war crimes prosecutions and trials figured in the larger framework of American occupation projects.

This course will be of special interest to graduate students of modern American, German and Japanese history and politics. It will also interest students of international relations and the Cold War.

Course Objectives:

The course has both an empirical and a skills component. Students will be asked to acquire substantial knowledge about the history and historiography of the United States, Germany and Japan in the period 1944-1950. Students will be instructed in how to read, think and write more lucidly about historical sources and secondary texts.

Materials:

There are no required texts. Course materials will be available on the course WebCT site.

Evaluation:

The course will be graded on the basis of student performance in the seminar (25%), and on a series of four take-home written exercises worth (25% each). The student's three highest grades will count toward the 75% writing component.

Plagiarism:

I am obliged to remind students that the standard rules and penalties with regard to the academic offence of plagiarism will apply to all written assignments in this course.

Instructor:

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Office Hours:

I am generally available without an appointment, but if the need arises, an appointment might be made at my office, by e-mail, or through my assistant, Ms. Vera van Diepen.

Administrative Assistant:

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