

**Western University**  
**Faculty of Law, 2014-15**  
**Special Topics 5885a**      (*PS 9785a*)

"Law in the Aftermath of War:  
Legal Retribution and Reconstruction in Nazi Germany and Imperial Japan,  
1945-48"

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**Instructor**

Professor Rande Kostal

**Course Description**

This course will explore the role of law and legality in the subjugation and occupation of Nazi Germany and Imperial Japan after the Second World War.

The course will begin with some introductory work on the nature of law and legal-historical inquiry, the principles and operation of the Nazi and Imperial Japanese legal systems and on the historical circumstances leading to the defeat, surrender and military occupation of Germany and Japan in 1945.

The second section will consist of a series of seminars on the legal history of the Nuremberg and Tokyo war crimes trials. In these sessions students will delve into a range of published and unpublished source materials concerning the historical nature and quality of international criminal justice in the immediate postwar period.

In the final section of the course students will delve into a range of published and unpublished source materials concerning the two greatest law reform projects in the history of the world. These sessions will probe how during the period of occupation American agencies attempted to reconstruct German and Japanese laws and legal institutions, including their constitutions, judiciaries and criminal justice systems. These seminars will focus on the degree to which American agencies succeeded in building liberal "rule of law states" from the ruins of the German and Japanese authoritarian regimes.

## **Course Time/place**

The Law School, Thursdays, 14.00 - 16.50, rm. 206

## **Method of Instruction**

Short introductory lectures will be followed by intensive group discussion of pre-assigned readings and questions.

## **Assessment**

75% Short take-home reviews and essays (count best three of four);  
25% Seminar work (attendance, preparation, intellectual contribution)

## **Materials**

All course materials will be available on the website supporting the course. No purchases will be required (except printing paper).

## **Note to Prospective Graduate Student Enrollees:**

This course is an upper-level offering in the law school course and it therefore concerns “legal” subject-matter. However, the course will not oblige students to engage in highly technical legal analysis. A background in legal studies is not a prerequisite. It will be enough for non-law school enrollees to become quick studies of legal concepts and vocabulary by looking up the terms that they don't know.

However, a willingness to undertake a demanding workload of critical reading and writing *is* a prerequisite of success in the course. Those keen on intellectual excitement, rigour and challenge will enjoy this course. Those looking for the path of least resistance will want to look elsewhere.

In summary, this course will prove a good choice for high-striving grads interested in learning something about the role of law in the history of the Second World War and its aftermath. It will also be of interest to students of international relations, transitional justice and international criminal justice. The course will also have relevance to those studying American, German and or east-Asian history in the 20<sup>th</sup> century.

**(Graduate) Statement of Academic Offences**

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site:  
[http://www.uwo.ca/univsec/handbook/appeals/scholastic\\_discipline\\_grad.pdf](http://www.uwo.ca/univsec/handbook/appeals/scholastic_discipline_grad.pdf)