Gender, Armed Conflict, and Law
Law 6936 Section 18G9
Class Time: Wednesdays, 9:30am-11:10am
Class Location: Room 350

Instructor Information:
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Course Objectives:
This is a seminar that looks to explore the substantive and procedural aspects of gender, armed conflict and the law. With a focus on international law but some attention to the United States, it asks where and how gender appears both in jurisprudence and in legal analysis, and where it remains problematic or unrecognizable. Always starting from the question of what the law sees and how it sees it, the course discusses many of the complications of the law of gender and armed conflict. As it does, it looks to suggest that ‘gender’ is not a euphemism for ‘women,’ and that women can be found many places in armed conflict other than on its sidelines or as its civilian victims. There is, of course, a significant amount of material that cannot be reached in a short seminar – here, notably, women’s peace movements to outlaw war, and the jurisprudence linking domestic violence and terrorism are omitted. These, and other issues, will be discussed and related to the readings that are done in the course. The idea of this course is both to get a wide-frame idea of the legal issues and the substantive dilemmas that they represent, while allowing students to research in-depth an area of particular interest or concern.

Required and Recommended Texts:
We will read a fair amount of Chiseche Mibenge’s Sex and International Tribunals, which I can provide in PDF but you might want to buy. We will read the introduction of Judith Butler’s Frames of War, which I will also provide in PDF. The remainder of the texts are journal articles or book excerpts accessible to students on the course website.

Class Attendance: Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: http://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx.

Law school courses require the taking of attendance. Attendance will be taken by sign-in sheet at the beginning of each class. Please note both that this is a small class, so the instructor will notice if you sign in for others and that signing in for others is a violation of the Honor Code. Both can be sources of embarrassment.
**Class Demeanor:** Please do not come to class late. Please silence your cell phone (this means no vibrate). If you must take notes on a laptop, please actually be taking notes. I reserve the right to spot-check the use of laptops in class. Please be respectful of your fellow students and professor in conversation and demeanor.

**Disability Accommodation:** Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early in the semester as possible.

**Course Evaluations:** Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at [https://evaluations.ufl.edu](https://evaluations.ufl.edu). Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these evaluations are open to students at [http://evaluations.ufl.edu](http://evaluations.ufl.edu).

**Honor Code:** UF Students are bound by the Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit at the University of Florida, the following pledge is either required or implied:

On my honor, I have neither given nor received unauthorized aid in doing this assignment.

The Honor Code ([http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/](http://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/)) specifies a number of behaviors that are in violation of this code and possible sanctions. Furthermore, you are obliged to report any condition that facilitates academic misconduct to the appropriate personnel. If you have any questions or concerns, please consult with the instructor for this course.

**Method of Grading:**

The final research paper will constitute 80 percent of the grade in this course. The grade on the paper will be discounted by a grade-step (A to A-, A- to B+, etc.) each time the student fails to turn in an element of the paper (topic, abstract and outline, rough draft) or if a student fails to meet the deadline for two of those submissions. It is considered a failure to turn in the assignment if it is three or more days late (though feedback will still be given), and a failure to meet the deadline if it is one or two days late. The grade on the paper will also be discounted by a grade-step if any of those pieces of work is woefully deficient (e.g., incomplete by the standards requested, or so poorly done that it will need to be redone to make an adequate paper). The grade on the paper will be discounted two grade-steps (A to B+, A- to B, etc.) for failure to give an in-class presentation.
The other 20 percent of the student’s grade will come from class contribution. I distinguish “contribution” from “participation” in this way: participating in class discussions with no demonstrated knowledge of the reading will not be given credit. Contribution is discussion with the background knowledge and application of the readings. No student who misses more than one class without official university excuse will receive full credit for contribution; contribution scores will be discounted by a grade-step for each class missed after one.

The current UF grading policies for assigning grade points can be found at: https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx.

Research paper:

Students will complete a research paper on a topic of relevance to gender, armed conflict, and the law, broadly interpreted (if you are not sure if a topic is acceptable, ask). Students will submit a topic, an abstract and outline, a rough draft, and a final paper, receiving feedback at each stage.

The topic should be a paragraph long describing the student’s intended treatment of the topic. The abstract should be 200-250 words long, describing the organization and contribution of the paper. The outline should be detailed – at least 2-3 pages with the major sections of the paper and delineation of their intended content, the resources they will draw on, and the like. The rough draft should both meet the length requirement and contain significant progress towards a finished paper. The final paper should be in blue book format for law students and in the prevailing citation format in your discipline for other students (e.g., APA for psychology).

The research paper should be at least 25 pages and no longer than 40 pages for law students; 8,000 to 10,000 words for social science, humanities, or journalism students (journal article length). The research paper should be an original contribution and/or critical literature review for social science, humanities, or journalism students, and modelled after a research note or full law journal article for law students. Note that neither classification of student can re-use work used for a grade in another course and/or submitted as a write-on to law journals and/or any other co-curricular activity. Previously published work is also ineligible for submission.

The paper will be graded on these criteria: formatting and professional presentation, organization, substantive discussion and contribution, analysis, and citation.

Due Dates: (all due dates at the beginning of class, except the final paper, where the due date is 11:59pm Eastern Daylight Time)

February 1: Research paper topic (with a paragraph explaining)
March 1: Research paper abstract and outline
April 5: Research paper draft (at least 17 pages of the final 25, or 5500 words)
April 5, 12, 19: Research papers discussed with the class on the assigned date
May 10: Research paper
Schedule of Topics and Readings:

January 11: Introduction and Framing
Introduction to the Course
Introduction to the Research Paper

January 18: Women, Gender, and International Law
Catharine MacKinnon, “Are Women Human?” from *Are Women Human?*, p. 41-43
Catherine MacKinnon, “Theory is Not a Luxury,” from *Are Women Human?*, p.34-40

January 25: Introducing Issues of Gender and Armed Conflict
“Rape in International Law,” from *Sex Equality*, p.897-908 (including case summaries of *Kadic v. Karadzic* and *Prosecutor v. Akayesu*)

February 1: *Sex and International Tribunals*
Student Research Paper Topics Due

February 8: *Rape Among Women*
Laura Sjoberg, *Women as Wartime Rapists*, p.53-94; 187-210 ("The Impossible Existence of Rape Among Women” and “Re-visioning Women, War, and Rape”)

February 15: Witness to Rape

Class Cancelled the Week of February 22
I am presenting at the Annual Meeting of the International Studies Association this week, and will be out of town. We will do a double class the next week, presumptively in the Law School’s missed class period (right after our class), or at an agreeable time in the following week.
March 1 (Double Class): Transitional Justice

Student Research Paper Abstracts and Outlines Due

March 15: Institutions as Double-Edged Swords


March 22: Women as Soldiers and the Law

United States v. England 2009 WL 6842645

March 29: Sampling Other Issues


April 5: Research
Research Paper Drafts Due
Student Research Presentations and Feedback

April 12: Research
Class Cancelled; individual research consultations and research work.

April 19: Research
Student Research Presentations and Feedback

May 10: Final Research Paper Due