

**POLITICAL SCIENCE (POL S) / LAW, SOCIETIES, AND JUSTICE (LSJ) 347  
POLITICS OF INTERNATIONAL LAW**

Winter 2020

M/W 1:00pm-2:20pm

Fishery Sciences (FSH), Room 102

Professor: Geoffrey Wallace

Office: Gowen Hall 139

Email: [gprwall@uw.edu](mailto:gprwall@uw.edu) (preferred method of contact)

Office Hours: M 2:45pm-4:15pm, or by appointment

Course Website: On Canvas (<https://canvas.uw.edu>)

Teaching Assistants (TAs): See course website for sections, office location, and office hours.

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**Course Description**

This course introduces students to the ways in which international law interacts with international politics. International law is inherently political, and cannot be understood in isolation from either domestic or international politics. The course examines the negotiation, use, design, and consequences of international law for a wide range of actors in world affairs. Why do states agree to create international agreements that limit their sovereignty? Why do international agreements differ so much in their form and content? How and to what extent has international law facilitated the achievement of common objectives? How much has international law shaped the foreign and domestic policies of state and non-state actors? What is the future of international law in the face of growing nationalist trends?

Throughout the course we will pay special attention to evaluating both the logic and evidence supporting various theories on the causes and consequences of international law. We will examine how international law is formed and operates across a variety of substantive areas, including human rights, armed conflict, economics affairs, and the environment.

By the end of this course, students will demonstrate the ability to:

- Identify the main sources of international law and their development over time.
- Define and describe the core assumptions of the canonical interactions in international relations, including the prisoner's dilemma, coordination problems, and general collective action problems.
- Summarize theories about why states and other actors commit to international legal agreements, and determine whether empirical evidence supports or falsifies those theories.
- Summarize theories about whether and how international law affects the behavior of states and other actors, and determine whether empirical evidence supports or falsifies those theories.
- Compare and contrast different international legal agreements, particularly regarding the problems they are intended to solve and how they solve them, as well as their institutional design and operation.

- Based on real-world or hypothetical scenarios, make policy recommendations regarding the creation and/or consequences of international legal agreements by drawing on theory and empirical evidence.

All information in the syllabus, as well as additional readings, assignments, and announcements can be found on the Canvas course website at <https://canvas.uw.edu>. It is the student's responsibility to check the website on a frequent basis, since this is where all course-related information and developments will be posted.

### **Readings**

There are no required books for purchase. Readings will draw from a variety of journal articles and book chapters, which will be posted to the Canvas course website. The reading load is quite substantial and often verges on around 100 pages per week. Many of the readings are also quite challenging both theoretically and empirically, which means they cannot be skimmed and students should plan ahead accordingly.

Students are also expected to keep up with current international events through daily reading of the *New York Times*, which will be incorporated into lectures and quiz sections. A discounted digital or hard copy subscription is available at [www.nytimes.com/uwashington](http://www.nytimes.com/uwashington).

### **Course Requirements**

Students are expected to attend all lectures and each meeting of your quiz section, and come prepared by doing all assigned readings beforehand. If students are absent, it is their responsibility to obtain notes from lecture. Lecture notes will not be provided by the instructor or TAs.

Final grades for the course are determined by the following components. Take note of the relevant deadlines and exam dates:

- Written Assignment #1(20%) due Monday 1/27
- Midterm Exam (20%) in class on Wednesday 2/12
- Written Assignment #2 (20%) due Monday 3/2
- Section Participation (15%)
- Final Exam (25%) in class on Monday 3/16 2:30pm-4:20pm

Exams will be a combination of short answer/identification and short essay questions based on all course materials (lectures, readings, and quiz sections) for the relevant part of the course. The Final Exam is cumulative, but will be weighted toward the material after the Midterm Exam.

### *Section Participation*

Because this is a large lecture course, quiz sections provide the best opportunity to engage with your peers and discuss the course material and issues related to international law. In the aim of making this experience rewarding for everyone involved, full and thoughtful participation is necessary. Section activities will include analyzing the readings and lecture material, policy debates, and applying course themes to current events. TAs will evaluate students based on the quantity *and* quality of their participation. Further details on the structure and expectations for section will be provided separately by your TA. Meeting times and locations for quiz sections are available on the university time schedule.

*Written Assignments*

Details will be provided in separate handouts at a later date.

**Grading Scale**

The 4.0 scale used in this course will be posted to Canvas before the first assignment. Graded assignments will be returned including the percentage point total out of 100, and corresponding score on the 4.0 scale.

*\*A note regarding general expectations for written work*

- Written work in the **A** range is characterized by a strikingly creative, perceptive, and persuasive argument/thesis statement; comprehensive synthesis and analysis of the course material; straightforward yet sophisticated organization of thoughts and error-free prose.
- Written work in the **B** range is characterized by sound, original, and reasonably thoughtful argument/thesis statement; competent analysis of various course material, logical organization; and clear and error-free prose.
- Written work in the **C** range is characterized by a relatively underdeveloped, simplistic, or derivative argument/thesis statement; partial, inconsistent, or faulty analysis of course material; convoluted organization; and awkward, or otherwise distracting prose.
- Written work in the **D** range is characterized by an incoherent or extremely confusing argument; superficial or fleeting engagement with the course material; chaotic or irrational organization; and error-riddled prose.
- Written work that lacks any argument or analysis and is sloppy, earns an **E**.

Please make sure to put time and care into your writing, as the instructor/TA have given out all of these grades in the past.

**Late Penalties**

Any papers turned in after the deadline will be penalized 10% per day (24-hour period), or any part thereof. No papers will be accepted after 72 hours from the original deadline. It is your responsibility to ensure late work reaches the instructor/TA (i.e., don't simply place something in the department mailbox). Electronic copies alone will not be accepted as proof of submitting your paper – a hard copy must be handed in to the instructor/TA. Given the severity of the late penalty, it is rarely in a student's interest to work on a paper more and turn it in late.

**Extensions and Make-up Exams**

Extensions or make-up exams will be permitted only under the gravest of circumstances and with appropriate documentation. For paper extensions, this condition should have spanned much of the time when you could have worked on the assignment. Students are required to notify their TA well ahead of the assignment deadline or date of the exam. Unnecessary delays in notification will disqualify you for an extension. For the university's policy on religious accommodations, please see <https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/>. Any paper extension or make-up exam must be completed prior to the assignment being returned to the class. Only after written confirmation from the instructor or TA should a student consider that an extension or make-up exam has been granted. *Note: personal travel plans are not a legitimate reason for requesting an extension, or to take an exam at a different time, and will not be granted.*

### Grading Policy and Appeals

Appeals must be made at least 24 hours after, but within one week, of when the exam or assignment was originally returned to the class, or the grade posted online. Appeals simply asking for more points will not be considered. Requests for verbal appeals, or a question-by-question postmortem of exams or other assignments, will also not be considered. To make an appeal, students are required to write a typed memo (no longer than 1 page single-spaced in 12-point Times New Roman font with 1-inch margins) clearly explaining the reasons why they feel the grade they received was inappropriate. Students must submit the memo along with the original graded assignment to their TA, who will re-grade the assignment. If the student is still not satisfied, they may then submit a separate written appeal to the instructor who will then issue a final grade for the assignment. The memo, assignment, and the TA's response to the original appeal must be submitted to the instructor within three days of receiving the appeal decision from their TA. Please note, however, that both the TA and the instructor reserve the right to re-grade the *entire* assignment once an appeal is made, which may result in an increase *or decrease* from the original grade.

### Accessibility

If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to the instructor as soon as possible so we can discuss your needs in this course. If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to: mental health, attention-related, learning, vision, hearing, physical or health impacts), you should likewise contact DRS at 206-543-8924, email [uwdrs@uw.edu](mailto:uwdrs@uw.edu), or online at <http://disability.uw.edu>. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor, and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

No alternative accommodations will be granted in this course without documentation from DRS. Students interested in obtaining accommodations should thus make appropriate arrangements with DRS as soon as possible in the quarter.

*Please Note:* For exams, students with accommodations should follow the relevant procedures to make arrangements ahead of time with DRS to schedule taking their exams in the DRS Testing Center.

### Academic Misconduct

Academic misconduct is a serious offense at The University of Washington. All cases of suspected academic misconduct will be referred to the Arts and Sciences Committee on Academic Conduct, and may result in a grade of 0.0 for the assignment in question.

University policies and guidelines regarding cheating and plagiarism can be found at <https://depts.washington.edu/grading/pdf/AcademicResponsibility.pdf>.

What constitutes academic misconduct? The University of Washington Student Conduct Code defines it as the following (WAC 478-120-024).

**Academic misconduct** includes:

- (a) **“Cheating,”** which includes, but is not limited to:

- (i) The use of unauthorized assistance in taking quizzes, tests, or examinations; or
- (ii) The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s).
- (b) **“Falsification,”** which is the intentional use or submission of falsified data, records, or other information including, but not limited to, records of internship or practicum experiences or attendance at any required event(s). Falsification also includes falsifying scientific and/or scholarly research.
- (c) **“Plagiarism,”** which is the submission or presentation of someone else’s words, composition, research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism includes, but is not limited to:
  - (i) The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; or
  - (ii) The unacknowledged use of materials prepared by another person or acquired from an entity engaging in the selling of term papers or other academic materials.
- (d) **Prohibited collaboration.**
- (e) Engaging in behavior specifically prohibited by an instructor in the course of class instruction or in a course syllabus.
- (f) **Multiple submissions** of the same work in separate courses without the express permission of the instructor(s).
- (g) Taking deliberate action to destroy or damage another’s academic work in order to gain an advantage for oneself or another.
- (h) The recording of instructional content without the express permission of the instructor(s), and/or the dissemination or use of such unauthorized records.

If you are uncertain what constitutes plagiarism, please ask the instructor. The Political Science/JSIS/LSJ/CHID Writing Center also offers guidance on plagiarism, general advice on writing, and related issues of academic integrity:

<http://depts.washington.edu/pswrite/forstudents.html>.

### **Citations/Footnotes**

In your papers you must cite authors from whom you draw ideas/quotations. The typical parenthetical style in Political Science is (Last Name, Year of Publication: Page Number), such as (Stein 1982: 300). Footnotes or endnotes are also acceptable ways of acknowledging work. In your exams it is a good idea to cite authors we have encountered in the course; page numbers are obviously not required. You can use any citation style you prefer as long as it is an official style and used consistently throughout the assignment (e.g. MLA or Chicago).

### **VeriCite and Canvas**

Students are required to turn in written assignments in both hard copy, as well as electronically through Canvas, when noted on the assignment instructions. Failure to turn in both formats by the deadline will result in a late penalty. Please be aware that the electronic copy is submitted to VeriCite on the Canvas website. VeriCite is a software program that checks for plagiarism and other forms of academic dishonesty. All students are required to submit their written assignments to this program. It is the student’s responsibility to verify that the electronic upload to the Canvas website was successful, and print a confirmation sheet with date and time stamp for their records.

### **Acknowledgement of Course Material Content**

All of the assigned materials for this course (lectures, readings, films, discussion) are directly relevant to its central theme – international law. The assigned materials are all widely recognized as important scholarly or cultural works. The assigned articles and books have appeared in some of the highest ranking academic journals, or published with prestigious presses. The films or video clips that may be shown in class have received critical praise and, in many cases, been nominated for major cinematic awards.

Students who intend to take this class should be aware, however, that a number of the assigned works contain adult themes and language. In some cases these depictions, which may be sexual or violent in nature, are central to the issues raised in the course; in other cases they are more peripheral but still part of the author or creator's vision. Students are responsible for all of the assigned material in the course, even those portions they may find objectionable due to the content described above. Students who believe that exposure to such content will detract from their ability to absorb and understand the required course materials, or complete assignments, are encouraged to drop the class.

By remaining in this course, students acknowledge that the professor has alerted them to the adult themes and language present in some of the assigned material for this course. Students have been advised that if such content will interfere with their ability to learn, they should drop this class. Finally, students recognize that by remaining in this class they are responsible for all of the required materials, even those that they might find offensive.

### **Classroom Expectations**

Some of the material covered in this course may be controversial. While debate is expected and in fact encouraged, students are required to conduct themselves in a professional manner at all times. Instances of aggressive or other improper behavior toward other students, TAs, or the instructor, which is in contravention of the university's Student Conduct Code will be reported to the Office of Community Standards & Student Conduct (for further information, see <https://www.washington.edu/cssc/>).

Students are expected to arrive on time and ready to start class and quiz sections. We have a very short period of time for each meeting, and it is disrespectful to the instructor/TA and your fellow classmates to show up late. All disruptive behavior is not permitted during class, including but by no means limited to sleeping, talking outside of regular class discussion, using cell phones, and insulting classmates and/or the instructor. Laptops are permitted, but should be used solely for course work (e.g. taking notes, accessing course readings, etc.). Students found to be violating this policy will be prohibited from using electronic devices during lecture and/or section for the remainder of the course. Eating is permitted as long as it does not disrupt others.

### **Questions and Communication**

If you have any straightforward administrative or logistical questions not of a personal nature (e.g. readings for the week; location of exam, etc.), please consult the website and syllabus first, and then email your TA if you are still uncertain. Answers to most such questions are often on the website or syllabus. If you still cannot obtain an adequate answer, email the instructor. Email is the preferred form of contact for these matters. All e-mail related to the course should begin with the Subject Heading "POL S/LSJ 347: ..." Substantive questions related to course material will not be answered via email – instead, please see your TA or instructor during office hours or make an appointment.

Expect a reply from the instructor to emails within 24 hours, excluding weekends. The instructor will not respond to emails with questions whose answers are found in the syllabus or on the course website. If you do not receive a reply within 24 hours, assume that the answer to your question is provided in the available course resources.

### Course Schedule

The following is a schedule of topics and readings for the course. The schedule is subject to change based on the pace of the class. The instructor will clearly announce any changes. Weekly readings should be done before the relevant quiz section meets unless otherwise noted by the instructor. Please also be aware that listings for assigned readings may be split across pages.

#### Week 1

M 1/6: A 1(I)L Start – Introduction and Overview – Or, Why Should We Care About International Law?

- International Law: 100 Ways It Shapes Our Lives. <https://www.asil.org/resources/100Ways>. When working through this exercise are any of the areas where international law operates seem either surprising or controversial? Are there any areas where international law appears to be having more of an impact than others?
- Powner, Leanne C. 2007. “Reading and Understanding Political Science.” Only read pg.1-14 (stop at “Formal Modeling” section). Read carefully, since this article provides a foundation for more effectively reading and understanding most of the readings in the course. The exercises included in-text are completely optional.

W 1/8: Some Perspectives on (International) Law

- Henderson, Conway W. 2010. Ch.1 “The Rise of International Law.” In *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell. (3-24).
- Thucydides. “The Melian Dialogue.” From *The History of the Peloponnesian Wars*. (4 pgs). Also see sparse, but relatively faithful, video production at <http://www.youtube.com/watch?v=PNzHOqjMHwY&noredirect=1>.

#### Week 2

M 1/13: Figuring out the Rules – Sources of International Law I

- Brownlie, Ian. 2008. Ch.1 “Sources of the Law.” In *Principles of Public International Law*. Oxford, U.K.: Oxford University Press. (3-29).

W 1/15: Sources of International Law II

*Cases on Sources of International Law*

- International Court of Justice (ICJ). 1969. “Summary of Judgments and Orders: North Sea Continental Shelf (Federal Republic of Germany/Denmark).” (4 pages). Avoid getting bogged down too much in the legal technicalities; rather focus on how the ICJ determined whether or not customary law applied in this case.
- Bekker, Pieter. 1996. “Advisory Opinions of the World Court on the Legality of Nuclear Weapons.” ASIL Insights 1 (5): (7 pages). Consider the extent to which international courts should play a role in questions that are central to national interests.

### Week 3

M 1/20: **\*\*\*No Class – Martin Luther King Jr. Day\*\*\***

W 1/22: Forming the Players – Constituting Actors in International (Legal) Politics I

- Henderson, Conway W. 2010. Ch.2 “A World of Actors: A Question of Legal Standing.” In *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell. (27-55).
- Newman, Edward, and Gëzim Visoka. 2018. “The Foreign Policy of State Recognition: Kosovo’s Diplomatic Strategy to Join International Society.” *Foreign Policy Analysis* 14(3): 367-387.

### Week 4

M 1/27: Constituting Actors in International (Legal) Politics II

*The Case of Diplomatic Immunity*

- von Glahn, Gerhard and James L. Taulbee. 2013. Ch.14 “Agents of International Intercourse Immunities.” In *Law Among Nations: An Introduction to Public International Law*. Boston, M.A.: Pearson. (363-401).
- Fisman, R. and E. Miguel. 2007. “Corruption, Norms, and Legal Enforcement: Evidence from Diplomatic Parking Tickets.” *Journal of Political Economy* 115 (6):1020-1048.

**\*\*\*Written Assignment #1 Due at the Start of Class on Monday, January 27\*\*\***

W 1/29: Why Sign On to International Law in the First Place? Understanding Commitment I

- Stein, Arthur A. 1982. “Coordination and Collaboration: Regimes in an Anarchic World.” *International Organization* 36 (2):299-324.

### Week 5

M 2/3: Understanding Commitment II

- Moravcsik, Andrew. 2000. “The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe.” *International Organization* 54 (2): 217-252.
- Simmons, Beth A., and Allison Danner. 2010. “Credible Commitments and the International Criminal Court.” *International Organization* 64 (2): 225-256.

W 2/5: Why Do International Laws Differ So Much? Elements of Design I

- Abbott, Kenneth W., Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal. 2000. “The Concept of Legalization.” *International Organization* 54 (3):401-419.
- Abbott, Kenneth W., and Duncan Snidal. 2000. “Hard and Soft Law in International Governance.” *International Organization* 54(3): (Excerpt: 421-450).

### Week 6

M 2/10: Elements of Design II

- Kahler, Miles. 2000. “Legalization as Strategy: The Asia-Pacific Case.” *International Organization* 54 (3):549-571.

- Swaine, Edward T. 2006. "Reserving." *Yale Journal of International Law* 31 (2): (Excerpt 307-345).

**\*\*\*W 2/10 Midterm Exam in Class – Bring Exam Books\*\*\***

**Week 7**

M 2/17: **\*\*\*No Class – Presidents' Day\*\*\***

W 2/19: If International Law is So Weak, Why do States Comply? Compliance I

- Chayes, Abram, and Antonia H. Chayes. 1993. "On Compliance." *International Organization* 47 (2):175-205.
- Downs, George W., David M. Rocke, and Peter N. Barsoom. 1996. "Is the Good News about Compliance Good News about Cooperation?" *International Organization* 50 (3):379-406.

**Week 8**

M 2/24: Compliance II

- Leeds, Brett A. 2003. "Alliance Reliability in Times of War: Explaining State Decisions to Violate Treaties." *International Organization* 57 (4): 801-827.
- Gaubatz, Kurt T. 1996. "Democratic States and Commitment in International Relations." *International Organization* 50 (1):109-139.
- Gartzke, Erik, and Kristian S. Gleditsch. 2004. "Why Democracies May Actually Be Less Reliable Allies." *American Journal of Political Science* 48 (4):775-795. Disregard the formal model on pg.783-786. Rather, focus on the various arguments for democracy and alliance (un)reliability.

W 2/26: Film Screening in Class – *The Prosecutor* (White Pine Pictures, 2010).

- Pease, Kelly-Kate S. 2012. "International Criminal Law." In *International Organizations*. New York, N.Y.: Longman. (Excerpt: 288-299).
- International Criminal Court. *Understanding the International Criminal Court*. (Excerpt: 3-15).

**Week 9**

M 3/2: Tell it to the Judge! The Role of International Courts I

- Voeten, Erik. 2009. "The Politics of International Judicial Appointments." *Chicago Journal of International Law* 9 (2): 387-405.

**\*\*\*Written Assignment #2 Due at the Start of Class on Monday, March 2\*\*\***

W 3/4: The Role of International Courts II

- Busch, Marc L., and Eric Reinhardt. 2001. "Bargaining in the Shadow of the Law: Early Settlement in GATT/WTO Disputes." *Fordham International Law Journal* 24 (1):158-172.
- Jo, Hyeran, and Beth A. Simmons. 2016. "Can the International Criminal Court Deter Atrocity?" *International Organization* 70 (3):443-475.

**Week 10**

M 3/9: Getting Even More Complicated – Regime Complexes

- Keohane, Robert O., and David G. Victor. 2011. "The Regime Complex for Climate Change." *Perspectives on Politics* 9 (1):7-23.
- Voeten, Erik. 2017. "Competition and Complementarity between Global and Regional Human Rights Institutions." *Global Policy* 8 (1):119-123.
- Kelley, Judith. 2009. "The More the Merrier? The Effects of Having Multiple International Election Monitoring Organizations." *Perspectives on Politics* 7 (1):59-64.

W 3/11: No Longer a Stately Affair? Non-State Actors and International Law

- Finnemore, Martha. 1996. Ch.3 "Norms and War: The International Red Cross and the Geneva Conventions." In *National Interests in International Society*. Ithaca, N.Y.: Cornell University Press. (69-88).
- Bangerter, Olivier. 2011. "Reasons Why Armed Groups Choose to Respect International Humanitarian Law or Not." *International Red Cross Review* 93 (882): 353-384.

**\*\*\*Final Exam in class on Monday, March 16 2:30pm-4:20pm – Bring Exam Books\*\*\*  
Cumulative across the entire course, but emphasis on material after the Midterm**

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