

**POLITICAL SCIENCE 362-01
INTERNATIONAL LAW**

Fall 2013

T 12:35pm – 3:35pm

Hickman Hall Rm.211 (HCK-211 DC)

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Course webpage: On Sakai

Office Hours: Tuesday 8:00am-9:00am (or by appointment)

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 domestic and international politics. The course examines the use, design, and consequences of international law for a wide range of actors in world politics. 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?

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 economics affairs, human rights, and armed conflict. Upon completing the course students will not only be acquainted with the main types of explanations for international law, but will also be able to evaluate evidence supporting or impugning these explanations. Students should also be able to apply this knowledge to hypothetical or real-world scenarios in order to assess the prospects and limits of international law for addressing current and future issues in world politics.

All the information found in this syllabus, as well as readings, assignments, and announcements will be posted on the Sakai course website (available at <https://sakai.rutgers.edu/portal>). It is the student's responsibility to check the website on a frequent basis.

Readings

There are no required books for purchase. Weekly readings are posted on the Sakai course website. Students must also read a daily news source, which is not only useful for keeping abreast of current events, but will also be central for the course by providing a valuable opportunity to grasp and apply key concepts to contemporary international law. To ensure everyone is at a minimum looking at one common source, all students should regularly read the *New York Times*. Free online access to the newspaper is available through the following website, <http://www.nytimes.com/Passes> (use your university email and follow the instructions).

We will regularly integrate ongoing news stories into the course material. The instructor may also distribute additional summary materials for specific legal cases that are relevant for a given section of the course.

Course Requirements

Preparation and Participation (15%)

This is primarily a lecture course, but students are also expected to come prepared to discuss the weekly reading assignments. This means readings should be completed before the first class of each week unless otherwise noted by the instructor. The reading load is quite substantial and often verges on around 100 pages per week. The readings also are quite challenging both theoretically and empirically, which means they cannot be skimmed and students should plan ahead accordingly. Participation will be evaluated both on the quantity and quality of comments from students during class. This is not an attendance grade; students are required to contribute to class discussion to receive points for this component of their grade.

For students who may be reserved about participating in class, as an additional participation option students may submit 1-2 page (double spaced) reflective memos on each week's readings. The general content of the memos is open, but students can engage the readings in a number of ways: critique the authors' arguments, apply the arguments to contemporary events (**such as a recent article in the *New York Times*), address some of the discussion questions, etc. Memos are due by the start of the Tuesday class after the week the readings were assigned; no late memos will be accepted. Only hard copies will be accepted – no electronic copies. Again, please note: this is simply an additional option for obtaining participation. If you regularly participate in class, you can achieve high points for this portion of your grade without writing any of the reflective memos. And as always, I encourage everyone to participate in class irrespective of whether or not they decide to write memos, since this generally creates a more open, engaging, and interesting class environment for everyone involved.

Attendance is not required but is highly encouraged. A significant portion of the overall course grade is from participation and it is necessary to participate in class to receive these points. Moreover, lectures often cover substantially more material than what is assigned in the readings. Be forewarned, it will be very difficult to succeed, or even do well adequately, in this course without both attending class and doing the readings on a regular basis. If students are absent, it is his/her responsibility to obtain notes from lecture. Lecture notes and power point slides will not be provided by the instructor.

Research Paper (25%)

Each student is required to write one 6-8 page original research paper examining an aspect of international law. Details will be provided in a separate handout later in the semester, but the paper will involve a *significant* amount of original research. A hard copy of the paper is due at the beginning of class on Tuesday, November 19, 2013. For general concerns about writing assistance, you are encouraged to contact the Rutgers Learning Center (<http://lrc.rutgers.edu/writing.shtml>).

Any papers turned in after the start of class will be penalized 10% per day, or any part thereof. No papers will be accepted after 12:35pm on Friday, November 22, 2013. It is your responsibility to ensure late work reaches me (i.e., don't simply place something in my mailbox). Electronic copies

will not be accepted as proof of submitting your paper – a hard copy must be handed in to the instructor. Extensions are only available under the direst of circumstances, such as a *documented* illness or debilitating injury spanning much of the time when you could have worked on the assignment. Even in these exceptional cases, you are responsible for informing me ahead of time, when circumstances permit, that an assignment will be late. Unnecessary delays in notification will disqualify you for an extension.

Midterm Exam (25%)

The midterm will take place during regular class time on Tuesday, October 15, 2013. The exam includes all material and readings covered up to that point in the course.

Final Exam (35%)

The final exam is a take home exam that will be due by Thursday, December 19, 2013 at 3pm. The exam includes all material and readings covered, but with an emphasis toward the latter half of the course.

Make up exams for either the midterm or final will be permitted only under the gravest of circumstances and with appropriate documentation. Students are required to notify the instructor before the exam takes place of any reason why they are unable to take the exam at the designated time. Any make up exams must be taken prior to the exam being returned to the class. It is the student's responsibility to contact the instructor so that the instructor can schedule a time for the make up.

Grading Policy and Appeals

Final grades will be assigned according to the following scale:

90 and higher = A; 87 – 89 = B+; 80 – 86 = B; 77 – 79 = C+; 70 – 76 = C; 60 – 69 = D; 59 and below = F

A student wishing to appeal any grade must make their request in writing prior to meeting with the instructor. The written appeal must be typed and clearly state the reason(s) the student feels the grade they received is incorrect. Appeals must be made within two weeks of when the exam or assignment was originally returned to the class. Appeals simply asking for more points will not be considered. The instructor reserves the right to re-grade the entire exam or assignment once an appeal is made, which may result in an increase or decrease in the score a student receives.

Plagiarism and Cheating

Plagiarism and cheating are serious offenses and are treated as such by both the university and the instructor. Be aware that the instructor is apt to impose the most severe penalty allowed by university rules, which includes but is not limited to issuing an automatic grade of 0.0 for the course. If students have any questions about what constitutes plagiarism, or other matters of academic integrity, the following link may be helpful

http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf.

Per the policy adoption in September 2011 to promote a strong culture of academic integrity, students are required to sign on examinations and major course assignments submitted for a grade “On my honor, I have neither received nor given unauthorized assistance on this examination (assignment)”.

Section II specifically discusses the definitions of cheating and plagiarism. If you are having trouble assimilating outside information into your own ideas or have any other questions concerning academic writing, see the Rutgers Learning Center (<http://lrc.rutgers.edu/>), or come to my office hours.

Special Needs

If you have a documented disability that requires academic accommodations, please see me as soon as possible during scheduled office hours or after lecture. In order to receive accommodations in this course, you must provide me with a Letter of Accommodation from the Office of Disabilities Services, Lucy Stone Hall, Livingston Campus, 54 Joyce Kilmer Ave., Suite A145, (848) 445-6800.

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. Students are expected to arrive on time and ready to start class. We have a very short period of time for each class, and it is disrespectful to the instructor 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 discussion, using cell phones, and insulting classmates and/or the instructor. Laptops are permitted, but students wishing to use a laptop will be required to sit in the back rows or on the far sides of the classroom so as not to distract others.

Course Schedule

The following is a preliminary 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.

Week 1 (September 3): Introductory Overview

International Law: 100 Ways It Shapes Our Lives (Interactive Version).

<http://www.asil.org/asil100/ways.html>. 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.

Week 2 (September 10) Historical Patterns; What is International Law?

Henderson, Conway W. 2010. Ch.1 "The Rise of International Law." In *Understanding International Law*. Chichester, U.K.: Wiley-Blackwell. (3-24).

The Melian Dialogue. From Thucydides's *History of the Peloponnesian War*. Available at <http://www.mtholyoke.edu/acad/intrel/melian.htm>. Also see sparse, but relatively faithful, video production at <http://www.youtube.com/watch?v=PNzHOqjMHwY&noredirect=1>.

Week 3 (September 17): Sources of International Law

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

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)." (Note: 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).

ASIL Insights. "Advisory Opinions of the World Court on the Legality of Nuclear Weapons." November 1996. Available at <http://www.asil.org/insight5.cfm>. Consider the extent to which international courts should play a role in questions that are central to national interests.

Week 4 (September 24): Who are the Masters (and Servants) of International Law? Actors in International Legal Politics

Henderson. Ch.2 "A World of Actors: A Question of Legal Standing." (27-55).

The Case of Diplomatic Immunity

von Glahn, Gerhard and James L. Taulbee. Ch.14 "Agents of International Intercourse Immunities." (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.

Week 5 (October 1): Why Sign On to International Law in the First Place? Understanding Commitment

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

Keohane, Robert O. 2006. "The Demand for Regimes." In *International Law and International Relations*, ed. B. A. Simmons and R. H. Steinberg. Cambridge, U.K.: Cambridge University Press. (18-39).

Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge, U.K.: Cambridge University Press. Excerpt from Ch.3 "Theories of Commitment" (57-80).

Week 6 (October 8): Why Do Treaties Differ So Much? Institutional Design

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):421-456.

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

Week 7 (October 15): **MIDTERM TUESDAY, OCTOBER 15**

Week 8 (October 22): If International Law is So Weak, Why Do States Comply?

International Sources of Compliance and Enforcement

von Glahn and Taulbee. Ch.1 "The Nature of International Law." (2-23). The initial part of this chapter contains some general overview, but focus on the latter sections.

ASIL Insight. 1996. "Enforcing International Law." (<http://www.asil.org/insight1.cfm>)

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 9 (October 29): Still More (Non)Compliance – Domestic Sources

Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge, U.K.: Cambridge University Press. Ch.4 "Theories of Compliance" (112-155).

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.

Week 10 (November 5): Do Money and Law Mix? International Law and Economic Affairs

Van den Bossche, Peter. 2008. *The Law and Policy of the World Trade Organization: Text, Cases, and Materials*. Cambridge, U.K.: Cambridge University Press. Ch.1 "International Trade and the Law of the WTO." (Excerpt 32-42).

Elkins, Zachary, Andrew T. Guzman, and Beth A. Simmons. 2006. "Competing for Capital: The Diffusion of Bilateral Investment Treaties, 1960-2000." *International Organization* 60 (4):811-846.

Vogel, David. 2008. "Private Global Business Regulation." *Annual Review of Political Science* 11:261-282.

Cases on Trade Law and Societal Exceptions

ASIL Insights. 2004. "WTO Condemnation of U.S. Ban on Internet Gambling Pits Free Trade against Moral Values." Available at <http://www.asil.org/insight041117.cfm>.

ASIL Insights. 2012. "The WTO Appellate Body Outlaws Discrimination in U.S. Flavored Cigarette Ban." Available at <http://www.asil.org/insights120430.cfm>.

Week 11: (November 12): Film dealing with Laws of War and/or Human Rights Law

We will watch a film, or a series of short films to introduce the topics of the next few weeks that deal with the rights and protections of persons inside or outside of war.

****RESEARCH PAPER DUE AT THE START OF CLASS
ON TUESDAY, NOVEMBER 19, 2013****

Week 12 (November 19): The Softer Side of Law? Human Rights

- Moravcsik, Andrew. 2000. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* 54 (2):217-252.
- Vreeland, James R. 2008. "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture." *International Organization* 62 (1):65-101.
- Hathaway, Oona. 2004. "The Promise and Limits of the International Law of Torture." In *Torture: A Collection*. Sanford Levinson, ed. Oxford, U.K.: Oxford University Press. (199-212).

Week 13 (November 26): **No class meeting – change in designation of class days**

Week 14 (December 3): The Laws of War, or a War on Laws? The Use of Force and International Humanitarian Law

****Please note that class meets on the Wednesday of this week rather than the regularly scheduled Tuesday meeting day.****

- Brownlie. Ch.33 "The Use or Threat of Force by States." (729-747).
- Leeds, Brett Ashley. 2003. "Do Alliances Deter Aggression? The Influence of Military Alliances on the Initiation of Militarized Interstate Disputes." *American Journal of Political Science* 47 (3):427–439.
- Fortna, Virginia Page. 2003. "Scraps of Paper? Agreements and the Durability of Peace." *International Organization* 57(2): 337-72.

Week 15 (December 10): Laws of War cont'd – Arms and Wartime Conduct

- Bederman, David J. 2010. Ch.20 "The Laws of War." In *International Law Frameworks*. New York, N.Y.: Foundation Press. (240-247).
- Rudolph, Christopher. 2001. "Constructing an Atrocities Regime: The Politics of War Crimes Tribunals." *International Organization* 55 (3):655-691.
- Price, Richard, and Nina Tannenwald. 1996. "Norms and Deterrence: The Nuclear and Chemical Weapons Taboos." In *The Culture of National Security: Norms and Identity in World Politics*, edited by P. J. Katzenstein, 114-52. New York: Columbia University Press.