

# International Law

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Last taught as: Political Science 317, Emory University, Spring 2012

Course format: 36 meetings of 45 minutes each, including both a lecture and Q&A

## Description

This is an introductory course on public international law for advanced undergraduates. We will study perspectives on the politics, sources, content, effectiveness, and effects of international law from multiple scholarly perspectives. This course is writing-intensive, requiring a strong command of English, the ability to read large amounts of literature efficiently, and the ability to write many analytical essays.

## Readings

Scans of required readings from the following texts will be available on the course website. I encourage students to buy their own copies of these books, however.

1. S. D. Murphy. *Principles of International Law*. Thomson/West, St. Paul, MN, 2nd edition, 2012
2. M. D. Evans. *International Law*. Oxford University Press, Oxford, UK, 3rd edition, 2010
3. R. Tuck. *The Rights of War and Peace: Political Thought and the International Order From Grotius to Kant*. Oxford University Press, New York, NY, 1999
4. O. A. Hathaway and H. H. Koh. *Foundations of International Law and Politics*. Foundation Press, New York, NY, 2005
5. G. J. Ikenberry. *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars*. Princeton University Press, Princeton, NJ, 2001
6. E. A. Posner. *The Perils of Global Legalism*. University of Chicago Press, Chicago, IL, 2009
7. A. T. Guzman. *How International Law Works: A Rational Choice Theory*. Oxford University Press, Oxford, UK, 2008
8. W. Schabas. *Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals*. Oxford University Press, Oxford, UK, 2012
9. N. A. Combs. *Fact-Finding Without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions*. Cambridge University Press, Cambridge, UK, 2010
10. B. A. Simmons. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press, Cambridge, UK, 2009
11. J. H. Barton, J. Goldstein, T. E. Josling, and R. H. Steinberg. *The Evolution of the Trade Regime: Politics, Law, and Economics of the GATT and the WTO*. Princeton University Press, Princeton, NJ, 2006

## Policies

Attendance is mandatory. • Texting, emailing, and online chatting during class is strictly prohibited and may result in a student being ejected from class. • Auditing requires my permission. • Course policies and the content of this syllabus may change throughout the semester. If they do, I will notify you. • Students with academic disabilities will be accommodated and should meet with me by the third week of the course.

## Final Letter Grades

Your final numerical grade translates to your final course letter grade by this rule.

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A	95-100	B +	86-89	B -	80-82	C	73-75	D	60-70
A -	90-94	B	83-85	C +	76-79	C -	70-72	Incomplete	< 60

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## Evaluation

Your final numerical grade will come from: five short essays (25%), five in-class quizzes (25%), a 30–35-page term paper (30%) to be presented as a talk in class and then handed-in at a later date, and a final exam (20%).

1. Short essays: **Due in print** on selected Fridays are essays on topics to be determined. • Each essay should be at most 3 pages. Type and double-space them with 1-inch margins and 12 pt font. • I will grade each essay on the depth and originality of your written answers to each question. I recommend limiting each essay answer to one to three well-developed, original points that concisely synthesize and critique a large amount of information. Reference sources parenthetically in the text and in the bibliography. • I encourage collaboration, and if you collaborate please turn in just one essay and list your collaborators. • Each essay is worth up to 30 points and will be awarded 2 extra-credit points for collaboration.<sup>1</sup> I will deduct 3 points per page over the page limit. Late essays will be penalized 3 points unless you have a family emergency or are ill. • The mean of your short essay grades will contribute 25% to your final numerical grade.
2. In-class quizzes: In general the quizzes will be announced a few days prior to class, but there may be surprise quizzes. • Each quiz is worth up to 10 points. The mean of your quiz grades will contribute 25% to your final numerical grade.
3. Term paper: You will develop, present in class, and author a research paper based on the following prompt: Selecting a substantive area covered in Parts II–IV of the course: (1) identify an important, new problem (or twist on an old problem) that will almost certainly arise within the next fifty years, (2) predict how states and other relevant actors will react to that problem—explaining the legal and extra-legal solutions they may attempt, then (3) offer a constructive critique of those solutions, and in doing so propose realistic improvements.

The paper must draw on course materials, sources cited therein, and additional sources that are not cited therein. This paper is not just an opportunity to recite material that you have read and heard in this course. You must offer a fresh, original, and logical perspective, and you must carefully and critically engage the extant literature on your subject.

- **Due in print on DD/MM** is a 1-page abstract of your argument and outline of your paper with at least five references properly cited, worth up to 10 points.
- You will prepare a **20-minute talk to be given in one of the class meetings on DD/MM–DD/MM**, worth up to 20 points.
- **Due on DD/MM** by midnight and by email is the term paper. It should be 30–35 pages, excluding the references. It is worth up to 70 points. I will deduct 7 points per page under or over the page limit. Late papers will be penalized 7 points for each day they are late.

The sum of grades for the proposal, talk and the paper will contribute 30% of your final numerical grade.

4. Final exam: There will be a take-home final (open-book, open-note) due by email by midnight on DD/MM. It will consist of a mixture of multiple-choice, short-answer, and essays, and will contribute 20% of your final grade.

## Resources for Writing

Good writing is required for success in this course. My grading will reflect not only whether your essay, test, presentation, and paper arguments are interesting and reflect your attention to the course materials, but also whether they are well-written. In short, writing well means having a relevant, clear, well-organized, original, and rhetorically uncluttered argument. The following books provide valuable advice on how to write well.

- William Strunk and E.B. White. *The Elements of Style*.
- William Zinsser. *On Writing Well*.
- Keith Hjortshoj. *The Transition to College Writing*.

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<sup>1</sup>E.g. a perfect score for collaborators is 32/30 points.

## Resources for Researching Your Term Paper

Here are some guidelines for researching your term paper. I hope that you'll show off your independent research skills, but feel free to email me with questions. You may draw on a variety of sources, but *you must use and reference materials in scholarly journals or published by academic presses*. Here is a brief list to narrow your focus and get you started.

1. The press: Stick to mainstream, serious, in-depth, and smart sources: e.g. The New York Times, Washington Post, Los Angeles Times, The Financial Times, The Wall Street Journal, The Economist, Miller McCune, The Guardian. A useful resource is the webpage of The New York Times and its "Times Topics" feature. You shouldn't have a problem locating that.
2. Journals in Political Science: The American Political Science Review, International Organization, World Politics, The American Journal of Political Science, Journal of Conflict Resolution, International Studies Quarterly, British Journal of Political Science, Human Rights Quarterly
3. Law journals: The American Journal of International Law, Leiden Journal of International Law, many law journals/reviews. Beware that these journals are not rigorously peer-reviewed.
4. Journals in Economics and Sociology: The American Sociological Review, The American Economic Review, The Journal of Political Economy, Journal of Economic Theory, Journal of Economic Perspectives, The Journal of Economic Literature, The Journal of Law, Economics, & Organization
5. Book presses: Princeton, Cambridge, Oxford, Chicago, Yale, University of California, Stanford, Duke, Pennsylvania, M.I.T., University of Michigan, North Carolina Chapel Hill, W.W. Norton, HarperCollins, Basic Books, Public Affairs, Westview, Aspen, Wolters Kluwer (Kluwer Publishers), Routledge

How should you go about finding the appropriate materials? I suggest trying a couple of these strategies.

1. To find articles, I suggest that you use Google Scholar and focus on the list of journals and presses above. Print and hit the stacks.
2. To find books, I suggest that you electronically or manually search the book reviews at the back of The American Journal of International Law. This highly respected journal features reviews many of the best books on international law.
3. Schedule a meeting with a librarian.
4. Emergency strategy: If books that you desperately need are checked out, then send me an email with the titles/authors. I will put them in "course reserve" for you. But please note: This option won't be available if you wait until the last minute to research the paper.

Caveats:

1. Do not use soft news sources and newspaper opinion pages.
2. Do not use Wikipedia. Do not use internet fora. There are exceptions, like [www.h-net.org/](http://www.h-net.org/).

## Schedule, Topics, and Required Readings<sup>2</sup>

### Part I: Motivation, theory, and history (11 meetings)

Day 1:	Introduction to international law	Evans (2) • Guzman (1) • Posner (1)
Days 2-5:	History of international law	Evans (1) • Tuck (all) • Simmons (2) • T. G. Weiss. What Happened to the Idea of World Government? <i>International Studies Quarterly</i> , 53(2):253–271, 2009
Days 6–11:	Political-scientific perspectives	Evans (3) • Murphy (5) • Ikenberry (all) • Simmons (3–4) • Koh & Hathaway (I–III) • Guzman (1–3) • Posner (all) • T. M. Moe. Power and Political Institutions. <i>Perspectives on Politics</i> , 3(2):215–231, 2005

### Part II: Where does international law come from? (9 meetings)

Day 12–15:	Norms, texts, and domestic law	Murphy (3) • Evans (4, 5, 7) • Guzman (4–5) • J. Carey. Parchment, Equilibria, and Institutions. <i>Comparative Political Studies</i> , 67:735–761, 2000
Day 16–17:	Non-governmental organizations	Evans (20) • J. Boli and G. M. Thomas. World Culture in the World Polity: A Century of International Non-Governmental Organization. <i>American Sociological Review</i> , 62(2):171–190, 1997 • N. Deitelhoff. The Discursive Process of Legalization: Charting Islands of Persuasion in the ICC Case. <i>International Organization</i> , 63:33–65, 2009
Days 18–21:	International courts	Murphy (4, 5) • J. K. Staton and W. H. Moore. Judicial Power in Domestic and International Politics. <i>International Organization</i> , 65(3), 5 April 2011 • C. Carrubba, M. Gabel, and C. Han- kla. Judicial Behavior under Political Constraints: Evidence from the European Court of Justice. <i>American Political Science Review</i> , 102:435–452, 2008 • H. Kim and K. Sikkink. Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries. <i>International Studies Quarterly</i> , 54(4):939–963, December 2010 • M. Gilligan. Is Enforcement Necessary for Effectiveness? A Model of the International Criminal Regime. <i>International Organization</i> , 60:935–967, 2006

### Part III: Substantive areas of international law (13 meetings)

Day 22–23:	The state	Murphy (2, 6, 8, 9)
Day 23–24:	Use of armed force	Murphy (14) • Koh & Hathaway (IVD, IVF) • Evans (17) • E. Voeten. The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force. <i>International Organization</i> , 59:527–557, 2005 • T. Chapman. International Security Institutions, Domestic Politics, and Institutional Legitimacy. <i>Journal of Conflict Resolution</i> , 51(1):134–166, 2007
Days 25:	International humanitarian law	Evans (27) • J. D. Morrow. When Do States Follow the Laws of War? <i>American Political Science Review</i> , 101(3):559–572, 2007
Days 26–28:	International criminal law	Murphy (13) • Koh & Hathaway (IVE) • Schabas (all) • Combs (all) • A. M. Danner and J. S. Martinez. Guilty Associations: Joint Criminal Enterprise, Command Responsibility and the Development of International Criminal Law. <i>California Law Review</i> , 93:75–169, 2005 • J. Goodliffe and D. Hawkins. A Funny Thing Happened on the Way to Rome: Explaining International Criminal Court Negotiations. <i>Journal of Politics</i> , 71(3):977–997, 2009
Days 28–30:	International human rights law	Murphy (10) • Koh & Hathaway (IVA) • Simmons (5–9)
Days 31–33:	International economic law	Evans (24) • Koh & Hathaway (IVC) • Barton et al. (1–4, 6) • B. P. Rosendorff. Stability and Rigidity: Politics and Design of the WTO's Dispute Settlement Procedure. <i>American Political Science Review</i> , 99(03):389–400, 2005 • S. Jandhyala, W. J. Henisz, and E. D. Mansfield. Three Waves of BITs. <i>Journal of Conflict Resolution</i> , 55(6):1047–1073, 2011 • E. Helleiner and S. Pagliari. The End of an Era in International Financial Regulation? A Postcrisis Research Agenda. <i>International Organization</i> , 65(01):169–200, 2011
Day 34:	International environmental law	Evans (23) • Koh & Hathaway (IVB) • R. O. Keohane and D. G. Victor. The Regime Complex for Climate Change. <i>Perspectives on Politics</i> , 9(01):7–23, 2011 • X. Dai. Why Comply? The Domestic Constituency Mechanism. <i>International Organization</i> , 59(2):363–398, 2005

### Part IV: Final things (3 meetings)

Day 35–36:	Presentations, Q&A session, course evaluations	
DD/MM:	Term paper due by email	
DD/MM:	Take-home final exam due by email	

<sup>2</sup>Chapters are in parentheses following the authors of books listed on page 1 of this document.