

A	Course Number & Title	POL 305: Public International Law			
B	Pre-requisite(s)	POL 202			
C	Number of credits	3-0-3			
D	Faculty Name	Dr. Barry Hashimoto			
E	Term/ Year	Spring 2018			
F	Sections	CRN	Days	Time	Location
		20364	MW	12:30 to 1:45 pm	PHY 113
G	Instructor Information	Office	Telephone	Email	
		PHY 225	569133553	bhashimoto@aus.edu	
		Office Hours:			
		<ul style="list-style-type: none"> TW at 11:30-12:30 and by appointment. 			
H	Course Description from Catalog	<p>Examines substantive international law, including the Law of the Seas, crimes against humanity, environmental law, the Geneva accords, international treaties, regional treaties, the Charter of the United Nations and trade agreements. Analyzes selected legal institutions such as the International Court of Justice in The Hague and other tribunals dealing with international disputes. Prereq: POL 202.</p>			
I	Course Learning Outcomes and Assessment Instruments	Learning Outcomes	Assessment Instruments		
		Upon completion of this course, students will be able to:			
		1. Analyze and compare the main historical and institutional developments of public international law.	Research paper Final exam		
		2. Demonstrate an understanding of the fundamental principles, theories and core concepts of public international law.	Writing assignments Midterm exam Final exam		
		3. Assess the function and role of the main World Courts such as the ICJ and the ICC.	Writing assignments Midterm exam Final exam		
		4. Analyze and interpret different types of international cases.	Writing assignments Midterm exam Final exam		
		5. Demonstrate the capacity for independent research.	Research paper		
J	Textbook and other Instructional	Students enrolled in the course are required to purchase only the first book below . Excerpts from the second will be posted on iLearn. The textbook by Shaw is a reference book (to help you in preparing your research papers) on international law. It's fifth edition is available online, and more recent editions are available in			

<p>Material and Resources</p>	<p>the library. Please also find and print out all of the journal articles listed in the schedule.</p> <ol style="list-style-type: none"> 1. Karen Alter. 2014. <i>The New Terrain of International Law</i>. Princeton, N.J. Princeton U. Press. 2. Andrew Guzman. 2008. <i>How International Law Works</i>. Oxford U. Press. 3. Malcolm Shaw. 2003. <i>International Law</i>. Cambridge, U.K.: Cambridge U. Press. 5th ed.
<p>K Teaching and Learning Methodologies</p>	<p>I. Key parts of the course</p> <p>Lectures: During these meetings, I will deliver prepared material on international law. The objective here is to convey a large amount of descriptive and theoretical information to you in an efficient format, and to provoke your curiosity.</p> <p>Seminars: During these meetings, we will discuss a journal article or book chapter for that week. The primary goal of seminars is to give you practice reading and thinking about innovative empirical and theoretical arguments about international law in a supportive environment where I will give moderation and structure to the discussion. <i>You will complete writing assignments at the start of many of these seminars.</i> I may or may not distribute hints on the questions or the full questions a few days before the seminar (i.e. check my posted slides). The purpose of the writing assignments is to encourage you to really read, struggle with, and contemplate the seminar readings, and then communicate what you know so that the class can share that knowledge. Writing disciplines thought. A second goal of the seminars is to give us time to brainstorm and develop your empirical research projects (see below), which build upon what you will read.</p> <p>Research Project: We learn any topic best through a combination of reading, contemplation, discussion, and directly exploring it in the real world and analyzing our experiences. This is the primary goal of this semester’s research project. The secondary goal is to strongly prepare you for your senior project in the International Studies major by giving you the experience, knowledge and confidence to design and execute an original empirical research in the social sciences.</p> <p>Each of you will be assigned to a research team, and each team will research and write an original research paper of no more than 7,000 words inclusive of everything. Your paper will be empirical, meaning that it poses a theoretically relevant or legally relevant research question and answers it using original data. These data could be in the form of a primary and/or secondary sources in international law, a data set of observations that you compile, or even a survey done American University of Sharjah. In the past, students of this course have put an embedded experiment in the survey, and I certainly encourage this. There is flexibility in the type of empirical project here—we will go where our sense of curiosity and adventure takes us.</p> <p>Each team will later present the main features of that paper as an in-class oral presentation along with a slide deck of important arguments, charts or figures. In a number of our regularly scheduled meetings, including some seminars, we will work to develop your projects.</p>

The benefits teamwork here are to stimulate deeper collective thinking and sounder ideas checked by your peers, give you practice with teamwork in a professional or academic setting, share workload, and leverage the comparative advantages of each team member with specialization in specific tasks. I am confident that each team member can make a valuable contribution.

Based on the course content, I will propose some research questions that you may pursue. We will jointly develop the question(s) you eventually choose and your research design (the strategy for how to answer them) in class and in meetings.

Papers based on literature and the quantitative analysis of original data:

1. *Agendas and texts at the International Court of Justice*: What contributions to the study of international law can be made by machine-learning approaches to interpreting natural language in recorded texts such as those generated by adjudication? What steps must be taken to prepare, process, and analyze the myriad texts generated in international dispute resolution at the court? What findings are possible?
2. *Enforcement of nuclear disarmament obligations*: Which theoretical mechanisms of enforcement hold the greatest promise for enforcing obligations of nuclear disarmament? How do reputation, reciprocity, retaliation, norms, and domestic-based mechanisms stack up against one another?
3. *Enforcement of law prohibiting the use of force*: Which theoretical mechanisms of enforcement hold the greatest promise for enforcing obligations of nuclear disarmament? How do reputation, reciprocity, retaliation, norms, and domestic-based mechanisms stack up against one another?
4. *Colonialism and international law*: How and why does the legacy of colonialism influence people's perceptions of the legitimacy and effectiveness of international court decisions and international law more generally?
5. *Enforcing atrocity crimes law*: Do direct or vicarious experiences of wartime violence influence people's support for undertaking collective action to enforce international law on war crimes, genocide and humanity? Why?
6. *Segmented reputations*: Does gaining a reputation for violating the law in one issue area damage a state's reputation for violating the law in another issue area? Do states have "segmented" reputations for compliance with international law?

Papers based on literature and qualitative analysis:

1. *The prohibition of espionage in international law*: Is espionage prohibited by custom or by a general principle of international law? Has it ever been prohibited by bilateral treaties? Why isn't espionage prohibited by a multilateral treaty?
2. *The validity of interstate arbitral awards*: When can an arbitral award ever be declared invalid? What ethical and legal standards govern this decision?
3. *The history of the customary law of state responsibility*: What are the historical precedents of the International Law Commission's project to codify the law of state responsibility, and what was the path and outcome of that project?
4. *The effective control and overall control standards*: Can these two diverging approaches to attributing responsibility for the actions of non-state armed groups to states themselves be reconciled? What are the views from the benches of the ICJ, ICTY, and other courts? What are the views of academic

lawyers?

5. *Nuclear war in Korea*: What substantive legal issues would arise in the event of a nuclear war in Korea? Would pre-emption be allowed? What magnitude of force would be allowed? Explore different legal arguments.

II. Notes about the course and readings

How to succeed in the course:

- Please come and see me if you are having difficulty with the course.
- Read and re-read the syllabus. It contains a lot of helpful information.
- Be sure not to miss any seminars. Arrive with notes, questions, and remarks.
- Take notes in class during lectures and seminars.
- Come to seminars having read and digested the seminar readings. Take a few days for each reading---the amount of reading in this class is moderate, but many of the arguments in the readings take time to appreciate. Take notes in the margins.
- Bring the seminar papers to class as printouts.
- Participate in seminars.
- Keep your completed seminar writing assignments organized in a folio along with other notes so that you can refer to them in studying for the midterm exam.
- Begin thinking about your research project right away, and don't wait to get started on designing it.
- Stay tuned to course updates that I post to iLearn.

How to learn from the assigned readings: The most interesting theoretical and empirical work that we read will be in the seminar's journal articles. Read those, outline the articles, and take notes on the articles before class. As with the lecture, you need to write your own notes. Add to those notes during seminar, when we discuss important points in the readings and draw connections between lecture content and content from other seminars. Re-read the articles at some point after seminar to check for anything you missed on the first read. Supplement your notes again. By the end of the course, you will have a great set of notes.

Why there is math in some readings and what to do about it:

Your readings have had some math, and they will continue to have math. What you need to comprehend from these articles, however, requires only high school algebra. Readings in politics, law and economics often include formal theoretical models—written in a combination of mathematics and English—to simplify arguments, demonstrate their logical validity, and highlight their dynamics in a clear and irrefutable way.

Take, for example, James Fearon's (1998) demonstration of why it might make sense for you to say, "The shadow of the future—the same force that permits compliance when states are tempted by noncompliance—is responsible for the *thinness* of international law by virtue of undermining agreement." Or, Andrew Guzman's (2008) demonstration of why it might make sense to you to say, "The fear of reputational punishment can make international law *self-enforcing* even when the fear of reciprocal punishment cannot." You simply have no idea whether

these theoretical statements are logically valid--whether they are sense or nonsense--without proof.

I expect you to understand the logic of these arguments, to recognize their significance, to identify the key assumptions that make them work, and to question whether they are good arguments. Unless you have an exceptional mathematical intuition, understanding the logic of the arguments and seeing their key assumptions is best accomplished by understanding what is going on in the formal models.

The assumptions, variables (e.g. discount rate, payoff of cooperation), and conclusions (i.e. propositions, theorems, etc.) from these models will be listed front-and-center in the article's text, surrounded by explanations in English. Do not ignore any of these parts. The proofs and arcane stuff are in the appendices; feel free to ignore this part.

Reading articles with some math may be painful, but learning something new always involves both pain and pleasure. Take it slowly, read the English prose first to get the main idea, then read the math. Give it multiple passes. Write down questions to ask in class if you're lost.

I won't require that you solve math problems on your exam. But getting the most out of this course, succeeding in this course, requires that you do not ignore the math.

L Grading Scale, Grading Distribution, and Due Dates

Grading Scale

94.6– 100	4.0	A	76.6 – 79.59	2.3	C+
89.6 – 94.59	3.7	A-	72.6 – 76.59	2.0	C
86.6 – 89.59	3.3	B+	69.6 – 72.59	1.7	C-
82.6 – 86.59	3.0	B	59.6 – 69.59	1.0	D
79.6 – 82.59	2.7	B-	Less Than 59.6	0	F

Grading Distribution

Assessment	Weight	Due Date (Week #)
Midterm exam	30	9
Participation	20	Throughout semester
Research project	30	13
Final exam	20	15
Total	100%	

M Explanation of Assessments

Participation: Your participation grade comes from three sources---writing assignments, attendance, and how you conduct yourself in the classroom. It will be assessed and updated throughout the semester, and the final grade will be given at the end of the semester.

- *Attendance:* On-time attendance will be counted as full attendance. Late attendance will be counted as partial attendance. Extra penalties will apply for students who miss a high number of class meetings.
- *Writing assignments:* Some seminars will have writing assignments so that I can give you regular signals about your effort and understanding of

course material. I will assign a grade of Extra, Full or No Credit to each assignment. I expect that Full will be the modal grade. Extra credit is for outstanding work and will be rare. I will award No credit if your answers tell me that you have an unacceptably thin understanding of the seminar readings, if you just copy words from the pages of the seminar readings, if there is not enough original thinking in your answers, or if you do not answer all of the questions.

- **Conduct:** Respectful classroom behavior and consistent high-quality contributions to discussion determine this part of your grade. Disruptive and rude behavior includes *interrupting* the professor or other students; rudeness; excessive absences and tardiness; chatting and whispering in class; and doing other coursework.
- The formula to calculate the participation grade shall give approximately equal weight to each element of your participation grade.

Midterm exam: The closed-book midterm will consist of essays and multiple-choice questions done in Lockdown Browser. It will be based on the seminar readings, notes given to you, and the lecture slides. Specific questions will be asked. My notes and slides will be posted on iLearn to help you study. This exam will happen prior to the course withdrawal deadline.

Research project: I will grade your group's 20-minute presentation and written paper using criteria distributed to you. I may adjust each group member's grade based on my knowledge of his/her quality of contributions to the project. I will not grade your preliminary drafts, but I will give you lots to think about in reaction to them, so please put plenty of effort into them. *The paper must be uploaded to SafeAssign. No extensions will be granted. Late papers will be penalized by up to 20%.*

Final exam: The final exam will focus on material from the seminar readings, lectures, and your research project. It will be taken on iLearn. It will be comprehensive but weighted toward post-midterm material.

Criteria used to grade writing assignments, exams, and your project:

Basic criteria:

1. Is your spelling and grammar correct? Do you use the correct proper nouns?
2. Is your English prose easy to follow? Does your argument flow from one readable paragraph to another without unnecessary diversions or interruptions?
3. Are you answering the question that you should be answering?
4. Do you have a clear thesis? Is it clear to me what you are arguing, and can you recite that argument to me in person within a five-minute window?
5. Are your facts correct? Do you have the necessary empirical knowledge to inform your writing?
6. Have you read deeply enough on the topic? Have you read widely enough? Do you really understand what each of the sources that you've referred to argue?
7. Is your argument logically valid? Do conclusions of your arguments flow from your assumptions?

		<p>8. Do you properly cite the appropriate sources? Are these serious sources that are relevant to your inquiry? Have you cited page numbers, as you should? Are all of your book sources found in the AUS library, and if not, can you produce them to me if I request that you do? Have you gone beyond mere internet research and delved into scholarly journals, books, and even primary sources, where they are relevant?</p> <p style="text-align: center;">More advanced criteria:</p> <p>9. Do you understand the potential weaknesses of your argument? Do you make a serious effort to present them?</p> <p>10. Do you have a reply to potential counterarguments? Is your argument robust?</p> <p>11. Do you state key assumptions, and are they plausible? Are you aware of what your argument assumes?</p> <p>12. Do you follow my advice from class and our meetings when analyzing data?</p>
N	Attendance	<p>Students in this course are required to follow the AUS Attendance Policy as outlined in the <i>AUS Undergraduate Catalog</i>.</p> <p>AUS policy is that a student who has five recorded absences from class meetings <i>for any reason</i> shall be forcibly removed from the course by the registrar. Removal will occur within 48 hours of the last recorded absence.</p>
O	Student Academic Integrity Code Statement	<p>Students MUST read the Student Academic Integrity Code outlined in the AUS Undergraduate Catalog and abide by the standards for academic conduct, students' rights and responsibilities and procedures for handling allegations of academic dishonesty.</p>

SCHEDULE

#	WEEK	ASSIGNED READING	NOTES
1	Jan 21	<p>Introduction: law and international relations.</p> <p>Read: Robert Beckman and Dagmar Butte. 2017. "Introduction to International Law." International Law Students Association, pp. 1-12.</p> <p>Recommended background reading: Shaw, ch. 5, pp. 175—193 and pp. 232—241.</p>	Lectures
2	Jan 28	<p>International law: theory and evidence.</p> <p>Read: Adam Chilton and Dustin Tingley. 2013. "Why the Study of International Law Needs Experiments." <i>Columbia Journal of Transnational</i></p>	<p>Lectures</p> <p>Possible writing assignment</p>

		<p><i>Law 52, 173-236.</i></p> <p>Recommended background reading: Shaw, ch. 3, pp. 65—115, ch. 16, pp. 810—858.</p>	
3	Feb 4	<p>Compliance and commitment to international law; applications to security and political economy.</p> <p>Seminar reading: Abraham Chayes and Antonia Handler Chayes. 1993. "On Compliance." <i>International Organization</i> 47(2), pp. 175—205.</p> <p>Seminar reading: George Downs, David Rocke and Peter Barsoom. 1996. "Is the Good News About Compliance Good News About Cooperation?" <i>International Organization</i> 50(3), pp. 379—399.</p>	<p>Warning: Difficult readings! Start early.</p> <p>Seminars</p> <p>Writing assignment</p>
4	Feb 11	<p>International law as self-enforcing law: reciprocity, reputation and retaliation.</p> <p>Seminar reading: Guzman, chapter 1, pp. 3—24, and Guzman, chapter 2, pp. 25—69.</p> <p>Seminar reading: Guzman, Chapter 3, pp. 71—117.</p>	<p>Lectures</p> <p>Writing assignment</p>
5	Feb 18	<p>International law as self-enforcing law: reciprocity, reputation and retaliation.</p> <p>Continue discussion from previous week if necessary. See last week's readings.</p> <p>Re-read: Adam Chilton and Dustin Tingley. 2013. "Why the Study of International Law Needs Experiments." <i>Columbia Journal of Transnational Law</i> 52, 173-236.</p> <p>Read: Distributed material tailored to your project.</p>	<p>Lectures and team meetings on researching, designing and executing your research projects.</p>
6	Feb 25	<p>Limits of international law: strategic considerations in committing to and enforcing international law.</p> <p>Seminar reading: James Fearon. 1998. "Bargaining, Enforcement, and International Cooperation." <i>International Organization</i> 52(2), pp. 269—305.</p>	<p>Warning: Difficult readings! Start early.</p> <p>Lectures</p> <p>Seminar</p> <p>Writing assignment</p>

7	March 4	<p>International courts: dispute settlement and enforcement.</p> <p>Read: Alter, ch. 1-4.</p> <p>Seminar reading: Alter, ch. 5. Seminar reading: Alter, ch. 7.</p> <p>Recommended background reading: Shaw, ch. 18, pp. 914—925, ch. 19, pp. 951—1004.</p>	<p>Seminar</p> <p>Writing assignment</p>
8	March 11	<p>International courts: administrative review and constitutional review</p> <p>Seminar reading: Alter, ch. 6 Seminar reading: Alter, ch. 8</p>	<p>Seminar</p> <p>Writing assignment</p>
9	March 18	<p>Midterm and lectures on your research projects</p>	<p>Midterm on Wednesday March 20</p>
10	April 1	<p>Use of force and the UN Security Council.</p> <p>Recommended background reading: Shaw, ch. 20, pp. 1013—1048, ch. 22, pp. 1082—1154.</p>	<p>Lectures</p>
11	April 8	<p>Use of force and the UN Security Council.</p> <p>Seminar reading: Eric Voeten. 2005. "The Political Origins of the UN Security Council's Ability to Legitimize the Use of Force." <i>International Organization</i> 59(3), pp. 527—557.</p> <p>Recommended background reading: Professor's distributed notes. Shaw, ch. 20, pp. 1013—1048, ch. 22, pp. 1082—1154.</p>	<p>Warning: Difficult readings! Start early.</p> <p>Seminars</p> <p>Writing assignment</p>
12	April 15	<p>International criminal law and the ICC.</p> <p>Recommended background reading: Shaw, ch. 12, pp. 579—596, ch. 21, pp. 1054—1079.</p> <p>Re-read: Robert Beckman and Dagmar Butte. 2017. "Introduction to International Law." <i>International Law Students Association</i>, pp. 1-12.</p>	<p>Lectures</p>

13	April 22	<p>History, doctrine, legitimacy in international criminal law.</p> <p>Seminar reading: Allison M. Danner and Jennifer S. Martinez. 2005. "Guilty Associations: Joint Criminal Enterprise, Command Responsibility and the Development of International Criminal Law." <i>California Law Review</i> 93(1), pp. 75—169.</p>	<p>Warning: Difficult readings! Start early.</p> <p>Seminars</p> <p>Writing assignment</p> <p>Research paper due on iLearn on April 27.</p>
14	April 29	<p>Theory, research design, and analysis of research at the intersection of international law, international relations, and comparative politics.</p> <p>Read: distributed research papers by students.</p>	<p>Presentation of selected research papers chosen in consultation with Dr. Hashimoto.</p>
15	May 6	<p>Final exam review</p>	<p>Final exam on Saturday May 12 at 8:00 am</p>