OBJECTIVES AND ORIENTATION
The contemporary international system has been in a process of remarkable and complex change for the last 50 years. Conditions which had marked the basis of the state system originating as early as the mid-sixteenth century have been altered drastically or continue to undergo challenge. The international legal system, which provides much of the framework for the international political and economic systems, has its roots in the past--both classical and post-Westphalian. How does the international legal system relate to and reflect the changing conditions of order in the post-World War II global system and especially the post-Cold War global system of the 21st century? How is international law relevant to both the workings of international relations and to our understanding of international relations? Salient topics will be state sovereignty, human rights, war and the use of force, and collective action problems such as the environment and common spaces (such as the high seas).

To answer these questions, the readings, lectures, and discussions in this course will be concerned with the relationship of international law to international politics and economics in an increasingly interdependent and "transnational" world. This includes our understanding of how international law may be part of both the problems and solutions to issues of coordination, regulation, constraint, and world order in the contemporary system. To address these concerns, we will employ not only material from "traditional" international law approaches, but other areas of international relations which bear directly on the study of international law.

My personal approach to international law begins by conceiving of it as the reverse side to the coin of international conflict (my major area of interest and expertise)--as a set of constraints on various forms of conflict, as a mode of conflict resolution, and as a set of guidelines to the peaceful regulation of international behavior. International law is seen as an important component of the environment of the international system which affects, influences, and limits the various types of international actors in that system: that is, international order. International law is one of the regulators helping to create order within the formal anarchy of the international system. After the
brief introductory material in Part I, this is the focus of Part II of the course. Part II also introduces the concept of "regime." Concern with international law in a systemic, ecological context must draw from newer areas of international politics, and converge on the concept of "regime" (the collection of formal and informal organizations, arrangements, laws and rules, and patterns of behavior regarding some issue or policy area).

The relationship between international law and the idea of regimes is set out in Part II to help introduce the major traditional concerns of international law in Part III. Those concerns will also be viewed in terms of the literature on "world order" and the concepts of transnational relations (covering much of what contemporary observers call “globalization”). Both approaches stress the addition of non-state actors to the workings of international relations, and the ever-increasing importance of non-military influence, interactions, and interdependence. In this section we will take a more in-depth look at the international law of human rights. In Part IV the complexities of the problems facing international regimes in an increasingly transnational and complex world are made clearer through the discussion of collective goods. With the addition of this last topic, the course then moves on to deal with a specific regime--the oceans, taking an overview of the Law of the Sea (illustrating environmental regimes).

Thus, POLI 421 will have the following learning objectives: Students will learn the basic roles, functions, and uses of international law in the classic Westphalian system of sovereign states. They will then be able to trace significant changes in state sovereignty and the role/place of international law in the post-WW II system and the post-Cold War system using such concepts as regimes and collective goods, especially in such key areas as the use of force, the international law of human rights, and areas of collective jurisdiction or collective action such as the environment and the Law of the Sea.

READINGS
The following two items are required for purchase:

• David J. Bederman, INTERNATIONAL LAW FRAMEWORKS, 2nd ed, 2006 (paper)

• POLI 421 READINGS COLLECTION
There is also a compilation of xeroxed readings. A List of Readings is attached to the end of the syllabus. Readings packets are available from Universal Copies (631 Main Street).

– A copy of the Readings Collection will be on reserve at Thomas Cooper Library.
– A number of suggested readings and the beginning of a bibliography are presented at the end of the syllabus.
COURSE REQUIREMENTS

(1) **Mid-term Take-home examination** (20% of the grade) This exam will be a take-home (open book) essay examination of approximately five double-spaced typed pages. The Exam will be handed out on **February 18** and be due in class on **February 23**.

(2) **Final Examination** (30% of the grade) This will be a closed-book exam, scheduled during finals week on **Wednesday, April 29, at 2:00pm**. The exam will cover material from the entire course, but stress the materials covered after the mid-term take-home exam.

(3) **Course Paper Assignments** (40% of the grade)

You will be responsible for submitting **two** papers. Each paper will be worth 20% of the grade. One of your papers **must** be an Option A paper. Your second paper may be either option B or C. These papers may be submitted **at any time** during the semester. However, the last date that papers may be submitted is **April 22nd**, in class. I strongly encourage you to complete the papers early-- to get them out of the way, and to help provide you with an idea of how you are progressing in the course. You should expect to have papers returned to you about a week after they are submitted. Because the papers may be submitted at any time, you **must** have them in by April 22. **NO** late papers will be accepted.

Options:

(a) **Contemporary Issues Paper** This will be a paper of no longer than five double-spaced typed pages (normal margins, normal fonts, ie. Times Roman 12) in which you take some issue or event in current international politics (that is, something that is going on in international affairs during the course of the semester), and indicate how it could become part of POLI 421, Law and Contemporary International Problems. You must indicate where it would be included in the course, what specific section of the course and **why**—that is, what it would illustrate and/or what gaps it would fill, and how it would complement the lectures and readings. You are strongly encouraged to read some major news source regularly: e.g. the New York *Times*; *The Economist*; *Time, Newsweek*, or *U.S. News and World Report*; the *Christian Science Monitor*.

(b) **Reading Collection Paper** In this paper you will take **any** two of the items assigned from the POLI 421 Readings Collection. For each item selected you will present an overview of the article or chapter, indicating its central theme or argument. You will then explain **why** it was relevant to the topic of the course for which it was assigned and what it added to the course. This paper will be 5-6 double spaced pages, taking up to three pages for each reading selection chosen (as noted above, normal margins, normal fonts).

(c) **Web Resources Paper** In this paper you will identify some international organization, some institution, or some treaty, etc., that is relevant to international law and international order as discussed in POLI 421. Which item you select will be part of the paper evaluation. After providing a **brief** explanation of the item selected (including how it is relevant to international law and POLI 421), you will present a list of web pages that provide information on it. You must give the web address, the name/title of the web page (or its...
Most importantly you will need to provide a *brief* description of what may be found at that web site and why it is important to the understanding of your item. You need to provide a *minimum of four web sites*. NOTE: *You cannot use* encyclopedia articles for this paper. If you select an organization of some kind, you *cannot use* the official web site of that organization. Again, this is to be a 5-6 page paper (normal margins, normal fonts).

**Note:** A course hand-out, “Tips for Writing Papers,” which will be useful in making sure you write clear, well developed, and coherent papers has been posted on Black Board under Course Documents. “Tips” also includes a section on “Cheating and Plagiarism” that you need to read carefully.

(4) **Course Participation** (10% of the grade) Finally, 10% of the grade will be based upon qualitative and quantitative participation in class discussion: answering questions, asking questions, engaging in discussion of the issues raised by the readings and lectures. It should be clear that one element of the course requirements is the completion of reading assignments by the date listed on the syllabus. Class participation as described above means that students must be able to discuss the assigned readings intelligently. If you complete your papers during the course of the semester (and not wait until April 22) that should also enable you to participate more fully in class.

It should also be clear that students will not be able to participate if they are not in class. Take this class only if you plan to attend nearly every day. Should participation in class discussion lag from lack of familiarity with the assigned readings, I reserve the right to give unannounced "inspirational quizzes" (as labeled by one of my colleagues) on the reading. Depending on the number given, the results of these quizzes will be factored into the grade for class participation and/or the examinations. As a matter of courtesy, I expect students to arrive in class on time, and that all who enter the room at the beginning of class remain for the entire period. If there will be a problem with either of these norms please inform me in advance. Observance of these norms will be factored into your class participation. Note that 10% is a significant portion of the grade (especially if you are on the cusp between grades): I would strongly encourage doing the course reading and attending class.

**NOTE:**
- Students are responsible for all information, materials, or instructions that are presented on the syllabus, announced or discussed in class, and posted on the POLI 421 Black Board site.
- All requirements must be turned in/completed on the dates indicated. Late/missed exams or papers without a written, legitimate excuse will receive an "F" for that assignment. In addition, all the course requirements must be completed in order to receive a grade in the course higher than a "D".
- All cell phones, beepers, etc., must be turned off during class periods.
COURSE OUTLINE AND READING ASSIGNMENTS

I. Introduction to International Law

1. Organizational Meeting (Jan.12)
2. What is International Law? Approaches and Definitions (Jan.14, 21, 26)
   REQUIRED READING
   Bederman, chapter 1 (ch.14 recommended here)
   Reading Selection #1 (Franck chapter)

II. The Relationship of International Law to International Relations: Where and How Does it Fit?

1. The Anarchical Society (Jan.26, 28, Feb.2)
   REQUIRED READING
   Reading Selection #2 (Bull, ch.1)
   Reading Selection #3 (Bull, ch.2)

2. "Functions" of International Law (Feb.4)
   REQUIRED READING
   Reading Selection #4 (Coplin)

3. Sources of International Law (Feb.9)
   REQUIRED READING
   Bederman, chs.2, 3, 4, 14 (review if read above)

4. Contemporary International Law and "Regimes" (Feb.11,18)
   REQUIRED READING
   Bederman, ch.6
   Reading Selection #5 (Keohane and Nye, ch.1)
   Reading Selection #6 (Young chapter)
   Reading Selection #7 (Joyner, ch.5)

[Take-home Exam handed out Feb.18]
[due in class Feb.23]
III. International Law and World Order: The Regulation of International Behavior

1. Jurisdiction: The Subjects of International Law and Territory (Feb.23, 25, Mar.2)
   REQUIRED READING
   Bederman, chs. 5, 7, 10, 16, 17

2. International Law and Individuals/Human Rights (Mar.4,16, 18)
   REQUIRED READING
   Bederman, chs.8, 9 (review 7)
   Reading Selection #8 (Rochester, chapter 4)
   Reading Selection #9 (Joyner, chapter)

   REQUIRED READING
   Bederman, chs. 21, 13, 15 (review 6, 8)

4. International Law and War, Force and Arms (Mar.30, Apr.1,6, 8)
   REQUIRED READING
   Bederman, chs. 18, 19, 20
   Reading Selection #10 (Johnson chapter)
   Reading Selection #11 (Mueller chapter)
   [review Reading Selection #9 Joyner chapter]

IV. International Law and World Order: Regimes and Collective Goods

   REQUIRED READING
   Reading Selection #12 (Russett and Starr, ch.16)
   Reading Selection #13 (Russett and Starr, ch.17)
   Reading Selection #14 (Axelrod and Keohane chapter)

2. Specific Regime Analysis: Law of the Sea (Apr.20, 22, 27)
   REQUIRED READING
   Bederman, chs. 11, 12 (review 10)
   Reading Selection #15 (Friedheim, ch.2)
   Reading Selection #16 (Friedheim, ch.8)
   Reading Selection #17 (Rochester, ch.8)

Final Examination: Wednesday, April 29 (2:00 pm)


(5) Robert O. Keohane and Joseph S. Nye, POWER AND INTERDEPENDENCE (Boston: Little, Brown, 1977), chapter 1, "Interdependence in World Politics."


(15) Robert L. Friedheim, NEGOTIATING THE NEW OCEAN REGIME (Columbia: University of South Carolina Press, 1993), chapter 2, "A Short History of UNCLOS III."


SUGGESTED READINGS

There are any number of books that can provide greater depth and detail for the areas to be covered by this course. Let me just mention a few. For those of you with little background in the general substance and study of international relations see: Bruce Russett, Harvey Starr, and David Kinsella, WORLD POLITICS: THE MENU FOR CHOICE 8th ed. (Thompson Wadsworth, 2006).

Additional international law texts which are both relatively up-to-date and provide more detail and cases are:

--Gerhard von Glahn, LAW AMONG NATIONS, 8th ed. (Pearson/Longman, 2007)
--M.N. Shaw, INTERNATIONAL LAW, 6th ed. (Cambridge Univ. Press, 2008)
--Christopher Joyner, INTERNATIONAL LAW IN THE 21ST CENTURY (Rowman & Littlefield, 2005)

Good collections of readings/documents on international law are available, e.g.:

--Ian Brownlie, ed., BASIC DOCUMENTS IN INTERNATIONAL LAW, 6th ed. (Oxford University Press, 2009)
--Christopher Blakesley, et al., THE INTERNATIONAL LEGAL SYSTEM: CASES AND MATERIALS (Foundation Press, 2001)

Of concern to collective goods issues and problems are:

--Garrett Hardin and John Baden, MANAGING THE COMMONS (W.H. Freeman, 1977)
--Elinor Ostrom, GOVERNING THE COMMONS (Cambridge, 1990)
--Todd Sandler, GLOBAL COLLECTIVE ACTION (Cambridge, 2004)

Useful texts for placing international law within the broader context of international relations and foreign policy are:

--Louis Henkin, HOW NATIONS BEHAVE: LAW AND FOREIGN POLICY 2nd ed. (Columbia University Press, 1979)
--Robert L. Friedheim, NEGOTIATING THE NEW OCEAN REGIME (University of South Carolina Press, 1993)
--David P. Forsythe, HUMAN RIGHTS IN INTERNATIONAL RELATIONS (Cambridge University Press, 2006)

For the study of regimes and the creation of order in the anarchical international system, see:

--Harvey Starr, ANARCHY, ORDER AND INTEGRATION: HOW TO MANAGE INTERDEPENDENCE (University of Michigan Press, 1997)
Finally, for the study of norms in the development of international law and the creation of international order, see:

--James N. Rosenau, TURBULENCE IN WORLD POLITICS (Princeton University Press, 1990)
--Gary Goertz, CONTEXTS OF INTERNATIONAL POLITICS (Cambridge University Press, 1994); ch.11, "The Context of International Norms"
--Emanuel Adler and Michael Barnett, eds., SECURITY COMMUNITIES (Cambridge University Press, 1998)
– Charles W. Kegley and Gregory Raymond, EXORCISING THE GHOSTS OF WESTPHALIA (Prentice Hall, 2002)