OBJECTIVES AND ORIENTATION

The contemporary international system has been in a process of remarkable and complex change for the last 60 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 and class discussions (with some lecture components) 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 management or 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 actions of 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 within a systemic context must draw from various 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 concepts of transnational relations (covering much of what contemporary observers call “globalization”). Such 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 books are required for purchase:

-- Peter Malanczuk, AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW, 7th revised edition (Routledge, 1997) paper


POLI 421 BLACKBOARD READINGS COLLECTION
There is also group of required readings posted on Blackboard. A list of these readings can be found at the end of the “Course Outline and Reading Assignments” section of the syllabus. This list is followed by a number of suggested readings and the beginning of a bibliography.

COURSE REQUIREMENTS

(1) Two take-home examinations (each worth 20% of the grade)
Each exam will be a take-home (open book) essay examination of approximately five double-spaced typed pages. The First Take-Home Exam will be handed out on September 27 and be due in class on October 2. The Second Take-Home Exam will be handed out on November 15 and be
due on Tuesday, November 20 (by 3:00pm in my mailbox, Political Science Office, third floor of Gambrell Hall).

(2) **Final Examination** (20% of the grade) This will also be a take-home examination of 5-7 pages. The exam will cover material from the entire course, but stress the materials covered after the second exam. The Final Exam will be handed out on December 6 and be due on December 11 by 3:00pm in my mailbox (Political Science Office, third floor of Gambrell Hall).

(3) **Course Paper Assignment** (25% of the grade)
You will be responsible for submitting a paper worth 25% of the grade. This paper may be submitted at any time during the semester. However, the last date that papers may be submitted is December 4, in class. I strongly encourage you to complete the paper early-- to get it 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 December 4. NO late papers will be accepted.

Paper Description: **Contemporary Issues Paper**

This will be a paper of no longer than 5-7 double-spaced typed pages (normal margins, 12-point fonts) 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. After briefly describing/introducing what your issue or event is, you must indicate where it would be included in the course, what section of the course, and why. That is, you must explicitly discuss 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 Washington Post; the Christian Science Monitor [on line edition]; The Economist.

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. “Tips” also includes a section on “Cheating and Plagiarism” that you need to read carefully.

(4) **Course Participation** (15% of the grade) Finally, 15% of the grade will be based upon qualitative and quantitative participation in class discussion, which will be the primary activity of each class session: answering questions, asking questions, engaging in class discussion of the issues raised by the readings and lecture components. 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 present in class, and ready to discuss the assigned readings with both knowledge and understanding. In addition, each student will be responsible for at least one (and possibly two, depending on enrollment) in-class “focus”
presentations. A “focus” presentation will be a 5-10 minute presentation at the beginning of the class based on key issues, questions, and/or themes on which to focus from the readings covering that section of the course.

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. All cell phones, beepers, etc., must be turned off during class periods. Laptops are for class notes only. Students caught surfing the web/playing games, etc., will be banned from bringing laptops to class. Observance of these norms will be factored into your class participation.

**NOTE:** 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".

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COURSE OUTLINE AND READING ASSIGNMENTS

I. Introduction to International Law

1. Organizational Meeting (Aug.23)
2. What is International Law? Approaches and Definitions (Aug.28, Sept.4, 6)
   REQUIRED READING
   Akehurst, chapters 1,2
   Rochester, chapter 1
   Reading Selection #1 (Franck chapter)

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

1. The Anarchical Society (Sept.6, 11, 13)
   REQUIRED READING
   Reading Selection #2 (Bull, ch.1)
   Reading Selection #3 (Bull, ch.2)
   Rochester, chapter 2
II. "Functions" of International Law (Sept.18)
REQUIRED READING
Rochester, chapter 3
Reading Selection #4 (Coplin)

3. Sources of International Law (Sept.20)
REQUIRED READING
Akehurst, chapters 3,4
Rochester, chapter 3

4. Contemporary International Law and "Regimes" (Sept.25, 27)
REQUIRED READING
Reading Selection #5 (Keohane and Nye, ch.1)
Reading Selection #6 (Young article)
Reading Selection #7 (Joyner, chapter 5)

FIRST TAKE-HOME EXAM handed out, Sept.27

III. International Law and World Order: The Regulation of International Behavior

1. Jurisdiction: The Subjects of International Law and Territory (Oct.2,4,9)
REQUIRED READING
Akehurst, chapters 5,6,10,11
Rochester, chapter 4

2. International Law and Individuals/Human Rights (Oct.11, 16, 23)
REQUIRED READING
Akehurst, chapters 7,17,14
Rochester, chapter 5
Reading Selection #8 (Joyner, chapter 7)

3. International Law, Organization and Peaceful Transactions (Oct.25, 30)
REQUIRED READING
Akehurst, chapters 8,9,18,21 (also 15)
Rochester, chapter 7
IV. International Law and World Order: Regimes and Collective Goods

1. Collective Goods and International Regimes: Dilemma and Response (Nov.20, 27)
   REQUIRED READING
   Reading Selection #11 (Russett and Starr, ch.16)
   Reading Selection #12 (Russett and Starr, ch.17)
   Reading Selection #13 (Axelrod and Keohane article)

2. Specific Regime Analysis: Law of the Sea (Nov.29, Dec.4, 6)
   REQUIRED READING
   Akehurst, chapters 12,13,16
   Rochester, chapter 8 [chapter 9 recommended]
   Reading Selection #14 (Friedheim, chapter 2)
   Reading Selection #15 (Friedheim, chapter 8)

[FINAL EXAMINATION handed out, Dec.6 and due Dec.11]
POLI 421 BLACKBOARD READINGS COLLECTION


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


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: David Kinsella, Bruce Russett, and Harvey Starr, and David Kinsella, WORLD POLITICS: THE MENU FOR CHOICE 10th ed. (Thompson Wadsworth, 2013).

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)