POLSC 37500: International Law

Zachary Shirkey Class Room: 706 HW

212-772-5503 Class Time: MTh 9:45am-11am

zshirkey@hunter.cuny.edu Office Hours: MTh 11am-Noon

1724A HW

Course Description

It is the aim of this course to give students a more detailed understanding of how international law affects the course of world events. The course will examine the sources, effects, functions, compliance with, and evolution of international law from a political science perspective.

Course Requirements

Students will be expected to complete all the readings and to attend classes. The class format will be that of a seminar. Class discussion of the readings will be a major component of the method of instruction. **Students must complete the readings for each class prior to class.** The graded assignments are a research paper, two article summaries, a presentation of one of those summaries, and a final exam. The paper consists of three elements: a proposal; a draft; and a completed version. **Late assignments will be docked at least a full letter grade (e.g., from a B to a C) and assignments that are more than a day late may be subject to additional penalties. No late assignments will be accepted after the final. No extra credit will be given.** College requirements mandate that Credit / No Credit forms must be signed before the final is handed out and that students have completed all graded assignments to receive credit. The overall grade will be broken down as follow:

Two Article Summaries 10% each (20% total)

Article Presentation 10%

Research Paper 40%

Proposal 5%

Draft 10%

Final Paper 25%

Final Exam 30%

Learning Outcomes

Students will comprehend various theories about sources and effects of international law.

Students will critique of scholarly articles in writing and present these critiques orally.

In a substantial research paper students will make causal arguments about the legal ramifications of a contemporary international issue.

Incompletes and Credit/No Credit

To be eligible for a grade of incomplete, students must have reached an agreement to that effect with the professor prior to the final exam. No grade of incomplete will be awarded without documentation of a health issue, mental health issue, or some other legitimate obstacle to completing the course in a timely manner. Said health issues can affect either the student or a family member under the student’s care. All work must be completed within a year.

In accordance with Hunter College policy, to be eligible for Credit/No Credit students must have completed all assignments and take the final exam.

Missed Classes Because of Religious Observances

Students who miss class because of religious observances are entitled to reasonable accommodations to make up missed assignments and missed material. Students should contact the instructor prior to the missed class to inform the instructor about the absence, work out how missed assignments will be made up, and determine how missed material can be learned.

Hunter College Policy on Academic Integrity

Hunter College regards acts of academic dishonesty (e.g., plagiarism, cheating on examinations, obtaining unfair advantage, and falsification of records and official documents) as serious offenses against the values of intellectual honesty. The College is committed to enforcing the CUNY Policy on Academic Integrity and will pursue cases of academic dishonesty according to the Hunter College Academic Integrity Procedures.

ADA Policy

In compliance with the ADA and with Section 504 of the Rehabilitation Act, Hunter College is committed to ensuring educational access and accommodations for all its registered students. Hunter College’s students with disabilities and medical conditions are encouraged to register with the Office of AccessABILITY for assistance and accommodation. For information and appointment contact the Office of AccessABILITY located in Room E1214 or call (212) 772-4857 /or VRS (646) 755-3129.

Hunter College Policy on Sexual Misconduct

“In compliance with the CUNY Policy on Sexual Misconduct, Hunter College reaffirms the prohibition of any sexual misconduct, which includes sexual violence, sexual harassment, and gender-based harassment retaliation against students, employees, or visitors, as well as certain intimate relationships. Students who have experienced any form of sexual violence on or off campus (including CUNY-sponsored trips and events) are entitled to the rights outlined in the Bill of Rights for Hunter College.

* 1. Sexual Violence: Students are strongly encouraged to immediately report the incident by calling 911, contacting NYPD Special Victims Division Hotline (646-610-7272) or their local police precinct, or contacting the College's Public Safety Office (212-772-4444).
  2. All Other Forms of Sexual Misconduct: Students are also encouraged to contact the College's Title IX Campus Coordinator, Dean John Rose (jtrose@hunter.cuny.edu or 212-650-3262) or Colleen Barry (colleen.barry@hunter.cuny.edu or 212-772-4534) and seek complimentary services through the Counseling and Wellness Services Office, Hunter East 1123.

CUNY Policy on Sexual Misconduct Link: <http://www.cuny.edu/about/administration/offices/la/Policy-on-Sexual-Misconduct-12-1-14-with-links.pdf>”

Course Materials:

There are two required books for the course, plus articles available on Blackboard. The books are on reserve at the Hunter College Library and available for purchase on Akademos and at Shakespeare. They are:

Buergenthal, Thomas and Sean D. Murphy. 2018. *Public International Law in a Nutshell*. **6th edition**. St. Paul, MN: West Group Publishing.

Goldsmith, Jack L. and Eric A. Posner. 2005. *The Limits of International Law*. Oxford, UK: Oxford University Press.

These books are referred to below as **B&M** and **G&P** respectively. Readings are indicated by a **B** are available on Blackboard.

**Course Schedule**

**I. Sources and Functions of International Law**

M Jan 31:

*What Is International Law?*

- **G&P**:Introduction, 3–17.

Th Feb 3:

*Why States Cooperate*

**- B**: Kenneth Oye. 1985. “Explaining Cooperation Under Anarchy,” *World Politics* 38(1): 1–24.

* **B**: Robert O. Keohane. 1986. “Reciprocity in International Relations,” *International Organization* 40(1): 1–27.

M Feb 7: **Paper Assignment Handed Out**

*Sources of International Law and Legitimacy*

* **B&M**: “Chapters 1–2: Applications and Sources of International Law,” 1–42.
* **B**:Ian Hurd. 1999. “Legitimacy and Authority in International Politics,” *International Organization* 53(2): 379–408.

Th Feb 10:

*Treaties (I)*

* **B&M**: Chapter 5: International Law of Treaties,” 129–56.

**- B**: James Morrow. 2001. “The Institutional Features of Prisoners of War Treaties,” *International Organization* 55(4): 971–91.

M Feb 14: **Paper Proposal Due**

*Treaties (II)*

* **G&P**: “Treaties,” 81–106.
* **B**: Kenneth Abbott and Duncan Snidal, 2000. “Hard and Soft Law in International Governance,” *International Organization* 54(3): 421–56.

Th Feb 17:

*Customary International Law*

* **G&P**: “Customary International Law and A Theory of Customary International Law,” 21–43.
* **B**: Pierre-Hughes Verdier and Erik Voeten. 2014. “Precedent, Compliance, and Change in Customary International Law: An Explanatory Theory,” *The American Journal of International Law* 108(3): 389–434.

Th Feb 24:

*NGOs as Sources of Law*

* **B**: Steve Charnowitz. 2006. “Nongovernmental Organizations and International Law,” *American Journal of International Law* 100(2): 348–72.
* **B**: Ken Rutherford. 2000. “The Evolving Arms Control Agenda: The Implications and Role of NGOs in Banning Antipersonnel Landmines,” *World Politics* 53(1): 74–114.

M Feb 28:

*Norms and International Law (I)*

* **B**: Jeffrey Legro. 1997. “Which Norms Matter? Revisiting the ‘Failure’ of Internationalism,” *International Organization* 51(1): 31–63.
* **B**: Ann Florini. 1996. “The Evolution of International Norms,” *International Studies Quarterly*, 40(3): 363–89.

Th Mar 3:

*Norms and International Law (II)*

* **B**: Paul Diehl, Charlotte Ku, and Daniel Zamora. 2003. “The Dynamics of International Law: The Interaction of Normative and Operating Systems,” *International Organization* 57(1): 43–75.
* **B**: Dinah Shelton. 2006. “Normative Hierarchy in International Law,” *The American Journal of International Law* 100(2): 291–323.

**II. Dispute Resolution, Differentiation, Jurisdiction, Precedent, and Compliance**

M Mar 7:

*Dispute Resolution (I)*

* **B&M**: “Chapter 4: International Dispute Settlement,” 81–93.
* **B&M**: “Chapter 4: Judicial Methods,” “ICJ,” and “Other Courts,” 94–128.

Th Mar 10:

*Dispute Resolution (II) and Differentiation*

* **B**: Robert O. Keohane, Andrew Moravcsik, and Anne-Marie Slaughter. 2000. “Legalized Dispute Resolution: Interstate and Transnational,” *International Organization* 54(3): 457–88.
* **B**: Christopher Stone. 2004. “Common but Differentiated Responsibilities in International Law,” *American Journal of International Law* 98(2): 276–301.

M Mar 14:

*Precedent*

* **B**: Erik Voeten. 2010. “Borrowing and Nonborrowing Among International Courts,” *The Journal of Legal Studies* 39(2): 547–76.
* **B**: Yonatan Lupu and Erik Voeten. 2012. “Precedent in International Courts: A Network Analysis of Case Citations by the European Court of Human Rights,” *British Journal of Political Science* 42(2): 413–39.

Th Mar 17:

*Jurisdiction and Compliance (I)*

- **B&M**: “Chapter 8: Exercise of National Jurisdiction,” 249–75.

* **B**: Jana von Stein. 2010. “International Law: Understanding Compliance and Enforcement,” *International Studies Encyclopedia*.

M Mar 21:

*Compliance (II)*

* **B**: Alyssa K. Prorok and Benjamin J. Appel. 2014. “Compliance with International Humanitarian Law: Democratic Third Parties and Civilian Targeting in Interstate War,” *Journal of Conflict Resolution* 58(4): 713–40.
* **B**: Thomas König and Lars Mäder. 2014. “The Strategic Nature of Compliance: An Empirical Evaluation of Law Implementation in the Central Monitoring System of the European Union,” *American Journal of Political Science* 58(1): 246–63

Th Mar 24:

*Compliance (III)*

* **B**: A. Burcu Bayram. 2017. “Due Deference: Cosmopolitan Social Identity and the Psychology of Legal Obligation in International Politics,” *International Organization* 71(S1): S137–S64.
* **B**: Mette Eilstrup-Sangiovanni and J. C. Sharman. 2021. “Enforcers beyond Borders: Transnational NGOs and the Enforcement of International Law,” *Perspectives on Politics* 19(1): 131–47.

**IV. International Legal Organizations and Judges**

M Mar 28:

*Role of Institutions*

* **B**: John Mearsheimer. 1994. “The False Promise of International Institutions,” *International Security* 19(3):5–49.
* **B**: Robert O. Keohane and Lisa Martin. 1995. “The Promise of Institutionalist Theory,” *International Security* 20(1): 39–51.

Th Mar 31:

*State Strategies and International Legal Organizations*

* **B**: Tonya L. Putnam. 2020. “Mingling and Strategic Augmentation of International Legal Obligations,” *International Organization* 74(1): 31–65.
* **B**: Emilia Justyna Powell. 2013. “Islamic Law States and the International Court of Justice,” *Journal of Peace Research* 50(2): 203–17.

M Apr 4:

*European Court of Justice*

* **B**: Alec Stone Sweet and Thomas Brunell. 2012. “The European Court of Justice, State Noncompliance, and the Politics of Override,” *American Political Science Review* 106(1): 204–13.
* **B**: Clifford J. Carruba, Matthew Gabel, and Charles Hankla. 2012. “Understanding the Role of the European Court of Justice in European Integration,” *American Political Science Review* 106(1): 214–23.

Th Apr 7: **Draft of Paper Due**

*Judges*

* **B**: Erik Voeten. 2007. “The Politics of International Judicial Appointments: Evidence from the European Court of Human Rights,” *International Organization* 61(4): 669–701.
* **B**: Nienke Grossman. 2012. “Sex on the Bench: Do Women Judges Matter to the Legitimacy of International Courts?,” *Chicago Journal of International Law* 12(2): 647–84.

**VI. Topics in International Law**

M Apr 11:

*International Law and Security (I)*

* **B&M**: “Chapter 12: Use of Force and Arms,” 399–430.
* **B**: Tanisha M. Fazal. 2013. “The Demise of Peace Treaties in Interstate War,” *International Organization* 67(4): 695–724.

Th Apr 14:

*International Law and Security (II)*

* **B**: Paul K. Huth, Sarah E. Croco, and Benjamin J. Appel. 2011. “Does International Law Promote the Peaceful Settlement of International Disputes? Evidence from the Study of Territorial Conflicts since 1945,” *American Political Science Review* 105(2): 415–36.
* **B**: Benjamin Valentino, Paul Huth, and Sarah Croco. 2006. “Covenants Without the Sword: International Law and the Protection of Civilians in Times of War,” *World Politics* 58(3): 339–77.

M Apr 25:

*International Law of the Sea (I)*

- **B&M**: “Chapter 10: Law of the Sea,” 323–62.

- **B**: Bernard Oxman. 2006. “The Territorial Temptation: the Siren Song at Sea,” *The American Journal of International Law* 100(4): 830–51.

Th Apr 28:

*International Law of the Sea (II)*

* **B**: Sara McLaughlin Mitchell and Andrew P. Owsiak. 2021. “Judicialization of the Sea: Bargaining in the Shadow of UNCLOS,” *American Journal of International Law* 115(4): 579–621.
* **B**: J. Ashley Roach. 2010. “Countering Piracy Off Somalia: International Law and International Institutions,” *The American Journal of International Law* 104(3): 397–416.

M May 2:

*Cybersecurity and Human Rights (I)*

- **B**: Michael N. Schmitt. 2020. “Taming the Lawless Void: Tracking the Evolution of International Law Rules for Cyberspace,” *Texas National Security Review* 3(3): 33–47.

- **B&M**: “Chapter 6: Rights of Individuals,” 157–208.

Th May 5:

*Human Rights (II)*

* **B**: Hyeran Jo and Beth A. Simmons. 2016. “Can the International Criminal Court Deter Atrocity?,” *International Organization* 70(3): 443–76.
* **B**: Abel Escriba-Folch and Joseph Wright. 2015. “Human Rights Prosecutions and Autocratic Survival,” *International Organization* 69(2): 343–73.

M May 9:

*Human Rights (III)*

* **B**: Wade Cole. 2015. “Mind the Gap: State Capacity and the Implementation of Human Rights Treaties,” *International Organization* 69(2): 405–41.
* **B**: Courtenay R. Conrad and Emily Hencken Ritter. 2013. “Treaties, Tenure, and Torture: The Conflicting Domestic Effects of International Law,” *Journal of Politics* 75(2): 397–409.

Th May 12:

*International Environmental Law*

* **B&M**: “Chapter 11: International Environmental Law,” 363–98.
* **B**: Jana von Stein. 2008. “The International Law and Politics of Climate Change: Ratification of the United Nations Framework Convention and the Kyoto Protocol,” *Journal of Conflict Resolution* 52(2): 243–68.

M May 16: **Final Paper Due**

*International Economic Law*

* **G&P**: “International Trade,” 135–62.
* **B**: Beth Simmons. 2000. “International Law and State Behavior: Commitment and Compliance in International Monetary Affairs,” *American Political Science Review* 94(4): 819–35.

**Final Exam in Class during Exam Week**