

PS 437G: Dynamics of International Law

Dogus Aktan

Spring, 2024

<u>Course Time and Location</u>	<u>Contact Information</u>
M/W / F	
11:00 am - 11:50 am	Office Hours: TBD
Sanders Hall Rm.101	and by appointment

1 Course Description

This course explores the role of international law in ordering world politics. Emphasis throughout the course is on the *relationship between law and politics*.

We first look at analytical frameworks to understand variation in international law. We also consider international politics problems that generate the need for international law.

Then we look at the role and effect of international law in various issue areas such as the use of force, trade, and human rights.

2 Course Objectives

Upon successfully completing this course, students should be able to:

- Be familiar with academic arguments explaining the creation, design, and influence of international law.
- Be rigorous consumers of academic research, who can evaluate theoretical arguments as well as empirical evidence on the role of international law.
- Be able have a firm basis for analyzing global governance of various issue areas on their own.

- Be sophisticated consumers and participants of policy debates around global governance and international law.

3 Course Readings and Expectations

There are no required books to buy for this course. We will discuss a variety of readings from academic journals, excerpts from various textbooks, and the popular press. All readings will be made available on Canvas.

I don't assign a lot of readings but I expect you to do *all* of them *before* the class and be prepared to discuss them. I don't expect you to read every single word of every reading, but you should be able to extract key elements such as the author's goals, arguments, and the evidence they present.

I am aware some of the readings can be challenging at a first glance, particularly if they include methodologies you are not familiar with it. Don't be discouraged. The readings (both individual readings and the overall load) are chosen so the main arguments will be accessible to you. I will give you specific instructions (such as what sections to focus on) about each reading when necessary.

4 Class Format and Policy

The class format throughout will combine lecture and discussion, but the balance will hopefully shift from the former to the latter as the students gain familiarity with key perspectives and build confidence. While lectures are necessary, they are far from the best way to encourage and retain learning. Consequently, I expect students to come to class prepared and willing to engage with me, their classmates and the material.

Attendance is required and makes a significant portion of your participation grade. However, showing up to class is not sufficient to get a good participation grade and I expect active participation from all students. I understand some students might be too shy to speak up in the class even when they are attentive and interested. For those students, I offer the option of a submitting an extra assignment to demonstrate their understanding of the material. Students willing to take this option must commit before the end of week 4.

5 Assignment and Exam Policy

All assignments and exams must be completed on time in order to pass this course. Make ups will only be granted under extraordinary circumstances such as documented and verified medical or family emergencies. All documentation corresponding to such emergencies should be forwarded to the professor. Personal reasons are insufficient excuses for making up missed assignments, exams, or quizzes.

All assignments must be submitted via Canvas. I do NOT accept assignments via e-mail.

I do not grade on a curve. Each student's work will be evaluated independently based on its quality. It is possible for every student in the class to get an A. However, getting such high marks will require hard work on your part.

If a student wishes to dispute their grade on an assignment, they must contact me within 48 hours of receiving their grade and set an appointment to discuss it. At this appointment they must bring a typed summary of the reasons why they believe the grade is unfair. I will then reevaluate the assignment on the basis of these reasons. All revised grades are final, and they may be lower than the original grade.

6 Evaluation and Grades

Your final grade is a weighted average of the following components:

- Class Participation: 20%
- Response Papers (2 Papers, 20 each): 40%
- Class Presentation: 10%
- Final Paper: 30%
- Optional Bonus Assignments

6.1 Grading Scale

The grading scale is:

- A 90-100
- B 80-89
- C 70-79
- D 60-69
- E Below 60

6.2 Response Papers

Students will prepare two response papers based on readings from a single week (e.g., “Compliance with International Law”). This paper will review and evaluate the arguments of readings and their contribution to our understanding of IOs. Papers should focus on student’s own ideas and perspective rather than be simple summaries of the readings. The papers should be 3 double-spaced pages in length. They will be assigned after Modules 2 and 3.

6.3 Class Presentation

Depending on the number of students, every student will have 2-3 presentations starting after module 1. These presentations will focus on initiating and leading class discussions around the session’s readings. Presentations can be done in groups or as individuals.

6.4 Final Paper

You are required to write a 5-6 page paper in this course. This paper will choose one of the questions posted on canvas during finals period. Students will be asked demonstrate a firm grasp of analytical tools covered in the class and their application in a given issue area.

6.5 Optional Bonus Assignments

Throughout the semester, there might be optional assignments. These assignments might come up in various ways. For example, there might be relevant current events that the syllabus could not have accounted for. Or, class discussions might come across interesting topics that we don’t get a chance to explore adequately. In these cases, I will come up with short assignments that are entirely voluntary. You will not get penalized for not doing them, but you will get bonus points if you choose to do them.

7 Policy on Student Questions

I am always happy to answer student questions during office hours or over e-mail. I will generally reply to e-mails within 24 hours but make sure you send your questions in a timely manner. Keep in mind that most questions you may have (about assignments, policies, etc. . .) can be answered by simply taking a close look at the syllabus. Every student should read the entire syllabus carefully at the beginning of the class and before sending me a question. When you have finished reading the syllabus for the first time, send me an e-mail, telling me what your favorite animal is.

8 Administrative Policies

8.1 Absences From Classes and Exams

An absence will be considered unexcused unless you give me documentation of the absence as defined by the University (Senate Rule 5.2.4.2). Senate Rules 5.2.4.2 defines the following as acceptable reasons for excused absences: (a) serious illness, (b) illness or death of family member, (c) University-related trips, (d) major religious holidays, and (e) other circumstances found to fit “reasonable cause for nonattendance” by the professor. According to SR 5.2.4.2, a student’s absence is excused for “Significant illness of the student or serious illness of a member of the student’s household (permanent or campus) or immediate family.” University Health Services (UHS) has prepared a statement about class attendance and student illnesses. The statement discusses public health and policy reasons why a sufficiently ill student ought to be absent from class and circumstances when a student need not make a visit to UHS. UHS has defined three levels of documentation. A Tier 2 or Tier 3 form is required for an excused absence; Tier 1 forms will not be accepted. Students must forward the email to the professor.

The University Senate has indicated that excused absences for in-person participation include quarantine and other recommended/required absences by a medical, public-health, or government officials. Nonattendance will not be penalized during unscheduled university closings. Per Senate Rule 5.2.4.2, students missing any graded work due to an excused absence are responsible for informing the professor about their excused absence within one week following the period of the excused absence (except where prior notification is required) and, for making up the missed work. Senate Rules state that advance notice is required in three circumstances:

- Absence for a major religious holiday requires advance written notifica-

tion. Students anticipating an absence for a major religious holiday are responsible for notifying the professor in writing of anticipated absences due to their observance of such holidays no later than the last day in the semester to add a class. Two weeks prior to the absence is reasonable, but should not be given any later. Information regarding major religious holidays may be obtained through the Ombud (859-257- 3737), http://www.uky.edu/Ombud/ForStudents_ExcusedAbsences.php

- Trips for members of student organizations sponsored by an educational unit, trips for University classes, and trips for participation in intercollegiate athletic events, when advance notice is feasible, require advance written notification. If advance notice is not feasible, the student must provide adequate notification and documentation within one week after the student's return to class.
- Interviews for full-time job opportunities post-graduation and interviews for graduate or professional school require advance notice.

These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid excuse. Makeup exams will be allowed in the case of an extraordinary circumstance if accompanied by sufficient documentation within two days after the exam. More information on academic policies can be found at: <https://www.uky.edu/universitysenate/acadpolicy>

8.2 Class Recording Notification

The University of Kentucky Student Code of Conduct defines Invasion of Privacy as using electronic or other devices to make a photographic, audio, or video record of any person without their prior knowledge or consent when such a recording is likely to cause injury or distress. Meetings of this course may be recorded. All video and audio recordings of lectures and class meetings, provided by the instructors, are for educational use by students in this class only. They are available only through the Canvas shell for this course and are not to be copied, shared, or redistributed.

As addressed in the Student Code of Conduct, students are expected to follow appropriate university policies and maintain the security of linkblue accounts used to access recorded class materials. Recordings may not be reproduced, shared with those not enrolled in the class, or uploaded to other online environments.

If the instructor or a University of Kentucky office plans any other uses for the recordings, beyond this class, students identifiable in the recordings will be notified to request consent prior to such use. In anticipation of such cases,

students may be asked to complete an “authorization of use” form by a faculty member.

Video and audio recordings by students are not permitted during the class unless the student has received prior permission from the instructor. Any sharing, distribution, and or uploading of these recordings outside of the parameters of the class is prohibited. Students with specific recording accommodations approved by the Disability Resource Center should present their official documentation to the instructor.

All content for this course, including handouts, assignments, and PowerPoint lectures are the intellectual property of the instructor and cannot be reproduced or sold without prior permission from the instructors. A student may use the material for reasonable educational and professional purposes extending beyond this class, such as studying for a comprehensive or qualifying examination in a degree program, preparing for a professional or certification examination, or to assist in fulfilling responsibilities at a job or internship.

8.3 Academic Integrity

Cheating and plagiarism will not be tolerated. You are encouraged to review the University’s policies regarding academic honesty, outlined in the University Senate Rules (6.3.1 & 6.3.2). The Ombud site also has information on plagiarism, which are available at: http://www.uky.edu/Ombud/ForStudents_AcademicIntegrity.php. Be sure to familiarize yourself with UK’s plagiarism policy. Not only will plagiarism of other work result in an automatic zero, but self-plagiarism, including multiple submissions of the same paper to different courses, will also result in an automatic zero.

8.4 Library Services

You can get personalized or group research assistance from reference librarians at Young Library. The Political Science Librarian is Taylor Leigh (taylor.c.leigh@uky.edu). Taylor can help you:

- Find sources for research projects .
- Identify and evaluate different kinds of sources.
- Navigate databases and the library catalog effectively.
- Perform a literature review
- Brainstorm keywords and subject terms

Taylor also maintains the Political Science Research Guide (<https://libguides.uky.edu/c.php?g=222933&p=1476312>), which is full of useful resources to help you in this class. Please contact Taylor directly with any questions regarding the library or research assistance.

8.5 Americans with Disabilities Act

Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Disability Resource Center; and (2) bring a letter to the instructor indicating the need for accommodation and what type. This should be done during the first week of class. Disability Resource Center

University of Kentucky

725 Rose Street

Multidisciplinary Science Building

Suite 407 Lexington,

KY 40536-0082

(859) 257-2754

<http://www.uky.edu/StudentAffairs/DisabilityResourceCenter/>

8.6 Diversity, Equity, and Inclusion

The University of Kentucky is committed to our core values of diversity and inclusion, mutual respect and human dignity, and a sense of community (Governing Regulations XIV). We acknowledge and respect the seen and unseen diverse identities and experiences of all members of the university community <https://www.uky.edu/regs/gr14>. These identities include but are not limited to those based on race, ethnicity, gender identity and expressions, ideas and perspectives, religious and cultural beliefs, sexual orientation, national origin, age, ability, and socioeconomic status. We are committed to equity and justice and providing a learning and engaging community in which every member is engaged, heard, and valued.

We strive to rectify and change behavior that is inconsistent with our principles and commitment to diversity, equity, and inclusion. If students encounter such behavior in a course, they are encouraged to speak with the instructor of record and/or the Office of Institutional Equity and Equal Opportunity. Students may also contact a faculty member within the department, program director, the director of undergraduate or graduate studies, the department chair, any college administrator, or the dean. All of these individuals are mandatory reporters under University policies.

For information on non-discrimination and Title IX policy, please visit:

<https://www.uky.edu/universitysenate/acadpolicy>

8.7 Resources Available to Students

The University offers many resources for students, ranging from computer access to counseling services. More information on these services can be found at:
<https://www.uky.edu/universitysenate/student-resources>

9 Class Schedule

Module 1: Introduction and Analytical Toolkit

Week 1: Organization and Overview

- **January 8:** Introduction, Overview, Logistics
- **January 10:** Overview of Study of International Law and International Relations
 - Michael Byers, “International Law” in *The Oxford Handbook of International Relations*
- **January 12:** Discussion and Reflection Session

Week 2: Sources of International Law

- **January 15:** MLK Day, No Class
 - No readings
- **January 17:**
 - William Slomanson, *Fundamental Perspectives on International Law*, pages 26-38, 351-372
- **January 19:** Discussion and Reflection Session

Week 3: States and International Law

- **January 22:**
 - Kenneth Abbot and Duncan Snidal, “Why States Act Through Formal International Institutions”, *Journal of Conflict Resolution*
- **January 24:**
 - Robert D. Putnam, “Diplomacy and Domestic Politics: The Logic of Two Level Games” *International Organization*
- **January 26:** Discussion and Reflection Session

Module 2: Design & Effectiveness of International Law

Week 4: Design of International Law

- **January 29:**
 - Kenneth W. Abbott et al. “The Concept of Legalization.” *International Organization*
- **January 31:**
 - Kenneth W. Abbott and Duncan Snidal “Hard and Soft Law in International Governance”, *International Organization*
- **February 2:** Discussion and Reflection Session

Week 5: Power and International Law

- **February 5:**
 - Erik Voeten, “Outside Options and the Logic of Security Council Action.” *American Political Science Review*
- **February 7:**
 - Nikolas M. Rajkovic, “‘Global law’ and governmentality: Reconceptualizing the ‘rule of law’ as rule ‘through’ law”, *European Journal of International Relations*
- **February 9:** Discussion and Reflection Session

Week 6: Domestic and International Law

- **February 12:**
 - Harold Hongju Koh, “Bringing International Law Home”, *Houston Law Review*
 - Robert O. Keohane, “When Does International Law Come Home?”, *Houston Law Review*
- **February 14:**
 - Allee, Todd and Paul Huth. “Legitimizing Dispute Settlement: International Legal Rulings as Domestic Political Cover.”, *American Political Science Review*
- **February 16:** Discussion and Reflection Session

Week 7: Compliance and Non-Compliance with International Law

- **February 19:**
 - Clifford J. Carrubba, “Courts and Compliance in International Regulatory Regimes.” *Journal of Politics*
- **February 21:**
 - Jana Von Stein, “Do Treaties Constrain or Screen? Selection Bias and Treaty Compliance.” *American Political Science Review*
- **February 23:** Discussion and Reflection Session

Week 8: Representation, Participation, and International Law

- **February 26:**
 - Johns, Leslie and Krzysztof J. Pelc. “Who Gets to Be in the Room? Manipulating Participation in WTO Disputes.” *International Organization*
- **February 28:**
 - Richard Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.” *International Organization*
- **March 1:** Discussion and Reflection Session

Module 3: International Law in Specific Issue Areas

Week 9: Humans Rights and International Law

- **March 4:**
 - Emilie M. Hafner-Burton, “International Regimes for Human Rights.”, *Annual Review of Political Science*
- **March 6:**
 - James R. Hollyer and B. Peter Rosendorff, “Why Do Authoritarian Regimes Sign the Convention Against Torture? Signaling, Domestic Politics and Non-Compliance.” *Quarterly Journal of Political Science*
- **March 8:** Discussion and Reflection Session

Week 10: Brief Recap and Respite

- **March 11:** Recap and in-class activity
- **March 13:** Spring Break, no class
- **March 15:** Spring Break, no class

Week 11: Law of the Sea (and other Commons)

- **March 18:**
 - Robert Beckman, “The UN Convention on the Law of the Sea and the maritime disputes in the South China Sea.” *American Journal of International Law*
 - Lynn Kuok, “Progress in the South China Sea? A Year After the Hague Ruling.”, *Foreign Affairs*
- **March 20:**
 - Peter T. Leeson, “An-arrgh-chy: The Law and Economics of Pirate Organization”, *Journal of Political Economy*
- **March 22:** Discussion and Reflection Session

Week 12: Trade, Investment, and International Law

- **March 25:**
 - Donald Mcrae, “The Development of the Regulation of International Trade: The Past and the Future” in *Oxford Handbook of International Trade Law*
- **March 27:**
 - Beth A. Simmons, “Bargaining over BITs, Arbitrating Awards: The Regime for Protection and Promotion of International Investment”, *World Politics*
- **March 29:** Discussion and Reflection Session

Week 13: International Migration and the Governance of Borders

- **April 1:**
 - Beth A. Simmons, “Border Rules”, *International Studies Review*
- **April 3:**

- Moria Paz, “Law of Walls”, *The European Journal of International Law*

- **April 5:** Discussion and Reflection Session

Week 14: Use of Force and International Law

- **April 8:**
 - James Morrow, “When Do States Follow the Laws of War?” *American Political Science Review*
- **April 10:**
 - Sarah Percy, “Mercenaries: Strong Norm, Weak Law” , *International Organization*
- **April 12:** Discussion and Reflection Session

Module 4: Wrapping Up: Synthesis and Conclusion

Week 15: Future of International Law

- **April 15:**
 - Karen Alter, “The Future of International Law”, in *The New Global Agenda*
- **April 17:**
 - Karen Alter, “International Law’s Legacy vs. The Cases of Ukraine and Syria.” *Huffington Post*
 - Tom Ginsburg ”Authoritarian International Law?.” *American Journal of International Law*
- **April 19:** Discussion and Reflection Session

Week 16

- **April 18:** Things that could (should) have been in the syllabus:
 - Readings TBD
- **April 20:** Overview and Final Paper Workshop
- **April 22:** No class