

Political Science 101 - Spring 2017

First-Year Seminar: Whales, Bombs, Genocide - the Politics of International Law

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office: rm 306, Scott Hall
office hours: Wed. 10-12

class meetings: Scott Hall, Burdick Room, Tuesday/Thursday 2:00-3:30

From whales to nuclear weapons to genocide and beyond, much of what people and governments do is defined, regulated, shaped, or otherwise influenced by international law. International law consists of binding commitments made between governments. This seminar examines the key concepts and practices of international law and looks at their connection with politics. The class will cross the line between political science and legal scholarship, and draws cases, readings, and debates from both.

The seminar also invests in cultivating good research skills and critical thinking for college and beyond. It develops over several assignments a research project that results in a paper on politics and international law. We also address citation style, avoiding plagiarism, research strategies, and paper structure.

Required Text

Shirley Scott, *International Law in World Politics*, 2nd ed. Lynne Rienner, 2010.

Assignments

Memo on question to be answered	10 %
Memo on possible answers	20 %
Memo on resources for answering the question	20 %
Draft that attaches resources to answers to the question	20 %
Presentation	10 %
Final paper	20 %

Academic Integrity

Students are expected to follow the University's principles on academic integrity. This seminar will address these rules, especially on how to recognize and avoid plagiarism. You can read it here:

<http://www.northwestern.edu/provost/students/integrity/>

Cheating will result in a failing grade in the class and will be reported to the Dean's Office.

Schedule of Meetings and Readings

March 28 - Introduction

March 30 - Public International Law: Lotus Principle and Trail Smelter

Shirley Scott, Chs. 1 and 2

The Lotus Case, excerpt in D. J. Harris *Cases and Materials on International Law* 4th ed. (Sweet & Maxwell, 1991), pp.253-265.

Trail Smelter Arbitration, excerpt in D. J. Harris *Cases and Materials on International Law* 4th ed. (Sweet & Maxwell, 1991), pp.243-249.

themes:

- state sovereignty, consent, obligation in international law
- the *Lotus* principle
- externalities and the *Trail Smelter* case

April 4 - International Court of Justice and Whales

International Convention on the Regulation of Whaling

Statute of the International Court of Justice

ICJ Press Release, "Whaling in the Antarctic" March 2014.

Shirley Scott, Ch. 13.

themes:

- the International Court of Justice
- how to read a treaty: the Int'l Convention on the Regulation of Whaling
- the legal questions in the case *Australia v. Japan*

April 6 - Treaties and Obligations

United Nations Charter, 1945.

Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

Shirley Scott, Ch. 5.

Oona A. Hathaway, "Why We Need International Law," *The Nation*, Nov. 1, 2007.

Ian Hurd, "Enchanted and Disenchanted International Law," *Global Policy*, 2015.

April 11 - The UN Charter and the Use of Force:

Shirley Scott, Ch. 6.

Samantha Power, Letter to UN S-G on Self-Defense in Iraq Sept. 23 2014
- <https://www.justsecurity.org/15436/war-powers-resolution-article-51-letters-force-syria-isil-khorasan-group/>

Somini Sengupta and Charlie Savage, "U.S. Invokes Iraq's Defense in Legal Justification of Syria Strikes," September 23, 2014.

Charlotte Peever, "Prohibiting Force/Justifying Force," in Peever *The Politics of Justifying Force: The Suez Crisis, the Iraq War, and International Law* (Oxford University Press, 2013).

themes:

- the legal framework of the United Nations
 - what powers and limits of the UN itself?
 - what limits on state autonomy?
 - what rules on the use of force by the UN and by states?
- regulation or justification?
- global power/global order

April 13 - UN Law: Humanitarian Intervention and R2P

Shirley Scott, Ch. 7.

Gareth Evans and Mohamed Sahnoun, "The Responsibility to Protect," *Foreign Affairs*, 2002.

Thomas Franck, “‘What, Eat the Cabin Boy?’ Uses of Force that are Illegal but Justifiable,” in Franck *Recourse to Force: State Action Against Threats and Armed Attacks* (Cambridge University Press, 2002).

Ian Hurd, “Is Humanitarian Intervention Legal? The Rule of Law in an Incoherent World,” *Ethics and International Affairs*, 2011.

themes:

- Responsibility to Protect and relationship to international law/politics

April 18 - UN Liability: Haiti

Mara Pillinger, Ian Hurd, and Michael Barnett, “The Politics of Legal Responsibility: Haiti, Cholera, and International Law,” *Perspectives on Politics*, March 2016.

April 20 - Drones

Michael Hastings, “The Rise of the Killer Drones: How America Goes to War in Secret,” *Rolling Stone*, April 16, 2012

Mary Ellen O’Connell, “The International Law of Drones,” *ASIL Insight*, Nov. 12, 2010.

Kenneth Roth, “What Rules Should Govern US Drones Attacks?” *New York Review of Books* April 4 2013.

themes:

- what are the legal questions around US drones?

April 25 - Research questions

- causes and effects
- conditions and possibilities
- interpretation and meaning

April 27 - Law and World Order

**** assignment due: question for research in IL ****

Gerry Simpson, “International Law in Diplomatic History,” in James Crawford and Martti Koskeniemi eds *The Cambridge Companion to International Law* (Cambridge University Press, 2012).

Scott Veitch, "Complicity in Organized Irresponsibility," in Veitch *Law and Irresponsibility: On the Legitimation of Human Suffering* (Routledge 2007).

Mary Ellen O'Connell, "*Jus Cogens*: International Law's Higher Ethical Norms," in Donald Earl Childress III ed. *The Role of Ethics in International Law* (Cambridge University Press, 2012).

Hedley Bull, Ch. 1 of *The Anarchical Society*. 1977.

Sibo Grovogui, "Regimes of Sovereignty: Rethinking International Morality and the African Condition," *European Journal of International Relations*, 2002, 8(3): 315-338.

May 2 - Human Rights & International Treaties

Shirley Scott, Chs. 11 "International Human Rights Law."

Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/index.shtml>. ** online **

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <http://www.hrweb.org/legal/cat.html>. ** online **

Convention on the Prohibition... of Chemical Weapons, Articles I - IV. ** online **

Sam Moyn, "Human Rights in History," *The Nation* Aug. 30/Sept. 6, 2010.

May 4 - International Politics and Law

**** assignment due: possible answers to question ****

Judith Shklar, "Introduction," *Legalism: Law, Morals, and Political Trials*. Harvard University Press, 1964.

Mahmood Mamdani, "Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa," 2005. Access at <https://muse.jhu.edu/journals/diacritics/v032/32.3mamdani.html>.

themes:

- relationship between international law and international politics
- philosophic approaches to international law

May 9 - ICC

Shirley Scott, Ch. 12 “International Humanitarian Law.”

Rome Statute of the International Criminal Court. ** online **

Richard Overy, “The Nuremberg Trials: International Law in the Making,” in Philippe Sands ed. *From Nuremberg to the Hague: The Future of International Criminal Justice* (Cambridge University Press, 2003).

May 11 - Torture

**** assignment due: memo on resources ****

David Cole, “Human Rights in the War on Terror,” Part III. of Cole *Engines of Liberty: The Power of Citizen Activists to Make Constitutional Law* (Basic Books 2016).

Mohamedou Slahi, excerpt

May 16 - Paper discussions

May 18 - Paper discussions

May 23 - Nuclear Weapons

**** draft due: connecting resources and answers to Q ****

The Treaty on the Non-Proliferation of Nuclear Weapons, 1968. ** online **

Scott Ch. 10, “International Law and Arms Control.”

Gabrielle Hecht, Ch. 1 of *Being Nuclear: Africans and the Global Uranium Trade*.

Ian Hurd, “Rule of No-Law,” Ch. 5 of Hurd *How to Do Things With International Law*.

themes:

- legal regime on nuclear weapons
- legal content of the non-proliferation treaty
- what is in dispute in the nuclear cases between the UN Security Council and North Korea and Iran?

May 25 - UN and Human Rights

Guglielmo Verdirame, CH. 5 of *The UN and Human Rights*.

May 30 - reading week

June 1 - reading week